

ISH3 Part 5

0:05

Well,

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good afternoon, everybody. It is now 12:00, so the hearing is resuming.

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Have applicant got everybody that you think that's gonna deal with transport to hand?

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Umm, DFS? Have you got your Yep and CLDN?

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OK, I'll, I'll hand over to Mr Bradley to lead on on this section of the agenda. Mr Harrison. Sorry. Yeah, I've been saying, Mr Bradley for a day and a beer. That's

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that's patiently waiting for my turn.

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OK. Would it be possible to get the the agenda back up on the screen? Thank you.

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That's great. Thank you. So I guess before we get into the questions, obviously we we can see the latest position between the applicants and interested parties up to and including deadline three. And wonder, could the applicant perhaps give an update on any further progress that's been made to address sort of outstanding concerns around terrestrial transport raised by interested parties

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since deadline three? I I know there was reference in paragraph 6.1 of your response to CLDN's written representation. Something was Rep 3007 to there being a further meeting of the transport group planned for the 15th of September.

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Did that happen and could you perhaps just give a little update?

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So James Strong for the applicant, I'm going to let Mr Tucker's response to that he'll introduce himself.

2:04

Thanks Simon Tucker from DTA on behalf of ABP. So, so just to answer the question directly, there's been four meetings now between US and the interested parties, 10th of August, 30th of August, so roughly every two weeks.

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The 15th of September was a meeting that did take place and we've also met as recently as this morning

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to discuss matters. The position at the moment is that we have been making some good progress on the various outstanding

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issues arising from from the IPC's review of the transport assessment.

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There is a draught statement of common ground.

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Sorry, there is a draught statement of common ground being prepared that still has some way to go in terms of some of the details, but we are working through it at pace

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with the intent with the agreed attention. I think it's fair to say of of submitting that to you when it's ready so that we can be clear what's agreed and if necessary what isn't agreed

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in time for deadline five.

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We were hoping, I was hoping to have something for you to see before today, but yes, that that's that's right,

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right.

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Thank you. Could I just check with perhaps CLDN first and then DFDS whether that's whether you're sort of happy with that overarching characterization of where discussions have got to

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Rose Grogan for CDN. Thank you, Sir. Yes, matters are moving and some progress has been made and our transport expert is working together with the experts for the other parties to agree a three-way statement of common ground. There are still some outstanding points around sensitivity testing and as far as we know the applicant is taking that away to have a think about what else can be done. It's also been agreed that there will be a detailed terminal assessment.

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I think it was intended to be at deadline 4 to demonstrate that the assessed daily maximum throughput of 1800 is valid, you'll remember from the last year and that was a point of contention.

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That's what we understand the position to be that that is forthcoming.

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There has been mention from yourselves and at these transport meetings of the change request and the suggestion that the annual throughput might be reduced. We don't have any details of that. We don't really know much about it other than that that has been a suggestion. We would appreciate some clarity on that because obviously changing the annual throughput might change some of the assessments and the conclusions of those assessments. So we'll need to look at that. But otherwise, that's all consistent, I think with with what Mr Tucker has said

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to you just now.

5:00

Thank you Miss Grogan. Mr 4 for DFDS Isabella Tour 4 for DFDS

5:06

Yes, we agree with Mr Tucker that there have been a number of meetings and progress has been made. Just in terms of an update on one particular matter that hasn't yet been raised by us but with you, but has been raised with the applicant.

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There was. During the discussions about baseline traffic flows, you'll remember there was a dispute between the parties and the DFDS team suggested further validation should be carried out and some further validation has been carried out. There's still some dispute which we can come on to.

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During that process, DFDS in order to try to understand how the difference in flows from their assessment were arising in comparison to the applicants assessment. They noticed an error in the applicants transport assessment in its conversion of HGV's to

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PC use

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and it appears that each HGV had been counted as a as as a single PC UK, whereas actually they're they're a conversion ratios that should be applied depending on

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the size I think in simple terms of the HGV. So they pointed this out to the applicant on Tuesday. The applicant sent a note through Tuesday of this week confirming that that was an error in their TA

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and converting the HGV's to PC US

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and

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they produced a note of that which

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Mr Easter, Mr Wickens have been working through. And the effect of that is to show that the flows

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are

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higher just without using any adjective to describe how much higher they're higher than we're showed
in the shown in the original transport assessment.

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And

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that has an impact on junction capacity.

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And that is something that is the subject of further discussion in that even aside from the other issues
DFDS have identified, they consider in light of that change, further modelling should be run

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and an addendum at least produced to the to the TA to reflect that change which the local authorities
won't have been aware of, possibly still are not aware of.

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So there are some other areas of dispute as similarly to CLDN which we can get into, but that's a
broad update of the position.

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Great, Thank you very much. Just turning back to Mr Tucker and on on the the error, a point that's
been raised there by DFDS, if if that is accepted by your yourselves and presumably you'd be working
to revise the transport assessments and perhaps you could indicate sort of time scales for for that.

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Thank you Simon Tucker for for ABP. So the position at the moment, Sir, is that there were some, it
wasn't to deploy to all of the traffic flows in the modelling, but some of them

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had a had an incorrect transposition if you like in in the in the modelling. The position at the moment
is that we've sent a revised set of

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model outputs to to DFS consultants for agreement and then

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I I that will be submitted once that's that's agreed possibly as part of the statement of of common ground. But we haven't debated the the detail of how it might be submitted.

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Just to clarify the conclusions of that work, Sir, from my perspective is that it does have shown more traffic in the network. So therefore

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the capacity changes, but it doesn't change to a point that materially affects in any way the conclusions of the TA.

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The junctions are that have been tested are all operating within capacity and the impact of the IERT on those junctions remains

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in the assessment not to be material to the point of requiring consideration even of mitigation in the context of of the framework.

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Great, thank. Thank you very much for, for that and thank you to everyone for that sort of update of of where we've got to

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Mr Fuller for DFDS. Thank you Sir Isabella Tafur for DFDS. Just just on that note, we you know we we have

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will continue to work through the document. But what it is showing in our view at least, is that while the original TA showed that there was a lot of spare capacity on the network. And the results of just this change not accounting for any of the other sensitivities, is that a number of junctions are pushed to a ratio to flow capacity of over 0.85, which is generally treated as practical capacity for a junction.

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So in our view that is a material change to the findings of the TA and does justify

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A rerunning of the TR at least an addendum to take account of that and that's sorry it's that's without including the projects additional traffic

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there are receive at or even in some instances above 0.85

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might be difficult question to answer at this stage. But given that the applicant and Deadline 3 indicated

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an expectation that the development would probably operate for most of the time anyway,

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80% of the 660,000 unit capacity,

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does that in sensitivity terms

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affect much of the change that arises through addressing the the error point and the capacity

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of concern that that

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is raising with the FDS

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now if the various consultants don't feel able to to tackle that at the moment, fine. Take it away and deal with it either in writing and or through the discussions that are ongoing and ultimately through the state of the common ground.

