

WEBVTT – This file was automatically generated by VIMEO

0

00:00:01.590 --> 00:00:05.440

Well, welcome back everybody. Um, it is now quarter past two,

1

00:00:05.580 --> 00:00:08.520

so the hearing is going to resume. Um,

2

00:00:08.630 --> 00:00:13.360

what I'm gonna suggest to help hopefully speed things up a little bit, when,

3

00:00:13.700 --> 00:00:17.960

um, witnesses this afternoon are being introduced for the first time.

4

00:00:18.440 --> 00:00:22.200

I think if we can just take the name, uh, and the, the discipline,

5

00:00:22.200 --> 00:00:26.120

but we'll go no further than that. I think we can take it for red, um, um,

6

00:00:26.150 --> 00:00:28.840

that whoever has experience in their sphere.

7

00:00:29.460 --> 00:00:34.200

But what we will then ask is that a note coming from each of the ipss

8

00:00:34.550 --> 00:00:37.240

just listing who their, um, witnesses are.

9

00:00:38.020 --> 00:00:41.280

And that'll probably be useful for all of the witnesses that have already, uh,

10

00:00:41.280 --> 00:00:43.120

given evidence, uh, earlier today.

11

00:00:51.580 --> 00:00:56.080

Um, I presume everybody in the room can certainly hear me. Yep.

12

00:00:56.700 --> 00:01:01.600

Can I just check with, um, those participating online,

13

00:01:02.020 --> 00:01:06.480

um, that you can still see and hear the room if somebody can indicate by showing

14

00:01:06.750 --> 00:01:10.560

your hand or several of you got one hand showing and Yep.

15

00:01:10.870 --> 00:01:11.760

That all seems fine.

16

00:01:20.630 --> 00:01:24.760

Okay. Therefore, I'd like to turn to agenda item four, uh,

17

00:01:24.760 --> 00:01:29.720

effects on the integrity of the Humber Ery special area of

18

00:01:29.720 --> 00:01:33.880

conservation protection or special protection area for and Ramsar site.

19

00:01:34.580 --> 00:01:37.440

Um, for sure. I think we'll just call them the designated sites.

20

00:01:37.520 --> 00:01:41.800

I think we probably all know what we're talking about. Um,

21

00:01:43.660 --> 00:01:48.600

Did anybody from the applicant's team get the opportunity to quickly look at the

22

00:01:48.600 --> 00:01:49.600

Natural England submissions

23

00:01:53.370 --> 00:01:56.560

James drawn for a b P? Yes, sir, we did. And

24

00:01:57.140 --> 00:01:59.640

Am I generally right in, um,

25

00:01:59.640 --> 00:02:03.080

coming to the view that they seem to be,

26

00:02:03.430 --> 00:02:06.120

they seem to have fewer concerns,

27

00:02:07.080 --> 00:02:11.160

albeit the spreadsheet is actually quite difficult to read because for some of

28

00:02:11.160 --> 00:02:15.240

the concerns they seem to have green and amber side by side and I wasn't quite

29

00:02:15.240 --> 00:02:16.320

sure what that meant.

30

00:02:17.780 --> 00:02:21.160

Uh, so yes, you are, you are right that, well,

31

00:02:21.180 --> 00:02:23.480

at least that reflects our own understanding.

32

00:02:23.580 --> 00:02:27.840

And what I'm told is the ongoing, uh,

33

00:02:27.840 --> 00:02:31.800

discussions with Natural England, uh, and yes,

34

00:02:31.860 --> 00:02:36.280

you are right that there are Ambers that have gone to green.

35

00:02:37.290 --> 00:02:40.600

There is, I, I've certainly struggled to understand it myself.

36

00:02:40.600 --> 00:02:45.240

There are still Ambers beside on the right where the commentary suggests that

37

00:02:45.240 --> 00:02:46.200
it's gone green.

38
00:02:46.800 --> 00:02:51.800
I believe that some of that may simply be a residual comment

39
00:02:52.270 --> 00:02:57.120
that the information that's been referred to they want to see reflected

40
00:02:57.120 --> 00:03:01.840
in the shadow what would be a shadow H r a habitat

41
00:03:01.840 --> 00:03:06.520
regulations assessment rather than a re a remaining

42
00:03:06.760 --> 00:03:09.720
residual concern. But, um, that,

43
00:03:09.790 --> 00:03:14.640
that is my understanding and I'm not speaking obviously for

44
00:03:14.670 --> 00:03:18.840
Natural England in that respect. And, and we,

45
00:03:18.900 --> 00:03:23.280
we have had an opportunity to review what they've said,

46
00:03:24.180 --> 00:03:26.920
and certainly there are yes, uh,

47
00:03:27.080 --> 00:03:30.960
a reduction in the number of issues which reflects the discussions.

48
00:03:31.740 --> 00:03:32.600
And we,

49
00:03:34.740 --> 00:03:37.840
our own understanding is that the remaining items

50
00:03:39.540 --> 00:03:42.920

for discussion are actually relatively few and far between.

51

00:03:43.480 --> 00:03:48.480

I can give you a broad indication provided it's not taken as us speaking for

52

00:03:48.480 --> 00:03:49.400

Natural Englander. But

53

00:03:50.060 --> 00:03:53.440

No, I, I think at this stage that will probably suffice.

54

00:03:53.600 --> 00:03:57.280

I think everybody is going to need to sit down and digest, uh,

55

00:03:57.300 --> 00:04:00.080

and we might even have to go back to Natural England and say,

56

00:04:00.460 --> 00:04:05.120

can you express the changes a little more clearly? Because it, it,

57

00:04:05.220 --> 00:04:07.240

it certainly on first sight, it,

58

00:04:07.260 --> 00:04:11.760

it wasn't clear precisely what they meant and the supporting letter didn't

59

00:04:11.760 --> 00:04:14.720

really, uh, provide much assistance.

60

00:04:17.460 --> 00:04:20.200

Um, but I think on a, on a, on a general point, it,

61

00:04:20.220 --> 00:04:24.400

it appears that there is an open dialogue with Natural England still ongoing

62

00:04:24.400 --> 00:04:29.280

with the applicant. Um, and things are still evolving. Um,

63

00:04:30.740 --> 00:04:31.080
um,

64
00:04:31.080 --> 00:04:34.720
I suppose we just have to watch that space in terms of any further submissions

65
00:04:34.720 --> 00:04:37.440
that Natural England make in due course.

66
00:04:38.980 --> 00:04:41.560
Uh, James TR0 for a v p? Yes. Uh, we, we,

67
00:04:41.740 --> 00:04:46.520
if I put it as neutral as possible, we are, we are waiting to hear from,

68
00:04:46.820 --> 00:04:49.200
uh, both Natural England and M M O.

69
00:04:52.450 --> 00:04:53.350
Uh, excuse me.

70
00:04:53.580 --> 00:04:58.470
Does any IP wanna raise anything in respect of the correspondence that you

71
00:04:58.530 --> 00:05:03.150
may or may not yet have had the opportunity to look at? Um, looking at C L D N

72
00:05:04.580 --> 00:05:08.430
Rose Grogan for C L D N, sir, we've had a look,

73
00:05:08.730 --> 00:05:10.990
but similar to you and the applicant,

74
00:05:11.140 --> 00:05:16.110
it's taken us a while to understand quite what the status of some actions

75
00:05:16.370 --> 00:05:18.870

are. We think, um,

76

00:05:19.210 --> 00:05:22.230

but it's something we'll need to address in writing rather than orally today

77

00:05:22.380 --> 00:05:26.790

that the issues that we have raised in our relevant rep are still issues that

78

00:05:26.790 --> 00:05:31.110

Natural England are concerned about, so they're not green. Um,

79

00:05:31.490 --> 00:05:33.230

but as I say, I think we'll need to take it away,

80

00:05:33.460 --> 00:05:35.270

have a think and help you out in writing.

81

00:05:36.730 --> 00:05:37.950

And for D F D Ss

82

00:05:38.950 --> 00:05:42.710

Isabella to, for D F D S, nothing further from us at this stage. Thank you.

83

00:05:45.570 --> 00:05:49.710

And I'm not sure any of the other ips have got a particular issue in, in that.

84

00:05:49.930 --> 00:05:54.350

No. Okay. Okay. In fact, what,

85

00:05:54.380 --> 00:05:56.830

what all of that means is, I, I only have I think,

86

00:05:56.830 --> 00:06:01.760

two or three questions for this session, um, turning to the applicant first,

87

00:06:03.140 --> 00:06:07.840

um, in terms of the assessment of the impact of the proposed

development on the

88

00:06:07.970 --> 00:06:12.040

intertidal habitat, um, within the designated sites, uh,

89

00:06:12.100 --> 00:06:14.080

can you please explain, um,

90

00:06:15.140 --> 00:06:18.280

how the losses of N point naught naught,

91

00:06:18.420 --> 00:06:21.880

six hectares arising each from the proposed capital,

92

00:06:21.920 --> 00:06:25.840

dredging and piling have been derived? Uh, and I,

93

00:06:26.000 --> 00:06:30.160

I get those numbers from paragraph 9.8 0.13

94

00:06:31.100 --> 00:06:35.120

in chapter nine of the environmental statement, which is a P

95

00:06:36.670 --> 00:06:41.600

0 4 5. And I count that that quick query, um,

96

00:06:42.100 --> 00:06:46.200

in terms of the capital dredge area being of the order of

97

00:06:46.630 --> 00:06:51.320

70,000 square meters or seven hectares. Um,

98

00:06:53.380 --> 00:06:57.800

now you may not be able to do it here, but we certainly will, will want it done,

99

00:06:58.340 --> 00:07:02.720

um, in writing. Um, it, it would assist, I think,

100

00:07:02.820 --> 00:07:05.560

if by reference to a plan, um,

101

00:07:05.580 --> 00:07:08.440

the applicant can show the precise locations for the,

102

00:07:08.440 --> 00:07:12.480

the dut loss due to capital dredging and piling,

103

00:07:13.580 --> 00:07:18.560

um, and any boundaries, uh, that, that might be between different habitat types,

104

00:07:19.460 --> 00:07:22.080

uh, within the capital dredging area, because that certainly,

105

00:07:22.080 --> 00:07:24.400

from the information that's submitted, is unclear.

106

00:07:25.380 --> 00:07:28.360

And part of the reason I'm raising the question in,

107

00:07:28.540 --> 00:07:33.520

in these terms is that in CDNs, um, relevant rep,

108

00:07:33.580 --> 00:07:37.560

and I should have noted down the number, and I I didn't, um,

109

00:07:38.260 --> 00:07:43.000

but C L D N have referred to a habitat loss of 1.65 hectares,

110

00:07:43.370 --> 00:07:47.280

which is several orders of magnitude different, um,

111

00:07:47.740 --> 00:07:51.800

to the number that's been quoted in the environmental statement. So,

112

00:07:51.800 --> 00:07:53.080

turning to the applicant first,

113

00:07:56.380 --> 00:08:00.800

Uh, yes, sir, I'm going to ask Mr.

114

00:08:01.110 --> 00:08:05.680

Andy Pearson of A B P M Merh

115

00:08:06.420 --> 00:08:09.080

to answer that question. Uh,

116

00:08:09.150 --> 00:08:13.680

he's the principal marine ecologist and will send you his details as you've

117

00:08:13.680 --> 00:08:17.440

requested, uh, after the, uh, session.

118

00:08:18.820 --> 00:08:20.160

But I'll hand over to Mr.

119

00:08:20.190 --> 00:08:24.600

Pearson for the basis for that calculation. And, and,

120

00:08:24.600 --> 00:08:26.760

and just to be clear, your your question,

121

00:08:27.080 --> 00:08:31.720

I believe relates to the intertidal habitat loss. Yeah,

122

00:08:34.110 --> 00:08:38.640

Yeah. I'm Andy Pearson, um, for a b p. Um, yeah, so just,

123

00:08:38.640 --> 00:08:43.200

just to clarify, on the 1.65 hectares of loss, that was,

124

00:08:43.580 --> 00:08:48.080

uh, a, a loss that we were ex we were predicting to happen. Um,

125

00:08:48.420 --> 00:08:52.040

but that the scheme design has now changed. So that was assessed in the pier,

126

00:08:52.300 --> 00:08:56.120

but it's now being updated. So if I run you through, um,

127

00:08:56.630 --> 00:09:01.400

what the current loss is, and I'll break it down, um, into the, uh, into,

128

00:09:01.430 --> 00:09:05.160

into the different elements. So the, the total intertidal loss,

129

00:09:05.730 --> 00:09:10.600

which which we just predicted is nor point naught, two two hectares. Um,

130

00:09:11.100 --> 00:09:15.920

and that involves, um, that will, part of that is a, um,

131

00:09:15.920 --> 00:09:19.240

capital dredging, which will cause a direct loss of nor point,

132

00:09:19.380 --> 00:09:23.320

nor nor six hectares. Um, that loss will be, um,

133

00:09:23.510 --> 00:09:27.400

mudflat loss on the lower shore, and that's due to the capital judging,

134

00:09:27.840 --> 00:09:31.600

changing the habitat from subtitle habitat to intertidal habitat.

135

00:09:33.980 --> 00:09:35.960

The piles will cause, uh,

136

00:09:36.040 --> 00:09:40.520

a direct loss of N point N six hectares of intertidal mud flat.

137

00:09:43.710 --> 00:09:44.980

Could you repeat that figure?

138

00:09:45.570 --> 00:09:49.940

Yeah. It, uh, n point n n six hectares of intertidal mud flat,

139

00:09:50.490 --> 00:09:53.620

That was for the capital dredge. What was the second figure? It's

the same.

140

00:09:53.760 --> 00:09:54.210

Say it again.

141

00:09:54.210 --> 00:09:58.800

Yeah, it, it, it's the same figure for both of them. And then finally,

142

00:09:59.460 --> 00:10:04.200

the capital dredging and the marine infrastructure will cause an

143

00:10:04.200 --> 00:10:08.880

indirect loss as a result of erosion of North point N

144

00:10:09.060 --> 00:10:12.560

one hectares of, um, intertidal mudflat.

145

00:10:14.170 --> 00:10:18.400

Again, the indirect loss is lower elevation, lower shore habitat.

146

00:10:19.260 --> 00:10:23.000

So it's not, it, it, when that,

147

00:10:23.110 --> 00:10:26.240

that ar that ar that area. It, it, um,

148

00:10:26.710 --> 00:10:30.240

it's right down at the com at the bottom of the foreshore.

149

00:10:30.980 --> 00:10:33.600

And in terms of types of habitats, it's all mud,

150

00:10:33.700 --> 00:10:38.640

mud flood habitat that we're looking at here as well. Um, so,

151

00:10:38.640 --> 00:10:41.160

so to give you some context, the combined loss,

152

00:10:41.260 --> 00:10:45.720

so the combined loss of NW point N two two hectares represents,

153

00:10:46.660 --> 00:10:51.640

uh, a negligible amount of the Humber Esry, S B A and Ramsar. Um,

154

00:10:51.800 --> 00:10:56.440

I can give you the value for that if that's helpful. Um, but it's, it's a very,

155

00:10:56.440 --> 00:10:58.360

very small proportion. Um,

156

00:10:58.900 --> 00:11:02.720

and it also represents a negligible loss in terms of SS b a and Ramsar

157

00:11:02.720 --> 00:11:04.000

supporting habitat as well.

