

By Email and Post

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Our Ref: AMHG/10995/33

Please quote reference when replying

29 November 2013

Your Ref: TWA 8/1/104

Dear Mr Woods,

**Planning Act 2008
Application for Able Marine Energy Park Development Consent Order
Harbour Master, Humber**

We write on behalf of the Harbour Master, Humber, about some detailed amendments that the Harbour Master believes are required in Schedule 8, the deemed marine licence.

1. The Harbour Master is not unduly concerned by the slightly increased licensed tonnages in the tables at paragraphs 11 and 12, but there appears to be a mathematical error in favour of Able at the table in paragraph 12. The maximum "berthing pocket" tonnages are 150,000 sand and 925,000 silt per annum, but these somehow wrongly add up to 3,225,000 in the right hand column (the figure of 1,075,000 in the 2012 draft was correct).
2. Paragraph 15 (2) has been amended to add the Harbour Master to the list of consultees on the draft marine environmental management and monitoring plan. However, this has not been carried through to 15(3), the duty to take account of consultation responses, where the Harbour Master should also be included.
3. Paragraph 39 prohibits development until a piling active monitoring scheme has been agreed by the MMO following consultation. Piles are a potential hazard to navigation and are a direct concern of the Harbour Master, who has responsibility for maintaining the safe public navigation on the river. He should therefore be a consultee in respect of the monitoring scheme. (This amendment was previously sought by the Harbour Master – see doc ref SOC04 – App 1).
4. Paragraph 43 prescribes the maximum diameter of marine piles unless otherwise agreed with the MMO after consultation. For the same reasons as in 3 above it would be appropriate for the Harbour Master to be a consultee.
5. Paragraph 58 requires Able to update 'ABP Humber Estuary Services: Humber Maintenance Dredging Baseline Document' 2008. This does not quite accord with the way in which the baseline document works. It also does not pick up the current document title or allow for future document title changes. As ABP is custodian of the baseline

document, the requirement should be for Able to notify ABP of the update required so that ABP can refresh the document. The current iteration is the '*Humber Maintenance Dredge Protocol and Water Framework Directive Compliance Baseline Document 2011*'. As this is a living document, it seems necessary to refer also to any document replacing the 2011 Issue.

While writing we should draw your attention to the Contents, where the reference to Part 1 of Schedule 9 needs to be amended to reflect the title of that Part.

We hope you can confirm that these amendments will be made.

We are sending a copy of this letter to Bircham Dyson Bell.

Yours faithfully,

Winckworth Sherwood LLP

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