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Thank you. Simon Tucker from from DTA. It is part of the sensitivity testing process. The

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as you've picked up the the average flows if you like would be would be significantly lower than 25% lower than the than the maximum

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throughput of 1800 a day. So if if you reduced it by that then that would have a proportional reduction in terms of impact of of the development on on the wider network. So in that respect, we can certainly provide

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back to you as well in terms of an alternative modelling outputs if you like to show that the differential between the two, I don't have the precise numbers in front of me, but that would be relatively straightforward to to provide, Sir.

12:59

Thank you, Mr Tucker. Yeah, that that would be useful if you if you could provide that to the ex A.
Thank you.

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I can see the FDS still in a sort of consultation there. Sorry, Sir. Isabella Tefal for DFDS. I'll just introduce again Mr Matt E who's a consultant at GHD who you heard from at the last I SH

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afternoon, says Matthew. He's from DFDS. Whilst it will have an influence on the overall assessment going through that the other sensitivities which we will probably get on to discussing later have also a equivalent or greater influence on the assessment going through along those lines, particularly the Westgate and Eastgate ratio distribution.

13:53

OK, thank you. Thank you for that.

13:57

I think with you sort of mentioning moving on to discussing other sensitivities, probably a good time to kind of move on to some of the the agenda items. Actually item A we consider was fairly well aired yesterday in the discussion around dwell times and capacity of of the proposed development. So I don't propose to go into detail today on that because of

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at the time that we have available and obviously we've got an agreement to a A4 way joint statement of common ground looking at the issue of sort of dwell times capacity and sort of physical extent of the storage areas between the applicant DFDS, CLDN and Stenner. But just as a a sort of plea or or a request could, could we make sure that that joint statement of common ground that you're working towards does cover any resulting

15:07

forecast transport related implications. I'm sure it was probably all in your minds, but I'll just I'll reinforce that point. I can see nodding heads I think from from all parties on that

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so sorry Simon Tucker first for AVP just on item agenda a dwell times and capacity noted I it's just worth recording that the accompanied and unaccompanied split that's been adopted in the transport assessment has been agreed between the parties.

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So we can debate the other things have been debated previously today and yesterday, but just to record that and that will be set out in the statement of common ground when you when you see it.

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OK, thank you for that.

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I think that actually quite neatly brings me onto what I had as as my next question to to the applicant.

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You'll have seen probably our question TT201 in our second round of written questions that we we had some concerns about the data that was provided in Appendix 7 of Rep 1-009 in relation to the sensitivity testing of accompanied versus unaccompanied freight. I mean no doubt you'll respond in detail at the deadline for to that. But could you just

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briefly confirm whether there were actually almost a yes or no answer are there errors in some of the the the totals in that table that need updating? And you know briefly what what implications would that have to the response you gave us to our IS H2 action .13 please Mr Tucker. Thank you Sir Simon Tucker for ABP. So there is a printing error in the Appendix 7 that you've identified and we will provide the correct table in response to

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like the Q2 is just for confirmation now that the change. So the final three columns in terms of the change in flows is is correct. It was the preceding columns that became misaligned for reasons that I can't explain, but we will provide that, that formally corrected to you at deadline 4.

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Just just on that point though, in terms of the discussions that are going on between the various parties, have all the parties got the right information in front of that? Then their content, they're dealing with a correct set of numbers and it have in effect disregarded what is contained in that table. I mean, the first time I saw it scratched my head.

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I have a relative who could probably have proved some of the numbers. You know, one

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add 2 would equal 4 because that's the sort of work that he he does. But my basic maths didn't take me there. But I think it's important. Mr Tucker, can you confirm that? Certainly

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the opposing high, we can sort of got information and they know that they've got reliable data to work with

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Simon Tucker for, for BP as far as I know. So, yes, yeah,

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turning to the FDS

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materials from DFDS, we undertook the calculations independently and just relied on the summary. So we're OK without the table. We wouldn't mind it for clarity

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and sealed in

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at Rose Grogan for CLDN. I don't think we have any issues. I will double check that with the team who's not with me today, but I don't think so.

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It's just important cause of course if people start using numbers that are incorrect, they will end up with conclusions and that's where disagreement can arise. And it's important to make sure that, yeah, everybody is working with that same baseline and then

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making or doing the sensitivity tests and from that point onwards, Rose Grogan for CLDN, our transport expert is listening in. So if what I've said is incorrect, it will be corrected very shortly, I'm sure. Just one further point to raise about dwell times. Obviously yesterday we discussed a statement of common ground on dwell times and a statement of common ground on transport is a separate exercise and obviously everyone needs to make sure that those two things match,

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Yeah and importantly, as we see at the dwell time point, because it does have knock on implications for the transport said needs to be resolved as quickly as possible, otherwise transport team can't do what they need to do.

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Great. Thank you.

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So I think we've we've covered a there I think to a degree we've already moved on to to be earlier in some of the summaries we we were obviously going to be exploring and asking for some explanations why there was still debates around the sort of agreement on baseline volumes. I think DFS have explained that you know the the error there

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it's a so we don't need to to revisit that but I think I think just just generally for the essays understanding I think with having the experts in the room. I'll kind of ask a very basic question which probably has a very complicated answer but is is the feeling amongst the experts that traffic volumes to from and around the port of Immingham are back to pre COVID pandemic levels. I'll ask the applicants expert 1st and then followed by

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the FDS and CDN.

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Thank you Sir Simon Tucker for for DTA. So the you'll have seen in our representations that we've reviewed the survey data that was adopted in the transport assessment which was from 20/21

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and compared that with data that's been available from 2022 and three. And that confirms that the

data that's been adopted in the TA, the base data is appropriate for use in terms of new surveys post COVID.

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Our position on data pre COVID based on the DfT guidance is that that should be treated with severe Gaussian. Basically there was a fundamental

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shift in in activity across the country as a result of COVID. So the advice is basically to rely on post COVID data if at all possible.

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If you've got pre COVID data that you're using then in terms of web tag, the advice is to actually reduce that to allow for the the effect of you imagine

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traffic generally growing on a sort of straight curve up. What COVID did was it dropped it down and then started the up uplift again. So there's been a sort of shift in in the rate of growth

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and both parts of all three parties in terms of the IP's have now confirmed that we're all comfortable with the use of that data

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as it is in the TA and of and of course you'll be aware that both local highway authorities NE Lincolnshire and North Lincolnshire as well as national highways, we're also happy with that that approach.

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Thank you, Mr Tucker, DFDS

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Matthew. He's from DFDS.

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In summary, the general agreement with what Simon has said there at the end of the day, what we had asked the applicant to run through was basically to do a bit of a comparative assessment from 2019 up to 2021 to see how the transition is going. We are in a bit of a unique environment with the port and that it is influenced mostly by trade vehicles coming through which aren't so influenced by private vehicles. That is the COVID sort of situation going through that part of that. The assessment then looked at basically number of HGV's on the network, how that's increased and come back to somewhat a business as usual situation.

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Private vehicles has retained a very low a lower volume going through that process and therefore the 2021 numbers are slightly lower than the 2019 because of the derivative deviation between private and heavy good vehicles. The summary from the applicant ran through that whole process as requested through the transport working group.

