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The Planning Inspectorate
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Your Ref: TR030001
Our Ref: RC.LH.A.L12-0591
Date: 1st November 2012

For the attention of Mike Harris

Dear Sir

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

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

Thank you for your letter dated 22 October 2012 requesting further information regarding two matters. We provide the following responses:-

Question 1

Within our comments on the Written Representations, which we submitted on 3 August, is Appendix WR21.1, '*Managed Realignment & Regulated Tidal Exchange: Humber Estuary Scenario Briefing Report*'. This is the report that is being referred to in EX28.3: Part3, paragraph 1.3.1.

Question 2

BACKGROUND AND ISSUES RELATED TO LANDWARD RE-ALIGNMENT OF FOOTPATH FP6

As part of the development of the compensation package for the Able Marine Energy Park (AMEP), it will be necessary to re-align the existing public footpath (FP6). It will be re-aligned around the northern and eastern edges of the new intertidal compensation site. It will also run parallel to the western edge of the new wet grassland fields, which lie to the east of the Cherry Cobb Sands (CCS) Road. The grassland fields incorporate a roost site that is designed to be used by shorebirds from the Humber Estuary Special Protection Area (SPA), in particular Black tailed Godwit.

There is considerable evidence that human disturbance (particularly linked with the presence of dogs) can affect bird populations¹. Human disturbance has been suggested as a possible reason why numbers of birds using the managed re-alignment site at Paull Holme Strays (PHS) have declined. A public footpath at PHS passes close to the intertidal mudflats (*ie* within 50 m) and, importantly, being on an embankment approximately 3 – 4 m high, is also raised above the mudflats with no screening of the birds from walkers (see *Figure 1*).



Figure1: Existing Footpath at Paull Holme Strays



THE RE-ALIGNMENT OF PUBLIC FOOTPATH FP6 AT CHERRY COBB SANDS

The re-aligned footpath will run along the base of the northern and eastern edges of the new embankment for the intertidal compensation site at CCS (see *Figure 28.1* of the Environmental Statement (ES)). It will be at the existing ground level (approximately 2.5 m Above Ordnance Datum (AOD), which is approximately 0.4 - 0.5 m below the existing level of the CCS Road (typically 2.9 - 3.0 m AOD). This lower level contributes to the screening for the birds.

The screening height will be increased further due to the embankment which will run along the western edge of the wet grassland site. The embankment will be approximately 3.3 m AOD at its peak, adding a further 0.3 m of screening to that described above and giving a screening height of approximately 0.8 m (see *Figure 3, Indicative Layout* in EX28.3: Part 4, and cross sections attached). If monitoring indicates a need, then low level planting will be undertaken on the western embankment of the wet grassland site to provide additional screening for birds.

In addition to this screening the footpath is also physically separated from the wet grassland site by a distance of just over 20 m, as it lies approximately 8.5 m west of the base of the embankment (across the CCS Road and the CCS Drain - see Rights of Way Plan No.'s 9 to 12 submitted with the application) and the embankment which is 12 m wide. The size of the CCS Drain and its depth make it a significant barrier even for a dog to readily cross (see *Figure 2*).

Figure 2 Cherry Cobb Sands Drain



A soke dyke will be excavated between the footpath and the new embankment to discourage walkers from climbing on the embankments of the new intertidal compensation site. Existing gate access from the CCS Road will be removed (as they will be redundant) during the creation of the embankments and hence the only access onto the embankments will be at the newly created points which allow visitors to reach the bird viewing facilities. Fencing will be used to control visitor access at these points, and localised scrub planting will be used to prevent visitors accessing other parts of the embankments. These measures will prevent people appearing at the top of the embankments, and so avoid disturbance to birds both on the intertidal compensation site and on the wet grassland across the CCS Road to the east.

Taken together (*ie* the use of low lying ground rather than elevated ground for the diverted footpath; the physical barriers to walkers and their dogs that prevent non-compliance with the designated route; and the creation of a low bund) all of these features will help reduce the risk of disturbance to birds from people.

Concealed viewing facilities are proposed along the northern and eastern sides of the RTE site. The details of the viewing facilities will be agreed with NE, but are likely to comprise large screened areas with a roof, benches and viewing slots. The viewing facilities on the eastern side will allow views to both the east and west (*ie* across the intertidal habitat and the wet grassland). Whilst affording good views, the viewing facilities will be distant enough from key areas used by the birds to reduce the risk of disturbance to them.

The visitor car park will be located at the northern end of the wet grassland and be sufficiently distant from the areas used by the birds to avoid significant disturbance. Information about the birds which could be expected to occur and accompanying messages re-enforcing positive

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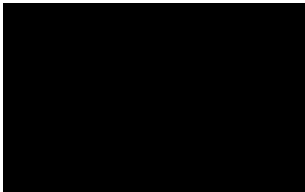
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SUMMARY

Features incorporated into the design of the wet grassland site and of the diverted footpath (including natural barriers to trespassing), together with the remote location of the visitor car park, minimise any risk of significant disturbance to birds and to other wildlife from walkers and their dogs. Additional mitigation in the form of low level screen planting could be added along Cherry Cobb Sands Road if a need is identified. The footpath diversion proposed in the application therefore remains the most appropriate option.

The approach to visitor management will be agreed with Natural England and incorporated into the EMMP for the Compensation site.

Yours faithfully



RICHARD CRAM
Design Manager

Encl: NABL104_Figure3 Site Plan N2_261012
NABL104_Figure4 Cross Sections N2_261012