0
00:00:00.350 --> 00:00:00.790
Um,

1
00:00:00.790 --> 00:00:05.770
is the live stream running and have we got everybody that we think should

2
00:00:05.770 --> 00:00:08.610
be online participating? Yeah. Yeah.

3
00:00:09.030 --> 00:00:12.450
And can I just check with somebody who is online, um,

4
00:00:12.450 --> 00:00:16.370
that you can hear and see us? If you could use a raise hand function.

5
00:00:19.520 --> 00:00:24.210
Yeah, I've certainly got one indication. Maybe one more. Yeah. Okay.

6
00:00:24.210 --> 00:00:25.370
That all seems to be working.

7
00:00:32.670 --> 00:00:37.010
Um, I'd like to welcome everybody to this issue specific hearing too, uh,

8
00:00:37.010 --> 00:00:41.010
concerning the application by associated British reports for an order granting

9
00:00:41.010 --> 00:00:44.650
development consent for the proposed Immingham Eastern Railroad Terminal.

10
00:00:45.550 --> 00:00:49.850
My name is Graham Gould. I'm a charter down planner and an and,

11
00:00:49.990 --> 00:00:53.290
and an examining inspector. With the planning inspector.

12
00:00:54.120 --> 00:00:59.010
I've been appointed by the Secretary of State to lead as the lead
member of the

13
00:00:59.010 --> 00:01:02.330
panel, comprising the examining authority that will be con, uh,

14
00:01:02.570 --> 00:01:05.890
examining this application. Uh, I'm now gonna ask Mr.

15
00:01:05.890 --> 00:01:07.330
Bradley to introduce himself.

16
00:01:08.000 --> 00:01:10.770
Good morning, Stephen Bradley, examining inspector,

17
00:01:11.000 --> 00:01:13.570
also appointed as a member of this examining authority.

18
00:01:13.840 --> 00:01:17.090
I'll be leading discussion on agenda item five later.

19
00:01:19.510 --> 00:01:22.460
Thank you, Mr. Bradley. Um, there is, um,

20
00:01:22.620 --> 00:01:26.300
a third member of the examining authority, uh, Mr. Harrison. Uh,

21
00:01:26.300 --> 00:01:29.420
unfortunately he's unable to attend today, um,

22
00:01:29.420 --> 00:01:33.860
because he had a prior engagement, um, which he could not alter, um,

23
00:01:34.350 --> 00:01:38.340
prior to his appointment, uh, to the examining authority, um,

24
00:01:39.190 --> 00:01:43.660
which was not all that long ago because of the resignation of Sarah
Weatherly

25
00:01:43.770 --> 00:01:45.980
from the originally constituted examining authority.

26
00:01:48.080 --> 00:01:51.300
Our role is to examine the application and to report to the
Secretary of State

27
00:01:51.300 --> 00:01:54.820
for transport with a recommendation as to whether or not the
development consent

28
00:01:54.820 --> 00:01:57.980
order should be made. Um, at this point,

29
00:01:58.040 --> 00:02:02.900
I'd also like to introduce members of the inspectors case team who
are here

30
00:02:02.900 --> 00:02:07.660
today supporting. Um, you may have already spoken either to, uh,

31
00:02:07.720 --> 00:02:12.620
Ms. Mislead Robbins, who's the case manager, or, and, or, uh,
Spencer Barman,

32
00:02:12.620 --> 00:02:15.940
who's a case officer. Additionally, in attendance, uh,

33
00:02:15.940 --> 00:02:18.740
there are a couple of technicians from the audio visual company.

34
00:02:19.290 --> 00:02:23.820
They are here solely, uh, to facilitate, um, all visual, um,

35
00:02:23.880 --> 00:02:28.180
or audio matters. If at any stage during the course of the day you
see, uh,

36
00:02:28.180 --> 00:02:32.460
particularly Mr. Bradley or I speaking to those gentlemen, it will
purely be,

37
00:02:32.520 --> 00:02:34.820
uh, because of some technical issue that's arisen.

38
00:02:40.900 --> 00:02:44.320
And I'm going to, um, turn to a few housekeeping matters.
Unfortunately,

39
00:02:44.320 --> 00:02:49.000
some of you who are here on Tuesday at the preliminary meeting and
or issue

40
00:02:49.200 --> 00:02:52.680
specific hearing one, we'll have heard quite a lot of this already.
Um,

41
00:02:53.420 --> 00:02:54.840
if you'll just, uh, bear with us,

42
00:02:54.840 --> 00:02:57.800
because of course there are a lot of other new attendees,

43
00:02:57.800 --> 00:03:01.920
either here in person or who are attending online.

44
00:03:04.420 --> 00:03:07.560
Uh, there are toilets which are located through the door to my
right.

45
00:03:10.020 --> 00:03:13.480
Um, in the event that we hear the fire, fire alarm sound,

46
00:03:14.320 --> 00:03:16.480
apparently there are no tests scheduled for this week.

47
00:03:16.580 --> 00:03:20.880
So that will mean we will have to evacuate the building using the
doors, uh,

48
00:03:20.980 --> 00:03:21.813
to my left.

49
00:03:22.180 --> 00:03:25.760
And if we can then gather in the car park and await for instructions from the

50
00:03:25.760 --> 00:03:30.360
hotel staff as to when it's safe to safe to return. Uh,

51
00:03:30.420 --> 00:03:31.253
to this room,

52
00:03:34.470 --> 00:03:37.880
this hearing is being undertaken both in person, uh,

53
00:03:37.910 --> 00:03:41.240
with also a number of online participants.

54
00:03:43.220 --> 00:03:43.500
Uh,

55
00:03:43.500 --> 00:03:47.440
we will try and ensure that everybody that's attending online is given a fair

56
00:03:47.440 --> 00:03:49.280
opportunity, uh, to participate.

57
00:03:52.900 --> 00:03:57.880
Um, as I indicated previously, the um, hearing will also be live streamed,

58
00:03:58.180 --> 00:04:01.880
and ultimately it will also be, well, it is being recorded. And ultimately the,

59
00:04:02.020 --> 00:04:06.120
the recording will be published on the website for this particular application.

60
00:04:08.820 --> 00:04:12.520
Um, particularly for those who are online,

61

00:04:12.740 --> 00:04:15.880
we would ask that when you are not speaking, uh,

62
00:04:15.880 --> 00:04:20.600
could you please make sure that your microphones on your devices are
turned off

63
00:04:20.900 --> 00:04:23.520
to avoid any extraneous noise being picked up.

64
00:04:25.220 --> 00:04:27.760
And then unmute yourself, uh, when you're going to speak,

65
00:04:37.660 --> 00:04:40.920
Um, particularly for the online participants when you wish to speak.

66
00:04:40.920 --> 00:04:45.000
If you can use the show hands function on your device, um,

67
00:04:45.190 --> 00:04:47.120
that will give us an indication that you wish to speak.

68
00:04:47.820 --> 00:04:50.640
If for any reason that function is not working properly,

69
00:04:50.640 --> 00:04:54.400
just physically turn your camera on, put your hand up, um,

70
00:04:54.660 --> 00:04:57.600
and we will then bring you in at a convenient point.

71
00:05:08.210 --> 00:05:12.830
Um, would everybody, whether you are, um, within, uh,

72
00:05:12.830 --> 00:05:17.030
the hearing room or participating online, please ensure that you
speak clearly.

73
00:05:17.650 --> 00:05:21.270
Uh, when you are making your oral submissions, um,

74

00:05:21.570 --> 00:05:23.790
and each time you make those submissions,

75
00:05:23.790 --> 00:05:26.430
would you please give your name and who you are representing?

76
00:05:29.650 --> 00:05:33.350
Um, there is also a roving mic, so if, uh,

77
00:05:33.410 --> 00:05:37.350
at any stage there is somebody from one of the teams, um,

78
00:05:37.650 --> 00:05:41.030
for either the applicant or any of the interested parties who's not sitting at

79
00:05:41.030 --> 00:05:42.550
the table close to a microphone,

80
00:05:42.930 --> 00:05:47.190
the roving microphone can be made available so that you can remain where you are

81
00:05:47.730 --> 00:05:50.430
and speak as necessary if there's not a place for you at the table.

82
00:05:55.480 --> 00:06:00.320
If anyone wishes to use social media, uh, report, film, or record,

83
00:06:00.500 --> 00:06:03.800
uh, today's hearing, uh, that is, that is in order. But please,

84
00:06:03.800 --> 00:06:08.520
we do ensure that when you are, um, perhaps filming or recording, uh,

85
00:06:08.520 --> 00:06:12.360
that you do it in a manner that does not inter interrupt or disrupt, uh,

86
00:06:12.360 --> 00:06:13.720
the main business of the hearing.

87
00:06:15.460 --> 00:06:18.960
We aim to keep the hearing focused so that it can be conducted
efficiently.

88
00:06:22.110 --> 00:06:24.850
You will find information about the application, um,

89
00:06:25.690 --> 00:06:29.650
I all the application documentation on the planning inspectorates,
uh,

90
00:06:29.930 --> 00:06:33.250
national infrastructure webpage that's been set up specifically for
this

91
00:06:33.410 --> 00:06:34.243
project.

92
00:06:37.590 --> 00:06:40.930
I'm gonna briefly touch on G D P R. Um,

93
00:06:42.470 --> 00:06:43.370
as far as I'm aware,

94
00:06:43.370 --> 00:06:47.770
there's nobody here that's gonna be speaking in a personal capacity.
Um,

95
00:06:48.230 --> 00:06:52.090
but because the hearing is being recorded, um,

96
00:06:53.870 --> 00:06:57.170
and that recording will then be published, um, everyone,

97
00:06:57.850 --> 00:07:01.970
everyone that is particip participating needs to be aware that those
recordings

98
00:07:01.970 --> 00:07:06.730
will be held for up to five years and available, um, for public
viewing.

99
00:07:07.210 --> 00:07:11.050
Consequently, if you are participating, uh, it's important that you understand,

100
00:07:11.910 --> 00:07:14.530
um, that those recordings are being kept, uh,

101
00:07:14.750 --> 00:07:16.650
and will be available to the wider public.

102
00:07:25.370 --> 00:07:29.680
There is a matter of relating to operational security for I o iot

103
00:07:30.120 --> 00:07:32.320
operators, but we'll come to that. Um,

104
00:07:33.270 --> 00:07:37.800
once you've given your introductions as to who's representing, um, iot today.

105
00:07:43.580 --> 00:07:47.640
Uh, would you also please bear in mind that the only official recording, uh,

106
00:07:47.640 --> 00:07:51.600
for today's proceedings will be that that, uh, is, um,

107
00:07:51.600 --> 00:07:54.760
placed on the inspector's website. So any tweets, blogs,

108
00:07:54.760 --> 00:07:58.840
or any other similar communication, uh, will not be accepted as evidence,

109
00:07:59.580 --> 00:08:04.440
uh, as part of the examination. Um, I'm now gonna hand over to Mr.

110
00:08:04.440 --> 00:08:06.800
Bradley to do some more of the introductory matters.

111

00:08:13.630 --> 00:08:17.780
Thank you. I I'm going to ask, uh, those of you who are planning to speak, uh,

112
00:08:17.880 --> 00:08:21.300
at today's hearing to introduce yourselves for the record. Um,

113
00:08:22.120 --> 00:08:24.300
as mentioned earlier, please uh,

114
00:08:24.390 --> 00:08:28.380
state your name and who you are representing along with the agenda item or items

115
00:08:28.400 --> 00:08:33.100
you wish to speak on. Uh, I think it probably doesn't apply,

116
00:08:33.120 --> 00:08:35.780
but if you're not representing an organization, uh,

117
00:08:35.970 --> 00:08:40.220
just summarize your interest in the application and confirm the agenda items.

118
00:08:41.000 --> 00:08:44.260
Um, so let's start with the applicant's team please. Uh,

119
00:08:46.880 --> 00:08:47.130
Uh,

120
00:08:47.130 --> 00:08:51.820
Good morning, sir. Uh, I wasn't here on the previous occasion.

121
00:08:52.160 --> 00:08:57.080
My name is James Raun, spelled Stren to confuse everyone. Uh,

122
00:08:57.380 --> 00:09:00.520
I'm of King's Counsel. I'm rep. I'm instructed by Mr.

123
00:09:00.530 --> 00:09:02.080
Brian Greenwood of Clyde and Co.

124
00:09:02.500 --> 00:09:06.440
And I'm appearing on behalf of the applicant a p p today,

125
00:09:06.820 --> 00:09:10.920
and I intend to speak on all of the agenda items. Thank you.

126
00:09:18.910 --> 00:09:23.640
Good morning, sir. Just to introduce myself, Brian Greenwood, uh, for a b p,

127
00:09:23.940 --> 00:09:27.240
uh, as introduced by, uh, Mr. Str. Uh,

128
00:09:27.240 --> 00:09:29.640
hopefully I don't need to say anything today, sir.

129
00:09:30.730 --> 00:09:31.920
Thank you, Mr. Greenwood. Uh,

130
00:09:32.020 --> 00:09:34.960
are there any other members of the team that you'd like to introduce themselves

131
00:09:35.020 --> 00:09:35.853
at this point?

132
00:09:37.340 --> 00:09:42.160
So it may be more convenient if they do so when we get to the specific

133
00:09:42.180 --> 00:09:45.280
agenda item, if you're happy with that, just simply because of course,

134
00:09:45.430 --> 00:09:49.120
they're rather spread out away from the microphones, uh, at this point,

135
00:09:49.780 --> 00:09:54.600
of course. Um, if it helps, um, I have behind me, Mr. Rowley,

136

00:09:55.300 --> 00:09:56.560
uh, who, uh,

137
00:09:56.690 --> 00:10:01.360
would be present for the agenda item number one. Uh,

138
00:10:01.620 --> 00:10:06.200
and he, you probably would've gathered already, um,

139
00:10:06.820 --> 00:10:10.080
is dealing with planning and need matters.

140
00:10:11.330 --> 00:10:15.600
Thank you, Mr. John. Uh, let's pass on in that case to other
interested parties.

141
00:10:15.900 --> 00:10:18.480
Can we, um, perhaps, uh,

142
00:10:19.300 --> 00:10:22.720
do those in the room first and then if necessary,

143
00:10:22.740 --> 00:10:27.600
if there are any people wishing to speak who are online, we'll pass
to them.

144
00:10:28.140 --> 00:10:30.240
Um, so I think the,

145
00:10:30.240 --> 00:10:35.000
perhaps the simplest way is to go around the room from this side, if
we may. Um,

146
00:10:35.430 --> 00:10:36.640
firstly, C L D N.

147
00:10:39.670 --> 00:10:42.600
Good morning. I also wasn't here, uh, at the previous hearing.

148
00:10:42.900 --> 00:10:47.760
I'm Rose Grogan of council representing C L D N Ports killing

149
00:10:47.760 --> 00:10:52.440
Home Limited. On my left, I've got, uh, Robbie Owen of Princeton
Masons,

150
00:10:52.440 --> 00:10:56.600
who is instructing me. And to my right I have Benjamin Dove Seymour,

151
00:10:56.620 --> 00:10:58.520
who is director of C L D N.

152
00:10:59.240 --> 00:11:01.640
I also have a team with me who may,

153
00:11:02.040 --> 00:11:05.360
I may ask to speak on certain agenda items as we go along.

154
00:11:05.860 --> 00:11:08.720
It depends a bit on how we go, um, or technical matters.

155
00:11:08.780 --> 00:11:11.720
And I'll introduce them as and when the time comes.

156
00:11:12.650 --> 00:11:13.640
Thank you. Um,

157
00:11:14.550 --> 00:11:18.680
what prefix would you prefer used Ms. Miss, Ms. Miss?

158
00:11:19.070 --> 00:11:20.360
Ever thought about that? MS is fine.

159
00:11:21.930 --> 00:11:25.440
Thank you. Now moving on to D F D S.

160
00:11:25.910 --> 00:11:29.760
Good morning, sir. My name is Miss Isabella. Um,

161
00:11:29.860 --> 00:11:34.240
and I'm instructed by Angus Walker who sits to my right of B D B
Pitman's

162
00:11:34.660 --> 00:11:37.400
on behalf of D F D S seaways. Um,

163
00:11:37.500 --> 00:11:40.840
we are intending to speak on agenda items three and five.

164
00:11:42.000 --> 00:11:43.720
I will introduce, um,

165
00:11:43.740 --> 00:11:46.280
the wit the witnesses that will speak on those matters now,

166
00:11:46.280 --> 00:11:48.320
if that's convenient. Um,

167
00:11:49.180 --> 00:11:53.520
and so you asked in your Rule six letter that we bring our specialist witnesses

168
00:11:53.740 --> 00:11:55.160
on, um, those topics.

169
00:11:55.980 --> 00:11:59.880
So I will very briefly introduce them and just give you a very short, um,

170
00:12:00.230 --> 00:12:03.640
summary of their experience so that you might know who to direct your questions

171
00:12:03.640 --> 00:12:06.960
to. Thank you. Uh, sitting immediately behind me is Mr.

172
00:12:07.380 --> 00:12:11.880
Yesper Hartford Nielsen, who is head of Fleet Management at D F D S.

173
00:12:12.470 --> 00:12:16.840
He's a trained master mariner and has sailed for around 20 years as officer and

174
00:12:16.840 --> 00:12:20.440

captain on the D F D S network, including Ingham.

175
00:12:22.070 --> 00:12:26.680
Sitting to his left is Mr. Kim Carlson, who is,

176
00:12:26.980 --> 00:12:31.520
uh, also a Master Mariner and captain of Scania Seaways at D F D S.

177
00:12:32.500 --> 00:12:37.480
He has been a pilotage exemption certificate holder in the Ingham in and outer

178
00:12:37.480 --> 00:12:41.720
harbor since 2017, and has sailed regularly at Ingham since then.

179
00:12:42.820 --> 00:12:45.000
We then on this, uh, agenda, item five,

180
00:12:45.000 --> 00:12:47.520
have two participants who will join us online.

181
00:12:47.640 --> 00:12:50.400
I don't believe they've joined us yet, but they will at the relevant moment.

