0
00:00:00.850 --> 00:00:01.683
Thank you.

1
00:00:03.460 --> 00:00:07.520
It, it is now five to four. So the hearing is resuming. Ms. Bradley.

2
00:00:09.370 --> 00:00:12.960
Thank you. Uh, if we may, uh,

3
00:00:13.510 --> 00:00:17.760
have the agenda back on screen. This particular agenda, item C,

4
00:00:18.300 --> 00:00:19.133
is, uh,

5
00:00:19.970 --> 00:00:24.960
about the approach taken to N R A rather than the findings of N R A.

6
00:00:25.660 --> 00:00:30.120
Uh, and I think in order to focus this for this afternoon,

7
00:00:30.800 --> 00:00:34.400
bearing in mind the, the points that were made by yourself, Mr.
Astronomer, Mr.

8
00:00:34.680 --> 00:00:39.560
Alvin earlier, what we'll do is just look at four questions, if we
may,

9
00:00:39.740 --> 00:00:42.560
and the first of this, and I'd like, uh,

10
00:00:42.620 --> 00:00:46.920
to address this to the applicant first and then, uh, ips to respond.

11
00:00:48.180 --> 00:00:49.200
The first is,

12
00:00:49.860 --> 00:00:54.440

is it correct that a a p and tolerability,

13
00:00:55.540 --> 00:00:56.480
or in other words,

14
00:00:56.990 --> 00:01:00.960
acce acceptability as stated in the Port Marine Safety Code,

15
00:01:02.220 --> 00:01:06.840
are inseparable concepts? That's the first question. The second is,

16
00:01:07.420 --> 00:01:11.000
is AOP ultimately a matter for the judgment of the duty holder?

17
00:01:14.540 --> 00:01:15.373
And three,

18
00:01:16.500 --> 00:01:21.280
can a methodology be cited for determining acceptability or
tolerability?

19
00:01:22.380 --> 00:01:27.080
Um, that is,

20
00:01:27.080 --> 00:01:31.120
if like an objective standard. And fourth,

21
00:01:31.890 --> 00:01:34.440
which is a, a, a much more limited question,

22
00:01:35.140 --> 00:01:39.400
is a 50 year period suitable for assessing navigational risk for any

23
00:01:39.810 --> 00:01:41.920
individual terminal within a port

24
00:01:44.060 --> 00:01:46.240
as opposed to the port as a whole?

25
00:01:46.240 --> 00:01:51.240
Because the port as a whole is going to have a life cycle much

greater

26
00:01:51.270 --> 00:01:56.120
than 50 years. So applicant first, Mr. Strong,

27
00:01:56.120 --> 00:01:58.880
would you like to decide who should feel this question first?

28
00:02:01.820 --> 00:02:06.520
Uh, James TRO for the applicant. Thank you very much, sir. And I
will get

29
00:02:08.020 --> 00:02:11.960
my people to focus on those four questions. It,

30
00:02:12.090 --> 00:02:16.720
there might be different or, uh, responders to the different
questions.

31
00:02:17.660 --> 00:02:21.600
Um, the second one I'm pretty sure is for Mr.

32
00:02:23.180 --> 00:02:26.840
Hannon is a larp. Ultimately, he'll tell me if I got that wrong.

33
00:02:27.880 --> 00:02:31.920
T of matter for the duty holder. And, uh, we'll,

34
00:02:32.090 --> 00:02:33.720
could we take that one first and then

35
00:02:38.770 --> 00:02:42.440
James Hannon, uh, A b p? Uh, yes. The, uh, um,

36
00:02:42.580 --> 00:02:47.160
accountability or the, um, uh, for achieving a l is,

37
00:02:47.260 --> 00:02:50.280
is the responsibility of the Statutory Harbor Authority,

38
00:02:52.740 --> 00:02:56.840

um, as the duty holder under the code. Um, it's their, it's their operation,

39
00:02:56.840 --> 00:02:58.840
it's their Paul, and the responsibility

40
00:02:59.310 --> 00:03:00.143
Sits with them.

41
00:03:25.090 --> 00:03:29.990
I'm just checking who the correct people are to give you your, the answers. The,

42
00:03:30.010 --> 00:03:34.830
the first question is Allah a tolerability, stroke, um,

43
00:03:34.950 --> 00:03:39.830
acceptability, inseparable, I think. Is that for Matthew or Mr.

44
00:03:42.490 --> 00:03:43.870
If you give me a moment, sir.

45
00:04:18.280 --> 00:04:20.660
Uh, sorry. So, um,

46
00:04:21.520 --> 00:04:23.620
to my left is Timothy Aldridge,

47
00:04:23.700 --> 00:04:28.540
a senior maritime consultant at A B P MER and

48
00:04:30.130 --> 00:04:35.100
also involved in the production of the N R A that you have before

49
00:04:35.100 --> 00:04:37.700
you. And he, I believe,

50
00:04:37.770 --> 00:04:42.260
will be able to address you on one, three and four.

51
00:04:43.330 --> 00:04:45.340

Certainly, uh,

52
00:04:46.850 --> 00:04:51.420
certainly the 50 year period. We'll, we'll see how we get on.

53
00:04:52.810 --> 00:04:57.460
Good afternoon, sir. Uh, so firstly, the concept of tolerability and
a lap. Uh,

54
00:04:57.460 --> 00:05:02.060
the concept tolerability specifically speaks to a threshold which
port or

55
00:05:02.400 --> 00:05:07.260
any organization within risk might consider that a risk by
consequence

56
00:05:07.260 --> 00:05:09.620
and frequency is acceptable or not.

57
00:05:10.410 --> 00:05:15.260
Whereas the term as low as reasonably practical is more to do with

58
00:05:16.740 --> 00:05:20.320
if the risk identified has been mitigated sufficiently.

59
00:05:20.340 --> 00:05:22.240
So they're completely independent concepts.

60
00:05:31.180 --> 00:05:35.280
Can you methodology objective standard

61
00:05:35.590 --> 00:05:39.760
With regards to, uh, determining the acceptability of its
tolerability.

62
00:05:40.340 --> 00:05:44.040
An appropriate way of doing this is to engage with the statutory
Harbor

63
00:05:44.040 --> 00:05:46.120
authority. Uh, in so doing,

64
00:05:46.220 --> 00:05:51.000
you're able to delineate where their thresholds will sit. Um,

65
00:05:51.620 --> 00:05:55.080
it can be argued that the most acceptable way to do this is to consider it

66
00:05:55.080 --> 00:05:59.720
against each receptor as it appears within the Port Marine Safety Code. Um,

67
00:06:00.110 --> 00:06:04.880
they are essentially people. So considering the risk to life environment,

68
00:06:05.500 --> 00:06:09.080
the risk to the port as a business and the risk to property or port assets,

69
00:06:10.820 --> 00:06:11.040
um,

70
00:06:11.040 --> 00:06:14.880
because the consequence descriptors will change for each one as they'll relate

71
00:06:15.080 --> 00:06:19.680
individually to each receptor. It's important to consider them individually.

72
00:06:20.600 --> 00:06:23.040
'cause otherwise you are not making an apples to apples comparison.

73
00:06:26.730 --> 00:06:26.950
Uh,

74
00:06:26.950 --> 00:06:31.910
therefore there is no industry accepted standard of what tolerability

75
00:06:32.010 --> 00:06:32.843

is to be,

76
00:06:33.770 --> 00:06:37.950
nor is there an industry accepted standard that explicitly defines
that.

77
00:06:38.010 --> 00:06:41.910
And you'll see the differences between the three nras where

78
00:06:42.970 --> 00:06:47.550
the D F D SS and the I O T N R A seek to define tolerability

79
00:06:47.850 --> 00:06:48.950
as a position by number,

80
00:06:49.290 --> 00:06:52.270
and they don't delineate between the different receptors,

81
00:06:52.620 --> 00:06:55.630
whereas the N R A produced for the applicant does

82
00:06:57.270 --> 00:06:57.830
Receptor virus,

83
00:06:57.830 --> 00:06:58.910
Receptor receptor virus receptor.

84
00:07:01.450 --> 00:07:03.830
And, uh,

85
00:07:05.820 --> 00:07:09.390
I'll just say we're not commenting on the I O T N R A,

86
00:07:09.630 --> 00:07:12.830
although say just about to say strike,

87
00:07:12.830 --> 00:07:16.150
strike that comment from the record because we are leaving that.
But, uh,

88
00:07:16.980 --> 00:07:20.790

just as, as an observation about the D F D S N R A, we can park,

89
00:07:20.810 --> 00:07:24.670
so we'll leave the I O T N R A on one side of May. And then, um,

90
00:07:25.010 --> 00:07:26.870
the last question you asked, sir,

91
00:07:26.870 --> 00:07:31.870
was the 50 year period for any individual terminal within a

92
00:07:31.870 --> 00:07:33.590
port as opposed to the port as a whole?

93
00:07:34.520 --> 00:07:38.030
Right. So in assessing risk frequency, um,

94
00:07:38.300 --> 00:07:42.470
it's very important to do it in a way that can be commonly understood as the

95
00:07:42.470 --> 00:07:44.950
whole purpose for assessing risk, um,

96
00:07:44.970 --> 00:07:49.910
is to ensure that operations can be conducted in a safe manner and that the

97
00:07:49.910 --> 00:07:52.590
risks itself can be managed safely. Uh,

98
00:07:52.700 --> 00:07:56.990
when you're engaging with a room full of people to assess frequency from,

99
00:07:57.250 --> 00:08:01.230
if you're doing subject matter expertise, consultation, um,

100
00:08:01.890 --> 00:08:04.710
if you're assessing risks out to hundreds or thousands of years,

101

00:08:05.370 --> 00:08:09.150
it can be really difficult for people in a room to conceptualize
what that might

102
00:08:09.430 --> 00:08:13.790
actually look like on a day-to-day basis. What's more, um,

103
00:08:14.330 --> 00:08:17.750
if people don't have specific port or area knowledge,

104
00:08:18.170 --> 00:08:21.310
it can be very difficult for them to define a number of years.

105
00:08:21.690 --> 00:08:26.110
And so you could either use a quantitative approach and speak about

106
00:08:26.420 --> 00:08:29.350
risk occurring on a one in X basis,

107
00:08:30.170 --> 00:08:33.190
or you could use it as a word picture, uh,

108
00:08:33.190 --> 00:08:35.230
which has been used in the applicant's N R A.

109
00:08:37.360 --> 00:08:39.350
Could I ask you to repeat that? Did you say a word picture?

110
00:08:39.670 --> 00:08:40.510
A word picture, yes.

111
00:08:45.920 --> 00:08:49.430
Thank you. The admirably succinct answers. Uh, if I may,

112
00:08:49.490 --> 00:08:54.030
I'm going to just give the opportunity immediately to other ips to, um,

113
00:08:54.570 --> 00:08:59.560
really state whether they either agree with the characterizations there

114
00:08:59.780 --> 00:09:03.840
or have any other observations to make in a different direction.

115
00:09:06.380 --> 00:09:09.880
If we may start with I o T, and again,

116
00:09:09.880 --> 00:09:13.800
if you could steer away from the findings of N R A,

117
00:09:13.800 --> 00:09:15.400
but really looking at the input. So

118
00:09:15.400 --> 00:09:18.120
We've, we've agreed not to engage on this until tomorrow.

119
00:09:19.420 --> 00:09:23.080
Um, Mr. Vin, I'm looking for some basic, uh, help on,

120
00:09:23.420 --> 00:09:27.280
not on the findings of the N R A, but just on the, well, the methodology

121
00:09:27.500 --> 00:09:29.080
Is not agreed either. That's the problem.

122
00:09:30.460 --> 00:09:33.280
We are in dispute as to the methodology and the findings.

123
00:09:33.280 --> 00:09:34.760
And the findings include the methodology.

124
00:09:35.940 --> 00:09:38.080
And if you are going to ask me to answer these questions,

125
00:09:38.090 --> 00:09:42.160
we're going to have to substantially engage in matters of dispute, which Mr.

126
00:09:42.210 --> 00:09:44.600
Straw and I have agreed shouldn't be done today.

127
00:09:46.480 --> 00:09:48.120
I don't wanna be unhelpful, but that, that

128
00:09:49.160 --> 00:09:51.400
I understand myself and thank you very much. We'll leave it at that.
I,

129
00:09:51.440 --> 00:09:53.720
I, I'm, I'm sorry, I don't want No, we'll leave it at that. Thank
you.

130
00:09:53.720 --> 00:09:54.553
Thank you.

131
00:09:55.140 --> 00:09:57.840
Um, I'm going turn, if I may, now to D F T S,

132
00:09:58.720 --> 00:10:03.720
Isabella Tfor on behalf of D ft s. I'll introduce in a moment, um,

133
00:10:03.810 --> 00:10:08.520
Brock Priest of, um, Nash Maritime, who I mentioned earlier. Um,

134
00:10:09.790 --> 00:10:13.720
just touching first, if I may on the second of your questions,

135
00:10:14.460 --> 00:10:19.120
is a a p for the judgment of the duty holder. Um, generally
speaking,

136
00:10:19.660 --> 00:10:24.400
uh, D F T S accepts that it is the responsibility of the duty
holder.

137
00:10:25.380 --> 00:10:29.120
The difficulty in this instance is that the duty holder,

138
00:10:30.020 --> 00:10:35.000
the Dock Master, the Harbor Master, the Harbor Authority and Safety
Board,

139

00:10:35.220 --> 00:10:36.440
the designated person,

140
00:10:37.180 --> 00:10:40.720
and even the applicant's navigational risk consultants,

141
00:10:41.060 --> 00:10:45.720
all ultimately work for or are employed by the same company.

142
00:10:46.580 --> 00:10:50.400
And many of the office holders are line managers to each other.

143
00:10:53.390 --> 00:10:58.120
It's particularly important in those circumstances for

144
00:10:58.300 --> 00:11:02.280
the applicant to engage transparently

145
00:11:03.070 --> 00:11:07.120
with stakeholders and to strive to achieve consensus.

146
00:11:07.700 --> 00:11:10.400
And we don't believe that they have done that.

147
00:11:11.990 --> 00:11:13.520
They themselves, for example,

148
00:11:13.790 --> 00:11:17.040
have said in their response to our N R A,

149
00:11:17.660 --> 00:11:22.360
that's rep 3 0 0 9, paragraph 1.8,

150
00:11:23.350 --> 00:11:27.720
that setting the threshold for acceptability of risk is clearly a critical

151
00:11:27.720 --> 00:11:30.920
factor. That's their position. We agree,

152
00:11:31.460 --> 00:11:35.480

and that's why it's so important to understand the factors that have informed

153
00:11:35.480 --> 00:11:38.680
their conclusions as to the acceptability of risk,

154
00:11:39.560 --> 00:11:44.000
apparently discussed and agreed in the HAS meeting in,

155
00:11:44.700 --> 00:11:46.560
uh, December of 2022.

156
00:11:47.740 --> 00:11:52.640
And the difficulty that we have found is that every time we've questioned the

157
00:11:52.640 --> 00:11:56.440
process or conclusions as to tolerability, um,

158
00:11:58.230 --> 00:12:02.160
ABPs response has been, it's not for you to define tolerability,

159
00:12:03.540 --> 00:12:08.000
uh, every time we've raised what we consider to be legitimate concerns, uh,

160
00:12:08.000 --> 00:12:09.640
through this examination process,

161
00:12:09.690 --> 00:12:14.240
their response has been to denigrate and dismiss those as the complaints

162
00:12:14.380 --> 00:12:18.120
merely of a commercial competitor. Um,

163
00:12:18.300 --> 00:12:20.320
and in those circumstances,

164
00:12:20.940 --> 00:12:24.280
and in light of the policy in the marine, uh,

165
00:12:24.280 --> 00:12:26.040
plans we touched upon earlier today,

166
00:12:26.690 --> 00:12:31.640
which requires decision makers themselves to satisfy themselves as
to

167
00:12:31.640 --> 00:12:35.840
the safety of navigation, uh, we say that this is, um,

168
00:12:36.030 --> 00:12:41.000
plainly a matter that concerns you and will,

169
00:12:41.390 --> 00:12:45.720
something that you will have to be satisfied of in your decision.
And

170
00:12:47.660 --> 00:12:52.240
the very considerable experience of stakeholders who are involved in

171
00:12:52.250 --> 00:12:57.240
day-to-day navigation on significant scales are a factor that we say

172
00:12:57.260 --> 00:13:01.000
should, should, um, carry considerable weight, um,

173
00:13:01.030 --> 00:13:04.640
when you reach your conclusions as to the acceptability of risk that
A B P have

174
00:13:05.190 --> 00:13:07.400
reached. Um, so

175
00:13:07.500 --> 00:13:10.240
Can I just, can I just say Joan Strong for the applicant? I,

176
00:13:10.400 --> 00:13:15.400
I deliberately did not go into the findings of the N R A because you
told me

177
00:13:15.400 --> 00:13:16.233

not to,

178
00:13:16.380 --> 00:13:21.040
but that is just commentary on findings and process,

179
00:13:21.130 --> 00:13:22.880
which in the N R A,

180
00:13:23.580 --> 00:13:28.480
we went through the consultation processes and took account of

181
00:13:28.820 --> 00:13:30.160
the range of different views.

182
00:13:31.060 --> 00:13:35.600
And I fundamentally don't accept that characterization of the way in which the N

183
00:13:35.640 --> 00:13:40.240
R A has been produced in consultation with stakeholders. Of course,

184
00:13:40.300 --> 00:13:43.040
in contrast to the D F D SS N R a,

185
00:13:43.040 --> 00:13:45.560
which doesn't involve such consultation,

186
00:13:46.080 --> 00:13:51.000
I don't want to get drawn into the outputs 'cause that's what you told me not

187
00:13:51.000 --> 00:13:55.240
to get drawn into, but I feel if I leave something like that left unanswered,

188
00:13:55.820 --> 00:13:57.680
it looks as if we are not responding.

189
00:13:57.940 --> 00:14:02.880
And so I'm assuming we're sticking with the principles of

190

00:14:02.960 --> 00:14:06.560
the question you asked rather than getting into the weeds of the dis

191
00:14:06.840 --> 00:14:07.673
disagreement.

