

(Annex 4 to ABP: 1 of 1 – DL9)

Proposed Lake Lothing Third Crossing (TRO10023)

Associated British Ports (20013261)

**Comments on the Applicant's Oral Submission at the Issue Specific Hearing
on Navigation Matters of 1 April 2019**

These Written Representations are submitted on behalf of Associated British Ports ("ABP") for Deadline 9.

ABP has noted and considered the Applicant's *'Summary of the Applicant's Oral Submissions at Issue Specific Hearing on Navigation Matters of 1 April 2019'* (Document Reference SCC/LLTC/EX/98) ("the Applicant's Oral Submissions"), which was submitted at Deadline 8.

The Applicant's Oral Submissions purports to be a response by the Applicant to the oral evidence provided by ABP at the examination session on 1 April 2019. Unlike ABP's oral submissions, however, which were supported by formal written expert evidence and oral submissions by the authors of the submitted reports – what has been provided by the Applicant amounts essentially to a commentary on ABP's expert evidence, unsubstantiated by any formal expert evidence in rebuttal.

Essentially, as noted in ABP's core submissions, the Applicant seems to be responding to ABP's concerns in a distinctly haphazard way – failing to produce any corroborative evidence in support of its assertions and arguments.

Indeed, ABP finds the extent and scope of the Applicant's responses somewhat surprising, in that the Applicant seems almost to be submitting in writing arguments that it wished that it had submitted at the examination – which does rather defeat the purpose.

In light, however, of ABP's wish to ensure that the ExA are fully in possession of all of the available substantiated information and given the time constraints impacting this Deadline, which includes the Easter break and the need for ABP to liaise with both its internal team and external consultant experts in respect of the numerous unfounded assertions made within the Applicant's expanded summary, ABP is not in a position to provide a comprehensive response to this document for Deadline 9.

As such, ABP trusts that the ExA understands that ABP will have to reserve its position in respect of the Applicant's Oral Submissions, and will endeavour to provide the ExA with its formal response on these submissions as soon as possible.

That said, if it assists the ExA, having reviewed the Applicant's Oral Submissions, it is ABP's view that the Applicant has again taken a position that simply disagrees with the views and assessments of independent experts and instead asserts its own views regarding technical port operational matters without any specific technical or specialist expert evidence to support its conclusions. Therefore, the Applicant has patently failed to rebut the information and conclusions provided by ABP's experts.