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Ah,

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what we would like to see however, just for the traffic surveys, is validation against the A 160. At the moment there has been validation of the A1173,

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however limited validation of the A160 and therefore we would request that that would be undertaken to confirm the survey data being used.

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All right, thank you Mister East, Miss Grogan, Rose Grogan for CLDN. Nothing to add to what DFDS has just said.

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Back to the applicant, Mr Tucker, on the that point regarding validation of the A160 data. Do you wish to respond on that point,

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Simon Tucker for TA, Yes, for ABP, Sorry, please say yeah. So from our perspective

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the the surveys that are available in the TA and that have been looked at subsequent to this process as as Mister East described clearly demonstrate that the, the, the surveys adopted in the TA are robust in terms of the level of traffic either higher than most other

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data sets. They've been correlated against automatic traffic counts and against national highways own database. They've got some permanent traffic counters on the A 160 corridor. So we are

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confident that the data that has been provided, sorry the data on which the TA is based is is robust. In that respect, I'm I'm happy to to to to provide as part of a statement of common ground that further detail that's been raised by Mr Reese, that doesn't affect at all the outcome of the transport assessment work.

26:10

Thank you Mr Tucker. Did DFDS want to come back on that point at all? Ohh

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Matthew, he's from DFDS. If we can get the material that's being utilised for the validation, the traffic councillor have been identified there and we can probably just double check that.

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Is that something that can be done through the ongoing joint working groups that you've got

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Simon Tucker for every? Yes, Sir, absolutely.

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Thank you.

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27:02

OK. And questions to the applicants, I think it's one that we've asked a written question on, but we noted in your response to DFDS's deadline one submissions. So page 20 in Rep 2-010 that you state a number of committed developments have been excluded from the agreed scope for the the transport assessment.

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Could could we ask why that was? I think I noted from the transport assessment a couple of schemes that were mentioned in paragraph 613 and I know obviously you've agreed that with the relevant Hwy authorities. Is, is it those two schemes or are there others?

27:57

Thanks Sir. So Simon Tucker for AP. So just if I could step back at a little bit the, when we were preparing the, the environmental statement and obviously the transport assessment forms part of that there was a

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a wider scoping process in terms of committed developments that should be tested through the environmental statement. And in Chapter 20 you'll see those schemes that were identified as necessary for consideration in transport assessment terms. They'll obviously be committed developments that are marine for example that don't have any impact on on the TA.

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And then alongside that through the transport working groups that we held with NE Lincolnshire, North Lincolnshire Council and and National Highways, we had a discussion about the specific inclusion of of sites within the transport assessment at their request effectively. So we went through a formal process and that's minuted in the in the documentation.

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So those that are included in in the appendix to the transport assessment were ones which we had agreed through that formal process

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GH DOT DFDS or their consultants as as you would have seen noted some other developments which weren't part of that scoping process. I have prepared a a sort of a formal response to those as as in

accordance with your your question. I think the summary that I'd like to get across today is that the majority of those generate very little peak hour traffic in terms of their operational perspective. Some are housing schemes, for example of

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100 and 4000 and 20 houses which might change flows on on on their respective corridors on the A160 by two, sorry, by between 8:00 and 12:00 vehicles an hour cars. So in in in absolute terms well within the daily variation of flows and and won't be significant or material

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And the others that are

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a a bigger do do have generate traffic as a construction phase but those are generally temporary and short lived impacts. So we're of the view that they don't fundamentally change the outcome of of the transport assessment in terms of the committee developments that have been adopted so far.

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Thank you for that summary. Obviously, look forward to seeing the the more detailed explanation in writing

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and

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DFDS obviously we'll be getting a more detailed response in, in writing. But just wondered whether you had any sort of initial comment that you wanted to make there.

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Matthew, he's from DFDS. Yes. So we'll wait for the more detailed response so we can get commentary on that. We did discuss this morning that the Alto committed development is likely to be the one that is the most additive to the system. And it's particularly critical now that the revised assessment with the updated PCU figures is indicated that the system is rather sensitive to the addition of volumes of traffic on the road network now that the baseline and the committed development volumes are much higher than previously modelled.

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Thank you.

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Conscious of time. So I'm going to just move on now to

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you know what what seems to be a a sort of key key issue for interested parties, the the sort of the distribution of of the vehicular traffic coming in the east or West gates.

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So starting with the applicant, could, could you just give us an update on the latest position regarding the discussions between yourself and interested parties over expected volumes of traffic utilising the Eastgate to enter and exit the port as opposed to the the Westgate. I think I've heard mention of sensitivity testing. Should be useful to to know where we're at with that

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Mister Tucker.

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Thank you Sir Simon Tucker for ABP. So from our perspective the the position hasn't changed and that we consider that the, the case and the distribution established in the transport assessment remains the robust and appropriate basis on which to assess the scheme.

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We assumed as as you're you'll know, 85% of traffic using Eastgate and and 15% using Westgate

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and the reasons for that in in very short form are that Eastgate is the quickest and most logical route for traffic, leaving Hyatt

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to gain access to the Strategic Rd network. The route through the port is torturous, as you've seen on on the site visit involves sections of roads through the Yarra bends, for example, where the speed limit is 20 miles an hour.

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It involves routing through four on port junctions

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to sorry 3 roundabouts and one sort of priority junction where where where we turned left as immediately leave IIT. So the route through the port itself is a is a significant constraint in my view to to vehicles wanting to use that that route in preference to Eastgate.

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There are some facilities which is Mr Rees point on the A 160 which might attract local traffic that clearly is allowed for in the 15%. So some of that traffic will be to local facilities on on the A160. That said, there are also a significant amount of facilities access from Eastgate. So the Kiln Lane area which you'll have, I don't think we didn't drive through on the site visit, but that's a significant industrial employment area that's built up generally around activities that take place on the

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on the port. So that will be a demand in its in itself

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that the debate also sort of overlaps with the discussion on on wayfinding and signage, which I know is a question you've asked as part of your second set of questions.

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And and I think there's sort of probably 3 pertinent points to make here. One is that we can and will provide signage for vehicles leaving the site to to effectively turn right out of the site and we can clearly direct traffic exiting to do that. The predominant demand in the peak hours in terms of capacity is, is generally outbound movements when the when the ship arrives and the accompanied traffic leaves. So we can make significant impact on the routing of that traffic.

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For inbound traffic there is

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sort of fairly straightforward technological way of of directing people through the use of the booking system. So Stena line customers have a of their pre booked and B they have an app provided and there are examples elsewhere on standards network where they have for example 2 terminals on the same facility and and you know directions are given as part of your booking as to which way to go.

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So it all all in in all we we consider that there is processes

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readily available all through technology to ensure that any wayfinding can be covered off appropriately.

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You asked the question about strategic signage. My personal view is that that would is a good idea but it doesn't, it isn't necessary and you know most people follow either what they know or or sat NAV or directions that they've been given on booking. But there is a process where we're in discussions, ABP are in discussions with national highways and NE links to

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or change the wayfinding to the eastern docks in the port. Generally that's not proposed as part of the DC and it's not being promoted as part of the DC O but it is a process that ABP and engaged with with the highway authorities. In any event,

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great thank you for for that. Actually I know I said I was gonna come to IP but I think I've got a couple of follow up sort of questions on that.

