

**By Email and Post**

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**For the attention of Mike Harris, Case Manager**

Our Ref: JEW/10995/33/AMHG  
Your Ref: TR030001

2 August 2012

Dear Sirs

**The Able Marine Energy Park Development Consent Order  
Harbour Master Humber**

You will be aware that we act for Captain P.J. Cowing, Harbour Master Humber.

We note that last Friday, 27 July, was the deadline for receipt by the Examining Authority of any submissions on the case for cross-examination at any issue specific or compulsory acquisition hearing.

By our letter of 29 June 2012, we have already indicated that the Harbour Master, Humber wishes to be heard at the issue specific and compulsory acquisition hearings on 13 September, 10 October and 16 October.

With apologies for responding after 27 July on this particular point, whether the Harbour Master Humber will wish to cross examine the applicant at any of these hearings will depend on (a) in relation to compulsory purchase, the deemed marine licence and protective provisions for the benefit of the Harbour Master, whether or not Able agrees to seek appropriate amendments to the draft DCO and deemed marine licence and (b) in relation to marine matters, his evaluation of the supplemental environmental information

Although the applicant has agreed that a sub-lease of the riverbed from ABP as conservancy authority will suffice for its purposes, the DCO as currently drafted still provides powers of compulsory acquisition over that land. Likewise, we do not yet know whether the applicant intends to seek the Harbour Master, Humber's proposed amendments to the DCO, in particular to the deemed marine licence and protective provisions. In the absence of such amendments, and in order to have a fair chance to put his own case, the Harbour Master, Humber submits that he should be allowed to cross-examine at the issue specific and compulsory acquisition hearings on both the marine matters and compulsory acquisition.

Further, unless the Harbour Master, Humber is satisfied that the latest environmental assessments meet his concerns with regard to marine matters, he will need to cross-examine the applicant's relevant witnesses in order to test the adequacy, robustness and accuracy of these technical assessments and to put his own case to them.

To summarise the reasons in favour of permitting cross-examination, not only is there the issue of whether or not compulsory acquisition should be permitted of land belonging to a statutory undertaker, but in relation to marine matters, these are matters of statutory responsibility, in respect of which the Harbour Master, Humber has duties to all the users of the river Humber. The issues concerned are, in some instances, technical and complex and it is respectfully submitted that it would assist the ExA, as well as all interested parties, to have their examination conducted in part by an expert advocate.

I trust this is all you need, but if you require a more formal or detailed case, please let me know.

Yours faithfully

Winckworth Sherwood LLP

**Winckworth Sherwood LLP**

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