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STATUTORY INSTRUMENTS

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**2014 No. 2935**

**INFRASTRUCTURE PLANNING  
HARBOURS, DOCKS, PIERS AND FERRIES**

**The Able Marine Energy Park  
Development Consent Order 2014**

*Made - - - - 13th January 2014*

*Laid before Parliament 10th February 2014*

*Coming into force 29th October 2014*

**THE ABLE MARINE ENERGY PARK  
DEVELOPMENT CONSENT ORDER 2014**

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## SCHEDULES

### SCHEDULE 1 — AUTHORISED DEVELOPMENT

#### NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT

1. In the district of North Lincolnshire— Work No. 1—a quay...

#### *ASSOCIATED DEVELOPMENT*

2. In the district of North Lincolnshire— Work No. 2— improvement...
3. In the district of North Lincolnshire and within the Order...
4. In the district of the East Riding of Yorkshire and...

### SCHEDULE 2 — STREETS SUBJECT TO STREET WORKS

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### SCHEDULE 4 — ACCESS TO WORKS

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### SCHEDULE 6 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

### SCHEDULE 7 — TREES SUBJECT TO TREE PRESERVATION ORDERS

### SCHEDULE 8 — DEEMED MARINE LICENCE

#### PART 1 — INTRODUCTORY

#### *Interpretation*

1. (1) In this Schedule:— “the 2009 Act” means the Marine...

#### *Addresses*

2. (1) Unless otherwise advised in writing by the MMO, the...  
PART 2 — LICENSED ACTIVITIES
3. For the purpose of constructing and maintaining the authorised development...

#### *Construction of the quay*

4. (1) The licence holder is permitted to construct the quay...

#### *Temporary dolphins*

5. (1) The licence holder is permitted to construct and remove...

#### *Berthing pocket infill*

6. Following or during the dredging of the berthing pocket, the...

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*Pumping station*

7. (1) The licence holder is permitted to construct a pumping...

*Compensation site creation*

8. The licence holder is permitted to remove a 250 metre...

*Rock armour*

9. The licence holder is permitted to deposit rock armouring to...

*Temporary bog matting*

10. (1) The licence holder is permitted to deposit temporary bog...

*Capital dredging*

11. (1) The licence holder is permitted to carry out capital...

*Maintenance dredging*

12. (1) The licence holder is permitted to carry out maintenance...

PART 3 — ENFORCEMENT

13. Any breach of this Schedule does not constitute a breach...

PART 4 — CONDITIONS

*General conditions*

14. (1) The conditions set out at paragraphs 15 to 69...  
15. (1) No licensed activities are to be carried out until...  
16. No licensed activity is to be carried out until 4...  
17. The MMO must be notified by the licence holder at...  
18. The licence holder must ensure that the MMO District Marine...  
19. The MMO must be notified by the licence holder in...  
20. The licence holder must ensure that a copy of this...  
21. The licence holder must ensure that the names of vessels...  
22. The licence holder must ensure that a copy of this...  
23. Should the licence holder become aware that any of the...

*Project wide conditions*

24. The works must be carried out in accordance with a...  
25. (1) The following dependencies apply to the licensed activities in...  
26. The licence holder must ensure that any coatings and treatments...  
27. (1) The licence holder must only work and access the...  
28. The licence holder must ensure that during the works all...  
29. The licence holder must ensure that any equipment, temporary structures,...  
30. (1) The licence holder must ensure that no waste concrete...  
31. (1) Prior to any works commencing below the level of...  
32. The licence holder must install bunding and storage facilities to...  
33. (1) The licence holder must ensure that any oil, fuel...  
34. The licence holder must ensure that a Notice to Mariners...  
35. The licence holder must ensure that all materials used in...  
36. (1) The licence holder must ensure that a protocol for...

#### *Piling conditions*

37. (1) No operations consisting of piling are to commence until...
38. No operations consisting of piling are to commence until a...
39. (1) No development is to be commenced until an active...
40. No percussive piling is to take place between 7th April...
41. (1) Percussive piling is to be restricted at other times...
42. No percussive piling is to take place before 0600 hours...
43. The maximum diameter of marine piles is to be 2.1...

#### *General dredging and disposal conditions*

44. Conditions 32 to 69 apply to licensed activities consisting of...
45. (1) The licence holder must agree a dredge and disposal...
46. The licence holder must ensure that— (a) as a result...
47. (1) The licence holder must ensure that certified returns of...
48. (1) The licence holder must ensure that dredged material is...
49. Should disposal of material be found to be the cause...

#### *Capital dredging and disposal conditions*

50. The licence holder must ensure that during the course of...
51. The licence holder must undertake regular bathymetric surveys to ensure...
52. (1) The licence holder must ensure that no gravel is...
53. The licence holder must ensure that during the course of...
54. (1) The licence holder must employ methods to minimise resuspension...