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I mean I I got the impression sort of reading the the TA initially that you've felt that sort of you know driver behaviour would would guide this kind of 8515%

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split between the the gates. It. I don't want to put words in your mouth, but it it feels like from your answer there that you know you're thinking there might need to be elements of behavioural controls perhaps to to achieve that that split. Would would that be fair comment

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Simon Tucker for for ABP,

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sort of it's the answer and I'll explain why. I mean the the assessment in in the TA was based on what we logically considered would be the split of of traffic and that's why we adopted it and for the reasons that are set out in terms of journey time and ease of access. So that's the product, but allowing for the fact that there are some facilities that would be served from Westgate that would generate those movements.

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The wayfinding point is an add on to that I think which is has emerged as part of the discussions that we've been having with the IP's in particular about how that might be reinforced if it's necessary.

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OK, thank you. I think I think probably the the you know the question I would I would have

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you know is is put put bluntly it appears like the vast amounts of traffic

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coming to and from Immingham port and the proposed development would be using the A180M180 corridor. So coming to and from a broadly westerly direction I think the you know Table 12 of the TA confirms that and and you know the the vast majority of the HGV's will have travelled a long distance. So I think bluntly we we, we would

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as an ex say we're sort of thinking the the difference of sort of one or two minutes once you've got close to the port, you know how how much of A determining factor would that be of of the last final part of of somebody's journey.

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I think knowing myself as a driver the first time I see a direction to a destination I will probably take that rather than sort of think well I'll continue along and maybe there's a way into the east.

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Thank you, Sir Simon. Simon Tucker for ABP. The the short answer to that is, is that it will be part of a longer journey except that but as an HGV driver the most difficult and

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you like disruptive part of the of any journey is that is that last couple of miles when you're having to

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that or they're all automatic now but go up and down the gears if you like at junctions manoeuvring around.

40:01

Umm, what? What did the port are quite tight tight junctions in terms of the the Arab bends and and all the rest that actually most drivers would prefer to stay on the cruise control if you like for as long as possible and that route through

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through the

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through the port is is going to be a significant detractor to to that. So that that makes the difference which is why I described that that route as well and and of course a lot of drivers that come here will be familiar with where they're going. They'll be regular users and they will know that driving through the port is what it is it's got to mean. So as they're coming down the A180 they're nearly at the end of their shift. They just want the easiest and most straightforward way to get to where they're going. So I think that would be a significant drive for them using the escape.

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Thank you for that explanation. And if I turn to the FDS,

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certainly. So I think in terms of our assessment of the East West Gate distribution, unfortunately we're still at a disagreement with what the applicant has stated there.

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Firstly, the habits of the drivers coming down to the facility. The majority of the initial movement of traffic are going to be those that are currently utilising the Killing Home facilities. They will be using the A160 to access those. To get them to transition from that corridor to another corridor is going to be a substantial change in behaviours, potentially requiring some form of controls coming through that process itself.

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Secondly, facilities along the A160 and its surrounding the area. The applicant has stated on several occasions that the majority of these these movements will be over a long distance and do not take into account the local facilities such as depots, distribution centres or other logistics activities. There they have taken into account truck stops and amenities but not those other facilities.

42:03

Depots are critical because that's where the trucks will be coming from to go pick up trailers. That leads to our tractor only number, which I do so will touch on later. Distribution centres as well, particularly for groupage consignments coming through the port. They will need to be broken down and separated and sent further out.

42:21

Sorry,

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let's take a pause for five seconds.

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Umm. And then the type of Rd accessing the port, the A 160 as a dual lane access Rd versus the A1173 which is a single lane access Rd going through. So whilst the intersections and junctions maybe more simplistic going the 1781173 A 160 is equipped for the HGV's going through that process,

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we note that descriptions have been provided around wayfinding and operational processes. We have yet to see details around what they what they are proposing in those regards. They haven't been able to provide too much commentary. However on the operational side of the aspect, the majority of those communications from the system back to the haulage entities usually goes back to the agents or back to the head office. Getting that information to the driver is quite a challenge and trying to actually get them directed to the right gate needs to be thought about and

43:25

presented. But again, we would need to see the details that have been proposed to make any further commentary on that.

43:33

Thank you, Mister East, Miss Grogan for CLDN, Rose Grogan for CDN. We agree with everything that has just been said on behalf of DFDS. We just have two further points to make. Obviously you've heard there's a difference in effectively optimism between the applicant and those on the side of the table about whether this 15% is properly justified. One answer to working that out is to provide a sensitivity assessment that shows what the impact would be if the applicant is too optimistic about what might happen in the future. That's what we

44:07

have asked for and we think it's reasonable because these junctions are already under pressure to the West. And the second point is that the wayfinding and management measures that the applicant is relying on aren't secured anywhere in the draught ECO and if they are given the sort of where we are in terms of pressure and impact, that is clearly something that should be done.

44:38

Alright. Thank you. You may have anticipated one of the later questions there.

44:46

I think one thing that that

44:49

we we as the XA would find very helpful in the kind of joint working between parties is, is understanding a bit more about the the Westgate, it's it you know it's capacity, it's it's resilience and putting it in a really layman's terms. Would the parties be able to work towards a joint note, sort of trying to agree at what point or in what sort of range a traffic increase at the Westgate

45:24

would stop it functioning properly?

45:30
Applicant

45:32
Thank you Sir Simon Tucker for ABP. You'll have seen from our deadline 2 submission Rep 210.

45:42

45:45
Which is in response to SH 2 action 15. Sorry,

45:50
lost in the document. So that there is an in there Sir, a survey of existing queuing at Westgate and that shows on average

46:01
alright, so it's got a queue

46:03
survey every 15 minutes or the worst of every 15 minutes record of every 5 minutes I recorded and that shows that the the average queue is about four to six vehicles on the approach to Westgate. There is a peak of 16 vehicles in that survey which was recorded

46:22
um

46:24
between 10:00 and 11:00 in the morning. The the peak inbound flow for our proposal is, is basically between 4:00 and 8:00 in the in the evening when there was very little queuing observed at Westgate that that data is in front of you. You'll have seen from DFDS that they also debate

46:44
UM queuing at Westgate and the reference for that is Rep 2029. Sorry,

46:51
no, that's wrong. Rep 205 two. Sorry Sir. And that in in itself accepts that there there's one incidence of queuing that it reports, but that generally queuing is is limited and also that queue that was reported dissipated within two, I think 2 to 4 minutes is the stated number. So there is data available on which we can base that assumption. I think it will show that

47:18
a queuing at Westgate in inner surveyed sense is is manageable at the moment. It's manageable within the distance between Westgate and and the public highway and that actually the addition of of development flows from from Ayr won't make a material impact on that because the the peaks tend to occur

47:41

well the inbound peaks which is where the queuing occurs from at times when at present Westgate isn't curing significantly.