182
00:12:51.090 --> 00:12:55.760
Their names are Graham and Bishop of Bishop Marine Consulting Limited.

183
00:12:57.620 --> 00:13:01.080
He holds an M B A Harbor Masters, a diploma for Harbor Masters,

184
00:13:01.340 --> 00:13:05.400
and is a member of the Honorable Company of Master Mariners and an associate

185
00:13:05.400 --> 00:13:07.480
fellow of the Nautical Institute.

186
00:13:08.270 --> 00:13:12.880
He's currently the Deputy King's Harbor Master at Portsmouth, and he has,

187
00:13:13.060 --> 00:13:13.310
uh,

188
00:13:13.310 --> 00:13:17.760
over 29 years experience as a marine professional with particular
experience in

189
00:13:17.760 --> 00:13:21.640
navigational risk assessment. Uh, and finally on this agenda item,

190
00:13:22.620 --> 00:13:27.440
um, we have Jonathan Bush, who is a maritime pilot and consultant.

191
00:13:28.180 --> 00:13:32.600
He worked as a pilot on the Humber for a b p for 13 years,

192
00:13:33.220 --> 00:13:37.320
and has navigated over 2000 vessels in the Humber ports during that
time.

193
00:13:37.980 --> 00:13:41.520
He left a b p earlier this year. Um, but during his time with them,

194
00:13:41.520 --> 00:13:45.200
he was involved in conducting marine simulations for other Humber

195
00:13:45.200 --> 00:13:46.840
infrastructure, uh, developments,

196
00:13:47.300 --> 00:13:51.680
and in editing the Humber Pilot Handbook on agenda item

197
00:13:51.970 --> 00:13:56.440
three, landside Transportation. Um, I anticipate we will hear from
Andrew Byrne,

198
00:13:56.740 --> 00:13:59.000
who hasn't yet joined us, but we're expecting him shortly.

199
00:13:59.490 --> 00:14:03.520

Who's the managing director of D F t ftf Seaways UK

200
00:14:04.510 --> 00:14:08.440
with 15 years experience in the shipping and port industry. And Mr.

201
00:14:08.550 --> 00:14:12.800
Matt East who sits behind me, um, to my right, um,

202
00:14:12.850 --> 00:14:17.320
who's an executive advisor at G H D with over 15 years experience in the design

203
00:14:17.380 --> 00:14:20.880
and operation of international gateways, including port of Til breed,

204
00:14:21.010 --> 00:14:22.520
Dover Port and eSport.

205
00:14:23.060 --> 00:14:27.040
And he is advising D F D S on matters related to traffic, transportation,

206
00:14:27.380 --> 00:14:28.440
and port capacity.

207
00:14:30.300 --> 00:14:33.080
I'm sorry, I didn't catch the surname of that last gentleman.

208
00:14:33.350 --> 00:14:36.040
East Matt East, thank you. Thank you, sir.

209
00:14:36.780 --> 00:14:38.840
Um, and just for the formality, uh,

210
00:14:39.190 --> 00:14:43.840
various of these gentlemen may well be, uh, master Marines and captains.

211
00:14:44.060 --> 00:14:46.640
Um, do they prefer to be addressed as captain?

212
00:14:49.460 --> 00:14:50.720
Yes, captain, captain

213
00:14:50.890 --> 00:14:51.723
Is fine.

214
00:14:52.220 --> 00:14:53.320
So it's Captain Carlson,

215
00:14:53.790 --> 00:14:56.920
Captain Carl Bishop, captain Carlson, and

216
00:14:57.340 --> 00:14:57.560
Mr.

217
00:14:57.560 --> 00:14:58.393
Nelson

218
00:14:58.540 --> 00:14:59.373
And Mr. Nelson.

219
00:14:59.940 --> 00:15:04.720
Mr. Nelson, thank you. If,

220
00:15:05.090 --> 00:15:08.080
Sorry, if we get it wrong for any stage, yeah, forgive us.

221
00:15:09.660 --> 00:15:12.960
My sense is that this afternoon we may well ask, uh, you Mr.

222
00:15:13.250 --> 00:15:17.680
Taper to act as the, uh, as the ringleader. Certainly, sir. Um, now, uh,

223
00:15:18.090 --> 00:15:20.440
let's pass around the table further, Mr. Lim.

224
00:15:21.700 --> 00:15:25.200
Uh, yes, good morning. Richard Limmer from Northeast Lincoln Chair Council. Um,

225
00:15:25.260 --> 00:15:29.680
and we're likely to comment on items, uh, two and three. Thank

226
00:15:29.680 --> 00:15:30.513
You. Thank you.

227
00:15:30.780 --> 00:15:34.520
Uh, yes, good morning. Ms. Lara hat, also for Northeast Lincolnshire
Council,

228
00:15:35.020 --> 00:15:36.920
um, expecting to comment on item three.

229
00:15:37.930 --> 00:15:42.840
Thank you. Um, Ms. Hat, if I understand it, are you from highways?
Yes.

230
00:15:42.860 --> 00:15:43.480
Yes. Thank you very much.

231
00:15:43.480 --> 00:15:43.960
Yes, sir. Yes, I

232
00:15:43.960 --> 00:15:47.040
Am. Yes. Thank you very much. Passing around Captain Furman.

233
00:15:47.700 --> 00:15:50.800
So, good morning. My name is Victoria Hutton of Council,

234
00:15:51.300 --> 00:15:53.640
and I represent the Harbor Master for the Humber.

235
00:15:54.140 --> 00:15:57.800
I'm instructed by Jane Wakeham, a partner at Winkworth Sherwood. Uh,

236
00:15:57.800 --> 00:16:02.160
on my left and on Mrs. Ham's left, I have Captain Furman, the Harbor
Master,

237
00:16:03.100 --> 00:16:04.760
and so I'm, uh, Ms. Hutton.

238
00:16:05.250 --> 00:16:10.200
Thank you. And now to I o ot. Oh, before we, uh,

239
00:16:10.200 --> 00:16:13.760
sorry to, just to interrupt very briefly, are you happy to be, uh,

240
00:16:13.760 --> 00:16:16.560
just referred to in short as I OT for the time being?

241
00:16:18.030 --> 00:16:22.640
That'll be fine. Uh, so I appear for I o ot.

242
00:16:23.340 --> 00:16:28.200
Um, my name's David Elvin King's Council. I'm instructed by Burgess
Salmon,

243
00:16:28.460 --> 00:16:30.880
two members of whom sit to my extreme left.

244
00:16:31.640 --> 00:16:35.840
I have a team including two members of Nash Maritime, uh,

245
00:16:36.120 --> 00:16:40.240
navigational risk, uh, experts, including Mr.

246
00:16:40.700 --> 00:16:42.840
Rogers and Nigel Bassett to my left.

247
00:16:43.190 --> 00:16:47.360
They're also members of the A P T team here as well,

248
00:16:47.360 --> 00:16:49.320
should the need arise. Thank you.

249
00:16:59.920 --> 00:17:04.700
Um, as I raised earlier, uh, Mr. Alvin or anybody else, uh, from the
team,

250
00:17:05.600 --> 00:17:10.180
are there any masses of operational security, uh,

251
00:17:10.180 --> 00:17:14.980
that we need to tread wly about in terms of what is said in a public
environment

252
00:17:15.760 --> 00:17:18.260
and or in writing at a subsequent time?

253
00:17:21.300 --> 00:17:23.780
I think at the present moment, the answer's no. Right.

254
00:17:24.240 --> 00:17:29.020
If for any reason we raise questions and or in discussion

255
00:17:29.020 --> 00:17:32.660
matters arise and it's causing an issue, uh,

256
00:17:32.760 --> 00:17:35.940
can you let us know and we'll have to decide how we'll deal with
that

257
00:17:36.530 --> 00:17:40.900
potentially would mean whatever that evidential area was, uh,

258
00:17:40.920 --> 00:17:42.380
we would then deal with in writing.

259
00:17:43.120 --> 00:17:47.220
And if it was of a particular concern to iot, uh,

260
00:17:47.220 --> 00:17:50.720
potentially that would have to be dealt with, uh, on a confidential
matter, uh,

261
00:17:50.720 --> 00:17:55.040
basis. I e whatever will be submitted to the examining authority,

262
00:17:55.300 --> 00:17:56.840
but it would not then be published,

263
00:17:58.070 --> 00:18:00.360

Certainly based on discussions so far,

264
00:18:01.230 --> 00:18:06.040
that appears to be unlikely on the current, uh, uh, uh, issues.

265
00:18:06.260 --> 00:18:09.520
But of course, we'll keep that under review and we'll flag it up if,

266
00:18:09.820 --> 00:18:11.680
if it comes, uh, up as a concern

267
00:18:14.500 --> 00:18:19.240
On a general matter. But I suspect it doesn't apply so much to the
other ips.

268
00:18:20.140 --> 00:18:24.720
Um, if again, there is an issue that arises in that context, uh,

269
00:18:24.860 --> 00:18:29.800
please alert us to it before we get too far into whatever that
discussion

270
00:18:29.800 --> 00:18:30.633
might be.

271
00:18:33.900 --> 00:18:35.290
Thank you, Mr. Gould. Uh,

272
00:18:35.990 --> 00:18:40.690
is there anybody else in person here today who would like

273
00:18:40.910 --> 00:18:44.810
or is may wish to speak? No. Um,

274
00:18:45.130 --> 00:18:49.810
I would say if that changes during the day, please just indicate,
uh, that,

275
00:18:49.840 --> 00:18:54.250
that there, uh, is no reason why you shouldn't change your minds
later on. Uh,

276
00:18:54.510 --> 00:18:59.450
now, online, uh, forgive me, we have, um,

277
00:19:01.000 --> 00:19:04.530
four people attend, three people attending online. Uh,

278
00:19:04.740 --> 00:19:09.370
would any of you wish to speak to any of the items today? If you
could just, uh,

279
00:19:10.320 --> 00:19:12.930
come on screen if that's appropriate?

280
00:19:16.390 --> 00:19:20.530
No. Okay, good. Um, thank you.

281
00:19:21.670 --> 00:19:26.490
So I think just before we move on to the business today, I think Mr.

282
00:19:26.540 --> 00:19:29.970
Gould would like to say a few words for the benefit of everybody,
um,

283
00:19:29.970 --> 00:19:34.090
present about the familiarization site inspection that we

284
00:19:34.520 --> 00:19:36.850
undertook yesterday. Um, Mr. Gould,

285
00:19:37.630 --> 00:19:41.250
Um, I'm actually gonna change that slide. I'll, I'll do some more
introductory,

286
00:19:41.390 --> 00:19:45.330
um, comments in terms of the agenda. Item two,

287
00:19:45.330 --> 00:19:48.050
which is really the purpose of, uh, today's meeting.

288
00:19:48.600 --> 00:19:52.490
Then I'll come onto the familiarization visit and, uh,

289
00:19:53.510 --> 00:19:55.970
and that will, I think, flow more neatly than into what,

290
00:19:55.970 --> 00:19:57.370
where we're gonna go with the third item.

291
00:20:02.230 --> 00:20:03.063
So,

292
00:20:04.340 --> 00:20:09.170
Thank you. Uh, I'm going to pass Ms. Goul to go through item two now. Uh,

293
00:20:09.270 --> 00:20:13.130
and then as you say, we'll just make some remarks about the, uh,

294
00:20:13.130 --> 00:20:14.010
inspection yesterday.

295
00:20:15.740 --> 00:20:20.010
Thank you. Um, the hearing today will generally follow, uh,

296
00:20:20.010 --> 00:20:24.450
the agenda that was issued, uh, by the inspector on the 14th of July.

297
00:20:25.230 --> 00:20:29.090
Um, it would be helpful if you had a copy of that to hand, um,

298
00:20:29.100 --> 00:20:33.170
could the applicant arrange for, uh, the agenda to be, um, put on screen please.

299
00:20:39.870 --> 00:20:44.650
Uh, you'll see that, uh, we refer to the hearing guidance, um, which,

300
00:20:45.510 --> 00:20:50.240
uh, was noted in the agenda document, uh, for expediency.

301

00:20:50.300 --> 00:20:53.280
I'm assuming that everyone here has read, uh,

302
00:20:53.280 --> 00:20:57.800
that guidance and is reasonably familiar with it. Is there anybody
that,

303
00:20:57.800 --> 00:21:01.000
that is a little bit uncertain about the way the hearing is
conducted?

304
00:21:02.380 --> 00:21:05.360
I'm not seeing anything from anybody in the room anyway.

305
00:21:13.640 --> 00:21:18.140
Uh, the examination of an NIP application, uh, is primarily
conducted in,

306
00:21:18.200 --> 00:21:23.180
in the written form, um, as we explained in the, uh,

307
00:21:23.180 --> 00:21:27.100
preliminary meeting that was held on Tuesday of this week. However,

308
00:21:27.160 --> 00:21:31.340
the purpose of today's hearing is for the examining authority to
raise some

309
00:21:31.540 --> 00:21:35.220
questions to help us establish to what extent, um,

310
00:21:35.220 --> 00:21:39.820
the application complies with policy. Now, just touching on policy,
um,

311
00:21:39.880 --> 00:21:44.700
I'm gonna suggest that we don't delve too deeply into the minutia of
policy

312
00:21:44.870 --> 00:21:46.260
today, um,

313

00:21:48.280 --> 00:21:51.940
But where it's necessary to refer to policy in effect as a,

314
00:21:52.380 --> 00:21:55.380
a marker that, that you particularly want us to, um,

315
00:21:55.890 --> 00:21:58.900
take particular a particular aspect of the policy into account.

316
00:21:59.320 --> 00:22:01.140
By all means do so. Uh,

317
00:22:01.140 --> 00:22:04.220
but I think because we've got quite a lot of things to cover today,

318
00:22:04.220 --> 00:22:07.340
if we get too far into discussing policy, uh,

319
00:22:07.520 --> 00:22:10.420
we may not make much progress. And it,

320
00:22:10.500 --> 00:22:15.380
I think it should be treated as a given that we will be looking at
policy. Uh,

321
00:22:15.440 --> 00:22:18.940
we cannot avoid it when we finally, uh, come, uh, to,

322
00:22:19.080 --> 00:22:22.140
to write our reclamation report. So, you know,

323
00:22:22.140 --> 00:22:25.860
policy is something that we are well aware of. Um,

324
00:22:26.040 --> 00:22:29.140
so I say I would encourage people not to get too, uh,

325
00:22:29.600 --> 00:22:31.780
or to delve too deeply with policy today.

326
00:22:38.580 --> 00:22:42.080

Uh, but there are a number of matters, uh, that we consider. We,

327
00:22:42.140 --> 00:22:46.680
we at this stage require clarification from parties. Um,

328
00:22:47.300 --> 00:22:49.200
and potentially, uh,

329
00:22:49.300 --> 00:22:54.120
we may be giving some indications today where we think parties potentially

330
00:22:54.120 --> 00:22:55.440
need to, uh,

331
00:22:55.500 --> 00:22:59.960
get round the table and discuss matters to get greater clarity on certain

332
00:22:59.960 --> 00:23:00.793
matters.

333
00:23:04.780 --> 00:23:09.320
Our questions will be directed either at the applicant or other ipss with the

334
00:23:09.440 --> 00:23:12.640
opposing party or parties being given the opportunity to comment on the answers

335
00:23:12.650 --> 00:23:17.360
given to our questions. Uh, for that reason,

336
00:23:17.460 --> 00:23:21.960
we may wish to inquire in greater or lesser detail, uh, in respect of matters,

337
00:23:22.300 --> 00:23:27.240
um, that we've raised on the agenda. Um,

338
00:23:27.460 --> 00:23:29.200
and as stated in the agenda,

339
00:23:29.300 --> 00:23:32.680
any lack of discussion of a particular issue does not preclude
further

340
00:23:33.000 --> 00:23:36.600
examination, including, um, written questions.

341
00:23:44.860 --> 00:23:45.640
And of course,

342
00:23:45.640 --> 00:23:50.000
I would remind parties that there is the opportunity at the written
reps, um,

343
00:23:50.680 --> 00:23:54.920
deadline to make your fairly substantive written representations.

344
00:23:55.260 --> 00:23:59.520
But hopefully the dis discussion today will inform potentially what
is gonna go

345
00:23:59.520 --> 00:24:01.840
into those final written representations.

346
00:24:08.580 --> 00:24:12.320
We asked for and received summary statements of principle areas of
difference

347
00:24:12.430 --> 00:24:16.800
from a number of parties. Those were submitted on the 6th of July.

348
00:24:17.510 --> 00:24:22.480
They have helped us, uh, formulating questions for today's
discussion.

349
00:24:24.260 --> 00:24:28.520
We intend to retain the, a, a focus for the ho for the holding of
this hearing.

350
00:24:29.660 --> 00:24:34.360
Um, and as we discussed, particularly during the preliminary

meeting,

351
00:24:34.660 --> 00:24:35.493
um,

352
00:24:35.820 --> 00:24:39.800
we are keen that statements of common ground we signed

353
00:24:40.740 --> 00:24:45.440
and submitted at around the halfway mark, um, of the examination.

354
00:24:46.380 --> 00:24:50.760
Um, and we see the period between now and that, um,

355
00:24:50.810 --> 00:24:51.920
submission date as,

356
00:24:52.020 --> 00:24:57.000
as an area where parties potentially will narrow ground or narrow
the,

357
00:24:57.020 --> 00:24:58.080
the areas of difference,

358
00:24:58.850 --> 00:25:01.960
fully accepting that where there are matters of interpretation,

359
00:25:02.530 --> 00:25:06.400
there potentially will be ongoing disagreement. But where there are,
uh,

360
00:25:06.540 --> 00:25:11.000
methodological type disagreements where there may be scope, uh,

361
00:25:11.020 --> 00:25:14.840
to narrow ground, uh, that is what we would expect to be seeing, um,

362
00:25:17.490 --> 00:25:21.070
in the period between now and the submission of those statements of
common

363

00:25:21.070 --> 00:25:21.903
ground.

364
00:25:34.730 --> 00:25:38.740
When the applicant and or interested parties are answering our
questions.

