



Able Marine Energy Park Material Change 2 Case Team  
National Infrastructure Planning  
[AbleMarineEnergyPark@planninginspectorate.gov.uk](mailto:AbleMarineEnergyPark@planninginspectorate.gov.uk)

**By email only**

MMO Reference: DCO/2013/00020  
Planning Inspectorate Reference: TR030006

1 February 2022

Dear Sir or Madam,

**Planning Act 2008 and the Infrastructure Planning Regulations - Application by Able Humber Ports Ltd for a Material Change to the Able Marine Energy Park Development Consent Order 2014**

**Deadline 4 Submission**

On 29 September 2021, the Marine Management Organisation (MMO) received notice under Planning Act 2008 that the Planning Inspectorate (PINS) had accepted an application made by Able Humber Ports Ltd (Applicant) for determination of a Material Change 2 to the development consent order (DCO) for the construction and operation of Able Marine Energy Park (The Able Marine Energy Park Development Consent Order 2014) (MMO ref: DCO/2013/00020; PINS ref: TR030006).

The Applicant seeks authorisation for a Material Change 2 to the Able Marine Energy Park Development Consent Order 2014. This will consist of the following changes:

- 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;
- 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;
- consequential changes to dredging; and
- 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.

The MMO received notification that the Examining Body's further written questions had been published on 13 January 2022, and that responses to Deadline 3 had been published on 19 January 2022. In response to this letter, the MMO submits the following within Annex 1:



1. Response to the Examining Body's written questions and requests for information (ExQ2).
2. Comments on any additional information/submissions received.

Yours faithfully

[Redacted]

Katherine White  
Marine Licensing Case Officer

[Redacted]

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**Copies of Deadline 4 response have been sent to:**

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## Annex 1

### 1. Response to the Examining Body’s written questions and requests for information (ExQ2)

|   |                                  |  |   |
|---|----------------------------------|--|---|
| <p>Q2.0.4<br/>The Draft Amendment Order (DAO)</p> | <p>The MMO<br/>The Applicant</p> | <p>At 3.3 of the MMO SoCG [REP1-008] regarding a possible amendment to Article 57 of the original DCO to clarify that the process of arbitration is not applicable to decisions made under the DML, the ExB was asked to consider whether this amendment would be appropriate in the present examination process since it does not arise as part of the MC2 application. Our understanding is that the Applicant would need to request a change to the application and submit a revised DAO to this effect. The ExB would then consider whether the change would be acceptable, whether any further consultation by the Applicant would be required, and whether this could be done during the examination, before making a procedural decision on the requested change.</p> | <p>The MMO is content with this approach and encourages the applicant to request a change to the application and submit a revised DAO to allow the ExB to consider amending the DCO to clarify that the process of arbitration is not applicable to decisions made under the DML.</p> |
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### 2. Comments on any additional information/submissions received

#### 2.1 Able Humber Ports Ltd Deadline 3 Submission - Updated East Marine Plan Compliance Table [Examination Library Reference REP3-003]

The MMO has reviewed the submission of an updated East Marine Plan Compliance Table by Able Humber Ports Ltd and considers that the matters raised within our Deadline 1 submission [REP1-035] have been adequately addressed.

The MMO would like to note within Policy WIND1 in the ‘Date further information is received’ column, there seems to be a typing error. The MMO would also request that an application assessment result is provided at the bottom of the assessment table, to outline the final conclusion.

#### 2.2 Able Humber Ports Ltd Deadline 3 Submission - Applicant’s responses to Written Representations [Examination Library Reference REP3-002]



The MMO welcomes the responses from Able Humber Ports Ltd to the written representation presented by the MMO at Deadline 2. The MMO has no further comments to make at this time other than to note that a meeting to discuss changes to the Deemed Marine Licence has been scheduled for Thursday 3 February 2022.

