

Date: 11 July 2012
Our ref: AMEP Compensation
Your ref: TR030001



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Dear Mr Harris

Able Marine Energy Park
PINS Reference: TR030001

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Natural England has previously expressed its concerns to the Panel about information that remains outstanding on important aspects of the application and which are necessary to enable the Examining Authority to properly assess the application. Of greatest concern to Natural England is the absence of detailed information upon which to assess and advise the Panel on the likely adequacy of compensatory measures.

The Panel will be aware of our advice in relation to the proposed compensation site at Cherry Cobb Sands and the provision of wet grassland at Old Little Humber Farm which are set out in our Relevant Representations (dated 2 April 2012) and in our Written Representations (dated 29 June 2012). In our Written Representations, paragraphs 8.6 to 8.28 inclusive, we confirm our view that despite earlier assurances given to Natural England there are now serious doubts about the ability of Cherry Cobb Sands and that of Old Little Humber Farm to deliver adequate and effective compensation for the loss of the mudflat at Killingholme Marshes.

Natural England is continuing to work with the Applicant to advise on and assist in assessing further design proposals for Cherry Cobb Sands as well as exploring a number of additional/alternative compensation proposals. However, the timescale within which the Applicant is working in order to provide suitably detailed information and for Natural England to assess and offer a considered view on these is now extremely limited.

We have recently (4 July 2012) met with the Applicant and had constructive discussions about further design options for the compensation site at Cherry Cobb Sands and about alternative compensation provisions, however we understand that detailed information and the results of modelling for this will only be available in 2 to 3 weeks. By the time Natural England receive this information it will be at least very close to the revised deadline (3 August 2012) for receipt of

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further written comments. The current timetable provides no realistic opportunity for us to consider the proposals and to advise in writing on whether the compensation measures proposed by the Applicant are likely to be adequate to maintain the coherence of the Natura 2000 Network ahead of the issue specific hearing on compensation on 11 September 2012.

At present it is very conceivable that it will not be possible adequately to address compensatory measures within the time-limited examination process. We invite the Panel to consider with care the implications of this. As a matter of urgency the Applicant must undertake concerted further work on both the scope and detail of its compensation proposals and provide that information to Natural England. It is hoped that the responses to the Examining Authority's second written questions, due on 4 September 2012, may provide an opportunity for Natural England to comment further on detailed proposals.

Ultimately, it falls to the Secretary of State, in the event of IROPI being made out and there being not alternatives available, to confirm that compensatory measures have been secured. In light of the way that the timetable for the provision of information has slipped, there must be real doubts as to whether the Secretary of State will be in a position at the end of this examination process so to decide.

Yours sincerely

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