

ISH3 Part 4

0:01

Well, good morning everybody. It is 10:00 and

0:06

issue specific hearing 3 concerning

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the applicant's proposals to in effect extend Immingham Dock is is reopening.

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Can everybody in the room hear me?

0:23

Thank you.

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Is there anybody that's going to be participating today that wasn't here yesterday

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and heard the opening remarks that I made and colleagues made yesterday?

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Otherwise, I can do a very much abridged version,

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doesn't it? Looks like we're

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we are as we were yesterday.

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I'm Graham Gould. I'm the one of the examining inspectors.

0:59

To my right is Mark Harrison and to my left is Stephen Bradley.

1:06

I am just a couple of housekeeping matters in. Toilets are behind the door to my right. If for any reason the fire alarm sounds during the course of today,

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as far as we understand it, that will not be a test. So we will have to vacate the building, wait outside in the car parking area and wait for instructions from the hotel staff as to when it's safe to come back into the venue.

1:30

I would remind everybody that this session or this hearing is being recorded and live streamed.

1:38

General provisions of the GDPR apply as they did yesterday,

1:46

so just be mindful about saying things in public that you wish to have said in public rather than not.

2:07

I think that's all I need to say in sort of introductions.

2:13

Mr Bradley, do you want to take over? Thank you. Good morning, everybody. Well, as foreshadowed yesterday, there has been some development overnight and I think the, the, the, the best approach to start this morning's session is to ask the applicant to to brief the room. I think that in the interests of fairness, the, the, the, the A letter has been sent by the applicant

2:44

to the examining authority this morning, copied to the IT operators and I think it would be wise as nobody else has seen it. If somebody from the applicant team could read that letter out to us, would that be satisfactory?

3:00

James drawn for the applicant? Yes Sir, that's absolutely fine. Probably falls to me to do it

3:10

so as as you've indicated, Sir, when this morning, as a result of continued discussions with the IT operators and it reads as follows, our right on behalf of my client. This is from Clyde and Cave, Mr Greenwood, who sits on my left. I write on behalf of my client, Associated British Ports, the applicant in relation to the above proposed development.

3:33

For some time, the applicant has been engaged all weird and formally in discussions with the IoT operators regarding both the proposed development generally and the question of impact protection measures. Specifically, we should say at the outset that as owner and operator of the Port of Immingham, the applicant acknowledges the IoT operators as value tenants and recognises the importance of the IT infrastructure.

3:59

With this in mind and noting that the IT operators do not object in principle to the proposed development, our clients been considering how best to resolve the issues that have arisen. Bearing in

mind the applicants NRA process has concluded that impact protection measures are not required, whereas the IT operators have carried out their own NRA concluding that they are required.

4:23

The ability for the applicant to provide impact protection measures if the circumstances were to sow warrant is already addressed by the inclusion of Work #3 Impact protection measures in the draught ECO subject to the terms of requirement 18. Work #3 contemplates the construction within a specifically defined area of a single line protective barrier supported by piles with a reinforced capping beam with fendering units on the outer facing elevation.

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The examining authority will have noted however that at Appendix D of the additional NRA commissioned by the io T operators, there is a no produced by Beckett ranking appointed by Nash Maritime who have undertaken a high level design review for a potential impact protection system that could be installed at IoT.

5:11

Our clients is considered these alternative design proposals as outlined and has agreed to work with the IT operators with a view to developing a scheme of marine infrastructure protection for the IT based generally on the Beckett ranking high level proposals, albeit with possible refinements suggested by the IT operators. Maritime Advisors. Nash Maritime, as they referenced in a recent meeting between our client and APT.

5:39

Without prejudice to the respective positions of the Applicant and the IoT as to the need for such measures and provided that the proposed changes to the DCO to reflect alternative design proposals are accepted by the examining Authority. The applicants prepared to commit to delivery of these measures as part of the TCO project on the basis that and then a number of paragraphs 1. The revised layout, excuse me, of the IoT Finger Pier will enable

6:10

second coastal tanker to berth on the northern side of the Finger Pier whilst retaining 2 barge bursts on the finger Beer. Secondly, the relocated impact protection measures whilst being constructed to a standard that will retain A vessel drifting towards the IoT trunk way or the IoT Finger Pier will be so located as to enable appts barges still to birth on the southern side of the IoT Finger Pier 3. The I I ERTIS, as we've been referring to infrastructure will be sufficiently

6:41

resilient to arrest a vessel drifting in a southerly direction towards the IoT trunk May 4th. The engineering design of those measures will be subject to approval by the IoT with provision for arbitration in the event of a dispute 5. The measures will be implemented prior to the commissioning of any birth in the IT facility, Unless otherwise agreed in writing,

7:02

and six able ABP will indemnify the IT operators for the IT operators costs relating to the revised protection measures and for any business losses occurring as a result of the installation of these measures, substantially in accordance with the protective provisions in R EP1-039. Those

7:22

are a draught provisions that the IT proposed. The proposed changes are accepted. If the proposed changes are accepted, the draught DCA will be amended brackets to include appropriate protective provisions for the benefit of the IT operators substantially in the form in Rep 1039, but subject to the terms of this letter and which reflect the approved measures, closed brackets to reflect this commitment and the IoT will withdraw its objection to the proposal.

7:53

There will also be a separate agreement by ABP to deliver the revised impact protection measures as above. If the DCO is made and implemented

8:02

in that event and subject to agreement of satisfactory protective provisions for the benefit of IT operators, the IT operators will withdraw their objection

8:12

in sending this letter to you. We're also copying it to the IT operators who are already seen and approved a draught.

8:21

You, Mr Strong,

8:24

beautiful.

8:28

I think before going any further, let's give an opportunity, if we may, for IT operators to comment.

8:36

The letter has been through several iterations putting it mildly between the parties and

8:46

I did point out last night that I was going to bed at 10:30 with like just suggestions. But we we we substantially reached agreement last night and the final material was put in this morning. There is a plan that the revised Beckett ranking plan which shows two islands between the IRT and the Finger pier at appropriate locations. They they are indicative only at this stage

9:17

because of course there will need to be worked up in detail and agreed and the engineering and the and the implications for flow and dredging and all the other issues that are relevant to getting barges into the finger pier at the southern side will be explored. The the intention is that we will continue with the process until agreement is reached. When agreement is reached, we will withdraw. If agreement can't be reached, then we would look to come back

9:48

that umm,

9:50

the IS H4 in November to to deal with what we would have dealt with had there not been this agreement. In principle we are cautiously optimistic that we will not need to do that. But clearly both both ABP and ourselves need to preserve our positions in the in the event that we can't agree the details. And it's also of course will be subject to yourselves agreeing the proposed changes which will come out of any agreement between us. And clearly, if you're not happy with the changes, then both parties will have to reflect on their positions

10:21

with regard to pursuing their primary cases. Other than that, and assuming the changes are acceptable to examining authority, we hope that then agreement can be reached which will allow withdrawal

10:37

It. It is dependent of course upon yourselves being happy that that that is a sensible way to approach things and that retaining the ability to come back in November should agreement fail, which we hope it won't, that that is a sensible use of of examination time rather than going hell for leather at the moment.