47:49

We did also as you have seen provided an initial sensitivity test which showed that 30% change, sorry the change from 15% to 30% using Westgate could be readily accommodated. I'm very happy to

48:05

sort of pursue that that discussion with with the IP's as you've suggested and provide a a sort of ideally an agreed position on that.

48:18

Yeah. I think really what an unfortunate pun what we're driving at trying to establish is some sort of agreement between applicant and the interested parties at what point

48:32

Westgate funding stops functioning.

48:36

And potentially where is Westgate at the moment in terms of

48:42

and that that that break point and

48:48

and assuming that the scheme proceeds, what its traffic does in terms of adding to current and where you get to the point at which Westgate falls over.

49:06

And potentially the best I would have the best vehicle to try and deal with that will be in the statement of common ground because you might Mr Tucker present a figure you think its capacity is what X DFDS may take a view that it's Y

49:24

never Twain will agree but at least you'll have the opportunity to explain why you don't agree with one another in the statement of common ground. And similarly CLDN can can put their point across in terms of what that where the break point is where we are at the moment and where we might be with the post development.

49:43

Is that something that can be reasonably done?

49:48

Thank. Thank you. Sir Simon Tucker for BP, yes. If if it can't be agreed as you've suggested, we could at

least set out the the two positions that. Yeah, clearly for you. So that would be fine. All three positions as it might be because possibly yes,

50:06

DFS is that something that you're happy to partake in Isabella to for for DFDS, yes, certainly happy to partake in that. Just to touch briefly on Mr Tucker's comments a moment ago, I think he said that the

50:20

the the surveys they've done of Westgate showed a maximum of 16 vehicles, a peak of 16 vehicles queuing and a mystery. So correct me if I'm wrong, but my understanding of his position is that once you get to 25 vehicles at the Westgate, there is queuing back onto the highway network. And if the distribution changed from the 15% currently

50:48

assessed by the applicant to 45%, that would lead to queuing back onto the highway network even without accounting for any of the other sensitivities that that DFS consider should be taken into account. But we can certainly set out our position on that in a statement of common ground

51:14

and similarly would sell TNV willing to participate in the same way. Yes, Rose Grogan for CLDN absolutely. And as you've probably picked up, we are trying very hard not to create three separate positions on this issue and we are aligned with DFDS

51:32

and

51:34

past experience. The more highly consultants you put in the room, the more likelihood you are to get differences of view are. It's perhaps the one discipline where that happens more than some others.

51:51

Ohh Mr Tucker. Thank you, Simon Tucker for AP.

51:55

The I suppose the point I would make as part of that agreement, I think we will reach agreement on it notwithstanding what what's just been said. I think the

52:04

important parameters are when the queuing is occurred and when at the moment and when

52:12

the additional demand from AYA will occur because at the moment the demand from AYAT

52:19

in terms of its peak inbound flows isn't at the same time as we're observing queues occurring at at the gate. So it's the the the 25 HGV long queue for example is just physically the length of the road. We can agree that that's just a matter of measurement and and all the rest. But the the assessment needs

to take into account the the, the actual interaction with that queuing and the profile of traffic that we're forecasting. So the the 45% of OR or the 44 to 45% that Mister East has mentioned

52:54

and does need review in that in that context,

53:00

DFS, Isabel TUFO for DFDS. That's all understood. Sir, can I just check the the scope of this statement of common ground that you're seeking? Because obviously the distribution, the ratio of the distribution affects the Westgate itself, but it also affects junctions beyond the Westgate, in particular on the A 160. And so DFDS has concerns that if the proportion is increased at the Westgate as it considers it should be, that will have impacts beyond just the Westgate. Are you hoping that that will also be covered in the statement

53:33

common ground? I I I think it would be sensible because it's all part of the same overall picture. It's it Really what we need to understand is what effect does the the development have on the operation of the wider Hwy network.

53:51

Um now we take an under fully understand that the local highway authority and the strategic Hwy. Sorry, local highway authorities and the strategic Hwy. Authority do not seem unduly concerned.

54:04

Nevertheless it is an issue that's been raised and and for us to be able to fully report on it, it does make sense that yeah we've we've we've focused on the Westgate but there are those knock ONS and and if it is something that can be fairly

54:27

easily in, I say that with some trepidation because it does mean work. But if it can be accommodated, then it's wise to do it as trying to address as many

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areas of concern because that's really what the common ground is about and ultimately may be areas where there is not agreement. But at least we'll know why there is disagreement

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in that respect. Mr Tucker. Are you content that from your side

55:00

you can look at the junctions in concern of concern?

55:07

Thanks, Simon. Tucker P Yes, that's absolutely fine.

55:11

That presumably addresses the DFDS concern. And no doubt. Yep, Yep, OK. So yes, just one point,

Isabella, for the FTS arising out of the comment you made a moment ago about the local highway authorities not raising a concern. We understand that is the position. We don't believe that they have that the information, the corrected information with the conversions for HGV's to PC's has been shared with the local highway authorities. We understand that at least one of the local highway authorities has a policy that indicates where RFC's are at or over 85, zero .85.

55:46

That mitigation is required and so plainly it will be important, if there has been an error in the TA, for the local highway authorities to be informed about that and for their responses to be sought.

55:57

Do we know which of those is that North Lincolnshire or is that NE Lincolnshire cause? Of course, particularly to the West it's North Lincolnshire's Hwy domain.

56:10

I think that it's NE Lincolnshire that has the particular policy that we've identified. It sounds like although there neither highway authorities have been particularly active in that in whatever discussions are being

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held between applicant and CDN DFDS. At the very least the the two local highway authorities need to be given the opportunity to partake. If they decide not to, well that's that's down to them. But at least they'll have the opportunity.

56:47

Mr Tucker. Yeah. Simon, Simon Tucker for ABP that that's understood and we we are in discussions with both highway authorities and alongside this

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alongside these hearings as well. So

57:02

the intention is that once we've once we've agreed

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amongst the group we've just been talking about then we will share that with the local highway authorities. I think the

57:14

question of of of policies about when mitigation required, I think probably needs to be expanded into that note because of course regardless of what NE Lincolnshire's or North Lincolnshire policy is. We've also got the framework which sets tests in terms of considering impact of development which doesn't have a threshold. It has more of a judgement based processes that you'll you'll be as familiar as I am with. So we will, we will expand that and put forward our position in that respect if necessary

57:45

part of that that submission.

57:48

58:50

Sorry about that. We're having a conflict because we we're aware we've kind of got a bit of a hard deadline for the end of IS H3 knowing that we've got SH 4 starting this afternoon and and you'll be pleased to hear lunch to fit in as well.

59:08

And so I think we're just running through the the the remaining questions and actually majority are covered by our second written questions. So probably from our perspective on transport and nothing more that you know we've given the time constraints that we need to explore. But I will take the opportunity just to go around the table just to see if anybody's got any other matters that they want to raise whilst we're

59:37

in the room. I think I'll probably start IPS and finish with applicants in this instance. So DFDS, is there anything that you particularly wanted to raise in this forum? Isabella Tafur for DFDS, nothing further pressing that we need to say that can't be dealt with in writing. Thank you,

59:56

CLDN Rose Grogan for CLDN at just a point on rail which is that I was going to propose that we deal with that in issue specific hearing for under requirements and protective provisions. You must have been reading minds cause yes, there was a question I've got and we just shifted it. I think we can deal with it then.

