



Able Marine Energy Park

Material Change 2

Statement of Common

Ground with NELDB

ABLE MARINE ENERGY PARK DCO 2014

MATERIAL CHANGE 2

Planning Inspectorate Reference: TR030006

Statement of Common Ground

Between

ABLE HUMBER PORTS LIMITED

and

NORTH EAST LINDSEY DRAINAGE BOARD

Document control			
Document properties			
Parties		Able Humber Ports Limited and North East Lindsey Drainage Board	
Author		BDB Pitmans	
Approved by		Richard Cram	
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1 Introduction and Purpose

1.1 Purpose of Statement of Common Ground

1.1.1 This Statement of Common Ground ('SoCG') is between Able Humber Ports Limited ('the Applicant') and North East Lindsey Drainage Board ('NELDB') in relation to an application ('the Application') for a material change to the Able Marine Energy Park Development Consent Order 2014 (the 'DCO'). The Application was made pursuant to section 153 and paragraphs 3 and 4 of Schedule 6 of the Planning Act 2008, and Regulation 16 of the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011.

1.1.2 The Planning Inspectorate allocated the Application the reference number TR030006, and published documents relating to the Application on its website under the title "Material Change 2". The Applicant submitted the Application to the Planning Inspectorate on 25 June 2021.

1.1.3 The Applicant and NELDB are collectively referred to in this SoCG as 'the parties'. The parties have been, and continue to be, in direct communication in respect of the interface between the application and NELDB's interests.

1.1.4 The purpose and possible content of SoCGs is set out in paragraphs 58 – 65 of the Department for Communities and Local Government's guidance entitled "*Planning Act 2008: examination of applications for development consent*" (26 March 2015). Paragraph 58 of that guidance explains the basic function of SoCGs:

"A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree. As well as identifying matters which are not in real dispute, it is also useful if a statement identifies those areas where agreement has not been reached. The statement should include references to show where those matters are dealt with in the written representations or other documentary evidence."

1.1.5 SoCGs are therefore a useful and established means of ensuring that the evidence at the examination focuses on the material differences between the main parties, and so aim to help facilitate a more efficient examination process.

1.1.6 The purpose of this SoCG is to set out agreed factual information about the Application. It is intended that this SoCG should provide matters on which the Parties agree. As well as identifying matters which are not in dispute, the SoCG may also identify areas where agreement has not been reached.

1.1.7 This SoCG has been prepared in response to the relevant representation made by NELDB received by the Planning Inspectorate on 2 August 2021. The matters addressed are:

- The extent to which planting can take place within pumping station maintenance access strips.
- The need for the plans submitted to adhere to the agreed drainage strategy.

1.2 Description of the DCO and material change application

- 1.2.1 The Able Marine Energy Park is a proposed 1288m long quay on the south bank of the Humber Estuary approximately 14 miles south-east of Hull, and north of North Killingholme. It is comprised of a quay, reclaimed estuarine habitat and facilities to allow offshore energy components and parts to be manufactured, assembled, stored and exported to their installation sites and elsewhere. The development is located the administrative areas of North Lincolnshire Council and East Riding of Yorkshire Council (although the Application relates to part of the development located in the administrative area of North Lincolnshire Council only).
- 1.2.2 The DCO came into force on 29 October 2014. Since this time, construction of the pumping station has commenced.
- 1.2.3 On 25 June 2021 the Applicant submitted the Application which comprised the following proposed changes:
- (a) a realignment of the proposed quay (within its existing limits of deviation) to remove a berth pocket at the southern end and introduce a setback at the northern end;
 - (b) changes to the construction methodology to allow the relieving slab at the rear of the quay to be at the surface as an alternative to being buried or to be omitted altogether, and the use of anchor piles as an alternative to flap anchors;
 - (c) consequential changes to dredging; and
 - (d) unrelated to the quay changes, the realignment of a footpath diversion to the north west of the site to go round the end of a railway track instead of crossing it.

Further details of the material change can be found in the Application cover letter [APP-001] which accompanies the material change application.

1.3 North East Lindsey Drainage Board

- 1.3.1 NELDB is a drainage board constituted under the Land Drainage Act 1991 responsible for general supervision over the drainage of land within its district, local authority to the area which manages the water levels, flood risk and land drainage.
- 1.3.2 NELDB submitted a relevant representation to the Planning Inspectorate regarding the Application, received by the Planning Inspectorate on 2 August 2021.

1.4 Status of the SoCG

- 1.4.1 This signed version of the SoCG represents the position between the Applicant and North East Lindsey Drainage Board at 18 November 2021.

2 Summary of Consultation

- 2.1 Consultation carried out by the Applicant and the way in which it has informed the Application is set out in full in the Consultation Report [APP-061] submitted with the Application.
- 2.2 NELDB was included in the pre-application consultation carried out by the Applicant. NELDB and the Applicant have continued direct communication in respect of the Application.

3 Matters which are fully agreed between the parties

- 3.1 This section of the SoCG describes the 'matters agreed' in detail between the parties.