10:58

Miss Rachel, thank you. The first comment is that what we are happy about is that there's clearly been very productive dialogue so that that that's to be to be very much welcomed. I think we obviously reserve our position for a short while longer. I think what we should be doing now is to accept that letter into examination, have it published,

11:24

so it will arrange for that letter to be published

11:29

within within a matter of more or less minutes actually, so that other parties can read it at their leisure. You will need to be sent the plat that back. They revised Beckett ranking plan to publish with it I think, but well I was going to come on to that because I think it. Whilst I believe that I understand that this is based on the Beckett ranking work which was produced for previous deadline, there may be some developments on that and I

12:00

have you got anything that can be displayed at as we speak.

12:05

I think Mr Mr Strahan has it. James Straw from the applicant. Yes Sir, we'll we can put it up if that. It's as as Mr Elvin has pointed out it's an indicative options but you can see it's come up on screen as if by Magic but not my magic.

12:24

Would one of the two team like to talk us through it and

12:29

another one

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the house in Cardiff on the screen is if by magic. So is it perhaps appropriate for IoT to talk us through it?

12:45

I don't have access to those, no.

12:50

Somebody's going to need to work the cursor. I think

12:55

you we can get it put up on the screen. If someone just sends the correct someone, we had the wrong one

13:03

as I'm sorry David Evan for OT as as I as I mentioned instead of the you saw the alternative proposals in Appendix D2R NRA which has a a sort of barrier arrangement. And it's proposed that the current proposal is to have as I say two islands in a position between the IRT and the finger pier. But you need to see them.

13:29

My understanding from this reading is that essentially Birth 8, which is currently a coastal tanker birth

13:41

would no longer be used by coastal tankers, and coastal tankers would instead use the northern face. Yes of the finger pier, but we would still want to bring barges into the the southern berths. What I didn't fully understand is whether that means any physical amendment to the finger pier.

14:05

But yes there will be some physical amendment to the finger pier but not what was originally contemplated necessarily in our draught protective provisions which is why the phrase substantially

14:17

in accordance with Rep 10 whatever it is 39 because there will need to be adjustments made to reflect the final agreed engineering

14:29

but there will be some adjustments but probably not but unlikely to be those shown in the current protective provisions. Draught

14:37

understand I think the understanding principle I would say in detail. I think it would be helpful if the applicant could submit in due course not today but what is likely to be the work involved to the finger pier as well as the works involved in essentially protected dolphins just has. Has anybody on the applicants team managed to find the the reworked

15:07

scoring? Just getting having it sent? Sorry Sir,

15:12

the but but in principle just if I can pick up on what was just said, if you're happy for me that it's changed on for the applicant. Yes, that that is what's intended

15:22

to identify because they're already impact protection measures shown to identify what changes there would be to those and in relation to the finger pier to allow for that arrangement to take place without relocating the finger pier itself. Yes, the intention is to

15:42

provide you with the

15:45

details in conjunction with the IT as to what

15:51

would be proposed and there hence why having done that, changes would be necessary. So the agreement,

16:00

without prejudice to either party's case, is subject to the acceptance by the examining authority in due course of those changes.

16:15

I'm just going to ask my colleague Mr Harrison, because one of the things that we will need to do is to be satisfied that Natural England and the MO have enough information on which to take a view on whether what's proposed is of of any significant difference to what's already been assessed.

16:40

Mark, I think actually my colleague Mr Bradley has kind of asked the the question there. Yeah, it's sort of the the in combination effects anything that's you know different about this layout that could have cumulative impacts.

16:58

For example, would any of the works to the IoT finger, pear be outside the current red line of the order limits? James Storm for the applicant in In answer to both questions, yes. We're, we're very aware of the need to ensure that any amendments that to this

17:20

are identified,

17:22

verified that they don't cause any difference or additional effects and that is we're certainly aware of

that and that's work that will be part of that consideration and all. All I would say is that we're confident as about that because these yes, there are changes. But in terms of effects on the marine environment, for example, it's in the context of where there has been assessment already of some piling for the

17:53

proper currently proposed impact protection measures. That's not so there won't be some differences but they should be seen in that context. But but in answer your question, yes, we're very much aware of that need to ensure that in due course Natural England and the MMO are content with with what's being proposed. So that's part of the process. On the order limits point, are you able to confirm at this stage whether you are in order limits or if there's any encroachment beyond order limits?

18:24

I I'm, I don't take this as absolute confirmation, but there would be a need, I understand, to make a a modest adjustment to the order limit.

18:37

Thank Mr Sean.

18:39

So there's there's very clear action or set of actions there,

18:47

although obviously it's it's unfortunate that other other parties haven't been able to read the letter, they've heard it well. I'm just going to give the opportunity for an off the cuff response though. Firstly, may I come to the Harbormaster to see if there's anything of

19:08

of helpful comment that you'd like to add.

19:15

Yeah, good morning Sir. Harbourmaster Humber, the impact protection that that's been talked about in all three and now risk assessments, its value is is mentioned in the risk assessments. So this looks like a development worthy of further consideration. I believe my input to the detailed design should be covered in my project potential protective provisions under the DPCO. So I'm I'm content with what what's occurring.

19:43

Thank you.

19:47

I should just ask I'm although it's it's still not entirely clear whether Dockmaster is part of applicant. To even more independent, is there any, perhaps Commander Bristow, would you like to make comments on behalf of Dockmaster?

20:06

Yes, Sir. But of course Paul Bristow for ABP, yes, we've we've reviewed that the the dock master and the Harbourmaster will both be part of that ongoing development of the design to confirm the safety

of the operation, which is of course their primary concern. So comfortable with the proposals as as as discussed. Thank you.

20:28

Going around the table,

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is it.

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I think it would be unfair to ask the likes of DFDS or CLD in at the moment. Any comment until we've seen the plan.

20:44

Any any joy? Because it might be that it's just gonna take another 10 minutes or so to get it. We need to take a short adjournment that at least with give the likes of DFDS and CD's a little bit time to think at least about what the letter has contained before they're asked to make any comment on a scheme that nobody is yet quite seen. Could could I just say Isabella, tougher on behalf of DFDS? That's that's I'm grateful for that Sir. But I would say even just look at the screen for a few, even look at them

21:15

image for a few minutes on the screen, I don't think it's going to move very much further the comments that we're able to make at this stage. What I would say is that as a matter of principle, you'll know that our NRA identified a need for impact protection. As a matter of principle, we welcome impact protection. Obviously, we will have to take a view when we see what is proposed with in in discussion with National Maritime.

21:40

We do wonder then if there are to be changes in the infrastructure proposed in this location, whether that is another reason for reviewing the simulations and undertaking further simulations, which, as you know, we've asked for already. And we say that further strengthens the case for a further set of simulations with stakeholders engaged.

22:02

But I don't think we'll be able to make any further comments on what's actually proposed at this stage. I'm afraid.

22:10

My sense is that we probably won't get detailed comments until deadline 5. In that case, Isabella Tuffour, 4 DFDS. I think that's realistic. So yes,

22:29

could we enlarge?

