

J Kirkwood.

I have many concerns regarding this application as it applies to the compensation site. It feels to me that I am being mugged. This scheme was being discussed by Able and the statutory bodies including my landlords for around 2 years before anyone saw fit to have the decency to let me know. Obviously as it could mean the loss to me and my business of up to 250 acres a quarter of my farm, it would have a devastating effect on my business, my family and my workforce and myself. My Landlord the Crown estates will not talk to me about the subject other than to say nothing has been decided so there is no reason to discuss the subject which is neither courteous or helpful. Thus as I don't know if the scheme will progress, how much land I could lose, what or if any compensation I could expect I am left in limbo

I have to say that when I first heard our land was desired it seemed very convenient that only Crown land had been assessed. This is in effect the only way I could be removed and my sons succession lost and my Landlords gain the chance to sell the land. Not only that but quite coincidentally they will be able to sell part of the river bed for the development and also pass their responsibility for the maintenance of the river bank to some one else. According to Habitat directives the search should have been for the most suitable land to create the desired habitat not restricted to one which was easily available. For instance the site chosen for the proposed development is in a dynamic part of the river, adjacent the deep water channel which provides the conditions that result in that particular habitat so it appears nonsensical to choose a nondynamic accreting area as its replacement. There where areas available near the deep water but the sites were rejected on spurious grounds.

I note that in the second draft the alternative site search included other areas than Crown land but it was not thought worthwhile to examine them in any detail. Perhaps Google earth was offline that day.

I soon learned that this application was full of assumptions and not very well put together. There was casual mention of up to a million tons of soil to possibly be moved. No proper site survey work done, and a disregard for the information passed on that there were possibly several contaminated sites in the area. At this stage even the levels were taken from google maps and assumptions made about inundation timings and levels.

Indeed B and V say in the

Preliminary Identification of Alternative Sites for Habitat Compensation

3.8.3 With a ground level of 3.0mAOD, which is only 0.4m below MHWS level at Immingham, there is a significant risk that the site will not develop as mudflat, but as saltmarsh. If that is unacceptable to Natural England, the level of the site will need to be reduced over the entire area to ensure mudflat development. We have assumed for the purpose of estimating quantities that the average ground level of the site will need to be reduced to 1.9mAOD, or lowered by an average of 1.1m over the whole site. If we assume material from within the site can be used to construct the embankment, the remainder will need to be taken outside the site for use in other parts of the development or disposed of. Table 3 indicates the typical

volume of material to be taken from the site in order to reduce ground levels, the amount required for embankment construction and the amount to be removed from the site. The amount requiring removal dominates for all sites if the average site ground level is 3mAOD.

This equates to approx 1 million tonnes

Where is this mentioned in the IAR from East riding council or are they not aware of it? Or have the goal posts moved again? I have to admit I have great difficulty keeping up with it all!!

I was totally amazed that the application was accepted by the IPC when it was pretty obvious that it was far from comprehensive. How could it be accepted when much of the surveying work was yet to be done? Indeed results are not yet available. There has recently been a complete redesign which illustrates the design should not have been submitted. This remains an area which may need examining further.

I am particularly concerned by the second round of questions and the answers we received from Able to the particular questions we put. I do not feel the replies were in any way acceptable. For instance our question as to why Dr Keillor had been forbidden to talk to me was dismissed by Able as untrue. I did indeed speak to him on the day of the drop in centre at Keyingham but he has said to my neighbour twice since then he was not allowed to talk to me again. Also David Shepherd from Able told my neighbour that the Crown had told Able not to talk to the tenants.

I understand we are not to be given an opportunity to quiz Able on these replies which seems unreasonable as they have had several years to put this all together.

The way the site investigation was carried out was also cavalier. Obviously when our landlords gave permission for these investigations to be carried out to a depth of several metres we were concerned that our land drains would be damaged. The surveyors asked for a copy of our drainage plans and said they would avoid our drains. A day or so later a neighbour handed me a folder he had found. It contained among other things, our drainage plans. When I asked the foreman about how he knew where the drains were he said they had the plans and were using them to guide them away from the drains. They had no GPS and no plans.