Planting within pumping station maintenance access strips

- 3.2 North East Lindsey Drainage Board expressed concerns regarding planting locations identified on the indicative Landscape Plan that accompanied the Application. The Parties agree that the application for a material change does not include any changes to planting and that consequently this representation does not relate to the Application.
- 3.3 In any event, the planting proposals shown on the Indicative Landscape Plan submitted with the Application (APP-012) have not been amended from those shown on the approved Indicative Landscape Plan which formed part of the original DCO application. Furthermore, Schedule 11 paragraph 7 of the DCO provides for a written landscaping scheme for each stage of the development to be submitted to and approved by the relevant planning authority. The written landscaping scheme for the drainage ditches managed by NELDB is already approved by North Lincolnshire Council and the approved planting proposals provide for grass seeding of the ditches only. Refer to Appendix 1.

Adherence to the drainage strategy

- 3.4 North East Lindsey Drainage Board expressed concerns that the plans submitted by the Applicant showed a discrepancy from the approved drainage strategy. The Parties agree that the application for a material change does not include any changes to the drainage strategy and that consequently this representation does not relate to the Application.
- 3.5 In any event, the drainage strategy approved by the relevant local planning authority has not been amended since its approval by the Local Planning Authority on 5 August 2020 (see Appendix 2).

The Articles and Requirements in the draft DCO Amendment Order

- 3.6 The Parties agree that there are no comments on or concerns regarding the Articles and Requirements contained within in the draft DCO Amendment Order.

4 Matters not agreed between the parties

- 4.1 None.

Signed on Behalf of ABLE HUMBER PORTS LIMITED

Signature:



Name: Richard Cram

Position: Engineering Director

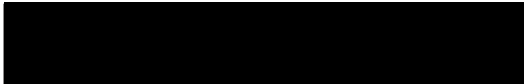
Date: 09/12/2021

Signed on Behalf of the NORTH EAST LINDSEY DRAINAGE BOARD

Signature:



Name:



Position: DIRECTOR OF TECHNICAL & ENGINEERING SERVICES

Date: 1st DECEMBER, 2021.

APPENDIX 1

**Discharge of condition
reference number: PA/2017/338**

(please quote in all correspondence)

Case officer: Shaun Robson Tel: 01724 297492

Email: planning@northlincs.gov.uk

24 May 2017

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Peter Williams BSc, DMS, CEng, MEI, MCMI, AMIMechE

Director of Places

Civic Centre

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Scunthorpe

North Lincolnshire

DN16 1AB

Dear Sir/Madam

Application to discharge requirements attached to Able Marine Energy Park Development Consent Order 2014 No. 2935 (Schedule 11, Requirements 7 & 9 - Landscaping and Trees & 14(1) - Foul Water Drainage, Stage 1: Killingholme Marshes Drainage Scheme) – Able Marine Energy Park

Following your request to discharge conditions, please see my comments below:

7.

No stage of the authorised development, other than tidal works, is to commence until a written landscaping scheme has been submitted to and approved by the relevant planning authority after consultation with National Grid. The landscaping scheme must include details of all proposed hard and soft landscaping works, including—

- a) location, number, species, size and planting density of any proposed planting;
- b) cultivation, importing of materials and other operations to ensure plant establishment;
- c) proposed finished ground levels;
- d) hard surfacing materials;
- e) vehicular and pedestrian access, parking and circulation areas;
- f) minor structures, such as furniture, refuse or other storage units, signs and lighting;
- g) proposed and existing functional services above ground, including drainage, power and communications cables and pipelines and supports;
- h) details of existing trees to be retained, with measures for their protection during the construction period;

- i) retained historic landscape features and proposals for restoration, where relevant; and
- j) implementation timetables for all landscaping works.

The details submitted in order to discharge this requirement in relation to Stage 1: Killingholme Marshes Drainage Scheme are considered to be acceptable. This requirement, for that stage, is therefore discharged.

9.

No stage of the authorised development, other than tidal works, is to commence until written details of any proposed tree planting and the proposed times of planting have been approved by the relevant planning authority after consultation with National Grid, and all tree planting must be carried out in accordance with those details and at those times.

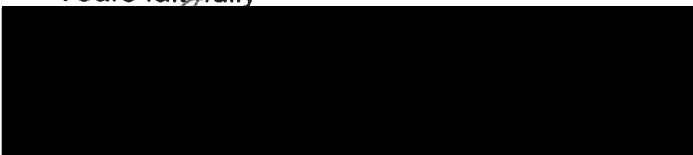
The details submitted in order to discharge this requirement in relation to Stage 1: Killingholme Marshes Drainage Scheme are considered to be acceptable. This requirement, for that stage, is therefore discharged.

14.

(1) No stage of the authorised development is to commence until a detailed foul water drainage strategy (including means of pollution control and funding arrangements) for that stage has been submitted to and approved by the relevant local planning authority, after consultation with the Environment Agency, Anglian Water, E.ON and Centrica plc.

