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Our ref: RMB/JAL/LEG 01-13/010/Able MEP

Your ref: TR030001



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Dear Mr Harris

Able Marine Energy Park
PINS Reference: TR030001
Natural England Unique Reference Number: 10015549

I refer to the Panel's letter of 23 October containing a Rule 17 request for further information. Natural England's response is as follows:

Natural England reiterates its comments in response to question 17 of the Panel's second round questions drawing on the references that are referred to in our response. We would emphasise that wintering birds in Great Britain are of the *islandica* subspecies (whereas nominate *limosa* predominantly winter in Africa). In this respect, the statement in the 2007-2009 European Management Plan for Black-tailed Godwit that in Great Britain and Ireland threats to non-breeding birds are "acute" as the species is especially concentrated at relatively few sites is a relevant matter for the Panel to consider.

The important point is that Black-tailed Godwit are concentrated at only a few sites, that makes a species more vulnerable, for example, to the effects of habitat loss. While the statement adds that due to the concentration of birds in a few sites conservation measures are also "relatively simpler to implement", the case before the Panel does not concern "conservation measures" but habitat loss from development (mitigation and compensation are not conservation measures).

In fact, as demonstrated by this case, compensation measures are relatively difficult. The evidence submitted so far as part of the Examination has shown that it is uncertain what makes North Killingholme so important for Black-tailed godwits; the area of mudflat that would be lost would qualify as an SPA in its own right. Compensation must provide the same ecological function as the area lost. The importance of the existing mudflat therefore enhances the risk that the compensatory measures will not deliver equivalent functional habitat. This is accepted by the Applicant and is one of the reasons why it is proposing to provide a greater area of habitat than is being lost.

AEWA's *International Single Species Action Plan for the Conservation of the Black-tailed Godwit* (September 2008) referred to in the Panel's letter is relevant to the considerations in this case, though it contains little specific detail. With regard to statements made therein about the global status of Black-tailed Godwits, it is important to bear in mind that whilst the subspecies *islandica* is not globally threatened, the population at Killingholme is of international importance in its own right.

Yours sincerely


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For and on behalf of Natural England

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