22:34

Very good,

22:36

James Strong the applicant. So the plan is

22:40

up on the screen now and just so you can see the light, the light blue is obviously higher at

22:48

proposed development.

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The

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grey is the indicative proposals

22:59

with just to the

23:02

right of the grey top one the the existing finger pier and the the the grey shaped to the left of that of course is to allow for the coaster coastal tanker to burn the second coastal tanker to berth with barge berths remaining in locations at 8:00 and 9:00 between the two.

23:28

What if described on this document as Dolphin Vessel collision Dolphins?

23:35

And then below

23:38

you can see

23:40

the.

23:45

I don't think they

23:47

go slightly different but I can't

23:50

Scroll down but Scroll down

23:54
it's going down

23:57
text. This

24:02
I think what I was going to show you the screen. The scrolling doesn't appear to be working, so is the location of what were previously the impact protection measures running along the

24:13
trunk way?

24:15
Just for clarity, is

24:19
that if you like linear impact protection that was

24:25
outlined in the application is that now

24:29
out of out of the picture as it were. Yeah, it's just on this, this plan as a residual that's the that's my understanding because the principal impact protection measures moves if I say forward but further to to to avoid

24:46
either or or any other vessel drifting past these dolphins. Thank you. And so that'll that I expect will be clarified then in the submission. Thank you.

25:01
So applicants got the drawing that is ready to be published as an indicative alongside the letter? Yes, I think then if we could ask that be sent to Miss Robbins,

25:14
then she'll arrange for concurrent publication so that all the bits of the jigsaw are together and published as one. Yeah, so James from the applicant just to to pick up on what Mr Elvin had identified as the letter said in the letter I read out, Mr Elvin emphasised this development intended to be helpful. It is without prejudice to the IT position as to the need for the measures and our position that the

25:45
and measures aren't required.

25:47

That's sorry that's the the subject of the different NRA's that you're still before you and as Mr Elvins identified

25:56

yeah

25:58

the the need to explore that difference at least so far as the IT and ourselves are concerned could become academic in the event that the changes are accepted and agreed

26:15

If they're not for whatever reason then the issue is no wouldn't be academic and would still be alive issue between us. Neither parties altered their position so far as the NRA's are concerned but we clearly we're trying to both parties are trying to move things on in a constructive way. So I appreciate there's a degree of contingency in both the examining authorities position as to what it will

26:44

its view is and there's no reason why the examining authority would be in a position to express any view at the moment. But I appreciate that. But we we just trying to deal with the programming as it were and I think Mr. Evans you our own view is that rather than spend time

27:02

at the least this oral hearing exchanging differences of view about the NRA's that that is a process that may still need to occur. We hope not. But if it were it could be dealt with other subsequent session with the examining authorities content with that in the prospect of agreement being reached. That's the way I put it.

27:27

28:23

We're going to come back to some programming stuff in a minute, but what I'd like to do is return to DFDS.

28:29

Having seen the plan, is there anything you wish to add to what you said previously, or rest where you were

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and hold your power until you've had a bit more time to think about things?

28:41

Is it delightful for the FDS?

28:45

I think so. We are going to need to hold off and come back in writing what what I would say is that there are plainly differences of methodology between us and the applicant and conclusions in terms of the NRA.

29:03

We stand by our NRA, which raised concerns not just with the IT infrastructure but also with the Eastern Jetty.

29:12

Plainly, once we've had time to consider and assimilate the new information that may require us to update our NRA, submit a fresh one.

29:22

So

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it may not be

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a useful exercise of

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for today to discuss in further detail the differences between R, NRA and and the applicants, given that we think ours is likely to need to be updated to reflect this change.

29:42

Thank you. I that sounds eminently sensible.

29:49

Turning to SEAL DNA, do you have any observations to make

29:55

on

29:56

potential changes to impact protection, impact protection, impact protection measures for IT and or birthing changes

30:12

at Rose Grogan for sale DN not today.

30:22

OK. Then there are some programming issues but before Mr Evan did you

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could just just to just for clarification, you've you've got indicative layout two up on the screen, it's indicative layout one which is the relevant one. The difference is indicative layout two shows 3 vessels on the north side of the of the finger pier. Burst on the north side of the finger pier. It's agreed that it's it's two which is indicative layout. One

31:00

so that accords with the substance of the letter, which refers to two vessels,

31:07

is that it's essentially an extension of birth. 6.

31:13

Yes.

31:16

And it is as as Mr Strahan has said, both parties are retaining their

31:24

position on the NRA, should agreement not be reached if that contingency should arise. To that end, as I said to Mr Strahan this morning, we will submit our written answers to the second set of your questions

31:40

because by the it's, it's agreement will not have been reached by that stage and indeed we won't you you won't have seen any proposed change provisions and you won't have had an opportunity to consider the ramifications of those. So we will continue as it were with the with the written questions. So you at least have a views on those matters. Hopefully you won't have to do anything with them in due course. But I think given our without prejudice positions it's only right we should continue with that. That sounds eminently sensible and was something

32:11

when I first saw the letter this morning was going to suggest that that is how IoT operators meticulously might want to proceed. And it also covers all bases because there have been some assumptions made this morning that we might have in effect what would be issue specific Hearing 5 in November. We might not feel the need for a hearing.

32:38

That in part will depend upon what we are receiving in writing, and people should not take the brakes off in terms of making written submissions. Remembering that essentially the examination is a written process with hearings to be used to some supplement knowledge. And predominantly hearings are used by examining authority to filling the gaps or to elucidate further information where we think that written material hasn't quite

33:09

making as far enough and or we don't quite glean everything that we need from that written information.

33:19

Mr Evan any. Yep, David open again. And and to that end, we we of course took a detailed note of the questions that were asked yesterday and will incorporate the position into our Q2 answers as well. So you at least have our formal written position. So hopefully there will be absolutely no need to pursue

these matters by us. But we're just as Mr Strawn says, we're keeping our powder dry both parties on our respective positions until agreement is reached. Thank you. And hopefully the APP

33:49

and all other parties will proceed on that basis that those observations are being made on a precautionary basis. So James Strong for the applicant, absolutely. We we, as I've already made it clear, we we maintain our position about the NRI. We also

34:06

equally about the DFDS NRA. We're perfectly happy to deal with any questions about that today. We're ready to do that. But we're equally happy to devote the time in writing to deal with the questions that have been raised and come back. Even the examining authority requires clarification. It's just that in light of this particular

34:29

development, it may be why we're suggesting that there's some deferral of that issue, certainly so far as IT is concerned. But we're in your hands about that. We're ready to go and deal with things today or or deal with them in writing and with the potential for an oral.

34:50

As Mr Bradley indicated earlier, we don't think there's going to be. And as other others have suggested, debating

34:59

further detail of the NRA today isn't going to be productive. And in fact, what might be more useful is that when we've finished the navigation and shipping section, if the the relevant witnesses are still here and there is need for any further discussion, clarification whatever, they do that outside the hearing rather than us. In effect, consumed time within the hearing for dealing with matters that may not need to be discussed in this forum anyway

35:29

because of Shifting Sands.