The details submitted in order to discharge this requirement in relation to Stage 1: Killingholme Marshes Drainage Scheme are considered to be acceptable. This requirement, for that stage, is therefore discharged.

Yours faithfully



Shaun Robson

Head of Development Management



**ABLE MARINE ENERGY PARK
DEVELOPMENT CONSENT ORDER 2014 NO. 2935**


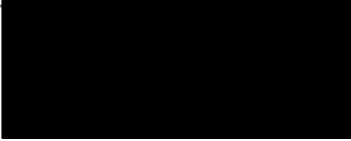
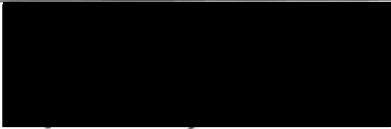
**SCHEDULE 11 PARA 7 & 9
LANDSCAPING & TREES**

February 2017

Able Humber Ports Limited
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TS23 1PX
Tel: 01642 806080 Fax: 01642 655655

DOCUMENT TITLE	SCH11.R7.R9.LANDSCAPING&TREES.KMDS
DCO REQUIREMENT	Schedule: 11
	Paragraphs: 7, and 9.
	Sub-paragraph:
RELEVANT STAGE OF DEVELOPMENT	Stage 1: Killingholme Marshes Drainage Scheme
REGULATORY CONSULTEE(S)	National Grid.
REGULATORY APPROVER(S)	NLC
DATE ISSUED FOR CONSULTATION	
DATE RETURNED	
AMENDMENTS MADE	
DATE SUBMITTED FOR DISCHARGE	
DISCHARGE APPROVED	

APPROVAL & REVISION REGISTER

	NAME	SIGNATURE	DATE
Originator:	Willie Roxburgh		24 Feb 2017
Checked by:	David Sargent		28 Feb 2017
Approved by:	Ben Challier		01 Mar 2017

REVISION	COMMENTS	DATE
A	Submission for approval to NLC and National Grid	01 Mar 2017

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1. INTRODUCTION

1.1. BACKGROUND

The Able Marine Energy Park (AMEP) is a fully consented project that will provide a bespoke port facility for the Renewable Energy Sector, particularly Offshore Wind. AMEP will be located on the South bank of the Humber Estuary, East Coast of the UK.

The Killingholme Marshes Drainage Scheme (KMDS) is an integral part of the overall terrestrial works of the AMEP development. Funding requirements means that the project be commenced imminently and it is an initial stage of the DCO development.

The KMDS consists of the Killingholme Marshes Pumping Station and associated drainage scheme.

As indicated in Section 1.2. below, the DCO requires that no stage of development can proceed until a written landscaping scheme has been submitted to and approved by the relevant planning authority (Schedule 11, paragraph 7). Additionally no tree planting can commence until any planting is approved by the relevant planning authority (Schedule 11, paragraph 9).

Accordingly, this document has been prepared to satisfy Schedule 11 Paragraphs 7 and 9 in relation to the Stage 1: KMDS of the AMEP Development.

1.2. DCO CONDITION

The specific condition submitted for discharge with this document states:

Provision of landscaping

7. No stage of the authorised development, other than tidal works, is to commence until a written landscaping scheme has been submitted to and approved by the relevant planning authority after consultation with National Grid. The landscaping scheme must include details of all proposed hard and soft landscaping works, including—

- a) location, number, species, size and planting density of any proposed planting;
- b) cultivation, importing of materials and other operations to ensure plant establishment;
- c) proposed finished ground levels;
- d) hard surfacing materials;
- e) vehicular and pedestrian access, parking and circulation areas;
- f) minor structures, such as furniture, refuse or other storage units, signs and lighting;
- g) proposed and existing functional services above ground, including drainage, power and communications cables and pipelines and supports;
- h) details of existing trees to be retained, with measures for their protection during the construction period;
- i) retained historic landscape features and proposals for restoration, where relevant; and
- j) implementation timetables for all landscaping works.

Trees

9. No stage of the authorised development, other than tidal works, is to commence until written details of any proposed tree planting and the proposed times of planting have been approved by the relevant planning authority after consultation with National Grid; and all tree planting must be carried out in accordance with those details and at those times.

1.3. BRIEF DESCRIPTION OF THE KMDS

The AMEP site is currently drained by a network of open watercourses (the Killingholme Marshes Drainage System under the control of the NELDB) that currently discharges into the Humber Estuary via a flapped gravity outfall on the coast in the middle of the AMEP frontage.

Areas of land adjacent to the inland watercourses are at risk of fluvial flooding, particularly during periods of high tide when the existing flapped gravity outfall is tide-locked.

Figure 1 below shows the Site Location Plan and Development Consent Boundaries for AMEP and the Cherry Cobb Sands Compensation site.