158

00:11:05.360 --> 00:11:08.880

I think on the basis you, you'll, uh, be providing the this in,

159

00:11:08.940 --> 00:11:09.840

in writing after the,

160

00:11:17.820 --> 00:11:20.800

And certainly when the written submission is made,

161

00:11:20.880 --> 00:11:25.680

I think we would like to see a plan accompanying that, that clearly shows,

162

00:11:26.180 --> 00:11:30.160

um, the affected habitat, identifying it relative to,

163

00:11:30.580 --> 00:11:32.320

to the scheme. Um,

164

00:11:36.260 --> 00:11:38.360

so turning to C L D N,

165

00:11:40.180 --> 00:11:40.830

Uh,

166

00:11:40.830 --> 00:11:41.663

Does,

167

00:11:41.950 --> 00:11:44.200

Does that explanation, um,

168

00:11:45.180 --> 00:11:49.840

assist in understanding just how much habitat is affected? It appears,

169

00:11:49.900 --> 00:11:51.080

and we,

170

00:11:51.140 --> 00:11:55.760

we assumed it might have been the case that the 1.65 Hector

171

00:11:55.860 --> 00:12:00.040

figure had come from what was the original for birth scheme

172

00:12:00.530 --> 00:12:03.760

prior to the amendments being made? Pre-app,

173

00:12:04.940 --> 00:12:09.760

Uh, rose Grogan for C L D N, I have our ecologist Louise Bridges,

174

00:12:10.060 --> 00:12:14.120

um, on the live link. Um,

175

00:12:14.500 --> 00:12:16.920

so I will, so she's from A P E M.

176

00:12:19.280 --> 00:12:23.760

I will hand over to her if she's able to come off mute and, um,

177

00:12:24.110 --> 00:12:28.800

comment, but if she's not able to come off, oh, there she is. It's working.

178

00:12:32.140 --> 00:12:36.640

Hi, uh, Louise Bridges, uh, from a limited representing, uh,

179

00:12:36.880 --> 00:12:38.320

C L D N, um,

180

00:12:39.020 --> 00:12:42.040

I'm content that that explains the difference in the,

181

00:12:42.140 --> 00:12:45.800

in the habitat loss I was aware of, of the, of the redesign.

182

00:12:56.930 --> 00:12:58.280

Thank you, Ms. Bruises. That's helpful.

183

00:13:12.150 --> 00:13:12.983

Don't worry about that.

184

00:13:14.220 --> 00:13:17.460

I, I think what I'm gonna suggest is a post-hearing, um,

185

00:13:18.000 --> 00:13:21.260

action if you like for C L D N, um,

186

00:13:21.800 --> 00:13:23.540

is possibly to ask you to confirm

187

00:13:25.170 --> 00:13:29.900

your position now with respect, um, to the significance,

188

00:13:31.160 --> 00:13:34.620

um, of, of, of the habitat loss that, uh,

189

00:13:34.920 --> 00:13:37.740

the applicant has identified. Um,

190

00:13:38.340 --> 00:13:41.500

'cause as I said in opening that that's quite a marked difference,
um,

191

00:13:41.850 --> 00:13:46.500

between in effect not point. Let's get the notes right,

192

00:13:46.560 --> 00:13:50.180
nor 0.12 versus 1.65 hectares,

193

00:13:54.160 --> 00:13:57.780
Uh, rose Grogan for C LD n Yes. We'll take that away. Um,

194

00:14:00.840 --> 00:14:05.820
Before I, in effect, um, move on from this question,

195

00:14:05.890 --> 00:14:07.700
does any other IP have a,

196

00:14:07.720 --> 00:14:11.220
any comment to make about the HAP habitat as point

197

00:14:14.120 --> 00:14:17.140
not seeing anything? Okay, I think that answers the question.

198

00:14:17.360 --> 00:14:19.220
The key to that is, um,

199

00:14:19.220 --> 00:14:22.900
just confirmation in writing and the plan that clearly shows the location.

200

00:14:29.790 --> 00:14:31.610
Now I'm going to ask this question.

201

00:14:32.000 --> 00:14:36.370
Even though natural England and or maritime management organization

202

00:14:37.030 --> 00:14:37.863
may be, um,

203

00:14:39.670 --> 00:14:42.290
in a better position in terms of understanding what's going on,

204

00:14:42.290 --> 00:14:45.850
but the examining authority currently is not, um,

205

00:14:50.110 --> 00:14:54.520

in terms of sequencing of works particularly piling,

206

00:14:56.020 --> 00:15:00.920

um, would the piling for the proposed approach jetty and,

207

00:15:01.340 --> 00:15:02.173

um,

208

00:15:03.020 --> 00:15:07.410

the births be undertaken separately or concurrently?

209

00:15:09.370 --> 00:15:14.310

And what implications would separate or concurrent piling have for

210

00:15:14.310 --> 00:15:19.230

the nu the number of piling rigs deployed at any one time and

211

00:15:19.230 --> 00:15:21.990

the dur duration of the noise within the river

212

00:15:33.110 --> 00:15:37.540

James drawn for a v p? I'm going to hand over to Dr. Elena and Martin,

213

00:15:38.520 --> 00:15:43.380

um, who is another principal Marine environmental consultant at A B P M E R.

214

00:15:43.920 --> 00:15:45.660

Uh, the reason for that, of course,

215

00:15:46.120 --> 00:15:50.660

is that that relates to issues of noise or underground,

216

00:15:51.070 --> 00:15:55.540

sorry, underwater noise amongst other things I'm gonna, and, uh,

217

00:15:55.570 --> 00:15:59.020

that is her area of specialism. Can I

218

00:16:02.280 --> 00:16:03.580

Do that, grace?

219

00:16:04.240 --> 00:16:06.300

The reason we've asked the question is,

220

00:16:06.360 --> 00:16:10.740

having seen the relevant reps from both Natural England and, uh, M M O,

221

00:16:11.370 --> 00:16:15.580

they seem to be, um, unclear as to what was happening, um,

222

00:16:15.720 --> 00:16:19.500

and just how much noise there might be and when there might be.

223

00:16:20.040 --> 00:16:21.900

So it's against that context.

224

00:16:23.320 --> 00:16:27.700

So Elena SanMar, um, for a b p, um, so,

225

00:16:28.160 --> 00:16:31.020

uh, for the underwater noise modeling, we, um,

226

00:16:31.210 --> 00:16:34.260

assumed a maximum piling scenario,

227

00:16:34.410 --> 00:16:38.980

four piles per day, which is an absolute worst case. Um,

228

00:16:39.280 --> 00:16:43.020

and for that to be undertaken by four piling rigs,

229

00:16:43.840 --> 00:16:48.780

the way we represented that in the model was to consider where those piling

230

00:16:48.810 --> 00:16:52.780

rigs were located in relation to the esry and the furthest most point into the

231

00:16:52.900 --> 00:16:56.460

esry to understand how far those effects would, um,

232

00:16:57.090 --> 00:17:01.260

propagate into the estuary. We also considered, um,

233

00:17:02.680 --> 00:17:06.300

uh, part of the modeling involves looking at the cumulative noise levels,

234

00:17:06.590 --> 00:17:10.540

cumulative, uh, um, s e l, uh,

235

00:17:10.540 --> 00:17:12.380

which is a metric of underwater noise.

236

00:17:12.760 --> 00:17:16.100

And that involved understanding the number of pass strikes per day,

237

00:17:16.100 --> 00:17:19.100

which took into account the fact that there were gonna be four piling rigs for

238

00:17:19.960 --> 00:17:24.060

up to four piles per day. So we have considered four pi,

239

00:17:24.130 --> 00:17:26.580

four piling rigs, four piles.

240

00:17:27.440 --> 00:17:31.980

The peak level of noise takes account of two piles being

241

00:17:32.300 --> 00:17:35.540

hammered at exactly the same time, because although there's four piling rigs,

242

00:17:36.280 --> 00:17:40.380

the likelihood that they would hammer at exactly the same second is very,

243

00:17:40.380 --> 00:17:44.460

very low. And we didn't consider that to be a, a reasonable worst case.

244

00:17:44.760 --> 00:17:48.980

So we've, um, we assumed the peak, uh,

245

00:17:49.370 --> 00:17:52.240

sound pressure level measurement was a two,

246

00:17:52.580 --> 00:17:54.800

two piles being had at exactly the same time.

247

00:17:55.260 --> 00:17:58.600

And it's just a different way of modeling noise as well as the cumulative s e l.

248

00:17:59.420 --> 00:18:03.120

Um, and we explained this to, uh,

249

00:18:03.260 --> 00:18:06.080

the M M O and their advisors, their scientific advisors,

250

00:18:06.240 --> 00:18:11.240

c FFA ss in a meeting and also in a signposting document, which we've, um,

251

00:18:11.800 --> 00:18:14.360

provided to them. We haven't had their response,

252

00:18:14.420 --> 00:18:17.200

but the initial indication from the meeting was that they,

253

00:18:18.070 --> 00:18:21.280

they were fairly comfortable with that and that, but obviously we, we,

254

00:18:21.340 --> 00:18:23.400

we don't have that in writing. Um,

255

00:18:25.360 --> 00:18:26.600

I think that covers everything.

256

00:18:40.500 --> 00:18:44.440

Uh, thank you, Dr. Sam Martin. I think that takes us as far as we can,

257

00:18:44.460 --> 00:18:47.120

it certainly, it's helped my understanding, I'm,

258

00:18:47.580 --> 00:18:49.200

I'm fairly comfortable with noise,

259

00:18:49.480 --> 00:18:51.920

albeit on land rather than in the marina environment,

260

00:18:51.920 --> 00:18:55.840

just because of the nature of work that I've undertaken in the past. Um,

261

00:18:55.860 --> 00:19:00.120

but I definitely was struggling to work out, um, in the first instance,

262

00:19:00.420 --> 00:19:04.160

you know, just what was happening in terms of piling rigs, um,

263

00:19:05.780 --> 00:19:08.320

how many might be deployed. Um, but

264

00:19:10.220 --> 00:19:14.040

it it subject to what others, and I'm gonna ask in a minute,

265

00:19:14.040 --> 00:19:17.480

others might think the, the use if in effect,

266

00:19:17.620 --> 00:19:21.040

basing the modeling on the striking of two piles at once,

267

00:19:22.070 --> 00:19:24.400

even though there might be four rigs on site,

268

00:19:24.630 --> 00:19:28.720

doesn't seem unreasonable in that context. Um,

269

00:19:28.900 --> 00:19:32.360

but turning to the other interested parties, uh,

270

00:19:33.870 --> 00:19:38.280

does any IP wish to make any submission D D F D S?

271

00:19:38.280 --> 00:19:42.000

Certainly not the nod head, C L D N now.

272

00:19:44.750 --> 00:19:47.960

Okay. I think that that resolves that question. Um,

273

00:19:48.540 --> 00:19:53.360

but allied two, um, in relation to,

274

00:19:53.860 --> 00:19:57.920

um, the impact protection measures, which may or may not be implemented,

275

00:19:58.590 --> 00:20:02.320

will be coming to that no doubt later in the afternoon. Um,

276

00:20:03.540 --> 00:20:04.680

can the applicant clarify

277

00:20:06.460 --> 00:20:08.600

the sequencing of those works?

278

00:20:09.530 --> 00:20:13.360

Would they be undertaken as part of, um,

279

00:20:13.610 --> 00:20:18.520

phase one or if there's complete build out of the scheme?

280

00:20:19.860 --> 00:20:24.280

Um, in effect that would be phase one, but if there was a phase scheme,

281

00:20:24.330 --> 00:20:29.080

would it form part of the second phase or would it be a separate work

282

00:20:30.960 --> 00:20:34.800

Activity? Or is it at this stage a bit of a scratch the head?

283

00:20:47.580 --> 00:20:52.560

Yes. So, so James Strom for the applicant, uh,

284

00:20:52.620 --> 00:20:52.980

the,

285

00:20:52.980 --> 00:20:57.920

the answer to your question is that it has been assessed and it's

286

00:20:57.920 --> 00:21:00.960

been assessed as if it could occur at any time.

287

00:21:01.340 --> 00:21:02.960

And indeed the

288

00:21:04.770 --> 00:21:08.880

assessment assumes it occurs. I believe at the,

289

00:21:08.940 --> 00:21:13.840

in the worst case scenario, um, I've got from Nate somewhere.

290

00:21:17.010 --> 00:21:17.843

Jamie,

291

00:21:24.530 --> 00:21:25.820

yeah. Construction.

292

00:21:28.600 --> 00:21:29.040

Yes.

293

00:21:29.040 --> 00:21:33.060

It assesses that there's an assessment both of construction occurring all at

294

00:21:33.060 --> 00:21:36.420

once or a sequence of construction.

295

00:21:38.250 --> 00:21:39.140

Yeah, time

296

00:21:39.800 --> 00:21:41.860

And, and I should say at any time of the year.

297

00:21:41.860 --> 00:21:46.300

That's what I mean by worst case scenario because there're different times of

298

00:21:46.300 --> 00:21:48.660

year where it could occur with different effects.

299

00:21:48.930 --> 00:21:52.300

It's the assessment takes account of all times of year,

300

00:21:53.800 --> 00:21:58.700

But still subject to that, uh, that four piling, uh, rig,

301

00:21:58.800 --> 00:21:59.633

uh, scenario,

302

00:22:01.350 --> 00:22:04.260

Elena, maybe four A B P, um, yes, that's correct.

303

00:22:05.440 --> 00:22:09.540

And in the discussions that are taking place with Natural England and M M O,

304

00:22:09.640 --> 00:22:12.940

are they aware, uh, of how, um,

305

00:22:13.920 --> 00:22:17.700

any works for the impact protection measures might fit in?

306

00:22:18.720 --> 00:22:21.660

Um, 'cause I think one of them at least raised in their,

307

00:22:21.660 --> 00:22:26.020

their representation a bit of an uncertainty as to how it was factoring in.

308

00:22:27.240 --> 00:22:29.860

Um, if it's not been made clear to them,

309

00:22:30.100 --> 00:22:34.300

I think we would ask that in the dialogue that you've got going forward,

310

00:22:35.320 --> 00:22:37.220

um, that, that that is addressed

311

00:22:38.910 --> 00:22:42.220

James Strong for a b p our understanding is it has been made clear,

312

00:22:42.240 --> 00:22:45.740

but it we'll make sure that that's their understanding as well.

313

00:22:47.590 --> 00:22:48.980

Thank you. Um,

314

00:22:50.880 --> 00:22:55.690

does any IP in terms of impact piling associated

315

00:22:55.800 --> 00:22:59.530

with the impact protection measures, wanna raise? Any comment?

316

00:23:01.390 --> 00:23:03.130

Not seeing anything. Okay. Thank you.

317

00:23:08.550 --> 00:23:10.800

Alright, the next question is a little bit wordy,

318

00:23:10.800 --> 00:23:12.720

but it's got a bit of background before we actually get to the question.

319

00:23:12.720 --> 00:23:14.080

That's why it's a bit wordy. So,

320

00:23:18.380 --> 00:23:23.200
and, and it's all about construction program. Um, so the background,

321
00:23:23.780 --> 00:23:28.440
the, the indicative construction program,

322
00:23:28.440 --> 00:23:32.680
whether the proposed development is constructed in a single phase

323
00:23:33.420 --> 00:23:38.240
or two phases, is based on works commencing early in 2024.

324
00:23:39.620 --> 00:23:44.600
Uh, and I find that in paragraph 2.1, one of the, uh,

325
00:23:44.880 --> 00:23:48.880
construction environmental management plan, which is a P 1 1 1,

326
00:23:48.880 --> 00:23:51.000
there's an awful lot of ones in this bit.

