

**THE PROPOSED ASSOCIATED BRITISH PORTS (EASTERN RO-RO TERMINAL)
DEVELOPMENT CONSENT ORDER**

DEADLINE 2

Summary of Written Representations on behalf of Captain Firman, Harbour Master, Humber

PINS Reference Number	TR030007
Interested Party Reference Number	IMRO-OP001
Document Ref.	HMH 2
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Date	5 September 2023

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Introduction and role of the Harbour Master, Humber

Statutory functions of HMM and the Humber Conservancy

1. Captain Andrew Firman (HMH) is the Harbour Master for the river Humber, appointed and employed by ABP in its capacity as the Statutory Harbour Authority (SHA) and Competent Harbour Authority (CHA) for the Humber.
2. HMM ensures that the responsibilities of the SHA and CHA are met.
3. "Harbour Master" is defined in section 4 of the British Transport Docks Act 1972 and includes deputies and assistants.

Humber Estuary Services

4. Humber Estuary Services (HES) is the informal name for ABP in its capacity as SHA and CHA.

Curriculum Vitae

5. HMM has 32 years' experience in the marine industry, including 22 years relating to navigational safety on the Humber. He has extensive experience of Pilotage and Pilotage Exemption Certificate management, port risk assessment and ensuring continued safe navigation within the Humber upon the introduction of new infrastructure.
6. HMM has extensive experience of successful planning, licensing, development, delivery and safe operation of large infrastructure projects on the Humber.
7. HMM is content with the revised drafting of Requirement 18 of, and the protective provisions in Part 1 of Schedule 4 to, the draft DCO and has no other comments on it.

HES as Statutory Harbour Authority

8. HES as SHA is responsible for maintaining and improving navigations within statutory limits including the licensing of works in the river.
9. HMM has navigational safety functions and powers to regulate activities within the estuary by means of directions and byelaws.

10. HES maintains a Marine Safety Management System (MSMS) to manage marine hazards, risks and emergency preparedness.
11. The Humber MSMS complies with the Port Marine Safety Code (PMSC) and Guide to Good Practice on Port Marine Operations, which requires a formal risk assessment for the safe operation of the harbour with the aim of eliminating risk or reducing risk to “as low as reasonably practicable (“ALARP”). The “Duty Holder” for the Humber MSMS is ABP’s Harbour and Safety Board (HASBoard). The Duty Holder is accountable for compliance with the code. The Humber MSMS is independently audited. A Designated Person is appointed by the Duty Holder in line with the requirements of the PMSC to provide independent oversight of the MSMS.

Harbour Works Consents

12. Consent for works in the harbour area is dealt with by HES, subject to consent from the Marine Management Organisation. Approval may be given subject to conditions to protect conservancy and navigation interests.

Byelaws and Directions

13. Section 10 the Humber Conservancy Act 1899 empowers the conservancy authority to make byelaws.
14. The current byelaws are the Humber Navigation Byelaws 1990. Amongst other requirements these require masters to give prior notice to VTS HUMBER of arrival at, departure from or movement within the Humber and to report to VTS Humber when passing “Reporting Points”. The byelaws require masters to report any incident to VTS HUMBER and, where its seaworthiness is affected or likely to be affected, the master may not move a vessel, without HMMH’s permission.
15. Byelaw 14 requires masters to navigate with due care and not to endanger the safety of any person or any other vessel or cause damage thereto or to a floating navigational mark or mooring or other property. It requires masters to reduce speed when passing a vessel employed in works and not to exceed 5 knots when approaching and passing any jetty where a vessel is present.

16. The conservancy authority gives and enforces directions relating to the movement of ships in the Humber and safety of navigation. HMH may give special directions.

General Directions

17. General directions for the Humber are given by Standing Notices to Mariners. These include:

- controls on notice of arrival,
- a prohibition in anchoring in a fairway, with exceptions;
- a prohibition on moving in poor visibility

Special Directions

18. Special Directions may be given by the HMH to a specific vessel.

Pilotage and Pilotage Exemption Certificates

19. HES, as CHA, has duties under the Pilotage Act 1987, including authorising and providing pilots and deciding the circumstances where pilotage is compulsory. The requirements are published in the Humber Pilotage Directions 2016. HES issues Pilotage Exemption Certificates ('PECs') where an application is made and HES is satisfied that the applicant's skill, experience and local knowledge are sufficient to navigate the ship in the area without a pilot.

