

IMMINGHAM EASTERN RO-RO TERMINAL



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1. Introduction and Interim Responses

- 1.1 In the time available, it has not been possible for the Applicant to provide comprehensive comments with regard to the Additional NRA submitted on behalf of the IOT Operators (IOT).
- 1.2 With a view to assisting the ExA, however, the Applicant has set out below what should be viewed as interim high level comments. These will be supplemented prior to the examination hearings scheduled to commence on Wednesday 27 September.

- 1.3 **Stakeholder Consultation – consensus:** It is the view of the Applicant that the additional NRA produced on behalf of the IOT operators does not meet the principles of the Port Marine Safety Code. This is because it fails to achieve a consensus in that no form of stakeholder engagement has taken place as a consequence of which there can be no consensus. In place of this, the IOT operator's Additional NRA produced by NASH Maritime makes assumptions and presents a biased assessment, with no evidence that any port stakeholder confirmed or validated their internally held opinion on risk consequence or frequency.

It is the Applicant's' view that for this reason alone, this additional NRA is valueless and can be given no weight. That said, the Applicant has additional concerns, which at this stage are summarised below -

- 1.4 **Intolerable assessments:** In the additional NRA produced for the IOT operators, two risk assessments have been identified as intolerable at the baseline (embedded stage). These risks are -
- ID 10, Contact (Allision) - IERRT Ro-Ro Vessel with IOT Trunkway; and,
 - ID 13, Contact (Allision) - IERRT Ro-Ro Vessel with IOT Finger Pier.

For these risks, NASH Maritime consider that the worst credible scenarios would occur between 1 in 10,000 years to 1 in 100 years. This is a totally unrealistic and quite untenable timescale within which to consider frequency when it is immediately evident that there is a substantial lack of granularity.

- 1.5 In addition, NASH Maritime have concluded that the appropriate 'description' for a risk that can occur up to once in every 10,000 years is 'Reasonably Likely'.
- 1.6 This conclusion does not stand against the application of reasoned logic.

- 1.7 **Use of COMAH:** The Additional NRA applies HSE/COMAH tolerability guidelines in reaching its outcomes. The use of COMAH as assessment criteria in an NRA is not considered appropriate for information 'navigational risk'.
- 1.8 COMAH relates to a port's terrestrial infrastructure. In a comparable NRA, also written by NASH Maritime and cited by DFDS in their NRA, the 'Solent Gateway NRA' (NASH Maritime; 2021) does not apply COMAH assessment criteria whilst being a COMAH site. It is neither appropriate nor correct to apply HSE/COMAH tolerances or assessment matrix for navigational assessments.
- 1.9 **Inappropriate use of receptor descriptions:** The Additional NRA produced for the IOT operators attempts to present a perspective based information as fact in several areas.
- 1.10 For example, the translation of likelihood descriptors into frequency year bands where 'rare' is summarised as 1 in a million year chance. In so doing, the NRA has invalidated any data that has been drawn from the HAZID workshops as they have guessed that stakeholders had 1 in 1 million year event in mind when they selected the associate word picture for 'rare'. This is but one example and can be applied to the other likelihood descriptors.
- 1.11 **Selective use of methodology:** In addition, NASH Maritime endeavour to lead the reader to believe that they are the arbiter of what elements should or should not be present within an NRA. There are countless claims that 'x' element 'should' be present in an NRA, when the authors of the NRA have not historically included such elements in work which they have produced, both when contracted by ABP and for other clients.
- 1.12 An exceptionally poignant consideration in this regard comes from an NRA produced by NASH Maritime as cited by the NRA submitted by DFDS, namely the NRA produced for the Solent Gateway scheme which interestingly, that development included a COMAH site.
- 1.13 In the NRA produced by NASH there is no consideration given to any HSE or COMAH regulations. There is certainly no consideration given to using COMAH based tolerances to identify whether risk is or is not acceptable. That is a correct stance in the context of an NRA as the risks considered are for navigation. The stance represented by the authors of the IOT Operator's NRA, therefore, is clearly at odds with their own historic work and the precedent and work performed across the industry and it is disappointing that such an unbalanced additional NRA has been produced.
- 1.14 **Use of controls:** The additional NRA produced by NASH Maritime for the IOT Operators takes an exceedingly lean view of the possible controls that

could be implemented to reduce the risk of an allision occurring between a Ro-Ro vessel and the Finger Pier or the IOT Trunkway.

- 1.15 Surprisingly, albeit only in some respects, there are only 3 controls identified for implementation to reduce the intolerable risks to a tolerable state. These are, move the finger pier, establish impact protection measures and develop a marine liaison plan.
- 1.16 The NRA submitted by the Applicant as part of its DCO application already acknowledges the need for a Marine Liaison plan and has stated that the applicant has not ruled out impact protection. These two controls along with a substantial list of other controls identified by the Applicant are sufficient to reduce the risk associated with allision to the point where the risk is considered ALARP and tolerable by the SHAs. This, unlike HSE/COMAH policy, is what can be considered an appropriate standard of acceptability for Navigational Risk Assessments as the Harbour Authorities are Statutorily empowered to make this determination for safe conduct within their Harbour areas.
- 1.17 The additional NRA produced by NASH Maritime is, therefore, distinctly narrow in terms of assessment and approach. This is evidenced by the 'Qualitative Risk Assessment Hazard Logs' at Appendix C by only considering the 3 controls referenced above, when in fact there are many other ways that risk could be reduced to an ALARP and tolerable state.
- 1.18 It is not surprising as NASH Maritime came to these conclusions in isolation, without conducting any form of HAZID or stakeholder engagement which is in direct contravention to the PMSC which states this to be essential.
- 1.19 ***Application of intolerability concept:*** The IOT Operator's additional NRA produced by NASH Maritime states that any outcome that is scored at 6 or above (on a 1 to 10 scale) has been considered as intolerable.
- 1.20 This is simply an arbitrary and simplistic view of tolerability and does not apply the concept of tolerability appropriately. There is no reasonable justification for selection 6 as a threshold.
- 1.21 ABP, as the Statutory Harbour Authority, has defined its tolerability thresholds based on four receptor criteria (as identified in the Port Marine Safety Code). The receptor criteria are individually applied for each risk assessments in the NRA prepared as part of the DCO. This is far better practice for determining tolerability because the appropriate authority for hazards and safety has been able to consider, in plain language, the stance adopted in relation to risk acceptability across the entire ABP Group.

- 1.22 Further, by considering each receptor individually, it is possible to differentiate between the tolerance of different aspects as the set of consequence descriptors change.
- 1.23 The arbitrary score of 6 that has now been used in the DFDS NRA, the two NRAs cited by DFDS and the NRA produced for the IOT Operator's, are all based on different consequence and frequency descriptors and it demonstrates how dangerous it can be to place reliance on the representation of a risk outcome as a number to determine whether a risk is or is not tolerable.