



Able Marine Energy Park

Material Change 2

Applicant's Overall

Summary of Case

ABLE MARINE ENERGY PARK

MATERIAL CHANGE 2

PINS REFERENCE TR030006

APPLICANT'S OVERALL SUMMARY OF CASE

DOCUMENT TR030006/D6/2

Introduction

1. This document sets out a summary of the Applicant's overall case for granting consent for Material Change 2 to the Able Marine Energy Park Development Consent Order (**DCO**), in light of the evidence supplied and the examination that has taken place.
2. The document is structured as follows:
 - a. A statement of changes to the application since it was made
 - b. A general statement for the granting of the material change to the existing DCO
 - c. A summary of the benefits and any residual adverse impacts of the material change
 - d. A summary of residual concerns of third parties

Changes to the application since it was made

3. The Applicant made one minor change to the Draft Amendment Order (**DAO**) since the application was made, which was to allow a construction sequence shown on plans AME-036-10009 (Rev D) and AME-036-10010 (Rev D) as an alternative to the proposed Revision C of the same plans that were in the original DAO. This proposal was submitted on the day of the Preliminary Meeting and has document reference [[AS-017](#)] and was accepted by the Examining Body via his procedural decision of 20 December 2021 [[PD-006](#)]. The plans can be found at [[AS-007](#)].
4. Some application documents were updated since the application was made but these do not correspond to changes to the underlying project, rather they provide further information in response to questions from the Examining Body and representations by third parties. The following are the latest versions of any updated documents in the order of the application documents in the examination library:
 - a. Updated Draft Amendment Order [[REP4-012](#)], replacing [[APP-059](#)];
 - b. Updated Explanatory Memorandum [[REP4-014](#)], replacing [[APP-060](#)];
 - c. Updated Habitats Regulations Assessment [[REP5-007](#)], replacing [[APP-067](#)] and [[APP-068](#)];

- d. Updated Water Framework Directive Assessment [[REP4-020](#)], replacing [[APP-070](#)];
- e. Updated Deemed Marine Licence Variation 4 Application [[REP1-011](#)], replacing [[APP-102](#)];
- f. Updated Appendix 11-2 of UES [[REP1-027](#)], replacing [[APP-137](#)]; and
- g. Updated Marine Written Scheme of Investigation [[REP1-010](#)], replacing [[APP-146](#)].

Case for the granting of the application

- 5. The case for the granting of the application for the material change is that it will increase the benefits of the project (see paragraphs 6-7), for which the need has increased since the original DCO was granted, while its adverse impacts are generally similar to the original application (see paragraphs 8-9).

Benefits of the material change and wider project

- 6. The benefits of the original project in terms of employment and contribution to renewable energy targets all remain, the latter target having increased from an 80% reduction on 1990 greenhouse gas emissions to a 100% reduction, i.e. net zero, thus increasing the need for the project. The need has been further increased by the specific target of 40GW of offshore wind capacity by 2030, which this project will assist in achieving. The material change will allow the quay to be of a more suitable shape to handle vessels now likely to be needed to deliver offshore marine energy infrastructure, thus establishing the benefit of making the material change and improving the benefit of the original project.
- 7. The amendment to the footpath diversion will avoid it crossing a railway line, instead going around the end of the line, and this has the support of Network Rail (see [[RR-008](#)]).

Residual adverse impacts of the material change

- 8. Chapter 28 of the Updated Environmental Statement [[APP-099](#)] summarises the environmental effects of the application and records that the application has no additional environmental impacts beyond those arising from the project consented by the original DCO other than:
 - a. the impact on fire/explosion risk, which has risen from low to moderate (but still not significant) and mooring breakout (see paragraphs 28.2.84 and 28.2.87),
 - b. the longer footpath (28.2.134) offset by not having to cross a railway line, and
 - c. the aviation risk from higher cranes (28.2.148), which will require lighting and appearance on Humberside Airport's navigational charts as mitigation.
- 9. In the intervening time the mudflat habitat has converted to less desirable saltmarsh, meaning that the indirect loss of mudflat has reduced (by 11.6ha – see paragraph 28.2.47) and so the project will provide a greater ratio of compensatory habitat (which remains the same size) to that being lost (the direct loss is also slightly smaller due to the quay realignment – 43.6ha compared to 45ha originally – see paragraph 28.1.6).

Third parties

10. There have been no objections to the project in principle, and all issues raised by statutory consultees have been resolved. The only extant issues are one from C.Ro Ports and two from C.Gen, none of which the Applicant maintains are relevant to the material change, as set out below. There were no submissions from individuals.
11. 14 relevant representations were made in total. Of those, nine were more than 'no comment':
 - a. North East Lindsey Drainage Board,
 - b. South Killingholme Parish Council,
 - c. Environment Agency,
 - d. Network Rail Infrastructure,
 - e. North Lincolnshire Council,
 - f. Marine Management Organisation;
 - g. Natural England,
 - h. C.GEN Killingholme Limited, and
 - i. C.RO Ports Killingholme Limited.
12. Network Rail made no submissions other than the supportive relevant representation; South Killingholme Parish Council made no further submissions after attending the Preliminary Meeting.
13. Statements of common ground (SoCGs) were reached with the remaining seven organisations, which can be summarised as follows:
 - a. North East Lindsey Drainage Board: SoCG submitted at Deadline 1 with all matters agreed [[REP1-018](#)];
 - b. Environment Agency: SoCG submitted at Deadline 5 with all matters agreed [[REP5-013](#)];
 - c. North Lincolnshire Council: SoCG submitted at Deadline 5 with all matters agreed [[REP5-019](#)];
 - d. Marine Management Organisation: SoCG submitted at Deadline 5 with all matters agreed [[REP5-015](#)];
 - e. Natural England: SoCG submitted at Deadline 6 with all matters fully agreed [TR030006/D6/SOCCG/NE];
 - f. C.Gen Killingholme Ltd: SoCG submitted at Deadline 5 with two principal matters not agreed, relating to the assessment of development made under separate extant planning permissions (which the Applicant considers is not relevant to the application

for the material change) and the need to amend protective provisions in the existing DCO (again which the Applicant considers is not relevant to the application, and with which the Applicant does not agree, maintaining that the existing protective provisions are adequate) [\[REP5-009\]](#); and

- g. C.Ro Ports Killingholme Ltd: SoCG submitted at Deadline 5 with one principal matter not agreed, relating to the assessment of development made under separate extant planning permissions (being the same as the first C.Gen point above, which the Applicant considers is not relevant to the application for the material change) [\[REP5-011\]](#).

- 14. Additionally an SoCG was agreed with Associated British Ports Humber Estuary Services [\[REP1-003\]](#), although they had not made a relevant representation, with all matters fully agreed.

Conclusion

- 15. In conclusion, the benefits of the overall project would be improved by granting the material change application; its need has increased and its adverse impacts would be generally similar (some have slightly reduced such as the impact on the Natura 2000 site, while others have increased slightly but not to the level of significance). It has raised very few concerns amongst third parties, and all issues raised by statutory bodies have been resolved. The application should therefore be granted.

BDB Pitmans on behalf of the Applicant
8 March 2022