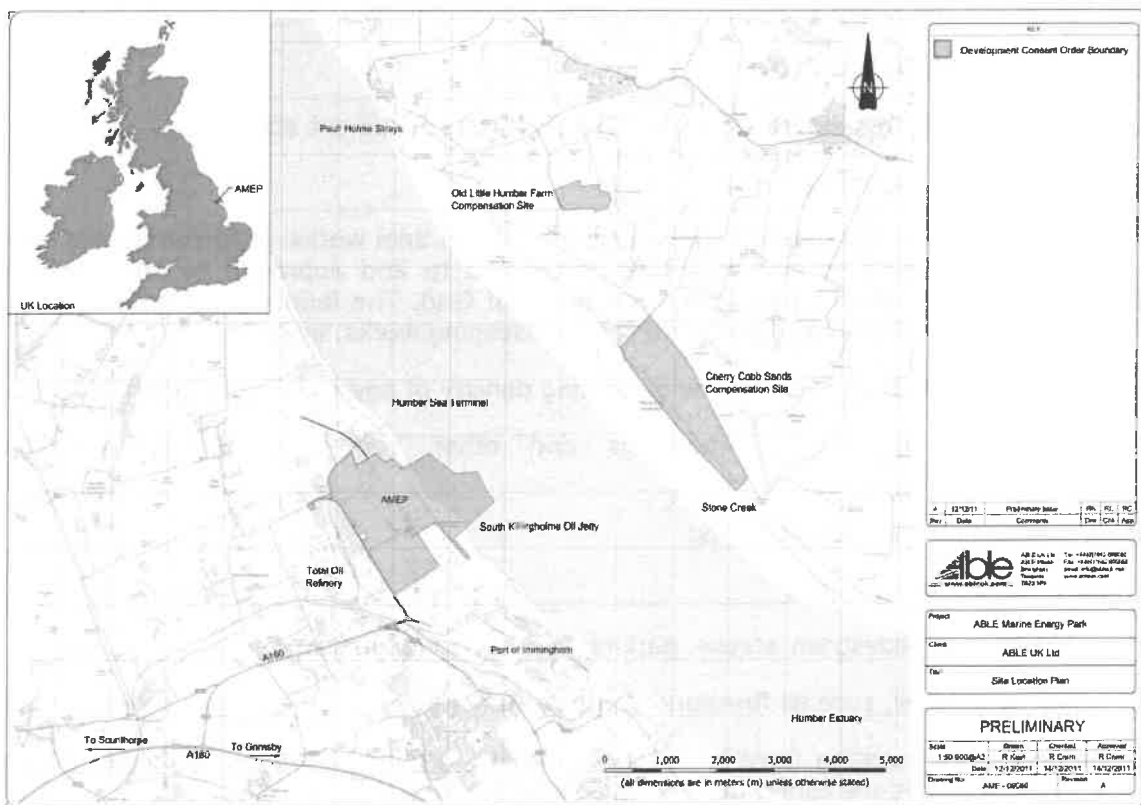


Figure 1 - Site Location Plan indicating the development consent boundary for AMEP and the Cherry Cobb Sands Compensation Site (Document Ref: AME – 02000, Revision A, Date: 12/12/2011)

The improved and consented KMDS consists of the Killingholme Marshes Pumping Station and associated drainage channels. Figure 2 indicates the location of the Killingholme Marshes Pumping Station and associated drainage channels.

The **Killingholme Marshes Pumping station** has been designed to accommodate the increase of surface water run-off from future AMEP developments, which is necessary to

evacuate water and convey discharge at higher tidal levels in the Humber Estuary. The maximum discharge capacity (10.5 m³/sec) has been designed to supplement the available storage within the catchment during a 1:100 year rainfall event with an allowance for climate change, which provides contingency during severe rainfall events and high tides.

The pumping station will be constructed from reinforced concrete with 6 bays being used for pumping purposes, which will then discharge into 3 precast concrete culverts that will outfall into the Humber Estuary.

The outfall structure will consist of a reinforced concrete structure with pedestrian access for regular inspection and checks via stairs and ladders to support the precast concrete culvert each fitted with a flap valve.

In addition, a 3 m wide channel at 2.9 m CD will be dredged within the mud-flat to a length of 140 m to enable the dry weather flow to outfall into the main Humber stream at low tide.

Figure 2 provides an overview of the entire project i.e. the drainage ditches, the pumping station and the outfall structure with the channel