365
00:25:39.520 --> 00:25:42.620
Uh, would you please try and ensure they are succinct answers

366
00:25:44.550 --> 00:25:48.060
where a question is deserving of a yes no type answer.

367
00:25:48.720 --> 00:25:52.540
Please give a yes no answer and then elaborate as necessary.

368
00:25:53.560 --> 00:25:58.380
Um, try to evade an answer to a question, won't get you very far,

369
00:25:58.380 --> 00:26:01.900
because we almost certainly, uh, re-ask it.

370
00:26:02.820 --> 00:26:04.220
I would also ask that, uh,

371
00:26:04.460 --> 00:26:09.220
witnesses try to avoid anticipating what the next question might be,

372
00:26:10.040 --> 00:26:14.060
um, because we might miss a step in, in a question, uh, or series of
questions

373
00:26:24.170 --> 00:26:28.660
Following this hearing. We will be issuing written questions, um,

374
00:26:28.840 --> 00:26:33.020
and as we touched on in the preliminary meeting and issue specific
hearing, one,

375
00:26:33.520 --> 00:26:37.900
we suspect, um, that we will require further,

376
00:26:38.400 --> 00:26:42.260
um, issue specific hearings, which are scheduled, uh, for September.

377
00:26:50.880 --> 00:26:54.740
Uh, we will take a short break at some stage, um,

378
00:26:54.890 --> 00:26:57.780
this morning when it's convenient. And similarly, uh,

379
00:26:57.800 --> 00:27:00.780
if we're still sitting this afternoon, which I think we probably will,

380
00:27:01.230 --> 00:27:04.540
we'll similarly try and find a convenient time to take a break

381
00:27:14.320 --> 00:27:16.260
in terms of general procedural type matters.

382
00:27:16.480 --> 00:27:19.380
Are there any matters that anybody wishes to raise at this point?

383
00:27:19.490 --> 00:27:21.300
Looking at applicant first,

384
00:27:24.360 --> 00:27:27.180
Uh, James Raun for the applicant? No, thank you, sir.

385
00:27:29.600 --> 00:27:33.940
And looking at the interest parties, nothing from D ft Ss, nothing from C L D N,

386
00:27:34.170 --> 00:27:37.180
nothing from the Harbor Master, I o t I,

387
00:27:37.320 --> 00:27:37.920
The, the only,

388
00:27:37.920 --> 00:27:42.340
the only point is I forgot to tell you which areas we were interested in. Um,

389
00:27:42.560 --> 00:27:46.740
uh, principally five. I will have a short point to make on one, but, uh,

390
00:27:46.880 --> 00:27:47.740
it will be very short.

391
00:27:55.350 --> 00:27:56.380
Thank you. Right.

392
00:27:56.460 --> 00:28:00.260
I think it's now appropriate that I'd make a few comments about the

393
00:28:00.620 --> 00:28:03.980
familiarization site inspection that was conducted yesterday.

394
00:28:08.680 --> 00:28:12.860
The inspection as we, uh, trailed in the procedural decision, uh,

395
00:28:12.860 --> 00:28:16.660
relating to this inspection comprised to elements, um,

396
00:28:17.260 --> 00:28:20.780
a marine element, uh, which was con held or conducted during the morning,

397
00:28:21.320 --> 00:28:25.860
and then a li a landside element during the afternoon, which also included,

398
00:28:26.800 --> 00:28:31.180
um, a visit to the I o t uh, jetty. Um,

399
00:28:31.320 --> 00:28:34.260
so we have now seen the I O D I O T jetty,

400
00:28:34.260 --> 00:28:38.220
both from the water and also physically from the,

401
00:28:38.290 --> 00:28:41.500

from the structure and seeing the, um,

402
00:28:41.550 --> 00:28:44.420
trunk wave pipelines in particular. Uh,

403
00:28:44.480 --> 00:28:48.300
and we've also seen a number of vessels that were birthed. Uh,

404
00:28:48.300 --> 00:28:51.620
and that changed during the course of the day because there were more vessels

405
00:28:51.690 --> 00:28:56.420
birthed in the afternoon when we were actually on the jetty compared to,

406
00:28:56.960 --> 00:28:58.700
uh, what we saw when we were on the water.

407
00:29:01.400 --> 00:29:03.180
During that inspection, Mr.

408
00:29:03.240 --> 00:29:07.860
Limmer from the council was present as an observer, uh,

409
00:29:07.920 --> 00:29:12.900
and we were also accompanied by Ms. Robbins and Mr. Barman from our case team.

410
00:29:13.680 --> 00:29:17.380
Uh, and there were various representatives from, um, the applicant,

411
00:29:18.480 --> 00:29:19.313
um,

412
00:29:19.360 --> 00:29:24.060
and IOT operators who were present in effect chaperoning us

413
00:29:24.840 --> 00:29:29.460
or as crew for the pilot launch. Um, I'm now I'm gonna ask Mr.

414

00:29:29.740 --> 00:29:32.900
Lyer if he could just comment on how the inspection was conducted,

415
00:29:33.400 --> 00:29:37.780
really for the benefit of the other interested parties. Uh, Mr. Er?

416
00:29:39.790 --> 00:29:40.010
Uh,

417
00:29:40.010 --> 00:29:42.960
Yes, thank you, sir. Richard Limmer from Northeast Links Council, uh,

418
00:29:43.020 --> 00:29:47.240
can confirm that the, uh, the visit was undertaken in a professional manner, uh,

419
00:29:47.240 --> 00:29:50.480
with no interaction, uh, between parties in relation to the, uh,

420
00:29:50.940 --> 00:29:53.120
the case in front of us today. Thank you.

421
00:29:56.020 --> 00:29:57.400
Uh, thank you, Mr. Malman.

422
00:29:57.590 --> 00:30:02.440
What I should have also said was that in the itinerary that we,

423
00:30:02.620 --> 00:30:06.480
um, issued, uh, Procedural to seven,

424
00:30:07.240 --> 00:30:11.800
procedural decision seven, I think we're now at, um, we, we identified,

425
00:30:11.800 --> 00:30:16.120
I think it was a total of 11 vantage points. We visited those vantage points.

426
00:30:16.130 --> 00:30:19.480
There was some rejigging of water, uh, uh,

427
00:30:19.590 --> 00:30:22.600
just because of either when we were on the water, uh, it was more
convenient,

428
00:30:22.860 --> 00:30:25.800
um, to go in a certain direction at a certain time,

429
00:30:26.020 --> 00:30:29.800
not least because there was a dredger, um, returning, uh,

430
00:30:29.820 --> 00:30:32.080
to its dredging location. Um,

431
00:30:33.060 --> 00:30:37.640
and we also traversed the Internal Dock Road system a number of
times,

432
00:30:38.580 --> 00:30:42.640
um, which was, uh, of some assistance to us.

433
00:30:46.210 --> 00:30:50.240
There were in effect two actions arising from the site inspection.

434
00:30:50.940 --> 00:30:54.920
And I'll just briefly run through, um, one for the applicant and one
for I o T.

435
00:30:55.860 --> 00:30:59.800
Uh, but the applicant's representatives and the I o OT
representatives are both

436
00:30:59.850 --> 00:31:01.720
aware of those actions,

437
00:31:01.740 --> 00:31:05.480
and they may well already have started work in producing them. Um,

438
00:31:05.550 --> 00:31:07.800
firstly for the applicant, we, um,

439

00:31:08.010 --> 00:31:12.880
asked that potentially in liaison with the Harbor Master, um,

440
00:31:13.470 --> 00:31:17.920
that a note be prepared explaining how typical or otherwise

441
00:31:18.820 --> 00:31:22.360
the shipping movements were, uh, during the marine inspection.

442
00:31:24.300 --> 00:31:27.840
We also asked for some details about the length beam and,

443
00:31:28.260 --> 00:31:33.200
and capacity of the ship's birthed at i o t at the time

444
00:31:33.580 --> 00:31:35.920
of, um, the marine inspection,

445
00:31:38.160 --> 00:31:42.200
A and we further asked for details of the state of tide, the wind
speed,

446
00:31:42.940 --> 00:31:47.080
and direction of wind, as well as, uh, details of the current.

447
00:31:51.610 --> 00:31:55.150
Uh, but as I previously indicated, um, I,

448
00:31:55.310 --> 00:32:00.230
I think the marine services team are aware of that request and are
already, uh,

449
00:32:00.230 --> 00:32:04.590
doing work, uh, to prepare that note. Uh, secondly, um,

450
00:32:04.930 --> 00:32:06.950
for iot operators, um,

451
00:32:07.050 --> 00:32:11.910
we ask that a plan be submitted clearly showing the birthing

452

00:32:11.910 --> 00:32:15.870
numbering, uh, for the I o ot, um, facility.

453
00:32:16.890 --> 00:32:17.650
Um,

454
00:32:17.650 --> 00:32:22.150
and I think it might be appropriate if either Mr.

455
00:32:22.480 --> 00:32:23.670
Smith or Mr.

456
00:32:23.810 --> 00:32:28.430
Durley can actually just briefly explain that numbering

457
00:32:28.890 --> 00:32:32.950
now so that it's clear to everybody before we actually, uh,

458
00:32:33.140 --> 00:32:37.150
head into the navigation, um, discussion later on in the day.

459
00:32:48.410 --> 00:32:52.340
Good morning. Paul Smith from I O t and the marine superintendent

460
00:32:52.960 --> 00:32:56.700
Can, sorry, can I just suggest that you, the way you do it is go
west to east,

461
00:32:57.760 --> 00:32:58.593
if that,

462
00:32:59.250 --> 00:33:01.260
Yeah. Okay. It's kind of backwards a bit. Okay.

463
00:33:04.050 --> 00:33:04.883
It's, it's

464
00:33:05.960 --> 00:33:07.980
The way you think is most appropriate. So

465
00:33:07.980 --> 00:33:11.660

Usually we, we, we would talk about the iot from Seawood, uh,

466
00:33:11.690 --> 00:33:15.140
from from shore side. Looking to Seawood, uh,

467
00:33:15.150 --> 00:33:18.820
would probably be the more normal way that we would kind of view the actual

468
00:33:18.920 --> 00:33:23.900
births. Um, so the, the iot itself has, has a large expanse,

469
00:33:23.900 --> 00:33:28.060
what we call the main birth. So as we're looking from Ingham towards, uh,

470
00:33:28.120 --> 00:33:31.460
the North bank of the, of the Humber, we are looking at,

471
00:33:31.480 --> 00:33:34.340
at realistically the I O t, uh,

472
00:33:34.740 --> 00:33:39.260
starting at the main berth on the westerly side basically would be birth one.

473
00:33:39.880 --> 00:33:43.940
And then we look at birth two, which is central to the trunk way itself.

474
00:33:44.280 --> 00:33:49.060
And then BER three, um, on the, on the most seawood side of the Humber.

475
00:33:49.480 --> 00:33:52.820
Um, and then going, dropping back onto the finger pier,

476
00:33:52.820 --> 00:33:56.060
which is obviously behind birth one and birth two, primarily,

477
00:33:56.060 --> 00:33:59.100
primarily behind birth two virtually. Um,

478
00:33:59.400 --> 00:34:03.860
you're then looking at birth there on the more seaward side is

479
00:34:04.070 --> 00:34:08.940
birth six, and then going towards, uh, the, these there birth seven.

480
00:34:09.200 --> 00:34:11.980
And then behind birth six is birth eight,

481
00:34:12.240 --> 00:34:14.220
and then behind birth seven is birth nine.

482
00:34:18.870 --> 00:34:19.780
Thank you, Mr. Smith.

483
00:34:27.660 --> 00:34:29.600
And we can produce, we'll produce a, a,

484
00:34:30.240 --> 00:34:34.600
a plan which will have the appropriate numbering on, which I hope
will assist.

485
00:34:36.580 --> 00:34:41.040
Uh, I think it will, because I'm not entirely certain that,

486
00:34:41.980 --> 00:34:42.420
um,

487
00:34:42.420 --> 00:34:47.200
the plots that are included in the simulations necessarily

488
00:34:47.630 --> 00:34:51.840
show that numbering in that order.

489
00:34:53.290 --> 00:34:54.240
Thank you, Mr. Lin.

490
00:34:55.260 --> 00:34:58.040
Um, and then, um, in effect,

491
00:34:58.340 --> 00:35:03.160
the second item for I O T, again, um, I think Mr.

492
00:35:03.170 --> 00:35:08.040
Smith and Mr. Dun aware, I, we asked for a note,

493
00:35:08.420 --> 00:35:13.400
um, addressing the state of the tide, wind speed, wind, uh,

494
00:35:13.400 --> 00:35:17.600
wind direction, and the nature of the current during, um,

495
00:35:20.020 --> 00:35:24.800
the inspection of the I O T facility, which was a little after two
o'clock.

496
00:35:25.460 --> 00:35:30.080
So that was around two hours after we, uh,

497
00:35:30.080 --> 00:35:34.560
looked at it from the water. Um,

498
00:35:34.860 --> 00:35:39.600
and we also asked, um, I think we asked, but if we didn't, I'm now
asking,

499
00:35:40.180 --> 00:35:42.920
um, if we could have details, uh,

500
00:35:43.740 --> 00:35:47.040
of the sizes i e the length, the beam,

501
00:35:47.100 --> 00:35:50.120
and the capacity of the various, um,

502
00:35:50.430 --> 00:35:55.120
tankers or vessels that were birthed on the I O T, um,

503
00:35:55.350 --> 00:35:57.040
when visited in the afternoon.

504
00:36:24.560 --> 00:36:28.350
Right. Well, I think that then brings us to agenda item two,

505
00:36:29.320 --> 00:36:31.750
which is the need for the proposed development.

506
00:36:31.830 --> 00:36:36.670
I think some have been referring to that as their agenda item one,
um,

507
00:36:37.690 --> 00:36:41.470
but I've certainly got it. Uh, that was Michael. Don't, don't worry.
Uh,

508
00:36:41.590 --> 00:36:45.830
I think somebody else may also have possibly got the numbering
slightly out.

509
00:36:53.410 --> 00:36:58.230
Um, um, and what we'd like to do in, uh, and this is a discussion
about need,

510
00:36:58.770 --> 00:37:03.430
um, is that we'd like to ask the applicant first, um, to, in effect
give a,

511
00:37:03.510 --> 00:37:06.670
a roundabout a five minute summary, um, of,

512
00:37:06.930 --> 00:37:11.110
in effect its case with respect to need. Um,

513
00:37:11.740 --> 00:37:16.590
then we'll look to C L D N. Are there any other ips, um,

514
00:37:16.770 --> 00:37:20.430
who wish to comment or make a summary about need?

515
00:37:25.170 --> 00:37:26.003
Mr.

516

00:37:28.690 --> 00:37:30.990
As I said, I've got a short point to make,

517
00:37:31.230 --> 00:37:33.390
although we're not directly challenging need,

518
00:37:34.920 --> 00:37:38.550
Right? The way we'll run it is we start with applicant C L D N,

519
00:37:38.550 --> 00:37:41.830
then we'll take your point, Mr. Strong.

520
00:37:43.650 --> 00:37:47.350
Uh, thank you sir. James TRO on behalf of a B P,

521
00:37:48.170 --> 00:37:49.150
and sir, I'm,

522
00:37:49.210 --> 00:37:54.030
I'm privileged to appear on behalf of a p p to explain the case for the

523
00:37:54.030 --> 00:37:58.470
imperative need for the proposed developments at the Port of Ingham, uh,

524
00:37:58.660 --> 00:38:01.790
both for the port, the Humber ry, uh,

525
00:38:01.930 --> 00:38:06.150
and indeed the wider region and the UK itself in the public interest.

526
00:38:06.970 --> 00:38:09.270
So this is obviously only a brief outline.

527
00:38:09.270 --> 00:38:13.670
You've got in more detail the case on need set out in the planning statement,

528
00:38:14.090 --> 00:38:18.270
the environmental statement, chapter four, need and alternatives,

uh,

529
00:38:18.330 --> 00:38:22.310
in the various volumes. And of course, there's a market forecast
study report,

530
00:38:23.250 --> 00:38:28.070
but A B P is one of the leading ports groups with 21 ports around
the coast

531
00:38:28.070 --> 00:38:32.790
of Britain, which contribute around 7.5 billion pounds to the UK
economy

532
00:38:33.440 --> 00:38:36.440
supporting over 119,000 jobs.

533
00:38:37.220 --> 00:38:40.640
And on the Humber Estuary with the four ports, um,

534
00:38:41.240 --> 00:38:44.760
handling more than 58 million tons of cargo, um,

535
00:38:44.890 --> 00:38:49.840
worth approximately 75 billion pounds and supporting 35,000 of those

536
00:38:49.840 --> 00:38:53.360
jobs makes it, um, in, in my submission,

537
00:38:53.900 --> 00:38:58.600
no exaggeration to say that a B P is uniquely well placed as a port

538
00:38:58.920 --> 00:39:03.600
operator to identify the need for a new facility of this kind for
immingham.

539
00:39:04.180 --> 00:39:04.820
And, uh,

540
00:39:04.820 --> 00:39:09.720
its ability to deliver it in this location at that volume of
activity is a

541
00:39:09.720 --> 00:39:14.320
feature both of the re street's ideal location to provide port

542
00:39:14.370 --> 00:39:17.160
facilities for the import and export of freight,

543
00:39:17.540 --> 00:39:22.080
but also the significant growth and ever increasing demand for these

544
00:39:22.130 --> 00:39:24.960
facilities and the important competition it would yield,

545
00:39:25.620 --> 00:39:29.400
and I'll come to the government's clear policy position in the
national policy

546
00:39:29.430 --> 00:39:31.280
statement for ports in a moment.

