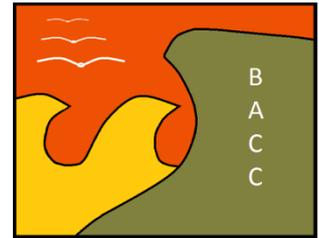


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31 October 2012

Dear Mike

APPLICATION FOR THE PROPOSED ABLE MARINE ENERGY PARK BY ABLE HUMBER PORTS LTD: Ref TRO 30001

I am writing in place of David Hickling who normally corresponds on issues concerning the Able Marine Energy Park and its proposed compensation site at Cherry Cobb Sands. David is away at the moment and therefore for expediency I am acting in his place on this occasion.

We have now had an opportunity to evaluate the additional documentation for AMEP that was posted on the Planning Inspectorate website in the second half of October. It comprises a huge variety of reports and as you will realise this requires a major effort by any of the participants in the examination process to engage further. Our analysis has therefore been highly selective in order to focus on key issues. We have attempted to complete a submission to fit within the timeframe for responses to the recent consultation on the international status of Black-Tailed Godwits because the two issues are clearly linked.

I attach my analysis in which I have formed the view that whilst the new proposals go some way towards resolving previously highlighted problems, the overall package remains flawed in several ways:

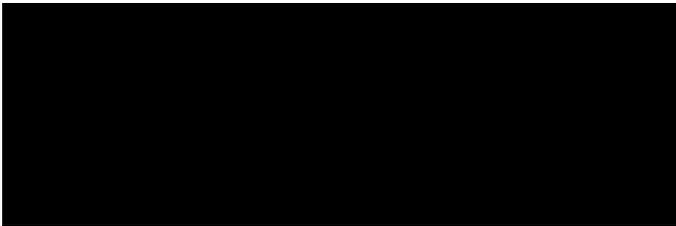
- The documentation remains incomplete with some clearly marked as a draft.
- The approach relies far too heavily on past precedents without recognising the relative difference between this case and other previous port developments.
- The approach assumes that there is no problem with starting compensation at the same time as the reclamation of the Killingholme mudflats. This is inconsistent with guidance issued by the European Commission in 2011 subsequent to previous decisions.
- The critical issue is the population of Black-tailed Godwits and the implications of the proposals for the Favourable Conservation Status of that species and in particular the Icelandic population. The proposals are of a far greater magnitude than experienced elsewhere, so there is a far greater need for certainty that the compensation will work and is working before habitat destruction elsewhere.
- The monitoring package is inadequate bearing in mind experience at Cardiff Bay, which points to rapid responses to habitat loss by species with high levels of site fidelity.

You will also be aware that we have repeatedly raised concerns about contaminated land and the ways in which this issue has been addressed. As far as we can see, the issues raised in report EX31.5A do not seem to have been addressed elsewhere. This report highlights the presence of demolition waste, pharmaceutical waste, rubble, possible asbestos, rebar and wire, and detection of an 'oily latex smell'. Surely there is a need to consider possible removal and disposal to a hazardous waste disposal facility?

This latter issue is one of several that have also been raised in relation to the separate planning application that has been placed before East Riding of Yorkshire Council. You will recall David Hickling's representations at the Local Impacts Reports hearing in Grimsby on 22 October 2012. So far no satisfactory response has been received from ERY Council.

I very much hope that this submission will be accepted because it relates specifically to documents that have been submitted by Able UK as a further iteration of their proposals.

Yours sincerely,



Roger Morris
(for Mr Stephen Kirkwood)