192
00:14:08.780 --> 00:14:12.480
Mrs. Strong, thank you. I I I hear both, uh, positions. Um,

193
00:14:13.000 --> 00:14:15.160
I certainly don't disagree.

194
00:14:15.480 --> 00:14:20.400
I don't want to get drawn into the findings of N R A right now, but,
uh,

195
00:14:20.560 --> 00:14:22.120
I understand your position. Thank you.

196
00:14:22.530 --> 00:14:23.560
Thank you, sir. No, I,

197
00:14:23.640 --> 00:14:27.800
I certainly wasn't seeking to get involved in the findings. And
forgive me, um,

198
00:14:27.900 --> 00:14:30.080
if, if I have strayed into that territory,

199
00:14:30.820 --> 00:14:33.920
my position was to confirm, um,

200
00:14:33.990 --> 00:14:38.000
that at the concept or the, the acceptability, um,

201
00:14:38.940 --> 00:14:42.600
levels that a a is ultimately a matter for the duty holder,

202
00:14:42.620 --> 00:14:46.800
but to explain to you why in these particular circumstances, um,

203

00:14:46.890 --> 00:14:50.520
there are some concerns as to that approach. Um,

204
00:14:50.660 --> 00:14:54.960
I'm now going to turn to Mr. Priest to, uh,

205
00:14:54.960 --> 00:14:59.000
address you on the other questions you raised. First,

206
00:14:59.140 --> 00:15:03.360
is it correct that a LRP and tolerability or acceptability are
inseparable?

207
00:15:03.820 --> 00:15:06.960
I'm just reminding him, sir, 'cause you went through them quite
quickly. Second,

208
00:15:07.540 --> 00:15:11.960
can a methodology be, I think, defined for determining tolerability?

209
00:15:12.780 --> 00:15:14.520
And third, which was your fourth point,

210
00:15:14.620 --> 00:15:17.640
is the fourth 50 year period suitable for the N R A

211
00:15:19.180 --> 00:15:22.640
One, uh, uh, uh, correction only methodology be cited?

212
00:15:23.410 --> 00:15:23.760
Cited,

213
00:15:23.760 --> 00:15:25.200
Yeah. Sorry, sir. Cited

214
00:15:28.010 --> 00:15:33.000
Brock priests for D F D S. Um, I think just taking those points in
order,

215
00:15:33.300 --> 00:15:37.720
uh, as you had suggested 'em, sir, the EL a and tolerability being
inseparable.

216
00:15:37.900 --> 00:15:41.800
Uh, I think there is, um, I think in principle, yes, that is
correct,

217
00:15:42.100 --> 00:15:46.360
the EL a and tolerability, uh, inseparable in the sense that, uh,

218
00:15:46.590 --> 00:15:51.080
your tolerability thresholds, um, are determined, um,

219
00:15:51.660 --> 00:15:55.720
by a process of a lap where they fall within the A band.

220
00:15:56.600 --> 00:16:01.360
I think there is, uh, visual and,

221
00:16:01.900 --> 00:16:03.080
and worded, um,

222
00:16:03.600 --> 00:16:08.200
a requirements or or direction from the P M S C and other literature
that

223
00:16:08.200 --> 00:16:11.600
suggests and, and indeed requires, uh,

224
00:16:11.740 --> 00:16:16.440
an L band to be considered within a risk assessment matrix. I think
the, um,

225
00:16:16.860 --> 00:16:17.640
the most poignant,

226
00:16:17.640 --> 00:16:21.960
poignant example here is within the pmms C'S Guide to Good Practice.
Uh,

227
00:16:21.960 --> 00:16:24.800
there is an example risk matrix. Within that risk matrix.

228

00:16:24.900 --> 00:16:29.120
It defines an intolerable region and a lap band and an acceptable region.

229
00:16:30.160 --> 00:16:33.280
I think when you're considering a risk and it falls within the intolerable

230
00:16:33.280 --> 00:16:37.040
region, you try and mitigate it to a point that it falls within the A region.

231
00:16:37.620 --> 00:16:42.160
And whether or not that is then tolerable or acceptable is a matter of

232
00:16:42.520 --> 00:16:45.520
a L. And is that risk as low as reasonably practicable?

233
00:16:46.100 --> 00:16:49.240
And that's a measure of whether or not it is, um,

234
00:16:51.840 --> 00:16:55.880
adequately mitigated and controlled, uh,

235
00:16:55.930 --> 00:17:00.880
given the requirements to put in place to enact that

236
00:17:00.880 --> 00:17:04.240
mitigation measure. That is the cost or the, the time involved,

237
00:17:04.340 --> 00:17:09.120
the disruption involved, et cetera. So in, in summary,

238
00:17:09.740 --> 00:17:13.520
for that first point, uh, yes, a lap and tolerability are inseparable.

239
00:17:14.150 --> 00:17:17.960
They are identified effectively as such within the Guide to Good Practice

240

00:17:18.160 --> 00:17:21.160
document, and additionally in other documents too,

241
00:17:21.160 --> 00:17:25.600
which I will touch on slightly later on. Um,

242
00:17:25.740 --> 00:17:30.160
taking your point number two, which MR four also briefly addressed
as well,

243
00:17:30.300 --> 00:17:32.120
the ELAP judgment of the duty holder.

244
00:17:32.800 --> 00:17:34.520
I think whilst that is essentially correct,

245
00:17:34.520 --> 00:17:39.240
the duty holder holder also needs to consider the,

246
00:17:39.500 --> 00:17:44.360
how that tolerability threshold will impact the stakeholders
involved

247
00:17:44.980 --> 00:17:47.880
in the exposure to that risk. For instance,

248
00:17:49.610 --> 00:17:54.490
a high level of tolerability may not be suitable or appropriate to a

249
00:17:54.490 --> 00:17:58.530
small stakeholder or a stakeholder that is not able to absorb the
impacts caused

250
00:17:58.590 --> 00:18:00.770
by that tolerability. Tolerability threshold.

251
00:18:05.250 --> 00:18:07.860
Item number three is, uh,

252
00:18:08.020 --> 00:18:12.460
can tolerability be linked to methodology and scoring? I I effect,
uh,

253
00:18:12.460 --> 00:18:14.820
in effect, I assume you mean by the scoring mechanism.

254
00:18:14.970 --> 00:18:19.660
It's the methodology that, uh, we have employed in the D F D S N R A. Um,

255
00:18:20.220 --> 00:18:21.900
I might also acknowledge at this point,

256
00:18:22.060 --> 00:18:25.140
although I know the kind of extensive methodology and particularly the

257
00:18:25.140 --> 00:18:29.500
methodology around the IOT's risk assessment is not being sort of brought into

258
00:18:29.500 --> 00:18:30.333
light here so much,

259
00:18:30.440 --> 00:18:34.340
but there is a lot of parallels between the methodology and particular this

260
00:18:34.610 --> 00:18:39.460
scoring aspect of the methodology that is shared between the IOT's

261
00:18:39.460 --> 00:18:42.940
risk assessment, the D F D S risk assessment, um,

262
00:18:43.320 --> 00:18:47.260
and the two other risk assessments that the D F D S N R A has, uh,

263
00:18:47.810 --> 00:18:49.900
highlighted as well being the, so gateway,

264
00:18:50.100 --> 00:18:52.940
N R A and the Able Marine Energy Park, n r a,

265

00:18:54.120 --> 00:18:58.540
the scoring mechanism is also highlighted as an,

266
00:18:58.560 --> 00:18:59.393
in the example

267
00:19:00.810 --> 00:19:05.580
appropriate methodology for a risk assessment within the MGN 6 54

268
00:19:05.860 --> 00:19:09.900
guidance. And that is the annex one, which is the,

269
00:19:09.920 --> 00:19:12.780
the methodology for undertaking risk assessments,

270
00:19:12.870 --> 00:19:17.500
particular references for your, your records. Here is Appendix C.

271
00:19:19.640 --> 00:19:23.580
Within that document, it describes a scoring mechanism,

272
00:19:23.980 --> 00:19:27.820
although a simpler scoring mechanism than has been adopted within
the D F D S N

273
00:19:27.820 --> 00:19:28.653
R A.

274
00:19:29.350 --> 00:19:33.720
That scoring mechanism is then benchmarked against a tolerability
matrix.

275
00:19:34.540 --> 00:19:36.200
And within that tolerability matrix,

276
00:19:36.590 --> 00:19:39.360
there's also a bracket for what is effectively a lap.

277
00:19:40.470 --> 00:19:45.200
It's a tolerability of risks with certain

278

00:19:45.200 --> 00:19:47.520
levels of mitigations imposed.

279
00:19:49.480 --> 00:19:52.440
I think I won't go into more detail with that now,

280
00:19:52.500 --> 00:19:55.360
and I think that's something that will be drawn out and highlighted within a

281
00:19:55.360 --> 00:19:58.960
written representation. Um, but for, just for your awareness,

282
00:20:00.340 --> 00:20:01.173
so in a sense,

283
00:20:01.300 --> 00:20:06.280
can tolerably co tolerability be linked to methodology and scoring again?

284
00:20:06.340 --> 00:20:07.840
Yes, we believe that it can.

285
00:20:09.770 --> 00:20:14.720
There is also one of the point to note on that is that the tolerability does

286
00:20:14.720 --> 00:20:18.440
not need to be independently defined for each receptor.

287
00:20:20.740 --> 00:20:25.640
The choice and definition of the brackets that

288
00:20:25.640 --> 00:20:30.480
define your consequences can also be used to ensure that you have a

289
00:20:30.480 --> 00:20:33.520
consistent approach to tolerability,

290
00:20:33.890 --> 00:20:37.880
which would align with a consistent score or threshold.

291
00:20:39.810 --> 00:20:44.440
Again, something I think is probably, uh, easier shown within text and,

292
00:20:44.700 --> 00:20:46.360
and highlighted to the relevant documents.

293
00:20:48.900 --> 00:20:53.200
The fourth point is a 50 year period, and whether that is appropriate, uh,

294
00:20:53.300 --> 00:20:58.240
for a risk assessment in general, I think there's, there's probably a,

295
00:20:58.320 --> 00:21:02.920
a point to be made, um, that Risks

296
00:21:06.460 --> 00:21:08.640
our product of likelihood and consequence.

297
00:21:09.380 --> 00:21:13.200
The likelihood is probabilistic. And in that sense,

298
00:21:14.050 --> 00:21:16.320
there is, you know,

299
00:21:16.480 --> 00:21:21.160
a a 50 year period of a design life is not necessarily as

300
00:21:21.360 --> 00:21:22.193
straightforward as that.

301
00:21:22.860 --> 00:21:27.200
The probabilistic approach would be a one in 100 or a one in 1000,

302
00:21:27.340 --> 00:21:29.600
or a one in 10 year event of occurring.

303
00:21:30.540 --> 00:21:34.920
And those probabilistic or that probabilistic approach is ultimately

304
00:21:36.220 --> 00:21:39.360
the percentage likelihood of something occurring in a one year
period.

305
00:21:40.780 --> 00:21:45.440
So a 0.01% likelihood equates to a a 10 year return period,

306
00:21:45.860 --> 00:21:49.880
so it could be likely to see that sort of event occur once every 10
years.

307
00:21:52.340 --> 00:21:57.160
Now, when trying to put that into perspective against a 50 year
lifespan of a

308
00:21:57.400 --> 00:21:57.990
terminal,

309
00:21:57.990 --> 00:22:02.880
it's quite difficult to translate a probability into that focus to
time period.

310
00:22:05.840 --> 00:22:08.120
I think it's, it's also quite important,

311
00:22:08.440 --> 00:22:13.400
I think it was touched on by the applicant that it's also quite
important to

312
00:22:13.400 --> 00:22:17.760
ensure that there is a clarity in how those likelihoods are defined.

313
00:22:18.680 --> 00:22:21.560
I think that the point made was that it is quite difficult to,

314
00:22:21.860 --> 00:22:25.200
for individuals and stakeholders to, uh,

315
00:22:25.690 --> 00:22:30.040
grasp the concept of something that might happen in a 1000 year
return period.

316
00:22:31.720 --> 00:22:32.720
I would say it's quite,

317
00:22:33.790 --> 00:22:38.760
it's similarly difficult for a stakeholder or others to grasp the concept of a

318
00:22:38.960 --> 00:22:43.360
word picture without the bounds of a numerical assessment or without

319
00:22:44.020 --> 00:22:48.040
the bounds limiting bounds of each category or

320
00:22:48.680 --> 00:22:49.880
classification of likelihood.

321
00:22:51.530 --> 00:22:52.363
Thank you.

322
00:22:53.340 --> 00:22:57.530
Thank you. It's been useful to have the narrative which, uh,

323
00:22:57.670 --> 00:23:01.570
has brought to life some of the written submissions and look forward to written,

324
00:23:01.950 --> 00:23:06.490
um, uh, e evidence following this hearing.

325
00:23:06.950 --> 00:23:07.783
Um,

326
00:23:07.790 --> 00:23:12.690
is there anybody else in the room that would like to chip in at this

327
00:23:12.700 --> 00:23:17.490
stage? Um, I'm just wondering if there's anything from Harbor Master's team,

328
00:23:19.030 --> 00:23:23.210

Mr. Str, anything further from your side, uh,

329
00:23:23.310 --> 00:23:24.890
in response before we move on?

330
00:23:27.870 --> 00:23:30.250
Uh, sir Timothy Aldridge for the applicant, um,

331
00:23:30.250 --> 00:23:34.090
if I may just address a couple points very briefly. Uh, firstly,

332
00:23:34.250 --> 00:23:38.170
I think in the description, just given of tolerability and a lap, um,

333
00:23:38.710 --> 00:23:42.530
it was definitely a showing that they are in fact related to one another. Um,

334
00:23:42.530 --> 00:23:46.440
however, I didn't see any evidence that they're not separable from one another.

335
00:23:46.900 --> 00:23:51.400
Um, a good example would be each day you consider that you'll jump in a car and

336
00:23:51.400 --> 00:23:55.480
drive down the road, and you deem the risk of having an accident as tolerable,

337
00:23:55.710 --> 00:23:59.360
whereas whether you choose to put your seatbelt on to make it as low as easily

338
00:23:59.360 --> 00:24:04.160
practicable that you'll be fine or not completely separate issue. Uh, secondly,

339
00:24:04.160 --> 00:24:07.720
with regard to, um, the individual receptors, um,

340

00:24:07.740 --> 00:24:11.960
if you look across the matrices, you'll see that in some instances there's a,

341
00:24:12.520 --> 00:24:15.400
a tier two oil spill or regional oil spill,

342
00:24:15.650 --> 00:24:19.240
which would be on the same level as, uh, lost human life.

343
00:24:20.140 --> 00:24:24.480
The reason that it's important to consider them individually is because who's to

344
00:24:24.480 --> 00:24:29.440
say that a tier two oil spill is equivalent on a matrix to

345
00:24:29.440 --> 00:24:32.880
the loss of a human life? Thank you.

346
00:24:33.950 --> 00:24:34.783
Good, thank you.

347
00:24:37.580 --> 00:24:41.840
I'd like to move on in that case to looking at,

348
00:24:42.420 --> 00:24:46.040
uh, one specific aspect of the, um,

349
00:24:48.480 --> 00:24:50.280
deadline two representation that's submitted.

350
00:24:50.300 --> 00:24:54.880
If we could have on screen rep 2 0 0 9, figure two,

351
00:24:55.130 --> 00:24:58.040
which is the, uh,

352
00:24:58.600 --> 00:25:03.200
a i s track analysis separated into different types of vessel.

353

00:25:30.370 --> 00:25:31.203
Good.

354
00:25:31.960 --> 00:25:36.620
In indeed the bottom right hand corner is the particular one that

355
00:25:36.840 --> 00:25:41.060
I'm interested in pursuing. Um, I think we can stay zoomed in on that,

356
00:25:41.680 --> 00:25:45.940
uh, which is, admittedly there is some fishing and recreational in there, but,

357
00:25:46.080 --> 00:25:50.140
um, of, I would suggest relatively trivial, um,

358
00:25:50.490 --> 00:25:53.260
consequence, uh, in comparison with the tanker tracks,

359
00:25:54.240 --> 00:25:57.140
I'd like to understand a bit more about this because

360
00:25:58.730 --> 00:26:01.580
there's quite a substantial amount of, uh,

361
00:26:01.920 --> 00:26:06.580
tanker track in the footprint of the proposed development,

362
00:26:07.040 --> 00:26:10.820
um, including in the region of the I O T mooring Boy,

363
00:26:11.880 --> 00:26:16.740
and I wonder if the applicant's team have any kind of narrative on this,

364
00:26:16.740 --> 00:26:21.340
because I rather thought this was tank and tracks not

365
00:26:21.390 --> 00:26:25.940
associated with the iot. Is that just a, a nomenclature?

366
00:26:25.940 --> 00:26:30.580
Is that just a, a, a, the, the way that the figure has been, uh,

367
00:26:31.280 --> 00:26:35.340
um, uh, uh, characterized in its description

368
00:26:41.170 --> 00:26:45.520
Afternoon, sir Timothy Aldridge, uh, for the applicant? Uh, sir,

369
00:26:45.980 --> 00:26:49.360
um, I would need to see the full figure on the screen. Sorry. However,

370
00:26:49.680 --> 00:26:50.920
I do recall from, um,

371
00:26:50.940 --> 00:26:54.840
the team producing these that what they wanted to look at in,

372
00:26:54.840 --> 00:26:56.880
in attempting to answer your question, um,

373
00:26:57.420 --> 00:27:00.120
was vessels that went through the s h a,

374
00:27:00.220 --> 00:27:04.920
the black line boundary in one graphic and in another graphic, uh, the,

375
00:27:05.340 --> 00:27:07.640
the sister graphic to this, um,

376
00:27:07.830 --> 00:27:11.800
vessels that went through the s h A and went to the I o T in some capacity,

377
00:27:11.890 --> 00:27:16.880
Uhhuh, because we've certainly seen other graphics which have the,

378
00:27:17.100 --> 00:27:21.960
uh, tankers, uh, that are, uh, uh, clearly, um, uh,

379
00:27:22.160 --> 00:27:27.040
destined for the, the iot birth, Aiden and, uh, and, and,

380
00:27:27.260 --> 00:27:31.880
uh, six. Now why is there so much, um,

381
00:27:32.180 --> 00:27:35.440
tanker movement close in shore? Doesn't,

382
00:27:36.600 --> 00:27:37.840
I just don't understand that.

