

3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Help line: 0303 444 5000
e-mail: ablemarineenergypark@infrastructure.gsi.gov.uk

Mr Richard Cram
Able Humber Ports Ltd
By email only

Our Ref: TR030001

Date: 1 November 2012

Dear Mr Cram

APPLICATION FOR THE PROPOSED ABLE MARINE ENERGY PARK BY ABLE HUMBER PORTS LTD

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010 – RULE 17 FURTHER INFORMATION

The Examining Authority wishes to ask you for further information under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010.

The Panel would be grateful if you would respond to the following questions:

Update on land acquisition

Please provide details of any further changes in land sought for compulsory acquisition.

Contributions for Cycleways

At the Specific Issue Hearing on Road Transport and Access on 22 October the applicant stated that it was not committed to making a (circa) £150,000 contribution to improving cycle access to the proposed development and its environs, but would keep this under review.

- (a) What arrangements does the applicant propose for carrying out such a review or reviews?
- (b) With whom would the review(s) be carried out?
- (c) Under what criteria would all or part of the funds be released?
- (d) How are these arrangements to be secured?

Development of Travel Plans

Does the applicant intend to reach agreement with local authorities and other appropriate parties on the main components of the framework travel plans and the means by which they will be enforced before the end of the examination?

Environmental Monitoring and Management Plans (EMMPs)

(a) What if any guidance on the production of EMMPs has been drawn on in the drafting of the EMPP reports for the AMEP project?

(b) In drawing up the EMMP reports for the AMEP project, what regard has been had to existing EMMPs produced in relation to port and harbour developments in the Humber Estuary and what if any lessons have been learnt from the operation of such EMMPs?

(c) The European Commission services document of January 2011 "Guidelines on the implementation of the Birds and Habitats Directives in estuaries and coastal zones with particular attention to port development and dredging" includes the following as one of two "Guidelines for adaptive management":

In case of any remaining scientific uncertainty with regard to the effects of mitigation or compensatory measures, the measures must include a pre-defined and validated scheme to monitor the actual impacts and a framework, such as a Natura 2000 management plan, integral plan or a programme of measures, to adapt mitigation and compensation measures to the actual impacts.

In what ways if any will the EMMPs being produced for the AMEP project incorporate aspects of adaptive management and reflect this advice?

(d) The three documents (EX10.9, EX11.32 and EX28.3 Part 7) are all designated 'draft reports'. Would the applicant confirm or clarify –

- (i) what is the timetable for the production of the final monitoring and management plans;
- (ii) what process is proposed for the final agreement and adoption of the EMMPs;
- (iii) what mechanism is proposed to ensure the adoption and implementation of the EMMPs before works commence;
- (iv) what risk review and risk management measures will be adopted and applied in the final EMMPs;
- (v) how the objectives of the EMMPs will be set, whether and how the EMMPs will be cross-referred to any Appropriate Assessment made by the Secretary of State, and whether and how the EMMPs objectives might be related to the protecting the integrity of the Humber Estuary European Sites;
- (vi) whether the Environmental Steering Committee is to be advisory (EX28.3 part 7, paragraph 76) or executive (paragraphs 140-141); if advisory, where final executive responsibility will lie;
- (vii) how specific actions will be identified and implemented if and when desired outcomes are not achieved (e.g. EX 11.32, paragraph 82, the grazing regime);
- (viii) the intended lifespan of the EMMPs and the provision and mechanisms, if any, for rolling them forward;
- (ix) the provisions for updating the EMMPs, and specifically with regard to the progress on habitat creation and monitoring of effects on individual species;
- (x) how the baseline situation against which monitoring would be carried out will be established and agreed;
- (xi) what provision might be made for calling for and commissioning further baseline surveys if these became necessary;
- (xii) how specific instructions to contractors or construction workers are to be expressed;
- (xiii) what the reporting mechanism for each EMMP will be?

Management of the Regulated Tidal Exchange scheme

(a) What active management regime is proposed to monitor, calibrate and if necessary

adjust the operation of the sluice gates?

(b) How often will it be necessary to operate the sluice gates (para 4.6.20 *et seq* of EX28.3 Part 3)?

New channel to Cherry Cobb Sands

(a) How critical is the design of the new channel through the salt-marsh to the proposed breach site?

(b) Is it the intention that all water egress from the RTE should use this channel?

(c) Will the channel be subject to maintenance dredging?

(d) How will possible interaction with Stone Creek be monitored and managed?

North Killingholme Marsh Foreshore

Paragraph 1.2.1 of the Non-Technical Summary of the Final Compensation Proposals (EX 28.3), amplified in Section 1.4 of EX28.3 Part 2, states that since the construction of the Humber International Terminal (HIT) the trend of erosion at North Killingholme Marsh Foreshore has been reversed, to the extent of a 3.5m rise in the foreshore level over a ten-year period.

Accepting the uncertainty associated with this 'dynamic foreshore', if the AMEP quay development were not to proceed, what is the best estimate as to how much of the current inter-tidal mudflat in the quay site would be likely to become salt marsh, and over what period?

The Panel would be grateful if it could receive this information by Thursday 8 November; you should address your response to the Case Manager (Kath Haddrell) at the above address/email.

Yours sincerely

Robert Upton

Robert Upton
Lead member of the Panel of Examining Inspectors