1:00:16

Great. Thank you

1:00:18

and IoT. Any any comments you wanted to make regarding transport seen shaking their heads and final word to the applicant, anything that we urgent that we might not have covered on transport Simon Tucker for DTA? No, no, thank you, Sir.

1:00:39

Great. Thank. Thank you very much.

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In which case I will move on to agenda item 5 then. And again given the the time constraints

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and also obviously the fact we we don't have Natural England or the marine management organisation actively participating today in this item,

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I'll just maybe give the applicants a a moment to just shuffle, shuffle around ready for the the next item.

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1:02:16

I think we're ready. Thank you. Great. Thank. Thank you.

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So yeah, agenda item 5 on ecological matters and could could we turn to the applicant and just ask to provide an update on any progress being made to address the various representations raised by Natural England and the Marine management organisation in their respective relevant representations and subsequent submissions to to the

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headlines. So you know RR zero 15-A, S zero 15-A, S zero 17.

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James Strawn for the applicant. Thank you, Sir. What I'm proposing to do is get

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the three ecologists to update you where we are in respect to their disciplines. I'm gonna ask Doctor Jamie Orton, who's close Ohh, sorry, in the middle of three, to go first and then he'll hand over to the his respective colleagues as we go through, if that's convenient. Thank you. Thank you.

1:03:37

Jamie Olson on behalf of ABP.

1:03:41

Before I update you on our latest discussions with Natural England and the MO, I'd like, if I may, just to briefly introduce myself and explain the background I have.

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So my my name's Doctor Jamie Overton, I'm a Senior Environmental Consultant at ABP Mer. I specialise in EIA and water and sediment quality and I've undertaken numerous EIA's and Water Framework Directive assessments for a range of marine sectors including port development, coastal protection and marine renewables, and I've also provided technical advice to UK regulators

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before. Before I started my career in in consultancy I also did a pH. D on Marine pollution in Austria and environments and I've written several peer reviewed papers on that subject. Area,

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now ABP Mayor as as the applicant's technical expert consultants have extensively consulted with Natural England and the MO in and that includes CFAST, the MO's technical advisors in relation to the proposed developments effects on the Humber Estuary European Marine site.

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Following receipts of Natural England, Natural England and the Mmos relevant representations back

in April, a number of meetings have taken place to discuss those representations and that includes an arrangement for Natural England to visit the port and also visit the location of the Ayat development.

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Many of the questions raised relate to information which is available within the assessment material. So a series of signposts and documents have been produced for each organisation to assist them in their identification of the relevant information or assessment work that we've done at or to provide them with with any points of clarification.

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Now that's already been a very productive process and that's demonstrated for example by the ever shortening lists of outstanding comments in both Natural England and the MO's most recent examination submissions. And therefore the vast majority of the comments raised by both Natural England and the MO in relation to this subject have already been resolved.

1:06:02

As you know as well The the the applicants committed to providing an updated Habitats Regulations Assessment report by deadline 5 to reflect this process and to address the points that have been raised. And we're working closely with Natural England which ensure that updated report satisfies their their requirements ahead of deadline 5.

1:06:26

So in relation to the the few remaining issues that have arisen in the written representations from the MO at deadline one and from Natural England at at deadline two, we held further meetings with with Natural England and the MO just last week. That's the week commencing the 18th of September, and clarifications on the points discussed in those meetings were provided to each party in in writing.

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I'll hand over to my my specialist colleagues who can explain how those matters have been addressed by the applicant. And 1st we'll start with Mr Andy Pearson with coastal water beds.

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Yeah. And Andy Pearson for ABP. Yes. Just to give you some background on myself, I'm a marine ecologist and an apologist with considerable experience in coastal and estuarine environments. I've over the years I've undertaken hundreds of coastal Ornithology surveys and disturbance monitoring studies, important harbour areas, and that's given an in-depth understanding of the kind of the potential effects associated with port development. And this has been applied to numerous EIA's and HRA's, including leading on

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HRA for this project. As already stated, the vast majority of comments made by National England have already been fully resolved with three key discussion points that have been left over with respect to water birds.

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These are one the use of 300 metres rather than 200 metres as a disturbance buffer for SBA waterbirds 2 the potential effectiveness of a proposed construction mitigation for the water birds and free impacts of loss of functional habitat for SBA water bursts due to the presence of infrastructure.

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We are satisfied that these issues have been fully addressed as follows

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on the use of 300 metres rather than 200 metres as is a disservice plus buffer for SA water birds.

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This is in fact we've already considered this within the HR assessment

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using the 300 metre disturbance buffer as advised by Natural Natural England.

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Indeed, stage One of the HRA screened in for assessment SBA waterbird species for potential likely significant effects, using numbers for the entire Port of Living and Foreshore account area, referred to as Sector B in the anthology surveys.

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This area covers a wider area than the 300 metres over referred to by Natural England, so it is considered even more precautionary.

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This wider area was considered appropriate based on bird distribution data and considering potential piling noise levels for construction, assuming no mitigation.

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However, having started with this highly precautionary approach, the zone has been subsequently refined to 200 metres specifically for the port of Immingham area at stage two of the HRA. This is in light of specific evidence demonstrating responses of water birds to disturbance stimuli are in fact limited at distances over 200 metres.

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This is particular case in areas subject to already high levels of existing human activity and poor treasury and poor operations as found around Immingham, as you will have seen.

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Accordingly, the precautionary approach describing the move and subsequent assessment is in line with the advice given by Natural England in his pad and written representation.

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The second area of discussion was in relation to potential effect, the potential effectiveness of the proposed construction mitigation for water birds.

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Again, the proposed mitigation measures have been developed based on advice received from Natural England on noise levels, namely that construction above 70 decibels or above background

levels should be avoided. The mitigation approach has also been developed based on a robust and detailed assessment on the empirical evidence on bird disturbance, as presented in Chapter nine of the S and the Habitat Regulation Assessment Report.

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Measures are therefore focused on restricting activity during the winter months when the largest numbers of SBA species are recorded and when birds are considered most vulnerable to the effects of disturbance.

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The proposed measures include a winter marine construction, a winter marine construction restriction from the 1st of October to the 31st of March within a 200 metre zone, the use of a noise suppression system during percussive piling, acoustic barriers on the barges,

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a cold weather construction restriction and soft start during percussive piling.

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We are satisfied, based on all the evidence, that such proposed mitigation measures are precautionary and effective at minimising water birds in this area from exposure to close range visual stimuli and loud noise above the descent 70 decibel threshold and above that of typical port background noise levels,

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with only very limited responses anticipated that would not have a material effect on SBA qualifying species.

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Indeed, we are completely satisfied that any residual effects would not cause an adverse effect on the site integrity. In the context of the distribution and population conservation objectives,

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the 3rd and final point of discussion has been on considering the impact of loss of functional habitat for SBA waterbirds due to the presence of infrastructure. Again, a detailed approach has been adopted. The assessment of potential effects has analysed bird data for the port of Immingham foreshore area. These surveys have been going ongoing now for over 20 years.