383
00:27:42.280 --> 00:27:47.160
I believe the graphic, uh, this, uh, I can't see the key.

384
00:27:47.220 --> 00:27:48.560
If you could please scroll up.

385
00:27:57.030 --> 00:28:01.240
Yeah, so I'm not sure sir, as to why, um,

386
00:28:01.350 --> 00:28:03.960
there's so much tanker movement in that area. Um,

387
00:28:04.030 --> 00:28:05.920
just looking at that graphic alone,

388
00:28:08.980 --> 00:28:10.520
I'm, I'm very happy if you,

389
00:28:12.500 --> 00:28:13.440
Uh, no, pink is,

390
00:28:14.060 --> 00:28:16.360
I'm very happy if you'd like to take this away and, uh, and,

391
00:28:16.420 --> 00:28:19.240
and respond after the hearing. Yeah.

392

00:28:21.660 --> 00:28:21.880
So

393
00:28:21.880 --> 00:28:23.120
The, the Humber Harbor

394
00:28:23.120 --> 00:28:24.320
Masters, uh, sorry,

395
00:28:24.560 --> 00:28:27.160
Victoria Hutten for the Harbor Master who may be able to assist,

396
00:28:29.700 --> 00:28:31.400
Uh, yeah, judge you on, um,

397
00:28:32.150 --> 00:28:36.560
them going to tank a birth and in dock, et cetera. I think the, uh,

398
00:28:36.560 --> 00:28:39.800
tanker trucks will involve bunker badges as well. Um,

399
00:28:39.800 --> 00:28:41.880
certainly the ones that are going out, the channels of Grimsby.

400
00:28:41.900 --> 00:28:45.560
So I think the vast majority of that will actually be the Rick's bunker badges,

401
00:28:45.560 --> 00:28:47.920
which are clustered as tankers within a i s.

402
00:28:49.530 --> 00:28:50.440
Thank you. Very helpful.

403
00:28:59.760 --> 00:29:03.210
Just before we move on to, um, item D,

404
00:29:03.730 --> 00:29:08.330
I don't want to, um, spend any time interrogating simulations,

405
00:29:08.870 --> 00:29:12.930

um, that have taken place so far, but I just would like to ask

406
00:29:15.080 --> 00:29:20.050
from the applicant why birthing at, um, I r t at the,

407
00:29:20.050 --> 00:29:22.210
the proposed development birth three. In other words,

408
00:29:22.390 --> 00:29:25.290
the landward of the three births, um,

409
00:29:25.470 --> 00:29:27.810
has not been simulated more extensively,

410
00:29:35.150 --> 00:29:40.010
So, um, I'm going to hand over to Mike Par,

411
00:29:40.340 --> 00:29:40.890
sorry, you

412
00:29:40.890 --> 00:29:45.160
Can't me, James Strong for the applicant. Uh, so at the far end of the table,

413
00:29:45.160 --> 00:29:48.360
you've heard from Mr. Par before on the last occasion, um,

414
00:29:48.820 --> 00:29:51.000
of Wallingford, uh,

415
00:29:55.940 --> 00:30:00.880
Sir, good afternoon. Mike Par, HR Wallingford representing a B p here.

416
00:30:02.770 --> 00:30:07.760
There have been five series of simulations done on behalf of a b

417
00:30:07.800 --> 00:30:11.200
P. The first of those was conducted in November,

418
00:30:11.520 --> 00:30:13.960

December, 2021,

419
00:30:15.180 --> 00:30:18.760
and it was on a design of the proposed iert,

420
00:30:19.050 --> 00:30:21.080
which indeed actually had four births,

421
00:30:22.020 --> 00:30:26.880
and the majority of the runs during that simulation were to

422
00:30:26.880 --> 00:30:31.120
births three and births four, which is no part, no longer part of
the design,

423
00:30:31.370 --> 00:30:36.320
which was actually indeed inside further inside further ensure of
the current

424
00:30:36.320 --> 00:30:40.920
design. Uh, that data is sitting with a b P,

425
00:30:40.920 --> 00:30:45.080
and I understand that it will be submitted. To clarify your point in
due course,

426
00:31:06.570 --> 00:31:08.280
Could we have on screen, um,

427
00:31:09.180 --> 00:31:13.760
app oh nine zero figures 2.2 and 2.3.

428
00:32:08.620 --> 00:32:10.730
Thank you. I sense that this,

429
00:32:10.870 --> 00:32:15.730
the question might be appropriate for, for Mr. Parr again, but, uh,

430
00:32:15.760 --> 00:32:18.930
what I wanted to get a greater understanding of is

431

00:32:21.310 --> 00:32:25.810
during the process of, uh, design development and simulation,

432
00:32:26.150 --> 00:32:27.410
uh, exercises,

433
00:32:28.030 --> 00:32:32.530
the decision was taken to reorientate from

434
00:32:32.530 --> 00:32:37.130
3 0 6 to 300 degrees, um, as shown in this,

435
00:32:37.590 --> 00:32:42.360
uh, set of figures. If we could see the two superimposed, that would
be helpful.

436
00:32:45.340 --> 00:32:49.320
I'd like to know a little bit more about the considerations that
were taking

437
00:32:49.330 --> 00:32:54.120
place at the time of the hazard or

438
00:32:54.230 --> 00:32:55.600
hazards, plural,

439
00:32:56.560 --> 00:33:00.960
involved with the Eastern jetty and the, um,

440
00:33:01.460 --> 00:33:06.360
uh, the firetag birth, uh, uh, uh, in, in line with the Eastern
jetty.

441
00:33:07.100 --> 00:33:11.600
Um, Mr. Str, who would you like to start on answering this

442
00:33:16.340 --> 00:33:18.880
Mr. Par? Sorry, James Strong, the applicant. Mr. Par,

443
00:33:21.940 --> 00:33:26.520
Sir Mike Par, HR Wallingford, uh, representing a b p. If,

444
00:33:26.520 --> 00:33:29.680
if I could, could I just clarify, you're asking me two questions.

445
00:33:30.300 --> 00:33:35.240
The first is to describe the considerations surrounding

446
00:33:35.340 --> 00:33:39.480
the 3 0 6 orientation and the 3 0 0 orientation.

447
00:33:40.140 --> 00:33:43.280
And the second part of your question, I wasn't so clear on if you,

448
00:33:43.280 --> 00:33:45.280
if you could just highlight that to me again, please.

449
00:33:46.190 --> 00:33:49.920
Essentially, uh, thank you. Absolutely. Right on the first one. The second is,

450
00:33:50.390 --> 00:33:55.320
what, uh, was, uh, the relevance in this,

451
00:33:55.460 --> 00:33:59.360
uh, orientation discussion or decision, uh,

452
00:34:00.020 --> 00:34:02.960
of consideration of hazards in, uh,

453
00:34:02.960 --> 00:34:06.560
associated with the eastern jetty and the tug births?

454
00:34:10.900 --> 00:34:14.840
So in, in that case, uh, if I can answer the second question first,

455
00:34:15.810 --> 00:34:20.600
there was no relevance in considering the 3 0 0 and the

456
00:34:20.600 --> 00:34:25.560
3 0 6 orientation with relevance to the eastern jetty or the tug

457

births. During this simulation,

458
00:34:29.970 --> 00:34:34.800
three zero zero and 3 0 6 were considered as part of

459
00:34:34.900 --> 00:34:39.880
the discussion which was being had with the simulation team. There was a,

460
00:34:40.020 --> 00:34:40.400
uh,

461
00:34:40.400 --> 00:34:45.240
a long history of discussion from maritime experts who A B P had

462
00:34:45.430 --> 00:34:50.280
engaged with as part of the stakeholder audience about the direction of

463
00:34:50.530 --> 00:34:52.960
flows at the vicinity of iet,

464
00:34:54.340 --> 00:34:59.040
and there was considerable work done by A B P A B P MER and ourselves

465
00:34:59.660 --> 00:35:04.200
in order to understand the flows in that

466
00:35:04.560 --> 00:35:09.200
position. Based on, uh, a very, very considerable,

467
00:35:09.660 --> 00:35:13.600
uh, set of observations. There's six months AWAC deployment, uh,

468
00:35:13.660 --> 00:35:18.600
two sets of analysis by HR Wallingford and supported by A B P mer.

469
00:35:19.020 --> 00:35:22.960
It was determined that the average effect of the flow

470
00:35:23.900 --> 00:35:28.880
is orientated to 3 0 0 when you consider the variation

471
00:35:28.880 --> 00:35:32.440
in flow directions on both the ebb and the flood tides.

472
00:35:33.140 --> 00:35:37.480
And when you consider the variation in flow strength

473
00:35:38.460 --> 00:35:42.000
and the differences between neat tides and spring tides,

474
00:35:42.820 --> 00:35:47.760
the flow situation I would like to emphasize in this location is

475
00:35:47.830 --> 00:35:51.600
very complex and varies considerably throughout the whole whole cycle.

476
00:35:53.390 --> 00:35:58.000
What we demonstrated in the analysis,

477
00:35:58.090 --> 00:35:59.200
which we undertake,

478
00:35:59.510 --> 00:36:04.280
undertook in April, 2022 and shared is that the

479
00:36:04.310 --> 00:36:08.240
optimum orientation for the I at birth is three zero zero

480
00:36:10.060 --> 00:36:10.660
During

481
00:36:10.660 --> 00:36:14.080
The simulations, which we undertook in, uh, in,

482
00:36:14.220 --> 00:36:17.880
in the summer of 2022, I think it was early July, but it may,

483

00:36:17.940 --> 00:36:19.800
may may have been June, uh,

484
00:36:20.810 --> 00:36:25.600
discussion was had as to whether actually orientating the birth at

485
00:36:25.600 --> 00:36:30.440
three zero six might actually, uh, be a more effective, um,

486
00:36:31.030 --> 00:36:31.863
orientation,

487
00:36:32.760 --> 00:36:37.560
albeit that it wasn't gonna be orientated in the way that we

488
00:36:37.560 --> 00:36:42.160
conceptualized with the average strongest force

489
00:36:42.370 --> 00:36:43.920
associated with tidal flow.

490
00:36:47.260 --> 00:36:47.480
We

491
00:36:47.480 --> 00:36:52.360
Took the opportunity to demonstrate to the stakeholders what the

492
00:36:52.360 --> 00:36:56.480
effect of orientating the birth three zero six

493
00:36:57.560 --> 00:36:59.320
relative to the model flows would be.

494
00:36:59.940 --> 00:37:02.840
And there are a series of failed runs and aborted runs,

495
00:37:03.250 --> 00:37:08.080
which were associated with exactly that orientation where we were
showing

496
00:37:08.150 --> 00:37:13.040

that a six degree alteration of the higher infrastructure

497
00:37:13.550 --> 00:37:16.200
created a situation where even with no wind,

498
00:37:17.060 --> 00:37:21.760
the flows effectively pinned the vessels onto the burst

499
00:37:22.430 --> 00:37:25.320
when the tide was setting them onto the, onto the jetty.

500
00:37:25.780 --> 00:37:30.760
And it was very challenging for the pilots to safely operate

501
00:37:30.760 --> 00:37:33.880
the vessels off the jetties in those situations.

502
00:37:37.610 --> 00:37:41.360
Thank you. If I can feed back my understanding of that, the,

503
00:37:42.460 --> 00:37:43.560
uh, the, um,

504
00:37:43.570 --> 00:37:48.240
300 orientation was considered to be optimal for

505
00:37:48.790 --> 00:37:53.600
flow at the location of the, of,

506
00:37:53.620 --> 00:37:56.720
of the births themselves in,

507
00:37:56.740 --> 00:38:00.640
in talk quite specifically the location of the births rather than the general

508
00:38:00.710 --> 00:38:02.760
area. Is that correct?

509
00:38:04.440 --> 00:38:05.080
Absolutely, sir.

510
00:38:05.080 --> 00:38:09.000
There's good evidence that the types of vessels which are gonna be operating to

511
00:38:09.460 --> 00:38:14.160
the railroad terminal are able to safely operate in the approaches to

512
00:38:14.160 --> 00:38:17.360
immingham with flow from various angles.

513
00:38:17.360 --> 00:38:20.920
But it is important from the net from, for the, for the infrastructure,

514
00:38:21.350 --> 00:38:24.040
that the infrastructure is optimally

515
00:38:25.810 --> 00:38:30.360
orientated to the flow because it's at the point where the ships are either

516
00:38:30.360 --> 00:38:34.760
stationary on the mooring or moving very slowly to

517
00:38:35.570 --> 00:38:37.680
birth that they're at the most vulnerable.

518
00:38:39.130 --> 00:38:41.680
Thank you. That's clear. And, uh,

519
00:38:42.220 --> 00:38:47.200
the testing of the 3 0 6 as an alternative, um,

520
00:38:47.660 --> 00:38:51.240
if I understood your, uh, your, your characterization of this,

521
00:38:52.460 --> 00:38:57.280
uh, shows it to be suboptimal from a maneuvering point of view.

522

00:38:58.740 --> 00:39:02.080
In other words, it it was a disadvantage rather than an advantage.

523
00:39:02.540 --> 00:39:05.720
It, it was a significant disadvantage, sir. Okay.

524
00:39:07.700 --> 00:39:12.400
The, what I was driving at, uh, with the second part of the question,

525
00:39:12.780 --> 00:39:13.613
uh,

526
00:39:13.620 --> 00:39:18.480
in regard to the eastern jetty is of

527
00:39:18.480 --> 00:39:20.280
course, that that does, um,

528
00:39:21.180 --> 00:39:26.000
the 3 0 3 0 0 orientation does bring,

529
00:39:26.980 --> 00:39:27.480
uh,

530
00:39:27.480 --> 00:39:32.040
maneuvering vessels closer to the eastern jetty and to the tug births.

531
00:39:33.340 --> 00:39:38.120
Has the hazard as, uh, uh, um,

532
00:39:38.460 --> 00:39:42.080
if you like, the assessment of, um, uh,

533
00:39:42.300 --> 00:39:47.120
of hazard there taken account of the 300 as opposed to any earlier,

534
00:39:48.300 --> 00:39:50.920
um, uh, considerations that you had.

535

00:39:54.500 --> 00:39:56.200
If I, if I understand correctly, sir, I,

536
00:39:56.320 --> 00:40:00.720
I think you're asking is the orientation of the birth being
determined in order

537
00:40:00.740 --> 00:40:04.920
to minimize the risk relative to the eastern jetty?

538
00:40:05.580 --> 00:40:07.960
No, the, the other way around is that your,

539
00:40:08.540 --> 00:40:13.200
you've explained very clearly the orientation of the, the births are
for, uh,

540
00:40:13.200 --> 00:40:14.033
other reasons,

541
00:40:14.780 --> 00:40:19.400
but I'm trying to drive at the consequence of that decision in re

542
00:40:19.880 --> 00:40:22.040
relation to proximity to the eastern jetty.

543
00:40:28.030 --> 00:40:28.863
So the

544
00:40:30.690 --> 00:40:35.490
relative position of the eastern jetty to Iott, uh,

545
00:40:37.450 --> 00:40:42.230
Is, does provide some challenge for the pilots when they're
approaching iott

546
00:40:42.730 --> 00:40:44.510
in the same way as it does,

547
00:40:44.770 --> 00:40:49.070
and it's been brought out in questioning for D F D S vessels when
they're

548
00:40:49.430 --> 00:40:52.550
approaching i o t, they're closing, uh,

549
00:40:52.610 --> 00:40:57.150
an area where in certain conditions identified by D F D S

550
00:40:57.260 --> 00:40:58.470
northeasterly winds,

551
00:40:59.090 --> 00:41:02.350
and with the tide setting the vessel towards either the eastern or western

552
00:41:02.640 --> 00:41:04.910
jetty, that that is a danger.

553
00:41:05.610 --> 00:41:10.270
And I noted in the diagram that you presented earlier that there is a,

554
00:41:10.350 --> 00:41:13.950
a large, uh, red arrow in the pilotage notes,

555
00:41:13.950 --> 00:41:18.510
which was highlighting exactly that danger and that I would anticipate

556
00:41:19.060 --> 00:41:24.030
that in due course similar hazard or that exact hazard

557
00:41:24.040 --> 00:41:28.470
would be presented for the purpose of training and the,

558
00:41:28.490 --> 00:41:32.030
the safety and the controls for pilots when they approached this jetty.

559
00:41:32.650 --> 00:41:33.840
So in the simulations,

560

00:41:34.260 --> 00:41:38.600
it was noted that if the pilot didn't set up

561
00:41:39.860 --> 00:41:41.680
the maneuver into the

562
00:41:43.880 --> 00:41:45.400
approach area correctly,

563
00:41:45.910 --> 00:41:49.960
then he was at risk of being set down to towards the eastern jetty.

564
00:41:50.820 --> 00:41:54.800
And in the last hearing, uh, we discussed at length run 59,

565
00:41:55.250 --> 00:41:59.800
which showed a situation where a pilot who in his first

566
00:42:00.200 --> 00:42:04.800
maneuver, Uh, there's an approach to iott,

567
00:42:05.820 --> 00:42:10.560
didn't take full benefit of the tidal flows as

568
00:42:10.670 --> 00:42:15.360
very clearly explained, are exactly the same for approaches to I o
T.

569
00:42:15.780 --> 00:42:20.480
And I think you saw masters using the same technique yesterday when
they're

570
00:42:20.600 --> 00:42:25.000
approaching Ium dock to effectively steady the ship in a safe
position

571
00:42:25.700 --> 00:42:30.200
before starting in its maneuver back in towards the

572
00:42:30.540 --> 00:42:31.373
iat.

