

Mike,

I attach the Harbour Master, Humber's comments on the WRs. Please confirm safe receipt.

Regards,

Alison

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INFRASTRUCTURE PLANNING

**THE INFRASTRUCTURE PLANNING
(EXAMINATIONS PROCEDURE) RULES 2010**

THE ABLE MARINE ENERGY PARK DEVELOPMENT CONSENT ORDER

TR030001

Comments on Written Representations

Harbour Master, Humber

(Rule 8 letter 31 May 2012 Annex C)

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Introduction

1. These are the comments on the Written Representations of Captain P.J. Cowing in his capacity as Harbour Master, Humber, representing Associated British Ports (“ABP”) as the statutory harbour authority and, in relation to pilotage, the competent harbour authority for the river Humber (“the Harbour Master, Humber”).
2. The content of this document and the views expressed by the Harbour Master, Humber are separate and distinct from anything that may be received by the Examining Authority from Associated British Ports in its capacity as a port operator within the Humber.

Comments on Written Representations

ABP – the development described in Schedule 1 (paragraph 3)

3. The Harbour Master, Humber shares ABP’s concerns about the potentially very wide scope of the development to be authorised by the draft DCO. It is essential that the protective provisions for the benefit of the Harbour Master, Humber include his proposed amendments to the paragraph 8 (Tidal works: approval of detailed design) so as to ensure that, in relation to any authorised work affecting the river or his conservancy functions, he has prior approval of all detailed proposals before they are submitted to the relevant consenting body.
4. Further, given the unlimited scope of potential use of the proposed port facility, it is essential that he has approval of safe operating procedures, as proposed in his amendments to the draft Order.

C-Ro – draft DCO powers are unacceptably wide and unconstrained (paragraph 7.11)

5. The Harbour Master, Humber repeats his comments made in relation to ABP’s written representation regarding the need for primacy of his functions and appropriate protection in the body of the DCO.
6. **C-Ro – need for protective provisions (paragraph 14.11, 14.12 & 14.22)**

It is imperative that the protective provisions for the benefit of the Harbour Master, Humber have primacy over those for the benefit of C.Ro, including any dealing with shared dredging, and the DCO should contain appropriate provision to make this clear.

C.Ro – adequacy of applicant’s financial standing

7. The Harbour Master, Humber agrees with C-Ro that there is a need for appropriate mechanisms to secure performance of the applicant’s financial obligations; in particular, the Harbour Master, Humber is concerned that the applicant should be able to meet any commitments arising under paragraph 21 of the protective provisions (Indemnity).

ConocoPhillips Limited – impacts on South Killingholme Jetty (paragraph 4.4)

8. CPL refers to concerns, shared with the Oil and Pipelines Agency that dredging by the applicant may result in the deposit of silt materially interfering with the operation of the jetty and that there is also a risk of landslip to the jetty structure. CPL also fears that the proximity of the new and existing facilities could adversely affect the efficient operation of the South Killingholme Jetty. These concerns highlight the need for comprehensive and effective protective provisions for the benefit of the Harbour Master, Humber which will enable him to carry out his statutory functions for the benefit of all river users, particularly in this instance in relation to dredging within the river Humber and safe, efficient vessel navigation.

Marine Management Organisation – content of DCO (paragraph 4)

9. There is an interface between the approvals required pursuant to the protective provisions for the benefit of the Harbour Master, Humber and the deemed marine licence. Neither must prejudice the other. The Harbour Master, Humber has provided the MMO with a copy of its latest proposed amendments to the DCO with a view to ensuring that the terms of the marine licence at Schedule 8 and the protective provisions for the benefit of the Harbour Master, Humber in Part 2 of Schedule 9 are appropriate and compatible.

3 August 2012

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