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This includes in-depth analysis of bird distribution data of key SPA qualified species around infrastructure in the port of Immingham area.

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In addition, we've had detailed discussions with your nephrologists undertaking these surveys to give us a fuller understanding of distribution and behaviour of birds, which confirms that there is no adverse impact.

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This detailed analysis of Burgess retribution data for the timing of frontage has been provided to Natural England to confirm this point and were provided in the updated HR A.

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In summary, the analysis demonstrates that birds use the area of mud flat enclosed by the port infrastructure in similar densities

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to open areas of Mudflat. It is therefore considered that any loss of functional habitat for spa water birds as a result of infrastructure for the project will be negligible and we are entirely satisfied that it will not cause an adverse effect on the site integrity.

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On that, hand over to my colleague, colleague Dr Elena San Martin, who will lead on underwater noise effects with respect to noise and fit reflected fish and marine mammals. Thank you Doctor Elena San Martin for ABP

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from a Principal Marine Environmental Consultant, ABP Mayor with many years technical experience of undertaking underwater noise assessments involving acoustic modelling for a range of marine development projects.

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I have advised on and peer reviewed a number of these types of assessments on behalf of UK regulators including the Marine Management Organisation, the MO for the Hinkley Point C and Sizewell C nuclear power station developments. I have also called third international guidance and position papers on the effects of underwater sound on marine fauna in relation to dredging.

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I can confirm that the applicant and ABP mayor had a very had a very recent positive and constructive further meeting with the MO and their advisers. See fast.

1:14:10

The only two outstanding questions from the MO in relation to underwater noise which we addressed at the meeting are firstly the the justification for the proposed migratory fish restrictions in June and between August and October. And secondly a question as to whether the restrictions should apply to Vibro piling as well as percussive piling.

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So firstly, in terms of the justification for the proposed restrictions, the MMO first advised the applicant during the pre application stage of the project to consider the Able Marine Energy Park a I'll call it a Amex multiple seasonal piling restrictions as a potential basis for the development of targeted mitigation measures for for the Immingham Eastern Railroad Terminal IoT.

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In simple terms, these measures limit the number of hours of piling per four week. During June and between August and October,

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and so the aim at was consented. With these measures in place, and as it has not yet been constructed, those restrictions still apply and are clearly considered to be appropriate mitigation for the Humber Estuary.

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So in accordance with advice from the MO to to develop measures specific to Wyatt, the AMET restrictions were taken into account and then considered in light of the differences between both projects in terms of 1 the specific nature and scale of the works to the size and number of piles and through the outcomes of the modelling, the underwater noise modelling that have been undertaken for both projects.

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So in terms of the nature and scale of the works, AYAT involves less than half the overall duration of piling that is required for the AMEB development.

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I also involves far fewer as well as smaller sized piles that involve a lower hammer energy to install and therefore a lower level of noise.

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And then in terms of the outcome of the underwater noise modelling that was undertaken for both projects, the percussive piling for AMEP would result in a potential noise barrier effect when the piling is taking place for migratory fish across the entire width of the estuary. Whereas in the case of AYA, the the it's only predicted to result in a partial barrier when when it's taking place.

1:16:37

Umm

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I. It is also situated in a slightly wider outer part of the estuary compared to AMEC and it's surrounded by existing marine infrastructure that is likely to limit to some extent that propagation of noise into the central part of the estuary.

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More fundamentally, any notional partial barrier to movements and disturbance effects as a result of the piling for Hyatt would necessarily be temporary and very intermittent. It will not take place continuously as there will be periods of downtime, pile positioning and setup.

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Indeed, as demonstrated to the MO, actual piling activities only estimated to take place less than 14. That's one 4% of the time during the piling programme itself, and that it's quite to up to 180 minutes of percussive piling and 20 minutes of vibro piling each working day.

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So the movements of all of all migratory fish will therefore be unconstrained for the vast majority of of time during construction.

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It is also worth noting that the underwater noise assessment is based on a worst case assumption which assumes that the percussive piling would be undertaken at full power for up to 45 minutes each pile. So that's an up to 180 minutes for four piles per day.

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In actual fact, each pile will involve at least 20 minutes of initial soft start when the piling power is gradually increased incrementally until full operational power is achieved within that 45 minute. Rather than full power for 45 minutes

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and the use of soft start forms part of the suite of mitigation measures for the project.

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So the assessment outputs are therefore considered to be very precautionary indeed.

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And in summary, therefore, as has been demonstrated to the MO, the proposed mitigation is very robust already and it would be unreasonable to impose more restrictive measures because the measures proposed are not only proportionate, but also because they're based on a very robust worst case assessment. And as explained to the MO, the proposed restrictions are therefore considered appropriate and will ensure no significant adverse effect on migratory fish.

1:18:56

So if I move on to the other point of discussion with the MO in relation to Vibro piling and also Natural England in relation to lamprey, this relates to whether those whether the proposed restrictions should apply to vibrant piling as well as percussive piling.

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So in my professional opinion, I'm entirely satisfied that such a restriction is not necessary. Vibrant piling activity will be very short term and intermittent, only taking place up to 5 minutes per pile and 20 minutes each day for four piles.

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So that equates to vibrant piling taking place just 1% of each day over the period of piling during construction.

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Furthermore,

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Vibro piling in principle, even on a worst case basis, would only result in a potential noise barrier across less than half the width of the estuary

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for that 1% of the time, leaving the majority of the estuary entirely unconstrained for fish to continue to migrate.

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So in terms of its limited physical effect and the fact that it would only occur for around 1% of each day, it is clear that any potential barrier effects to migratory fish would be inconsequential and not significant.

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Needless to say, it is considered neither proportionate nor appropriate for the restrictions to be applied to fibre padding.

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Furthermore, in all my years of undertaking underwater noise assessments in migratory fish estuaries, I've never come across a project specifically requiring restrictions for vibro piling. And in fact, there is another project involving piling at New Holland dock upstream of Hyatt that was consented by the MMO earlier this month

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and which has been considered to prioritise the use of Vibra piling as much as possible over percussive piling

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and vibro piling is also not included in the piling restrictions that have been accepted for the Amex development.

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We are therefore fully answered this remaining issue in our latest discussions with the MO and I am completely satisfied that there is no basis for any outstanding concerns.

1:21:09

In addition to the points I've already covered, A Natural England had previously raised a couple of questions on the presentation of the assessment in terms of effects on underwater of underwater noise on grey seal, which is an interest feature of the Humber estuary SAC and the Ramsar site.

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Further clarification has been provided on the assessment and will be addressed in the updated HRA Reports are that as they have advised, the potential types of effects on marine mammals are considered separately rather than under one. At the moment, they're currently under one impact pathway heading. They want to consider them separately, so it's more of a presentation or

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comment.

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A detailed assessment of the absence of disturbance and barrier effects to grey seal is already included in the US and within the HRA

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and the clue conclusion remains that there is no potential for an adverse effect on integrity on this

interest feature. As with migratory fish, any barrier to the movements of grey seal caused by piling noise would be temporary and intermittent.