573
00:42:31.540 --> 00:42:36.480
And what the simulations show is that it's absolutely critical that

574
00:42:36.480 --> 00:42:40.160
that aspect of the maneuver is trained and

575
00:42:41.000 --> 00:42:44.120
hammered home to the, the pilots, the pss and the masters of the vessels,

576
00:42:44.120 --> 00:42:48.640
which are going to be operating here because they need to be certain in a safe

577
00:42:48.670 --> 00:42:52.640
area that they're in control of the ship and that the elements,

578
00:42:52.660 --> 00:42:53.640
the wind and the tide,

579
00:42:53.990 --> 00:42:58.600
they have sufficient control of those before they start setting

580
00:42:58.600 --> 00:43:01.360
themselves back towards the iert terminal.

581
00:43:04.970 --> 00:43:09.710
Mr Bar, thank you for, um, explanations. Are there any,

582
00:43:11.050 --> 00:43:12.630
Mr. Tro, did you want to add anything? James,

583
00:43:12.810 --> 00:43:14.990
The applicant, I think Mr. P referred to iot,

584
00:43:15.110 --> 00:43:17.670
I think may have been referring to the, maybe I got that wrong,

585
00:43:17.670 --> 00:43:21.790
but the northern, he was referring to D F D S,

586
00:43:21.920 --> 00:43:25.990
going to the I O T. Did you, was that my, I

587
00:43:26.070 --> 00:43:29.510
I apologize if I, if I refer to that, I meant, uh, the i o h,

588
00:43:29.510 --> 00:43:31.390
so the Ingham outer harbor. Yes.

589
00:43:31.440 --> 00:43:33.350
Sorry, it may be me mishearing it,

590
00:43:33.890 --> 00:43:36.750
But I just thought your, your hearing is more acute than I, I, I,

591
00:43:36.950 --> 00:43:38.550
I read it as i o h That's

592
00:43:38.550 --> 00:43:39.550
Fine. Probably my mistake.

593
00:43:39.640 --> 00:43:40.473
Thank you.

594
00:43:42.650 --> 00:43:46.670
So I'm going to give the opportunity to, firstly, if I may, um,

595
00:43:47.790 --> 00:43:48.623
harbormaster,

596
00:43:49.650 --> 00:43:54.190
are there any further observations to be added to the, uh,

597
00:43:54.190 --> 00:43:55.510
explanation that Mr. Paskin,

598
00:43:58.610 --> 00:44:02.270
Uh, good afternoon, sir. Um, har Andrew firm and Harbormaster Humber,

599

00:44:02.270 --> 00:44:07.070
just to say that the key, that key principle of getting the best
under control,

600
00:44:07.410 --> 00:44:11.630
um, before starting a maneuver, which we went around a little bit
and, uh,

601
00:44:11.650 --> 00:44:16.550
run 59 last time, not so well, it is absolutely, um, key to it.

602
00:44:16.770 --> 00:44:18.190
And, and that was also, um,

603
00:44:18.380 --> 00:44:22.670
related to the outer harbor maneuver from the captain earlier. So
that,

604
00:44:22.700 --> 00:44:24.150
that is a, a key point.

605
00:44:26.320 --> 00:44:28.870
Thank you. And any other ips? Uh,

606
00:44:30.030 --> 00:44:33.560
I don't want to presume Mr. Mr. Vin,

607
00:44:33.700 --> 00:44:38.400
you may want to reserve comments until tomorrow, uh, in that case,
uh,

608
00:44:38.660 --> 00:44:39.960
any comments from D F D S,

609
00:44:40.560 --> 00:44:44.160
Isabella? Four four D F D S? So, um,

610
00:44:44.300 --> 00:44:48.480
we note the applicant's intention to provide simulations of runs
that took place

611
00:44:48.580 --> 00:44:53.480

in November and December, 2021. Plainly,

612
00:44:53.480 --> 00:44:55.160
we weren't involved in those simulations.

613
00:44:55.400 --> 00:44:57.400
I don't believe any other stakeholders were,

614
00:44:57.540 --> 00:45:01.000
and you've heard our concerns that we've raised already about
simulations,

615
00:45:01.860 --> 00:45:06.320
and I won't repeat those. I, I wonder if I might just ask through
you, sir,

616
00:45:06.750 --> 00:45:09.920
because you'll recall that last, at the last hearing,

617
00:45:10.540 --> 00:45:14.520
we identified some matters that we invited a b P to consider,

618
00:45:15.100 --> 00:45:18.840
to attempt to narrow or resolve potentially areas of dispute.

619
00:45:19.340 --> 00:45:23.160
And one of those was that they undertake some further simulations,
uh,

620
00:45:23.160 --> 00:45:26.840
including of birth three, because we had only seen one simulation of
that.

621
00:45:27.380 --> 00:45:29.720
And I wonder if I might ask you, sir,

622
00:45:29.720 --> 00:45:34.600
whether that's something they have done or are intending

623
00:45:34.600 --> 00:45:39.320
to do, or are willing to do. Um, so that's, that's just a, a
question,

624
00:45:39.540 --> 00:45:44.160
uh, to them through use, sir. Um, as to

625
00:45:46.020 --> 00:45:48.240
the suggestion that you just heard, um,

626
00:45:48.390 --> 00:45:52.320
that there would be some challenges that was said to a pilot, um,

627
00:45:52.720 --> 00:45:55.320
approaching in terms of their interaction with the Eastern jetty,

628
00:45:55.620 --> 00:45:58.880
and it would be the same challenge, it was said, um,

629
00:45:59.070 --> 00:46:02.600
that a pilot approaching that immingham outer harbor would face.
Now,

630
00:46:02.600 --> 00:46:04.360
we've touched on, uh,

631
00:46:04.380 --> 00:46:08.880
and will elaborate in writing on the characteristics of the approach
and

632
00:46:09.160 --> 00:46:12.160
maneuvering in the Ingham outer harbor. Um,

633
00:46:12.230 --> 00:46:17.120
what we haven't touched on is the comparable characteristics or
factors,

634
00:46:17.860 --> 00:46:22.040
um, in play in maneuvering in this particular area.

635
00:46:22.060 --> 00:46:26.240
So I wonder if I might ask Mr. Nielsen to address you on that

636
00:46:27.820 --> 00:46:31.560

at, sorry, sir. And one other thing I'm going to ask him to address
you on, uh,

637
00:46:31.620 --> 00:46:34.880
the Harbor Master mentioned a moment ago, and so did a P B P,

638
00:46:34.880 --> 00:46:39.880
this key principle of getting a vessel under control, um, before
its, uh,

639
00:46:40.880 --> 00:46:45.520
maneuvers, um, into or out of the harbor. And one further,

640
00:46:45.940 --> 00:46:48.880
one update is you'll have seen that we, well, you heard,

641
00:46:48.880 --> 00:46:52.960
we raised some concerns about the Celine Ss incident and, uh,

642
00:46:53.240 --> 00:46:57.600
A B P weren't able to release that information at the time,

643
00:46:58.020 --> 00:47:02.600
but have subsequently said that we could view it. Uh, and Mr.

644
00:47:02.600 --> 00:47:06.360
Nielsen went yesterday to the Harbor Master's office and, uh,

645
00:47:06.360 --> 00:47:08.120
viewed the data for that incident,

646
00:47:08.220 --> 00:47:10.640
and I think he just wanted to also briefly touch on that,

647
00:47:10.640 --> 00:47:11.960
which was in this very area.

648
00:47:17.230 --> 00:47:20.650
So, Mr. Nielsen, just before you took the,

649
00:47:21.040 --> 00:47:22.890

that incident that's just been referred to,

650
00:47:22.990 --> 00:47:26.090
is there any issue with what Ms.

651
00:47:26.200 --> 00:47:29.520
Nielsen might be about to say about it being, uh,

652
00:47:29.920 --> 00:47:33.160
referred to in a public arena, looking at,

653
00:47:34.380 --> 00:47:36.400
at the applicant's or Harbor Master

654
00:47:37.870 --> 00:47:42.360
Yara Furman, uh, Harbor Master? Yep. I, I viewed the video yesterday with, uh,

655
00:47:42.390 --> 00:47:44.000
captain Nielsen, um,

656
00:47:44.380 --> 00:47:49.320
and I think he understands my concerns around confidentiality of any type of

657
00:47:49.520 --> 00:47:51.040
incident, uh, not just this one.

658
00:47:51.380 --> 00:47:54.600
So I'm happy for him to proceed on that understanding.

659
00:48:01.020 --> 00:48:05.790
Yeah. Thank you. Uh, sir? Yes. Listen, on behalf of, uh,

660
00:48:05.990 --> 00:48:09.230
T F D S, first of all, I, I would just say that, uh,

661
00:48:10.210 --> 00:48:15.110
we do see that there are great differences between manuring on

662
00:48:15.690 --> 00:48:19.070

the I O H, which we operate today, and this new development,

663
00:48:21.490 --> 00:48:25.790
my very good, uh, colleague, uh, captain, uh, team of five,

664
00:48:26.010 --> 00:48:29.790
he has explained the two major differences we do,

665
00:48:29.790 --> 00:48:31.510
whether it's an app or a flood site.

666
00:48:31.780 --> 00:48:35.630
When we look at the new proposed development, we see that the,

667
00:48:36.380 --> 00:48:40.430
that the maneuvers are very alike, whether it's an I or, or a flood
site,

668
00:48:40.860 --> 00:48:45.550
meaning that you need to reverse in either going against

669
00:48:45.690 --> 00:48:49.150
or with the current. We have a little bit different options out
there,

670
00:48:49.150 --> 00:48:53.350
so that's why we see it. It's quite different when they come in,

671
00:48:54.140 --> 00:48:56.910
they need to align. So there's a lot of infrastructure,

672
00:48:57.220 --> 00:49:00.710
there's a lot of birth around them. And

673
00:49:02.260 --> 00:49:06.750
when we go into the i o H inside, as Mr. Fah, uh,

674
00:49:06.750 --> 00:49:10.950
rightly said afterwards, there is very, very little water vari
there.

675

00:49:10.950 --> 00:49:13.310
There's of course variation with the height, and that gives a flow,

676
00:49:13.410 --> 00:49:17.510
but there is not, not nothing in regards to the tide, the tide is
still here.

677
00:49:18.530 --> 00:49:21.390
So we see that the manure is very, very different.

678
00:49:24.250 --> 00:49:29.030
We also believe from, uh, D F D Ss side that, especially

679
00:49:30.970 --> 00:49:34.270
the, the flood that will take you, uh,

680
00:49:34.540 --> 00:49:36.150
away from the infrastructure,

681
00:49:36.370 --> 00:49:39.350
but we have the IDE that will take you towards the,

682
00:49:39.890 --> 00:49:42.710
the infrastructure when you are reversing down with it.

683
00:49:43.010 --> 00:49:45.950
And that will give challenges to, uh,

684
00:49:47.050 --> 00:49:50.230
to the eastern jetty tankers birthed on the eastern jetty,

685
00:49:50.230 --> 00:49:53.310
especially when you're going into birth number two and three.

686
00:49:53.310 --> 00:49:55.470
And that's why we are a little bit surprised that we are not seeing
a lot of

687
00:49:55.470 --> 00:49:57.950
simulations on, on one of the birth

688

00:50:04.450 --> 00:50:07.190
in regards to, uh, yesterday. I was so happy to see it, uh,

689
00:50:07.190 --> 00:50:08.830
with the Harbor master. And, um,

690
00:50:11.190 --> 00:50:14.630
I don't see the confidentiality issue in such a way, but I of
course, respect,

691
00:50:14.630 --> 00:50:17.990
uh, what Mr. Furman said. So, uh,

692
00:50:18.070 --> 00:50:20.790
I will just briefly said that I saw a video of a vessel

693
00:50:22.420 --> 00:50:25.550
that had and manure that it did not intend to do.

694
00:50:26.810 --> 00:50:27.643
So it,

695
00:50:27.780 --> 00:50:32.760
it left off the iot birth and it ended in a very different place
than what it

696
00:50:32.760 --> 00:50:33.593
was supposed to do.

697
00:50:34.130 --> 00:50:36.680
Quick clarification, birth eight, is that correct?

698
00:50:36.900 --> 00:50:41.000
That's correct. Uh, it's, it's northern side. I'm actually not, uh,

699
00:50:41.300 --> 00:50:46.200
is it six or seven? Uh, six. Six, yeah, but it was on the northern
side.

700
00:50:46.860 --> 00:50:48.880
So it's birth six. It was per six.

701
00:50:48.980 --> 00:50:53.080
Yes, correct. Sorry, sir. And when they left there, they,

702
00:50:53.080 --> 00:50:55.920
they ended in a very, very different place that they were intended
to do.

703
00:50:56.580 --> 00:51:00.240
And obviously if the construction were here,

704
00:51:00.330 --> 00:51:02.800
there could be an argument saying they would've done a different
approach.

705
00:51:02.940 --> 00:51:06.280
But I can tell you as a former master and captain,

706
00:51:07.350 --> 00:51:10.680
when they left go and started the manure,

707
00:51:10.680 --> 00:51:13.120
their intention were not to be in that position where they ended.

708
00:51:13.500 --> 00:51:14.333
So it's telling,

709
00:51:14.630 --> 00:51:18.680
it's telling the story that this is a tricky place to manure and we
need to see

710
00:51:18.680 --> 00:51:23.400
some very good evidence on how are we supposed to operate this

711
00:51:23.580 --> 00:51:28.280
safely to the greater goods of all of us in the, in Birmingham port.

712
00:51:29.740 --> 00:51:33.520
Am I right in thinking that that Seline, uh, uh,

713
00:51:33.840 --> 00:51:36.760
incident was in the conditions of a southeasterly wind?

714
00:51:41.090 --> 00:51:45.070
Um, the wind was, uh, easterly, it was, uh, benign weather, but,

715
00:51:45.070 --> 00:51:46.110
but the wind was easterly,

716
00:51:47.570 --> 00:51:51.990
So in that case, wind not of great significance in that, is that
correct?

717
00:51:52.490 --> 00:51:54.750
Uh, that's correct, but,

718
00:51:54.810 --> 00:51:58.670
but nevertheless made a big difference in the, in the story.

719
00:52:00.930 --> 00:52:04.670
Uh, may I ask Captain Ferman any, any, uh, further comment on that?

720
00:52:05.810 --> 00:52:10.430
Uh, yes, sir. Uh, I'll start with the, the last point first, um,

721
00:52:10.450 --> 00:52:14.870
20 knots was the wind, which is, is not to be described as benign,

722
00:52:15.530 --> 00:52:19.870
and the wind was a factor in why the vessel didn't turn as the pilot
and ma

723
00:52:19.870 --> 00:52:22.350
would've liked it to, um,

724
00:52:23.090 --> 00:52:26.110
on the point of they did not intend to navigate down there,

725
00:52:26.740 --> 00:52:28.750
what the bridge team actually did,

726
00:52:30.250 --> 00:52:33.390
it was their actions that it ended up down there. Um,

727
00:52:33.980 --> 00:52:36.510
I've mentioned in my ring representations, they,

728
00:52:36.510 --> 00:52:40.110
it was about individual actions, not about the danger of the
conditions or,

729
00:52:40.210 --> 00:52:44.030
or the vessel. Um, and that's probably all I would like to say on
that,

730
00:52:44.030 --> 00:52:45.110
just to clarify that.

731
00:52:46.090 --> 00:52:49.630
Um, and just for every, everybody else's benefit,

732
00:52:50.010 --> 00:52:52.750
am I right in thinking silliness, uh, coastal tanker?

733
00:52:54.490 --> 00:52:55.323
That's correct.

734
00:53:03.740 --> 00:53:07.550
Captain Nielsen. That's very, very helpful. Thank you. Um, Mr.
Tougher,

735
00:53:07.550 --> 00:53:11.190
is there anything further that you wanted to say from the Jeff desk?

736
00:53:12.050 --> 00:53:14.510
I'm going to ask then, uh, applicant if you'd like to respond.

737
00:53:16.090 --> 00:53:20.110
Uh, yes. Um, James Storm, the applicant, sir, I think Mr.

738
00:53:20.490 --> 00:53:23.190
Par is going to respond. And

739
00:53:25.240 --> 00:53:26.160

I also,

740
00:53:26.380 --> 00:53:30.840
in relation to the simulations and differences in the

741
00:53:31.310 --> 00:53:35.360
environment, um, I believe you've got two.

742
00:53:37.280 --> 00:53:41.280
I only see one two stellar masters, um,

743
00:53:41.830 --> 00:53:46.080
certainly one sitting at the table, uh, to help you with that,

744
00:53:46.420 --> 00:53:50.960
who took part in these simulations and, uh,

745
00:53:51.230 --> 00:53:56.000
have experience of navigating the ships that are in

746
00:53:56.320 --> 00:54:00.640
question and in, in these simulations that you've just heard about.

747
00:54:01.340 --> 00:54:02.560
And, uh,

748
00:54:03.580 --> 00:54:07.840
master Lands Master Lars Van Dee

749
00:54:08.620 --> 00:54:12.920
is sitting at the end of the table from Stenna. Uh, so I'll lead Mr.

750
00:54:13.020 --> 00:54:16.080
Par and then maybe Master Van Dee to assist you.

751
00:54:17.220 --> 00:54:18.920
Before we do that, um,

752
00:54:19.500 --> 00:54:24.480
I'm going to say I don't think that we should spend much time on

753
00:54:24.820 --> 00:54:28.040
the simulations and their outcome this afternoon.

754
00:54:28.200 --> 00:54:31.480
I think that would be unhelpful right now. Um,

755
00:54:31.980 --> 00:54:34.880
but I think that the point that, uh, that, uh, Mr.

756
00:54:35.040 --> 00:54:39.840
Er raised on behalf of the f d s is a

757
00:54:39.840 --> 00:54:44.240
reasonable question. Um, and I don't want to, uh, lead too much on
this.

758
00:54:44.440 --> 00:54:49.280
I heard earlier on that, um, the process of N R A is effectively
iterative,

759
00:54:49.900 --> 00:54:51.760
uh, and that, um,

760
00:54:51.900 --> 00:54:56.800
you've also carried out four sets of simulations so far. So the
question is,

761
00:54:57.340 --> 00:55:02.000
are you intending to continue simulation on this proposed
development?

762
00:55:02.180 --> 00:55:06.040
And if so, in what time? What sort of timeframe?

