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PINS RECEIVED

26 OCT 2012

NID

25th October 2012

Dear Mike

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

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

Further to the panel's letter of 23 October concerning reports on the status of Black-tailed Godwits, I attach a brief analysis from our specialist advisor Roger Morris. This has been undertaken at short notice as your deadline for responses clashes with commitments both Roger and I have in relation to other projects. It is therefore necessarily short and we expect that additional detail may emerge from other participants in the process.

The key points arising from Roger's analysis are:

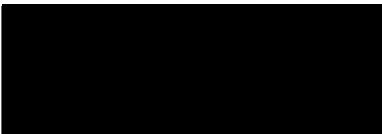
1. The reports reinforce the importance of the Humber Estuary for Black-tailed Godwits and the significance of the AMEP project in relation to maintaining Black-tailed Godwit populations at Favourable Conservation Status.
2. This further emphasises the levels of risk that will arise should the consent be granted.
3. The risk involved is such that this project differs from other port developments and consequently any past precedents should be ignored.
4. The package of measures, as it currently stands, places the UK Government in a dangerous place. Unless sufficient time elapses between compensatory measures being put in place and the loss of the mudflats at Killingholme, there cannot be any certainty that the provisions of Article 6(4) of the Habitats Directive will have been met.
5. It is possible that experience of impacts on Redshank at Cardiff Bay will have a very strong bearing on the confidence that can be placed on the likely efficacy of compensatory measures for the AMEP project. At Cardiff Bay, it was shown that species with high levels of local site fidelity could not readily move to new areas and lost condition, with longer-term negative consequences for the flock in question.
6. In its current state, the AMEP proposal is not compliant with the requirements of the Habitats Directive and should be refused.

The need to provide exceptionally rapid feedback to this consultation has also emphasised a growing concern that private individuals cannot engage effectively in the inquiry process.

My client has limited funds and his advisors are providing services below commercial rates. The demands on his funds and on the ability to engage are very worrying given that applicants would normally be expected to have resolved the major technicalities within the Environmental Statement before submitting an application.

We therefore find ourselves working to an uncertain timetable in response to regular inputs of new information, and this concern clearly raises questions about the process itself,

Yours sincerely,

A solid black rectangular box used to redact the signature of David Hickling.

David Hickling
(for Mr Stephen Kirkwood)