



Able Marine Energy Park

Material Change 2

Statement under Regulation 16(2)(i)

June 2021
Revision 1
BDB Pitmans

The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011

Regulation 16(2)(i)

Document Reference TR030006/APP/9

Introduction

This statement:

- (i) identifies the extent to which the information submitted with the initial application for an order granting development consent in accordance with regulations 5 and 6 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 is correct and relevant to the application; and
- (ii) where necessary updates the parts of this information that relate to the application

Background

The initial application was made on 19 December 2011 and, following examination of the application, resulted in the Able Marine Energy Park Order 2014 (the **2014 Order**) being made on 13 January 2014 and coming into force on 29 October 2014. It should be noted that, since the initial application, changes have already been made as follows:

- Some of the works and land plans submitted with the initial application were superseded by replacement plans which were submitted on 23 November 2012 during the examination of the initial application. These replacement plans were subsequently certified by the Secretary of State. Where these replacement plans have superseded plans which are relevant to the application, this has been indicated in the table below.
- The Marine Management Organisation has made two variations to the deemed marine licence contained in Schedule 8 to the **2014 Order**), on 23 June 2017 and 16 September 2020 respectively. The [first variation](#) extended the period of the licence to 9 years from the date of the 2014 Order coming into force, with the construction and capital dredge activities to be carried out within the first 6 years and maintenance dredging permitted following capital dredging until the expiry of the licence, together with a number of other changes which are not relevant to the proposed material change application. The [second variation](#) further extended the period of the licence to 10 years from the date of the 2014 Order coming into force,

with the construction and capital dredge activities to be carried out within the first 9 years and maintenance dredging permitted following capital dredging until the expiry of the licence.

- A non-material change to the 2014 Order was applied for on 19 September 2018 and the [amending Order for this change](#) was made on 13 May 2021, coming into force the following day. The change moved an area proposed for ecological mitigation (referred to as “Mitigation Area A” in the 2014 Order) to a new site outside the 2014 Order limits, and excluded Mitigation Area A from the 2014 Order limits. The change does not directly impact on the proposed material change, although it has resulted in some plans requiring updates, as detailed in the table below.

Review of information and updates proposed

Information submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
Application form (regulation 5(1))	The application form submitted with the initial application is not relevant to the application for a proposed material change.	n/a
Environmental Statement (regulation 5(2)(a))	<p>A comprehensive scoping exercise for this amendment application has been carried out in relation to the Environmental Statement (ES) submitted with the initial application.</p> <p>The scoping opinion adopted by the Secretary of State in relation to the proposed material change application on 10 March 2021 identifies the chapters of the original ES which are relevant to the proposed material change application and sets out where updates are required.</p>	<p>An updated ES (application document reference TR030006/APP/6) has been prepared reporting on potential new or materially different impacts and effects from those assessed in the ES submitted with the initial application in accordance with the scoping opinion.</p> <p>Cross-references to the original ES are included in the updated ES (UES).</p>

Information submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
	The topics scoped in as relevant to the application are summarised in section 2.4.0 of Chapter 2 of the updated ES (application document reference TR030006/APP/6).	
Scoping Opinion (regulation 5(2)(a))	The scoping opinion adopted in relation to the initial DCO application is relevant to the material change application to the extent that it identified the topics to be included in the initial ES. A further scoping exercise has been carried out to identify which of these topics need to be updated for the material change application.	A scoping opinion in relation to the material change application was adopted by the Secretary of State on 10 March 2021.
Draft Order (regulation 5(2)(b))	The draft Order submitted with the initial application is relevant to the material change application, to the extent that it was made as the Able Marine Energy Park Development Consent Order 2014 , and amended by the Able Marine Energy Park Development Consent (Amendment) Order 2021 and is being amended in order to effect the material change.	A draft amending Order has been submitted with the material change application (application document reference TR030006/APP/4).
Explanatory Memorandum (regulation 5(2)(c))	The explanatory memorandum submitted with the initial application is relevant to the material change application to the extent that the Able Marine Energy	An explanatory memorandum has been submitted with the material change application (application document