327
00:23:53.580 --> 00:23:58.480
The question, um, given the examination period,

328
00:23:58.500 --> 00:24:02.240
and we, we commenced on the 26th, um,

329
00:24:02.290 --> 00:24:05.880
which potentially means that the examination, um,

330
00:24:06.060 --> 00:24:09.840
and the reporting period could run through to the

331
00:24:09.840 --> 00:24:14.360
26th of April, 2024. And then, um,

332
00:24:14.820 --> 00:24:17.880
the secretary states this three months period would run through the

333
00:24:17.880 --> 00:24:20.480
26th of July, 2024.

334

00:24:22.630 --> 00:24:25.280

What sort of implications might that have, uh,

335

00:24:25.460 --> 00:24:27.960

for the anticipated construction program,

336

00:24:28.840 --> 00:24:33.640

particularly when account is taken of the seasonality or timing constraints for

337

00:24:33.640 --> 00:24:35.800

working within the designated sites?

338

00:25:12.970 --> 00:25:17.190

Uh, Jamie Oton on behalf of a B P, so in our assessments,

339

00:25:17.330 --> 00:25:20.270

we assess the worst case scenario in that, um,

340

00:25:21.630 --> 00:25:24.110

construction can happen during any time of year,

341

00:25:24.340 --> 00:25:27.990

including sensitive periods for the relevant receptors that we assessed.

342

00:25:29.240 --> 00:25:30.073

Thank you.

343

00:25:38.250 --> 00:25:43.250

I think what would assist examining authority and possibly other IEPs is what

344

00:25:43.250 --> 00:25:45.890

we're gonna ask for, um,

345

00:25:46.830 --> 00:25:50.690

in effect is if you can produce construction programs

346

00:25:51.850 --> 00:25:55.370

starting sometime in quarter one, quarter two, quarter three,
quarter four,

347

00:25:56.710 --> 00:25:57.543
um,

348

00:25:57.710 --> 00:26:02.650
for a scheme that's either competed in a single phase or two phases,

349

00:26:03.870 --> 00:26:08.250
um, so that we can be clear on, in our own minds, um,

350

00:26:11.370 --> 00:26:15.700
what implications there might be, uh, for those time constraints,

351

00:26:16.400 --> 00:26:20.700
the ecological time constraints, depending on where you start. Um,

352

00:26:23.000 --> 00:26:27.530
Because when you take account of what can be done, um, to take,

353

00:26:27.990 --> 00:26:32.850
to safeguard birds versus what, uh, is required to, uh,

354

00:26:32.850 --> 00:26:36.570
address the protected fish, um,

355

00:26:36.570 --> 00:26:38.170
there is a bit of a conflict in there.

356

00:26:38.380 --> 00:26:42.970
There did appear to be some quite short windows of opportunity. Um,

357

00:26:43.280 --> 00:26:46.600
I think it, it would be a useful exercise to see what, what,

358

00:26:46.600 --> 00:26:49.440
what those programming effects if, um,

359

00:26:49.970 --> 00:26:54.600
works have to start say quarter three rather than quarter one. Um,

360

00:26:54.660 --> 00:26:59.280

and what the knock on effect of all that is. That's just how it fits into the,

361

00:27:00.460 --> 00:27:04.560

the, the constrained periods in particular. Is,

362

00:27:04.580 --> 00:27:07.360

is that something that the ACT applicant can prepare,

363

00:27:08.860 --> 00:27:11.680

Uh, James Strom for a b p? Um, absolutely sir.

364

00:27:11.700 --> 00:27:14.120

And we're alive to that very issue.

365

00:27:16.450 --> 00:27:20.920

Thank you. On that sort of timing type point in terms of works within, um,

366

00:27:22.060 --> 00:27:25.480

the designated sites, is there anything from any ipss,

367

00:27:29.560 --> 00:27:33.730

Rose Grogan for C L D N? Uh, could we check briefly with, um,

368

00:27:34.630 --> 00:27:38.810

Louise Bridges, who's on teams, just to see if she has anything to say?

369

00:27:39.280 --> 00:27:40.810

Just before we do, um,

370

00:27:41.060 --> 00:27:45.250

there was mention of a note sent to the marine management organization. Uh,

371

00:27:45.250 --> 00:27:47.650

we think it would be helpful if that could be, um,

372

00:27:48.130 --> 00:27:51.450

provided to the examinations that all parties could see it on the piling issue.

373

00:28:02.030 --> 00:28:04.530

Is your witness there?

374

00:28:04.790 --> 00:28:07.730

Um, she is. Um, there she is, yes. Oh

375

00:28:07.840 --> 00:28:11.890

Yeah, sorry, I was waiting to be invited to speak, but that's fine. Uh,

376

00:28:11.890 --> 00:28:14.890

it's Louise, but is, uh, firstly r d n. Um,

377

00:28:15.970 --> 00:28:20.250

I think the only point I think I'd like some clarity on

378

00:28:20.950 --> 00:28:22.530

is around, um,

379

00:28:23.230 --> 00:28:28.130

the lack of consideration of the Triple S I protected sites, um,

380

00:28:29.110 --> 00:28:33.290

in regards to, um, loss of direct loss of habitat, uh,

381

00:28:33.290 --> 00:28:36.410

and change of change of habitat. Um,

382

00:28:36.790 --> 00:28:41.770

the S P A and the S A C obviously di directly within the Humber have

383

00:28:41.770 --> 00:28:45.130

been considered, but there's no mention of the Humber Tripper site,

384

00:28:45.130 --> 00:28:49.050

and I believe also this was raised by natural England in their relevant

385

00:28:49.050 --> 00:28:49.883

representation

386

00:28:57.540 --> 00:29:00.640

On that point. Is there something from the applicant's team that can respond?

387

00:29:03.770 --> 00:29:06.070

Yes. Uh, I'll hand over to Andy Pearson.

388

00:29:08.260 --> 00:29:10.390

Andy Pearson for a b p. Um,

389

00:29:10.690 --> 00:29:15.550

so we assessed the impacts to the triples I within chapter

390

00:29:15.660 --> 00:29:20.270

nine of, of the ES in section 9.8. Um,

391

00:29:20.810 --> 00:29:25.470

and we also provided further clarification to Natural England. Um, with,

392

00:29:25.470 --> 00:29:28.390

with respect to potential impacts on, on triple I features,

393

00:29:28.700 --> 00:29:33.510

it's worth noting that the triple I features with respect to birds and,

394

00:29:33.690 --> 00:29:34.670

and, and,

395

00:29:34.670 --> 00:29:39.270

and fish and mammals are the same features as as,

396

00:29:39.330 --> 00:29:43.640

as you get for the S B A and the S a C as well. Um, but we,

397

00:29:44.140 --> 00:29:47.160

we produced a signposting document which just allowed them to see

the

398

00:29:47.160 --> 00:29:49.640

clarification of where, where the potential uh,

399

00:29:49.830 --> 00:29:52.640

effects have been assessed for our, the, um,

400

00:29:53.700 --> 00:29:56.120

shadow H R A and the environmental statements as well.

401

00:30:03.910 --> 00:30:08.440

Does that address the C L D N concern in terms of effects on the,
the S S S S I,

402

00:30:11.020 --> 00:30:13.240

Uh, Louise, C L D N? Um,

403

00:30:13.360 --> 00:30:17.360

I will have to reserve comment until I've had a chance to look at
the

404

00:30:17.480 --> 00:30:20.760

signposting document, uh, that was provided to Natural England. Um,

405

00:30:21.360 --> 00:30:25.720

assuming it's the same one that was me mentioned for the piling, um,
impacts,

406

00:30:27.260 --> 00:30:28.093

um,

407

00:30:33.250 --> 00:30:34.960

James drawn for A B P? No,

408

00:30:35.180 --> 00:30:39.680

the signposting document to the M M O was about piling,

409

00:30:39.990 --> 00:30:43.280

it's a signposting document to natural England, uh,

410

00:30:43.350 --> 00:30:48.040
that explains where the, as as Mr. Pearson just explained,

411
00:30:48.040 --> 00:30:52.680
chapter nine, 9.8, uh, impacts on the triples I,

412
00:30:54.620 --> 00:30:56.240
Uh, rose Grogan for C L D N.

413
00:30:56.240 --> 00:31:00.000
If we could have that as well submitted to the examination that
would help our

414
00:31:00.000 --> 00:31:02.880
consultants work out if we can narrow areas of difference,

415
00:31:05.100 --> 00:31:09.800
Is that something the, the applicant can arrange that note be
submitted? Yeah,

416
00:31:13.960 --> 00:31:17.640
I think on the SS S S I point, that's something that, uh,

417
00:31:18.190 --> 00:31:22.560
perhaps best be safe for your written representations and

418
00:31:23.060 --> 00:31:27.160
any concern can then be identified and the applicant no doubt will
respond to

419
00:31:27.160 --> 00:31:27.993
the subsequent deadline

420
00:31:34.950 --> 00:31:38.850
in, in terms of submitting the requested, um,

421
00:31:39.580 --> 00:31:42.210
sequencing program type stuff.

422
00:31:42.710 --> 00:31:45.810
Is that something the applicant can do at Deadline one? Yep.

423

00:31:49.150 --> 00:31:50.010

Yep. Okay.

424

00:31:50.520 --> 00:31:52.490

That would, I think, would assist all parties.

425

00:32:04.270 --> 00:32:08.450

Um, well that, those were the questions, um, that I had,

426

00:32:08.450 --> 00:32:11.290

and to say that the list was originally longer, but it,

427

00:32:11.290 --> 00:32:15.730

it's been shortened because the new information having become available from

428

00:32:15.730 --> 00:32:20.170

Natural England, but really not having the opportunity to digest it as yet.

429

00:32:20.330 --> 00:32:24.570

I don't, um, think that there's an awful lot of point me, um,

430

00:32:24.630 --> 00:32:28.170

asking questions which may have already been resolved, uh, or,

431

00:32:28.230 --> 00:32:31.010

or are in the process of being resolved. Um,

432

00:32:31.030 --> 00:32:33.370

but just before we move off from this item,

433

00:32:34.110 --> 00:32:39.010

are there any other sort of marine ECCO ecological type issues that

434

00:32:39.080 --> 00:32:43.000

any of the ips want to raise before we move on to agenda item five?

435

00:32:45.980 --> 00:32:49.480

Uh, rose Grogan for C L D N? Um, as I said at the beginning,

436

00:32:49.570 --> 00:32:51.800

we'll take a look at what Natural England has said and,

437

00:32:51.940 --> 00:32:55.640

and update that in writing as to whether any of our concerns addressed in our

438

00:32:55.840 --> 00:32:58.520

relevant rep have now fallen away. Um, we don't think they have,

439

00:32:58.660 --> 00:32:59.840

but we'll check that.

440

00:33:01.480 --> 00:33:04.760

Anything from any of the other ips? No. Okay.

441

00:33:06.790 --> 00:33:11.220

Sorry. That then takes us on to agenda item five, which Mr.

442

00:33:11.220 --> 00:33:12.180

Bradley is going to lead.

443

00:33:14.630 --> 00:33:19.220

Thank you. Good. Um, now the summary statements of principle areas,

444

00:33:19.480 --> 00:33:22.420

the difference, which I'll refer to as pads from now on,

445

00:33:22.650 --> 00:33:27.500

have been very useful in providing focus for the examination of these issues.

446

00:33:28.040 --> 00:33:31.420

Um, although they're only as yet, in summary form,

447

00:33:31.450 --> 00:33:34.180

it's clear that there's a great deal of work to be done, uh,

448

00:33:34.240 --> 00:33:38.780

and we want this done early in the examination. And, uh,

449

00:33:40.360 --> 00:33:44.660

in, we've got a range of questions, but, uh, some of them are broadened,

450

00:33:44.660 --> 00:33:49.460

some of them are detailed. Um, What I want to do, uh,

451

00:33:49.460 --> 00:33:54.220

initially is to ask the applicant to make a

452

00:33:54.430 --> 00:33:56.700

short opening statement. Um,

453

00:33:57.560 --> 00:34:02.380

and I think that we should preface our remarks

454

00:34:02.410 --> 00:34:07.260

here by saying that we do expect that this will not be

455

00:34:07.280 --> 00:34:11.140

the only issue specific hearing on navigation and shipping.

456

00:34:12.360 --> 00:34:15.940

Um, what I'm going to do then is ask a,

457

00:34:16.460 --> 00:34:21.380

a number of our priority questions, which are, uh, really in relation to,

458

00:34:22.000 --> 00:34:26.580

um, the items which are going to be most interest to, uh, IOT operators,

459

00:34:26.920 --> 00:34:31.100

um, on, uh, with respect to, um, the, the,

460

00:34:31.320 --> 00:34:34.980

the request to, to, to give early focus on that. Um,

461

00:34:35.640 --> 00:34:40.340

having asked I o OT to speak first after the

462

00:34:40.340 --> 00:34:44.740

applicant, we are then going to pass to, uh, the F D S and C L D N.

463

00:34:45.840 --> 00:34:47.100

So, um,

464

00:34:47.950 --> 00:34:52.860

there appear to be over 30 pad items concerning safety

465

00:34:52.880 --> 00:34:56.860

of navigation, uh, and without prejudice,

466

00:34:57.140 --> 00:34:58.580

I suggest they might,

467

00:34:58.600 --> 00:35:02.580

for the most part be clustered under five predominant themes.

468

00:35:03.240 --> 00:35:07.540

And I'm going to ask if, um, the applicant could try to, um,

469

00:35:08.040 --> 00:35:11.900

uh, and I think you would have perhaps, uh, anticipated this, um,

470

00:35:11.900 --> 00:35:15.140

cluster your remarks, uh, with reference to these.

471

00:35:15.160 --> 00:35:19.900

So the first is the methodology underlying the applicant's n r a.

472

00:35:21.040 --> 00:35:24.140

The second is stakeholder engagement with the N R A.

473

00:35:25.560 --> 00:35:28.900

The third is data inputs to the a r a.

474

00:35:30.200 --> 00:35:34.700

The fourth is governance mechanism for determining the tolerability

475

00:35:35.160 --> 00:35:35.993
of risk.

476

00:35:37.140 --> 00:35:41.680
And the fifth I suggest is the assessment of effects contingent on

477

00:35:41.870 --> 00:35:44.600
risk controls applied. Um,

478

00:35:45.710 --> 00:35:49.320
this is a kind of map which, uh,

479

00:35:49.820 --> 00:35:54.120
you may wish to, um, take with, uh, uh, uh,

480

00:35:54.710 --> 00:35:58.880
some advisement, but you've obviously prepared some statement in
advance.

481

00:35:59.260 --> 00:36:04.120
But if you could try to fit those categories, that would be helpful.
Um,

482

00:36:04.800 --> 00:36:08.400
I think what I, I just also asked to, to prepare is that, um,

483

00:36:08.400 --> 00:36:13.000
before we pass on to, uh, i o t, we may well, uh, ask for,

484

00:36:13.420 --> 00:36:17.200
uh, the harbor master to, to, to make comment. So, uh,

485

00:36:17.850 --> 00:36:21.360
we'll see how this goes. Um, Mr. Raun, over to you.

486

00:36:25.050 --> 00:36:27.760
James Raun for a v p. Thank you very much, sir.