763
00:55:06.340 --> 00:55:09.240
So, sorry, sorry to interrupt. So that was almost question,

764
00:55:09.240 --> 00:55:10.720
but it more specifically it was,

765
00:55:10.950 --> 00:55:14.960

have you done any further simulation since the application was
submitted that

766
00:55:14.960 --> 00:55:19.200
you would be willing to share with us? And if not, will you,

767
00:55:21.090 --> 00:55:23.040
Thank you for the correction. But I was going there,

768
00:55:25.740 --> 00:55:27.760
Uh, James drawn for the applicant. Sir,

769
00:55:28.790 --> 00:55:33.160
have we done any since submitting the application? Answer no.

770
00:55:34.430 --> 00:55:38.840
Have we done simulations the type that you were asked about

771
00:55:39.520 --> 00:55:43.320
previously? Answer yes. And we are providing those as, as you heard
earlier.

772
00:55:44.380 --> 00:55:46.760
Are we proposing to do more simulations?

773
00:55:47.820 --> 00:55:49.840
Answer not currently,

774
00:55:50.030 --> 00:55:55.000
because we're not aware of what other simulated

775
00:55:55.130 --> 00:55:58.280
conditions anyone is identifying,

776
00:55:58.490 --> 00:56:03.080
which we haven't already simulated in various

777
00:56:03.080 --> 00:56:07.880
different conditions and considering different permutations.

778
00:56:07.880 --> 00:56:10.720

So you recall, for example,

779
00:56:11.210 --> 00:56:14.160
there was originally concern about the tidal condition,

780
00:56:14.220 --> 00:56:18.800
so that was then reexamined. There was concern about windage,

781
00:56:18.800 --> 00:56:23.240
if I can put it probably in a non-technical way, but the effects of
wind, um,

782
00:56:23.270 --> 00:56:27.200
screening of those who are also taken into account in this
simulation.

783
00:56:27.200 --> 00:56:30.240
You heard about that last time. We are not aware,

784
00:56:30.500 --> 00:56:33.360
or maybe I'm hostage to fortune sort of thing. Well,

785
00:56:33.430 --> 00:56:37.920
what other conditions need to be

786
00:56:38.150 --> 00:56:41.680
simulated, which haven't already been tested, and the parameters,

787
00:56:41.700 --> 00:56:46.000
the outer limits of maneuverability and acceptability

788
00:56:46.470 --> 00:56:47.303
need to be tested.

789
00:56:48.320 --> 00:56:52.320
I appreciate people may not agree necessarily agree with our
conclusions about

790
00:56:52.320 --> 00:56:55.640
the simulations, although I find that difficult, but, uh,

791

00:56:56.340 --> 00:57:00.600
we are not aware of what actually addition is said to be tested.

792
00:57:00.780 --> 00:57:04.610
If there is another condition, then let us know what it is.

793
00:57:04.830 --> 00:57:07.690
We can consider whether it's already covered or whether it's actually gonna

794
00:57:07.690 --> 00:57:09.250
serve any useful purpose.

795
00:57:11.790 --> 00:57:15.250
Sir, just just on that, um, if it assists, um,

796
00:57:16.070 --> 00:57:20.890
the title information north of the I O T has never been changed

797
00:57:20.990 --> 00:57:24.450
in the simulations in spite of the concerns that we've raised. Now,

798
00:57:24.930 --> 00:57:27.930
I understand ABPs position that that doesn't make any difference,

799
00:57:28.310 --> 00:57:31.730
but that's something that we are asking them to look at again,

800
00:57:31.750 --> 00:57:36.690
in a rerun simulation with increased number of simulations into birth three

801
00:57:37.120 --> 00:57:38.530
with stakeholder involvement.

802
00:57:40.380 --> 00:57:41.890
James Storm, the applicant's third, sorry,

803
00:57:42.030 --> 00:57:45.330
And sorry, and I think I've missed something. Uh, wind shielding,

804

00:57:45.380 --> 00:57:46.213
Sorry.

805
00:57:46.350 --> 00:57:50.610
Yes. On behalf of, uh, D F D S, just to follow up, what, uh, Mr. For said we,

806
00:57:50.610 --> 00:57:54.570
we fully reckoned that the stakeholder simulations taking part

807
00:57:55.090 --> 00:57:59.890
November, 2022 using two stainer vessels or as Stainer vessel to

808
00:57:59.890 --> 00:58:03.530
Stainer transporter did take wind shattering into consideration.

809
00:58:04.280 --> 00:58:08.650
What we are disagreeing is that the 70 other simulations that we are talking

810
00:58:08.700 --> 00:58:12.010
about here today, they did not. And that's is our argument,

811
00:58:12.230 --> 00:58:14.490
not the argument from November, 2022,

812
00:58:15.070 --> 00:58:19.290
but the argument on the previous simulations where our vessels were used.

813
00:58:19.830 --> 00:58:22.650
And in all fairness, I I do, uh, respect that Mr.

814
00:58:22.750 --> 00:58:24.050
Bar also know a lot about this,

815
00:58:24.470 --> 00:58:27.730
but there are six jinglings vessel in the world we own,

816
00:58:28.070 --> 00:58:29.610
and we operate all six of them.

817
00:58:30.230 --> 00:58:34.690
So we in D F D S believe that we know quite well how these vessels is maned and

818
00:58:34.690 --> 00:58:37.130
should be maneuvered. Thank you, sir.

819
00:58:40.030 --> 00:58:43.210
That's been helpful Clarification. Uh, I,

820
00:58:43.630 --> 00:58:48.050
my sense here is that we're not going to find it productive to continue on that

821
00:58:48.120 --> 00:58:49.890
line in the hearing this afternoon,

822
00:58:50.670 --> 00:58:54.890
but I would encourage you if it's, uh, uh, uh,

823
00:58:55.570 --> 00:59:00.570
possible to have conversation while we're all gathered together over the

824
00:59:00.570 --> 00:59:05.050
next 24 hours to see whether in fact there is any, uh,

825
00:59:06.010 --> 00:59:09.930
resolution of concerns that can be achieved outside this room.

826
00:59:11.190 --> 00:59:14.490
So I'm happy with that. I'd, I'd still like Mr.

827
00:59:14.670 --> 00:59:18.850
Par to respond and the stenner masters not to deal with the simulations,

828
00:59:18.870 --> 00:59:20.010
but to deal with the,

829
00:59:20.120 --> 00:59:23.600

some of the principles of operating in a title environment. Thank you,

830
00:59:27.020 --> 00:59:31.120
Sir. Mike Parr, HR Wallingford, uh, representing, uh, I r t.

831
00:59:32.340 --> 00:59:34.280
Uh, in terms of the, uh,

832
00:59:34.600 --> 00:59:39.600
approaches to the swinging area where the intention is or

833
00:59:39.640 --> 00:59:43.920
the requirement is for the pilot to steady the vessel in a stationary, uh,

834
00:59:44.200 --> 00:59:44.890
position,

835
00:59:44.890 --> 00:59:49.880
there was much discussion in all the simulations and the simulation team

836
00:59:49.980 --> 00:59:53.120
and the stakeholders present about this maneuver.

837
00:59:54.060 --> 00:59:58.400
And it was agreed that the closest this maneuver

838
00:59:59.500 --> 01:00:00.333
or, or the,

839
01:00:00.780 --> 01:00:05.400
the biggest similarity in the river for this maneuver was

840
01:00:05.620 --> 01:00:10.400
the approach to, for vessels which were running into the immingham dock.

841
01:00:10.460 --> 01:00:14.160
So towards the bell mouth, the, the maneuver, which you saw yesterday,

842
01:00:14.710 --> 01:00:19.400
that takes place within two to 300 yards of the

843
01:00:19.840 --> 01:00:23.360
swinging area, which is proposed for the I vessel. So very,

844
01:00:23.360 --> 01:00:28.360
very close in terms of the vicinity of infrastructure,

845
01:00:28.750 --> 01:00:33.000
both the western and eastern jetty, and the, uh, main i o OT bursts.

846
01:00:34.380 --> 01:00:38.320
Uh, in terms of the wind shadowing, um,

847
01:00:38.750 --> 01:00:43.320
this has been discussed between stakeholders and HR Wallingford, uh,

848
01:00:43.430 --> 01:00:47.640
extensively and is, uh, covered in our reports. Uh,

849
01:00:48.170 --> 01:00:50.920
there is a balance between including wind shadowing,

850
01:00:50.920 --> 01:00:55.560
which reduces the effect of the wind as a vessel passes,

851
01:00:56.220 --> 01:00:57.040
uh,

852
01:00:57.040 --> 01:01:01.480
approaching a BER and the ying effect,

853
01:01:01.730 --> 01:01:05.440
which might be appreciated by a vessel as it approaches the ber,

854
01:01:06.100 --> 01:01:11.040
it is HR walford's opinion as experts of

855

01:01:11.040 --> 01:01:15.880
navigation simulation that the most conservative and the best
approach is to

856
01:01:15.990 --> 01:01:20.560
generally not include wind shadowing in a feasibility study

857
01:01:21.070 --> 01:01:25.840
because it would tend to show a more positive outcome

858
01:01:26.220 --> 01:01:31.200
in terms of the forces applied to the vessels that having said

859
01:01:31.860 --> 01:01:34.800
in a training environment and in due course,

860
01:01:36.620 --> 01:01:40.880
if a B P were to come to HR Wallingford to understand in more detail

861
01:01:42.380 --> 01:01:45.240
the limitations and the requirement for tugs,

862
01:01:45.260 --> 01:01:49.680
it would be appropriate to that stage to include, uh,

863
01:01:50.150 --> 01:01:53.720
wind shadow because it would inform them of advantage,

864
01:01:53.850 --> 01:01:57.400
which might be taken in terms of when they can operate if they're,
if you were,

865
01:01:57.580 --> 01:01:58.060
for example,

866
01:01:58.060 --> 01:02:02.920
if you were approaching berth two in a northeasterly wind and there

867
01:02:02.920 --> 01:02:05.960
was a vessel on already on berth one,

868

01:02:06.780 --> 01:02:11.520
it might be that you had some advantage in terms of the level of tug

869
01:02:11.520 --> 01:02:15.520
support required because the wind shadow effect gave you that
advantage.

870
01:02:16.260 --> 01:02:18.040
But as already alluded to this afternoon,

871
01:02:18.040 --> 01:02:21.840
there's a number of permutations of shipping wind tied,

872
01:02:22.420 --> 01:02:26.560
and it would be inappropriate to try and, uh,

873
01:02:26.620 --> 01:02:29.200
manage that level of detail for a feasibility study.

874
01:02:33.650 --> 01:02:37.880
Thank you, Mr. Uh, strong. Did you mention that, uh, um,

875
01:02:39.560 --> 01:02:44.480
I, you, you offered the, the, uh, advice of one of the masters?

876
01:02:44.980 --> 01:02:49.880
I'm not sure whether that is going to be important at this stage.

877
01:02:50.040 --> 01:02:50.873
I think it's your judgment.

878
01:02:53.020 --> 01:02:57.600
Uh, I was hoping it would help you. Um, I might be proved wrong,

879
01:02:58.460 --> 01:03:03.280
but, uh, I was gonna suggest lar vanay master lar Vanay did comment,

880
01:03:03.280 --> 01:03:08.120
because I know in respect of dis what and what he,

881
01:03:08.120 --> 01:03:10.800

what he would like to address you on, as I understand it,

882
01:03:10.840 --> 01:03:11.673
I may prove to be wrong,

883
01:03:12.140 --> 01:03:16.680
is the concern that because you're in a tidal flow

884
01:03:17.380 --> 01:03:20.920
as compared with what's been said about the i o ot,

885
01:03:20.920 --> 01:03:22.200
when you actually get in there,

886
01:03:22.350 --> 01:03:26.720
that that affects or makes this maneuver more challenging in a way,

887
01:03:26.720 --> 01:03:28.240
which raises some concern.

888
01:03:28.860 --> 01:03:33.520
And the reason he'll be able to explain why he's experienced in tidal

889
01:03:33.570 --> 01:03:38.480
flows and why he's content or very satisfied with the simulation

890
01:03:38.710 --> 01:03:41.160
without getting into the details of the simulation.

891
01:03:42.090 --> 01:03:42.923
Thank you,

892
01:03:46.500 --> 01:03:50.880
Sir. Thank you. And last from Jose Marshal line on behalf of a b p.

893
01:03:53.180 --> 01:03:57.040
Uh, these simulations and the new birth development,

894
01:03:58.020 --> 01:04:00.920
um, and the title flows there are now

895
01:04:02.940 --> 01:04:06.160
say almost the same as H S t killing Home

896
01:04:07.860 --> 01:04:12.800
and maneuvering in those waters has been done for 22

897
01:04:12.800 --> 01:04:15.360
years now. Um,

898
01:04:15.710 --> 01:04:20.120
that means that for us during the simulations,

899
01:04:21.100 --> 01:04:24.600
it felt not so much different as going to killing home.

900
01:04:27.220 --> 01:04:30.360
Um, of course, the, the,

901
01:04:30.980 --> 01:04:34.840
the position around the I O T is different than killing on,

902
01:04:35.180 --> 01:04:40.080
but positioning your ship and landing on the purse is not different than the

903
01:04:40.080 --> 01:04:43.080
number one, two, and five purses for killing on.

904
01:04:44.730 --> 01:04:45.563
Thank you.

905
01:04:47.610 --> 01:04:48.640
Thank you. Uh,

906
01:04:48.880 --> 01:04:53.800
I think it would be just worth offering the opportunity for a response from

907
01:04:54.080 --> 01:04:54.913
D F D S,

908
01:04:56.000 --> 01:04:59.800
Isabella TE for our behalf of D F D ss. Um, well, sir,

909
01:04:59.880 --> 01:05:01.760
I think that fairly acknowledged, um,

910
01:05:01.760 --> 01:05:06.480
that the infrastructure around the berths with a chemical tanker 200
meters

911
01:05:06.710 --> 01:05:11.400
away and the finger pair 95 meters away is, uh, quite different
from, um,

912
01:05:11.740 --> 01:05:14.480
the, the infrastructure at killing home. Uh,

913
01:05:14.480 --> 01:05:18.000
and it's the proximity, uh, and,

914
01:05:18.060 --> 01:05:22.840
and limited space that's a feature of concern to D F D S together
with the

915
01:05:22.840 --> 01:05:25.600
title conditions. Thank you, sir.

916
01:05:28.680 --> 01:05:32.880
I think at that point, the, I'd like to move on to ask,

917
01:06:00.670 --> 01:06:03.360
Just before we sort of move away, um,

918
01:06:03.670 --> 01:06:08.200
perhaps from maneuvering in and out of, um,

919
01:06:11.340 --> 01:06:12.173
The inner,

920
01:06:12.260 --> 01:06:17.120

the inner hub of either dock and or maneuvering in and out of the outer

921
01:06:17.120 --> 01:06:22.120
harbor, which D F D F D S do, um, currently,

922
01:06:23.380 --> 01:06:28.000
if I recall correctly, the applicant in responding. I think it's the,

923
01:06:28.030 --> 01:06:32.720
some of DFDS representations have referred to existing

924
01:06:33.090 --> 01:06:37.680
conditions at, um, IMing being challenging,

925
01:06:39.060 --> 01:06:39.893
and the,

926
01:06:39.900 --> 01:06:44.360
the general view is that what's being proposed would not be any more

927
01:06:44.720 --> 01:06:49.680
challenging than the challenging conditions that D F T SS currently encounter.

928
01:06:50.020 --> 01:06:51.160
Can we just be clear,

929
01:06:52.350 --> 01:06:56.840
when applicant is saying there's a challenging set of conditions at

930
01:06:56.910 --> 01:07:00.440
immingham, what are they actually referring to? Are,

931
01:07:00.860 --> 01:07:05.600
is that the reference or is that a reference to maneuvering in and out of the

932
01:07:05.650 --> 01:07:08.800
outer harbor or via the lock into the inner dock

933
01:07:11.610 --> 01:07:16.160
James drawn for the applicant? The answer's both, But, um,

934
01:07:17.900 --> 01:07:21.160
it, it depends on what you mean by the word challenging.

935
01:07:21.820 --> 01:07:25.520
That's a description that has been used, uh,

936
01:07:25.620 --> 01:07:27.040
in various contexts,

937
01:07:28.130 --> 01:07:32.880
hence in one might say most title environments of

938
01:07:32.910 --> 01:07:36.120
this kind, hence the, for example,

939
01:07:37.160 --> 01:07:42.120
consideration of pilots or p eecs for captains that, uh,

940
01:07:42.120 --> 01:07:46.960
more masters that are effectively pilots through the CER
certification

941
01:07:46.960 --> 01:07:47.793
process.

942
01:07:48.500 --> 01:07:53.440
And as you've heard about training or as you've heard about from D F
D

943
01:07:53.600 --> 01:07:57.880
Ss, use of tugs in, um, in certain limiting conditions,

944
01:07:58.740 --> 01:08:02.320
uh, controlling the ship in lineup or set up,

945
01:08:02.820 --> 01:08:06.560
all of these features are what the,

946
01:08:06.740 --> 01:08:11.560
the word challenging has been used. They require, uh, um,

947
01:08:12.370 --> 01:08:15.440
skill and control by masters or captains,

948
01:08:16.740 --> 01:08:21.080
but that's all the current operating conditions

949
01:08:21.700 --> 01:08:26.120
at the Port of Vimium for both the Locke and the D F D E SS

950
01:08:26.310 --> 01:08:30.040
operation, which from ABPs perspective,

951
01:08:30.580 --> 01:08:33.440
has been operating successfully,

952
01:08:34.300 --> 01:08:39.000
safely for over 20 years. I think the,

953
01:08:39.060 --> 01:08:43.640
the lock's been there for many, many years. Uh, the i o t terminal's been there,

954
01:08:44.000 --> 01:08:46.960
I think the eighties, I'm not gonna talk about I O T,

955
01:08:46.960 --> 01:08:51.920
but the eastern and western jetty and of course the D

956
01:08:51.960 --> 01:08:54.840
F D S operation at I o h, um,

957
01:08:55.980 --> 01:08:57.360
I'm going to say 18 years.