Information submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
	Park Order 2014 has now been made, and is being amended in order to effect the material change	reference TR030006/APP/5), explaining the provisions of the draft amending Order
Book of Reference (regulation 5(2)(d))	Not relevant to the application. The material change application is not seeking compulsory acquisition powers.	n/a
Flood Risk Assessment (regulation 5(2)(e))	<p>The following Flood Risk Assessments were submitted with the initial application and are relevant to the assessment of flood risk in the ES for the material change application:</p> <p>Environmental Statement Annex 13.1: Flood Risk Assessment and Drainage Strategy; and</p> <p>Environmental Statement Annex EX13.2: Addendum to AMEP Flood Risk Assessment.¹</p>	<p>The scoping opinion adopted by the Secretary of State on 10 March 2021 provided that the updated assessment of flood risk should identify any alteration to overtopping of flood defences and be conducted using the updated allowances on gov.uk.</p> <p>In accordance with the scoping opinion the overtopping rates contained in the Flood Risk Assessments submitted with the initial application have been updated by Appendix UES13-4 to the UES submitted with the material change application (application document reference TR030006/APP/6A).</p>

¹https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/TR030001/TR030001-001612-OS-003_TR030001_Able%20UK%20Ltd_Supplementary%20Environmental%20Information_File%202%20of%202.zip

Information submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
	<p>These are relevant to the application, and are correct with the exception of the updates to overtopping rates referenced in the column to the right.</p> <p>Other works relating to Flood Risk and Drainage were undertaken with respect to the compensation site on the north bank of the Humber Estuary. These are not considered of relevance to the material amendment.</p>	<p>In addition, a qualitative re-assessment of wave overtopping of the existing flood defences is presented in paragraph 8.4.48 of Chapter 8 of the UES.</p> <p>The Flood Risk Assessments submitted with the initial application are otherwise correct, and are not being revised.</p>
<p>Statutory Nuisance Statement (regulation 5(2)(f))</p>	<p>The Statutory Nuisance Statement submitted with the initial application is relevant to the material change application, and remains correct.</p> <p>The Statutory Nuisance Statement submitted with the initial application concluded that the only matters comprised in Section 79(1) of the 1990 Act which may potentially be engaged as a consequence of the authorised project were air quality, noise and vibration or light. The proposed material change to the DCO would not change the effects in relation to these matters.</p>	<p>No updates required.</p>
<p>Report identifying any European site to which regulation 48 of the</p>	<p>The Habitats Regulations Assessment (HRA) submitted with the initial application is relevant to the material</p>	<p>An updated HRA (application document reference TR030006/APP/7) has been submitted with the</p>

Information submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
Conservation (Natural Habitats, &c.) Regulations 1994 applies, or any Ramsar site, which may be affected by the proposed development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the implications for the site if required by regulation 48(1) (regulation 5(2)(g))	change application to the extent that the updated HRA cross-refers to aspects of the original HRA.	application. This updates the HRA information submitted with the initial application and identifies any potential new or different effects resulting from the proposed material change to the DCO, and provides the information required for the Secretary of State to make an appropriate assessment if required. It also reviews the IROPI case.
Statement of Reasons (regulation 5(2)(h))	No additional compulsory acquisition powers are proposed as part of the material change application, meaning that this is not relevant to the application.	n/a
Funding Statement (regulation 5(2)(h))	As above	n/a
Land Plans (regulation 5(2)(i))	As above	n/a

Information submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
Works Plans (regulation 5(2)(j))	<p>Sheets 7, 8 and 9 of the works plans are relevant to the application. The remaining sheets of the works plans are not relevant to the application.</p> <p>The versions of sheets 8 and 9 of the works plans submitted with the initial application were superseded by those submitted on 23 November 2012 during the examination of the initial application, which were subsequently certified by the Secretary of State.</p> <p>The proposed material change would not require any changes to sheet 7 of the works plans. Sheets 8 and 9 of the works plans have been updated to reflect the revised quay layout.</p>	<p>Sheets 8 and 9 of the works plans have been updated to show the revised quay layout, and to reflect the revised co-ordinates of the berthing pocket and inset berth (application reference TR030006/APP/13).</p>
<p>Plans identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation (regulation 5(2)(k))</p>	<p>The key plan and sheet 5 and sheet 7 of the rights of way plans submitted with the initial application are relevant to the application.</p> <p>The remaining rights of way plans are not relevant to the application.</p>	<p>An updated version of the key plan and sheet 5 showing the revised route of the footpath diversion has been submitted with the material change application (application document TR030006/APP/15).</p>
<p>A plan with accompanying information identifying— (i) any</p>	<p>The ecology plans submitted with the initial application are relevant to this application (key plan). Where</p>	<p>Updated versions of the Ecology Key Plan and Sheet numbers 2, 3, 4, 8 and 9 showing changes to ecological</p>