547
00:39:32.060 --> 00:39:36.960
But abs p's ports at Humber serve as a good barometer

548
00:39:37.500 --> 00:39:38.520
of the situation,

549
00:39:38.540 --> 00:39:43.200
the dynamic environment where a B P is seeking to provide capacity

550
00:39:43.500 --> 00:39:48.200
to match the nation's trading needs through the vital trading
gateway

551
00:39:48.430 --> 00:39:50.280
gateway to mainland Europe

552
00:39:51.780 --> 00:39:55.520
and a B p have identified an imperative need for an additional,

553
00:39:56.180 --> 00:39:57.920
can I use the word ro, um,

554
00:39:58.460 --> 00:40:03.240
for freight capacity within the Humber ery at Ingham, both a b P,

555
00:40:03.340 --> 00:40:04.173
and of course,

556
00:40:04.320 --> 00:40:09.120
Sten line are in no doubt as to the requirement to strengthen the
Estuary's

557
00:40:09.560 --> 00:40:14.360
contribution to an effective, efficient, competitive, and
importantly,

558
00:40:14.760 --> 00:40:19.240
resilient UK RO freight sector to connect to Europe and the Baltics

559
00:40:20.020 --> 00:40:22.160
and the Humber estuary, and more specifically,

560
00:40:22.160 --> 00:40:26.800
this location at Immingham on the South Bank with natural access to
deep water

561
00:40:27.260 --> 00:40:29.680
and good inland transport connections,

562
00:40:29.870 --> 00:40:34.640
thereby enabling easy access to major inland conation within the

563
00:40:34.740 --> 00:40:39.720
uk make it the ideal location for new RO freight, uh,

564
00:40:40.000 --> 00:40:40.833
facility.

565
00:40:41.180 --> 00:40:45.480
And so before just summarizing where you'll find the evidence on
need,

566

00:40:46.020 --> 00:40:50.920
it is important at the outset to record an important principle about

567
00:40:51.130 --> 00:40:52.200
government policy.

568
00:40:52.460 --> 00:40:56.520
And I'm wary of your point about not delving into it in too much depth,

569
00:40:57.300 --> 00:40:59.320
but of course, under that policy,

570
00:40:59.580 --> 00:41:04.160
the applicant is not required to demonstrate a need for this

571
00:41:04.480 --> 00:41:09.440
facility because that need is already established in

572
00:41:09.460 --> 00:41:10.640
the N P Ss,

573
00:41:10.730 --> 00:41:15.520
which has been approved by Parliament Chapter three of the N P s

574
00:41:15.960 --> 00:41:18.440
explains in a much greater detail.

575
00:41:18.500 --> 00:41:23.320
But by way of brief summary only that the government has identified first,

576
00:41:23.350 --> 00:41:28.200
that shipping will continue to find the only effective way to move the

577
00:41:28.200 --> 00:41:30.600
vast majority of freight in and outta the uk.

578
00:41:31.220 --> 00:41:35.640
And the provision of sufficient seaport capacity remains an essential element

579
00:41:36.020 --> 00:41:40.200
in ensuring sustainable growth in the UK economy. Secondly,

580
00:41:40.200 --> 00:41:44.360
the government seeks to encourage sustainable port development to cater for that

581
00:41:44.360 --> 00:41:48.680
long-term forecast growth, uh, with a competitive port industry.

582
00:41:49.310 --> 00:41:49.800
Thirdly,

583
00:41:49.800 --> 00:41:53.600
the government allows judgments about when and where new developments are

584
00:41:53.720 --> 00:41:58.120
proposed to be made on the basis of commercial factors by the port industry or

585
00:41:58.120 --> 00:42:02.640
port developments operating within a free market environment.

586
00:42:03.100 --> 00:42:06.600
And that reflects the fact that the port industry is put itself capable of

587
00:42:06.600 --> 00:42:10.200
responding to demand in that way. Fourthly,

588
00:42:10.530 --> 00:42:15.440
total need depends, not on only overall demand for port capacity,

589
00:42:15.820 --> 00:42:20.360
but also the need to retain flexibility that ensures port capacity is

590
00:42:20.430 --> 00:42:23.640
located where it's required and,

591
00:42:23.700 --> 00:42:27.760
and the need to ensure for effective competition and resilience in
port

592
00:42:27.920 --> 00:42:30.280
operation. Fifthly,

593
00:42:30.420 --> 00:42:35.320
the government's identification of need is based upon its own
forecasts

594
00:42:35.320 --> 00:42:39.120
of demand for port capacity. Um, but it's the policy,

595
00:42:39.430 --> 00:42:43.040
it's the government's policy that it's for each port to take its own
commercial

596
00:42:43.310 --> 00:42:46.800
view and its own risks on its particular traffic forecast.

597
00:42:47.380 --> 00:42:52.160
But the latest forecast from 2019 confirm that prescient

598
00:42:52.360 --> 00:42:53.280
approach from the government,

599
00:42:53.540 --> 00:42:57.720
and of course no revision to the national policy policy statement.

600
00:42:57.720 --> 00:43:00.200
In light of it, and sixthly,

601
00:43:00.200 --> 00:43:04.680
the government emphasizes that the capacity needed to provide for
competition

602
00:43:04.680 --> 00:43:09.080
innovation, flexibility, and resilience can be delivered by the
market,

603

00:43:09.660 --> 00:43:14.120
and it's likely to exceed what might be implied by a simple aggregation,

604
00:43:14.580 --> 00:43:17.360
uh, of demand nationally seventhly.

605
00:43:17.360 --> 00:43:21.680
It also notes that new capacity needs to be provided at a wide range of

606
00:43:21.690 --> 00:43:26.680
facilities and locations to provide that flexibility to match the changing

607
00:43:26.740 --> 00:43:27.760
demand to the market,

608
00:43:28.180 --> 00:43:32.400
and possibly with traffic moving from existing ports to new facilities.

609
00:43:32.980 --> 00:43:37.320
So thereby generating surplus capacity. And Aly,

610
00:43:37.320 --> 00:43:41.960
it explains that forecasts do not attempt to predict locations where demand

611
00:43:42.130 --> 00:43:43.000
would manifest,

612
00:43:43.580 --> 00:43:48.360
and the government does not wish to dictate where port development should

613
00:43:48.410 --> 00:43:49.243
occur.

614
00:43:49.260 --> 00:43:53.240
And it considers the market as the best mechanism for getting that right with

615
00:43:53.610 --> 00:43:57.200
developers bringing forward applications for port development where
they

616
00:43:57.440 --> 00:44:00.480
consider it to be commercially viable and nightly.

617
00:44:00.480 --> 00:44:03.720
It notes that UK ports compete with, with each other,

618
00:44:04.260 --> 00:44:09.160
and it welcomes and encourages that competition to drive efficiency,

619
00:44:09.370 --> 00:44:13.760
lower costs for industry and consumers and to contribute to the
competitiveness

620
00:44:13.760 --> 00:44:14.760
of the UK economy.

621
00:44:15.540 --> 00:44:20.280
And it identifies that total port capacity in any sector will
actually need to

622
00:44:20.380 --> 00:44:25.280
exceed forecast overall demand if the port sector is to remain
competitive,

623
00:44:26.020 --> 00:44:29.200
uh, with the port industry, and again,

624
00:44:29.270 --> 00:44:33.320
port developers being best placed to assess the ability to obtain
that new

625
00:44:33.560 --> 00:44:35.520
business. And the level of the new capacity

626
00:44:37.020 --> 00:44:41.640
and spare capacity is identified as helping to assure the resilience
of the

627
00:44:41.880 --> 00:44:44.960
national infrastructure. And I'll come back to that concept, uh,

628
00:44:45.060 --> 00:44:49.880
in light of an issue you've raised about it. Um, and accordingly,

629
00:44:50.030 --> 00:44:54.040
when you get to paragraph 3.4, point 16 of the M p s,

630
00:44:54.300 --> 00:44:58.760
it states in terms that there is a compelling need for

631
00:44:58.830 --> 00:45:02.920
substantial additional port capacity over the next 20 to 30 years.

632
00:45:03.700 --> 00:45:07.920
And it states that excluding the possibility for additional capacity from

633
00:45:07.960 --> 00:45:12.440
Newport development would be to accept limits on economic growth and on the

634
00:45:12.440 --> 00:45:17.280
price choice and availability of goods imported into the UK and available to

635
00:45:17.480 --> 00:45:22.440
consumers and to limit the local and regional economic benefits that development

636
00:45:22.440 --> 00:45:26.760
might bring, which would be strongly against the public interest. And so,

637
00:45:26.940 --> 00:45:31.920
so that leads to the guidance that when determining in an application of

638
00:45:31.920 --> 00:45:32.753
this kind,

639
00:45:32.820 --> 00:45:37.160
the decision maker should accept the need for future

640
00:45:37.600 --> 00:45:40.720
capacity to cater for that long-term forecast growth,

641
00:45:40.900 --> 00:45:45.360
to offer that wide range of facilities to ensure effective
competition

642
00:45:45.780 --> 00:45:49.480
and to take full account of the potential contribution that port
development

643
00:45:49.480 --> 00:45:53.640
will make to regional and local economies. And what's more,

644
00:45:53.640 --> 00:45:55.960
it identifies that it's a, uh,

645
00:45:56.300 --> 00:46:00.480
the level of need and urgency of that infrastructure that gives rise
to a

646
00:46:00.480 --> 00:46:04.760
presumption in favor of granting consent to

647
00:46:04.920 --> 00:46:09.720
applications like this, unless any more specific and relevant
policies,

648
00:46:10.500 --> 00:46:15.040
uh, indicate that consent should be refused. So it's a,

649
00:46:15.190 --> 00:46:18.920
it's in that context that it's already national government policy,

650
00:46:18.920 --> 00:46:23.200
which isn't subject to challenge in this examination,

651
00:46:23.790 --> 00:46:28.400

that there is an urgent need established for this development.

652
00:46:28.780 --> 00:46:30.680
Having said all that, of course,

653
00:46:31.100 --> 00:46:35.840
the applicant has produced evidence its own evidence of the
imperative

654
00:46:36.070 --> 00:46:39.800
need for the facility within the Humber Esry, um,

655
00:46:39.890 --> 00:46:44.400
based on its knowledge of the industry and the requirement to
strengthen the

656
00:46:44.680 --> 00:46:48.880
estuary's capacity and resilience for the UK railroad freight
sector.

657
00:46:49.700 --> 00:46:53.040
And so you will have seen, I'm not going to go through it, but the,

658
00:46:53.060 --> 00:46:53.960
in that assessment,

659
00:46:54.230 --> 00:46:59.040
it's based upon the need to ensure the UK has sufficient railroad
capacity

660
00:46:59.250 --> 00:47:02.560
based on UK port freight traffic statistics,

661
00:47:02.780 --> 00:47:07.360
and the level of growth they predict and the applicant's forecasts
in its, uh,

662
00:47:07.500 --> 00:47:08.800
market study report.

663
00:47:09.860 --> 00:47:13.760
It identifies and assesses the need to ensure that the sufficient

railroad

664
00:47:13.760 --> 00:47:17.560
freight capacity is provided in this location of the Humber ery,

665
00:47:18.530 --> 00:47:23.440
given the needs for vessels and landside storage. It,

666
00:47:23.500 --> 00:47:28.280
uh, identifies and assesses the features and location of the esery
to serve the

667
00:47:28.300 --> 00:47:32.400
demand, um, and its natural, uh, ability to do so.

668
00:47:33.260 --> 00:47:37.600
And it considers the natural linkage with the expansion of the port
of Ingham in

669
00:47:37.840 --> 00:47:41.560
relation to its existing RO operations. And of course,

670
00:47:41.560 --> 00:47:46.480
there's an assessment of the heavy utilization of existing capacity
already with

671
00:47:46.480 --> 00:47:51.480
very little of any spare available capacity of the right type
available on the

672
00:47:51.640 --> 00:47:52.720
Humber. Uh,

673
00:47:52.720 --> 00:47:56.600
notwithstanding of course that the government's already identified
that maybe

674
00:47:56.600 --> 00:47:59.920
meeting existing capacity is not sufficient.

675
00:48:01.260 --> 00:48:03.800
So it's in that context that the relevant representation,

676
00:48:04.960 --> 00:48:07.960
relevant representation representations from C L D N,

677
00:48:08.530 --> 00:48:11.120
which appear to seek to question need,

678
00:48:11.220 --> 00:48:13.720
are not only contrary to government policy,

679
00:48:14.580 --> 00:48:19.520
but also surprising and self-defeating because in questioning need
in that

680
00:48:19.540 --> 00:48:21.360
way in terms of the competition,

681
00:48:21.360 --> 00:48:25.320
it might bring C L D N or themselves highlighted.

682
00:48:26.100 --> 00:48:29.480
One of the very things about the proposed development that the
government

683
00:48:29.800 --> 00:48:33.880
strongly seeks to encourage, namely competition in the sector.

684
00:48:34.860 --> 00:48:39.000
And those, uh, representations, commercial and nature,

685
00:48:39.330 --> 00:48:44.280
ironically simply reinforce the case for the development in terms of
government

686
00:48:44.280 --> 00:48:45.113
policy.

687
00:48:47.100 --> 00:48:51.880
So the assessment also considers the question of the lack of

688
00:48:52.160 --> 00:48:55.200

suitable railroad facilities to meet stenner lines requirements.

689
00:48:55.910 --> 00:48:58.600
They currently operate, uh, as a, uh,

690
00:48:58.650 --> 00:49:03.480
stock gap measure from the enclosed port area with limited landslide
storage

691
00:49:03.530 --> 00:49:08.200
space, and they're not able to continue at killing home on
acceptable terms in a

692
00:49:08.400 --> 00:49:12.680
facility controlled by a competitor, so threatening the essence of
competition.

693
00:49:13.860 --> 00:49:17.120
So there's a considerable body of evidence that deals with that, uh,

694
00:49:17.120 --> 00:49:22.080
which coincides with the government's established POS position on
the clear and

695
00:49:22.080 --> 00:49:24.160
urgent need for new facilities.

696
00:49:24.940 --> 00:49:28.640
And none of the existing railroad infrastructure on the Humber Esry
has the

697
00:49:28.640 --> 00:49:33.480
necessary suitable capacity or characteristics to meet the
requirements

698
00:49:33.480 --> 00:49:34.560
that have been identified,

699
00:49:35.100 --> 00:49:39.760
but government policies clear about generating extra capacity
anyway.

700

00:49:41.060 --> 00:49:43.360
And as to the, um, briefly, sir,

701
00:49:43.420 --> 00:49:46.360
the four matters that you specified in the agenda,

702
00:49:47.150 --> 00:49:51.880
projections and assumptions for short sea trade growth, future preferences,

703
00:49:51.900 --> 00:49:54.960
and shipping and transport, and existing capacitor at Humber ports.

704
00:49:55.740 --> 00:49:59.920
So we've covered those in more detail in the environmental statement,

705
00:49:59.920 --> 00:50:02.800
chapter four and appendix 4.1,

706
00:50:02.950 --> 00:50:07.840
looking at significant future growth in short sea trades to and from the

707
00:50:07.980 --> 00:50:12.680
UK in the form of railroad cargo, if further capacity can be provided,

708
00:50:13.500 --> 00:50:18.440
the identification of Humber as being of central importance in that area as

709
00:50:18.500 --> 00:50:23.160
the, for the market from where the market wishes to operate in terms of handling

710
00:50:23.210 --> 00:50:23.940
short sea,

711
00:50:23.940 --> 00:50:28.520
row row trade with the current dominance of unaccompanied row row freight.

712
00:50:28.740 --> 00:50:30.680
And that's being expected to continue.

713
00:50:31.550 --> 00:50:36.120
There's also a requirement identified for the increasing size of row
row vessels

714
00:50:36.350 --> 00:50:38.600
that requires the provision of a new facility,

715
00:50:39.620 --> 00:50:44.120
and it identifies the extensive use made of the limited existing
railroad

716
00:50:44.360 --> 00:50:48.840
capacity on the Humber and the lack of remaining suitable capacity
to meet the

717
00:50:49.160 --> 00:50:52.520
identified demand and need in an efficient, competitive,

718
00:50:52.520 --> 00:50:56.560
and resilient way as to item B,

719
00:50:57.160 --> 00:51:01.120
consideration of alternatives to satisfy the stated need case.

720
00:51:01.780 --> 00:51:03.600
So as a matter of N P S policy,

721
00:51:03.720 --> 00:51:08.160
there's no requirement to demonstrate the absence of alternative
locations for a

722
00:51:08.160 --> 00:51:09.400
new facility of this kind.

723
00:51:10.190 --> 00:51:13.640
Such a requirement is identified that only if the law requires it.

724
00:51:14.340 --> 00:51:15.560

And in that respect,

725
00:51:15.860 --> 00:51:20.480
the law only requires consideration of alternatives if a proposal causes

726
00:51:20.830 --> 00:51:25.760
significant planning harm or it causes adverse effects to the

727
00:51:25.760 --> 00:51:30.760
integrity of a designated site as part of the habitat regulations process,

728
00:51:30.850 --> 00:51:33.480
which we say neither situation arises here,

729
00:51:34.300 --> 00:51:37.680
and the duty in respect of the E I A regulations,

730
00:51:37.680 --> 00:51:41.160
environmental impact assessment regulations is a more procedural one,

731
00:51:41.320 --> 00:51:44.240
which is to set out what alternatives have been considered,

732
00:51:44.820 --> 00:51:49.560
and that is what has been done because the applicant has considered

733
00:51:49.560 --> 00:51:53.600
alternatives, and you'll find those addressed in the documents identified.

734
00:51:53.600 --> 00:51:56.720
Section 4.3 of the environmental statement.

735
00:51:57.230 --> 00:52:00.160
There's a three stage process that's been followed,

736
00:52:00.300 --> 00:52:05.240
and in this short position is there are no alternative locations

737
00:52:05.580 --> 00:52:10.080
to meet the identified need and its requirements for the reasons
that the A

738
00:52:10.410 --> 00:52:14.080
applicants explained as to item C,

739
00:52:14.080 --> 00:52:18.960
the meaning and implications of the phrase to ensure resilience used

740
00:52:18.980 --> 00:52:21.240
in the statement and needs an alternative statement.