Lighthouse authority - aids to navigation

20. HES, as Local Lighthouse Authority, maintains aids to navigation in accordance with the requirements of the General Lighthouse Authority.

Funding

21. HES functions are funded from conservancy dues on vessels entering the Humber from the sea and through the provision of pilotage.

Navigational Safety on the Humber

22. HMM manages safety of navigation on the Humber in compliance with the PMSC. He sets marine procedures to form a MSMS using formal risk assessment to reduce risks to ALARP.
23. The Humber is a busy tidal estuary. A significant proportion of movements rely on the two daily tides. Typically, there are 60 movements a day. Historically there have been up to 100. No commercial vessel over 12m long can navigate the Humber unless supervised by VTS Humber. Congestion within the Estuary is prevented by requiring vessels to arrive, depart and transit the Humber in a planned manner.

Involvement of the HMM in the development of the application

24. HMM had a consultative role on the proposals. HMM submitted a response to the Risk ID consultation on 15 September 2022. In that letter, HMM observed that a number of the risk scores were higher than normally expected, noting that the consequences relating to Risk ID 04 were worthy of consideration. He clarifies what HES considers a “future control” in its risk assessment process.
25. HMM shared his concern that tidal data used in the first simulations and the proposed orientation of the jetty were not what HES expected. In response, the team carried out further measurements across the area.

HazID Workshops

26. HazID workshops are used to identify Marine Hazards and assess associated risks and how they may be managed.
27. HMM attended project related HAZID workshops as a stakeholder on 7 April 2022 and 16-17 August 2022. Workshops are collaborative to identify and rank hazards/risks. These particular workshops were the broadest attended that he had experienced on the Humber. HMM was of the view that that the project team was so accommodating of all stakeholders' views that it resulted in artificially high levels of risk being recorded. This is reflected in his response to the Risk ID Consultation dated 15th September 2022.

Simulations

28. HMM attended simulations on 28-30 November 2022. He understood attendees to be broadly satisfied.
29. In the experience of HMM, the IERRT project has carried out more simulations with third party involvement, at this stage of the project design, than previous Humber schemes. He is satisfied that simulations considered extreme tidal and wind conditions. HR Wallingford provided an added layer of independence. Local tug operators and pilots were involved at the simulations attended by HMM. His recollection is that they were content with the process and confident that vessels could safely navigate to and from the new berths. No concerns have been raised to him from the tug operators or pilots who were present at the trials.

Aborts and fails in simulations

30. Simulations assess limits and operational procedures. Entirely successful simulations are unlikely to have been sufficiently challenging. Mixed results do not mean that adverse outcomes are likely in reality. Failed and aborted simulations are typical of simulations for projects on the Humber which operate safely. They inform the learning process.

HMM's conclusions on the Navigation Risk Assessment (December 2022)

31. HMM considers that the simulations he attended were comprehensive and robust. He considers the NRA robustly assessed the risks.

How the Harbour Master would use/build on the NRA/Simulations were the DCO to be made

32. If the proposed development is implemented, further simulations will be carried out to develop experience and flesh out operational parameters.
33. Specific assessments and restrictions would be implemented for the construction phase.
34. HMM would expect to phase potential operational restrictions - the tightest restrictions would apply first with a vessel arriving at Slack Water in daylight with less wind until experience was gained.

35. HMM would not allow IERRT to be operated in an unsafe manner should operational reality require a change in parameters from those originally identified.

36. HMM would ensure that navigational safety risks associated with the IERRT are ALARP.

37. If not content with the operation of the IERRT, HMM would take measures to ensure it becomes acceptable.

38. HMM considers that the proposed IERRT can be operated safely.

Congestion

39. HMM considers IERRT will not materially affect Humber operations. The increased movements can be accommodated.

Conclusion

40. HMM participates in this examination to provide independent input in relation to his areas of expertise and responsibility.

Winckworth Sherwood LLP