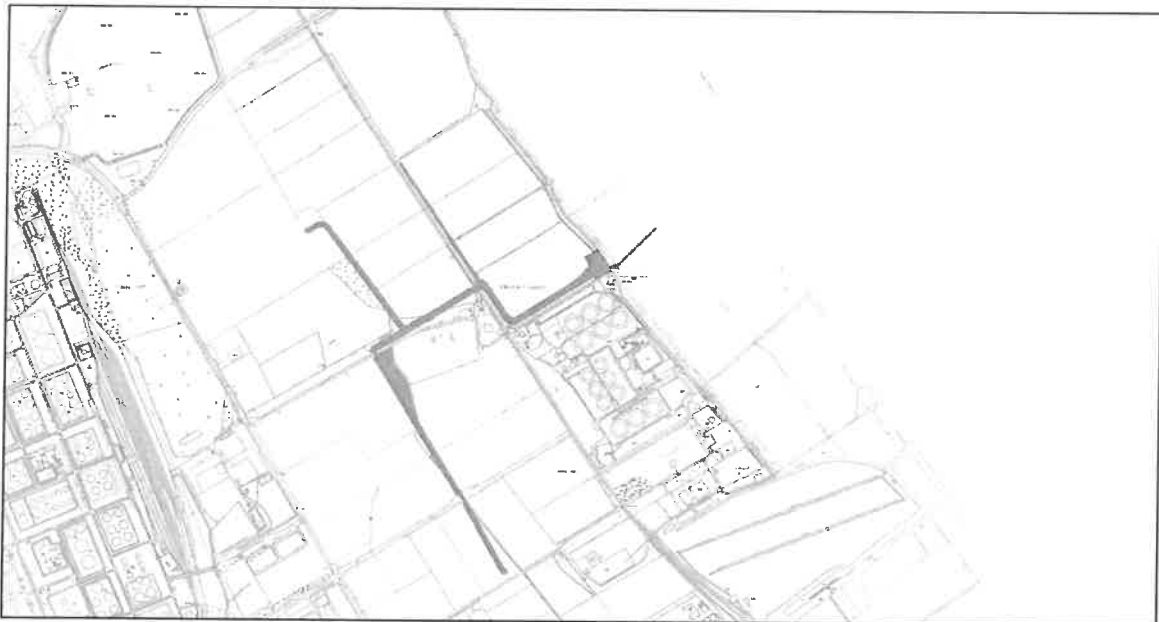


Figure 2 – Killingholme Marshes Drainage Scheme

Figure 3 provides detail regarding the indicative layout of the Killingholme Marshes Pumping Station.

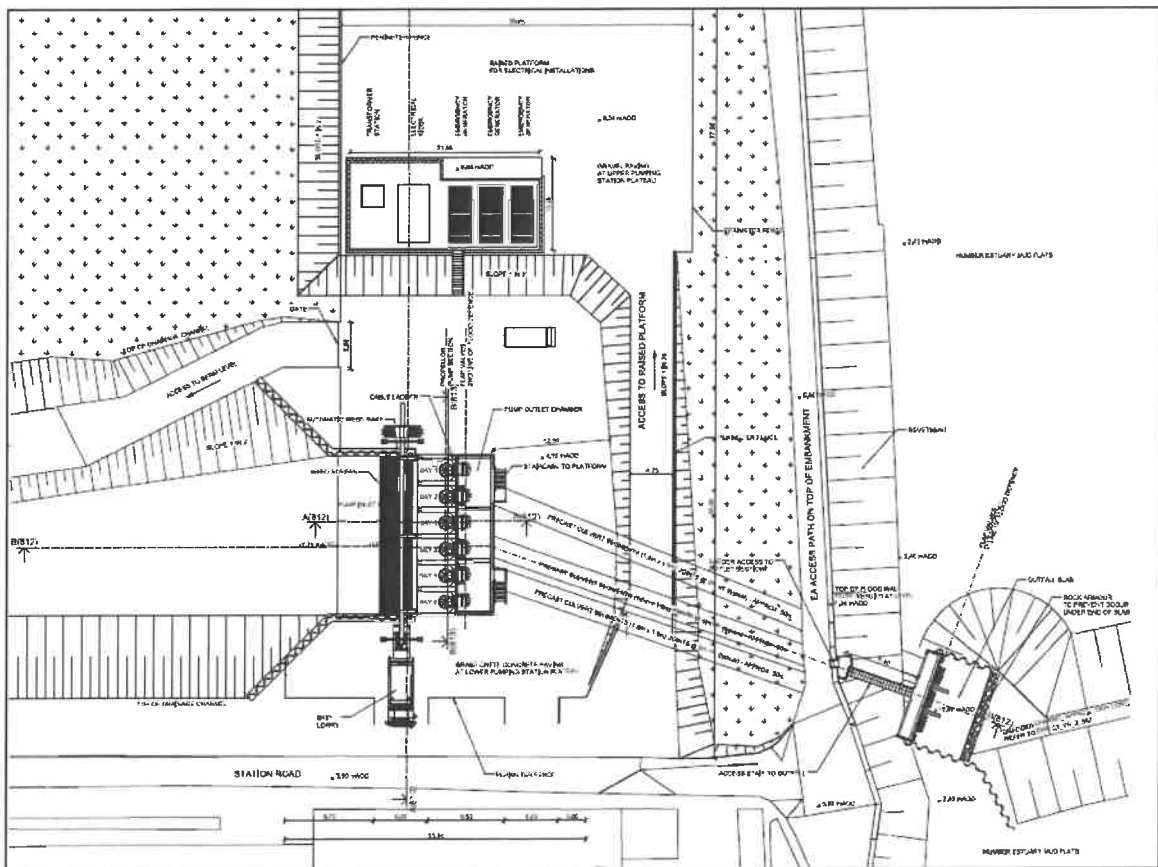


Figure 3 - Killingholme Marshes Pumping Station General arrangement plan

The site will be provided with an improved strategic ditch system that will convey catchment flows and surface water runoff from the development to the new outfall location. To assist with the increased volume and rate of runoff arising from the development site, a pump station will be constructed at the outfall.