35:33

But there is some programming issues. But allied to that and we've we've we've not heard mention of it yet. So examining thought will raise it. Now we we were going to come back to it probably towards the end of this hearing

35:47

at the last round of hearings and we've received in writing an indication that the applicant was already proposing to make a change request for other matters and we've heard nothing further about the change request. Can you update us because it makes sense that if that is still being thought of that all the changes are made in one go rather than

36:14

in on a piece meal basis because

36:17

a series of changes potentially have implications for bits of the environmental statement and or the HRA report.

36:29

James Strawn for the applicant, Yes Sir. There, there has been, as you identify reference to change requests and I think we have

36:39

a previously outlined

36:42

what they were and we entirely agree or accepted that's a better way of putting it. Your, you know, it's an observation as to the need for that to happen in one go and our intention is to submit such a change request within the next couple of weeks.

37:19

Thank you, Mr Important in that consideration given that it looks like to promote

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changes to I OT finger pier,

37:33

umm,

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the scheme needs to go beyond the order limits. That then potentially creates some issues for compulsory acquisition and or dealings with Crown Estate because there's potential changing albeit

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not a large alteration, but they need to be engaged. You need to work your way through that side of things and make sure that the timetabling within what remains of the examination allows for all of those ducks to be lined.

38:09

So in answer to your observation, absolutely the as I indicated and you can probably see from the plan already the change the red line would be certainly modest, but yes, in principle, but we're not, I believe anticipating the need for further compulsory acquisition. But there's continuing dialogue with the Crown Estate in any event.

38:35

So we're not anticipating any issues in that respect, but point noted and we'll certainly ensure that that part of the process is dealt with.

39:04

Thank you. Unless there are any other points to add about this potential change, I want to just pick up a couple of loose ends and loose ends in my mind at the very least

39:19

from yesterday. It was tearful referred to the eastern jetty just now and I think that in looking at the action points from yesterday, if we could clarify a little that we

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are still unknown

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clear in our minds as to whether the hazard or hazards potentially plural, in regard to operations adjacent to the eastern jetty.

39:52

Umm,

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have been articulated as as much as they should and I would like very much for a paper. I think to deadline four would be extremely helpful.

40:05

To clarify the NRA that has been submitted so far in that respect, in particular noting any simulations that were done previous to the simulations which were submitted as appendices to the NRA and that was mentioned by Mr Parr yesterday afternoon that there were some preliminary

40:31

simulations done which had relevance to the Eastern jetty. I and I think in talking about the Eastern Jesse, we're also including in that the tug it's essentially a barge burst. It's that right? Yes, this is for fire tug

40:51

to Paul Bristow for ABP. The the eastern tug barge can accommodate regular barge, regular tugs as well as the fire tug. So it is, it has dual purpose understand.

41:04

Thank you. So the the submission then at the four if we could have a a clarifying note on all of those issues so that we understand more what risk has been assessed and what control measures are in place.

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That speaks also to the the, the, the question of

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at what point um

41:33

the applicants team would be willing to carry out further simulations of access to that. In particular,

the innermost, I think it's birth three of the proposed development, which obviously is the the, the, the, the one which has so far been reported very little in in the NRA.

41:59

Just just before the applicant responds, I've seen a note coming from Mr Par all the way down.

42:07

My understanding of what was said yesterday, but it may be incorrect, was that there were simulations undertaken very early on in respect of what was the four berth scheme, which had a different oriented, slightly different orientation.

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Those simulations wouldn't necessarily reflect what is now the scheme.

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I'm sorry Mr, but am I correct

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in understanding what you said yesterday?

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Mike Parr, HR, Wallingford representing AP to to clarify in the first set of simulations which were conducted in November and December 21, there were

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approximately 20. I did a a quick count yesterday and I haven't gone through in detail to to to

42:59

absolutely clarify that, but twenty runs done approaching the three

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and some other runs done to birth 4 which was in board of birth 3.

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When we did subsequent runs, the simulation team were broadly the same

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master Mariners from Stenner, representatives from ABP, and it was concluded that the

43:26

relative position of birth 3

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to the eastern jetty and the other births and hazards was essentially the same in the original 4 birth setup and the new 3 birth setup. There was a two or three degree orientation change between the two setups, and the amount of space between the eastern jetty and the birth and the available space for manoeuvring for the pilots and pecks didn't substantially change.

43:59

So the expert opinion of the simulation team present in July was that to concentrate on

44:07

birth 2 where the flows were more extensive. And what we were testing was the sensitivity of the birth to the revised flow data which showed slightly more cross flow in some conditions. And the simulations to birth three

44:29

with respect to the proximity of the eastern jetty and other hazards which are undertaken in November and December, were satisfactory and suitable and there was no significant change required for further simulation.

44:48

Thank you that that's helpful. My colleague is rather tougher than I I was very much hoping that that that evidence would become forthcoming in your note anyway. But now that you've you've elaborated orally we it

45:06

is is of, I feel like anticipatory value. What I'm just going to do is give an opportunity while we're here to see if there's any particular observation from your team and stuff. Oh, Isabella Tafur for DFDS. So I don't have Mr Nielsen with me today. As I indicated yesterday,

45:30

those early simulations didn't involve any stakeholder input and there were significant concerns beyond those concerns which we currently have on the more recent stakeholder engagement simulations. So we've told you about our concerns about tide and wind. For example, there were greater concerns in respect of the earlier simulations which did not involve stakeholders. And those early simulations from November, December

46:01

2021 will be affected by those greater concerns that we had. And

46:09

we've made it clear, I hope in our submissions that we think further simulations of birth three are very much required involving stakeholder engagement

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and that remains opposition.

46:22

46:44

46:49

Change. Sorry, James. Thank you. I wonder whether I should perhaps just let you

46:55

comment before I say what I'm going to say. Thank you very much, Sir James Storm for the applicant, just by way of comment. You've already heard from Mr Parr as to what was done and the judgments.

47:09

What I was going to suggest is we would provide you with the detail of that as as you wanted

47:15

and a note. A note what's being said,

47:19

My current understanding is that the concerns are issues between us which we that we're not sure of necessarily going to be resolved in the sense that there are differences of judgement. But I'll note of what I've said and we'll consider with what we've already done and whether there is a need to do anything further bearing in mind what's already being done. We'll consider that and respond to you accordingly.

47:47

Thank you. The observation that I was going to make is that we are uneasy that the issue is not only the factual aspect of the NRA and the judgmental aspect of the NRA, but the stakeholder engagement which has been subject to substantial criticism. And I think this is an opportunity to very largely rectify that. And I

48:18

would very much like for the applicant and DFDS to engage

48:25

as soon as possible to establish what really the grounds for concern rather than bat this backwards and forwards in written submissions to the examination. Let's try to have close engagement in the next couple of weeks. If that should lead to additional simulation work, that would be very welcome by the XA.

48:56

I'm going to take it a step further than that.

48:59

Um, having you've, you've gathered. I had a quick chat with Mr Bradley before this hearing commenced. We had some concerns about what had or had not been done in terms of looking at

49:11

eastern jetty. Mr Pye used to helpfully explained some of the history of what has been done.

