



30.3.2016

NOTICE TO MEMBERS

Subject: Petition No 2477/2014 by Stephen Kirkwood (British) on the alleged infringement by the UK Government of Article 6(4) of the Habitats Directive in relation to the Humber Estuary Special Area of Conservation and Special Protection Area

1. Summary of petition

The petitioner expresses his objection against the UK Government's determination of consent for Able Marine Energy Park (AMEP), which has been granted on grounds that there are no alternatives and that there are imperative reasons of over-riding public interest. The petitioner alleges that there is a projected impact on a highly significant proportion of the Icelandic population of the Black-tailed Godwit (*Limosa limosa islandica*). Once the mudflats have been destroyed there can be no certainty that the Black-tailed Godwit population on the Humber Estuary will not suffer a serious decline. If this happens, it will mean that the UK Government has failed in its obligations within the context of the Habitats Directive and as a signatory to the Convention on Biodiversity and to the Ramsar Convention.

The petitioner asks the European Parliament to investigate the case as a matter of urgency.

2. Admissibility

Declared admissible on 20 July 2015. Information requested from Commission under Rule 216(6).

3. Commission reply, received on 30 March 2016

The petitioner also filed a complaint on the same subject with the Commission. This complaint has been considered in detail by the Commission and closed. The reasons for closure have been communicated to the Petitioner.

Based on the information provided by the petitioner, the Commission cannot identify any breach

of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the Habitats Directive).

It is clear that the adequacy of compensation measures was thoroughly assessed by the UK authorities. The statutory nature conservation adviser in the UK expressed its confidence that suitable habitats for black-tailed godwits could be provided and the petitioner has not provided any evidence to conclude otherwise.

Whilst it is acknowledged that there will be a degree of time lag between the destruction of existing habitat and the functioning of the compensatory habitat, the developer has taken reasonable steps to limit the time delay and has provided additional compensation. Works cannot commence until remaining technical issues surrounding compensatory measures have been addressed. The Commission cannot conclude that the current arrangements will lead to population losses of black-tailed godwit.

It is also clear that the development consent for the project limits the use of the development site to activities associated with marine energy manufacturing and that the development is authorised only to handle cargo related to offshore energy infrastructure.

Conclusion

The Commission has considered the petitioner's complaint in detail and has concluded that it is not possible to identify a breach of the Habitats Directive based on the evidence provided.