#### *Maintenance dredging and disposal conditions*

55. (1) The licence holder must undertake sampling and chemical analysis...
56. The licence holder must ensure that during the course of...
57. (1) The licence holder must monitor disposal site HU080 to...
58. (1) The licence holder must notify the Conservancy Authority of...
59. The berthing pocket must be maintained to no deeper than...
60. (1) The licence holder must employ methods to minimise resuspension...

#### *Placement of rock and gravel materials below mean high water springs*

61. (1) Any rock or gravel material to be placed within...
62. Any rock armour surplus to that specified in paragraph 4(1)(b)...
63. Any rock or gravel surplus to that specified in paragraph...
64. (1) The licence holder must ensure that a full method...
65. The licence holder must ensure that pre-works and post-works trawl...
66. (1) The licence holder must ensure that any vessels used...
67. The licence holder must ensure that sea-going tug or tugs...
68. Subject to paragraph 69, the licence holder must ensure that...
69. Any rock that is misplaced or lost below mean high...

### SCHEDULE 9 — PROTECTIVE PROVISIONS

#### PART 1 — FOR THE PROTECTION OF THE HUMBER CONSERVANCY

#### *Interpretation*

1. In this Part of this Schedule— “authorised works” means any...

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*General*

2. (1) The provisions of this Part of this Schedule, unless...

*Tidal Works: approval of detailed design*

3. (1) Before— (a) submitting any plans and sections for any...  
4. When submitting any document specified in the Table in paragraph...  
5. Any operations for the construction of any tidal work approved...

*Discharges, etc.*

6. (1) The Harbour Authority must not without the consent of...  
7. The Harbour Authority must not, in exercise of the powers...

*Obstruction in river*

8. If any pile, stump or other obstruction to navigation becomes...

*Removal etc. of the Conservancy Authority moorings and buoys*

9. If— (a) by reason of the construction of any tidal...

*Navigational lights, buoys, etc.*

10. In addition to any requirement under articles 26 (lights on...

*Removal of temporary works*

11. On completion of the construction of any part of a...

*Protective action*

12. (1) If any tidal work— (a) is constructed otherwise than...

*Abandoned or decayed works*

13. (1) If any tidal work or any other work of...

*Facilities for navigation*

14. (1) The Harbour Authority must not in the exercise of...

*Survey of riverbed*

15. (1) Before the commencement of construction of the first tidal...

*Sedimentation, etc.: remedial action*

16. (1) This paragraph applies if any part of the river...

*Indemnity*

17. (1) The Harbour Authority is responsible for and must make...

*Entry for survey, etc.*

18. (1) Before exercising the powers conferred by article 22 (authority...

*Statutory functions*

19. (1) Subject to article 4(1) (modification of enactments) and this...

*Operating procedures*

20. Before commencing harbour operations the Harbour Authority must submit to...

*Consideration for dredged material*

21. (1) Subject to any agreement concluded between the Harbour Authority,...

*Removal of wrecks and obstructions, etc.*

22. (1) Before exercising any power under section 252 of the...

*Transfer of benefit of Order*

23. Within 14 days after the date of any transfer or...

*Oil Spillage Plan*

24. The Harbour Authority must consult the harbour master before submitting...

*Disputes*

25. Any dispute arising between the Harbour Authority and the Conservancy...  
PART 2 — FOR THE PROTECTION OF THE ENVIRONMENT AGENCY
26. The following provisions apply for the protection of the Environment...  
27. The authorised development must be carried out in a way...  
28. The requirements set out in the Agency’s Pollution Prevention Guideline...  
29. On completion of the works, all debris and surplus material...  
30. The undertaker must bring the conditions contained in paragraphs 27...  
PART 3 — FOR THE PROTECTION OF THE HIGHWAYS AGENCY
31. For the protection of the Highways Agency, no part of...  
PART 4 — FOR THE PROTECTION OF NETWORK RAIL
32. For the protection of Network Rail, the following provisions, unless...  
33. In this Part of this Schedule— “the engineer” means an...  
34. (1) Where under this Part of this Schedule Network Rail...  
35. (1) The undertaker must not exercise the powers conferred by...  
36. (1) The undertaker, before commencing construction of any specified work,...  
37. (1) Any specified work and any protective works to be...  
38. The undertaker must— (a) at all times afford reasonable facilities...  
39. Network Rail must at all times afford reasonable facilities to...  
40. (1) If any permanent or temporary alterations or additions to...  
41. The undertaker must repay to Network Rail all fees, costs,...  
42. If at any time after the completion of a specified...  
43. Any additional expenses which Network Rail may reasonably and properly...  
44. (1) The undertaker must pay to Network Rail all costs,...  
45. Network Rail, on receipt of a request from the undertaker,...  
46. In the assessment of any sums payable to Network Rail...  
47. The undertaker, no later than 28 days from the date...  
PART 5 — FOR THE PROTECTION OF C.GEN

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- 48. For the protection of C.GEN the following provisions, unless otherwise...
- 49. The undertaker must not in the exercise of the powers...
- 50. The construction and operation of the authorised development must not...