958
01:08:59.480 --> 01:09:00.313
18 years.

959

01:09:01.140 --> 01:09:05.160
I'm saying 18 years. But, um, something like that. And of course,

960
01:09:06.460 --> 01:09:08.960
um, so the answer's both,

961
01:09:11.020 --> 01:09:14.400
So, so could I, yeah. Thank you Mr. Drawn. Um,

962
01:09:14.980 --> 01:09:18.760
my reference to challenging wasn't my reference. It's, it's the applicants.

963
01:09:18.830 --> 01:09:20.080
Exactly. Um,

964
01:09:23.230 --> 01:09:26.320
what I, it, I mean, it's definitely come up in the representations,

965
01:09:26.440 --> 01:09:31.080
I think as we've got two masters here, um,

966
01:09:31.620 --> 01:09:35.120
who both have experience of immingham. Uh,

967
01:09:35.180 --> 01:09:39.880
can we hear from one or oth or other or both on what your views are in terms

968
01:09:40.060 --> 01:09:42.400
of, um,

969
01:09:43.200 --> 01:09:47.520
maneuvering in and out of the inner dock via the lock versus maneuvering in and

970
01:09:47.680 --> 01:09:50.600
out of the outer harbor? Um,

971
01:09:50.820 --> 01:09:55.360
do you consider them to be equally challenging or one or other more challenging?

972
01:09:59.370 --> 01:10:04.320
Thank you. Uh, call it Timothy Captain, D F D S. Um, yes,

973
01:10:04.500 --> 01:10:08.240
the, I tried both, uh, on, uh, for the dock side.

974
01:10:08.400 --> 01:10:10.720
I tried it on a smaller ship, uh, although,

975
01:10:11.260 --> 01:10:15.320
and the dock approach much more challenging, uh,

976
01:10:15.500 --> 01:10:19.880
due to the tides and the time you expose to the tide in the bell
mouth on

977
01:10:20.040 --> 01:10:24.360
approach, uh, especially challenging strong peptides,

978
01:10:25.540 --> 01:10:30.280
uh, because it's pressing, uh, pressing you, uh,

979
01:10:30.430 --> 01:10:33.560
yeah, in the bell mouth much longer than the flood.

980
01:10:34.260 --> 01:10:39.200
So you exposed a longer time. You need to gain, uh, more height as
we call.

981
01:10:39.260 --> 01:10:41.880
So we're passing the, the center line of the, of the lock.

982
01:10:42.060 --> 01:10:46.840
You need to be more west of the lock and then

983
01:10:46.990 --> 01:10:51.600
fall down with the tide into the bell mouth until you will, uh,

984
01:10:51.890 --> 01:10:56.600
until the tide will, uh, start losing its force. And then, uh,

985
01:10:56.810 --> 01:11:00.600
constantly you need to lift the stern to start with,

986
01:11:01.580 --> 01:11:06.200
to be able line up, uh, with the, with the lock. There is,

987
01:11:06.370 --> 01:11:08.320
there is a difference, of course, uh,

988
01:11:08.500 --> 01:11:11.640
the lock designed to be manure in very narrow place.

989
01:11:12.100 --> 01:11:14.520
That's why it's fenced off with the,

990
01:11:14.590 --> 01:11:19.200
with the fenders where we can land in case of

991
01:11:19.670 --> 01:11:23.800
emergency. So it's, it's just the fenders made of, uh, uh,

992
01:11:24.480 --> 01:11:28.040
material which allowed to have, uh, safe landing with the,

993
01:11:28.310 --> 01:11:32.920
with the relatively slow speed. Although, uh, I haven't been landing there,

994
01:11:33.100 --> 01:11:37.960
uh, never. So I'm always managing to, to catch the, the ship there. Uh,

995
01:11:38.380 --> 01:11:42.480
for outer harbor, it's much more open space. Uh,

996
01:11:42.870 --> 01:11:45.360
it's much more in control. Uh,

997
01:11:45.680 --> 01:11:50.400
I can use the tide much more eff efficient to approach

998
01:11:50.530 --> 01:11:53.840
outer harbor or move away if I'm not happy with the,

999
01:11:55.070 --> 01:11:57.800
with my position. And, uh, it's, uh,

1000
01:11:58.230 --> 01:12:01.280
both manure dockside and outer harbor. It's, uh,

1001
01:12:01.510 --> 01:12:03.960
it's two stage or even three stage manure.

1002
01:12:04.220 --> 01:12:08.840
So we are arriving to the starting point, then we manuring from
there.

1003
01:12:09.220 --> 01:12:13.000
And, and it's quite important because, uh, yeah, the, the space is,
uh, narrow.

1004
01:12:13.110 --> 01:12:16.160
Both places are quite narrow and, uh,

1005
01:12:16.860 --> 01:12:20.720
use of inertia not always, uh, justified. Uh,

1006
01:12:21.070 --> 01:12:23.360
because yeah, we need to control very,

1007
01:12:23.360 --> 01:12:28.080
very steep and gentle control of the vessel for the outer hubber.

1008
01:12:28.460 --> 01:12:31.320
Uh, we all, as I said before,

1009
01:12:31.420 --> 01:12:35.880
all the manure is done on the river away from all the structures and
dangers,

1010
01:12:36.180 --> 01:12:40.680

and we using the tide for steering the ship towards

1011
01:12:40.890 --> 01:12:45.280
outer hubber all away if we're getting too close. So that's, uh,

1012
01:12:46.060 --> 01:12:48.800
that's the basic, uh, differences we have.

1013
01:12:50.540 --> 01:12:51.373
Yep.

1014
01:12:51.570 --> 01:12:52.403
Thank you.

1015
01:12:57.510 --> 01:13:01.980
Thank you. Uh, I'd like to move on, um, before we take an, uh,

1016
01:13:02.050 --> 01:13:06.980
another break, uh, for perhaps another 20 minutes or so. And, uh,

1017
01:13:07.400 --> 01:13:10.700
moving on to item E on the agenda. The,

1018
01:13:12.440 --> 01:13:14.700
um, what I, I,

1019
01:13:17.480 --> 01:13:22.060
I'm sorry, uh, no item D on the agenda. Um,

1020
01:13:23.400 --> 01:13:28.220
I'd like to get a greater understanding of where we stand

1021
01:13:28.440 --> 01:13:33.060
in establishing what the likely operating limits for the proposed

1022
01:13:33.060 --> 01:13:37.300
development will be. And I think that this is really something, uh,

1023
01:13:37.300 --> 01:13:41.860
it's a question to be aimed at this, the s h a statutory harbor
authorities. Um,

1024
01:13:42.360 --> 01:13:47.060
may I start, uh, with, perhaps with Captain Collier, uh,

1025
01:13:48.050 --> 01:13:52.860
captain Collier as the Port Ss h a as opposed to the

1026
01:13:52.980 --> 01:13:53.813
Humber, uh,

1027
01:13:54.100 --> 01:13:58.980
ss h a do you consider that you have

1028
01:13:59.100 --> 01:14:02.460
a pretty good understanding of what the, uh, operating limits,

1029
01:14:02.560 --> 01:14:06.300
at least initially are going to be for the proposed developments?

1030
01:14:11.310 --> 01:14:15.640
Yeah. Mark Collier, uh, dock master, a b p? Yeah, at the moment we do,

1031
01:14:15.640 --> 01:14:19.360
we do have a pretty good idea what the operating limits limits are, but,

1032
01:14:19.420 --> 01:14:23.480
and that's like we said, with the navigational risk assessment, that's,

1033
01:14:23.480 --> 01:14:28.360
that's a living document, so that might change once the structure's in place.

1034
01:14:29.460 --> 01:14:34.280
And, um, would you feel that at this time you have

1035
01:14:35.230 --> 01:14:40.200
seen enough n r a, uh, uh, simulation, sorry,

1036

01:14:40.320 --> 01:14:44.960
I should separate the two. Have you seen enough simulation so far
to,

1037
01:14:45.420 --> 01:14:46.253
um,

1038
01:14:46.930 --> 01:14:51.760
guide the design stage as opposed to the training

1039
01:14:51.970 --> 01:14:52.803
stage?

1040
01:14:53.500 --> 01:14:56.640
Yep. I'll just hand that over to my colleague, Paul Bristow.

1041
01:14:59.660 --> 01:15:02.520
So, um, Paul Bristow for uh, a b P.

1042
01:15:04.180 --> 01:15:08.800
So we are content that we've have simulated conducted sufficient

1043
01:15:08.800 --> 01:15:11.440
simulations in order to inform, uh,

1044
01:15:12.080 --> 01:15:16.080
accurate design of the I E T infrastructure, um,

1045
01:15:16.780 --> 01:15:21.560
before we were to move into the full operational phase where we're

1046
01:15:21.800 --> 01:15:26.080
applying very specific limits of operation regarding wind

1047
01:15:26.580 --> 01:15:28.640
towage requirements, uh, and,

1048
01:15:28.660 --> 01:15:32.480
and tidal conditions to the pilot's, pecs,

1049
01:15:32.480 --> 01:15:35.440

and masters of the vessels that are actually operating at the iert.

1050
01:15:35.660 --> 01:15:37.280
We would conduct, um,

1051
01:15:37.850 --> 01:15:41.480
additional simulations to establish those operating limits,

1052
01:15:42.540 --> 01:15:47.320
and then we would conduct yet further simulations for the first batch

1053
01:15:47.580 --> 01:15:51.920
of pilots and pecs in order to f fully familiarize themself

1054
01:15:52.410 --> 01:15:56.800
using those operational limits before the first arrival in departure,

1055
01:15:57.230 --> 01:16:02.080
there's then a very phased approach to building our experience.

1056
01:16:02.080 --> 01:16:04.480
So we would start off in the most benign conditions,

1057
01:16:04.710 --> 01:16:06.400
picking the tides that we use.

1058
01:16:06.660 --> 01:16:09.840
We may take additional towage in those very early stages,

1059
01:16:10.260 --> 01:16:13.120
and then as soon as our experience is sufficient,

1060
01:16:13.300 --> 01:16:18.160
we can widen those limits out to our operating limits and then they will remain,

1061
01:16:18.900 --> 01:16:19.390
um,

1062

01:16:19.390 --> 01:16:23.920
subject to amendment either by the Dock Master or by the Harbor
master,

1063
01:16:24.460 --> 01:16:26.800
uh, depending on, um, that,

1064
01:16:26.800 --> 01:16:30.920
that sort of a loop that informs itself and we're constantly
improving.

1065
01:16:31.220 --> 01:16:35.440
So we start off very slowly, we build ourselves up to where we think
those, um,

1066
01:16:35.440 --> 01:16:37.320
appropriately limits are, but well within them.

1067
01:16:37.700 --> 01:16:42.520
And then potentially we can expand those limits still further as we
build our

1068
01:16:42.520 --> 01:16:43.353
experience.

1069
01:16:44.010 --> 01:16:46.840
Thank you Captain Furman, is there anything you'd like to add?

1070
01:16:48.300 --> 01:16:52.840
Uh, no, that was, um, that was, um, exactly what I was gonna say.
Um,

1071
01:16:52.950 --> 01:16:57.400
it's a iterative process, um, and at this stage for the design, um,

1072
01:16:57.810 --> 01:17:00.400
we've probably, you know, well the project seen enough,

1073
01:17:00.540 --> 01:17:05.440
I'm happy that we can move forward, um, and do those operational
runs,

1074

01:17:05.740 --> 01:17:10.080
refine parameters based both on the simulations that we do next and
some

1075
01:17:10.080 --> 01:17:14.040
precedent and experience of moving rurals on the river, the Humber
Sea Terminal,

1076
01:17:14.360 --> 01:17:17.960
i o h, et cetera. So it's, it's a mixture of all that, but it's a
cautious,

1077
01:17:18.260 --> 01:17:22.520
phased approach, um, which is risk averse building up our
experience.

1078
01:17:54.350 --> 01:17:58.490
My next question is whether, and firstly to do master,

1079
01:18:00.260 --> 01:18:04.570
would you envisage that the limit the operating limits might be
different for

1080
01:18:04.680 --> 01:18:06.690
each of the three proposed births?

1081
01:18:09.400 --> 01:18:14.010
Mark Colie do master at a b P? Um, not, not, not at the,

1082
01:18:14.030 --> 01:18:16.890
not at the present with the, with with the studies.

1083
01:18:17.250 --> 01:18:22.090
I can't see them being any different to any others, but of course,
like I said,

1084
01:18:22.400 --> 01:18:24.970
wind and stuff, we'll take that into account

1085
01:18:27.110 --> 01:18:30.250
And follow up. Question to that is, um,

1086

01:18:34.480 --> 01:18:39.390
which of the parameters of operating limits might well be adjusted
over

1087
01:18:39.500 --> 01:18:40.333
time?

1088
01:18:41.820 --> 01:18:42.653
That, that,

1089
01:18:42.660 --> 01:18:47.630
that may well be the wind parameters that may well be adjusted over
time,

1090
01:18:47.970 --> 01:18:50.950
but adjusted, but managed with, with tugs and to,

1091
01:18:54.130 --> 01:18:58.550
And if one establishes limits at which

1092
01:18:58.990 --> 01:19:01.550
tugs are going to be required,

1093
01:19:01.570 --> 01:19:06.310
is that then an obligatory requirement on the, uh, vessel master or
is,

1094
01:19:06.850 --> 01:19:07.830
um, an advisory,

1095
01:19:09.890 --> 01:19:11.270
My colleague will take that.

1096
01:19:13.500 --> 01:19:17.640
So Paul Bristow for a b p, um, there is,

1097
01:19:18.330 --> 01:19:18.840
there is,

1098
01:19:18.840 --> 01:19:23.560
there will always be a mandatory point within the environmental
conditions

1099
01:19:23.560 --> 01:19:26.240
where there is an obligation on the master,

1100
01:19:26.260 --> 01:19:29.840
on the vessel peck or pilots to take tugs.

1101
01:19:30.260 --> 01:19:34.800
And in a number of births around the, the, the, uh, the Humber,

1102
01:19:35.060 --> 01:19:39.680
the harbor master designates how many tugs there to take and under
what specific

1103
01:19:39.680 --> 01:19:41.480
condition. So that's the mandatory piece.

1104
01:19:42.750 --> 01:19:47.200
What I'd add to that though is that the master always has discretion
at any

1105
01:19:47.200 --> 01:19:51.880
point to take additional towage if they feel that their conditions
are perhaps

1106
01:19:52.240 --> 01:19:54.240
marginal, if it's something they've not experienced before,

1107
01:19:54.660 --> 01:19:59.160
or if they just want the additional comfort of having perhaps an
extra tug

1108
01:19:59.500 --> 01:20:03.040
to support them and to provide them that additional level of
control.

1109
01:20:03.540 --> 01:20:06.800
So we do mandate, um, a minimum requirement,

1110
01:20:07.180 --> 01:20:12.120
but there is never a problem with a master taking additional towage
either

1111
01:20:12.340 --> 01:20:14.760
of his own accord or on pilot's advice.

1112
01:20:16.420 --> 01:20:21.280
And does that mandatory requirement apply both to PEC and,

1113
01:20:21.700 --> 01:20:22.920
uh, piloted vessels?

1114
01:20:23.340 --> 01:20:24.173
It does. So, yes.

1115
01:20:24.180 --> 01:20:28.400
And, and to ROROs as well as to, uh, uh, cargo

1116
01:20:28.400 --> 01:20:32.560
Vessels? Indeed, it does. And the hubber master may wish to add to
that, but um,

1117
01:20:32.990 --> 01:20:33.823
that is correct.

1118
01:20:37.110 --> 01:20:39.000
Yeah. Andrew Furman, harbormaster Humber, yeah.

1119
01:20:39.200 --> 01:20:42.120
Probably the closest parallel we have at the moment is the Humber
Sea terminal,

1120
01:20:42.370 --> 01:20:44.760
where the mandatory, um,

1121
01:20:45.020 --> 01:20:48.840
is 25 knots in a cross wind or two and a half knots of tide.

1122
01:20:49.100 --> 01:20:50.440
So that would be an example of,

1123
01:20:50.440 --> 01:20:54.240
of precedent that we've got of maneuvering rural in a tide where,

where,

1124
01:20:54.240 --> 01:20:56.560
where there's a, a mandatory limit. But we would,

1125
01:20:56.660 --> 01:21:00.000
we would work that through the, the finite, uh, the,

1126
01:21:00.020 --> 01:21:04.200
or the finesse that through further simulation depending on the
eventual vessel

1127
01:21:04.270 --> 01:21:05.160
type, et cetera.

1128
01:21:08.950 --> 01:21:11.860
Thank you. That's extremely helpful. 'cause it, it, it's a,

1129
01:21:11.930 --> 01:21:14.980
it's a nice link to the next question, which is, uh,

1130
01:21:16.760 --> 01:21:20.780
having cited that precedent, uh, il, um,

1131
01:21:21.530 --> 01:21:26.500
have you already a working hypothesis of what the operating limits
are going to

1132
01:21:26.500 --> 01:21:27.820
be for the proposed development?

1133
01:21:31.120 --> 01:21:34.180
Um, with, I should have said actually when we're talking limits,

1134
01:21:34.240 --> 01:21:37.100
so we're talking about at the point at which it takes TKs, um,

1135
01:21:37.130 --> 01:21:41.140
that that's the took requirement rather than, uh, operational
limits.

1136

01:21:42.280 --> 01:21:46.500
Um, but 20 knots for wind or 25 knots for wind on a row, row is,

1137
01:21:46.760 --> 01:21:50.780
is a cross wind would be something, and three knots,

1138
01:21:50.800 --> 01:21:53.180
two and a half knots have tide given. Um,

1139
01:21:53.240 --> 01:21:56.060
the infrastructure around would not seem, seem unreasonable. So,

1140
01:21:56.080 --> 01:22:00.580
but we would start from a point of the first arrival will be on
daylight slack

1141
01:22:00.580 --> 01:22:00.960
water,

1142
01:22:00.960 --> 01:22:04.500
and we'll work out from there and make sure our assumptions are
correct in a

1143
01:22:04.660 --> 01:22:05.493
cautious manner.