The new ditches will be approximately 15 m wide (top width) and comprise a main channel with a 7m wide flood berm that will convey and store water in extreme events and also provide a working platform for routine maintenance in low flow conditions. A balance between catchment storage and evacuation has been assessed to provide the required standard of protection during a tide-locked period. An adaptive approach to climate change will be implemented. The channels will be constructed by traditional excavation methods and plant. The majority of the work can be carried out off-line from the existing outfall, but some de-watering and over-pumping may be necessary.

On-plot drainage will comprise high capacity slot drains within the concrete service yards and infiltration trenches within the storage areas. The latter form will comprise stone filled trenches with porous pipes that discharge into the open ditches running through the site.

Figure 4 indicates the configuration of the drainage channels.

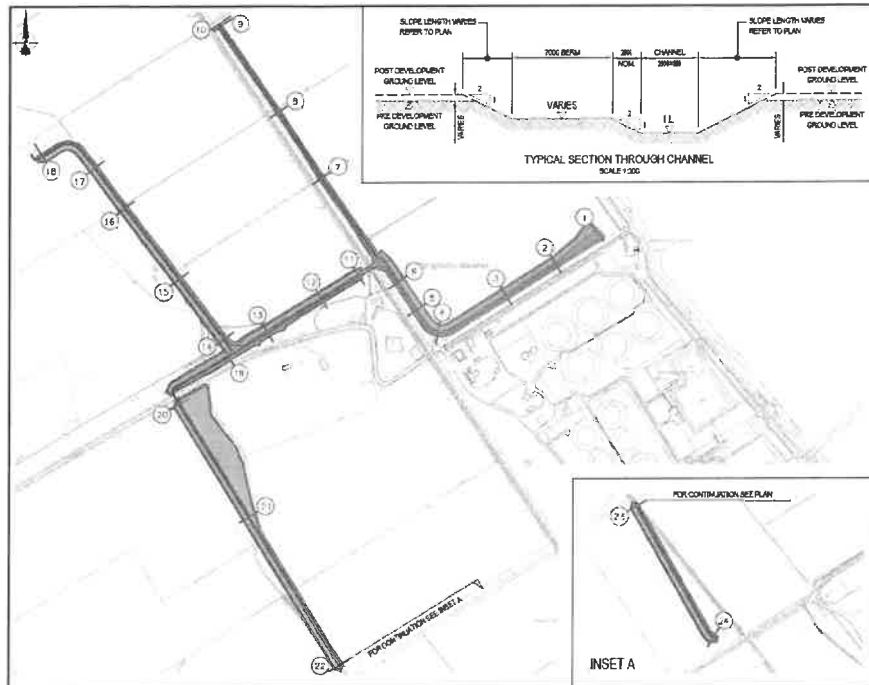


Figure 4 - Killingholme Marshes drainage channels

2. **LANDSCAPING**

2.1 **Pumping Station**

Essentially the proposed landscaping around the Pumping Station is simplistic, fit for purpose and readily maintained while being compatible with both the existing immediate surroundings and the proposed new overall AMEP development. The landscaping proposals around the Pumping Station are indicated on drawing C4_PS_1_810 in Appendix A, and essentially comprise the following elements :-

- Proprietary concrete grass blocks, to the main area around the PS requiring vehicular access, the access slope to the upper platform.
- Gravel infill, within the upper platform.
- Grass, to all new slopes, mix specification as described below (or similar approved)

Common name	Scientific name	Proportion of seed mix
Aniser, Strong Creeping Red Fescue	Festuca Rubra rubra	35.00%
Bornito, Sheep's Fescue	Festuca ovina	30.00%
Gallius, Perennial Ryegrass	Lolium Perenne	20.00%
Fulls, Saltmarsh Grass	Distichlis spicata (?)	7.50%
Providence, Bent Grass		2.50%
Birdsfoot trefoil	Lotus corniculatus	
Sorrrel	Rumex acetosa	
Selfheal	Prunella vulgaris	5.00%
Ladies bedstraw	Galium verum	

Specific details requested in the DCO are noted below in section 2.3.

2.2 Drainage Channels

Proposals for the drainage channels are indicated in Figure 4 above which indicates both the plan layout and at the typical cross section.

