

(ABP: 4 of 4 – DL10)

Proposed Lake Lothing Third Crossing (TRO10023)

Associated British Ports (20013261)

**Further comment 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 10, in relation to the Applicant's *'Summary of the Applicant's Oral Submissions at Issue Specific Hearing on Navigation Matters of 1 April 2019'* (REP8-005) ("the Applicant's Oral Submissions"),

As the ExA is aware, the Applicant's Oral Submissions vastly expanded on oral submissions made by the Applicant at the issue specific navigational hearing, and instead, the document essentially amounted to a commentary on ABP's expert evidence, unsubstantiated by any formal expert evidence in rebuttal, which particularly focussed on the Berth Utilisation Report prepared by ABPmer (REP8-018).

As a result, as advised at Deadline 9, ABP required further time to liaise with its experts in respect of the numerous assertions made within the Applicant's Oral Submissions, and to obtain further information from the Applicant in respect of its methodology and assumptions contained in the Applicant's Oral Submissions (REP9-015).

By way of update, the parties met via a telephone conference on 10 May 2019 to discuss the Applicant's alternative analysis of berth utilisation, which included ABP highlighting a number of misconceptions and erroneous assumptions adopted by the Applicant in that analysis. Unfortunately, the parties were unable to reach an agreed position regarding berth utilisation matters, and in this respect, the parties have 'agreed to disagree'.

As a result of those discussions, ABPmer has prepared the **attached** *'Port of Lowestoft Berth Utilisation – Rebuttal to Suffolk County Council submission REP8-005 (May 2019)'* ("the ABPmer Rebuttal"), which forms part of ABP's Deadline 10 submissions.

Overall, ABP is disappointed that the Applicant has failed to engage any independent specialist experts in respect of these navigational matters, as this would have greatly assisted with the parties undertaking constructive discussions and potentially resolving these outstanding matters.

Conversely, the Applicant has again taken a position that simply disagrees with the views and assessments of independent experts, but instead incorrectly asserts its own views regarding technical port operations matters, without any specific technical or specialist expert evidence to support its conclusions or to actually rebut the information and conclusions provided by ABP's experts.

As such, ABP is firmly of the view that, in light of the lack of any real evidence provided by the Applicant to support its views set out in the Applicant's Oral Submissions, taken in comparison with the numerous reports provided by ABP's experts and independent commercial operators that substantiates ABP's submissions, no credible weight can be given to the Applicant's unsubstantiated assertions contained in the Applicant's Oral Submissions.