

**From:** WALKER Angus [mailto:AngusWALKER@bdb-law.co.uk]  
**Sent:** Tuesday, September 24, 2013 9:35 AM  
**To:** Martin Woods  
**Cc:** Robert Fox  
**Subject:** Able Marine Energy Park

Dear Martin

**Able Marine Energy Park - PINS ref TR030001 - your ref TWA 8/1/4**

In his minded to approve letter, the Secretary of State asked that Able Humber Ports Ltd respond by 25 September 2013 on the issues raised in paragraph 6 of his letter. Since the letter was received, we have been in close contact with Natural England, Network Rail and the Office of Rail Regulation to establish meaningful position statements from each of them that will be of assistance during the consultation that the Secretary of State has in mind.

Natural England, in particular, has raised several issues that go to its assessment of the risk of the mitigation and compensation proposals. One of these is the issue of the quality of the mudflat that is to be lost, and Natural England has asked that it be surveyed at the optimum time of year, i.e. just before the black-tailed godwits arrive for their annual visit, which the agreed MEMMP identifies as late August/early September. Accordingly, the survey has only just taken place and it will therefore not be possible to assemble and present the results in a meaningful way in the next two days. We have also agreed to provide Natural England with further information on several other issues that have only just been assembled in a raw form during the four weeks that the applicant was given to establish what Natural England needed and then produce. Any information presented may be incomplete and would have to be supplemented with further information in a week or two's time. It would also be helpful to the consultation if it were accompanied by Natural England's preliminary view of the information and any revision of its assessment, and so some time should be allowed for this.

I would therefore ask that you consider allowing the applicant a further three weeks (i.e. until 16 October) to present the information, which we believe will allow the information to:

- be complete, so that the consultation will not be interrupted with the arrival of further information;
- include the initial comments of Natural England, whose assessment is clearly of significance; and
- be coherent, so that it is provided in a clear manner that you (and PINS if necessary) are satisfied will be suitable for the consultation that is intended.

I would be grateful if you could consider this request and respond as soon as possible.

Regards

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