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Our Ref: TR030001

Date: 7 September 2012

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Dear Sir/Madam

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

**SPECIFIC ISSUE HEARINGS – 11 TO 14 SEPTEMBER 2012**

The Panel wrote to you on 3 September 2012 (attached below) providing you with agendas for the hearings to be held during the week commencing 10 September 2012.

Unfortunately the letter contained a clerical error and did not confirm that Associated British Ports (and those representing them) wish to speak and question other parties at these hearings. If any other Interested Parties wish to speak or question other parties please advise us (in advance or at the start of the hearing) and requests will be considered.

Please accept our apologies for this oversight and treat this letter as a correction and addition to the original letter.

If you have any queries arising from this letter please contact us via the above address.

Yours

*Mike Harris*

**Mike Harris**  
**Case Manager**

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.

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

**SPECIFIC ISSUE HEARINGS – 11 TO 14 SEPTEMBER 2012**

As notified in my letter of 15 August 2012, the Panel will hold Specific Issue Hearings on 11, 12, 13 and 14 September at the Humber Royal Hotel, Grimsby. Registration will commence at 0930 with each hearing commencing at 1000. Parties intending to participate should be present from the start of each hearing.

At each of these hearings the Panel will address the topics set out in this letter. After the Panel has asked its own questions there will be an opportunity for those parties who have notified the Panel of their wish to ask questions of other parties to do so. Parties should assume that they or their expert witnesses will be allowed a maximum of fifteen minutes on any one topic for this purpose.

There will be a brief Introduction to the Hearings at 1000 on Tuesday 11 September, chaired by me, to deal with general procedural points. Agendas for each of the hearings can be found in the attached annex.

If any parties have not yet confirmed who will be attending the hearings, both on their behalf and as witnesses, then this should be provided as soon as possible, marked for the attention of Mike Harris (Case Manager) at the above address.

Yours faithfully

*Robert Upton*

**Lead member of the Panel of Examining Inspectors**

## ANNEX – SPECIFIC ISSUE HEARING AGENDAS

### Specific Issue Hearing – compensation site, main site and associated HRA matters – 11 and 12 September (Chair: Simon Gibbs)

Parties who have notified the Panel of their wish to ask questions of other parties:

*Natural England, RSPB*

The hearings on 11 and 12 September will cover the same thematic areas, with particular reference where appropriate to the proposed compensation site on 11 September and the main development site on 12 September.

Participants should make themselves acquainted with the following recently produced documents:

- (a) Department for Environment, Food and Rural Affairs: Habitats Directive: [DRAFT] guidance on the application of article 6(4): Alternative solutions, imperative reasons of overriding public interest (IROPI) and compensatory measures August 2012 [<http://www.defra.gov.uk/consult/files/habitats-directive-iropi-draft-guidance-20120807.pdf>]
- (b) Proposed Able Marine Energy Park: Statement of Common Ground on Shadow Habitats Regulations Assessment between Able Humber Ports Ltd (the Applicant) and the Marine Management Organisation, and Natural England - Final Version, dated 24 August 2012
- (c) The Panel's Second Round Questions Q1 to Q28, inclusive. At the session, the Panel will draw attention to all the responses received in response to these questions. [[http://infrastructure.planningportal.gov.uk/wp-content/ipc/uploads/projects/TR030001/2.%20Post-Submission/Procedural%20Decisions/120817\\_TR030001\\_Second%20Round%20Questions.doc.pdf](http://infrastructure.planningportal.gov.uk/wp-content/ipc/uploads/projects/TR030001/2.%20Post-Submission/Procedural%20Decisions/120817_TR030001_Second%20Round%20Questions.doc.pdf)]

#### *Topics to be covered in main site/compensation site HRA hearings*

1 Application of the IROPI test, including assessment of consideration given to alternative solutions. Parties are advised that the applicant's up to date position on this subject as given in Paragraph 4.6.1 of the SoCG on HRA is as follows:

"AHPL has considered alternatives both in terms of location and design and these have been presented in Chapter 7 of the shadow HRA which was submitted with the application in December 2011. The reasons why AHPL consider that the AMEP proposals constitute IROPI are set out in Chapter 8 of the shadow HRA."

2 Conservation Objectives for the Humber Estuary European sites, including relevance and implications of RSS Policy HE1 - development of an integrated approach to habitat management

3 Potential effects from AMEP on the European Designations of the Humber Estuary, including the significance of Likely Effects on the SAC (SoCG Table 3.2) and on the SPA (SoCG Table 3.3)

4 In-combination effects

5 On site mitigation, scope of action envisaged as embedded mitigation measures which form part of the project design and as additional measures. Effectiveness of Strategy

6 Compensation Strategy:

(a) Cherry Cobb Sands proposals, including proposals for regulated tidal exchange (RTE);

(b) roosting sites for waders, notably black-tailed godwit

7 Ecological Management and Monitoring Plan (EMMP)

8 Any other matters relating to the Habitat Regulations.

**Specific Issue hearing – marine issues – 13 September** (Chair: Peter Widd)

Parties who have notified the Panel of their wish to ask questions of other parties:

*The Applicant, Harbour Master (Humber), C.RO*

1 The hydrodynamic and sedimentary regime in the Humber

2 Impact on other facilities, including development plans for the Port of Immingham

3 Dredging and disposal issues

4 Navigation

**Specific Issue Hearing – land access and transport – 14 September** (Chair: Robert Upton)

Parties who have notified the Panel of their wish to ask questions of other parties:

*The Applicant*

1 Network Rail's freight development strategy for the north-east Lincolnshire area

2 The possible Killingholme Loop and its requirements

3 The proposed ABP head-shunt and its requirements

4 ORR's safety regime requirements for any Network Rail line through private ports or port-related activity.