741
00:52:21.860 --> 00:52:25.240
So that reflects the language in the national policy statement,

742
00:52:25.240 --> 00:52:27.360
paragraph 3.4 0.1,

743
00:52:27.460 --> 00:52:32.120
and following the need to ensure effective competition and
resilience in port

744
00:52:32.120 --> 00:52:37.000
operations seeking resilience in respect to RO operations,

745
00:52:37.050 --> 00:52:41.320
means seeking to contribute to sufficient appropriate port capacity,

746
00:52:41.590 --> 00:52:46.520
including spare capacity at a variety of locations to enable

747
00:52:46.620 --> 00:52:50.400
the sector to meet short-term peaks in demand,

748
00:52:50.940 --> 00:52:53.960
the impact of adverse weather conditions, accidents,

749
00:52:54.050 --> 00:52:58.800
deliberate disruptive acts and other operational difficulties
without

750
00:52:58.800 --> 00:53:03.320
causing economic disruption through impediments to flow of imports
and exports.

751
00:53:03.900 --> 00:53:04.840
And a V p,

752
00:53:04.840 --> 00:53:09.720
the applicant agree with the analysis and the N P SS on the
importance

753
00:53:09.720 --> 00:53:13.920
of resilience in that respect. And so as finally,

754
00:53:13.980 --> 00:53:17.760
as to the summary response to the concerns raised and the relevant

755
00:53:18.040 --> 00:53:18.880
representations, I,

756
00:53:19.040 --> 00:53:23.600
I don't know what point is being raised by OT yet because it's not
raised in the

757
00:53:23.800 --> 00:53:28.600
relevant representations, but so far as C L D N is concerned, um,

758
00:53:28.860 --> 00:53:31.680
we have already touched on their knee concerns.

759
00:53:31.680 --> 00:53:34.840
There isn't much by way of detail in the concern,

760
00:53:34.980 --> 00:53:38.800
so it's difficult to respond at this stage in any meaningful way to
them.

761
00:53:39.300 --> 00:53:40.240
But at the outset,

762

762
00:53:40.240 --> 00:53:45.000
we simply note that a challenge to the established urgent needs set out in

763
00:53:45.000 --> 00:53:49.080
government policy is contrary to a policy and indeed the planning act.

764
00:53:49.960 --> 00:53:53.520
Secondly, they appear to be questioning overall demand,

765
00:53:53.780 --> 00:53:56.400
but the need which the appellant has identified,

766
00:53:56.400 --> 00:54:00.120
and indeed the government is much broader than simply demand,

767
00:54:00.680 --> 00:54:04.120
although demand clearly does exist. And lastly,

768
00:54:04.750 --> 00:54:09.240
CDNs representation is not an accurate reflection of the National policy

769
00:54:09.240 --> 00:54:14.200
Statement in many respects. For example, c paragraph 2.1,

770
00:54:14.650 --> 00:54:19.480
which is not an accurate summary of what the national policy statement

771
00:54:19.480 --> 00:54:20.440
says in paragraph,

772
00:54:24.140 --> 00:54:28.080
we are very happy, of course, to assist you further on the question of need.

773
00:54:28.820 --> 00:54:33.520
And, uh, Mr. Row, who I mentioned earlier is here,

774
00:54:34.420 --> 00:54:35.220

he, uh,

775
00:54:35.220 --> 00:54:39.840
is the director of Adams Henry Consulting Limited town planners and

776
00:54:39.840 --> 00:54:43.360
environmental consultants, and he has, um,

777
00:54:43.840 --> 00:54:47.040
qualifications in plan town planning,

778
00:54:47.740 --> 00:54:52.040
and he's also taken a large number of commissions for a b P over the
years.

779
00:54:52.260 --> 00:54:57.240
The majority of its ports considering the question of policy and
need as well as

780
00:54:57.360 --> 00:55:00.960
many other transport infrastructure projects. And, um,

781
00:55:01.500 --> 00:55:05.200
as and when you have any questions, sir, I'm sure I'll be happy to
answer them.

782
00:55:07.210 --> 00:55:12.160
Thank you, Mr. Strong. Uh,

783
00:55:13.300 --> 00:55:17.240
Mr. Grogan, or, um, Mr. Owen who,

784
00:55:17.250 --> 00:55:20.120
who's going to be summarizing for C L D N?

785
00:55:20.630 --> 00:55:25.160
It's going to be me, sir. Um, so that's Rose Grogan on behalf of C L
D N.

786
00:55:26.600 --> 00:55:31.120
C L D N has an in principle objection to the proposed development.
Uh,

787
00:55:31.300 --> 00:55:35.920
we say it doesn't meet the policy tests in the N P S reports because it's not

788
00:55:35.950 --> 00:55:37.520
sustainable port development,

789
00:55:37.660 --> 00:55:42.360
and also it's not desirable as required by the

790
00:55:42.360 --> 00:55:44.000
infrastructure planning applications,

791
00:55:44.360 --> 00:55:48.920
prescribed forms and procedure re regulations. That's the A P F P regulations.

792
00:55:50.020 --> 00:55:50.660
Um,

793
00:55:50.660 --> 00:55:55.520
the application is presented on the basis that there

794
00:55:55.520 --> 00:55:58.160
is a need for this development in this location,

795
00:55:58.820 --> 00:56:02.520
and that the proposed development responds to it. Um,

796
00:56:03.150 --> 00:56:05.600
I've heard what Mr. STR has said about, uh,

797
00:56:05.620 --> 00:56:08.360
the approach to the question of need in, uh,

798
00:56:08.420 --> 00:56:11.720
the planning act and in national policy. Uh,

799
00:56:12.180 --> 00:56:16.240
but we would say that that doesn't quite capture the point that C L

D N is

800
00:56:16.240 --> 00:56:18.160
trying to make here. Um,

801
00:56:18.340 --> 00:56:22.960
if you look at the N P S ports test in the first bullet of

802
00:56:23.040 --> 00:56:24.320
3.3 0.1,

803
00:56:24.540 --> 00:56:29.160
the national policy is to encourage sustainable port development to cater for

804
00:56:29.160 --> 00:56:32.960
long-term forecast growth in volumes of imports and exports by sea,

805
00:56:33.510 --> 00:56:36.840
with a competitive and efficient port industry capable of meeting the needs of

806
00:56:36.840 --> 00:56:40.800
importers and exporters cost effectively and in a timely manner,

807
00:56:40.950 --> 00:56:45.280
thus contributing to long-term economic growth and prosperity. Uh,

808
00:56:46.900 --> 00:56:51.720
we say it's important to look at what is meant by sustainable development in

809
00:56:51.720 --> 00:56:55.680
that context. That's a, an orthodox planning term.

810
00:56:55.900 --> 00:56:56.960
It means in effect,

811
00:56:56.960 --> 00:57:01.880
the right thing in the right place and responding to a need. Um,

812

00:57:02.580 --> 00:57:06.000
we didn't understand it from the application documents, uh,

813
00:57:06.230 --> 00:57:09.840
that the applicant was saying that need is irrelevant. Clearly,

814
00:57:10.420 --> 00:57:14.280
you have to identify what it is you say this development is
responding to,

815
00:57:14.280 --> 00:57:18.760
and whether it responds to it in order to carry out your assessment
of whether

816
00:57:18.900 --> 00:57:22.040
or not, uh, this application should be granted.

817
00:57:22.300 --> 00:57:27.240
So we say the N P S does have room for interrogating the need case
and

818
00:57:27.240 --> 00:57:32.000
for understanding exactly what is, what is proposed and whether or
not, um,

819
00:57:32.220 --> 00:57:36.840
it is in fact required. They've put that as an imperative need,

820
00:57:37.060 --> 00:57:41.400
and that's what we say needs to be interrogated and understood. Uh,

821
00:57:41.430 --> 00:57:43.640
that characterization of,

822
00:57:44.060 --> 00:57:47.480
of why this development is required also affects other things.

823
00:57:47.580 --> 00:57:50.600
It affects the way they've put their case on alternatives.

824
00:57:50.660 --> 00:57:54.000
It affects the planning balance. Uh, and so as I say, uh,

825
00:57:54.000 --> 00:57:56.480
it requires investigation. Uh,

826
00:57:56.570 --> 00:58:01.480
their planning statement also refers to the A P F P

827
00:58:01.950 --> 00:58:05.480
regulations at page 33. Now, in those regulations,

828
00:58:05.480 --> 00:58:08.280
because this is harbor development, uh,

829
00:58:08.280 --> 00:58:12.880
the applicant is required to include a statement which explains,

830
00:58:13.420 --> 00:58:17.400
um, why the order is desirable, uh,

831
00:58:17.780 --> 00:58:20.720
and desirable according to regulations six three.

832
00:58:20.900 --> 00:58:25.520
Little B means it is in the interest of securing the improvement,
maintenance,

833
00:58:25.520 --> 00:58:28.520
or management of the harbor in an efficient and economical manner,

834
00:58:28.780 --> 00:58:33.600
or facilitating the efficient and economic transport of goods or
passengers by

835
00:58:33.620 --> 00:58:37.600
sea, or in the interest of the recreational use of seagoing ships.
So again,

836
00:58:38.710 --> 00:58:42.880
what it is that is required and how the development actually secures
that,

837

00:58:42.880 --> 00:58:46.960
which we say it doesn't, uh, is relevant, uh, and needs to be looked at.

838
00:58:50.790 --> 00:58:55.560
Turning then to the applicant's actual case or need as set out in its

839
00:58:55.560 --> 00:58:56.640
application documents,

840
00:58:57.590 --> 00:59:02.320
they've put it as an urgent and imperative need for more capacity in the Humber

841
00:59:05.150 --> 00:59:08.640
CDNs position is that is based on a number of assumptions that are not accurate,

842
00:59:09.380 --> 00:59:13.320
uh, and do not reflect our operational experience in the region.

843
00:59:14.380 --> 00:59:18.520
In contrast to a V P who is a port operator, and Stainer,

844
00:59:18.520 --> 00:59:20.320
who is a shipping line, C L D N,

845
00:59:20.320 --> 00:59:24.720
is well placed to provide you with accurate information about existing capacity

846
00:59:24.740 --> 00:59:29.080
and operations on the Humber because it is both a port and a shipping operation.

847
00:59:29.180 --> 00:59:32.440
So it knows both things. Um,

848
00:59:33.100 --> 00:59:36.120
it has knowledge of what's going on and off the vessels and what happens to it

849
00:59:36.140 --> 00:59:39.560
as it moves through the port. And that's relevant to a number of
topics, uh,

850
00:59:39.760 --> 00:59:43.840
that you will be examining, uh, but critically also to need.

851
00:59:44.710 --> 00:59:46.560
Against that background, uh,

852
00:59:46.660 --> 00:59:51.160
I'm going to give you some headline comments of why we say the need
case as it

853
00:59:51.160 --> 00:59:54.320
has been put by the applicant is not made out. Uh,

854
00:59:54.370 --> 00:59:56.880
first in terms of existing capacity on the Humber,

855
00:59:57.390 --> 01:00:02.080
they say this development is needed now because HU capacity is
constrained,

856
01:00:02.500 --> 01:00:06.280
we don't accept that there is existing capacity to accommodate
growth.

857
01:00:07.020 --> 01:00:11.600
One example is the applicant's assessment of existing capacity puts
our

858
01:00:11.600 --> 01:00:14.920
operations at C L D N at 113% capacity.

859
01:00:15.790 --> 01:00:19.440
That appears to have been based on Google Maps image, um,

860
01:00:19.710 --> 01:00:24.480
looking at what was on site at a particular point in time and not
knowing, um,

861
01:00:24.500 --> 01:00:27.720
the amount of land that C L D N actually has access to for storage.

862
01:00:29.020 --> 01:00:33.280
We are not at 113% capacity. And, um, I have here,

863
01:00:34.740 --> 01:00:38.480
um, Mr. Castle, uh,

864
01:00:38.780 --> 01:00:42.240
who is the director of ports who can answer questions on that.

865
01:00:42.260 --> 01:00:46.000
If you would like to sort of set out in broad terms, uh,

866
01:00:46.460 --> 01:00:49.720
the capacity that C L D N has and its current operations,

867
01:00:49.720 --> 01:00:54.040
which includes one Sten line, um, to the hook of Holland and back.

868
01:00:54.660 --> 01:00:58.680
Uh, we also say that there is resilience at the moment for the same reasons,

869
01:00:59.580 --> 01:01:04.520
um, built in already to our operations. Moving on then to growth.

870
01:01:05.390 --> 01:01:06.320
They say there's,

871
01:01:06.420 --> 01:01:10.120
in addition to a need now because of capacity constraints that we don't accept

872
01:01:10.130 --> 01:01:13.360
exist, they say there's a need to accommodate future growth.

873
01:01:14.130 --> 01:01:18.400
Their growth assumptions are tied in a large part to G D P growth,

874
01:01:18.460 --> 01:01:20.680
but they don't reflect current economic conditions.

875
01:01:20.990 --> 01:01:24.200
They're based on an assumption of 3.2% G D P,

876
01:01:24.260 --> 01:01:27.360
but our current G D P growth is 0.1%.

877
01:01:27.460 --> 01:01:32.440
So we on this side don't understand where the growth that they say is going

878
01:01:32.660 --> 01:01:35.680
to materialize in the next 25 years is actually coming from.

879
01:01:36.700 --> 01:01:41.160
If they're right about that, then one would see the market, so other operators,

880
01:01:41.360 --> 01:01:43.440
C L D N and others operating on the Humber,

881
01:01:43.440 --> 01:01:47.400
responding to that now in an urgent way, which is not, um,

882
01:01:48.300 --> 01:01:49.360
not what is happening,

883
01:01:50.060 --> 01:01:54.200
it doesn't reflect CLD N'S commercial or operational experience. Uh, Mr.

884
01:01:54.380 --> 01:01:58.640
STR said today that the Humber is the barometer, um,

885
01:01:59.620 --> 01:02:04.080
of trade, but current data is not showing the kind of exponential growth, uh,

886
01:02:04.550 --> 01:02:07.840

that A B P have set out in their application documents.

887
01:02:07.840 --> 01:02:10.480
And that's something we'll obviously help you with in our written

888
01:02:10.880 --> 01:02:14.520
representations, but that's a summary of where C L D N is on growth.

889
01:02:15.540 --> 01:02:18.840
The next point they make is that there is a need arising from the requirements

890
01:02:18.840 --> 01:02:20.920
of senline. And again,

891
01:02:20.920 --> 01:02:24.760
that goes to the pol tests of whether this is efficient and economical, um,

892
01:02:25.140 --> 01:02:27.480
use of port development. Um,

893
01:02:28.100 --> 01:02:31.440
the application appears to be based on servicing this one operator.

894
01:02:32.320 --> 01:02:35.000
Stenner says it can't operate at C L D N. Again,

895
01:02:35.260 --> 01:02:37.760
we think that needs some scrutiny.

896
01:02:37.930 --> 01:02:42.120
There were commercial negotiations about that that I'm not going to trespass

897
01:02:42.670 --> 01:02:44.480
into at this stage. Uh,

898
01:02:44.480 --> 01:02:48.200
but they were offered a long-term contract for their hook service,

899

01:02:48.420 --> 01:02:52.760
and the material in the application suggests that they cannot be accommodated in

900
01:02:52.760 --> 01:02:57.440
killing home, that that appears to be a commercial operational preference, uh,

901
01:02:57.500 --> 01:03:01.680
rather than an actual need to relocate operations. So again,

902
01:03:01.680 --> 01:03:05.160
it needs to be viewed with some skepticism. Uh,

903
01:03:05.160 --> 01:03:08.400
there's also a need to examine what the effect of relocating standard would be

904
01:03:08.400 --> 01:03:11.880
if it's a move just to accommodate operational preferences rather than a

905
01:03:12.080 --> 01:03:14.880
response, uh, to need. Uh,

906
01:03:14.900 --> 01:03:17.560
that's just moving existing operations around the area.

907
01:03:17.860 --> 01:03:20.920
So moving to A B P will free up capacity at killing home,

908
01:03:21.300 --> 01:03:24.760
and that feeds back in to the justification that's been given for this

909
01:03:24.760 --> 01:03:29.480
development, uh, on the grounds of constrained capacity. Linked to that,

910
01:03:30.380 --> 01:03:32.080
uh, we say you need,

911

01:03:32.180 --> 01:03:35.880
but have not yet been provided with a proper understanding of what is being

912
01:03:36.160 --> 01:03:40.960
proposed in terms of operations at A B P that's relevant to their case on

913
01:03:40.960 --> 01:03:44.640
imperative need, but also other areas that we'll come onto later today,

914
01:03:44.640 --> 01:03:47.200
for example, transport. So what exactly is going to be happening?

915
01:03:47.260 --> 01:03:50.160
How much hasn't been well articulated?

916
01:03:51.020 --> 01:03:55.880
An example of that is that the D C O currently includes a cap

917
01:03:55.880 --> 01:03:59.080
of 600,000 units throughput per annum.

918
01:04:00.230 --> 01:04:05.040
That is a 6, 6 66 66 60. I'm corrected. Six 60, um,

919
01:04:05.440 --> 01:04:09.800
thousand. That's a very significant increase on stent's current operations,

920
01:04:10.430 --> 01:04:14.080
both on their figures, uh, in the ES and their application documents.

921
01:04:14.080 --> 01:04:17.720
That's more than three times what they're currently doing. Uh,

922
01:04:17.720 --> 01:04:21.320
and we'll comment on that in written reps, but it also has a,

923
01:04:21.420 --> 01:04:25.720

an assumption that RO on the Humber is going to double by 2050 from

924
01:04:25.720 --> 01:04:30.520
746,000 units today to one and a half

925
01:04:30.520 --> 01:04:33.880
million, which is an increase of over 800,000.

926
01:04:36.300 --> 01:04:40.680
We don't see that in the data we have or, or the trends, um,

927
01:04:41.230 --> 01:04:45.360
that C L D N is aware of the storage they're proposing on site.

928
01:04:45.420 --> 01:04:50.120
And the land take is many, many times their current use at our
operation.

929
01:04:50.780 --> 01:04:54.720
Um, so it's bigger than C L D N has for its service and STENNER at
the moment.