Information submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
statutory or non-statutory sites or features of nature conservation such as sites of geological or landscape importance; (ii) habitats of protected species, important habitats or other diversity features; and (iii) water bodies in a river basin management plan (regulation 5(2)(l))	required, updates have been made to show changes to ecological features recorded on the MAGIC website since the initial application was submitted.	features have been submitted with this application (application document reference TR030006/APP/14). The other sheets of the ecology plans did not require updating.
An assessment of any effects on such sites, features, habitats or bodies likely to be caused by the proposed development (regulation 5(2)(l))	This assessment was presented in the ES accompanying the initial application. As noted above, a comprehensive scoping exercise has been carried out in relation to the ES, and updates made where required in accordance with the scoping opinion adopted by the Secretary of State on 10 March 2021.	Chapters 10 (Aquatic ecology) and 11 (Ecology and nature conservation) of the updated ES submitted with the application (application document TR030006/APP/6) provide updated assessments of effects on the relevant features, habitats or bodies where required as a result of the proposed material change. An updated Water Framework Directive Assessment (application document TR030006/APP/8) has also been submitted with the application.
A plan with accompanying information identifying any statutory or non-statutory sites or features of the historic environment, including scheduled monuments, World	The Heritage Plans are not relevant as only terrestrial designated heritage assets are identified (key plan). The amended quay design only has the potential to impact marine heritage receptors and this has been assessed in accordance with the scoping opinion	n/a

Information submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
Heritage sites, listed buildings and other historic structures, archaeological sites and registered battlefields, together with an assessment of any effects on such sites, features or structures likely to be caused by the proposed development (regulation 5(2)(m))	adopted by the Secretary of State on 10 March 2021 (Planning Inspectorate website link here).	
An assessment of any effects on such sites, features or structures likely to be caused by the proposed development (regulation 5(2)(m))	This assessment was presented in the ES accompanying the initial application. As noted above, the Heritage Plans only identify terrestrial designated heritage assets and the amended quay design only has the potential to impact marine heritage receptors and this has been assessed in accordance with the scoping opinion adopted by the Secretary of State on 10 March 2021 (Planning Inspectorate website link here).	n/a
A plan with any accompanying information identifying any Crown land (regulation 5(2)(n))	Sheet 5 and sheet 6 of the Crown land plans are relevant to the application and are correct.	No updates required

Information submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
<p>Any other plans, drawings and sections necessary to describe the proposals for which development consent is sought, showing details of design, external appearance, and the preferred layout of buildings or structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking to be provided, and means of landscaping (regulation 5(2)(o))</p>	<p>The plans, drawings and sections which are relevant to the application are identified in Appendix 1.</p>	<p>The plans, drawings and sections which have been updated to reflect the proposed material change are listed in Appendix 1.</p>
<p>Statement setting out why the making of the order is desirable in the interests of— (a) securing the improvement, maintenance or management of the harbour in an efficient and economical manner; or (b) facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships (regulations 5(2)(p) and 6(3))</p>	<p>The regulation 6(3) statement submitted with the initial application has been superseded by the new regulation 6(3) statement submitted with the material change application. This incorporates all those parts of the initial regulations 6(3) statement which remain relevant and correct.</p>	<p>An updated version of the statement has been submitted with the application (application document reference TR030006/APP/12).</p>

Information submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
any other documents considered necessary to support the application (regulation 5(2)(q))	Please see list at Appendix 2	

APPENDIX 1 – OTHER PLANS, DOCUMENTS AND SECTIONS

Document submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
Red line Boundary Shape Files	Relevant and correct.	
Planning Application Drawings		
Site Location Plan	Relevant and correct.	
Development Consent Boundary	Relevant and correct.	
Core Development Areas	The Core Development Areas drawing is relevant to the application and has been updated to reflect the amended quay design.	This has been updated and submitted (document reference AME-02002 (Rev C))
Key Development Statistics 1 of 2	Key Development Statistics 1 of 2 is relevant to the application and has been updated to reflect the updated statistics and quay design.	This has been updated and submitted (document reference AME-02003 (Rev C))