1144
01:22:09.840 --> 01:22:14.260
It leads me onto a question, which is perhaps a little more
difficult, um,

1145
01:22:14.260 --> 01:22:18.340
to the applicant, which is, is it's, uh,

1146
01:22:18.390 --> 01:22:23.100
going to be appropriate for operating limits to be controlled and

1147
01:22:23.170 --> 01:22:24.620
secured through the D C O

1148
01:22:29.430 --> 01:22:33.340
James TRO for the applicant? Short answer, no.

1149
01:22:34.600 --> 01:22:38.460
And the reason for that is we say simple and

1150
01:22:39.270 --> 01:22:41.340
based on well-established precedent,

1151
01:22:42.030 --> 01:22:46.740
there is a regulatory environment specific and

1152
01:22:46.890 --> 01:22:49.900
dedicated to assessment of precisely that,

1153
01:22:49.990 --> 01:22:54.020
which of course is the statutory Harbor authorities coupled with

1154
01:22:54.740 --> 01:22:58.540
responsibilities, of course. And in those circumstances,

1155
01:22:59.640 --> 01:23:02.300
uh, that system is operational.

1156
01:23:02.930 --> 01:23:05.100
It's designed to do precisely that,

1157
01:23:05.940 --> 01:23:10.480
and it currently functions on the River Humber.

1158
01:23:11.300 --> 01:23:14.960
And the precedent or the principle, uh,

1159
01:23:14.960 --> 01:23:16.440
that's in play of course,

1160
01:23:16.900 --> 01:23:20.520
is one which applies in many other situations,

1161
01:23:21.110 --> 01:23:25.200
whether is another permitting or regulatory environment

1162
01:23:25.990 --> 01:23:28.280

that addresses topics of that kind.

1163
01:23:28.420 --> 01:23:33.160
The general principle is certainly not to replicate or indeed necessarily

1164
01:23:33.160 --> 01:23:38.120
interfere with that process. Um, and that's, that's why I say that. But without,

1165
01:23:38.540 --> 01:23:41.080
uh, you are well aware of those principles, but, um,

1166
01:23:42.060 --> 01:23:43.920
we say that's applicable here.

1167
01:23:45.210 --> 01:23:48.320
Thank you for the explanation. Um, comment from D F D S,

1168
01:23:49.960 --> 01:23:54.920
Isabella for on behalf of D F D S. So you,

1169
01:23:55.100 --> 01:23:59.040
you need to satisfy yourself as to the safety of this infrastructure and its,

1170
01:23:59.040 --> 01:24:03.360
um, operate and its operation. Um, and to that extent,

1171
01:24:03.540 --> 01:24:08.240
our concerns are that it hasn't yet been demonstrated, um,

1172
01:24:08.390 --> 01:24:09.840
that there are, uh,

1173
01:24:10.640 --> 01:24:15.600
adequate and suitable available controls to minimize the risks to

1174
01:24:15.600 --> 01:24:20.360
acceptable levels. Um, birth three,

1175

01:24:20.460 --> 01:24:21.520
for example, the,

1176
01:24:21.660 --> 01:24:25.920
the A Dock Master and Harbor Master indicated that they were
contempt with that,

1177
01:24:25.930 --> 01:24:30.640
where there's only been one simulation of that maneuver that

1178
01:24:30.640 --> 01:24:35.240
involves stakeholders, which is something that is directed, um,

1179
01:24:35.540 --> 01:24:39.320
by the P M S C that should be involved in, um,

1180
01:24:39.720 --> 01:24:44.560
navigational risk assessments. Um, the involvement of stakeholders,

1181
01:24:44.670 --> 01:24:49.360
it's something that the M C A have identified in their, um,
representation,

1182
01:24:49.540 --> 01:24:53.480
the need to work hard to, to resolve, uh,

1183
01:24:53.590 --> 01:24:55.480
stakeholder concerns and reach consensus.

1184
01:24:55.480 --> 01:24:58.560
So there's been one simulation of birth three, um,

1185
01:24:58.560 --> 01:25:01.520
that's involved stakeholders in, in spite of that single run,

1186
01:25:01.820 --> 01:25:06.440
the Dock Master and Harbor Master say that they're satisfied, um,

1187
01:25:06.890 --> 01:25:10.320
which, uh, we don't think is sufficient to,

1188

01:25:10.340 --> 01:25:14.280
to satisfy you of the safety, um, of that operation.

1189
01:25:14.420 --> 01:25:18.560
And I think that Mr. Priest perhaps wanted to add something.

1190
01:25:21.690 --> 01:25:24.600
Brock Priest on behalf of D F D S, I think, you know,

1191
01:25:24.740 --> 01:25:26.440
my understanding and takeaway from the,

1192
01:25:26.440 --> 01:25:28.120
the recent questions there surrounding the,

1193
01:25:28.300 --> 01:25:30.560
and what the birth limits might look like and what the,

1194
01:25:30.620 --> 01:25:34.760
the required of tug usage might kind of look like. Um, I think they all,

1195
01:25:34.760 --> 01:25:38.720
the lawyer generally speak to, uh, the theme of, uh,

1196
01:25:38.800 --> 01:25:42.800
a greater definition and clarity and what those risk control measures actually

1197
01:25:42.800 --> 01:25:47.000
look like. I think this, this also kind of links to the overall, um,

1198
01:25:47.000 --> 01:25:47.880
perspective of,

1199
01:25:48.220 --> 01:25:52.760
of whether or not those risk controls that are identified are effective and

1200
01:25:52.960 --> 01:25:57.560
adequate in making this, uh, a, a

1201
01:25:59.720 --> 01:26:03.400
reducing the risk in this operation to a assert, to enough of an
extent, um,

1202
01:26:03.500 --> 01:26:08.160
taking into consideration the future potential for heightened risk,
um,

1203
01:26:09.220 --> 01:26:13.240
be that from additional traffic or worsening weather or what that
might be. Um,

1204
01:26:13.420 --> 01:26:14.480
but I think broadly speaking,

1205
01:26:15.250 --> 01:26:18.000
there is a lack of clarity in what the risk control measures, uh,

1206
01:26:18.110 --> 01:26:20.520
that are suggested actually entail.

1207
01:26:21.140 --> 01:26:23.720
And therefore I think it's quite difficult to, uh,

1208
01:26:23.720 --> 01:26:26.720
establish confidence that those risk control measures are going to
be adequate.

1209
01:26:30.100 --> 01:26:34.720
And Ms Er, just if I may, uh, on the point of, uh,

1210
01:26:35.780 --> 01:26:36.613
how

1211
01:26:40.400 --> 01:26:43.800
adequate risk controls might be secure, do you have any further
comments,

1212
01:26:47.320 --> 01:26:50.400
Isabella Tfor on behalf of the applicant? Well,

1213

01:26:50.860 --> 01:26:55.080
so sorry, on behalf of D F D S, sought sides,

1214
01:26:55.220 --> 01:26:59.240
sought sides at the last minute. Uh, sorry, sir. Um,

1215
01:27:00.500 --> 01:27:04.960
so if you're talking just about operational controls rather than
impact

1216
01:27:04.960 --> 01:27:09.720
protection or, or that sort of thing, um, we,

1217
01:27:11.100 --> 01:27:15.200
we understand that there are regulatory regimes that are

1218
01:27:16.340 --> 01:27:20.480
tasked with controlling these matters, but on the one hand,

1219
01:27:20.540 --> 01:27:23.560
we are told that the purpose of the simulations was to test the
limits of

1220
01:27:23.560 --> 01:27:26.960
operations so as to understand what those limits are. But on the
other,

1221
01:27:26.980 --> 01:27:30.680
we are not told what the, what, what the lessons learned,

1222
01:27:30.710 --> 01:27:33.480
what are the limits then if that was the purpose of the li of,

1223
01:27:33.480 --> 01:27:36.280
of the simulations. And I,

1224
01:27:36.560 --> 01:27:39.920
I think the first stage is to understand transparently as Mr.

1225
01:27:39.920 --> 01:27:43.400
Priest has set out what has been derived,

1226
01:27:43.400 --> 01:27:47.080
we're told now by the applicant that simulation is not part of the N
R A and

1227
01:27:47.080 --> 01:27:49.040
we're told that they're to derive operational limits,

1228
01:27:49.180 --> 01:27:53.280
but they won't fix those at this stage.

1229
01:27:53.740 --> 01:27:56.640
And so it's very difficult for, um,

1230
01:27:56.640 --> 01:27:59.560
stakeholders to transparently review and,

1231
01:27:59.580 --> 01:28:02.720
and reach a comfortable position in respect of their assessment.

1232
01:28:03.020 --> 01:28:08.000
So I think the first stage is to clearly set out what the limits are
and the

1233
01:28:08.000 --> 01:28:10.800
parameters of control would be, um, and

1234
01:28:12.780 --> 01:28:17.360
to the extent that that then resolves concerns of effective persons,

1235
01:28:17.430 --> 01:28:19.600
then that's a step forward. Um,

1236
01:28:19.840 --> 01:28:24.800
I don't say that the D C O needs to itself include limits for

1237
01:28:24.800 --> 01:28:27.400
when tugs have to be used or, or wind speeds.

1238
01:28:33.820 --> 01:28:34.653
Thank you. Uh,

1239
01:28:35.000 --> 01:28:39.770
what I would like to do as a rider to that is to follow up with the

1240
01:28:40.050 --> 01:28:40.780
question I have,

1241
01:28:40.780 --> 01:28:45.770
which I think will come back again in issue specific hearing four,

1242
01:28:46.540 --> 01:28:49.010
which is requirement 15, um,

1243
01:28:50.210 --> 01:28:53.930
requires that the authorized development must be constructed and operated in

1244
01:28:53.930 --> 01:28:56.410
general accordance with the following documents, blah, blah, blah, blah,

1245
01:28:56.910 --> 01:28:59.170
of which item D is N R a.

1246
01:29:00.830 --> 01:29:05.600
And it seems to me that the n R a that has been

1247
01:29:05.600 --> 01:29:09.640
submitted with the application is just one of several iterations,

1248
01:29:09.860 --> 01:29:14.160
unless of course the N R A that is referred to in that draft

1249
01:29:14.270 --> 01:29:18.440
requirement 15 is something else. So, uh,

1250
01:29:18.440 --> 01:29:21.760
there is some work to be done, I think, in discussing this further.

1251
01:29:22.100 --> 01:29:26.680
And I would suggest that we defer that until tomorrow in detail.

1252
01:29:27.140 --> 01:29:31.320
But could I ask the applicant to consider, um, Ms.

1253
01:29:31.750 --> 01:29:33.280
Teos point on behalf ds yes,

1254
01:29:33.550 --> 01:29:37.800
that there should be something set down and submitted to examination,

1255
01:29:37.930 --> 01:29:41.480
which at least is a working, uh,

1256
01:29:42.360 --> 01:29:44.200
document of the, uh,

1257
01:29:44.550 --> 01:29:49.360
greater elaboration on the operational risk controls that are

1258
01:29:50.070 --> 01:29:53.400
envisaged. I do appreciate that those will evolve,

1259
01:29:54.260 --> 01:29:55.760
but I think that the,

1260
01:29:55.780 --> 01:30:00.560
the point that's been made is at the moment we're in the dark in terms of the

1261
01:30:00.760 --> 01:30:04.640
material that's been submitted. So two points there. One is

1262
01:30:06.910 --> 01:30:11.480
that item D in requirement 15 is very obscure

1263
01:30:12.660 --> 01:30:17.200
as a, you know, as a, as a document to be relied on as a,

1264
01:30:17.660 --> 01:30:21.800
as a, a con a requirement that can be controlled. And secondly,

1265
01:30:22.790 --> 01:30:26.040
what kind of operating controls and, um,

1266
01:30:26.520 --> 01:30:31.200
I think focus at this point on the operational limits that

1267
01:30:31.540 --> 01:30:36.240
are envisaged and indeed the parameters that are envisaged. Um,

1268
01:30:36.690 --> 01:30:39.480
would you consider that overnight? And we'll come back to that
tomorrow?

1269
01:30:40.900 --> 01:30:44.200
Uh, it's not, you will be, well, we'd like you,

1270
01:30:44.220 --> 01:30:47.360
you need to consider it because there are questions coming about
that

1271
01:30:47.360 --> 01:30:52.000
requirement 15 tomorrow. Um, I've certainly scratched my head and
thought,

1272
01:30:52.040 --> 01:30:54.720
hang on a tick. We've been told in one breath,

1273
01:30:55.120 --> 01:31:00.080
N R A and the control regime, um, is not for the D C O,

1274
01:31:00.460 --> 01:31:05.400
but the D C O clearly has a provision in it that refers to the N

1275
01:31:05.480 --> 01:31:06.920
R A, um,

1276
01:31:08.030 --> 01:31:11.200
looking at the N R A that's been submitted,

1277
01:31:11.330 --> 01:31:13.160
there are risk controls in it.

1278
01:31:13.270 --> 01:31:17.880
It's very difficult to unpick what those controls are

1279
01:31:18.700 --> 01:31:22.720
and how they might be implemented. So, um,

1280
01:31:23.400 --> 01:31:24.100
I think we,

1281
01:31:24.100 --> 01:31:28.600
we also need to see something which we may as an action

1282
01:31:28.600 --> 01:31:31.040
following tomorrow's discussion at the D C O here,

1283
01:31:31.180 --> 01:31:35.560
decide what it is that clearly unpicks in

1284
01:31:35.710 --> 01:31:39.560
shorthand what the risk controls are, um,

1285
01:31:39.790 --> 01:31:44.640
that the applicant is considering. Um, so that,

1286
01:31:44.980 --> 01:31:46.800
you know, there is no doubt, um,

1287
01:31:46.830 --> 01:31:49.200
certainly from the examining authority perspective,

1288
01:31:49.200 --> 01:31:50.240
what you've got in your mind,

1289
01:31:51.500 --> 01:31:56.000
but we also need to establish what the mechanics of requirement 15
are.

1290
01:31:56.900 --> 01:32:01.360
Is the reference to N R A in, uh, requirement 15, correct or not?

1291
01:32:03.120 --> 01:32:07.520
I think what would also assist, uh, and I think this is probably for

1292
01:32:09.470 --> 01:32:13.200
Dock Master and or Harbor Master Humber, um,

1293
01:32:13.500 --> 01:32:18.080
or h e s, um, in general, um,

1294
01:32:18.360 --> 01:32:23.200
I think we would like to see what you consider at the moment are the operating

1295
01:32:23.200 --> 01:32:27.720
limits, um, for the post development. Um,

1296
01:32:28.500 --> 01:32:33.200
now that may mean of course in effect there's quite a lot of

1297
01:32:33.350 --> 01:32:38.240
information because there'll be different scenarios in terms of what wind you've

1298
01:32:38.240 --> 01:32:41.400
got, what tide state you've got, what current you've got. Um,

1299
01:32:42.900 --> 01:32:43.880
but we do,

1300
01:32:44.240 --> 01:32:49.040
I think need to see those operating limits set down somewhere so that we

1301
01:32:49.040 --> 01:32:51.080
understand what you are working to at the moment,

1302
01:32:53.320 --> 01:32:57.360
recognizing that over time, potentially if the scheme, uh,

1303
01:32:57.540 --> 01:33:01.840
is subject to a made order, becomes operational, those limits might

alter

1304
01:33:05.250 --> 01:33:08.800
James Strong for the applicant. There was quite a lot there. So, uh,

1305
01:33:09.310 --> 01:33:11.960
just just responding to bits of it,

1306
01:33:12.020 --> 01:33:16.480
you've asked us to think about the requirement 15 and the wording of
it.

1307
01:33:16.500 --> 01:33:18.480
Of course we'll do that. And rather than,

1308
01:33:19.340 --> 01:33:23.280
unless you want to me to deal that now, we can deal that, uh,

1309
01:33:23.280 --> 01:33:27.120
in relation to issue specific hearing for, uh, as,

1310
01:33:27.260 --> 01:33:28.360
as I think you were suggesting.

1311
01:33:28.740 --> 01:33:32.920
So I noted what you said and we'll take that away. Uh,

1312
01:33:33.540 --> 01:33:34.680
as to we,

1313
01:33:34.680 --> 01:33:39.400
we've moved quite a long way from the original question that I was

1314
01:33:39.400 --> 01:33:43.320
asked and was then answered in a different way by Mr. Fu.

1315
01:33:44.180 --> 01:33:46.000
The question I was asked is,

1316
01:33:46.100 --> 01:33:50.990
is it appropriate or I think necessary for the D

1317
01:33:51.070 --> 01:33:55.310
C O to impose, uh, limits operational limits?

1318
01:33:55.570 --> 01:33:58.110
And I said, no, for very clear reason,

1319
01:33:58.670 --> 01:34:02.230
I remain of that very clear position based on

1320
01:34:03.170 --> 01:34:08.030
well-established principles and the responsibility of the statutory Harbor

1321
01:34:08.190 --> 01:34:11.950
authority to operate the whole of the port safely,

1322
01:34:11.950 --> 01:34:14.150
including these births,

1323
01:34:14.630 --> 01:34:17.190
regardless of anything said in the D C A,

1324
01:34:17.190 --> 01:34:18.870
that would be a requirement in any event.

1325
01:34:19.890 --> 01:34:24.310
And that process that you've heard described that would be conducted

1326
01:34:25.170 --> 01:34:29.430
before any operations take place, and the organic,

1327
01:34:29.920 --> 01:34:30.270
sorry,

1328
01:34:30.270 --> 01:34:35.150
iterative was the word used process of working up towards controls and

1329
01:34:35.150 --> 01:34:39.990
understanding them based on actual, uh, experience seems, uh,

1330
01:34:40.400 --> 01:34:45.070
we'll be submitting is entirely the correct one and consistent with
approaches

1331
01:34:45.170 --> 01:34:49.750
in other ports and also other regulatory regimes,

1332
01:34:49.810 --> 01:34:52.910
be it airports, railways, or, um,

1333
01:34:53.010 --> 01:34:57.150
the way in which controls exist beyond the scope of the proposed
development.