930
01:04:55.260 --> 01:04:58.000
And we can provide you with data about what they currently do,

931
01:04:58.000 --> 01:05:01.360
which they've not presented to you. So on a very basic level,

932
01:05:01.360 --> 01:05:05.000
we would like to know where the 600,000 comes from because it's
relevant to all

933
01:05:05.010 --> 01:05:06.720
sorts of matters, both need,

934
01:05:06.720 --> 01:05:10.200
and also when you're looking at the transport impacts, um,

935
01:05:10.260 --> 01:05:13.920
and the need for the land take that is being proposed, uh,

936

01:05:14.260 --> 01:05:15.280
on alternatives,

937
01:05:16.230 --> 01:05:20.880
they've dismissed credible alternatives based on this alleged
imperative need

938
01:05:21.340 --> 01:05:24.760
and in the face of what we say are significant adverse effects,

939
01:05:24.940 --> 01:05:27.200
and that will be interrogated through the examination.

940
01:05:27.510 --> 01:05:30.400
They've not looked at alternative options on the Humber in
particular,

941
01:05:30.400 --> 01:05:33.200
making best use of existing facilities,

942
01:05:33.200 --> 01:05:36.560
which we say should have been the logical starting point, um,

943
01:05:36.700 --> 01:05:41.120
for looking at responding to what is in fact required. Uh, so in
summary,

944
01:05:41.340 --> 01:05:45.920
our position is that the capacity is there. So there's no current
constraint.

945
01:05:46.150 --> 01:05:50.560
There's room to accommodate realistic growth protections to 2050
without having

946
01:05:50.560 --> 01:05:54.960
to create a new terminal with all of the consequential effects that
that brings

947
01:05:55.500 --> 01:05:59.520
in terms of, um, transport, ecology, navigational risk,

948

01:05:59.540 --> 01:06:02.560
the matters that we'll be discussing today and through the course of the

949
01:06:02.720 --> 01:06:06.960
examination, notwithstanding what Mr. STR has said today,

950
01:06:06.960 --> 01:06:10.640
their need case does run as a golden thread through this application.

951
01:06:10.640 --> 01:06:15.080
They're asking you to take that on faith, it seems.

952
01:06:15.460 --> 01:06:18.280
Um, and we say that's not in fact what the policy requires.

953
01:06:18.280 --> 01:06:21.280
The policy does require you to look at it, um,

954
01:06:21.820 --> 01:06:25.480
for the specifics of the proposed development, even though, um,

955
01:06:25.900 --> 01:06:29.000
the principle of there being a need for port development is established by

956
01:06:29.840 --> 01:06:30.673
national policy,

957
01:06:31.100 --> 01:06:34.640
the actual question of are you doing the right thing in the right place

958
01:06:34.670 --> 01:06:37.720
sustainably requires investigation.

959
01:06:43.250 --> 01:06:44.240
Thank you, Mr. Grogan,

960
01:07:04.380 --> 01:07:08.440
Mr. Elvin for iot. The point that you wanted to make on need that to

961
01:07:08.790 --> 01:07:09.623
It's, it's more,

962
01:07:09.910 --> 01:07:14.760
more a general contextual point than a direct opposition to ABPs

963
01:07:14.760 --> 01:07:18.120
need case. It really arises outta the, uh,

964
01:07:18.210 --> 01:07:22.960
first page of our relevant representations when assessing the level
of

965
01:07:22.990 --> 01:07:23.460
need.

966
01:07:23.460 --> 01:07:28.080
It will be necessary to take into account that there are another
other

967
01:07:28.680 --> 01:07:33.400
national needs in play, not least the national need for energy
security,

968
01:07:33.730 --> 01:07:38.400
which has been highlighted only too clearly in the last year or so.

969
01:07:39.060 --> 01:07:43.400
And, uh, without going into detail, that policy encapsulated,

970
01:07:43.500 --> 01:07:48.440
as you will be aware in the new version of EEN one and in

971
01:07:48.440 --> 01:07:53.160
the government's energy security plan from earlier this year, uh,

972
01:07:53.410 --> 01:07:57.840
which makes it clear that notwithstanding the move to net zero

973
01:07:59.040 --> 01:08:02.560

security of energy supplies from fossil fuels will remain crucial.

974
01:08:03.420 --> 01:08:08.040
And it will be clear to you from our relevant representations that

975
01:08:08.260 --> 01:08:12.760
the, uh, terminal and the refineries at, uh,

976
01:08:13.140 --> 01:08:14.560
in, uh, play here,

977
01:08:15.130 --> 01:08:19.760
which are affected by our criticisms of the risk assessments that
are being

978
01:08:19.760 --> 01:08:24.480
carried out to date form an important national resource.

979
01:08:25.570 --> 01:08:29.800
About a third, just under a third of the UK's fuel oil goes through,

980
01:08:30.620 --> 01:08:32.240
um, the, uh,

981
01:08:32.240 --> 01:08:37.120
this terminal and something of the order of 45% of the

982
01:08:37.120 --> 01:08:41.080
country's marine oil goes through this terminal.

983
01:08:42.020 --> 01:08:46.960
If The risk assessment has not been adequately carried out,

984
01:08:47.100 --> 01:08:51.400
and for reasons will summarize as as necessary at issue five.

985
01:08:51.980 --> 01:08:54.160
And you'll see already from our documentation,

986
01:08:54.480 --> 01:08:58.080
particularly the principle areas of disagreement document, uh,

987
01:08:58.080 --> 01:09:00.720
you'll see that we remain seriously concerned,

988
01:09:00.940 --> 01:09:05.480
not least because there has been no effort really to grapple with
that competing

989
01:09:05.720 --> 01:09:08.680
security issue and indeed, uh,

990
01:09:08.750 --> 01:09:12.840
with risk elements arising out of coma, uh,

991
01:09:13.760 --> 01:09:18.720
questions because whilst not directly, uh, uh, affecting the coma
site,

992
01:09:18.720 --> 01:09:22.240
of course the risk issue affects a high tier coma site,

993
01:09:22.240 --> 01:09:24.320
which are the refineries and the terminal.

994
01:09:25.300 --> 01:09:30.160
So we say these all feed into a countervailing

995
01:09:30.550 --> 01:09:31.280
need issue,

996
01:09:31.280 --> 01:09:35.760
which will need to be considered against the way a B P puts its
current need

997
01:09:35.760 --> 01:09:36.960
case. Thank you.

998
01:09:40.410 --> 01:09:45.120
Thank you, Mr. Alvin. Um, I think what the way I'm gonna play, um,

999
01:09:45.900 --> 01:09:49.560

the remainder of this topic area is we'll go through some of my questions,

1000
01:09:49.990 --> 01:09:54.560
some of which C L D N have an potentially anticipated that we may ask.

1001
01:09:55.580 --> 01:10:00.440
Um, we'll run through. Um, well, it's not a very long list of questions, but,

1002
01:10:01.100 --> 01:10:03.720
um, I wouldn't be perturbed by that because there,

1003
01:10:03.840 --> 01:10:06.960
there're probably gonna be some takeaways, um,

1004
01:10:07.060 --> 01:10:11.320
to be dealt with in written submissions, uh, further to this hearing. Um,

1005
01:10:12.300 --> 01:10:13.640
but at the end of the session,

1006
01:10:13.650 --> 01:10:18.120
we'll come back to the applicant in effect for a final writer reply in terms of

1007
01:10:18.180 --> 01:10:22.240
any matters have been raised either by C L D N, um, or, um,

1008
01:10:23.160 --> 01:10:23.993
I o T.

1009
01:10:29.440 --> 01:10:31.580
So I'm just looking at the time. I think it's, it,

1010
01:10:31.580 --> 01:10:34.740
it would be appropriate to run through, uh, the questions that I've got.

1011
01:10:34.940 --> 01:10:36.460

'cause I say there aren't that many,

1012
01:10:36.600 --> 01:10:41.300
but please don't be concerned that there isn't a long list.

1013
01:10:41.760 --> 01:10:44.980
Um, as I mentioned, I think in the preliminary meeting,

1014
01:10:45.700 --> 01:10:46.620
a lot of what we are doing,

1015
01:10:46.620 --> 01:10:50.940
particularly this week in these early hearings is kind of a fact finding,

1016
01:10:51.760 --> 01:10:56.620
um, improving our understanding of certain aspects of cases and also

1017
01:10:56.990 --> 01:11:01.900
using these hearings as the avenue where necessary, uh, to try and get,

1018
01:11:02.520 --> 01:11:03.280
um,

1019
01:11:03.280 --> 01:11:07.580
the applicant and interested parties around the table to at least be talking

1020
01:11:07.580 --> 01:11:09.380
about matters, at least at first principle.

1021
01:11:17.490 --> 01:11:21.670
Um, so turning to my first question for C L D N, um,

1022
01:11:21.810 --> 01:11:26.590
can you please explain why there is currently unused birthing capacity at the

1023
01:11:26.590 --> 01:11:28.910
Port of Keening home, um,

1024
01:11:28.940 --> 01:11:33.590
what the current prospects are for you two utilizing that spare
capacity?

1025
01:11:36.050 --> 01:11:36.650
Do

1026
01:11:36.650 --> 01:11:40.830
Any Yes. Um, I'm going to hand over to, uh, Mr. Dove Seymour to
answer that one.

1027
01:11:43.440 --> 01:11:47.390
Thank you sir. Ben Dove, Seymour from C L D N. Um, so then has six
birds.

1028
01:11:48.610 --> 01:11:51.830
Uh, typically three of them are in operation, uh,

1029
01:11:51.900 --> 01:11:56.230
including stainless hook service. The birds have, we have, uh,

1030
01:11:56.450 --> 01:12:01.070
if you like, resilience, the spare birthing capacity can be used.
Uh,

1031
01:12:01.170 --> 01:12:03.590
and it's not that only three birds, but the,

1032
01:12:03.590 --> 01:12:07.870
the arrangement of vessels move around that the whole birds except
one depending

1033
01:12:07.890 --> 01:12:09.990
on, on the types of vessels we're birthing.

1034
01:12:23.970 --> 01:12:27.670
And so also it's important to understand that that is, uh, there's
some,

1035
01:12:27.850 --> 01:12:32.150
the spare capacity in birthing capacity that enables future
expansion,

1036
01:12:32.640 --> 01:12:34.670
which, uh, is also enabled by the,

1037
01:12:34.730 --> 01:12:36.790
the available operational land at the terminal.

1038
01:12:39.960 --> 01:12:42.750
Thank you. That, that writer was, was helpful, um,

1039
01:12:42.750 --> 01:12:47.070
because I think it would be useful to us to, uh,

1040
01:12:47.100 --> 01:12:50.830
have in written representation. Um, Mr. Goul, do you,

1041
01:12:50.830 --> 01:12:53.750
do you want to see it as a, an action point or as a, um,

1042
01:12:55.030 --> 01:12:59.350
a matter of inclusion in the written representation of the,

1043
01:13:00.520 --> 01:13:05.390
let's say the C L D N view of increasing demand over a period

1044
01:13:05.730 --> 01:13:10.310
to let's say 2050? Is that something that you are, uh,

1045
01:13:10.310 --> 01:13:11.830
willing and able to do by Deadline one?

1046
01:13:29.600 --> 01:13:34.380
So if it would help you, so as we could sketch out a,

1047
01:13:34.580 --> 01:13:38.980
a short summary of our view by deadline one, but there is, um,

1048
01:13:39.440 --> 01:13:43.700
detail and data that we think you would be assisted by, uh,

1049

01:13:43.730 --> 01:13:46.460
that would better come at deadline twos,

1050
01:13:46.460 --> 01:13:49.300
that we have time to assemble it and present it in a user-friendly
way

1051
01:13:50.960 --> 01:13:52.460
and in our, in our written reps. That is,

1052
01:13:52.970 --> 01:13:54.940
That seems to me to be satisfactory.

1053
01:13:54.940 --> 01:13:58.660
What I think we should all keep in mind is what we're trying to do
is keep this

1054
01:13:59.100 --> 01:14:01.340
examination moving forward at pace. Um,

1055
01:14:02.120 --> 01:14:05.900
I'd like to add a a a secondary point to that, which is, uh, again,

1056
01:14:06.000 --> 01:14:08.780
if it's necessary, keep it, uh,

1057
01:14:09.160 --> 01:14:12.520
in as you it, um, pre pro,

1058
01:14:12.810 --> 01:14:16.680
let's say provisional form to start with. But, uh,

1059
01:14:17.020 --> 01:14:21.440
it seems to, uh, us that at par at heart of this,

1060
01:14:21.820 --> 01:14:26.120
um, case is, uh, from, from the applicant is a,

1061
01:14:26.820 --> 01:14:31.680
an increasing trend towards unaccompanied roro.

1062

01:14:32.420 --> 01:14:35.520
And, uh, we would like to test that. Um,

1063
01:14:36.230 --> 01:14:41.160
clearly the land take for unaccompanied Roro is at the heart of the

1064
01:14:41.160 --> 01:14:42.720
matter. And, um,

1065
01:14:43.160 --> 01:14:47.400
I think it's important that CDNs representation particularly addresses that

1066
01:14:47.400 --> 01:14:51.200
point in terms of, uh, the, the, the view of the future.

1067
01:15:08.000 --> 01:15:08.280
I,

1068
01:15:08.280 --> 01:15:13.240
I think what's also going to assist our understanding of CLD

1069
01:15:13.260 --> 01:15:17.000
N'S case and how things then relate into the, the general need, um,

1070
01:15:17.340 --> 01:15:21.760
and capacity, et cetera. Um, I think we're going to ask you,

1071
01:15:21.980 --> 01:15:25.880
and we're going to probably be doing it of the applicant as well. Um,

1072
01:15:26.140 --> 01:15:29.880
and in a sort of a mini way for I o ot, um,

1073
01:15:30.100 --> 01:15:34.040
in effect to look at a representative month.

1074
01:15:35.300 --> 01:15:40.160
Um, now you may wish collectively to agree what that representative month is,

1075
01:15:41.520 --> 01:15:46.040
although, um, if, if the parties think that July, 2023,

1076
01:15:46.370 --> 01:15:49.720
which is where we currently sit at the moment, is reasonably
representative,

1077
01:15:50.290 --> 01:15:54.480
given that, um, of course it was part of our site inspection
yesterday,

1078
01:15:54.900 --> 01:15:57.480
we saw activities on the river, um,

1079
01:15:57.620 --> 01:16:01.840
and what the marine services team was suggesting was, um,

1080
01:16:02.660 --> 01:16:03.493
um,

1081
01:16:03.670 --> 01:16:07.680
that the activity on the river yesterday was fairly typical of what
you would

1082
01:16:07.680 --> 01:16:08.513
expect to see.

1083
01:16:09.700 --> 01:16:14.440
And presumably July has been fairly consistent. Um,

1084
01:16:23.840 --> 01:16:26.840
I think we can discuss that with the applicant. Yeah. But, but I
think,

1085
01:16:27.000 --> 01:16:30.720
I think what we're gonna ask for is a month that in effect compares

1086
01:16:32.240 --> 01:16:36.400
movements in and out of, uh, Immingham, um,

1087
01:16:36.580 --> 01:16:38.920

and killing home. Um,

1088
01:16:39.460 --> 01:16:42.800
now depending on how the applicant is resourced and or the
information that

1089
01:16:42.810 --> 01:16:45.000
flows between you and i o ot,

1090
01:16:45.510 --> 01:16:49.360
whether or not you've got the information that I OT might otherwise
be able to

1091
01:16:49.360 --> 01:16:51.880
bring to the table, um, I,

1092
01:16:52.020 --> 01:16:56.240
is it gonna be easy for the applicant to produce all that or does I
o OT need to

1093
01:16:56.240 --> 01:17:00.000
produce his own information and or share it with the applicant
before it comes

1094
01:17:00.020 --> 01:17:04.480
in? Because iot, in effect is a subset of, um,

1095
01:17:06.300 --> 01:17:10.360
the whole of, um, the Ingham port. But again,

1096
01:17:10.620 --> 01:17:15.440
we are not particularly concerned about who puts the information in
as long as

1097
01:17:15.440 --> 01:17:20.240
the parties agree what the information is and, and the it's you,

1098
01:17:20.270 --> 01:17:21.103
it's accurate.

1099
01:17:23.980 --> 01:17:24.200
Mr.

1100
01:17:24.200 --> 01:17:25.240
Strong. Yeah.

1101
01:17:25.330 --> 01:17:29.720
James TRO for a V p? Yes, sir. Um, I understand that we,

1102
01:17:29.820 --> 01:17:33.880
we have all of that data through the v t s system,

1103
01:17:34.660 --> 01:17:39.520
uh, in relation certainly to the I o OT and, uh, and I think,

1104
01:17:39.760 --> 01:17:41.480
I believe activity on the Humber.

1105
01:17:41.780 --> 01:17:44.800
So we should be able to provide you with that data.

1106
01:17:47.180 --> 01:17:49.000
And Mr. Elvin for iot,

1107
01:17:49.380 --> 01:17:54.360
is your client going to be willing to either facilitate in terms

1108
01:17:54.380 --> 01:17:58.280
of the flow of information or at least be able to check, um,

1109
01:17:58.710 --> 01:18:01.440
that the accuracy of the information that the, um,

1110
01:18:01.440 --> 01:18:04.680
applicant says that it potentially can gather? I, I,

1111
01:18:04.920 --> 01:18:08.760
I would've thought yes to both, but uh, I'll talk to my team about
it, yes.

1112
01:18:09.980 --> 01:18:10.813
Um,

1113
01:18:11.460 --> 01:18:12.360
Ms. Go? Yes.

1114
01:18:12.360 --> 01:18:16.600
Could we just clarify what information it is that you would like?
Um,

1115
01:18:16.940 --> 01:18:17.840
the data Mrs.

1116
01:18:17.840 --> 01:18:21.400
Straw mentioned is about shipping movements rather than about
freight volumes.

1117
01:18:22.100 --> 01:18:26.680
Um, and so we would be expecting to show you information about
freight volumes

1118
01:18:26.680 --> 01:18:31.080
coming through our operation. 'cause that's the information that we
have. Uh,

1119
01:18:31.080 --> 01:18:33.880
is that something that you want as well or was it just the shipping
movements

1120
01:18:33.880 --> 01:18:34.360
that you're

1121
01:18:34.360 --> 01:18:38.360
Interested in that freight would certainly assist turning to the
applicant.

