



## Meeting note

<b>File reference</b>	TR030006
<b>Status</b>	<b>Final</b>
<b>Author</b>	Planning Inspectorate
<b>Date</b>	20 January 2021
<b>Meeting with</b>	BDB Pitmans
<b>Venue</b>	Microsoft Teams
<b>Meeting objectives</b>	Able Marine Energy Park Material Change 2 - Project update
<b>Circulation</b>	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 Update

The Applicant confirmed their intention to make two separate material change requests to the Able Marine Energy Park (2014) Development Consent Order (the 2014 Order):

- Material Change 1 (MC1): An application to extend the time limit 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 provided an overview of progress since the 2014 Order was made, including approval of plans by various statutory bodies which control construction impacts and detailed design. The Applicant confirmed that all submissions have been approved with the exception of the Code of Construction Plan (CoCP) approval which is currently awaiting response from Natural England. Enabling works that have taken place have been consented under The Town and Country Planning Act 1990. The pumping station is planned to be started this year, MC1 or commercial agreement dependent.

## **Environmental Impact Assessment and Habitats Regulations Assessment**

The Applicant explained that the proposed works for MC2 would not affect the compensation site at Cherry Cobb Sands and confirmed the detailed designs for Cherry Cobb Sands are now complete.

The Applicant gave an overview of other consented developments in the area and the cumulative effects. The Applicant was of the view that as the changes proposed in MC2 are mainly in the marine environment, they would not affect the original environmental assessment of the terrestrial environment submitted with the 2014 Order application.

In relation to new developments approved following the approval of the 2014 Order, the Applicant stated that the new developments would have been required to consider cumulative impacts with the works consented under the 2014 Order as part of the approval process, therefore further assessment by the Applicant of these terrestrial developments which have been subsequently approved, would not be required for the MC2 application.

The Applicant confirmed that the marine environment has changed since the original Environmental Statement was submitted and that the current baseline would be used to assess effects for the MC2 application.

The Applicant asked if it would be required to reassess everything including Cherry Cobb Sands. The Inspectorate referred the Applicant to advice issued 21 December 2020.

The Inspectorate highlighted that the Habitat Regulations do not have subsequent change regulations as the The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the 'EIA Regulations') do and advised that if things have changed, mitigation needs to be re-considered. It was noted that there needs to be a coordinated approach between the two sets of Regulations, to ensure a robust application is submitted.

It was noted that scoping for the MC2 application was underway.

## **Proposed Timescales for MC2**

Consultation - Q1/ Q2 2021  
Submission - Q2 2021