Document submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
Key Development Statistics 2 of 2	Not relevant to the application.	n/a
Existing Ground Levels – AMEP South Bank	Existing Ground Levels – AMEP South Bank 2 is relevant to the application and has been updated.	This has been updated and submitted (document reference AME-02005 (Rev B))
Indicative Masterplan	The Indicative Masterplan is relevant to the application and has been amended to reflect the amended quay line.	Document AME-02006 Indicative Masterplan (Rev G) has been amended to reflect the amended quay line. The updated document number is AME-036-20001 (Rev B).
Indicative Landscaping Plan	The Indicative Landscaping Plan is relevant to the application. It has been updated to reflect the non-material change made by the Able Marine Energy Park Order 2021, and to reflect the revised quay layout.	The Indicative Landscaping Plan has been amended to show new quay layout. The updated document number is AME-036-20002 (Rev B)

Document submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
<u>Building Key Plan</u>	Relevant and has been updated.	The Building Key Plan has been amended to show new quay layout. The updated document number is AME-036-020003 (Rev A)
<u>Maximum Building Dimensions</u>	Relevant and correct.	No updates required
<u>Footpath No. 50 Diversion Section Locations</u>	This document is relevant to the application and has been updated.	Detail A of Document AME-02010 Footpath No.50 Diversion Route Section Locations (Rev D) has been added as part of the material change application. Quay alignment amended. The updated document number is AME-036-20004 (Rev B).
<u>Footpath No.50 Diversion Indicative Sections</u>	This document is relevant to the application and has been revised.	The notes to Document AME-02011 Footpath No.50 Diversion Route Indicative Sections (Rev B) have been amended as part of the material change application. The updated document number is AME-02011 (Rev C).
<u>Surface Water Pumping Station Indicative Layout</u>	Relevant only to the extent that the surface water pumping station is part of the overall project - there is no change to the surface water pumping station as part of the material change application.	No updates required

Document submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
Lighting Column Details 30m and 50m	Relevant only to the extent that the lighting columns are part of the overall project – there is no change as part of the material change application.	No updates required
Surface Water Pumping Station Indicative Elevation	Relevant only to the extent that the surface water pumping station is part of the overall project - there is no change to the surface water pumping station as result of the material change application.	No updates required
Cherry Cobb Sands Compensation Site Existing Ground Levels	Relevant only to the extent that the Cherry Cobb Sands Compensation Site is part of the overall project - there is no change to Cherry Cobb Sands as a result of the material change application.	No updates required
Cherry Cobb Sands Compensation Site General Arrangement	Relevant only to the extent that the Cherry Cobb Sands Compensation Site is part of the overall project -	No updates required

Document submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
	there is no change to Cherry Cobb Sands as a result of the material change application.	
Cherry Cobb Sands Compensation Site Detail and Section	Relevant only to the extent that the Cherry Cobb Sands Compensation Site is part of the overall project - there is no change to Cherry Cobb Sands as a result of the material change application.	No updates required
Old Little Humber Farm Compensation Site: Indicative Layout	Relevant to the application to the extent that the drawing is being withdrawn by the amending DCO.	This drawing was submitted with the initial application in error and is being withdrawn by the amending Order.
Design Drawings		
Quay General Arrangement	The version submitted with the initial application has been superseded.	Drawing AME-036-10001 Quay General Amendment (Rev C) has been submitted as part of the material change application.

Document submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
<u>Indicative Piling Layout</u>	The version submitted with the initial application has been superseded.	Drawing AME-036-10002 Indicative Piling Layout (Rev B) has been submitted as part of the material change application.
<u>Quay Sections 1 of 2</u>	The version submitted with the initial application has been superseded.	Drawing AME-036-10003 Quay Sections 1 of 2 (Rev B) has been submitted as part of the material change application.
<u>Quay Sections 2 of 2</u>	The version submitted with the initial application has been superseded.	Drawing AME-036-10004 Quay Sections 2 of 2 (Rev C) has been submitted as part of the material change application.
<u>Front Wall Elevation</u>	The version submitted with the initial application has been superseded.	Drawing AME-036-10005 Front Wall Elevation (Rev B) has been submitted as part of the material change application.
<u>Northern Return Wall Elevation</u>	The version submitted with the initial application has been superseded.	Drawing AME-036-10006 Northern Return Wall Elevation (Rev B) has been submitted as part of the material change application.
<u>Southern Return Wall Elevation</u>	The version submitted with the initial application has been superseded.	Drawing AME-036-10007 Southern Return Wall Elevation (Rev B) has been submitted as part of the material change application.