Early establishment of vegetation on the ditch banks will provide the dual function of stabilising the banks and providing a food source for water voles in the area. It is proposed that the banks of the ditches will be sown with the following (or similar approved) grass seed mix:

Common name	Scientific name	Proportion of seed mix
Creeping red fescue	Festuca rubra ssp litoralis	60%
Tall fescue	Festuca arundinacea	20%
False oat grass	Arrhenatherum elatius	10%
Cocksfoot	Dactylis glomerata	10%

Wetland plants will also be introduced to the ditches by translocation in order to help upgrade the habitat in as short a time period as possible. Plant species previously occurring in nearby existing ditches and field drains include reed canary-grass (*Phalaris arundinacea*), common reed (*Phragmites australis*) and hard rush (*Juncus inflexus*). Wetland plants such as marsh marigold (*Caltha palustris*) and ragged robin (*Lychnis flos-cuculi*) are likely to colonise the ditch-sides naturally.

2.3 Specific Details

As requested in DCO Schedule 11 paragraph 7, specific details related to the proposed landscaping at the pumping station and the drainage channels are as noted below :-

a) *Location, number, species, size and planting density of any proposed planting:*

There are no trees/shrubs to be planted within the site or vicinity of the site as part of the Stage 1 – KMDS development . Specific planting is limited grass seeding to the slopes at the pumping station and to the drainage channels as described in 2.2 above.

b) *Cultivation, importing of materials and other operations to ensure plant establishment:*

Normal grass seeding procedures will apply

c) *Proposed finished ground levels:*

As indicated in Appendix A C4_PS_1_810.

d) *Hard surfacing materials:*

As described in section 2.1 and 2.2 and shown in figure 4 and drawing C4_PS_1_810 Appendix A.

e) *Vehicular and pedestrian access, parking and circulation areas:*

The site will have no public access and will mainly be un-maned. Vehicular access will be from Station Road via 2 separate gates. Due to the remote location of the site, it is not foreseen that pedestrian will come to access the site and therefore no separate access or dedicated pedestrian access route has been provided.

f) *Minor structures, such as furniture, refuse or other storage units, signs and lighting:*

Minor structures are indicated on drawing C4_PS_1_810 in Appendix A and they consist of 1 x Electrical Kiosk, 1 x Transformer station and 3 x Emergency Generators.

External lighting will be provided. The Pumping Station will not be permanently illuminated and light will be controlled to minimise unnecessary light spillage outside the lit area.

The pumping station light will be controlled as described below:

- Area lighting to be switched on/off by the main gate and turn off after 90 min. (this is adjustable), if the lux sensor measures less than 100 lux (this is adjustable).
- Inspection lighting to be switched on/off by the weed rake or the platform and turn off after 60 min (this is adjustable).
- Floodlights for the area lighting should be adjusted to have horizontal screen to prevent light towards the surroundings.
- Floodlights for the inspection light to be aimed towards the weed screens and the pumping chambers.

g) *Proposed and existing functional services above ground, including drainage, power and communications cables and pipelines and supports:*

All proposed services are below ground.

h) Details of existing trees to be retained, with measures for their protection during the construction period:

There are no existing trees within the site areas or areas affected by construction and as such no protection measures will be required.

i) Retained historic landscape features and proposals for restoration, where relevant:

None, not relevant.

j) Implementation timetables for all landscaping works:

Overall programme for the works is anticipated to be from July 2017 until March 2018. At this stage it is anticipated that the hard landscaping will take place towards the latter stages of the construction work with grass seeding in March 2018.

3. TREES

There are no trees within the site works or that could be affected by the proposed works construction activities. Planting of new trees is not proposed as part of the new works as this would not be compatible with the surroundings.