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They'll be very significant periods during a 24 hour period where no piling will be undertaken and which will allow marine mammals to move freely through the estuary.

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Furthermore, grey seals undertake wide-ranging movements, seasonal movements over several 1000 kilometres and are likely to be able to exploit a much wider area for foraging during any piling activity.

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Therefore, with the application of the proposed mitigation measures for the project, together with any measures that are applied

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to other projects involving underwater noise effects in the area, the risk of exposure will be limited and will avoid a potential adverse effect on the integrity of the Great Seal interest feature.

1:23:01

So I would now like to hand you back to my colleague, Dr Jamie Orton, in respect of water and sediment quality assessment to provide an update on matters relating to contaminants.

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Jamie Orton, on behalf of the applicant ABP.

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So the only other question that's been posed

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I think really the, the, the issue we need to understand at this point is

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there's a dialogue ongoing with the the parties. Does it look like whatever the issues that are outstanding can be resolved so in in reasonable time, not least in terms of concluding the statement of common ground and in effect addressing matters through that route

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James trumped up. Again, I'll let doctorate and give a a quick answer to that, but just to just to be clear, of course at the end Natural England and the MO have not attended this session or indeed previous sessions and we're not necessarily sure that they will attend future sessions. We understand that that's the position that this will all reach a conclusion. But

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there is a

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I'm putting this tactfully as possible. We in order to secure the final confirmation of that it takes

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2 to tango, if I can put it in that way. And in the absence of having got that confirmation, we just felt it important that you were aware as an examining authority of our

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professional experts both that they've carried out these assessments providing information and their expert views. Hence why they've they've given that explanation to you. But I appreciate

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the end conclusion would be it would be nice to have it signed off by Natural England. We anticipate that will be the case. We've got no reason to think it shouldn't, but

1:25:03

we don't control the pen, if I can put it that way. So that was the purpose of just setting it out, I think. Doctor, I'll leave Doctor. Jamie Eaton was going to cover the one question which we can probably leave for writing, which have been raised about PBDE's in a certain soil sample less. You want to hear more about that? It was raised as an advisory comment rather than

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an in principle objection, because there aren't actually any standards that are applied. He could explain that, but I was,

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I will certainly ask if, if you want him to do that, you can do that now. If not, he could just give you a brief overview as to whether what I've said about the prospect of reaching agreement is a realistic one. That's what we need at this point because naturally we'll have the opportunity to engage and no doubt are engaging to the conclusion, that statement of common ground, if it's got any particular cause. Because if I remember rightly, in terms of the statement of common ground, we are for each and every one of the traffic light points that were raised in the relevant Rep to be addressed.

1:26:07

Umm. And if Natural England has, at the end of the technical and ground process got a particular concern with any of the points, it will have the opportunity to highlight that in the statement of ground ground and that will alert us to where there might be a sticking point and where we might then to ask further questions to try and address it. So, Doctor Orton, yet very briefly, can you

1:26:33

deal with this final point, Jamie Oaten on behalf of ABP I I can be very brief in that following our discussions last week with both organisations, they were very keen for us to highlight that that matters continue to be discussed in a constructive manner and that both parties consider it likely that that all the outstanding issues will be resolved as we work towards finalising our statements to common ground over the course of the next month. And you'll have

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they said effectively the same in their principal areas of disagreement statements. Thank you.

1:27:11

Thank you.

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That's great. Thank you.

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And just quickly looking at the interested parties in terms of marine ecology, anything from DFDS, anything from CLDN, at Rose Grogan from CDN, we await to see what natural and say next. Anything from IoT,

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no, our our any concern will be in respect of the proposed agreement regard protective provisions as you mentioned this morning.

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Thank you. Then I think that then concludes Agenda item 5.

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Umm,

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just very quickly turning to in effect agenda item 6, any other business. Some may recall yesterday I made brief reference to the submission of the Immingham Green Energy Terminal application

1:28:16

in the cumulative and in combination chapter of the ES, Chapter 20. There were some loose ends in terms of the consideration of cumulative and in combination effects, because at that time it was unknown what the effects might be from the neighbouring project. That application course has been submitted. It's going through its acceptance at the moment, but the examining authority considers that the applicant

1:28:46

should in effect take a undertake a review of Chapter 20. Insofar as it relates to Immingham Green, we fully appreciate sitting here today. We don't know whether that application will not, will or will not be accepted. As I understand it, the timetable for a decision in that regard is 19th of October. But we consider that the applicant should undertake a review of Chapter 20 of the ES and be ready to submit that

1:29:17

that deadline 5 which will follow the latest date by which an acceptance decision can be made on the neighbouring application. If for any reason I say this examining authority has no involvement with the neighbouring project, that application is not accepted. Then it would be open to the applicant to explain

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not acceptance, and potentially hold off submitting that piece of work,

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albeit that it might then have to come back at a later date if that application is then resubmitted and gets through acceptance.

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But really, turning to the applicant is um,

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that's something that you will be able to do

1:30:07

within the available time. Because unlike other applicants, even though this documentation is not yet in the public domain,

1:30:16

you are also the applicant for the neighbouring scheme.

1:30:21

Sister On or Mr. Green James James Strong For the applicant? Answer Yes,

1:30:35

yeah yeah. So that work that that document will be submitted deadline 5 because it fits in with the acceptance appearance.

1:30:46

Turning then to any any other business applicant, anything from your side?

1:30:59

Ohh, sorry. So you're looking at me.

1:31:02

Thank you, Sir. No, no.

1:31:05

And then looking at the other interested parties, anything DFDS, Isabella Trafford, DFDS. Nothing further other than to note that I won't be here this afternoon, so please excuse me and thank you.

1:31:17

Anything for CDN? No IoT.

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Umm,

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the

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next section is Actions arising. What I'm going to suggest for this one because it might be time consuming, no doubt in the background the applicant has via one of the team being producing a list. What I'm going to suggest is that no doubt that's in some sort of electronic form that be circulated to

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the interested parties and the harbour authority who attended this hearing. If you can all check that list,

1:31:59

either agree, make any additions, then it comes back through the applicant, hopefully as quickly as possible

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for the examining authority, then to look at it. And then we will either make any additions, striking it bits, and then get it published as early as possible next week. I think

1:32:19

that would potentially be the best way to deal with that. Is that something the applicant is reasonably content with James from the applicant? Yes Sir, yeah. And from the other side of the room? Yep.

1:32:29

See you then. And IoT. Yep. I think that then deals with a ginger item 7

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and that then brings us to the close of issue specific, issue specific hearing three. I'd like to thank everybody for your assistance

1:32:47

and recordings and transcript will be published as soon as possible.

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I'm on the website for this project.

1:32:59

If anybody has any sort of administrative type questions,

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and they can either be raised with Miss Robbins

1:33:09

or Miss Wetherby, please avoid asking them of us once we actually formally close.

1:33:16

Umm,

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therefore this hearing is now closed. Thank you very much. And for those of you attending issue specific hearing four that will commence act three, see you later on. Thank you.