487

00:36:27.840 --> 00:36:32.780
I will endeavor to reflect those five themes in

488

00:36:33.140 --> 00:36:36.380
these remarks. Uh, sir,

489

00:36:36.580 --> 00:36:41.580
I just begin by saying that the navigational risk assessment is a

490

00:36:41.580 --> 00:36:46.500
process designed to consider and assess the consequences and impacts
of

491

00:36:46.620 --> 00:36:51.060
a given marine development project. Uh, in this case, the,

492

00:36:51.440 --> 00:36:54.820
uh, proposed railroad terminal on navigation,

493

00:36:55.010 --> 00:36:58.220
both during construction and operation,

494

00:36:59.040 --> 00:37:03.700
to enable the relevant port authority to be satisfied as to the
ability

495

00:37:03.840 --> 00:37:08.260
to deliver and operate the proposed development acceptably and
safely

496

00:37:09.360 --> 00:37:14.020
in accordance with its responsibilities as a duty holder for port
Marine

497

00:37:14.080 --> 00:37:18.900
safety. And the N R A is not, in fact,

498

00:37:18.900 --> 00:37:23.020
something specifically required as a matter of policy, uh,

499

00:37:23.160 --> 00:37:27.500
for proposed developments for ports in the n p s for ports.

500

00:37:27.770 --> 00:37:32.740
That no doubt reflects the well-established principle that the D

501

00:37:32.780 --> 00:37:37.420

C 0 process is not intended to duplicate or require

502

00:37:37.830 --> 00:37:42.820

assessment to the effectiveness of other regulatory controls that will

503

00:37:43.060 --> 00:37:46.340

continue to apply to the port under other legislation,

504

00:37:46.890 --> 00:37:51.140

statutory framework and application of the Port Marine Safety Code.

505

00:37:52.360 --> 00:37:55.260

But, and under that existing regime, uh, the,

506

00:37:55.400 --> 00:37:58.620

the simple point is that the relevant authorities,

507

00:37:59.530 --> 00:38:03.140

including the Port Authority for the River Humber,

508

00:38:03.140 --> 00:38:07.780

the Harbor Master for the area with responsibility for pilots, um,

509

00:38:08.970 --> 00:38:13.540

will, and the Dock Master will undoubtedly ensure and be required to ensure

510

00:38:14.130 --> 00:38:18.540

that the port continues to operate safely with the proposed development under

511

00:38:18.540 --> 00:38:21.780

both construction and operation. However,

512

00:38:21.840 --> 00:38:26.500

the N R A process is included as part of the e i a

513

00:38:27.640 --> 00:38:29.660

itself a process, uh,

514

00:38:29.660 --> 00:38:33.700

which shows that the under assessment that's been undertaken in terms of likely

515

00:38:33.700 --> 00:38:35.340

significant effects or not,

516

00:38:35.900 --> 00:38:40.000

and the n r a process that's been undergone demonstrates that the relevant

517

00:38:40.000 --> 00:38:44.920

authorities have already satisfied themselves in principle as to the

518

00:38:44.920 --> 00:38:49.080

ability to address navigation without any likely significant effects

519

00:38:49.670 --> 00:38:54.240

with the normal raft of controls that are available to them to manage shipping

520

00:38:54.300 --> 00:38:57.120

in the Humber around IMing Immingham,

521

00:38:57.740 --> 00:39:01.880

and to enable ships to move in and outta births and the ports using

522

00:39:02.140 --> 00:39:05.760

well-established techniques and expertise that one would expect.

523

00:39:05.790 --> 00:39:08.920

That takes full of count of, for example, conditions on the day.

524

00:39:09.020 --> 00:39:12.720

And you've probably seen some of that activity on your, uh,

525

00:39:13.000 --> 00:39:16.160

familiarization visit yesterday. Uh,

526

00:39:16.270 --> 00:39:21.000

it's perhaps inevitable that some rival operators may use that as an

527

00:39:21.000 --> 00:39:25.040

opportunity to pursue objections to a development that presents competition.

528

00:39:25.460 --> 00:39:29.800

We understand that or seek to obtain improvements or changes to their own

529

00:39:29.850 --> 00:39:32.040

facilities, which may not be justified,

530

00:39:32.860 --> 00:39:36.720

and much time can be spent in debating those objections.

531

00:39:37.500 --> 00:39:38.170

But they,

532

00:39:38.170 --> 00:39:42.440

those objections don't impinge upon that basic allocation of responsibilities

533

00:39:43.260 --> 00:39:45.800

for assessments of risk and management, uh,

534

00:39:46.020 --> 00:39:50.480

by the relevant authorities who are tasked with ensuring safe construction and

535

00:39:50.550 --> 00:39:52.640

operation using those methods.

536

00:39:52.950 --> 00:39:56.280

I've summarized the scope, um,

537

00:39:56.340 --> 00:40:00.960

and turning really to the first of the five themes you, you raised a moment ago.

538

00:40:01.780 --> 00:40:04.960

The scope of the N R A undertaken for the project,

539

00:40:05.660 --> 00:40:08.640

we say has been extremely thorough and comprehensive,

540

00:40:09.500 --> 00:40:12.280

and dealing with the second of your topics, um,

541

00:40:13.280 --> 00:40:18.160

involved stakeholders and was produced by qualified specialist

542

00:40:18.230 --> 00:40:22.320

experts in relation to navigation matters. And, uh,

543

00:40:22.340 --> 00:40:26.760

you will have seen or will see their relevant qualifications, um,

544

00:40:27.020 --> 00:40:30.120

and of course, the involvement of the stakeholders, for example,

545

00:40:30.180 --> 00:40:33.880

in relation to simulation modeling. And in summary,

546

00:40:34.140 --> 00:40:38.760

it has included the appraisal of existing vessel activity and new

547

00:40:39.080 --> 00:40:43.880

activity arising as a result of the construction of the marine infrastructure,

548

00:40:44.350 --> 00:40:45.520

including, of course,

549

00:40:45.700 --> 00:40:50.240

the capital and maintenance dredge require requirements to accommodate the

550

00:40:50.400 --> 00:40:54.160

railroad vessels at the three new berths at all stages of the tide.

551

00:40:55.260 --> 00:40:58.760

And then it assesses the effect of the proposed development on future marine

552

00:40:58.760 --> 00:41:03.200

traffic with regards to any potential additional identified

553

00:41:03.350 --> 00:41:06.120

hazards and the embedded controls in place,

554

00:41:06.650 --> 00:41:09.960

along with potential future mitigation measures.

555

00:41:10.940 --> 00:41:13.520

And those risks can then be appraised,

556

00:41:13.580 --> 00:41:18.320

and the Port Authority is able to assess and identify what controls will be used

557

00:41:18.320 --> 00:41:19.680

to ensure that the risks of both,

558

00:41:20.180 --> 00:41:24.440

to use the acronym a l, um,

559

00:41:24.570 --> 00:41:25.920

which you'll be very familiar with,

560

00:41:25.940 --> 00:41:30.480

but as low as reasonably practicable and acceptable. And that process,

561

00:41:30.660 --> 00:41:35.040

we say is being fully undertaken. And so I'm going to,

562

00:41:35.390 --> 00:41:38.760

that covers to a degree methodology and stakeholder engagement.

563

00:41:38.760 --> 00:41:41.400

But coming back to methodology in the agenda,

564

00:41:41.660 --> 00:41:46.360

one of the questions you asked was about the Marine and Coast Guard Agency

565

00:41:46.360 --> 00:41:47.193

published guidance

566

00:41:48.620 --> 00:41:53.280

and in also the M G N 6 54 annex one methodology

567

00:41:53.500 --> 00:41:58.400

for assessing marine navigational safety. And it,

568

00:41:58.700 --> 00:42:01.560

I'm, it's have Mr. Hannon here, um,

569

00:42:01.700 --> 00:42:05.640

an Associated Maritime consultant, A B M V M mer,

570

00:42:05.900 --> 00:42:09.400

who would be to answer more detail questions you may have about that.

571

00:42:10.020 --> 00:42:10.880

But just in summary,

572

00:42:11.900 --> 00:42:16.840

the UK National standard for the safe and efficient running of ports is

573

00:42:17.040 --> 00:42:21.360

actually the Department for Transport Port Marine Safety Code of

574

00:42:21.420 --> 00:42:25.200

2016. With its accompanying guidance document,

575

00:42:25.220 --> 00:42:30.000

the guide could practice on Port Marine operations published in 2018

576

00:42:30.140 --> 00:42:31.800

by the Department for Transport.

577

00:42:32.180 --> 00:42:35.600

And that's on the basis for the N R A methodology.

578

00:42:37.260 --> 00:42:42.240

The Port Marine Safety Code references the use of formal

579

00:42:42.350 --> 00:42:44.960

risk assessment, sometimes referred as F r a,

580

00:42:45.220 --> 00:42:48.680

not to be confused with way that's used in other context,

581

00:42:49.260 --> 00:42:53.960

and that's to manage the risks associated with the marine operations, uh,

582

00:42:54.020 --> 00:42:58.520

the need for assessment and the means of controlling the risk. And it states,

583

00:42:58.700 --> 00:42:59.190

of course,

584

00:42:59.190 --> 00:43:04.120

that aim of eliminating risk or failing that to reduce it to the as low as

585

00:43:04.120 --> 00:43:05.840

reasonable practicable level.

586

00:43:06.500 --> 00:43:11.080

And the formal risk assessments should be used to use the quotation to identify

587

00:43:11.150 --> 00:43:12.680

hazards and analyze risks,

588

00:43:12.910 --> 00:43:17.600

assessing those risks against an appropriate standard of acceptability and where

589

00:43:17.600 --> 00:43:20.960
appropriate consider a cost benefit assessment of risk reduction
measures.

590
00:43:21.340 --> 00:43:24.200
And that is the process the applicant has followed.

591
00:43:25.530 --> 00:43:30.000
There is no formal prescriptive guidance or methodology

592
00:43:30.700 --> 00:43:35.680
for navigational risk assessments specified in the Port Marine
Safety Code and

593
00:43:35.680 --> 00:43:36.513
the risk assessment.

594
00:43:36.660 --> 00:43:41.520
The process the appellant has used complies fully with the
requirements of the

595
00:43:41.520 --> 00:43:45.880
Port Marine Safety Code, uh, using bio experts,

596
00:43:45.880 --> 00:43:50.680
conventional methodologies in the way described, uh, set out in the
N R A,

597
00:43:52.140 --> 00:43:54.040
the Guide to Good Practice document.

598
00:43:54.270 --> 00:43:59.040
Section four provides risk assessment guidance in the context of

599
00:43:59.040 --> 00:44:02.760
supporting the ports Marine Safety Management system.

600
00:44:04.100 --> 00:44:08.600
And the Guide to Good Practice suggests the use of a stage risk
assessment and

601
00:44:08.600 --> 00:44:12.280

provides an example of a five stage risk assessment. Similar,

602

00:44:12.340 --> 00:44:16.720

but not completely the same as the five step process outlined in the

603

00:44:16.720 --> 00:44:21.480

International Maritime Organizations provides guide for formal

604

00:44:21.480 --> 00:44:26.440

safety assessment and the Guide to Good Practice identifies

605

00:44:26.440 --> 00:44:30.680

that risk assessment techniques are fundamentally the same for large and small

606

00:44:30.690 --> 00:44:31.523

ports,

607

00:44:31.540 --> 00:44:36.320

but the execution in detail will differ considerably and identifies that five

608

00:44:36.330 --> 00:44:37.960

stage process. Again,

609

00:44:37.980 --> 00:44:42.520

the Guide to Good Practice doesn't prescribe or mention a fixed methodology, uh,

610

00:44:42.540 --> 00:44:46.960

to be used for an N R A and the appellant, uh, process, again,

611

00:44:46.960 --> 00:44:49.320

is consistent with that Guide to Good practice.

612

00:44:51.020 --> 00:44:55.880

The experts have used suggested formal risk assessment examples in the guide,

613

00:44:55.880 --> 00:44:57.880

good practice for this project,

614

00:44:58.220 --> 00:45:03.160

as it would also be followed by the Statutory Harbor Authority as part of the

615

00:45:03.160 --> 00:45:07.840

requirement for the Marine Management Safety Management system. Uh,

616

00:45:08.260 --> 00:45:12.840

so there is no prescribed process or method in either the,

617

00:45:13.140 --> 00:45:18.080

say the code or the Good to practice. The experts, um,

618

00:45:18.150 --> 00:45:22.960

that have produced the N R A have taken into account guidance from the I M O,

619

00:45:23.220 --> 00:45:26.680

I'm sorry, this, this error is littered with acronyms,

620

00:45:26.780 --> 00:45:30.160

but the International Maritime Organization, uh,

621

00:45:30.380 --> 00:45:33.680

in the form of the five step process, uh,

622

00:45:33.700 --> 00:45:38.080

as well as the M c A guidance for assessing risk in a different context as

623

00:45:38.080 --> 00:45:41.240

contained in the M G A N 6 54 document.

624

00:45:42.140 --> 00:45:46.840

And this document has hazard identification categories,

625

00:45:47.660 --> 00:45:52.560

and these categories have been used in the N R A here as they reflect

626

00:45:52.600 --> 00:45:57.360

a categorization used internationally and for the UK Marine

627

00:45:57.360 --> 00:46:01.840

Authority procedural guidance. But as explained in the N R A

628

00:46:03.540 --> 00:46:07.920

on the wider use of guidance in MGN 6 54 itself,

629

00:46:07.980 --> 00:46:12.400

it notes that the documents listed below cover a wide range of guidance

630

00:46:12.510 --> 00:46:14.200

advised from Marine activities,

631

00:46:14.300 --> 00:46:17.480

not all of which are applicable to this particular proposal.

632

00:46:18.460 --> 00:46:19.360

And furthermore,

633

00:46:19.980 --> 00:46:24.920

MGN 6 54 Annex one Methodology got a very

634

00:46:24.920 --> 00:46:29.120

long title for assessing marine navigational safety, um,

635

00:46:30.220 --> 00:46:33.840

is dealing with offshore renewable energy installations,

636

00:46:35.040 --> 00:46:38.720

guidance on UK navigational practice, et cetera. I won't read it all out.

637

00:46:38.720 --> 00:46:42.880

It's a very long title. Um, it reflects that point,

638

00:46:42.940 --> 00:46:47.720

the point of difference. It is a methodology that specifically applies,

639

00:46:48.500 --> 00:46:53.160
uh, to the different circumstances for assessing the impact on

640
00:46:53.160 --> 00:46:56.200
navigational safety and emergency response.

641
00:46:56.470 --> 00:47:01.000
Such rescue salvage and towing and counter pollution caused by

642
00:47:01.360 --> 00:47:05.840
offshore renewable energy installation developments, wind, wave, and tidal.

643
00:47:06.340 --> 00:47:10.480
Uh, and it applies to proposals in United Kingdom, internal waters,

644
00:47:10.800 --> 00:47:13.560
territorial seas, and the exclusive economic zone.

645
00:47:14.460 --> 00:47:18.720
It does not apply to port related risk assessments

646
00:47:19.200 --> 00:47:22.880
relating to navigation or marine operations. Uh,

647
00:47:22.980 --> 00:47:27.960
nor does it apply to areas within a port or harbor, which are controlled,

648
00:47:27.960 --> 00:47:30.360
of course by the statutory Harbor Authority,

649
00:47:30.860 --> 00:47:34.160
acting as the authority for the safe provision of navigation.

650
00:47:35.340 --> 00:47:36.400
So accordingly,

651
00:47:36.400 --> 00:47:41.120
so far as annex one of M G A 6 54 is concerned,

652

00:47:41.460 --> 00:47:45.840
uh, only the only element used from that is the standard

653
00:47:45.900 --> 00:47:50.160
categorization of hazard identification that I mention. Okay.