1334
01:34:58.220 --> 01:35:02.720
But, um, so I'll, I'll take away the point about I s h, uh,

1335
01:35:03.300 --> 01:35:07.520
the, um, requirement 15. Uh, but, uh,

1336
01:35:08.200 --> 01:35:11.880
I just wanna flag that, that I remain very clearly as a matter of
law if,

1337
01:35:11.900 --> 01:35:13.240
if one puts it in that way,

1338
01:35:13.240 --> 01:35:18.080
certainly policy and law that the Secretary of State and due

1339
01:35:18.080 --> 01:35:21.560
course will need to respect the

1340
01:35:22.880 --> 01:35:25.200
regulatory functions of the statutory Harbor Authority,

1341
01:35:25.780 --> 01:35:29.920
as would be the case in any other regulatory regime.

1342
01:35:30.040 --> 01:35:34.280

I can think of environmental permitting unless it's transferred to the D C O,

1343
01:35:35.020 --> 01:35:35.620
uh,

1344
01:35:35.620 --> 01:35:40.600
I'm thinking of even Natural England's ability to issue licenses in ation to

1345
01:35:40.600 --> 01:35:41.380
protect a species.

1346
01:35:41.380 --> 01:35:45.480
And there there's an approach which you need to be satisfied of in principle

1347
01:35:45.480 --> 01:35:48.240
whether things will be and can be controlled,

1348
01:35:48.660 --> 01:35:51.760
but not then necessarily to impose the controls themselves.

1349
01:35:52.220 --> 01:35:54.120
But I the other point you,

1350
01:35:54.340 --> 01:35:59.280
you raised was stripping out those things in the N R A that are

1351
01:35:59.880 --> 01:36:03.520
identified as proposed controls, and certainly they, uh,

1352
01:36:04.090 --> 01:36:08.840
we've endeavor to do that in light of your concerns, uh,

1353
01:36:08.840 --> 01:36:13.680
about what's in the N R A and by way of controls that are being advanced

1354
01:36:13.860 --> 01:36:17.160
as part of the proposed development. And I understand that point and we'll,

1355
01:36:17.160 --> 01:36:18.400
we'll see if we can assist you on that.

1356
01:36:19.370 --> 01:36:20.240
Thank you, Mr. Drawn.

1357
01:36:20.630 --> 01:36:25.520
Certainly take the point about what you've said about your view on
what can and

1358
01:36:25.530 --> 01:36:27.080
can't be secured through the d c.

1359
01:36:27.260 --> 01:36:31.480
The only problem at the moment is the D C O seems to assume N R a
would form

1360
01:36:31.550 --> 01:36:35.400
part of the D C O and therefore there will be a securing list. So

1361
01:36:37.660 --> 01:36:41.320
not everybody on the applicant's team is currently seeing from the
same hymn

1362
01:36:41.320 --> 01:36:43.960
sheet, let's put it that way. No, we need clarity on that.

1363
01:36:44.360 --> 01:36:46.520
I understand. I, I understand Ty, the point you've raised,

1364
01:36:46.860 --> 01:36:51.840
and we are going to take it away and think about precisely that, uh,
and the,

1365
01:36:51.900 --> 01:36:53.280
the wording of the requirement.

1366
01:36:55.440 --> 01:36:58.680
I would quickly like to bring us back to the, uh,

1367

01:36:59.580 --> 01:37:02.400
the M S M S 'cause, uh,

1368
01:37:02.500 --> 01:37:07.400
it seems to me that there are one or two slightly loose ends here, which, uh,

1369
01:37:07.490 --> 01:37:12.360
could be probably more easily cleared up orally than leaving it to

1370
01:37:12.680 --> 01:37:15.960
exchange of, of representations later. Um,

1371
01:37:16.780 --> 01:37:21.600
the paragraph 2.25 in the Ms ms states,

1372
01:37:21.710 --> 01:37:25.040
this is for the port of i I, I should clarify, um,

1373
01:37:25.570 --> 01:37:30.000
which was submitted at REP 3 0 17, uh,

1374
01:37:30.020 --> 01:37:34.280
states that the Harbor Master should raise any marine risk assessment that has a

1375
01:37:34.280 --> 01:37:37.680
significantly high risk score. And in parallel,

1376
01:37:37.780 --> 01:37:41.880
the technical authority Marine will review and I quote,

1377
01:37:41.880 --> 01:37:46.240
determine if any further risk control measures could be used to mitigate the

1378
01:37:46.480 --> 01:37:49.320
assessed risk, close quotation marks.

1379
01:37:50.070 --> 01:37:53.920
Does this really mean the Harbor Master or does it mean the Dock Master

1380
01:38:00.020 --> 01:38:02.270
Spec Commander Bristow may be the best person to,

1381
01:38:05.010 --> 01:38:08.310
So Paul Bristow for a B p? I think this, um,

1382
01:38:09.230 --> 01:38:13.590
probably refers us back to the earlier conversations we had around those limits

1383
01:38:13.970 --> 01:38:17.110
of the SS h a accountabilities. And of course,

1384
01:38:17.490 --> 01:38:21.470
the fact that the Harbor Master also has his competent Harbor Authority

1385
01:38:21.770 --> 01:38:23.190
accountabilities as well.

1386
01:38:23.770 --> 01:38:28.350
So the person raising that issue with the

1387
01:38:28.530 --> 01:38:32.910
Marine Technical Authority within the company would be whoever is the most

1388
01:38:32.910 --> 01:38:36.270
appropriate to do so. And, and that's not dodging the question,

1389
01:38:36.530 --> 01:38:38.230
that's just saying that if it's a,

1390
01:38:38.230 --> 01:38:42.390
something to do with pilotage maneuvering that would clearly sit with the Harbor

1391
01:38:42.390 --> 01:38:46.110
Master. If it was more referring to mooring and birthing,

1392

01:38:46.180 --> 01:38:50.470
then that would clearly sit with the Dock Master. Um, there will always be,

1393
01:38:50.740 --> 01:38:55.710
it's a, it's a con continuous dialogue between the two. So we would, um,

1394
01:38:55.780 --> 01:38:59.390
quickly establish who was most appropriate to take forward a concern,

1395
01:38:59.890 --> 01:39:01.830
but the concern would always go forwards,

1396
01:39:01.830 --> 01:39:06.510
which I think is the most important point in order to assure that safety and to

1397
01:39:06.510 --> 01:39:11.110
give our own duty holder the, um, confidence that we're, that we're,

1398
01:39:11.110 --> 01:39:12.390
that we're managing the port safely.

1399
01:39:15.240 --> 01:39:19.030
Thank you. Uh, I think that's, that's helpful. Um,

1400
01:39:19.590 --> 01:39:24.550
I would hope that we could have that confirmed in a submission,

1401
01:39:24.550 --> 01:39:29.270
written submission following this. Uh, perhaps that could be part of the,

1402
01:39:29.450 --> 01:39:32.630
uh, the notes of the submissions to the hearing.

1403
01:39:34.290 --> 01:39:34.830
Um,

1404
01:39:34.830 --> 01:39:39.830

I think it's worth also cross-linking that to the point that my colleagues just

1405
01:39:39.830 --> 01:39:40.790
raised in that it,

1406
01:39:41.010 --> 01:39:45.510
it speaks also to adaptive risk control and,

1407
01:39:45.810 --> 01:39:46.270
uh,

1408
01:39:46.270 --> 01:39:51.230
I think it should perhaps be made clear what the

1409
01:39:51.230 --> 01:39:55.590
correlation between risk control for the project, uh,

1410
01:39:55.810 --> 01:40:00.510
has with the safety management system as a whole. Um,

1411
01:40:00.910 --> 01:40:01.390
I think it's,

1412
01:40:01.390 --> 01:40:06.270
it's important that we understand what triggers what action by whom.

1413
01:40:09.940 --> 01:40:11.870
Okay. Um,

1414
01:40:15.630 --> 01:40:16.990
I don't want to go into great detail,

1415
01:40:17.010 --> 01:40:21.870
but the last thing I've got on my notes here is in regards to the construction

1416
01:40:21.960 --> 01:40:22.793
phase,

1417
01:40:23.720 --> 01:40:28.150

which seems to me to represent specific extra hazard

1418
01:40:28.570 --> 01:40:31.390
and different relationships as well.

1419
01:40:31.970 --> 01:40:36.190
And that's one one's not dealing with repeated operations
necessarily.

1420
01:40:37.450 --> 01:40:38.283
Um,

1421
01:40:39.620 --> 01:40:43.270
what formal relationship would exist between the project team,

1422
01:40:44.170 --> 01:40:46.510
the delivery team, and the Dock Master?

1423
01:40:49.090 --> 01:40:52.950
The Dock Master is responsible for the overall, uh,

1424
01:40:53.340 --> 01:40:54.800
safety of port,

1425
01:40:55.830 --> 01:41:00.280
including one assumes any construction activities in that.

1426
01:41:01.030 --> 01:41:04.560
It's not clear at the moment to me in reading the,

1427
01:41:04.660 --> 01:41:08.800
the draft C E M P, the environmental management plan, uh,

1428
01:41:10.310 --> 01:41:15.240
whether and indeed whether that's the right document for these

1429
01:41:15.380 --> 01:41:17.840
safety relationships to be, um,

1430
01:41:18.270 --> 01:41:23.200
made clear and controllable so that the Dock Master has control over

1431
01:41:23.380 --> 01:41:26.920
the, uh, the, the essentially the construction activities.

1432
01:41:29.260 --> 01:41:32.120
Um, I raised that as an observation,

1433
01:41:32.140 --> 01:41:35.880
but I think it's worth asking if any of your team would like to
comment at this

1434
01:41:35.880 --> 01:41:36.713
stage.

1435
01:41:42.080 --> 01:41:45.120
I think we probably can give you a fuller answer in writing, sir,

1436
01:41:45.220 --> 01:41:49.120
but we've noted very much the question and I've understood the, the,

1437
01:41:49.660 --> 01:41:52.520
the content of it. So we'll provide you a full answer.

1438
01:41:53.520 --> 01:41:55.320
I I think in, in so doing, uh,

1439
01:41:55.430 --> 01:42:00.280
just draw to one particular point in table 3.4 of this, the draft C
M P,

1440
01:42:00.980 --> 01:42:05.080
uh, it's unclear on responsibilities, refers to the half master
again.

1441
01:42:05.780 --> 01:42:07.920
Um, and

1442
01:42:09.780 --> 01:42:13.680
it speaks to pretty much exactly the same point we just covered that
there's

1443

01:42:13.870 --> 01:42:18.840
some tidying up at very least needed here to make it clear. Uh,

1444
01:42:18.980 --> 01:42:20.960
and I think, um,

1445
01:42:22.070 --> 01:42:25.760
this is probably a good moment to take a break question.

1446
01:42:54.880 --> 01:42:58.340
I'm just going to give a,

1447
01:42:59.520 --> 01:43:04.460
an opportunity for other ips. Firstly, um, harbormaster,

1448
01:43:04.460 --> 01:43:07.100
if there's anything that you'd like to add to the previous
conversation.

1449
01:43:09.830 --> 01:43:14.770
Andrew Furman have Master Humber. Uh, no. We will, um, also give
our,

1450
01:43:14.950 --> 01:43:18.890
um, view on Harbo works,

1451
01:43:18.970 --> 01:43:22.370
consents and control of works on the river in, in written in a, in
form.

1452
01:43:23.950 --> 01:43:26.970
Um, anything further from I o t?

1453
01:43:30.870 --> 01:43:33.530
No, anything from C L D N

1454
01:43:35.030 --> 01:43:36.330
and anything from D F D S,

1455
01:43:36.490 --> 01:43:40.850
Isabella to four for D F D S. Just one, um, request, um,

1456
01:43:41.230 --> 01:43:41.730
if we may,

1457
01:43:41.730 --> 01:43:45.530
we note that the current version of the Marine Safety Management
system that has

1458
01:43:45.530 --> 01:43:49.890
currently now been released was subject or appears to have been
subject to some,

1459
01:43:50.470 --> 01:43:55.200
uh, amendments in September of, well this month. Um,

1460
01:43:55.220 --> 01:43:58.680
and we wondered if it might be possible to have a copy of the
previous version,

1461
01:43:59.500 --> 01:44:03.240
um, prior to the amendments on the 4th of September, whether the
applicant,

1462
01:44:03.240 --> 01:44:06.120
whether we could ask the applicant through you whether we might have
a version

1463
01:44:06.120 --> 01:44:08.880
of that prior to these most recent updates dates.

1464
01:44:10.540 --> 01:44:14.800
And so while, while we don't necessarily need a response from them
now, but two,

1465
01:44:14.860 --> 01:44:18.120
two other just procedural points, I just, um, uh,

1466
01:44:18.120 --> 01:44:22.920
captain Timothy's ship is waiting for him to depart and so he needs
to leave by

1467
01:44:23.020 --> 01:44:24.560
six and, uh, Mr.

1468
01:44:24.750 --> 01:44:28.440
Nielsen is not going to be available tomorrow because he has to go to

1469
01:44:28.770 --> 01:44:31.840
Copenhagen, uh, first thing in the morning. So we,

1470
01:44:32.020 --> 01:44:35.280
we had been hoping that we would get through the shipping and navigation and be

1471
01:44:35.280 --> 01:44:36.720
able to release 'em both.

1472
01:44:36.720 --> 01:44:40.360
And I understand that we may not need to come back to some aspects of it

1473
01:44:40.560 --> 01:44:43.200
tomorrow that we would've hoped Mr. Nielsen could participate in,

1474
01:44:43.220 --> 01:44:47.520
but we understand, you know, how, how,

1475
01:44:47.580 --> 01:44:48.760
how it's worked. But

1476
01:44:50.270 --> 01:44:53.880
it's a slight disadvantage to us that we might have to come back to those things

1477
01:44:54.180 --> 01:44:57.520
We understand and sympathize and so on both of those points, um,

1478
01:44:59.140 --> 01:45:02.760
we are minded that we've had a very long afternoon. Uh,

1479
01:45:02.760 --> 01:45:04.520
we have two items on the agenda,

1480

01:45:04.940 --> 01:45:09.360
one of which is absolutely about the i o OT and needs to be referred
till

1481
01:45:09.800 --> 01:45:14.480
tomorrow. And the other is about the, um, the consideration on,

1482
01:45:15.260 --> 01:45:16.093
uh,

1483
01:45:16.300 --> 01:45:20.480
on in December, 2022 by the Harbor Authority Safety Board.

1484
01:45:22.020 --> 01:45:26.160
It, I hesitate to say it, I think it's probably, uh,

1485
01:45:26.250 --> 01:45:30.320
reasonable that, that, that you, you, that the,

1486
01:45:30.500 --> 01:45:33.320
the two captains should be released to other duties.

1487
01:45:34.780 --> 01:45:35.440
One, one of them,

1488
01:45:35.440 --> 01:45:38.480
we are not releasing that early 'cause his flight is not till
tomorrow morning,

1489
01:45:38.480 --> 01:45:43.080
so he's got no excuse. Um, but yes, uh, well, I think it's, it's, or
dealing,

1490
01:45:43.080 --> 01:45:45.280
dealing tomorrow with those, yes, I think both those,

1491
01:45:45.480 --> 01:45:48.400
I think it's reasonable the, the, the items for tomorrow. Yeah,

1492
01:45:48.620 --> 01:45:52.720
for the most part I don't think would involve master input anyway.

1493
01:45:53.460 --> 01:45:57.880
Um, so certainly, um, one master won't be here and the other,

1494
01:45:58.070 --> 01:46:02.400
even if he's on, you know, needs to get to the airport. I, I,

1495
01:46:02.400 --> 01:46:04.280
looking at what we've got on this list, uh,

1496
01:46:04.560 --> 01:46:08.320
I don't think your case will be prejudiced, uh, by, uh, Mr.

1497
01:46:08.390 --> 01:46:10.120
Nielsen not being here in the morning,

1498
01:46:11.140 --> 01:46:13.920
Uh, on Isabella to four for the F D s. Understood, sir.

1499
01:46:13.920 --> 01:46:16.160
And if there is anything that we do need to for,

1500
01:46:16.160 --> 01:46:19.160
we can always address that in writing afterwards. So I'm sure that
will be fine.

1501
01:46:21.080 --> 01:46:24.460
So I'll hand back to Mr. Gould then in that case.

1502
01:46:26.560 --> 01:46:27.340
So sorry, Mr.

1503
01:46:27.340 --> 01:46:28.170
Strong.

1504
01:46:28.170 --> 01:46:31.300
Okay. There was a request, sorry, James TRO for the applicant.

1505
01:46:31.300 --> 01:46:35.980
There was a request to us for earlier version. The,

1506

01:46:36.040 --> 01:46:38.100
the document is continually updated,

1507
01:46:38.760 --> 01:46:43.380
so we may be chasing our tail a bit if we're asked to

1508
01:46:43.380 --> 01:46:47.380
provide every single update that's occurred. I'm not quite sure what the,

1509
01:46:47.610 --> 01:46:50.280
Well, there's a date of the previous update, 18th of May,

1510
01:46:50.460 --> 01:46:52.640
and then it was updated on 4th of September.

1511
01:46:52.860 --> 01:46:56.360
So we'd please like the 18th of May, 2023 version. I'll see what we,

1512
01:46:56.360 --> 01:46:57.800
I'll see we can find. Thank you very much.

1513
01:47:03.240 --> 01:47:05.340
Uh, as Mr. Bradley's indicated,

1514
01:47:05.380 --> 01:47:09.940
I think as far as agenda item three is concerned, we've,

1515
01:47:11.440 --> 01:47:15.260
um, come to an, a convenient break for the evening. Um,

1516
01:47:15.470 --> 01:47:16.500
there is no point,

1517
01:47:16.660 --> 01:47:21.380
I think starting a run of questions and then having to stop midstream,

1518
01:47:22.040 --> 01:47:25.860
no pun intended. Um, so, uh, yeah,

1519

01:47:25.860 --> 01:47:30.340
this is an appropriate time to adjourn the hearing for resumption

1520
01:47:31.000 --> 01:47:35.460
at 10 o'clock tomorrow morning. So thank you everybody for your participation,

1521
01:47:35.790 --> 01:47:39.140
those that can't be here tomorrow. Thank you for your assistance.