The history of sunk island and cherry cobb sands in particular show us that this land was reclaimed from the river mainly because as the mud accreted and salt marsh increased there was a problem draining the south Holderness valleys. New outlets into the river were needed and the new summer grazing land which had naturally formed were then warped, which is a process of allowing sediment laden water in and retaining it until the sediment is deposited on the bed, the clearer water let out and eventually over a short time especially on saltmarsh, the level of the land increases.

This method is almost identical to the one proposed by Able and in expert opinion will lead to the same result (Roger Morris)

There remains much that concerns me, such as assumptions that accretion rates would be similar to Paullholme strays which is sited adjacent a dynamic part of the river. The fact that agreement has been reached with local drainage boards and then plans substantially changed, that these changes should, in the opinion of some, necessitate a

new consultation period. It is unreasonable that so much information is still unavailable as we are nearing the end of the inquiry.

And at the end of it all, possibly the crux of the matter is the reason for a compensation site. The habitats directive seems to me to say that if a particular habitat is lost then it must be replaced with near identical habitat. There are several reports stating that salt marsh is certain to ensue, in fact the head of operations for Able is quoted in the press as saying the area will turn to saltmarsh. Even the people who live nearby and have watched the accretion over the last 15 years of around 2 feet know what will happen. Not that anyone ever asked them! The developers ignore this citing a lack of records to compare too.

In the application the applicants try to suggest that salt marsh is a valued habitat and is in short supply in the estuary. This is possibly the case, but is totally irrelevant here. It is not what the HD states. Saltmarsh will not help the Black tailed Godwits who reside on the intertidal mudflats where Able propose to build their new dock. This very rare and valued specie have found a habitat that allows them to flourish and I believe the Humber has the fastest growing population of BTG'S In Britain. 66% of them can be found on the endangered site. I believe the RSPB share my view.

Black and Veatch now accept their original scheme was not going to provide the desired habitat and have now at the last minute so to speak decided to substantially alter their plans for inundation by proposing a regulated tidal exchange.

There is a lot of doubt whether this will work much better and indeed some evidence it will turn the proposed inter tidal mudflat into salt marsh even quicker in the same way that warping did all those years ago.

As I understand it the European court expects that there should be little or no doubt that a scheme will produce what is designed to do. Expert opinion believes there is little or no doubt the scheme will fail to produce the required habitat. Whose view will they agree with.

In conclusion I believe the planning process to be deeply flawed and the habitat regulations in danger of being flouted. Emails and meeting minutes show that right from the start there where discussion between NE and Able about the HD and how it could be *adapted!*

Stephen Kirkwood

5/11/12

Kate Mignano

From: s kirkwood [REDACTED]
Sent: 06 September 2012 17:16
To: Able Marine Energy Park
Subject: Fwd: Re: Meeting Hedon re AMEP
Follow Up Flag: Follow up
Flag Status: Red

----- Original Message -----

Subject: Re: Meeting Hedon re AMEP
Date: Thu, 06 Sep 2012 17:10:45 +0100
From: s kirkwood [REDACTED]
To: Mike Harris <Mike.Harris@infrastructure.gsi.gov.uk>

Dear Mike

Yesterday at the Hedon hearing I quoted a possible 1000,000 tons to be moved

This was questioned by the panel so I enclose a copy and paste of the document provided by Able

Table 4 - Effect of Ground Level on Material Quantities for Site B

Average volume Ground (1000 m3) level (mOD)	Volume requiring	Reduction in ground disposal level (m)	Volume to Embankment reduce ground (1000m3) level (1000 m3)
3.5		1.6	1600 140.1460
3.0		1.1	1100
179			921
2.5		0.6	600
223			377

I realise this was a preliminary report but as far as I am aware there has been no final figure issued

Yours sincerely
 Stephen Kirkwood