654
00:47:50.580 --> 00:47:54.960
And sir, just pausing there, Mr. Hannon, in respect to that methodology,

655
00:47:55.780 --> 00:47:59.480
is very well placed to assist you with that bearing in mind.

656
00:47:59.540 --> 00:48:02.760
I'm not gonna read out his qualifications, the reason he said, but he has, uh,

657
00:48:02.830 --> 00:48:06.880
very extensive regulatory experience for the Marine, uh,

658
00:48:06.880 --> 00:48:08.480
maritime and Coast Guard Agency.

659
00:48:08.580 --> 00:48:12.160
So he'll be able to answer your questions in that respect. Thank you.

660
00:48:13.300 --> 00:48:16.760
So the structure and contents of the N R A, uh,

661
00:48:16.820 --> 00:48:21.120
we say address the code, the guide, the Good Practice Guidance,

662
00:48:21.660 --> 00:48:24.080
and it actually goes, um, beyond that,

663
00:48:24.610 --> 00:48:29.320
which is identified for an n i a as part of any environmental assessment,

664
00:48:30.140 --> 00:48:30.360
uh,

665

00:48:30.360 --> 00:48:34.960

because the five step process that's been adopted addresses the addition of a

666

00:48:34.960 --> 00:48:39.560

cost benefit analysis that aligns with the statutory Harbor authority, uh,

667

00:48:39.560 --> 00:48:41.920

requirements and the Marines,

668

00:48:42.540 --> 00:48:46.800

the safety code requirements for assessing risk and maintaining the, uh,

669

00:48:46.900 --> 00:48:51.240

safety system. So, uh, the

670

00:48:53.480 --> 00:48:57.080

M s s m s to use another abbreviation here, but the, uh,

671

00:48:57.220 --> 00:49:02.040

safety system system is internally audited.

672

00:49:02.540 --> 00:49:03.680

Um, moving to your,

673

00:49:03.780 --> 00:49:08.560

one of your topics about governance on an annual basis and

674

00:49:08.620 --> 00:49:13.280

an external assurance audit is undertaken every three years against the

675

00:49:13.280 --> 00:49:18.280

requirements of the code and the Guide to Good Practice and the applicant,

676

00:49:18.500 --> 00:49:19.600

the A V P that is,

677

00:49:19.620 --> 00:49:23.760

has identified compliance with the code to the UK government,

678

00:49:24.380 --> 00:49:26.920

and they're listed on the website,

679

00:49:26.950 --> 00:49:31.640

port Marine Safety Code compliant ports webpage as one of the ports

680

00:49:31.790 --> 00:49:34.160

that submit compliance with the code

681

00:49:37.100 --> 00:49:40.240

in relation to another aspect race in your agenda item,

682

00:49:40.420 --> 00:49:45.400

the birthing simulation exercises. And, um,

683

00:49:45.630 --> 00:49:48.040

this really starts to move towards, I think,

684

00:49:48.470 --> 00:49:51.360

data inputs amongst others to the N R A.

685

00:49:51.360 --> 00:49:53.280

This is specifically in relation to simulation.

686

00:49:53.860 --> 00:49:58.560

You will have seen that HR Wallingford undertook the initial feasibility

687

00:49:58.570 --> 00:50:03.400

study in December, 2021 to consider the design of the births

688

00:50:04.020 --> 00:50:07.800

and requirements for safe operations at the proposed development using real-time

689

00:50:07.810 --> 00:50:11.800

navigation simulation. There was a further one day, uh,

690

00:50:12.450 --> 00:50:17.120

simulation in April, 2022 to consider the effect of rotating

691

00:50:17.860 --> 00:50:22.560

the births, I think by one degrees towards the I O T. And,

692

00:50:23.860 --> 00:50:28.800

uh, A B B took the opportunity to invite the stakeholders, uh, the,

693

00:50:28.860 --> 00:50:33.000

OR from a p t, that's the operators of I OT, to attend that simulation.

694

00:50:33.940 --> 00:50:37.320

And then in July, 2022, uh,

695

00:50:37.320 --> 00:50:41.200

there was a further real time navigation simulation study that considered the

696

00:50:41.200 --> 00:50:45.440

feasibility of operating the 237 meter long R0

697

00:50:46.040 --> 00:50:46.873

ferries or ships.

698

00:50:48.260 --> 00:50:52.680

And then based on feedback questions that were raised, um, with,

699

00:50:52.820 --> 00:50:57.440

by the stakeholders about the original title data collection that goes

700

00:50:58.230 --> 00:51:01.030

into the simulation model. Um,

701

00:51:01.410 --> 00:51:05.590

and there was a subsequent flow model developed by,

702

00:51:06.250 --> 00:51:11.030

uh, HR Wallingford from a flow survey

703

00:51:11.390 --> 00:51:15.870

commissioned by the appellant using an acoustic Doppler current

704

00:51:16.190 --> 00:51:20.950

profiler to model the title effects in more detail. I think in simple terms,

705

00:51:21.290 --> 00:51:22.710

uh, uh,

706

00:51:22.710 --> 00:51:27.630

further direct title information data from a boy in the

707

00:51:27.870 --> 00:51:31.990

location of the births. And, uh,

708

00:51:31.990 --> 00:51:36.670

in December, 2022, they commissioned a program of stakeholder demonstrations.

709

00:51:36.810 --> 00:51:41.790

You've probably read more about those supported by the real time navigation

710

00:51:41.790 --> 00:51:43.150

simulation, um,

711

00:51:43.460 --> 00:51:47.550

devised by A B P and the Competent Harbor Authority.

712

00:51:47.850 --> 00:51:52.230

And you obviously have the Harbor Master here separately represented and

713

00:51:52.230 --> 00:51:54.230

facilitated by HR Wallingford,

714

00:51:54.770 --> 00:51:59.510

and it was attended by representatives of I O T as well as D F D Ss.

715

00:52:00.410 --> 00:52:01.990
And the final simulation runs.

716
00:52:01.990 --> 00:52:06.750
You've seen the outputs of those confirm previous findings that with the correct

717
00:52:07.030 --> 00:52:10.670
training, appropriate use of risk controls such as tugs were necessary,

718
00:52:10.730 --> 00:52:15.270
and procedures factoring tide and wind conditions maneuvering to and from

719
00:52:15.570 --> 00:52:20.350
the new infrastructure under the model conditions were all acceptable.

720
00:52:22.370 --> 00:52:27.070
And just going back to governance, uh, or sorry,

721
00:52:27.070 --> 00:52:30.270
moving on to governance, which is your fourth item really there,

722
00:52:30.810 --> 00:52:32.790
the governance approach to, uh,

723
00:52:33.380 --> 00:52:36.910
dealing with acceptable level of tolerability in the N R A.

724
00:52:37.810 --> 00:52:42.790
So the Port Authority duty holders have a responsibility to set the

725
00:52:42.790 --> 00:52:47.710
levels of tolerability for their organizations based on how

726
00:52:47.710 --> 00:52:51.190
they consider what is acceptable for their organization.

727
00:52:52.290 --> 00:52:57.270
And the Marine Safety Code doesn't mention tolerability nor

728

00:52:57.270 --> 00:52:58.270

define the process,

729

00:52:58.850 --> 00:53:03.510

nor does it provide guidance or prescribe how duty holders set those

730

00:53:03.550 --> 00:53:05.630

tolerability levels or thresholds.

731

00:53:06.370 --> 00:53:10.350

The only reference in the Guide to Good Practice concerning tolerability is

732

00:53:10.350 --> 00:53:14.550

contained in the section dealing with the a l process

733

00:53:15.120 --> 00:53:20.070

where it also mentions what are referred to as intolerable risks and states

734

00:53:20.070 --> 00:53:23.790

that measures must be taken to eliminate those risks as far as practicable,

735

00:53:24.010 --> 00:53:28.360

but it doesn't prescribe the methodology for doing that. Uh,

736

00:53:28.960 --> 00:53:33.000

A B P has a Harbor Authority and Safety Board,

737

00:53:34.480 --> 00:53:36.880

H A S B, I'll try and avoid these acronyms,

738

00:53:36.880 --> 00:53:41.160

but the Harbor Authority Safety Board, which is chaired by the C E O,

739

00:53:41.220 --> 00:53:45.920

and it meets separately from the main A B P board and has its own

740

00:53:46.360 --> 00:53:51.280
remit and the Harbor and Safety Harbor Authority and Safety Board,

741
00:53:51.980 --> 00:53:54.440
um, membership of the,

742
00:53:55.070 --> 00:53:57.360
it's the same as the main A B P board,

743
00:53:57.380 --> 00:54:02.040
but also has some additional regular standing attendees who act as

744
00:54:02.260 --> 00:54:03.920
expert advisors to them.

745
00:54:04.820 --> 00:54:09.400
And ABPs appointed designated person and marine advisor

746
00:54:10.220 --> 00:54:12.080
as required under the Marine Safety Code,

747
00:54:12.080 --> 00:54:16.800
both attend those meetings and an external health and safety legal

748
00:54:16.800 --> 00:54:21.160
advisor also attends. And they, the board,

749
00:54:21.390 --> 00:54:26.280
that board met on the 12th of December, 2022 for the purposes

750
00:54:26.280 --> 00:54:30.920
of considering the navigational risk assessment and to consider the
process

751
00:54:31.100 --> 00:54:32.160
and approach would be,

752
00:54:32.170 --> 00:54:37.000
which had been undertaken in relation to the N R A and was asked to
consider

753

00:54:37.300 --> 00:54:42.120

and then approve the conclusion that the risks that had been identified as part

754

00:54:42.120 --> 00:54:46.480

of the process were indeed as low as reasonably practicable and indeed

755

00:54:46.510 --> 00:54:48.680

tolerable. And the board did so.

756

00:54:50.940 --> 00:54:55.840

So you raised a question about the tolerability of societal concerns

757

00:54:56.130 --> 00:55:01.000

under paragraph 6.2 of the MGN 6 54 annex

758

00:55:01.000 --> 00:55:03.400

methodology. I've, in part,

759

00:55:03.910 --> 00:55:07.440

started to address that by explaining the position on that,

760

00:55:07.460 --> 00:55:12.200

but the applicant as port operator and statutory Harbor Authority

761

00:55:12.200 --> 00:55:16.520

doesn't have any duties nor any obligations under that particular guidance

762

00:55:17.340 --> 00:55:21.840

as it applies to the somewhat different position of assessing navigational

763

00:55:21.900 --> 00:55:24.480

safety and emergency response.

764

00:55:24.580 --> 00:55:29.080

The type I identified for offshore renewable energy installation projects

765

00:55:29.470 --> 00:55:30.960
applies to different waters,

766
00:55:31.820 --> 00:55:36.560
and the use of the guidance in M Mgn 6 54 is clear

767
00:55:36.590 --> 00:55:37.640
that in that context,

768
00:55:37.870 --> 00:55:42.760
it's intended to fulfill requirements of the UK government under the
Energy Act

769
00:55:42.980 --> 00:55:43.960
2004,

770
00:55:44.490 --> 00:55:49.000
which is establishing a regulatory regime for that sort of

771
00:55:49.000 --> 00:55:53.880
installation beyond the Territorial sea in the UK's, uh,

772
00:55:54.500 --> 00:55:58.120
uh, I forget the name of E E Z, but the, uh, other zone,

773
00:55:59.440 --> 00:56:04.080
economic economic zone, thank you. And it supplements the regime,

774
00:56:04.080 --> 00:56:07.160
which applies in the internal and territorial sea,

775
00:56:07.980 --> 00:56:12.440
and you'll see from section 99 and a hundred of that ACT deals
specifically with

776
00:56:12.650 --> 00:56:16.480
navigation and introduces under Section 36 B,

777
00:56:16.480 --> 00:56:19.680
the title duties in relation to navigation, uh,

778

00:56:19.790 --> 00:56:23.440
into section 36 of the Electricity Act 1989.

779
00:56:24.220 --> 00:56:25.360
And by contrast,

780
00:56:25.710 --> 00:56:29.680
port and Harbor authorities follow the guidance and standards
provided by the

781
00:56:29.680 --> 00:56:30.960
Department for Transport,

782
00:56:31.500 --> 00:56:35.640
as laid out in the Marine Safety Code and the Guide to Good Practice
for the

783
00:56:35.640 --> 00:56:37.360
purposes of this type of development project,

784
00:56:37.360 --> 00:56:41.720
which sets has its own way of setting levels of acceptable
tolerance.

785
00:56:44.620 --> 00:56:47.680
The, um, I think your last topic,

786
00:56:47.680 --> 00:56:52.600
assessments of effects for contingent risks is largely covered
within the N R A,

787
00:56:52.620 --> 00:56:57.600
but there was a specific question about the impact protection
measures for the

788
00:56:58.120 --> 00:57:02.680
I O T terminal, which we were talking about earlier. The, the, the,

789
00:57:02.740 --> 00:57:06.880
the position is that following the review of the N R A, um,

790
00:57:06.980 --> 00:57:11.960

and the consideration by that board of the conclusions and assessment in the

791

00:57:11.960 --> 00:57:15.720

impact protection measures that are identified are not considered to be

792

00:57:16.240 --> 00:57:20.520

required. And following the commencement of the operations, however,

793

00:57:20.780 --> 00:57:25.640

the Competent Harbor Authority, uh, who is here also as I mentioned,

794

00:57:25.950 --> 00:57:29.600

will be able to keep that under continuous review, uh,

795

00:57:29.740 --> 00:57:33.040

as required by the M S M S, um,

796

00:57:33.100 --> 00:57:36.920

and formal risk assessment laid out in the Port Marine Safety Code,

797

00:57:37.320 --> 00:57:40.640

together with the duties, of course, they have to facilitate safe navigation,

798

00:57:41.420 --> 00:57:43.720

and that can take any form that they choose,

799

00:57:43.740 --> 00:57:47.720

but based on reports provided to five pilots, and of course,

800

00:57:47.780 --> 00:57:52.120

if it was subsequently to transpire that it was thought impact protection

801

00:57:52.120 --> 00:57:55.960

measures should be provided on the grounds of additional navigational safety,

802

00:57:56.630 --> 00:58:01.440

then a V p as the owner and operator of the port would be able to

take

803

00:58:01.580 --> 00:58:03.600

the steps necessary to achieve that.

804

00:58:06.540 --> 00:58:07.640

Sir, in terms of

805

00:58:10.460 --> 00:58:13.440

How that's all been taken into account, I think I've already covered, uh,

806

00:58:13.510 --> 00:58:18.440

this subsidiary question about cumulative and in combination of effects for

807

00:58:18.440 --> 00:58:22.960

the purposes of the ES and Habitat regulations assessment. But in short, yes,

808

00:58:22.960 --> 00:58:25.960

they've all been assessed as if they were to be provided,

809

00:58:26.580 --> 00:58:30.800

and assessment has been on the basis of the occurring at the worst time of year

810

00:58:30.940 --> 00:58:35.800

for habitat purposes. So I think I,

811

00:58:36.040 --> 00:58:39.280

I tried to cover the five topics you raised.

812

00:58:39.480 --> 00:58:40.800

I know there'll be some other questions.

