

Able Marine Energy Park Case Team
The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our Ref

BJG/10138581

Your Ref

TR030001

Date

1 October 2024

Dear Madam/Sir

Application by Able Humber Ports Limited for consent from the Secretary of State to extend a time limit in the Able Marine Energy Park Development Consent Order 2014 (S.I. 2014/2935) under article 7 of the Order

We write on behalf of our client Associated British Ports (“ABP”) and are responding to the Secretary of State’s invitation, dated 18 September 2024, to comment on the information provided by Able Humber Ports Limited (the “Applicant”) in response to the Department for Transport’s request for further information regarding the above dated 5 and 8 August 2024.

We have already written to the Secretary of State on a number of occasions outlining our client’s concerns with regard to this application - our letters dated 21 June and 13 August 2024, having written separately to the Applicant in September 2023. In light of this previous correspondence, our client has no wish simply to repeat the concerns that we have already expressed.

That said, having considered the latest information provided by the Applicant, our client still remains unconvinced that the concerns expressed in our letter of 13 August with regard to the HRA derogation report have actually been addressed by the Applicant’s “*Habitats Regulations Assessment – Alternative Solutions and IROPI*” Report dated 10 September. Whilst that report certainly considers the issue of “need” in a UK wide scenario, we are bound to question whether it actually addresses the specific tests of IROPI as prescribed by the Habitats Regulations in the context of the actual local need for the proposed Able Marine Energy Park development and its potential impact on the environment.

As noted above, however, our client does not believe that a mere reiteration of the concerns that it has already expressed will be of any further assistance to the Secretary of State. To this end, our client is aware that the Secretary of State has specifically asked for comments from Natural England and our client will be interested to see such views as may be expressed by Natural England particularly in light of the comprehensive

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HRA derogation reports that our client was required to produce for its Immingham Eastern Ro-Ro Terminal and Immingham Green Energy Terminal DCO applications as referenced in our earlier letter of 13 August.

Yours faithfully



Partner
Clyde & Co LLP