49:19

As Mr Bradley indicated, we could enter a bit of back and forth, which will take time. I'm conscious that we're heading towards midpoint in the examination and this matter could drift. I think a much more appropriate way, and therefore the

49:36

examining authority is therefore in effect as an action arising from this hearing date to instruct,

49:43

um, the DFDS and the applicant do engage. DFDS clearly indicate to the applicant, because that was a concern that was raised yesterday on the account side, that it wasn't clear what DFDS thought needed to be further simulated. So DFDS need to be clear what it is they feel needs to be done to complete the bits of the jigsaw. As far as they're concerned.

50:10

Um,

50:12

that I think should be done in an open and transparent manner between Applicant and DFDS. And then arising out of that, it is almost certain some further simulation work will have to be done.

50:26

Looking on the brighter side of things, it would appear that potentially where there might have been a need for further simulation to address some of IOT's concerns, that appears perhaps now not to be on the table. So there is less work for the applicant to have to do it in that regard.

50:47

Applicant Any response.

50:52

So James from the applicant noted what you said and the IT would be in certainly as I indicated yesterday. Be helpful for, as you

51:05

explained, for the DFS to set out what it considers

51:11

hasn't been done that needs to be done and

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so that the the bit of the jigsaw and put it in that way would be. Then for us to consider

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what it is they say hasn't been done which needs to be done and to

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consider

51:30
what simulation

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is necessary. I only say that because there are some differences of view,

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such as you heard about wind shearing for example, that in fact if you simulate for wind sharing, you're actually looking at a

51:49
more benign picture than

51:52
is appropriate, and you heard evidence from Mr Parr about that.

51:56
It may be that that could be resolved by doing them all, but I'm simulating. Who knows, but I but I all I just reserve that position. It there are differences of expertise in relation to simulation, bearing in mind HR Wallingford's expertise in that particular domain.

52:14
They should be able to

52:17
respond to PFDS requests to point out, well, that's not going to be beneficial that is covered by something else. But we'll certainly look with an open mind in the way you've suggested as to what further stimulation may be required.

52:33
Yeah, I certainly hope that on the DFDS side, I think a sensible approach will be taken. The relevant experts will liaise with one another. Coming back to sort of the methodology point I think we raised in IS H2, it's important to get the methodology ironed out and then proceed on that basis.

52:58
And I think probably in terms of if there are going to be further simulation runs down, I think that probably it will that it seems perfectly sensible to decide what are the worst case.

53:12

53:13
Said what is the worst case scenario for whatever the simulations are? And that is used because that will set the outer limit and

53:22

probably in the worst case go beyond what will actually happen in the real world. Mr 4 Isabella Tafur 4 DFDS. Yes, certainly. So that sounds sensible. To the extent that there may be differences about what are the worst case parameters, hopefully that can be ironed out through the simulations themselves. For example, I understand that the simulations that did involve stakeholder engagement did include wind shielding because that was a matter that was raised as a concern by some of the stakeholders.

53:54
So

53:55
to the extent that there are disagreements about the worst case parameters,

54:02
no doubt in order to allay the concerns of stakeholders, those

54:09
that they consider to be worst case can be simulated.

54:23
Mr Para, I can see you

54:29
set my part HR one afford representing ABP. I just wanted to clarify a little bit of detail in terms of when we're talking about worst case. And yesterday there appeared to it sounded to me like there was some suggestion that we should set limits based on the simulation. I think that's using services for a purpose that they're not intended for. I think HR Wallingford would be very proud of their simulation capability and the hydrodynamic modelling

54:57
they do to support it.

54:59
But they would readily admit that it isn't fully representative of the real world situation. And where we do simulations to provide indicative limits for the port, it's appropriate that the port takes those limits in a conservative way and then uses those to develop their knowledge and experience in a safe and progressive manner. And we would be cautious about setting simulations which were

55:27
deliberately trying to establish a limit or show the worst case with that situation not being fully understood.

55:40
Thank you, Mr. I think what you've just demonstrated there is a need for DFS to be able to demonstrate what its concerns are and then there to be a sensible dialogue about how those simulations should be run, even if it. Well, I think what we all need to know is

55:59

where this scheme might operate, how it would in the real world.

56:05

You helpfully explained the issue specific hearing too, that a lot of the runs were in effect running

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at the extreme of what you thought would happen in practise.

56:18

And in in some ways they would deliberately run to to create the sense of failure or abort and because they were pushing the extremes of of what was practical

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in terms of actually a master on board a ship trying to navigate.

56:39

So absolutely. And I and I think that the

56:44

the opinion of the master Mariners who are a key component of the simulation team on completion of those runs is part of the key

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supporting element of the simulation process. And you heard from the Stenner captain yesterday of how he considered those runs in the conditions throughout the four sets, which we've been done

57:05

James Strong for the applicant. So I think it's clear what what you're suggesting. I just emphasise in relation to that transparent approach, the DFS will have no doubt some of its own precedent in terms of simulating for its own operations. And therefore in a transparent way we'll be able to identify those things that it thought appropriate by way of what is now referring to as worst case

57:37

to to model its own entry and into the outer harbour. They have differences of course, but in terms of how far simulation needs to go for safe operation, that may provide a transparent helping reference point. So we look forward to a dialogue about that.

58:04

For since we've probably taken that point as

58:08

settled in

58:11

at Rose Grogan for CLDN. It's a very short point, Sir, which is that if there are to be further simulations,

CLDN would like to be present. And CLD will also want to consider anything arising from those simulations and whether it affects any of the points that it is making in this examination.

58:37

And to IOTI,

58:42

wonder whether there's an observation again as to this particular speaks to stakeholder engagement as to whether further discussions on simulation should IT wish to be

58:58

and consulted as well, I I think so.

59:02

I think give sorry David Elvin for IoT

59:06

bearing in mind as Mr Straw and I have said OHH it's sort of maintaining without prejudice our current positions. I think that would be prudent the the I I would expect in any event there may be a need for some additional simulations just as part of the design work on the proposed protective measures. But in any event, yes,

59:28

we don't want to turn this into, if you like, a hugely difficult project management exercise with, you know, the inevitable time consumption.

59:42

And clearly DFS have been very vocal in their their, their, their their wishes. Can we start and ripple outwards and engage the other stakeholders as much as reasonably possible with a view to doing this in a really expressed manner?

1:00:04

James from the applicant, Yes Sir.

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Depression

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just for absolute. So is everybody on each side of the table, so to speak clear about

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what what what is to happen next?

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Looking at the applicant. James Strong for the applicant. Yes, Sir. Yeah. Dave. Yes. Yeah. Is relative. FFS. Yes. Thank you, Sir. CDN. Yes, Sir. IoT. OK.

1:01:02

Thank you. I'm gonna move on from that to just clarifying again a

1:01:09

loose end from yesterday regarding the construction phase and we asked for the draught CMP to be clarified with regard to,

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let's call it the governance relationships of safety during the construction phase.

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Do you feel that you captured that action point clearly or would you like to have a further discussion on it?