813

00:58:41.330 --> 00:58:43.880

There was one other question that appears in the agenda,

814

00:58:43.880 --> 00:58:45.560

which I can address briefly now,

815

00:58:45.660 --> 00:58:50.160

and that's about the provision of Sure to ship power and, um,

816

00:58:50.450 --> 00:58:52.880

power technology for future marine tugs,

817

00:58:52.880 --> 00:58:56.960

which is slightly unrelated to the direct issue, but I'm,

818

00:58:57.520 --> 00:59:02.040

I can confirm the provision of ship to shore power or shore to ship,

819

00:59:03.350 --> 00:59:08.120

whichever way you look at it, uh, will be, uh, it should be shore to ship,

820

00:59:08.320 --> 00:59:13.200

I think yes, will be incorporated in the jetty approach. The links span,

821

00:59:13.640 --> 00:59:16.320

pontoons and finger pier, but it won't devolve,

822

00:59:16.320 --> 00:59:18.920

involve development of additional marine infrastructure.

823

00:59:20.060 --> 00:59:22.800

And as to tugs,

824

00:59:23.500 --> 00:59:27.880

CVI are currently working closely with Caterpillar on transition of

825

00:59:28.240 --> 00:59:33.080

tugs fuel to methanol to meet the I M O and UK

826

00:59:33.080 --> 00:59:36.280

government's requirements for marine decarbonization.

827

00:59:37.140 --> 00:59:40.160

And in January, 2019, as you will know,

828

00:59:40.160 --> 00:59:44.360

the government published Maritime 2050 with its vision,

829

00:59:45.260 --> 00:59:45.540

uh,

830

00:59:45.540 --> 00:59:50.520

for the maritime sector outlining the ambitious recommendations to take the UK

831

00:59:50.560 --> 00:59:54.160

maritime industry into the second half of the 21st century.

832

00:59:54.860 --> 00:59:57.640

And a V p itself in February, 2023,

833

00:59:57.820 --> 01:00:02.560

has released its sustainability strategy ready for tomorrow, uh,

834

01:00:02.590 --> 01:00:07.280

setting out their commitment to improving the environmental impact across the 21

835

01:00:07.450 --> 01:00:11.560

ports, for example, by reducing greenhouse gas emissions,

836

01:00:11.800 --> 01:00:15.680

encouraging biodiversity, and the use of shore power for vessels,

837

01:00:15.680 --> 01:00:19.240

which the examining authorities asked about is, of course,

838

01:00:19.560 --> 01:00:22.240

included as a policy in that key initiative.

839

01:00:23.340 --> 01:00:26.000

So I hope that covers everything on your list. Um,

840

01:00:26.880 --> 01:00:30.680

although I know there'll be some other questions, and as I said, Mr.

841

01:00:30.780 --> 01:00:34.880

Hannon in particular here to address you on some of the methodology

842

01:00:36.080 --> 01:00:36.913

questions.

843

01:00:39.770 --> 01:00:43.720

Thank you. Um, it certainly has covered all the ground, um,

844

01:00:43.870 --> 01:00:47.640

that was flagged in the, uh, in the agenda, um,

845

01:00:47.940 --> 01:00:49.440

but it's raced through very quickly,

846

01:00:49.620 --> 01:00:53.760

so I'm sure that we will be coming back to a number of your points as we

847

01:00:54.080 --> 01:00:58.360

progress. Um, I think just be, because so many of these, um,

848

01:00:58.590 --> 01:01:02.520

matters you've raised are still fresh in mind.

849

01:01:02.820 --> 01:01:07.280

I'm going to ask a few questions before I pass over to iot, if I may.

850

01:01:07.940 --> 01:01:12.320

Um, the, um, the, the first, uh,

851

01:01:13.160 --> 01:01:18.120

I think it's just to identify the consideration of M C

852

01:01:18.160 --> 01:01:22.400

A as a stakeholder and as an authority in regard,

853

01:01:22.700 --> 01:01:27.360

not so much the n r a per se, but,

854

01:01:27.540 --> 01:01:32.240

uh, in regard to advice to the M M O as well as

855

01:01:32.380 --> 01:01:36.600

giving advice to the Secretary of State Transport. Now, um,

856

01:01:36.980 --> 01:01:40.360

we did invite m c a to speak for themselves, but, um,

857

01:01:40.720 --> 01:01:44.400

I rather sense that bearing in mind your expert witness,

858

01:01:45.100 --> 01:01:47.800

you may have con uh, anticipated that question,

859

01:01:48.020 --> 01:01:52.920

but can I ask you to tell us what your, uh,

860

01:01:53.580 --> 01:01:54.370

um,

861

01:01:54.370 --> 01:01:59.320

sense of this is as to have you consulted adequately

862

01:01:59.340 --> 01:02:01.000

at this stage with the M C A?

863

01:02:03.500 --> 01:02:04.240

So I'm

864

01:02:04.240 --> 01:02:06.160

Gonna hand over to Mr. Hammond for you.

865

01:02:07.220 --> 01:02:10.000

Uh, James Hanlen, uh, A B p. Um,

866

01:02:11.020 --> 01:02:14.920

the requirement to consult with the M C A is, is, is, um, uh,

867

01:02:15.340 --> 01:02:18.480

is not in remit of the, of the Statutory Harbor Authority in this context.

868

01:02:18.780 --> 01:02:21.800

So the, uh, maritime and Coast Guard Agency, um,

869

01:02:22.170 --> 01:02:24.440

under the Port Marine Safety Code, um,

870

01:02:24.620 --> 01:02:28.440

is responsible to Department of Transport and Secretary of State, um,

871

01:02:28.500 --> 01:02:32.680

for advising on the technical content of the code and compliance with the code.

872

01:02:33.900 --> 01:02:37.800

Um, as far as the Maritime and Coast Guard Agency, um,

873

01:02:38.570 --> 01:02:40.840

would have oversight on the, uh,

874

01:02:41.470 --> 01:02:45.560

methodology used for the, um, for the, uh, uh,

875

01:02:45.680 --> 01:02:50.080

navigational risk assessment, they have, um, provided, uh,

876

01:02:50.080 --> 01:02:53.160

their comments already stating that they are, um, uh,

877

01:02:53.530 --> 01:02:56.800

happy with the approach that's been taken, and, uh,

878

01:02:56.800 --> 01:02:58.880

have also stated that the, uh,

879

01:03:00.600 --> 01:03:05.280

responsibilities of the statutory incompetent Harbor authority to review the,

880

01:03:05.280 --> 01:03:07.800

uh, the, the, the risk management, um,

881

01:03:08.060 --> 01:03:12.560

has been undertaken in an appropriate manner. The, um, uh,

882

01:03:12.700 --> 01:03:16.880

moving forward onto their responsibilities or the responsibilities under the,

883

01:03:16.880 --> 01:03:20.000

the wider remit. With their engagement with the M M O, um,

884

01:03:20.230 --> 01:03:24.200

they will advise the M M O accordingly and would will state that they would have

885

01:03:24.200 --> 01:03:28.160

no further, um, recommendations to make, because the,

886

01:03:28.260 --> 01:03:31.640

the authority does not lie with them. It remains with the harbor, the,

887

01:03:31.660 --> 01:03:32.960

the harbor authorities,

888

01:03:36.540 --> 01:03:41.200

And in particular on the assessment of whether risks have

889

01:03:41.310 --> 01:03:42.800

been, um, uh,

890

01:03:43.170 --> 01:03:46.680

controlled or are proposed to be controlled to a a P.

891

01:03:47.180 --> 01:03:51.400

Is that something on which the M C A will be, um,

892

01:03:51.440 --> 01:03:54.680

further consulted or, uh, uh,

893

01:03:56.180 --> 01:03:58.400
indeed as a, um, if you like,

894

01:03:58.480 --> 01:04:01.680
a final recommendation to the M M O?

895

01:04:04.860 --> 01:04:09.160
So the, um, so as I, as I, as I, um, um,

896

01:04:09.430 --> 01:04:12.800
pointed out earlier, the, the authority remains with the,

897

01:04:12.800 --> 01:04:14.040
the statutory Harbor authority.

898

01:04:14.140 --> 01:04:18.240
So it is completely away from the M c's remit to, um,

899

01:04:18.420 --> 01:04:22.840
to decide the, the levels of a lap or tolerability. Um, it, it is
not,

900

01:04:22.840 --> 01:04:26.320
does not fall in an, an area that they have the, uh, navigation
authority for

901

01:04:26.770 --> 01:04:27.920
Understand. Thank you.

902

01:04:31.420 --> 01:04:35.300
I think that's, uh, adequate on that particular question. Thank you.
Um,

903

01:04:36.360 --> 01:04:40.060
now it, it not unreasonable to say the, um,

904

01:04:40.520 --> 01:04:42.180
the MNG 6 54 and,

905

01:04:42.280 --> 01:04:46.940

and X and P M S E and guidance that public documents,

906

01:04:47.000 --> 01:04:51.580

but I think it might be helpful to have them submitted to the examination

907

01:04:51.580 --> 01:04:56.100

library. Thank you. Um,

908

01:04:57.620 --> 01:05:00.460

I did note that actually in the relevant representation, the, uh,

909

01:05:00.560 --> 01:05:05.260

the relatively, um, concise representation from M C A, they did,

910

01:05:05.480 --> 01:05:10.180

uh, identify the P M S C in its guide as, uh,

911

01:05:10.400 --> 01:05:14.620

the, the overriding document here. But, um,

912

01:05:15.860 --> 01:05:18.960

I think that that anticipating a question,

913

01:05:18.960 --> 01:05:23.240

which I sense that the ipss may wish to raise themselves,

914

01:05:23.420 --> 01:05:27.400

but certainly have raised in representation so far,

915

01:05:29.140 --> 01:05:33.640

why has the use of, uh, in particular the,

916

01:05:34.420 --> 01:05:36.760

the, the, um, M six five,

917

01:05:38.140 --> 01:05:42.680

MGN 6 54 annex, uh, has IDs,

918

01:05:43.740 --> 01:05:44.090

um,

919

01:05:44.090 --> 01:05:48.880

being introduced here because it seems to have caused some of the
ips concern

920

01:05:49.230 --> 01:05:53.240

that it's hybridized a methodology. Um,

921

01:05:53.560 --> 01:05:55.600

I think it's useful to bring that ad up front,

922

01:05:55.600 --> 01:05:59.560

because if we can settle that down, we can move on, I think more
effectively.

923

01:06:03.150 --> 01:06:05.160

Yeah. So James, James Hannah, A B p, um,

924

01:06:07.670 --> 01:06:12.280

Following, um, uh, well, following my review of the,

925

01:06:12.280 --> 01:06:16.120

of the documentation and, um, taken into consideration the, the,

926

01:06:16.180 --> 01:06:20.560

the use of the I M O, um, methodology, which is,

927

01:06:20.560 --> 01:06:25.000

which is referred to within the code, and looking at the,

928

01:06:25.060 --> 01:06:29.040

the methodology that's also used within MGN 6 54,

929

01:06:29.040 --> 01:06:33.880

which is also M G M, um, sorry, uh, uh, I m o, uh, five,

930

01:06:33.910 --> 01:06:37.960

five step f s a, I don't believe there's a mixing methodologies. Um,

931

01:06:39.070 --> 01:06:43.960

it's, it's, it more, more of the, um, application of the,

932

01:06:43.980 --> 01:06:46.720

the marine guidance note in its full context. Mm-hmm. But, um,

933

01:06:46.820 --> 01:06:47.960

if you're using the,

934

01:06:48.100 --> 01:06:52.160

the methodology to just define how you are undertaking your,

935

01:06:52.160 --> 01:06:55.520

your risk assessment and your, your, your lev your levels of tolerance,

936

01:06:55.990 --> 01:06:59.320

then that the, there are similarities across the board.

937

01:07:00.010 --> 01:07:03.360

Thank you. I'll ask the, um, ips to comment on that in a moment,

938

01:07:03.420 --> 01:07:06.920

but thank you very much. Uh, next, um,

939

01:07:10.850 --> 01:07:15.480

there has been a comment, uh, for I think probably,

940

01:07:16.060 --> 01:07:19.840

um, I think some, some value that the

941

01:07:21.600 --> 01:07:25.720

N R A as reported in the application, um,

942

01:07:25.790 --> 01:07:29.360

doesn't explicitly refer to the, uh,

943

01:07:29.360 --> 01:07:34.360

port of Ingham's standing in ra, which I think is pr.

944

01:07:34.820 --> 01:07:38.720

If I can ask you to just elaborate your presentation earlier on

945

01:07:41.100 --> 01:07:44.680

in relation to the annual and then triannual

946

01:07:46.550 --> 01:07:49.840

reviews that are undertaken, um,

947

01:07:50.220 --> 01:07:53.560

is obviously an evolving N R A.

948

01:07:54.460 --> 01:07:55.560

So here's the question.

949

01:07:56.100 --> 01:08:00.440

How does the application n r a fit with the port's M R N R A?

950

01:08:05.390 --> 01:08:09.360

It's James, uh, a b p. Um, the, uh,

951

01:08:10.460 --> 01:08:13.640

the navigation or the navigation risk assessment used for the, um,

952

01:08:13.790 --> 01:08:18.600

application of the, the, the consent is, is um, will inform, uh, the,

953

01:08:18.620 --> 01:08:21.960

the nr, the, the nras or the, the formal risk assessment,

954

01:08:21.970 --> 01:08:25.640

which is currently in place for operations within the, within the port.

955

01:08:25.700 --> 01:08:30.280

So that will then go on to form changes and amendments to the safety

956

01:08:30.280 --> 01:08:33.840

management system as, as as appropriate. So there is a,

957

01:08:33.920 --> 01:08:36.760

a direct feed in to the, the formal, uh,

958

01:08:36.790 --> 01:08:39.600

risk assessment process that the port works at operational level.

959

01:08:40.140 --> 01:08:43.640

So 'cause it is a change in, in, in the operation of the port. So that,

960

01:08:43.640 --> 01:08:46.280

that's the direct tie tie in and where, where it is a,

961

01:08:46.300 --> 01:08:50.160

an involved in closed loop operation where you, you review and keep,

962

01:08:50.230 --> 01:08:54.440

keep it under constant review the methodology that was used,

963

01:08:54.710 --> 01:08:58.840

aligned with the methodology that's used with it, with the port. So it,

964

01:08:58.900 --> 01:09:03.880

it should be able to directly feed into, to, uh, to their, their, uh, their,

965

01:09:03.880 --> 01:09:05.280

their, their safety management system.

966

01:09:05.770 --> 01:09:06.603

Thank you Mr. Heaven.

967

01:09:22.770 --> 01:09:24.870

In terms of governance, uh,

968

01:09:25.470 --> 01:09:29.590

I think that I'd like to get out in the open, uh,

969

01:09:30.890 --> 01:09:35.590

uh, our lack of understanding of where the

970

01:09:36.050 --> 01:09:36.883

duties

971

01:09:38.000 --> 01:09:42.870

start and end and where indeed they may indeed overlap between the

972

01:09:42.870 --> 01:09:47.230

Port of Ingham as statutory Harbor authority and the

973

01:09:47.590 --> 01:09:50.830

Humber statutory Harbor Authority. Um,

974

01:09:52.410 --> 01:09:55.870

is there any easy and quick way for you is to, to give us a briefing on that?

975

01:09:58.940 --> 01:10:01.430

Well, James Storm for a v p, uh,

976

01:10:01.930 --> 01:10:04.950

so I think we've undertaken to provide you with a,

977

01:10:06.110 --> 01:10:10.990

a guide Yeah. Or note, and I haven't got that with me now,

978

01:10:11.370 --> 01:10:11.850

but I,

979

01:10:11.850 --> 01:10:16.110

we are very conscious that I think you raised that on the indeed first day.

