



Yorkshire
Wildlife Trust



TWA Orders Unit
Department for Transport
Zone 1/18 Great Minster House
33 Horseferry Road
London
SW1P 4DR

15th November 2013

Dear Sir/Madam

Application by Able Humber Ports Limited for an Order granting Development Consent for the Able Marine Energy Park

Objection - Yorkshire Wildlife Trust has significant concerns over the proposal, and especially with regard to the mitigation and compensation proposed. The current application does not comply with the Conservation of Habitats and Species Regulations 2010. We would therefore recommend that the application, in its current form, is refused so that suitable compensation can be proposed from the outset of a new application.

Cherry Cobb Sands Wet Grassland

As we highlighted within our response to the planning application for this site, which was submitted to East Riding of Yorkshire Council, we do have significant concerns over the functionality of the site. Our remaining concerns are:

Overhead cables - The overhead cables in the south east corner may be a barrier for birds entering the site as this area is the closest section to the estuary/existing mudflats. In poor weather conditions the risk of collision is likely to be increased. We would recommend that these cables are rerouted underground.

Disturbance – There are already a number of people visiting the area and parking on the roadside and this is only likely to increase as the site attracts more birds. To reduce the level of disturbance to the birds, and congestion of the road, provision should be made for managed public access with hides/screens and parking. We would be happy to provide further advice on this.

Design – We would recommend a more sinuous drainage design which maximises the shallow edge that wet grassland invertebrates prefer and therefore increases the value for the target species.

We would also support the concerns raised by Natural England (4th September 2013) and RSPB (5th September 2013) in their response to the ERYC conditions consultation.

Cherry Cobb Sands Regulated Tidal Exchange

We agree with Natural England's letter of the 11th October 2013 that there is still a significant risk that the RTE will not provide the required habitat. The examples, and further information provided within Able's response do not give us any more confidence that the proposal will be successful.

www.ywt.org.uk

Love Yorkshire, Love Wildlife

Yorkshire Wildlife Trust is registered in England No. 409650 and is a registered charity No. 210807

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The RTE therefore either needs to be bigger or a contingency needs to be put in place which can be implemented if the RTE is unsuccessful. If the contingency route is taken then this would need to be secured through a legal agreement which sets out the triggers for when the contingency is used and exactly what the contingency will entail. In developing the value of this contingency the SoS should be confident that this comprises 1. The costs required for acquisition of land of sufficient area to create the required habitat, 2. The costs required to create the desired habitat, 3. The costs required to manage the habitat as required for the target species in perpetuity.

Enforcement

The mechanism by which any proposed compensatory measures will be secured needs to be clear. An agreement between the interested parties, including ourselves, should be set up to ensure that the compensatory measures are effective. This should allow for effective monitoring of the created habitat as well as remedial action to be taken if the criteria are not being met. YWT would be interested in exploring opportunities to incorporate this monitoring and assessment within our Outer Humber project.

Management

A detailed long term management plan should be produced for each of the compensation sites which also outline how the management will be delivered. This should also include the annual costs of management and how this will be funded.

Please do not hesitate to get in touch if you require any more information.

Yours faithfully

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