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James Storm for the applicant. I I hope that I've understood the the, the request from the examining authority. UH, which in a in a nutshell, probably articulating much poorly, much more poorly than you did. The you, the the examining authority would like to understand the what happens during construction and the governance arrangements as between the relevant authorities

1:02:08

in both the approvals and indeed the

1:02:14

regulation of the construction activity itself. Unless I've misunderstood and we'll provide you with, we hope to provide you with clarity on that in in in writing, but we're very happy to discuss it more. But I think you had some answers yesterday, but if I've misunderstood it, then maybe we do need some further discussion. No, I think you have it well, but it does speak also to reaction to incidents

1:02:40

and and what would happen in the event of an incident. Yes,

1:02:46

a little bit of forewarning. We will touch a little bit on this this afternoon in issue specific hearing four and how the construction environmental management plan in particular has been dealt with in the draught order.

1:03:03

So yeah, it's it's not entirely parked for today anyway but that will be more to do with the mechanics of the operation of of

1:03:12

the camp in general but also how he he he plays into the draught order.

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I I'd guide you specifically to table 3.4 in the camp and

1:03:28

in the process of reviewing that that I did notice some proofing errors and inconsistencies in in in in writing, so it's an opportunity to put things right.

1:03:41

There's one particular section on birthing criteria specific to operation construction which needs some attention, and I think it's particularly important to to to

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improves the drafting of the, the, the camp in relation to parallel construction and operations.

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And that may be of course A to a certain extent A movable feast as the, the, the, the

1:04:16

scheduling

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merges. But I think it's got to cover worst case in a more rigorous manner that does that at present

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and that now takes us on to Item F on the agenda, which is we were

1:04:45

keen to understand more about the role of the Harbour Authority and Safety Board here.

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And

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whilst the statutory harbour authority

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essentially has to make the judgments on whether all risks have been controlled to Allah,

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this is as we understand it in the

1:05:16

ABP governance hierarchy is referred up the chain to the actual HSBC being the duty holder for all ports in the

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ABP estate. Is that a correct characterization?

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James Strahan for the applicant, yes. And so we conscious of that agenda item. I have here Captain Mccarten, who is the Group Director of Safety Engineering and Marine,

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and that's an appropriate moment. He may be able to give you some more details both about the House board

1:06:00

in principle and either he can move straight onto the specific password meeting or we can come back to that but but he he would be able to help you a bit further about that process.

1:06:13

We did have a number of questions of of about that December meeting which is is important in regard to the application to date. The open question now is what next in regards to the changed circumstances that are being presented this morning and if those go forward to a final agreement with IOTI think it useful for Captain Mccarten

1:06:44

to explain his role and and generally the functioning of Hasper

1:06:49

uh and how how lines of command if you like not not necessarily good term work and then we'll deal with what actually happened. But I think if he can give an outline of the general workings it it'll provide a lot more clarity because as as the note that was prepared and which has become examination document

1:07:12

um

1:07:14

Rep 1-0114 made clear it is quite a complex set of situations with the overlaying the different bits of legislation that are in play. So I yeah, I think it would assist all parties if Mr McCarthy can just generally set the scene by giving a broad explanation and then we'll come

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to some more specifics about what actually happened with this case. So

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like I'll hand over to him.

1:07:48

Thank you Sir Mike Mccarton, I'm the for the ABP long the Group Director, Safety Engineering and

Marine at Associated British Ports. I also look after our dredging operation with UK D and in summary I'm looking after day-to-day with teams everything with regard to safety both from the land and from marine operational perspective, our engineering assurance and our marine operation which of course extends over 21 ports. So it's

1:08:19

quite considerable but outstanding teams running those on a day-to-day basis. With regard to the harbour and Safety Board, this is something we've had in place for some time. We meet every two months

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as a general rule to consider a whole number of issues, but our standing agenda is normally with regard to our land operations. So we all consider our near any near misses incidents arising around our ports that require improvement protection or investment as well as understanding the risks around those and the other risks we hold within our risk controls and with marine. And precisely the same

1:09:04

to take them in two segments, both for the land operations to start with and then the marine one with everything that we do at ABP. Safety is at the heart of what we have. It's our culture. It's not a priority because priorities change therefore has to be absolutely embedded in our culture. At ABP

1:09:29

I also act on the board given my background as a naval captain for variety of commands at Sea Master Mariner and with experience in the cruise business for a number of years looking after considerably large cruise ships and numbers of people around the world. I also conduct my role as the marine advisor to the Board alongside the designated person who were ensures that we have the right assurances and audits conducted

1:10:00

throughout the business.

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So hopefully that summarises and brief terms what our Harbour and Safety Board does. It's led by our chief executive to absolutely ensure that safety is a rod of iron going through everything we do.

1:10:17

Thank you.

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Thank you. That in itself was, it was a helpful additional understanding of what's been submitted so far.

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What I heard just now was that essentially you're largely reviewing in reaction to reports that are received from your various different ports within the estate. What about

1:10:47

the role of House Board in regard to development proposals that that is really the the, the essence of what we're we're driving at here,

1:11:00

Mike Mccarton, ABP. So with regard to this particular proposal and I just refer back to earlier point, it's not reactionary. A lot of what we do is also very proactive in that world in terms of investment improvement, training and those considerations as well. But in this specific case with with the DCOM, given its prominence and importance, we felt absolutely necessary that the NRA and the understanding of the receptors came to the Harbour and Safety

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Board acting as the duty holder for the company. So that we saw that we had all the right advice from all the experts and considered all the stakeholder input with regard to where we were with both its conduct and simulations before giving it a stamp of approval. So that may proceed as part of this process which obviously we're here today.

1:11:56

Is it right to understand that in that case as as primarily an audit function,

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sorry, could you repeat that? Is that is it right to to take that role as of house Board in this respect as essentially an audit function to check that the development teams have produced all the information that you would feel comfortable with as a Board

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in governance terms? Yep. So Mike Richardson for AVP. In summary, yes.

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I would also say that behind the scene as well there is interaction before with myself as well as the designated person as marine experts with the teams, just to ensure that all the preparatory work is done correctly so that it can be considered collectively by us all on the day as well.

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That's largely anticipated. The next question, which is

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inevitably A governance function, has a broad agenda and limited time and therefore will rely on the quality of the inputs to that board and, as you suggest, the preparatory work that goes in. Now in regard to safety assessment, the designated person has an important position here as an independent. Can you tell us a little bit more about how that evolved over the last couple of years

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within ABP? There seem to be different names that we're hearing in in in that role of designated person

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Mike Mccarson APP.

1:13:45

So the designated persons role is quite well described in the Port Marine Safety code. In essence they are there to ensure that the right assurances provided to the duty holder there are a Direct Line to the duty holder if required as well as ensuring that an audit function is conducted. The the code is quite prescriptive in terms of. It can be an external or an internal individual providing that those particular

1:14:16

some elements are met.

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And we've had a designated person for a number of years with us who's only recently left us, but are now acting actually as the temporary designated person until we have a relief to come in to fill that role.

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How temporary

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Mike Mccarton ABP. I'm hopefully for only a few more months.

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Does that mean you sit at the house board wearing two hats

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and Mike Mccarton AVP? Currently, yes.

1:15:04

Is there any sense in which that has, if you like, a compromising respect in judgments regarding proposed developments?

