

By Email and Post

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Our Ref: AMHG/10995/33
Your Ref: TWA 8/1/04

8 August 2013

Dear Sir,

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

For the reasons explained in our letter of 23 July 2013, a grant to Able by ABP of an underlease to the river bed is very relevant to the Secretary of State's decision on the application. In view of this, we believe the Secretary of State should know the state of the negotiations on the underlease.

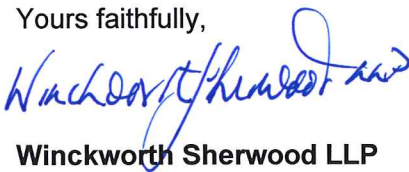
Regrettably, we have to tell you that no progress has been made between the parties since we last wrote. The Harbour Master and those representing him have made clear his willingness to proceed and his anxiety to achieve a successful conclusion. He also asked for an undertaking to meet a proportion of his legal costs. Able's responses indicate a lack of enthusiasm to reach agreement and they have refused to pay costs.

The Harbour Master is driven to the conclusion that Able no longer wishes to proceed with an underlease of the river bed and foreshore. As a last step, we are asking for confirmation of Able's position.

This is not the outcome foreseen last month and is certainly not as desired by our clients. It does however support the solutions proposed in our letter of 23 July. In view of Able's apparent stance our clients – ABP as conservancy authority and the Harbour Master, Humber – request that if the Secretary of State decides to make the Order he should adopt the suggestions summarised in paragraph 18 of our letter of 23 July.

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

Yours faithfully,



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