980

01:10:16.490 --> 01:10:19.790

We can, we could explain it orally now, uh,

981

01:10:20.530 --> 01:10:25.030

or we'll provide the note, um, if it would help. But,

982

01:10:25.050 --> 01:10:29.470

but there is obviously there they a num those two

983

01:10:29.470 --> 01:10:34.270

authorities and there is an interaction of course, as you've

identified.

984

01:10:35.050 --> 01:10:37.310

And, uh, it does, uh,

985

01:10:37.310 --> 01:10:42.030

and indeed the Harbor Master may want to comment on, on that due course, but,

986

01:10:42.490 --> 01:10:46.350

uh, I, unless you want the explanation now, I,

987

01:10:46.830 --> 01:10:51.070

I was gonna suggest we did it in written form, but I'll leave that into you,

988

01:10:53.290 --> 01:10:54.150

you can, yeah,

989

01:11:02.830 --> 01:11:04.450

My sense is, uh,

990

01:11:05.990 --> 01:11:10.730

pretty much the same as yours that we should move on. But let's make,

991

01:11:10.990 --> 01:11:14.280

uh, an opportunity just now for Captain Furman to just say,

992

01:11:14.420 --> 01:11:18.360

is there anything you'd like to add to that at this stage before we move

993

01:11:18.360 --> 01:11:19.193

forward?

994

01:11:21.000 --> 01:11:25.040

Victoria Hutter on behalf of the Harbor Master. Um, so we're very ha uh,

995

01:11:25.090 --> 01:11:27.800

happy to have input into that note. I mean, if it would help,

996

01:11:27.920 --> 01:11:32.160

I can give you a summary of the Harbor Master for the Humber statutory

997

01:11:32.160 --> 01:11:35.240

authority. I can't talk to anyone else's statutory authority,

998

01:11:35.260 --> 01:11:36.600

but if that would help, I can do that now.

999

01:11:38.180 --> 01:11:43.040

Um, I think if, unless it's a,

1000

01:11:43.440 --> 01:11:45.480

a comment on what we've already heard,

1001

01:11:45.730 --> 01:11:49.560

could I ask you to hold that in reserve? Um,

1002

01:11:49.700 --> 01:11:54.680

and I think I'm eager to hear from other ips and I think it may

1003

01:11:54.680 --> 01:11:59.640

be appropriate for you to bring that comment in later on. Thank you.

1004

01:12:00.380 --> 01:12:03.080

So thank you. I, I was going to put it as part of our opening remarks,

1005

01:12:03.100 --> 01:12:05.320

if we were invited to do so, that might be appropriate.

1006

01:12:06.620 --> 01:12:07.880

So, um,

1007

01:12:10.910 --> 01:12:15.880

bear in mind that we flagged this on, uh, Tuesday and that it's underway.

1008

01:12:16.260 --> 01:12:20.000

Um, we look forward to the written submission, but, uh,

1009

01:12:20.540 --> 01:12:24.400

we may come back to this issue of overlap later on,

1010

01:12:24.460 --> 01:12:28.120

but I think we'll not prejudge that. Now.

1011

01:12:32.340 --> 01:12:37.280

The only other question I would like to just, uh,

1012

01:12:37.380 --> 01:12:41.560

ask now while we're trying to get scoping here,

1013

01:12:42.500 --> 01:12:47.240

um, and this may involve another question to, uh,

1014

01:12:47.240 --> 01:12:49.760

captain Ferman, is

1015

01:12:52.180 --> 01:12:55.120

we have n navigation risk. We have the, um, the, the,

1016

01:12:55.120 --> 01:12:56.280

the safety management system,

1017

01:12:57.060 --> 01:13:00.240

but we also have dynamic risk assessment and judgments that are made,

1018

01:13:01.980 --> 01:13:03.960

you know, in the moment.

1019

01:13:05.260 --> 01:13:09.960

And I'd like to understand a little more about, um, how this,

1020

01:13:10.180 --> 01:13:10.450

uh,

1021

01:13:10.450 --> 01:13:15.280

takes place both in arrival and departure maneuvers

1022

01:13:16.260 --> 01:13:20.800

and who makes safety decisions if a pilot is not on board. Now,

1023

01:13:21.000 --> 01:13:25.240

I think I can anticipate the answer to that as being the master of the vessel,

1024

01:13:25.340 --> 01:13:29.680

but it's perhaps not quite as simple as that in itself.

1025

01:13:30.260 --> 01:13:35.160

And how does this play into the overall governance of safety

1026

01:13:35.660 --> 01:13:36.640

within the port of

1027

01:13:44.700 --> 01:13:48.440

We James Strong for a v p? So it, uh,

1028

01:13:48.780 --> 01:13:53.560

we think it may be better if you hear from the Captain Furman on

1029

01:13:53.700 --> 01:13:57.800

on that, because we can certainly give a, our,

1030

01:13:57.940 --> 01:13:59.920

our understanding of course.

1031

01:14:00.540 --> 01:14:05.400

But the specific question you're asking about the difference between having

1032

01:14:05.520 --> 01:14:10.280

a pilot on board or not and how that

1033

01:14:10.280 --> 01:14:12.120

operates with the Harbor Master.

1034

01:14:13.040 --> 01:14:16.800

I think Captain Furman will be able to give you, uh, a more

1035

01:14:17.450 --> 01:14:18.060

Thank you,

1036

01:14:18.060 --> 01:14:18.893

Better answer.

1037

01:14:21.100 --> 01:14:23.560

Uh, Victoria Hutton for the Humber Harbor Master.

1038

01:14:23.820 --> 01:14:26.120

So I may hand over to Captain Furman at the moment, but,

1039

01:14:26.900 --> 01:14:29.680

so in terms of piloting that, um,

1040

01:14:30.190 --> 01:14:34.920

it's the pilot of Jack 1987, which governs the piloting in practice,

1041

01:14:35.180 --> 01:14:39.480

uh, certain vessels require pilots to be aboard.

1042

01:14:41.060 --> 01:14:43.000

May, may I stop you? Yes, of course. Um,

1043

01:14:43.570 --> 01:14:47.920

let's stick specifically on the background to, uh,

1044

01:14:48.430 --> 01:14:52.160

whether it's, uh, the, um,

1045

01:14:52.300 --> 01:14:53.480

the provision of pilotage.

1046

01:14:54.020 --> 01:14:58.880

The specific question is who makes the decisions in

1047

01:14:58.880 --> 01:15:03.000

the moment, uh, during birthing and, uh, departure maneuvers?

1048

01:15:03.710 --> 01:15:08.160

Well, so well, I'll hand over to Captain Furman then to add to that.

1049

01:15:10.630 --> 01:15:14.240

Yeah. Good afternoon, sir. Andrew Furman Harbor Master Humber. Um,

1050

01:15:14.780 --> 01:15:19.040

the pilotage directions require that the vessels of over 60 meters would have a

1051

01:15:19.040 --> 01:15:23.840

pilot onboard or a, a pilotage exemption certificate holder. Um,

1052

01:15:24.320 --> 01:15:28.560

a vessel without either of those on board would, would be navigating illegally.

1053

01:15:29.420 --> 01:15:31.400

Um, so that I'm not,

1054

01:15:32.360 --> 01:15:36.480

I can't quite see the circumstance there. Where, what do you're thinking is,

1055

01:15:36.500 --> 01:15:39.160

is that the answer to the question or, or am I not seeing the circumstance?

1056

01:15:39.160 --> 01:15:39.993

Sorry.

1057

01:15:40.660 --> 01:15:42.520

The, um, the,

1058

01:15:42.860 --> 01:15:47.440

I'm really trying to get to the question of who makes the

1059

01:15:47.640 --> 01:15:48.560

decisions, uh,

1060

01:15:50.300 --> 01:15:54.880

on arrival or departure from a birth. Uh, if

1061

01:15:56.540 --> 01:16:00.920

the dynamic risk risk assessment is that the maneuver is unsafe,

1062

01:16:01.700 --> 01:16:05.200

is it taken on board or is it taken by V T Ss?

1063

01:16:07.420 --> 01:16:11.880

So some, uh, parameters are fixed. So if, um, weather parameters,

1064

01:16:11.880 --> 01:16:16.320

title parameters, if the sailing was within, uh, fixed parameters and, um,

1065

01:16:16.370 --> 01:16:21.320

rules, then that would be taken on board by the, uh, pilot p e c and master.

1066

01:16:22.330 --> 01:16:24.280

Thank you. Um,

1067

01:16:26.340 --> 01:16:29.400

is the Port of Immingham, uh,

1068

01:16:29.460 --> 01:16:31.600

as Harbor Authority involved in that process?

1069

01:16:34.060 --> 01:16:37.400

Yes, it is. The arrival and sailing parameters are set by the,

1070

01:16:37.540 --> 01:16:42.480

the Dock Master in Consult consultation with ourselves as that area is part of

1071

01:16:42.480 --> 01:16:46.920

our competent Harbor area. Um, so we, we have the pilotage, so that is a,

1072

01:16:47.000 --> 01:16:49.480

a collaborative. Um, we have a,

1073

01:16:49.480 --> 01:16:51.600
we're a consultee in that safety management system.

1074
01:16:52.810 --> 01:16:55.360
Thank you. Uh, I think I understand that.

1075
01:16:55.820 --> 01:16:59.720
So effectively the Dock Master is

1076
01:17:00.700 --> 01:17:05.440
in liaison with V T s under your JU

1077
01:17:05.440 --> 01:17:10.440
jurisdiction, uh, collaborative in, if you like, um,

1078
01:17:10.940 --> 01:17:14.440
the, the framework for birthing and departure movements,

1079
01:17:15.700 --> 01:17:19.040
the decisions are normally taken when,

1080
01:17:19.470 --> 01:17:24.440
when within parameters on board by either pilot

1081
01:17:24.700 --> 01:17:29.600
or the master with pilot exemption certificate. Is, is that a correct summary

1082
01:17:31.910 --> 01:17:34.160
That that's a correct summary? Um, unless,

1083
01:17:34.160 --> 01:17:37.160
unless somebody else has a reason as as to why that might be,

1084
01:17:37.160 --> 01:17:38.760
if the Dock Master has, has a problem,

1085
01:17:38.940 --> 01:17:41.440
but if it's an onboard decision that is taken onboard.

1086
01:17:42.750 --> 01:17:47.280

Okay. Thank you. Now, I think it's probably timely then to,

1087

01:17:47.700 --> 01:17:48.533

uh,

1088

01:17:50.180 --> 01:17:53.280

ask I o OT to make their representation.

1089

01:17:58.570 --> 01:17:59.403

Thank you, sir.

1090

01:18:01.730 --> 01:18:03.680

David Alvin for I o t.

1091

01:18:08.350 --> 01:18:12.770

So beginning with just a few comments on Mr.

1092

01:18:13.010 --> 01:18:16.610

Strand's initial remarks about, uh,

1093

01:18:16.670 --> 01:18:20.570

the production of an N R A and its role, uh,

1094

01:18:20.570 --> 01:18:24.010

with the statutory Harbor Authority. The, the simple fact is,

1095

01:18:24.030 --> 01:18:27.130

is whether or not that may, uh, he may be right.

1096

01:18:27.720 --> 01:18:31.970

This is an application for consent and for that consent to be granted,

1097

01:18:32.110 --> 01:18:36.850

it must be demonstrated that what is being proposed is appropriate and

1098

01:18:37.000 --> 01:18:41.730

safe. There is also at play the agent of change principle.

1099

01:18:41.840 --> 01:18:45.570

That is to say a b p wishes for its own purposes

1100

01:18:46.750 --> 01:18:49.410

to, uh, develop the new row row facility.

1101

01:18:50.950 --> 01:18:55.890

It must demonstrate that it is not having an adverse effect on the safety

1102

01:18:56.910 --> 01:19:01.770

or the operational, um, or adverse effects on the operations,

1103

01:19:02.350 --> 01:19:07.050

uh, of existing facilities at the port. And of course,

1104

01:19:07.190 --> 01:19:10.890

I'm particularly concerned about, uh, the, uh,

1105

01:19:11.450 --> 01:19:13.290

terminal and the oil refineries.

1106

01:19:14.150 --> 01:19:16.570

We are not commercial competitors with a B P.

1107

01:19:17.310 --> 01:19:22.090

We are simply seeking to ensure that our operations remain

1108

01:19:22.240 --> 01:19:23.610

safe and efficient.

1109

01:19:29.330 --> 01:19:31.230

Our view overall, which you will have,

1110

01:19:31.370 --> 01:19:35.550

and I'll touch on some of the headline points in a moment, you will see

1111

01:19:37.340 --> 01:19:40.230

from the, uh, the our pad, uh,

1112

01:19:40.230 --> 01:19:45.150

and our relevant representations are that although A B P seeks

1113

01:19:45.170 --> 01:19:49.510

to maintain that they have done what is needed adequately,

1114

01:19:50.170 --> 01:19:54.750

we do not agree, and you'll have seen the detail of the matters, uh,
uh,

1115

01:19:54.750 --> 01:19:57.190

in the pad had, uh,

1116

01:19:57.250 --> 01:20:01.910

and we will be producing our own N R A for

1117

01:20:02.150 --> 01:20:02.983

deadline two,

1118

01:20:04.120 --> 01:20:08.800

Which will not be consistent with the conclusions reached by a b p

1119

01:20:09.180 --> 01:20:10.040

on current showing

1120

01:20:11.850 --> 01:20:16.400

there has been a failure to grapple with important methodological

1121

01:20:16.900 --> 01:20:18.200

issues and detail.

1122

01:20:20.600 --> 01:20:25.560

I also note that Mr. Strawn has referred you,

1123

01:20:25.740 --> 01:20:26.020

uh,

1124

01:20:26.020 --> 01:20:30.880

and seeking to create a picture that a B P has followed all the due

1125

01:20:30.950 --> 01:20:33.160

processes that it's reported to its board.

1126

01:20:33.160 --> 01:20:37.600

It's entirely satisfied to a number of documents which are not available to us

1127

01:20:37.700 --> 01:20:40.440

at the moment, such as the Ms M s,

1128

01:20:40.570 --> 01:20:43.840

which we have requested and been denied access to.

1129

01:20:46.220 --> 01:20:50.920

If a B P wishes to maintain that it is carried out a

1130

01:20:51.070 --> 01:20:52.960

prudent, robust,

1131

01:20:53.460 --> 01:20:56.600

and responsible audit of navigational safety,

1132

01:20:57.270 --> 01:21:01.800

then it should have the carriage of its convictions and put these documents into

1133

01:21:01.800 --> 01:21:04.880

the examination library. It has not done so.

1134

01:21:06.780 --> 01:21:09.040

And can I, just by way of example,

1135

01:21:09.040 --> 01:21:11.400

because there has been correspondence on this issue,

1136

01:21:11.400 --> 01:21:13.640

and I dare say that will continue.

1137

01:21:14.060 --> 01:21:18.880

We requested the Ms ms in the middle of May and were told it was

1138

01:21:18.880 --> 01:21:19.713

confidential.

1139

01:21:20.750 --> 01:21:24.440

That appears to us to run contrary,

1140

01:21:25.700 --> 01:21:28.680

uh, to the provisions of the, uh, P M S C.

1141

01:21:29.900 --> 01:21:34.640

And you will know, sir, um, the necessity for a formal risk assessment,

1142

01:21:35.540 --> 01:21:40.080

uh, and the continuing duty to implement an M S M S

1143

01:21:41.060 --> 01:21:43.000

and that, uh,

1144

01:21:43.270 --> 01:21:46.560

organizations should consult as appropriate,

1145

01:21:46.610 --> 01:21:50.720

those likely to be involved in or in affected by the M S M S.

