



nature's voice

Robert Upton  
Lead member of the Panel of Examining Inspectors  
The Planning Inspectorate  
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26 September 2012

Dear Mr Upton

**Re Able Marine Energy Park - Planning Inspectorate Ref: TR030001. The RSPB Registration Identification Ref – 10015550. Notification of New Hearings and Change to Examination Timetable**

In reply to your letter dated 21 September received at 4pm via email, stating that further dates have now been inserted into the examination timetable and other dates have been moved we wish to make the following points:

- (1) It would have been beneficial if there had been some consultation on the proposed changes and new dates particularly considering that November had previously been clear of any deadlines or hearings. However having checked our experts and barrister's availability I can confirm that they are available at the new times now required, except for one date. Please can we request that the agenda for the two day issue specific hearing on the Marine Licence and the DCO, be set so that the Marine Licence is considered on the first day (21 November) and the DCO is considered on the second day (22 November) since our barrister is not available on 21 November?
- (2) We have noted that the Examining Authority has not set out the timetable leading up to those issue specific hearing dates, namely:
  - a. the date for submission by the Applicant of the further proposals, an environmental statement of them including any information required for an appropriate assessment and the proposed Compensation Environmental Management and Monitoring Plan to accompany these new proposals; and
  - b. the time for written representations on them by the RSPB and others;
  - c. the time for issuing and then answering the Examining Authority questions on the new proposals.

We consider that it is inappropriate: (1) to set the end point of the timetable without the steps required to achieve that end date being set out; and (2) for the written stages to be truncated or completed bypassed with only very short oral sessions provided. The process is required to be substantially in writing. The short issue specific hearings are meant to come at the end of the written process and not be a substitute for it. The only way short oral hearings can be justified is if the written stages have been gone through - that is the whole purpose of the new DCO examination. Those written stages have not yet been commenced for the new proposals. The RSPB will not be bounced into testing proposals in a short time frame and orally only.

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We are considering the costs implications of these latest developments for the RSPB and will be in contact shortly on that issue.

Please do not hesitate to contact me should you have any questions in relation to the issues set out above and I look forward to receiving answers to the RSPB's questions.

Yours sincerely



Rosie Sutherland  
Legal Adviser