Document submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
<u>Concrete Deck General Arrangement</u>	The version submitted with the initial application has been superseded.	Drawing AME-036-10008 Concrete Deck General Arrangement (Rev C) has been submitted as part of the material change application.
<u>Indicative Sequence Plan View 1/3</u>	The version submitted with the initial application has been superseded.	Drawing AME-036-10009 Indicative Sequence Plan View 1/3 (Rev C) has been submitted as part of the material change application.
<u>Indicative Sequence Plan View 2/3</u>	The version submitted with the initial application has been superseded.	Drawing AME-036-10010 Indicative Sequence Plan View 2/3 (Rev C) has been submitted as part of the material change application.
<u>Indicative Sequence Plan View 3/3</u>	The version submitted with the initial application has been superseded.	Drawing AME-036-10011 Indicative Sequence Plan View 3/3 (Rev C) has been submitted as part of the material change application.
<u>Indicative Sequence Cross Section 1/2</u>	The version submitted with the initial application has been superseded.	Drawing AME-036-10012 Indicative Sequence Cross Section 1 of 2 (Rev C) has been submitted as part of the material change application.
<u>Indicative Sequence Cross Section 2/2</u>	The version submitted with the initial application has been superseded.	Drawing AME-036-10013 Indicative Sequence Cross Section 2 of 2 (Rev C) has been submitted as part of the material change application.

Document submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
Proposed Site Facilities and Access 1/2	Relevant to the application to the extent that the drawing is being withdrawn by the amending DCO.	n/a
Proposed Site Facilities and Access 2/2	Relevant to the application to the extent that the drawing is being withdrawn by the amending DCO.	n/a

APPENDIX 2 – OTHER DOCUMENTS SUPPORTING THE APPLICATION (Regulation 5(2)(q))

Document submitted with the initial application	Extent to which it is correct and relevant to the application	Updates to this information
Nationally Significant Infrastructure Project Justification	Not relevant to the application as the Able Marine Energy Park Order 2014 has already been made, and therefore it has been accepted that it is an NSIP.	n/a
Application covering letter	The application covering letter submitted with the initial application has been superseded by the application covering letter submitted with the material change application.	A new covering letter has been submitted with the application (document reference TR030006/APP/2).
IPC Electronic Application Index	Relevant to the application to the extent that it lists the documents which were submitted with the initial application, some of which remain correct and relevant to this application. A new index has been submitted with the material change application listing the new and updated documents submitted.	A new Electronic Application Index has been submitted with the application (document reference TR030006/APP/3)

Schedule of Documents and Plans	Relevant to the application to the extent that it lists the documents which were submitted with the initial application, some of which remain correct and relevant to this application.	No update required. The updated plans and documents submitted with this application are listed in the electronic index (document TR030006/APP/1)
Newspaper Notices	The newspaper notices made for the purpose of the initial application are not relevant to the material change application.	Newspaper notices made for the purpose of the material change application have been included in Appendix C to the consultation report (document reference number TR030006/APP/10).
List of Associated Development	Relevant and correct	No updated required.
Scoping Request	Not relevant to the application	n/a
Consultation Report	The consultation report submitted with the initial application is relevant to the material change application to the extent that the consultation report submitted with the material change application cross-refers to aspects of the original consultation report.	A consultation report has been submitted with the application (application document number TR030006/APP/10), documenting the results of the consultation carried out under Regulation 10.

List of other consents/licences required	Relevant to the application to the extent that these consents and licences are required for the project as a whole.	No updates required. Two instances of the consenting legislation have changed (the Environmental Permitting (England and Wales) Regulations 2016 instead of the 2010 regulations and the Conservation of Habitats and Species Regulations 2017 instead of the 2010 regulations) but the list of consents has not changed.