1146

01:21:50.940 --> 01:21:53.480

We have not been consulted. We have not seen it,

1147

01:21:53.980 --> 01:21:58.240

and a B P says we're not entitled to see it because for some reason,

1148

01:21:58.320 --> 01:22:01.040

which is entirely unclear, it's said to be confidential.

1149

01:22:02.540 --> 01:22:03.680

As for the opportunity,

1150

01:22:03.690 --> 01:22:08.600

which paragraph two 17 of the code states to develop a consensus about safe

1151

01:22:08.600 --> 01:22:09.433

navigation,

1152

01:22:10.220 --> 01:22:15.000

how can a B P even begin to approach meeting that requirement of the code unless

1153

01:22:15.000 --> 01:22:19.280

they disclose the basis of upon which they are regularly conducting their safety

1154

01:22:19.280 --> 01:22:21.200

reviews? So sir,

1155

01:22:21.560 --> 01:22:25.600

I do not accept for one moment that A B P has put into the public arena

1156

01:22:26.320 --> 01:22:29.800

sufficient information, and that is just one, uh, important example.

1157

01:22:31.180 --> 01:22:33.640

You asked a question, uh, of Mr.

1158

01:22:34.080 --> 01:22:37.640

Hanham about how the N R A, um,

1159

01:22:37.920 --> 01:22:42.080

compares with the ongoing safety, uh, uh, risk assessment.

1160

01:22:42.740 --> 01:22:44.760

Mr. Hanham actually didn't answer your question.

1161

01:22:44.950 --> 01:22:48.520

What he said was that they would be adjusting it, uh,

1162

01:22:48.520 --> 01:22:51.240

in the light of anything that comes outta this examination.

1163

01:22:51.660 --> 01:22:53.360

That's not an answer to your question.

1164

01:22:53.380 --> 01:22:55.320

The answer to your question is only produced.

1165

01:22:55.540 --> 01:22:59.280

Is it only going to be answered by actually producing the M S M S?

1166

01:22:59.300 --> 01:23:02.280

So we can see to what degree a B P is being consistent.

1167

01:23:03.630 --> 01:23:05.320

That must be in the public interest.

1168

01:23:09.500 --> 01:23:12.560

Sir, the oil terminal,

1169

01:23:12.740 --> 01:23:15.160

as I've already mentioned briefly this morning,

1170

01:23:15.830 --> 01:23:18.080

it's a critical piece of national infrastructure.

1171

01:23:18.860 --> 01:23:23.480

The Humber and Lindsay Refineries account for 27% of the UK's

1172

01:23:23.680 --> 01:23:28.600

refining capacity. And that, of course, is dependent upon the safe, uh,

1173

01:23:28.820 --> 01:23:31.800

and continued operation of the existing berths,

1174

01:23:32.060 --> 01:23:36.600

the finger pier and the pipeline trunk way, which brings the oil,

1175

01:23:37.220 --> 01:23:41.600

uh, from and to the vessels in the terminal. And as you'll be aware, uh,

1176

01:23:41.920 --> 01:23:45.480

I o OT is an upper tier coma site That, of course,

1177

01:23:45.540 --> 01:23:50.480

is an issue relevant to the agents of change. Principle birth eight and nine,

1178

01:23:50.500 --> 01:23:53.960

as you heard, are located, uh, to the south of Finger Pier.

1179

01:23:53.960 --> 01:23:58.760

They're capable of handling vessels 104 meters and 61 meters l o a

1180

01:23:58.760 --> 01:24:03.120

respectively. They're smaller than the vessels on the main river berths,

1181

01:24:03.620 --> 01:24:07.880

but they are critical to the operation of the terminals and the flow of product

1182

01:24:08.320 --> 01:24:12.800

destined, uh, for other parts of the uk, both England and Scotland.

1183

01:24:13.940 --> 01:24:17.120

Access to birth aid, as you'll be aware, is a restricted to the flood tide.

1184

01:24:17.940 --> 01:24:22.480

It requires the ship's master to balance, uh, uh, uh,

1185

01:24:22.500 --> 01:24:26.720

the effects of wind and tide and may require a tug or a work boat.

1186

01:24:28.500 --> 01:24:31.200

If the proposed terminal is developed.

1187

01:24:32.060 --> 01:24:36.760

You've got a 24 7 major terminal with three berths handling

1188

01:24:36.870 --> 01:24:37.703

beds, uh,

1189

01:24:37.830 --> 01:24:42.600

vessels of up to 240 meters l o a with a beam of 35 meters.

1190

01:24:43.470 --> 01:24:47.760

It's not clear what the detailed characteristics would be in due course.

1191

01:24:49.540 --> 01:24:53.560

Uh, they may carry unaccompanied freight, accompanied freight and passengers.

1192

01:24:54.580 --> 01:24:59.240

We understand there be a minimum of one arrival and one departure early morning,

1193

01:24:59.240 --> 01:25:00.640

early evening per day.

1194

01:25:02.660 --> 01:25:07.520

The space between the proposed infrastructure of the new terminal and the I 0

1195

01:25:07.640 --> 01:25:12.640

T is about 95 meters within which a tanker of 104

1196

01:25:12.700 --> 01:25:17.640

meters and associated tugs of work boats are required to maneuver, uh,

1197

01:25:17.640 --> 01:25:22.440

with strong tidal flows and crosswinds and up to three large row row

1198

01:25:22.440 --> 01:25:26.240

vessels per day would be required to maneuver in close proximity to our

1199

01:25:26.240 --> 01:25:29.600

infrastructure or our vessels, and therefore,

1200

01:25:30.360 --> 01:25:35.240

a risk of impact on tankers, uh,

1201

01:25:35.620 --> 01:25:40.600

or, uh, with, uh, the jetties.

1202

01:25:40.660 --> 01:25:45.120

The finger p or the trunk way, as you can imagine, is a critical concern.

1203

01:25:45.740 --> 01:25:50.000

And against that background and against what has been said,

1204

01:25:50.140 --> 01:25:51.960

our key areas of concern are this,

1205

01:25:51.960 --> 01:25:55.760

and they go to the points that you've set out in, in the agenda,

1206

01:25:56.780 --> 01:26:01.400

the underlying data. We say sup supporting the N R A. Uh,

1207

01:26:01.430 --> 01:26:02.280

were not shared,

1208

01:26:02.310 --> 01:26:06.920

including the characteristics of the I E R R T vessels and the

1209

01:26:07.320 --> 01:26:08.153

incident data.

1210

01:26:09.700 --> 01:26:13.920

The operations and design of the terminal are not well-defined,

1211

01:26:14.350 --> 01:26:19.200

such as tug youth birthing, sorry, my teeth are coming loose. Tug use,

1212

01:26:19.520 --> 01:26:22.480

birthing duration, met ocean limits,

1213

01:26:22.480 --> 01:26:25.400

characteristics and limits of risk controls and other features.

1214

01:26:26.460 --> 01:26:30.960

The standards and limits of acceptability are not well-defined and they do not

1215

01:26:30.960 --> 01:26:34.760

appear to align with the coma H s e standards

1216

01:26:35.860 --> 01:26:38.520

as such. Uh, and we have provided, uh, uh,

1217

01:26:38.960 --> 01:26:43.400

relevant portions of the coma material to a b p. As such,

1218

01:26:43.400 --> 01:26:47.920

there is a disconnect between the limits of tolerability between I o
T

1219

01:26:48.260 --> 01:26:50.160

and A B P. And indeed,

1220

01:26:50.160 --> 01:26:53.920

limits of tolerability will have to factor in because of the risk to
an upper

1221

01:26:53.920 --> 01:26:58.840

tear coma site. Uh, consideration of that particular issue.

1222

01:27:00.660 --> 01:27:04.920

The workshops did not facilitate contrary to ABPs contentions,

1223

01:27:04.940 --> 01:27:06.360

the input of all stakeholders.

1224

01:27:07.220 --> 01:27:12.200

And our view is that no attempt was made to reach consensus on the
key issue

1225

01:27:12.200 --> 01:27:13.033

of tolerability.

1226

01:27:15.210 --> 01:27:20.200

Additional risk controls were identified and considered effective by
A

1227

01:27:20.280 --> 01:27:21.113
B P,

1228
01:27:21.810 --> 01:27:26.360
which are already considered to be part of normal operations and are therefore

1229
01:27:26.380 --> 01:27:31.000
not additional other risk controls were poorly defined and we can't determine

1230
01:27:31.250 --> 01:27:35.640
their effectiveness. I say we'll present written material on this in due course.

1231
01:27:36.370 --> 01:27:39.880
Seven key risk controls such as impact protection, uh,

1232
01:27:40.110 --> 01:27:44.800
have been identified but have been discounted, uh, without any apparent,

1233
01:27:45.300 --> 01:27:47.360
uh, or evidence cost benefit analysis.

1234
01:27:49.220 --> 01:27:53.560
The navigation simulations were useful to the building of an

1235
01:27:54.380 --> 01:27:58.160
to contribute to the N R A, but the lack of design vessel detail,

1236
01:27:58.700 --> 01:28:02.720
the emission of wind shielding of a birthed row row gusting,

1237
01:28:03.230 --> 01:28:07.560
unrealistic emergency, uh, emergency scenario responses and technical issues,

1238
01:28:07.620 --> 01:28:12.320
we say undermine the credibility of the conclusions and they

1239
01:28:12.750 --> 01:28:15.640

only go to show what is theoretically possible,

1240

01:28:16.300 --> 01:28:20.600

not what is realistic to be dealt with on a day-to-day

1241

01:28:20.750 --> 01:28:21.920

operational basis.

1242

01:28:24.060 --> 01:28:28.160

So that really sets out in summary, uh,

1243

01:28:28.260 --> 01:28:29.120

our position.

1244

01:28:36.260 --> 01:28:41.180

We hope that we can be provided with

1245

01:28:41.200 --> 01:28:43.300

the data that we have sought.

1246

01:28:44.160 --> 01:28:48.660

You will see in paragraph or section 10 of our pad

1247

01:28:49.410 --> 01:28:54.260

that, uh, reference to the correspondence and the response, Uh,

1248

01:28:54.650 --> 01:28:57.220

from, uh, Mr. Greenwood for a b p.

1249

01:28:58.200 --> 01:29:00.700

We will clearly have to continue this correspondence,

1250

01:29:00.720 --> 01:29:03.200

but I've already made clear, uh, our position.

1251

01:29:03.300 --> 01:29:08.160

We did send a list of items including the M S M S, uh,

1252

01:29:08.160 --> 01:29:09.280

which we requested.

1253

01:29:09.820 --> 01:29:13.960

It seems quite clear that a B P are relying upon their own internal processes to

1254

01:29:13.960 --> 01:29:15.320

tell you that everything is fine.

1255

01:29:16.020 --> 01:29:20.400

But that is something which ought to be examined and available to us to

1256

01:29:20.600 --> 01:29:25.320

consider. It may prove to be, uh, as a b p says,

1257

01:29:25.340 --> 01:29:28.720

but without seeing it, we simply don't know. Mr. Hanham's,

1258

01:29:28.840 --> 01:29:32.400

avoiding the issue doesn't fill me, uh, with, uh,

1259

01:29:33.000 --> 01:29:33.920

a sense of optimism.

1260

01:29:43.330 --> 01:29:44.163

Let's check.

1261

01:29:49.260 --> 01:29:52.200

We have advanced additional protective provisions.

1262

01:29:52.320 --> 01:29:55.600

I think we've said in the pad and in our relevant representations.

1263

01:29:56.270 --> 01:30:00.720

They are as, uh, uh, appears to be the case not accepted.

1264

01:30:01.300 --> 01:30:04.720

The difficulty is, is to know whether they're acceptable or not.

1265

01:30:05.220 --> 01:30:10.000

You haven't got the data on methodology tolerability in particular, uh,

1266

01:30:10.140 --> 01:30:14.200

and key elements going into the risk assessment to enable you to reach a

1267

01:30:14.360 --> 01:30:18.360

judgment. Nor have we, we have to proceed on the basis of what we've got,

1268

01:30:18.900 --> 01:30:23.280

unless of course, a B P decides to produce that material. So,

1269

01:30:23.300 --> 01:30:27.680

so we are in a position which we would've not wished to be in. It is not,

1270

01:30:28.300 --> 01:30:32.840

uh, IOT's desire to be here raising objections to,

1271

01:30:33.260 --> 01:30:34.760

uh, the proposals,

1272

01:30:35.140 --> 01:30:38.440

but we have to protect our position and the national interest,

1273

01:30:38.690 --> 01:30:42.040

which is represented by the facility which we provide.

1274

01:30:43.460 --> 01:30:48.200

So that's all by way of summary remarks. Thank you,

1275

01:30:50.460 --> 01:30:54.920

Ms. Roland. Thank you for that, uh, vigorous representation. Um,

1276

01:30:55.480 --> 01:31:00.000

I have a sense that this is timely moment for a recess.

1277

01:31:01.140 --> 01:31:01.970

Uh,

1278

01:31:01.970 --> 01:31:06.320

there is obviously quite a big gap between the positions that we've heard this

1279

01:31:06.320 --> 01:31:08.600
afternoon. Um, if we have,

1280

01:31:08.980 --> 01:31:12.560
and I think that in the interest of moving swiftly through the afternoon,

1281

01:31:12.650 --> 01:31:15.760
could we re restrict this to a 10 minute recess?

1282

01:31:17.910 --> 01:31:22.370
Yep. Um, let's regather at, uh,

1283

01:31:26.710 --> 01:31:28.170
no, 10 minutes, 20.

1284

01:31:28.680 --> 01:31:30.170
It's very time to come back.

1285

01:31:31.940 --> 01:31:34.570
Let's, uh, let's make it just over 10 minutes.

1286

01:31:34.740 --> 01:31:39.370
We'll make it 1600 to re re return. Thank you very much.

1287

01:31:39.670 --> 01:31:44.570
And I'm going to ask the applicant to make a quick response to those points

1288

01:31:44.570 --> 01:31:49.290
because I think that will be helpful as a preface to the other ips.
So,

1289

01:31:49.310 --> 01:31:52.730
So could I, sorry, Isabella, for d ft s, could I just make a,

1290

01:31:53.090 --> 01:31:56.170
a brief suggestion? So obviously I appreciate this is your examination,

1291

01:31:56.590 --> 01:32:00.280

but given that some of the points at least that we have to raise,

1292

01:32:01.460 --> 01:32:06.320

uh, align with, um, some of the points that the I OT have made,

1293

01:32:06.880 --> 01:32:11.120

I wonder if it might make sense for us to make our summary position first,

1294

01:32:11.740 --> 01:32:11.980

uh,

1295

01:32:11.980 --> 01:32:15.520

and then give the applicant a chance to respond rather than dealing with those

1296

01:32:15.520 --> 01:32:16.360

issues twice.

1297

01:32:17.530 --> 01:32:21.760

Thank you for the suggestion. Uh, I do, I'm very well aware that there's a,

1298

01:32:21.840 --> 01:32:24.880

a significant overlap, a very significant overlap. Um,

1299

01:32:25.360 --> 01:32:30.200

I think what we want to do is to make sure we don't lose the thread of argument,

1300

01:32:30.580 --> 01:32:32.280

but, um, let's have a con,

1301

01:32:32.330 --> 01:32:35.720

we'll consider it in the recess and let you know when we get back. Thank you.