Annex 3 – Letter from MMO to Able UK dated 29 May 2012

Major Infrastructure Projects Team
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BY EMAIL ONLY

29 May 2012

Our ref: DC9172

Dear Richard,

Able Marine Energy Park – examination timetable

On 2 April 2012, the Marine Management Organisation (MMO) provided comments to the Planning Inspectorate on Able UK's application for development consent for the Able Marine Energy Park, made under the Planning Act 2008.

In response to comments made by the MMO and others, Able UK have undertaken to provide additional information in order to address questions and issues raised. During regular meetings you have confirmed that clarification would be made in a series of additional reports. On 18 May 2012 you provided to the Environment Agency the following list of reports currently in preparation.

Report Title	Provider	Date Due to Able	Formally Issued
Badger Bait-Marking Survey	P. Lewns	22/05/2012	29/05/2012
EX. NOTE: Sensitive Months for Birds Using Intertidal	**ERM**	**24/05/2012**	**31/05/2012**
EX. NOTE: Maintenance Dredge Variability	**HRW**	**25/05/2012**	**01/06/2012**
HR Wallingford Long-Term Morphological Change to N of Quay	**HRW**	**25/05/2012**	**01/06/2012**
HR Wallingford Long-Term Morphological Change to S of Quay	**HRW**	**25/05/2012**	**01/06/2012**
EX. NOTE: Bats	ERM	29/05/2012	05/06/2012
GCN Licence Application	AE	29/05/2012	05/06/2012
EX. NOTE: Operational Buffer	**Able**	**29/05/2012**	**05/06/2012**
EX. NOTE: Site Habitat Loss Tabulation	**Able**	**29/05/2012**	**05/06/2012**
Description of Works within DML	**Able**	**01/06/2012**	**08/06/2012**
EX. NOTE: Quantum of Habitat Compensation	**Able**	**01/06/2012**	**08/06/2012**
Supplement to Annex 8.1	**JBA**	**08/06/2012**	**15/06/2012**
EX. NOTE: Impacts of Construction on NKHP	**ERM**	**12/06/2012**	**19/06/2012**
EX. NOTE: Pumping Station	**ERM**	**12/06/2012**	**19/06/2012**
Additional Landscape Masterplan	ERM	15/06/2012	22/06/2012
Corrigenda to Flood Risk Assessment	JBA	15/06/2012	22/06/2012
EX. NOTE: Beneficial Use of Dredge Arisings	**Able**	**15/06/2012**	**22/06/2012**
EX. NOTE: Dredging/Disposal on Aquatic Ecology & Sub-Tidal Losses	**ERM**	**15/06/2012**	**22/06/2012**
EX. NOTE: Further assessment of Breeding Bird Survey	**Able**	**15/06/2012**	**22/06/2012**
EX. NOTE: Re-use of In-Situ Material at CCS	**Able**	**15/06/2012**	**22/06/2012**
Supplementary In-Combination Assessment	**ERM/JBA**	**15/06/2012**	**22/06/2012**
Biotope Report	**Able**	**Received**	
EX. NOTE: Mitigation for Compensation	**Able**	**Received**	
EX. NOTE: N Bank Flood Defence Crest Height	**B&V**	**Received**	

Whilst the MMO has not requested all of the above named reports, many of them will contain information relevant to the marine area and hence are of relevance to the drafting of the deemed marine licence. As such, we have highlighted in bold the reports the MMO would wish to receive. The MMO has not received copies of the *Biotope Report*, *EX. NOTE: Mitigation for Compensation* or *EX. NOTE: N Bank Flood Defence Crest Height* and requests copies of these reports at your earliest convenience.

We understand that you are also preparing an additional report on the design and suitability of the compensation site at Cherry Cobb Sands, which appears to have been omitted from the list. The MMO requests a copy of this report. The MMO also expect to receive a report on the additional site investigations currently being undertaken at Cherry Cobb Sands, containing information on contamination levels in the sediments at the site. We would be grateful if these reports could be added to the list and if you could confirm when these additional reports are due to be circulated.

According to the draft examination timetable circulated by the Planning Inspectorate on 1 May 2012, written representations are due to be submitted to the Planning Inspectorate on 29 June 2012 with further written representations by 27 July 2012. Given the expected date for the additional reports to be issued (some of which are not scheduled for submission until up to a maximum of six working days before representations are required), and the volume of additional material to be supplied, it is unlikely that the MMO will have had sufficient time to undertake a full review of all documents prior to providing our first written representation to the Planning Inspectorate on 29 June 2012. In our advice on 29 June 2012, we intend to provide only brief comments on those areas where we are reviewing or awaiting additional information. Accordingly, this representation may be of limited value to the Planning Inspectorate for those items. Consequently, we do not expect to be able to provide detailed written advice to the Planning Inspectorate on the contents of these reports, or the issues they relate to, until the second round of written representations due on 27 July 2012. We will, of course, continue to engage with you outside of the formal examination process to address these issues through the Statement of Common Ground and re-drafting of the deemed marine licence, where appropriate.

Should you have any questions arising from this letter, please do not hesitate to contact me.

Yours sincerely,

[redacted]

Anna Gerring
Marine Management Organisation

CC Natural England
Environment Agency