*Rosper Road*

- 51. The undertaker must not in the exercise of the powers...
- 52. The construction and operation of the authorised development must not...
- 53. With the exception of any duty owed by C.GEN to...
- 54. Unless otherwise agreed in writing, any dispute arising between the...
- 55. (1) Subject to sub-paragraphs (2) and (3), if by reason...  
PART 6 — FOR THE PROTECTION OF C.RO
- 56. For the protection of C.RO the following provisions, unless otherwise...
- 57. In this Part of this Schedule— “HST” means the harbour...
- 58. (1) Before— (a) submitting any plans and sections for any...
- 59. Any operations for the construction of any tidal work approved...
- 60. The Harbour Authority must not in the exercise of the...
- 61. The undertaker must pay to C.RO the reasonable costs incurred...
- 62. The undertaker must afford to C.RO such facilities as C.RO...
- 63. The undertaker must provide and maintain on any tidal works...
- 64. After the purpose of any temporary tidal work in or...
- 65. If any tidal work is abandoned or falls into decay...
- 66. (1) The undertaker must not allow vessels associated with the...

*Dredging*

- 67. (1) The undertaker must not dredge in the HST approach...

*Railway*

- 68. The undertaker must not in the exercise of the powers...
- 69. The construction and operation of the authorised development must not...

*Rosper Road*

- 70. The undertaker must not in the exercise of the powers...
- 71. The construction and operation of the authorised development must not...

*Recovery of expenses*

- 72. (1) C.RO may recover from the undertaker any reasonable expenses...
- 73. (1) Subject to sub-paragraphs (2) and (3), if by reason...
- 74. With the exception of any duty owed by C.RO to...
- 75. Unless otherwise agreed in writing, any dispute arising between the...  
PART 7 — FOR THE PROTECTION OF PHILLIPS 66 LIMITED
- 76. In this Part of this Schedule— “P66” means Phillips 66...
- 77. Before commencing any part of the authorised development or the...
- 78. No works comprising any part of the authorised development or...
- 79. Any approval of P66 required under paragraph 78 must not...  
PART 8 — FOR THE PROTECTION OF NATIONAL GRID
- 80. In this Part of this Schedule— “apparatus” means— in the...
- 81. For the protection of National Grid the following provisions, unless...
- 82. (1) Not less than 56 days before commencing the execution...
- 83. Subject to the following provisions of this paragraph, the undertaker...
- 84. (1) Subject to sub-paragraphs (2) and (3), if by reason...



- 85. Nothing in this Part of this Schedule affects the provisions...
- 86. If in consequence of the exercise of any powers under...

*General*

- 87. Any dispute arising between the undertaker and National Grid under...  
PART 9 — FOR THE PROTECTION OF E.ON UK PLC
- 88. In this Part of this Schedule— “the outfall and intake”...
- 89. For the protection of E.ON the following provisions, unless otherwise...
- 90. Before extinguishing any existing rights for E.ON to keep, inspect,...

*The pipelines*

- 91. (1) No stage of the authorised development is to commence...

*General*

- 92. Any dispute arising between the undertaker and E.ON under this...  
PART 10 — FOR THE PROTECTION OF CENTRICA PLC
- 93. For the protection of Centrica the following provisions, unless otherwise...
- 94. In this Part of this Schedule, “the pipelines” means Centrica’s...
- 95. Before extinguishing any existing rights for Centrica to keep, inspect,...

*The pipelines*

- 96. (1) No stage of the authorised development is to commence...
- 97. Before extinguishing any existing rights for Centrica to pass along...

*Power station access road*

- 98. The undertaker must not make use of the power station...

