

PINS reference TR30001: Able Marine Energy Park

Written representations on behalf of Mr Stephen Kirkwood reflecting submissions made to the Issue Specific Hearing held at Royal Humber Hotel, Grimsby on Tuesday 11<sup>th</sup> September 2012

David Hickling, of Hickling-Gray Associates, (representing Stephen Kirkwood, tenant farmer of the compensation site) re-iterated the concerns regarding process raised by the previous contributor, Mr Robert McCracken, on behalf of Associated British Ports, specifically mentioning the need for a new 'red line' area if additional land is to be included in the "application" site.

The absence of survey data in the current / amended submissions was also mentioned (including data relating to contaminated land), and the need to think about cut and fill.

DH expressed the opinion that if this was a normal planning application it would have to be withdrawn and re-submitted with the necessary information provided - together with a fully revised Environmental Statement.

DH posed the question whether the relevant Regulations (including the Habitats Regulations) have been complied with.

Roger Morris, of Bright Angel Coastal Consultants Ltd, (also representing Mr Stephen Kirkwood) reflected upon past practice: The absence of a compensation, mitigation and monitoring agreement means that this case differs substantially from other major port developments. It bears certain resemblances to Dibden Bay where ABP were still working on their package during the Public Inquiry.

RM drew attention to the need to treat each case separately and not to draw conclusions from other cases. He corrected the interpretation of the Bristol consent; pointing out that the compensation in that case was primarily related to a temporary loss of functionality on adjacent mudflats. The changes involved rapid sedimentation and temporary development of mud that was unsuitable for feeding birds. RM also highlighted that the area of direct loss in the Bristol case supported relatively few birds and was therefore not analogous to Killingholme.

RM drew attention to the fact that the compensatory measures in the present case are still under development and as such they offer no certainty of success. The way RTE can be expected to evolve will lead to de-watering and consolidation that will produce sediment

that will be less suited to infauna. In addition to the negative impacts of high summer temperatures (noted by the RSPB), there would also be risks of freezing, which has a significant impact on infauna.

On questioning from the Panel, RM was highly sceptical that the Regulated Tidal Exchange would work and felt that it would not offer a long-term solution to offsetting loss of habitat for Black-tailed Godwit.

The Panel was interested in the degree to which the Killingholme site had changed during RM's memory, and in response he made the point that he had known it since 1994 and that the frontage in question had not changed substantially, although the area adjacent to ABP's Humber International Terminal was changing towards saltmarsh.

RM emphasised the remarkable change in the numbers of Godwits from the time he was responsible for designating North Killingholme Haven Pits in the mid-1990s when the population was fewer than 100 birds (but still of national importance at the time) through to seeing 1200 Godwits on a visit with Dr Chris Gibson of Natural England, around 5-6 years ago.

RM was also asked about coastal squeeze and its effects, and in this respect he drew attention to loss of lower inter-tidal habitat as sea levels rise, and loss of upper inter-tidal areas as foreshores lower and exposed consolidated sediments. He pointed to existing evidence of coastal squeeze comprising the absence of saltmarsh and lowering of mudflats to expose the toe of the sea wall and underlying consolidated sediments.