



Meeting note

Project name	Able Marine Energy Park Material Change 1 and Material Change 2
File reference	TR030005 and TR030006
Status	Final
Author	The Planning Inspectorate
Date	17 December 2020
Meeting with	BDB Pitmans and Able Humber Ports Ltd (The Applicant)
Venue	Microsoft Teams
Meeting objectives	Project Inception Meeting for Material Change 2 and project update on Material Change 1
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Project overview

The Applicant stated that although some enabling works had taken place work had not yet started on the made Able Marine Energy Park (2014) Development Consent Order (DCO), noting works must commence by October 2021.

The Applicant confirmed their intention to make two separate material change requests to the made Order:

- Material Change 1 (MC1): An application to authorise an extension of time limits permitted under the 2014 Order for the Compulsory Acquisition of a single plot of land.
- Material Change 2 (MC2): An Application consisting of two main elements, including;
 - changes to the quay design / alignment, and;
 - diversion of Footpath 50 around the North Killingholme branchline (which has subsequently been downgraded to a railway siding).

The Applicant confirmed the enabling works that had taken place (within the order limits of the DCO) had been authorised through separate applications under the Town and Country Planning Act 1990, these include ground raising, vehicle storage, an access road and a pre-delivery facility. Works at the Cherry Cobb Sands compensation site have not yet begun.

The Inspectorate queried whether the intended use for the Proposed Development remained the same as in the made Order. The Applicant confirmed that the Proposed

Development is still intended for the manufacturing of renewable energy infrastructure i.e the intended use remained the same as in the made Order.

Proposed programme and timescales

MC1 – Following the Inspectorate’s EIA Screening Opinion, the Applicant is considering next steps.

MC2 - Following submission of its Scoping Report, the Applicant anticipates receiving a Scoping Opinion by the end of January 2021 and intends to produce its Preliminary Environmental Impact Report in mid-February 2021, and submit the application at the beginning of May, with an aim to have a decision on MC2 by the end of March 2022. Although these timescales are subject to the comments on the scoping process noted below.

- The Inspectorate asked the Applicant, to help with its understanding of the anticipated applications, to explain its approach in submitting the two Material Change requests in separate applications. The Applicant advised it has taken this approach as the extension to CA powers (proposed MC1) is required earlier than the changes proposed in MC2 (changes to the quay design / alignment, and diversion of Footpath 50).

Inspectorate update on EIA screening and scoping process

The Inspectorate asked questions about the relationship between MC1 and MC2 and the EIA screening and scoping processes including consideration of cumulative impacts.

MC1 – The Applicant explained they had received the Inspectorate’s subsequent EIA Screening Opinion but does not agree with the legal basis for the opinion and would write to the Inspectorate setting out their position.

MC2 - The Inspectorate explained that the Scoping Report provided with the Applicant’s request would need to be considered in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations 2017). The Inspectorate expressed the view that there were additional matters which should be addressed in the scoping report in light of the EIA Regulations 2017. The Inspectorate advised the Applicant that a request for additional information was likely and suggested that the Applicant might withdraw the request in order to prepare and resubmit a report incorporating this additional information.

Future working relationship

The Inspectorate highlighted its preference for meeting with Applicants prior to any formal requests being made. This would ensure that questions can be asked, information can be gained, and advice can be given to improve the overall process. The Inspectorate offered to engage regularly and proactively with the Applicant as part of its pre-application commitment. The Applicant confirmed that they would like to have regular engagement with the Inspectorate going forward. The Inspectorate suggested a meeting in January although reminded the Applicant that during the scoping period it could only

discuss general approach, process and next steps, and not specific points relating to its scoping opinion.

The Inspectorate confirmed that the webpages for the proposed material changes are now available on the National Infrastructure website.

Specific decisions/ follow-up required?

The following actions were agreed:

- Further project update meeting to be arranged for January.