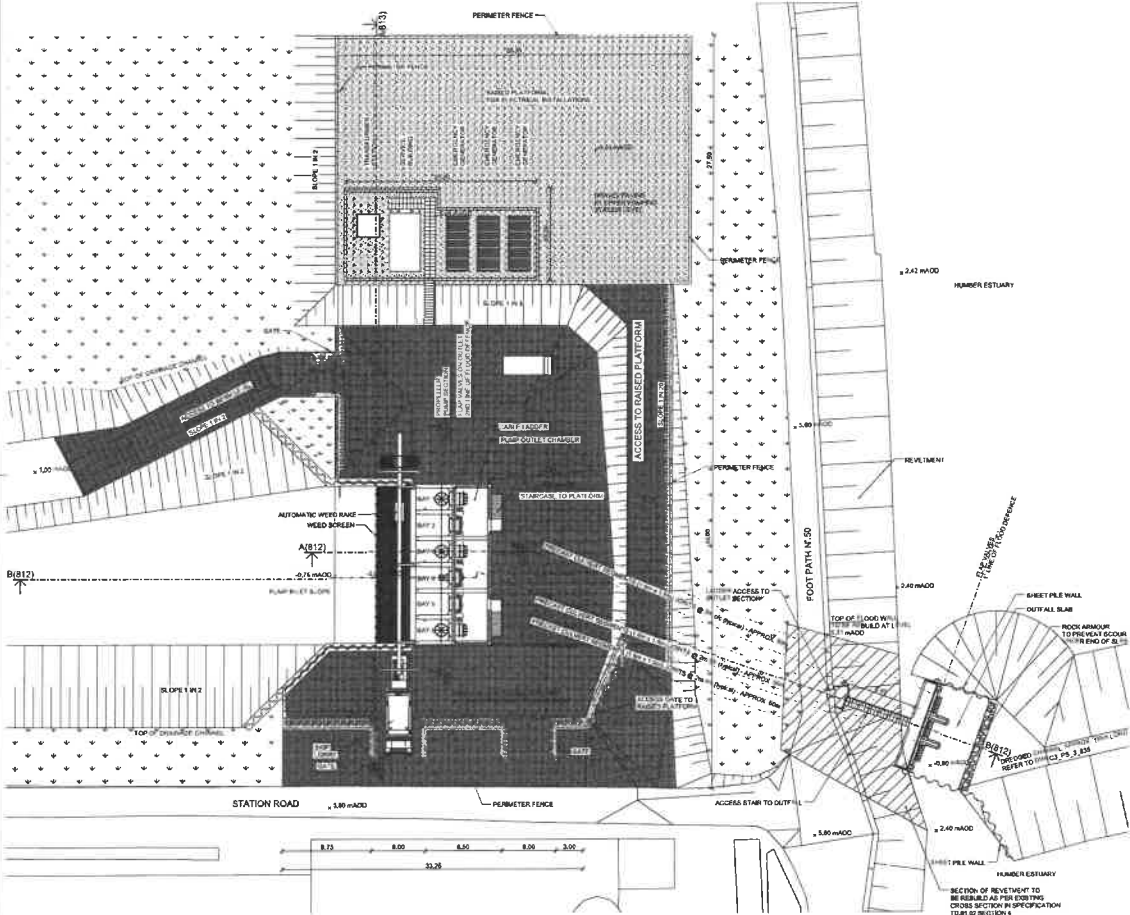
4. APPROVAL

Submission is hereby made to NLC for discharge of DCO Schedule 11 Paragraphs 7 and 9 in respect of landscaping and trees based on the information provided within this document. The DCO also requires that consultation has to be made with National Grid in respect of these items.

As part of this submission, documents have been forward to the additional Consultees on behalf of NLC.

APPENDIX A

Drawing C4_PS_1_810 Detailed PS Layout Plan



NOTE:
 LEVELS ARE IN METRES ABOVE DRAINAGE DATUM (AOD),
 DIMENSIONS ARE IN METRES UNLESS NOTED OTHERWISE.

REFERENCES:
 DWG NO. CL_PS_1.810
 DWG NO. CL_PS_2.810

LEGEND:
 FENCE LINE



PLAN, 1:200

CONSULTATION

No.	Date	By	Checked	Approved
1	22/04/23	AM/P	AM/P	
2	22/04/23	AM/P	AM/P	
3	22/04/23	AM/P	AM/P	

PROJECT: DESIGN OF WORKS NO. 1.4
 ASSOCIATED DEVELOPMENTS
 SURFACE WATER PUMPING STATION
 SITE GENERAL ARRANGEMENT
 PLAN LAYOUT

Drawn: AM/P
 Checked: AM/P
 Date: 22/04/23

Scale: 1:200

File Name: CL_PS_1.810

ABN NIRAS
 Engineers, Planners, Surveyors, Environmental Consultants
 Ph: +61 8 8365 8000
 Email: info@niras.com.au
 Website: www.niras.com.au

APPENDIX 2

Discharge of condition
Reference number: PA/2017/516
(please quote in all correspondence)

Case officer: Andrew Law Tel: 01724 297490

Email: planning@northlincs.gov.uk

5 August 2020

Mr Luke Cartwright
Able UK Ltd
Able House
Billingham Reach Industrial Estate
Haverton Hill Road

North Lincolnshire Council

www.northlincs.gov.uk

Church Square House
30-40 High Street
Scunthorpe
North Lincolnshire
DN15 6NL

Dear Sir/Madam

Application to discharge requirements attached to Able Marine Energy Park Development Consent Order 2014 No. 2935 (Schedule 11, Requirement 13 - Surface Water Drainage, Stage 1: Killingholme Marshes Drainage Scheme) – Able Marine Energy Park

Following your request to discharge conditions, please see my comments below:

13.

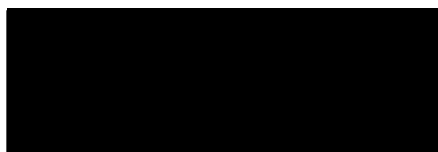
(1) No stage of the authorised development is to commence until a detailed surface water drainage strategy (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, and including means of pollution control and funding arrangements) for that stage has been submitted to and approved by the local planning authority, after consultation with the Environment Agency, Anglian Water, E.ON and Centrica plc.

(2) The undertaker must have regard to any consultation responses received.

(3) The authorised scheme must be constructed in accordance with the approved surface water drainage strategy including any timetable embedded within it.

The details submitted pursuant to the discharge of Requirement 13 in relation to Stage 1: Killingholme Marshes Drainage Scheme are considered to be acceptable. Therefore Requirement 13 is hereby discharged in respect of Stage 1.

Yours faithfully



Andrew Law
Acting Group Manager – Development Management