1122
01:18:38.420 --> 01:18:40.840
How easy is that going to be to

1123
01:18:43.680 --> 01:18:44.513
Marshall?

1124
01:18:47.770 --> 01:18:51.470
I'm, I'm James TRO for a B p I'm just looking to find out for you
sir,

1125
01:18:53.780 --> 01:18:54.870
Also just to, uh,

1126
01:18:55.340 --> 01:18:59.550
chip in there that I think certainly you anticipated correctly that
what we want

1127
01:18:59.550 --> 01:19:01.710
from C L D is uh, freight volumes.

1128
01:19:11.990 --> 01:19:12.890
So we,

1129
01:19:13.410 --> 01:19:17.850
A B P doesn't hold the freight data for other

1130
01:19:19.010 --> 01:19:21.290
customers. I can put it in that way in the port.

1131
01:19:21.290 --> 01:19:24.250
So we can't provide you with the freight volumes of others.

1132
01:19:29.230 --> 01:19:34.170
So I wonder Isabella Tfor for D F D S, we would certainly be willing
to, um,

1133
01:19:34.220 --> 01:19:39.050
facilitate and share information from DFD S'S operations at
Immingham

1134
01:19:39.050 --> 01:19:41.090
as to freight volumes. Um, but Mr.

1135
01:19:41.120 --> 01:19:45.330
Burn tells me that July is not a typical month for them because it's
a holiday

1136
01:19:45.390 --> 01:19:49.570
period in Scandinavia. So that would not be a representative month.
Um,

1137
01:19:49.590 --> 01:19:53.570
but we can certainly provide you with their information as to
freight volumes,

1138
01:19:54.230 --> 01:19:56.530
um, through Ingham in a representative month.

1139
01:19:58.570 --> 01:20:03.250
I, I think rather than spend too much time in the hearing discussing

1140
01:20:03.600 --> 01:20:06.650
what my representative month and what data can we get.

1141
01:20:06.930 --> 01:20:10.840
'cause presumably on the data side at least some data can be
gathered from

1142
01:20:11.080 --> 01:20:12.600
Stenner, um,

1143
01:20:13.580 --> 01:20:17.960
who have an interest in the determination of this application,

1144
01:20:18.320 --> 01:20:22.880
ultimately, depending which way it goes. Um, and I sus,

1145
01:20:22.920 --> 01:20:27.040
I sus at least with that data, we've got a better idea of
understanding,

1146
01:20:27.980 --> 01:20:30.840
um, the row row element, um,

1147
01:20:31.360 --> 01:20:35.640
I suppose bulk cargo is of less significance. Um,

1148
01:20:38.420 --> 01:20:39.253
I'm just,

1149
01:20:43.040 --> 01:20:45.900
was there anything in there that I said that was out of outta hand

in the

1150
01:20:46.370 --> 01:20:46.860
Bulk? No,

1151
01:20:46.860 --> 01:20:51.100
and I think that the point is that bulk volume is not something that A B P

1152
01:20:51.100 --> 01:20:55.980
handles no, that they do, but it's not the cases for Roro.

1153
01:20:56.480 --> 01:20:58.820
Um, so I don't think you need to be concerned with that.

1154
01:20:58.820 --> 01:20:59.780
That's what I'm told anyway.

1155
01:21:00.240 --> 01:21:03.700
No, I agree. I think we, we focus on roro, uh,

1156
01:21:03.960 --> 01:21:07.820
but I would like breakdown between, uh, AC unaccompanied

1157
01:21:17.000 --> 01:21:19.900
Now, given that there might be quite a lot of data involved,

1158
01:21:20.140 --> 01:21:23.300
I don't think we necessarily need to see that at deadline one.

1159
01:21:23.890 --> 01:21:26.660
That is potentially something that I think could go to deadline Two,

1160
01:21:27.370 --> 01:21:32.140
it's more important that the data is compiled well

1161
01:21:32.740 --> 01:21:35.500
accurate, um, and comprehensive,

1162
01:21:39.080 --> 01:21:41.140
um, looking at the applicant from your perspective,

1163
01:21:41.290 --> 01:21:44.580
does the submission that deadline to look something that's feasible

1164
01:21:46.800 --> 01:21:48.860
and from the other ipss,

1165
01:21:49.180 --> 01:21:52.220
C L D N is deadline to feasible? Yes.

1166
01:21:53.900 --> 01:21:58.660
D F D SS input? Yep. And anything from I o ot, is that feasible?

1167
01:21:59.640 --> 01:22:00.473
Yep.

1168
01:22:05.160 --> 01:22:08.380
Um, also in terms of information from Ingham,

1169
01:22:08.460 --> 01:22:10.220
I think it's gonna be helpful if we can just, again,

1170
01:22:10.530 --> 01:22:12.740
like we've asked for the other poor operators,

1171
01:22:13.320 --> 01:22:15.860
if we can have a plan that clearly marks the birth.

1172
01:22:16.500 --> 01:22:20.900
'cause if you start talking about birth, um, it can get a bit
confusing. Uh,

1173
01:22:20.900 --> 01:22:23.580
if we haven't actually got a plan that clearly shows the birthing
numbers,

1174
01:22:29.650 --> 01:22:34.500
When would you like that, sir? At deadline one or I,

1175
01:22:34.580 --> 01:22:36.420
I can't imagine it's going to be very difficult to pull together.

1176
01:22:36.560 --> 01:22:37.170
So if you want that,

1177
01:22:37.170 --> 01:22:38.900
Yeah, if, if possible at deadline one? Yeah.

1178
01:22:41.970 --> 01:22:42.803
Alright.

1179
01:22:58.850 --> 01:23:01.750
On a related point, and this is solely for C L G N,

1180
01:23:02.290 --> 01:23:04.830
the others will be pleased to hear, um,

1181
01:23:05.760 --> 01:23:10.640
I think it would be of assistance to us if we could see some historic

1182
01:23:10.830 --> 01:23:15.360
data in terms of utilization of C L D N. Um,

1183
01:23:15.560 --> 01:23:17.840
I noted down 10 years. Does,

1184
01:23:18.070 --> 01:23:21.680
does that seem feasible in terms of data that's been gathered?

1185
01:23:24.220 --> 01:23:28.360
Yes. Yeah, you can have 20 if you'd like, but,

1186
01:23:28.500 --> 01:23:29.800
So then we'll, we'll go for 20.

1187
01:23:30.000 --> 01:23:32.120
'cause I think that's what the applicant has used. Yeah,

1188
01:23:32.620 --> 01:23:33.453
20.

1189
01:23:52.600 --> 01:23:54.940
Now I'm gonna ask this question of C L D N,

1190
01:23:55.880 --> 01:23:57.860
but it might be something that Stenner will,

1191
01:23:58.050 --> 01:24:02.980
will also need to reply to given that they are an ip. Uh,

1192
01:24:03.080 --> 01:24:06.260
and they may wish to make their own comments about it,

1193
01:24:06.260 --> 01:24:10.900
and it may not be something that the applicant of yourself feel willing or

1194
01:24:11.010 --> 01:24:13.460
able to comment on. Uh, but the question is,

1195
01:24:13.520 --> 01:24:15.740
is primarily directed to Stern at this point,

1196
01:24:15.800 --> 01:24:17.900
but depending on the answer that comes back,

1197
01:24:17.900 --> 01:24:22.020
we may need to bring Stanner into the equation. Um,

1198
01:24:22.520 --> 01:24:26.660
can you explain, uh, why Standal line, uh, will be ceasing, um,

1199
01:24:26.920 --> 01:24:31.340
its operations at killing home and what the sort of timescale for that is

1200
01:24:31.660 --> 01:24:32.493
expected to be

1201
01:24:38.510 --> 01:24:40.920
Then? I've seen what Seymour for Seal, the n uh,

1202
01:24:40.920 --> 01:24:45.000
staying will be cing his operations in May, 2025. Uh,

1203
01:24:45.000 --> 01:24:49.720
because there's a current contract that ends then, uh, and Stayer
has decided,

1204
01:24:49.720 --> 01:24:52.160
doesn't wish to renew, uh,

1205
01:24:52.160 --> 01:24:55.320
with a new contract long term at Gilham.

1206
01:24:58.020 --> 01:25:01.160
And as Ms. Grogan said earlier, an offer was made.

1207
01:25:01.680 --> 01:25:05.320
I think obviously we don't want to go into commercial confidential
things, uh,

1208
01:25:05.620 --> 01:25:08.320
at the moment. And also that wouldn't be fair to Stena, but, um,

1209
01:25:08.660 --> 01:25:10.560
but that is the position. I hope that's clear.

1210
01:25:31.780 --> 01:25:33.690
Thank you. I think given the response,

1211
01:25:34.590 --> 01:25:39.050
we will be asking a written question of Stenner to e elaborate.

1212
01:25:39.390 --> 01:25:40.223
Um,

1213
01:25:41.160 --> 01:25:45.540
I'm presuming from the applicant's side that you don't wish to try
and

1214
01:25:46.840 --> 01:25:50.740
put an answer together on their behalf. Uh, Mr. Greenwood is

definitely nodding.

1215
01:25:51.200 --> 01:25:52.460
No, I, I saw all,

1216
01:25:55.920 --> 01:26:00.300
So I suspect what you've identified is right,

1217
01:26:00.700 --> 01:26:05.600
although we will speak to the Stenner to see whether it can be via

1218
01:26:05.900 --> 01:26:08.200
or whether they wish to put it indirect to you.

1219
01:26:40.200 --> 01:26:41.033
I'm gonna, so,

1220
01:26:41.040 --> 01:26:45.380
I'm sorry, sorry, sorry, sorry. James, Sean for a v p. Sorry, sir.
I,

1221
01:26:45.500 --> 01:26:47.940
I was just going to indicate you probably have seen it already.

1222
01:26:47.940 --> 01:26:52.820
There is some detail from Stenner as to the reasons why,

1223
01:26:53.720 --> 01:26:58.500
uh, that is not an acceptable position for them in the,

1224
01:26:58.520 --> 01:26:59.740
in the chapter four. But we will,

1225
01:27:00.740 --> 01:27:03.260
I I think we might need to tease a little bit.

1226
01:27:03.360 --> 01:27:05.180
So I think he wants a bit more information, I think. Yeah,

1227
01:27:05.230 --> 01:27:08.700
we'll I think it's probably better that we do as a written question

directly to

1228
01:27:08.860 --> 01:27:09.693
Stenner. Yeah.

1229
01:27:33.660 --> 01:27:37.800
Uh, sorry. So just a checking point, um, from our end,

1230
01:27:37.800 --> 01:27:40.400
the historic data, when would you like that? By

1231
01:27:43.070 --> 01:27:46.480
That question? Kind of how easy is it to compile?

1232
01:27:47.180 --> 01:27:48.013
Let me check.

1233
01:27:57.540 --> 01:28:01.560
Uh, part of it is relatively easy to produce to you,

1234
01:28:01.620 --> 01:28:04.440
but the further back in time you go, the harder it is.

1235
01:28:04.500 --> 01:28:06.120
So we would say deadline two please.

1236
01:28:07.630 --> 01:28:09.760
That seems, if I understand correctly,

1237
01:28:09.840 --> 01:28:13.720
I think this data in large part is collected for D department for
transport who

1238
01:28:13.720 --> 01:28:18.560
have changed the rules of the game in terms of the way data is to be

1239
01:28:18.840 --> 01:28:19.100
gathered.

1240
01:28:19.100 --> 01:28:23.160
So I presume that's in part the reason why the more historic data is

more

1241
01:28:23.160 --> 01:28:24.240
difficult to retrieve.

1242
01:28:36.950 --> 01:28:37.780
It's helpful,

1243
01:28:37.780 --> 01:28:39.600
Yes. I think from our end,

1244
01:28:39.700 --> 01:28:43.160
we think you would be assisted by both the data and a little
explanation.

1245
01:28:43.220 --> 01:28:46.960
So deadline two feels more appropriate for that so that you can
understand what

1246
01:28:46.960 --> 01:28:47.793
we provide you with.

1247
01:28:48.190 --> 01:28:51.280
Yeah, I I think that that sounds reasonable. Again, on, on the
point,

1248
01:28:51.280 --> 01:28:55.040
it's better to have comprehensive data than, um,

1249
01:28:55.310 --> 01:28:57.720
bits and pieces that then have to be supplemented later.

1250
01:29:01.020 --> 01:29:01.853
Um,

1251
01:29:03.510 --> 01:29:06.080
I've now got a question on dwell times,

1252
01:29:06.140 --> 01:29:11.040
and I'm actually gonna look at both C L D N and the F D s who may
not have been

1253
01:29:11.480 --> 01:29:14.240
expected to partake in this particular session. Um,

1254
01:29:14.300 --> 01:29:19.240
but you may have some views that may assist. Um, the,

1255
01:29:19.540 --> 01:29:24.080
the applicant has indicated I think a dwelled time of about

1256
01:29:24.140 --> 01:29:28.560
2.2 and a quarter days, which sealed in have definitely,

1257
01:29:28.920 --> 01:29:31.040
I think queried. Um,

1258
01:29:31.520 --> 01:29:35.040
I can't remember offhand in the relevant rep of the F D Ss,

1259
01:29:35.040 --> 01:29:38.000
whether you raised that as a matter. Um,

1260
01:29:38.740 --> 01:29:42.640
but certainly turning to C L D N first on dwell time,

1261
01:29:42.660 --> 01:29:47.320
do you have a view of what you think is an appropriate timescale for

1262
01:29:47.350 --> 01:29:49.000
unaccompanied freight

1263
01:29:54.550 --> 01:29:57.840
Then obviously with, for C L D N? I think when you say it's appropriate,

1264
01:29:58.330 --> 01:30:02.640
there are a number of facts at play. One is a commercial decision. Um,

1265
01:30:03.300 --> 01:30:06.160
uh, second is driven partly by the type of cargo.

1266
01:30:06.780 --> 01:30:11.400
So perishables will move much more quickly than some sort of commoditized bulk

1267
01:30:11.400 --> 01:30:15.400
products in, in containers or, or perishable items.

1268
01:30:17.620 --> 01:30:21.400
But the, the function of dwell times is also driven by the,

1269
01:30:21.620 --> 01:30:24.920
the haulers and also the port operators, uh,

1270
01:30:25.280 --> 01:30:26.920
managing the space effectively on terminal.

1271
01:30:28.260 --> 01:30:32.640
But we typically see dwell times much lower than that. That is not,

1272
01:30:32.780 --> 01:30:33.613
not standard

1273
01:30:42.050 --> 01:30:46.670
In, in CDNs experience. Dwell time is around, what would you say?

1274
01:30:47.340 --> 01:30:49.790
Save, save for perishable and non-perishable.

1275
01:30:56.390 --> 01:30:59.070
I mean an average wand, one and a half days.

1276
01:31:17.310 --> 01:31:20.210
And D F D S, any comment on dwell times?

1277
01:31:20.690 --> 01:31:23.410
Isabella Tuff of the applicants, I think on this, um,

1278
01:31:23.750 --> 01:31:25.810
Andrew by who I introduced earlier,

1279

01:31:25.820 --> 01:31:28.490
who's the managing director of D F D S will be best placed to
assist.

1280
01:31:30.080 --> 01:31:32.490
Good morning Andrew Byrne, F D f d S. Uh,

1281
01:31:32.520 --> 01:31:36.610
it's not as simple as comparing our operation to the proposed

1282
01:31:36.840 --> 01:31:40.850
development because our routes are fundamentally different as
majority from

1283
01:31:40.850 --> 01:31:45.010
Scandinavia. And we have a wide range of cargo, so some fast moving
cars,

1284
01:31:45.150 --> 01:31:49.890
for example, and then slower moving products. If I look at our row
row,

1285
01:31:50.070 --> 01:31:51.410
our trailer operation,

1286
01:31:52.070 --> 01:31:56.730
we probably see perishable cargo moving within about a day and a
half as well,

1287
01:31:56.930 --> 01:31:59.680
a day, a day and a half. The non-perishable cargo,

1288
01:31:59.680 --> 01:32:03.960
depending on the day of the week arrives and the route it's come
from is

1289
01:32:04.280 --> 01:32:05.360
probably nearer three days.

1290
01:32:22.610 --> 01:32:23.920
Thank you, Mr. Burn, that was very helpful.

1291

01:32:27.460 --> 01:32:31.400
In terms of the applicant's side and, and dwell times have,

1292
01:32:31.900 --> 01:32:36.600
having heard what's just been said by both C L D and and D F D S,

1293
01:32:36.780 --> 01:32:38.800
do you have any observations to make?

1294
01:32:44.390 --> 01:32:46.410
So James drawn for a b p, just first of all,

1295
01:32:46.410 --> 01:32:51.290
in relation to the figure I think you gave of two and

1296
01:32:51.330 --> 01:32:53.250
a quarter days, I we, we,

1297
01:32:53.630 --> 01:32:57.730
the table in the short sea market study

1298
01:32:58.990 --> 01:33:03.130
report, a p P oh seven nine, uh, does a,

1299
01:33:03.390 --> 01:33:06.530
or provides, you probably would've seen a range of dwell times

1300
01:33:08.190 --> 01:33:09.810
by way of sensitivity testing,

1301
01:33:11.090 --> 01:33:15.050
bearing in mind the differences that can occur. Um,

1302
01:33:15.270 --> 01:33:19.730
and we've got 1.75 days up to 3.5 days,

1303
01:33:21.390 --> 01:33:26.370
um, as to whether what you just heard, uh,

1304
01:33:26.560 --> 01:33:31.050
well, which, which does appear to be close to the range you just

heard. But, um,

1305
01:33:31.280 --> 01:33:34.130
whether there are any further comments to make about that,

1306
01:33:34.310 --> 01:33:35.890
we will come back to you if we may.

1307
01:33:37.220 --> 01:33:38.053
Thank you, Mr.