*General*

- 99. Any dispute arising between the undertaker and Centrica under this...  
PART 11 — FOR THE PROTECTION OF ANGLIAN WATER
- 100. (1) For the protection of Anglian Water, the following provisions,...
- 101. The undertaker must not interfere with, build over or near...
- 102. The alteration, extension, removal or re-location of any apparatus must...
- 103. In the situation where, in exercise of the powers conferred...
- 104. Regardless of any provision in this Order or anything shown...
- 105. If in consequence of the exercise of the powers conferred...
- 106. If for any reason or in consequence of the construction...
- 107. The undertaker must only exercise its powers of compulsory acquisition...  
PART 12 — FOR THE PROTECTION OF BETHANY JAYNE LTD
- 108. Before interfering with or extinguishing any existing rights for Bethany Jayne...  
PART 13 — FOR THE PROTECTION OF ROYAL MAIL GROUP LTD
- 109. (1) For the protection of Royal Mail Group Ltd (“Royal...)
- 110. Any dispute arising between the undertaker and Royal Mail Group...  
PART 14 — FOR THE PROTECTION OF ASSOCIATED BRITISH PORTS
- 111. In this Part of this Schedule— “AB Ports” means Associated...
- 112. The provisions of this Part of this Schedule, unless otherwise...
- 113. (1) If— (a) during the construction of a tidal work...
- 114. In exercising the powers conferred by this Order to construct...
- 115. If AB Ports secures access between parcels 03009, 03014 and...

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116. The undertaker, before carrying out any works or exercising the...  
117. (1) The undertaker must pay to ABP Ports all costs,...  
118. Any difference arising between the undertaker and AB Ports under...  
PART 15 — FOR THE PROTECTION OF THE OIL AND PIPELINES  
AGENCY  
119. (1) Unless agreed otherwise in writing between the undertaker and...  
120. Before extinguishing any existing rights for the Oil and Pipelines...

SCHEDULE 10 — LIMITS OF HARBOUR

1. The limits of the harbour are the boundaries of the...

SCHEDULE 11 — REQUIREMENTS

1. In this Schedule—“environmental statement” means the statement submitted under...

*Time limits*

2. The authorised development must be begun within 7 years of...

*Stages of the development*

3. No part of the authorised development is to commence until...

*Cargo restriction*

4. (1) The cargo for which the authorised development is authorised...

*Detailed design approval*

5. Except where the authorised development is carried out in accordance...  
6. The authorised development must be carried out in accordance with...

*Provision of landscaping*

7. No stage of the authorised development, other than tidal works,...

*Implementation and maintenance of landscaping*

8. (1) All landscaping works must be carried out in accordance...

*Trees*

9. No stage of the authorised development, other than tidal works,...

*Highway access*

10. (1) No stage of the authorised development is to commence...

*Public rights of way*

11. (1) No stage of the authorised development is to commence...

*Fencing and other means of enclosure*

12. (1) No stage of the authorised development is to commence...

*Surface water drainage*

13. (1) No stage of the authorised development is to commence...

*Foul water drainage*

14. (1) No stage of the authorised development is to commence...

*River basin management*

15. (1) The authorised development must not commence until a monitoring...

*Contaminated land*

16. (1) No stage of the authorised development is to commence...

*Archaeology*

17. (1) No stage of the authorised development is to commence...

*Listed building*

18. (1) No stage of the authorised development is to commence...

*Environmental management and monitoring plans*

19. (1) The authorised development must not commence until the compensation...  
20. The compensation environmental management and monitoring plan, marine environmental management...

*Programming of Works*

21. (1) The undertaker must not commence construction of the quay...

*Code of construction practice*

22. (1) No stage of the authorised development is to commence...

*Design of roads*

23. (1) No stage of the authorised development consisting of the...

*External lighting*

24. (1) No stage of the authorised development is to commence...

*Construction traffic*

25. (1) No stage of the authorised development is to commence...

*Control of noise during construction*

26. (1) No stage of the authorised development is to commence...

*Control of noise during operation*

27. (1) The authorised development must not be brought into use...

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*Control of emissions*

28. (1) No stage of the authorised development is to commence...

*Travel plan*

29. (1) No stage of the of the authorised development is...

*Traffic management plan*

30. (1) No stage of the of the authorised development is...

*European protected species*

31. (1) No stage of the authorised development is to commence...

*Requirement for consent of Civil Aviation Authority and Ministry of Defence*

32. No stage of the authorised development is to commence until...

*Flood warning and evacuation plan*

33. (1) No building of the authorised development is to be...

*Listed buildings*

34. No stage of the authorised development is to commence until...

*Tall structures*

35. No structure is to be erected over 45 metres in...

*Cooling water intakes and outfalls*

36. (1) No development is to commence until a scheme for...

*Piling*

37. For any piling that is to take place above high...

*Sedimentation*

38. (1) No development is to commence until a scheme for...

39. (1) No development is to commence until a scheme for...

*Contaminants and remediation*

40. (1) Prior to the commencement of the relevant stage of...

41. (1) Prior to carrying out the licensed activity referred to...

*Mitigation site requirements*

42. (1) During the construction and operation of the authorised development,...

*Environment Agency requirements*

43. (1) Following construction of the new flood defence embankment at...

44. (1) No development is to commence until the detailed design...

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*Requirement for written approval*

45. Where under any of the above requirements the approval or...

Explanatory Note