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So Mike Mccarton, ABP, I'm pleased to say that's not the case. We have our governance is such that everything to do with the harbour and safety port is taken to our audit and risk committee, which sits 3 * a year. That consists of our shareholders, our CEO, our CFO and our Chairman who go through our audits which are all reported to them either across the business on the course ending,

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including what we do within Marine. And they regularly ask questions with regard to Marine And they will separately take as they have done the designated person, not myself on this occasion, out of the out of the meeting without minutes to absolutely ensure that they're being properly supported. They are able to engage with the duty holder and nothing is getting in their way. So that independence is preserved. I would also say that just a couple of years ago, by way of example to add to that assurance,

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we had the IMO, the International Maritime Organisation, the UN agency that represents some 150

plus States and come to the MCA as the overarching body. And who comes to the MCA for every 10 years to ensure that all of their frameworks, the Port Marine Safety code being one of them, are in place. They conducted a very detailed and sophisticated audit process and they asked ABP to be involved in that.

1:16:54

So both the IMO and the MCA came down to our poured in Southampton. They looked at our organogram, the structure of our duty holder, the role of our designated person, as well as a number of other issues included are you how we handle dangerous goods and our VTS operations. And it's very rigorous and they gave us a very good clean, a good clean bill of health. So we feel very assured by that independent process of our audit and risk committee

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and we also use external auditors to conduct some of our marine audits as well, just to ensure that independence is preserved. So I hope you feel assured by that, Sir.

1:17:38

When's the next Audit and Risk Committee?

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Our next one will be in November.

1:17:47

How uncomfortable are they going to be if you're still in temporary occupation of the DP role,

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Mike McCartin, ABP. I think there will be actually assured once they have a designated person role, who's properly, who's suitably qualified and experienced. And that's probably the most important thing with this role as opposed to just appointing somebody in there. And that swept element is absolutely essential to this role.

1:18:21

Yeah,

1:18:26

Captain McCarten, in terms of this project and it is project management

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is is the promoting of presumably the structure of the company is that projects are promoted by director.

1:18:40

In terms of this project, I would I be right in thinking that it it's coming under the regional director who covers Humber.

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And as far as that is going, you are not, if you like, project leading at board level.

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Um again, if that is assumption is correct, that gain presumably enables you wearing your various safety hats

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to look at the project from your specific role within the organisation rather than trying to drive the project forward.

1:19:16

It's Mike McCartney, ABP. Yes Sir, that's absolutely correct. The project is sponsored by the regional director and that enabled myself in my role to to step back from that so that in the cold light of day when the facts are presented, we can view them in that light rather than having perhaps if one is in the weeds all the time, that view would be distorted. So that is correct.

1:19:45

Moving slightly sideways from that head of Marine Humber alongside you.

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Is it normal for Adam Marie Humber to attend House board or is that only on occasion?

1:20:03

It's Mike McCarton. At ABP. We do invite people to attend our Harbour and Safety Board from time to time. So it's not unusual at all or without regard to other regions. We we have a BP consists of three regions, we do exactly that as well as the heads of safety and heads of marine 8:00, so that they get a sense of what we think is good governance looks like how we work. So they understand that. So when they go back to their respective teams

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as well as part of their personal career development too, as well as understanding from a wider perspective what's going on because it's good to sort of see what other ports are doing and how they're doing and they're maybe good practise that they can share or indeed learn from.

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But the SRO for this Ohh, sorry, the judging the the responsible officer in the company for the proposed development is the Regional Director

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Humber

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and is that role in the same line of management as Head of Marine Humber, Mike Mccarter and ABP. Yes, it is

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because the when ones operating on the regions you have to integrate marine with land operations and engineering operations running so triumphant so that they can work efficiently and safely together

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And moving on from that. The other very important players here are the Harbour Masters in Harbour Master and Duckmaster respectively, who are in,

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if I understand it, in the same line as down from Regional Director through Head of Marine Amber.

1:22:03

Do you expect to have representation at house board at times from those Harbour Masters,

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Mike McCartin at ABP? Not necessarily. There's no bar to that at all, but it's part of their development. If they would wish to attend and other regional develop, regional director or the head of Marine, we wish them to do so, then we'd be very happy to invite them along. But if they have any concerns or input normally that that's represented by the regional director or the head of marine if invited along, but there's certainly no, no

1:22:45

are to that um. But equally we have a pretty tight agenda to run to. We have a generous amount of time. So it's it's striking a balance between those things, those elements of course within the regions themselves they conduct their own safety too. It's not just done at our higher level, there's a number of layers within the the region and the ports themselves

1:23:09

and does the there is in the diagram that was submitted A dotted line relationship with the designated person between harbormaster if I understand it. Is that correct? So there's a, if you like, a back channel,

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Yes, My Mccarson ABP, that's right, Sir. And that's as much as well for assurance as well as sharing lessons where we see your observations in other ports and outside of AVP. Of course we do with our UK MPG colleagues and the ones that BPA, we have a forum where we share marine learnings as well as where we have material from the MCA and the MIB. So the Head of of Technical marine, designated person will share those things. He has form forums

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with the heads of rain to make sure those channels of communication are kept open.

1:24:14

Thank you. That's been very helpful. I think before we pass on, it would be right to just go around the table to see if there are any comments or observations from other parties. Maybe start just briefly with the harbourmaster. If there's anything you'd like to add to what we've just heard

1:24:34

Andrew Furman have, Master Humber now recognise what Captain McCann has described. I've just extend that a little bit further and say the designated person is available to all staff at all ranks and

he's a conduit for raising safety concerns and that that's one of the the key roles to maintain that independence.

1:25:04

Thank you. Let's carry on round the table IO T any questions or observations? Thank you, CLDN,

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I think and DFDS Isabelita for on behalf of DFDS. Yes, just a couple of observations, Sir. I think it might be right to

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actually describe Captain McCarten as possibly wearing three hats rather than two, in that we understand, and we'll be corrected if we're wrong, that he is an ABP director,

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a member of the Haas board, and the designated person at present.

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It would be helpful for us to understand if the members of the Hasbro board are in fact the same members of ABP's commercial board.

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We would also find it helpful, and this may be in writing, and to understand a little more clearly the chain of command or hierarchy between the Regional Director, Captain McCarton, Commander Bristow, the Dockmaster and the Harbour Master,

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and in respect of the designated person.

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You all have seen our representations that the designated person did not attend the hazard workshops or the simulations and so wasn't there to hear the concerns raised by stakeholders.

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It's unclear how he was able or felt able, to assure the duty holder of the rigour of the process, or that the concerns raised by stakeholders had been suitably addressed. Having not participated in those sessions,

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and given the sensitivity of the project, it seems difficult for DFDS to comprehend why the designated person wouldn't be involved in those workshops and simulations so as to listen to and discuss those concerns, if it was his role independently to advise the duty holder of those concerns and to satisfy the duty holder that they'd been adequately addressed.

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And

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finally, so we note your request in your second, second written questions for the minutes and reports to the 12th of December meeting to be submitted and we welcome that request.