1308
01:34:09.540 --> 01:34:14.200
And the final question I think that we need to raise or need at this point,

1309
01:34:15.380 --> 01:34:16.130
um,

1310
01:34:16.130 --> 01:34:20.360
given that we've asked for quite a of factual material to come from the various

1311
01:34:20.360 --> 01:34:20.700
parties,

1312
01:34:20.700 --> 01:34:25.520
and we can then look at that and I suspect we will potentially return to

1313
01:34:25.550 --> 01:34:28.160
need, um, at,

1314
01:34:28.340 --> 01:34:31.600
at future hearings and or in written question. Um,

1315
01:34:33.020 --> 01:34:37.520
and this is sort of a general question and it it,

1316
01:34:37.520 --> 01:34:41.120
it relates to what a progress is being established, uh,

1317

01:34:41.120 --> 01:34:44.960
being made to establish the Humber Freeport. Um,

1318
01:34:45.900 --> 01:34:47.680
if I look at the applicant first, if,

1319
01:34:47.740 --> 01:34:51.000
if you are able to give any advice on that, I,

1320
01:34:51.080 --> 01:34:53.320
I presume it's some sort of partnership arrangement,

1321
01:34:53.500 --> 01:34:58.200
so our other ips sitting around the table also partners involved

1322
01:34:58.980 --> 01:35:02.280
seeing CED in are not, no. Okay.

1323
01:35:03.940 --> 01:35:08.000
So it looks like, uh, the applicant is gonna be leading on this

1324
01:35:09.930 --> 01:35:13.320
James TRO for a B P. So I believe Simon Byrd, um,

1325
01:35:13.900 --> 01:35:18.520
of a b p director of Humber is here

1326
01:35:18.700 --> 01:35:21.840
and able to give you some information about that.

1327
01:35:22.060 --> 01:35:25.760
And he's sitting on 1, 2, 3 more. There he is.

1328
01:35:25.900 --> 01:35:27.720
That's down the table.

1329
01:35:30.060 --> 01:35:30.920
So the, uh, the,

1330
01:35:31.500 --> 01:35:32.320
The

1331
01:35:32.320 --> 01:35:34.080
I chairman of Humber, sorry, Simon, sorry,

1332
01:35:34.180 --> 01:35:38.120
I'm very sorry. Perhaps I could, I, so do you mind, Mr. Bur,

1333
01:35:38.120 --> 01:35:43.120
if I just introduce you so that the examining authority know who you
are?

1334
01:35:43.500 --> 01:35:45.720
I'm just gonna get my crib sheet up.

1335
01:35:50.970 --> 01:35:53.680
Thank you. Um, so Mr.

1336
01:35:53.790 --> 01:35:57.440
Bird is the regional director of A B B Humber. Uh,

1337
01:35:57.620 --> 01:36:02.560
he joined the executive board in September, 2015 as the Humber

1338
01:36:02.840 --> 01:36:07.640
Director and his role is to lead the four major ports of

1339
01:36:08.030 --> 01:36:11.480
Goul Grimsby Hulen Ingham. Uh,

1340
01:36:11.740 --> 01:36:14.920
he has a wealth of experience in this sector,

1341
01:36:14.920 --> 01:36:19.200
including 15 years as chief executive of the Bristol Port Company.

1342
01:36:19.900 --> 01:36:20.880
And when he was there,

1343
01:36:20.940 --> 01:36:25.360
he served as vice chair and then as chair of the UK major Ports
group

1344
01:36:25.840 --> 01:36:29.280
representing the ports sector at UK and international level. He,

1345
01:36:29.280 --> 01:36:34.240
he also served for a time as the Department for Transport's Senior
Port

1346
01:36:34.240 --> 01:36:37.320
Advisor. And before being at Port of Bristol,

1347
01:36:37.500 --> 01:36:41.560
he held a number of roles as a board member at the Mersey Docks and
Harbor

1348
01:36:41.560 --> 01:36:46.400
Company International Water, and was the senior executive of B A E P
L C.

1349
01:36:47.380 --> 01:36:51.200
And he began his career in military service and holds an honorary
commission in

1350
01:36:51.200 --> 01:36:53.160
the Royal Navy Reserve in the rank of the captain.

1351
01:36:56.920 --> 01:37:01.590
Thank you. Um, Mr. Bird, uh, I assume it's still Mr. Bird rather
than captain.

1352
01:37:02.130 --> 01:37:05.790
Um, every time you speak, could you just introduce your name just
for,

1353
01:37:05.850 --> 01:37:07.590
so the recording recognizes your voice.

1354
01:37:10.380 --> 01:37:11.810
Simon Byrd, a b p.

1355
01:37:12.230 --> 01:37:15.770
So I'm also the chair of the Humber Freeport and,

1356
01:37:15.910 --> 01:37:18.170
and background for those in the room, the Humber, Freeport,

1357
01:37:18.470 --> 01:37:23.130
or the Freeport policy was introduced by the then Chancellor Richard
Sinna, uh,

1358
01:37:23.130 --> 01:37:27.730
at the end of 2020. Um, and a,

1359
01:37:27.850 --> 01:37:30.650
a number of English free ports of which there are eight, uh,

1360
01:37:30.760 --> 01:37:34.050
came forward and have been approved at, at various stages.

1361
01:37:34.750 --> 01:37:36.930
The Humber Freeport is, is number eight in that list.

1362
01:37:36.990 --> 01:37:40.290
We formally launched the company earlier this month. Uh,

1363
01:37:40.590 --> 01:37:44.370
the Freeport policy allows for, uh, three tax sites, uh,

1364
01:37:44.370 --> 01:37:48.530
which are three across the Humber. Two are approved, one is in, uh,

1365
01:37:48.550 --> 01:37:52.730
on the North Bank, Hull East. The second is in Ingham, Immingham
West,

1366
01:37:53.180 --> 01:37:57.640
which includes some of the A B P land, but the majority of the able
land to the,

1367
01:37:57.640 --> 01:38:02.120
to the west of, uh, Ingham port. And the third tax site yet to be,
um,

1368

01:38:02.590 --> 01:38:05.560
presented to government, uh, is in Gaul, uh,

1369
01:38:06.800 --> 01:38:11.680
adjacent to the Siemens Mobility site and taking land up towards the
M 62.

1370
01:38:12.500 --> 01:38:16.480
So the company is very much in, its in a fledgling state. It's, it's
got a,

1371
01:38:16.880 --> 01:38:20.680
a chair. Uh, we, we'll be pointing a chief exec fairly soon, uh,

1372
01:38:21.140 --> 01:38:24.200
and some companies in, in East Har have already, uh,

1373
01:38:24.870 --> 01:38:29.640
announced their intention to, uh, establish operations in East Har
under the,

1374
01:38:29.660 --> 01:38:32.840
the benefit of the Freeport. But other than that, uh,

1375
01:38:32.840 --> 01:38:33.920
we're at a very early stage.

1376
01:38:37.130 --> 01:38:37.480
Thank

1377
01:38:37.480 --> 01:38:38.320
You, Mr. Bird. Very clear.

1378
01:39:02.160 --> 01:39:03.890
Well, yeah, I think at this stage,

1379
01:39:03.890 --> 01:39:07.890
those are all the questions that the examining authorities got about
need. Um,

1380
01:39:08.520 --> 01:39:12.810
it's not a matter that, um, if you like from our consideration,

1381
01:39:13.460 --> 01:39:17.050
we've, we've concluded the examination. It will be ongoing. I,

1382
01:39:17.310 --> 01:39:21.210
I'm pretty sure of that. Um, I said earlier, um,

1383
01:39:22.030 --> 01:39:25.610
before we concluded this, this topic area, um,

1384
01:39:25.760 --> 01:39:30.410
we'd give the applicant the opportunity to make any final closing
type remarks

1385
01:39:30.510 --> 01:39:32.170
if it wished to, uh,

1386
01:39:32.170 --> 01:39:36.130
given the nature of the discussion that we've had on this topic. Mr.
Mr. Strawn,

1387
01:39:36.190 --> 01:39:39.450
any, um, final observations that the applicant wishes to make,

1388
01:39:41.110 --> 01:39:45.850
Uh, sir James straw for a b p? Um, I'll keep it brief. Uh, if,

1389
01:39:45.850 --> 01:39:48.450
unless you want me to expand, um,

1390
01:39:49.120 --> 01:39:53.930
just in terms, first of all of the IOT's observations,

1391
01:39:54.870 --> 01:39:58.250
uh, the, as you'll appreciate here,

1392
01:39:58.250 --> 01:40:02.530
we're dealing with a case of need for this proposed development.

1393
01:40:02.670 --> 01:40:06.850
The question of IOT's facility and

1394
01:40:07.050 --> 01:40:09.010
navigational assessments,

1395
01:40:09.060 --> 01:40:13.650
which we performed are of course a topic for future

1396
01:40:13.830 --> 01:40:17.770
agenda item. Uh, and, uh, I didn't understand anything Mr.

1397
01:40:17.860 --> 01:40:21.490
Elvin was saying in that respect to effect, uh, the,

1398
01:40:21.590 --> 01:40:23.370
and he put it in this way. Uh,

1399
01:40:23.440 --> 01:40:27.410
he's not objecting to the need case that's being put forward. Um,

1400
01:40:27.600 --> 01:40:31.530
just he's concerned obviously about hi his client's assets,

1401
01:40:31.540 --> 01:40:33.730
which we will address and then, uh,

1402
01:40:33.940 --> 01:40:37.970
later on in the examination and deed today. Uh,

1403
01:40:38.030 --> 01:40:42.770
as to CDNs, uh, outline of its case, um,

1404
01:40:42.910 --> 01:40:45.570
can I just make a couple of observations, although you,

1405
01:40:45.570 --> 01:40:49.370
you've got most of those I've already made. The first is, uh,

1406
01:40:49.560 --> 01:40:54.160
just a to flag up a point because in the

1407

01:40:55.430 --> 01:40:56.800
submissions that were made,

1408
01:40:57.330 --> 01:41:02.280
there was an attempt to suggest that need is not established or

1409
01:41:02.280 --> 01:41:06.160
would needs to be reestablished. Notwithstanding the national policy
statement,

1410
01:41:06.600 --> 01:41:10.760
I I'm sure the examining authority's aware of the client Oath case,

1411
01:41:11.620 --> 01:41:13.440
uh, that went through the,

1412
01:41:13.620 --> 01:41:18.080
all the way to the Court of Appeal on the proper interpretation of
the

1413
01:41:18.960 --> 01:41:20.040
National policy statement.

1414
01:41:20.220 --> 01:41:25.120
In that case regarding energy and the establishment

1415
01:41:25.120 --> 01:41:30.040
of need by parliament through the National Policy Statement and the

1416
01:41:30.300 --> 01:41:32.280
misinterpretation, uh,

1417
01:41:32.380 --> 01:41:37.040
of the policy statement that that need somehow needs to be
demonstrated. It's,

1418
01:41:37.040 --> 01:41:41.800
uh, a reported case and we can provide it to the examining
authority. But,

1419
01:41:41.940 --> 01:41:43.200
um, it is of course,

1420
01:41:43.200 --> 01:41:48.200
inconsistent on the one hand to recognize that need is established

1421
01:41:48.220 --> 01:41:52.800
as Ms. Grogan sought to do. And then yet on the same breath,

1422
01:41:52.910 --> 01:41:57.360
seek to question the need for new developments of this kind.

1423
01:41:58.020 --> 01:42:01.560
So I just draw that to your attention 'cause it may help you on, on, on,

1424
01:42:01.820 --> 01:42:05.320
on that. And as sorry you anticipated

1425
01:42:05.480 --> 01:42:06.240
Question. I I, well,

1426
01:42:06.240 --> 01:42:10.800
I think it's just worth saying you offered to present it into

1427
01:42:11.040 --> 01:42:15.360
examination. Uh, I think the value actually will be, uh,

1428
01:42:15.860 --> 01:42:19.040
the commentary that you would like to make in, uh,

1429
01:42:19.140 --> 01:42:21.720
in writing on that case. Um,

1430
01:42:21.820 --> 01:42:24.840
and I think that would ideally be a deadline one,

1431
01:42:25.340 --> 01:42:29.040
if that seems reasonable for you, please pr, um, make an,

1432
01:42:29.270 --> 01:42:32.160
give us a note certainly on the relevance of that case.

1433
01:42:32.160 --> 01:42:34.760
Certainly, sir. Thank you. And,

1434
01:42:34.820 --> 01:42:38.800
and without anticipating the note itself, or as I said,

1435
01:42:38.800 --> 01:42:43.280
it relates to the n p s on energy, but the, the principle is, is about, um,

1436
01:42:43.530 --> 01:42:47.720
where needs established. So, so certainly do that just

1437
01:42:47.720 --> 01:42:52.040
Before we leave, lose that point judgment plus the note please.

1438
01:42:52.860 --> 01:42:55.480
Yes, there, there are actually two judgments.

1439
01:42:55.950 --> 01:42:58.080
There's one in the high court and one in the court appeal,

1440
01:42:58.080 --> 01:43:00.040
but it may be sufficient just to look at the

1441
01:43:00.850 --> 01:43:03.360
Court of appeal. I have read it, but I can't remember,

1442
01:43:03.380 --> 01:43:07.640
did the Court of appeal largely agree with what the lower court did?

1443
01:43:08.400 --> 01:43:08.820
Absolutely right.

1444
01:43:08.820 --> 01:43:12.400
So yeah, I think we, the Court of appeal judgment will suffice.

1445
01:43:13.780 --> 01:43:18.160
So that that's, so, um, I'll, I'll provide that note as requested.

1446

01:43:18.580 --> 01:43:21.720
And secondly, in relation to the, um,

1447
01:43:22.180 --> 01:43:26.280
the other parts of the CDNs observations about need,

1448
01:43:26.660 --> 01:43:30.720
we sir will obviously wait with interest for some of the requested
information,

1449
01:43:31.580 --> 01:43:34.960
uh, because one of the central problems, uh,

1450
01:43:35.020 --> 01:43:39.720
in responding to the relevant representations and the need cases
articulated

1451
01:43:39.820 --> 01:43:43.880
is that there isn't any detail or evidence to support, um,

1452
01:43:44.320 --> 01:43:48.960
a lot of the statements and that that remains the case today

1453
01:43:49.260 --> 01:43:54.240
in what Ms. Grogan outlined to you, uh, in suggesting,

1454
01:43:54.900 --> 01:43:58.840
um, resilience matters of that kind. Uh, we,

1455
01:43:58.860 --> 01:44:02.920
we therefore wait with interest and will comment as as appropriate
once we know

1456
01:44:02.940 --> 01:44:06.920
what's being said. Um, but you'll see from our documentation,

1457
01:44:07.700 --> 01:44:12.600
in addition to specifying a specific need, um, that we've
identified,

1458
01:44:13.100 --> 01:44:14.000
of course, um,

1459
01:44:14.100 --> 01:44:18.360
you'll also have to grapple with the principle expressed in policy

1460
01:44:18.970 --> 01:44:23.760
about the need for competition, the need for excess capacity,

1461
01:44:23.780 --> 01:44:28.080
and all of those matters specified in chapter three of the p s.

1462
01:44:35.730 --> 01:44:36.680
Thank you, Mr. Strong.

1463
01:44:44.340 --> 01:44:44.630
Hang

1464
01:44:44.630 --> 01:44:49.190
On in, in terms of, uh, submissions at deadline, when I,

1465
01:44:49.190 --> 01:44:53.190
what I should have said at the start of this section is the,

1466
01:44:53.330 --> 01:44:57.150
the oral summaries that have been presented particularly by the
applicant and C

1467
01:44:57.190 --> 01:44:58.470
L D C L D N,

1468
01:44:58.790 --> 01:45:03.550
I presume you've got them in written form and will therefore be able
to, uh,

1469
01:45:03.550 --> 01:45:05.830
submit them as opposed hearing action.

1470
01:45:08.730 --> 01:45:11.030
Um, actually while we're talking about action points, I,

1471
01:45:11.190 --> 01:45:14.310
I forgot to mention that I, I know Mr.

1472
01:45:14.460 --> 01:45:18.950
Bradley has certainly captured I think all of the actions for this session. Um,

1473
01:45:19.130 --> 01:45:23.150
but could we look possibly to the applicant's team, um,

1474
01:45:23.170 --> 01:45:27.870
to keep from now onwards a running list going, um, because um,

1475
01:45:28.300 --> 01:45:31.190
it's probably gonna to get more hectic for Mr.

1476
01:45:31.190 --> 01:45:35.270
Bradley and I as we go on through the rest of the day and sometimes it's a

1477
01:45:35.270 --> 01:45:36.750
little bit difficult to keep a pace, uh,

1478
01:45:36.750 --> 01:45:38.990
with the actions while you are also trying to make notes.

1479
01:45:39.370 --> 01:45:42.710
So is that something that the applicant fac can fac facilitate,

1480
01:45:43.490 --> 01:45:45.390
Uh, James TRO for a v p? Yes, uh,

1481
01:45:45.410 --> 01:45:48.830
that's something I'm getting a nod from others that we'll do

1482
01:45:49.900 --> 01:45:51.950
That would, would be appreciated. I mean,

1483
01:45:51.970 --> 01:45:55.230
we will certainly have some of the notes and we at the end we will run through

1484
01:45:55.230 --> 01:45:58.710

anyway with all ips. No doubt. We'll, we'll capture everything.

1485
01:46:01.130 --> 01:46:04.990
Um, I think this would now be a convenient time, um,

1486
01:46:05.570 --> 01:46:09.630
to take a break 'cause it's just gone quarter to 11. Um,

1487
01:46:09.660 --> 01:46:13.510
looking around the table suggestions, minimum 15 minutes,

1488
01:46:13.690 --> 01:46:17.590
but is that enough or do parties want a little longer

1489
01:46:23.100 --> 01:46:26.350
from the applicant's perspective? 15 minutes or there? Yes,

1490
01:46:28.350 --> 01:46:29.670
I was gonna say 1210 actually.

1491
01:46:32.870 --> 01:46:37.310
I mean, if, if we say resume at 1210, does that seem reasonable? Yes.

1492
01:46:37.970 --> 01:46:42.710
Yes. Okay. The hearings there for adjourned until 1210. Thank you very much.