

From: William J Hill/HP/NorthLincs
To: Planning/PL/NorthLincs@NorthLincs
Date: 18 August, 2010 09:51AM
Subject: FW: PA/2009/0600 submission from RSPB re the AA in-combination assessment

-----Forwarded by William J Hill/HP/NorthLincs on 18/08/2010 09:51AM -----

To: <william.j.hill@northlincs.gov.uk>
From: "Dennison, Harriet" <Harriet.Dennison@rspb.org.uk>
Date: 18/08/2010 09:39AM
Subject: FW: PA/2009/0600 submission from RSPB re the AA in-combination assessment

Dear Mr Hill, a recent check of our records showed that the attached letter, emailed to yourself on the 29th of July this year, intended to be dated as the 29th July 2010, was in actual fact dated the 29th August 2010. It is unclear how this mistake occurred at this point. Please accept our apologies for any confusion this may have caused. I would welcome confirmation of receipt of this letter and correction.

I would also welcome clarification of the expected date of determination of this application. We would be interested in attending the planning committee meeting and may even wish to arrange to speak. Please can you provide me with the relevant details of the person we would need to contact to register our interest in speaking at the planning committee when this application is considered.

Regards,

Harriet

DEVELOPMENT CONTROL SECTION	
18 AUG 2010	
DATE RECEIVED	
Referred To	

Harriet Dennison AIEEM

RSPB Humber Programme Manager

The RSPB
c/o 15 Priory Street
York

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Tel: 01904 613121

Mobile: 07795 062529
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The RSPB speaks out for birds and wildlife, tackling the problems that threaten our environment. Nature is amazing - help us keep it that way. Click here to join today www.rspb.org.uk/join

The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654

From: Dennison, Harriet
Sent: 29 July 2010 16:50
To: 'william.j.hill@northlincs.gov.uk'
Cc: 'Andrew Taylor'; Fleming, Bernard (NE); 'Hawthorne, Emma (NE)'; 'Winn, Philip'
Subject: PA/2009/0600 submission from RSPB re the AA in-combination assessment

Please find attached a further submission from the RSPB in relation to planning application PA/2009/0600

Happy to discuss further.

Regards,

Harriet Dennison AIEEM

RSPB Humber Programme Manager

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Please think before you print- North Lincolnshire Council greening the workplace.

Attachments:

RSPB submission regarding PA2009.0600.pdf



nature's voice

FAO William Hill
North Lincolnshire Council
By email

29 August 2010

Dear Mr Hill

RE: Able UK application PA/2009/0600

Further to our previous submissions¹ in relation to the above application, we wish to raise a further issue that has recently come to light and will have implications for the Appropriate Assessment required by the Habitats Regulations² which must be completed prior to determination of this application. .

The recently announced proposal for a Marine Energy Park by Able UK in the Immingham area. lies partly within and also adjacent to the Humber Estuary Site of Special Scientific Interest (SSSI), Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site. There will inevitably be a direct impact from the Marine Energy Park proposal, as currently acknowledged by Able UK in their informal pre-application consultation documents, through habitat loss from the designated sites in the order of c.52ha³. In addition, there are likely to be a number of other direct and indirect impacts on North Killingholme Haven Pits SSSI and the Humber Estuary SSSI, both of which form part of the Humber Estuary SPA and Ramsar site. In particular, these will include the loss of high tide feeding, roosting and loafing areas used by SPA birds and disturbance to existing high tide roosting sites such as North Killingholme Have Pits SSSI. The Humber Estuary SAC is also likely to be affected by the Project impacts. There is sufficient information available, in our view, to undertake an in-combination assessment of these impacts with the currently submitted application PA/2009/0600 and the Appropriate Assessment must be revised to incorporate this.

This is supported by EU Guidance⁴, which states that it is possible to consider plans and projects that are completed: approved but uncompleted; or not yet proposed (see Annex 1).

During the period of determination, a number of other new plans and projects that should be considered in-combination with PA/2009/0600 have been brought forward. These include, but are not limited to, any developments proposed within the South Humber Bank⁵. The RSPB submits the current *draft* Appropriate Assessment (AA) for the application PA/2009/0600 should be revised to take account of any additional plans and projects not already identified which may have a likely significant effect on the Humber Estuary SAC, SPA and Ramsar site in-combination.

Given the scale and location of the Marine Energy Park proposal and the potential impacts on the SPA and Ramsar waterbirds (which use this part of the Estuary hinterland and North Killingholme

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¹ (June 2009, two submissions in August 2009 and one in February 2010)

² The Conservation of Habitats and Species Regulations 2010 (SI No. 490)

³ Figure based on information available at the time of writing, this figure may change.

⁴ Managing Natura 2000, The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC.

http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/provision_of_art6_en.pdf

⁵ Typically understood to be the estuary related employment allocation between Grimsby and East Halton

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Tel 0300 7772 676

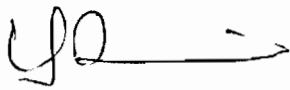
www.rspb.org.uk

Haven Pits) similar to those arising from application PA/2009/0600, the in combination effects of these two proposals must be considered in the AA for application PA/2009/0600.

Notwithstanding our existing concerns (as set out in our previous submissions) regarding the inadquacy of the mitigation proposed for application PA/2009/0600, the in combination effect of that proposal with the new Marine Energy Park may have further implications for the adequacy of the mitigation proposed. Therefore, we submit that revision of the draft AA is necessary. Further advice on this matter should be sought from Natural England as the statutory nature conservation adviser.

We would be happy to discuss this matter further at your convenience.

Yours sincerely

A handwritten signature in black ink, appearing to be 'HD', followed by a long horizontal line that ends in an arrowhead pointing to the right.

Harriet Dennison AIEEM
Humber Programme Manager

CC. Bernie Fleming, Emma Hawthorne (Natural England), Andrew Taylor (NLC), Philip Winn (Environment Agency)