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We would note that in Rep 1014, which is the governance document you referred to at paragraph 11.1,

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there are various stages leading up to the meeting of the 12th of December of 2022. There's a cost benefit analysis and tolerability workshop on the 6th of October. And on the 7th of October, ABP's project manager apparently presented the findings of the previous meetings to the ABP steering Committee so as to consider the position on risk tolerability

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and to consider whether further applicable controls had reduced the hazard scenario to an acceptable level. And and we think that the reports and minutes of those meetings would also be very helpful to stakeholders given the concerns that we've raised as to the transparency of the decision making, governance procedure and the conclusions of the NRA.

1:28:31

Thank you. Thank you, Mr Tucker,

1:28:35

over to the applicant. And I think a lot of this speaks to the certainly the first part of your observation speaks to the communication channels.

1:28:46

You will already be thinking about the response to those written questions. And I ask whether you feel that in your what you're planning to respond will very largely cover the comments that have been made or if there's any further clarification needed.

1:29:06

I'm just James Storm, the applicant. I'll just.

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Well, we'll certainly James Strong for the applicant. We'll certainly provide the answers to the questions you already asked, including, for example, the minutes of the 12th of December meeting, and you'll get a full answer in that respect. But Captain McCarton can give you a brief answer to some of the things have just been raised if it would be helpful.

1:29:59

Thank you. That's my McCartney BP. So with regard to the relationship between the regional directors myself and the heads of Humber and the Dockmaster, the organogram feel like command structure is

quite straightforward in that the Humber Master Dockmaster report ultimately to the Head of Marine on the On the Humber who also on a day-to-day basis with his respective heads is running that operation. To the regional director, I is the

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through marine director. I'm involved in terms of policy, assurance, auditing and in the case of taking advice and incidents et cetera. That's when I absolutely get involved to help out inevitably with the retail director who may need some assistance, a very rare occurrence I have to say. And then with regard to the hazard workshop, the designated persons role is to ensure that the proper assurance and the manner in which risk is being measured is done

1:31:01

hopefully. And we used the five stage process that was that was conducted so it wouldn't have been proper for him to be there otherwise. He can't step back when the results are being and will return the handle as it were and then they're presented further up the line. But he absolutely made sure that the right processes were being followed.

1:31:27

Thank you for that. The second part, really, if I can summarise, I've Mustafi's suggestion is they would welcome sight of the minutes of those preparatory meetings. Maybe we have a reaction

1:31:46

change to one for the applicant in so some of them have like workshops. I'm not sure there will be minutes for as such and so I'll I'll review and see what documents are available the the certainly the minutes that you've requested. I think from the 12th of December board meetings they they exist and being provided to you you'll see who who attended what was discussed in the usual way that minutes do and I but I don't I'll I'll

1:32:17

find out about the other workshop type or steering group. I suspect there won't be 4 minutes of those because of their nature, but I'll I'll find out and I I think we've already told you this but

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yeah, but maybe it wasn't clear in the in what we whilst Captain McCartin is the temporary designated person. The designated person at the time of the 12th of December

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2022 meeting was James Clark,

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who attended the haze board meeting of the 12th of December.

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Who's Mr Robbins?

1:33:01

So Mike McCarthy, AVP. So Mr Robbins was due to be of James's relief in post. But we've had a an issue in one of our our regions with a a one of one of the leaders there who we've just had to give him

a little bit of help. So Gareth is staying in post where he is at the moment to look after the region before hopefully he comes into this appointment here. So the more pressing operational need had to be had to come first in this regard.

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Thank you. Thank you for your business.

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1:34:09

We realised that till the there's still a little bit of water to flow in regard to the suggested changes that are in in hand as we speak may take a week or two to to get there.

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What would be the normal process and indeed what do you sense is the the, the, the timing of a review of the overall risk environment for this proposed development being put back to House board?

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James Swan for the applicant. So in

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it I'll I'll obviously take instructions about that. Just to be clear, the NRA process and what went to the House Board as you will know,

1:35:04

included impact protection measures to IoT of the type that were provided for in work #3 subject to the

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requirements 18, which will no doubt discuss later on in principle on the basis they weren't necessary but could be implemented if if the harbormaster recommended as such. So

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the change proposed change is is therefore some amendment to that principle by reference to what's been discussed, but not an entirely new aspect. But what we'll certainly do and I'm sure the applicant will do is consider whether the request the the change in its final iteration is something that needs to be referred and where to referred for further review

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in light of of that with and I I don't know the absolute answer that but the in principle that that's something that would be considered

1:36:11

it's a it's a valiant effort if I may say so. Well thank you. Well, I I I haven't taken a struck. You just asked me the question. I hadn't taken instruction. I can I can probably get a more definitive answer and I would put more direct question to Captain McCartan because he is here. Captain McCartan, would you expect to see

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some sort of report via Hasba

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that addresses the changes that are being tabled to address the IoT type concern? So we've got minor revisions in inverted commas that are coming forward.

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Is that something that you would, in the fullness of time expect to be heading to Hasbah? Ohh, yeah, my my cart and BP. So in this particular case, and given all the interest, absolutely yes.

1:37:07

Ohh, that saves me taking instructions

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I'm afraid I have as Mr Bradley has explained. Now I have a slightly more direct approach

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and

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and Captain McCarten. Any idea on sort of time scales when you think those changes might be heading in the direction of Casper,

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also Mike McCartin, ABP, not yet. I think frankly, there's a number of issues that just need to be teased through, including availability, simulation, etcetera. So I'm sure that can be done very quickly engaging with our stakeholders around the room and with Wallingford. But once we know that, I'm sure we'll put a programme together and we can always hold and we will hold if necessary and extraordinary hasper. So that that here's everything that's put before it's over in proper order before we come back

1:38:01

there were any other submission is made.

1:38:05

And I think what I can read into that safely

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again, a pun that wasn't intended is that has built will have considered those potential changes before the close of this examination.

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And I think it would be useful

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for any minute that arises out of that

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concussion

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comes into the examination, presuming that I am correct in believing that that decision making will have taken place prior to the close of this examination. For those that are not used to the process,

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the examining authority cannot receive any information and consider any information after the close of the examination.

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That doesn't preclude that information being passed on to the Secretary of State for him or her to consider when they are making their decision. But we cannot as the examining authority take that information into account if it's not available prior to the close of the examination

1:39:12

James drawn for the applicant. Sir, your assumptions are correct about the intention that that process, well that we're told that process will occur that it would happen before the close of the examination and I don't anticipate any difficulty in providing the minute as you've requested.

1:39:29

1:40:00

We're we're minded to now take a break until 12:00. But before we do, just very quickly around the table, are there any? Because that then would close this section of the agenda. Any final observations from around the table

1:40:17

from the Headmaster? Thanks. Victoria Hudson, Farm master. No Sir. Just to clarify, we will disappear for the next few gender items and be back for SH 4. But we mean no disrespect by that. Understood,

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IoT.

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David Allen, No, no thank you. Although my experts from Nash will probably leave at the close of of this agenda item,

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Celia Rose Grogan for CDN, nothing from us there.

1:40:51

And if this is the Villa to 4/4 DFDS. Anything further we need to say so. We will do so in writing because there are still matters we haven't explored, but we understand the need to move on.

1:41:03

Thank you. So we're just a little bit less than 20 minutes. That's satisfactory 12:00 resume. Thank you.