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

DEADLINE 4

Response on behalf of the Harbour Master, Humber

to

Deadline 3 Submissions by

Associated Petroleum Terminals (Immingham) Limited and

Humber Oil Terminals Trustee Limited

and DFDS Seaways Plc

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1. Introduction

1.1. This is a written submission made on behalf of the Harbour Master, Humber ("**HMH**") in respect of documents submitted at deadline 3 by Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustee Limited ("**IOTT**") and and DFDS Seaways Plc ("**DFDS**")

1.2. The documents addressed in this submission are:

1.2.1. IOTT – Comments on responses to ExQ1 (REP3-026); and

1.2.2. DFDS – Comments on any submissions received at D2 (REP3-022)

1.3. The fact that HMH has not responded to any particular point does not mean that he agrees with it or accepts that it is correct. HMH has limited his responses to matters that are directly relevant to his areas of responsibility and where he thinks he can assist the Examining Authority.

2. IOTT – Comments on responses to ExQ1

2.1. *NS. 1.6 – marine incident in vicinity of IOT*

2.1.1. In reply to IOTT's commentary on HMH's response to this question, it should be noted that a wind of Easterly 20 knots cannot be described as benign conditions and the wind did have an effect on the way the vessel handled. Additionally, it is incorrect to say that the vessel deviated a full 200 metres from its planned track, as vessels currently use this area to swing round in certain conditions. Following the construction of the IERRT, a different, and more considered, manoeuvre will be required. This incident was caused by human error in the specific circumstances. On this occasion, a vessel allided with a mooring buoy at low speed whilst seeking to sweep around in the area where the IERRT is proposed to be constructed. In circumstances where that area is occupied by a large piece of port infrastructure, it is not unreasonable to assume that the master/pilot would be following a different plan that would not involve this manoeuvre. Risks must be treated in a proportionate manner.

2.1.2. HMH reiterates that vessel movements in the Humber will be planned and managed to take account of all relevant circumstances prevailing at any particular time in accordance with good practice and protocols that are both well-known and well-understood. In his view, these details are not matters that should be, or need to be, regulated by the proposed DCO.

2.2. NS. 1.7 – historical allision of cargo vessel with vessel moored at IOT

2.2.1. Despite the fact this incident occurred in December 2000, it appears that IOTT is saying that the Humber MSMS is reactive, and that HES would wait for an accident to happen at the IOT before putting control measures in place. Nothing could be further from the truth. HMH and HES are required by the Port Marine Safety Code to look for risk proactively, as part of the continuous improvement of port safety. Both HMH and HES take this part of their responsibilities extremely seriously, as the ExA would expect. Of course, when incidents occur, they are investigated, and lessons are learned but they would not be idly waiting for an accident to occur whether at IOT or anywhere else on

the Humber and their proactive approach to regular stakeholder safety liaison involving IOTT is an example of this.

2.2.2. With regard to the point made by IOTT about the exclusion zone, an important aspect that appears to have been overlooked is that a vessel backing down into a berth is doing so in a controlled manner, supported (where appropriate) by one or more tugs. Requirements as to use of tugs, speed etc. will form part of the operating procedures for use of the IERRT. A distance of 95m provides room for vessels undertaking berthing manoeuvres to use both facilities if planned and controlled correctly as was demonstrated at the Stakeholder Simulation sessions.

2.3. NS. 1.14 *Consequences of decision to abort berthing manoeuvre*

2.3.1. IOTT is effectively suggesting that the master of a vessel - and presumably a pilot engaged to ensure the safe passage of that vessel – will make a conscious decision to put commercial expediency ahead of ensuring the safety of a ship and its crew and a, presumably, valuable cargo, and safety of third-party property and those using it. There are typically two vessels per week that abort passage on the Humber where a Pilot has already boarded and there is no commercial pressure to do otherwise.

2.3.2. In truth, it is not all that usual for a Ro-Ro vessel to need to abort a berthing manoeuvre because it is the same vessels going to an identical berth day in day out and they are so well-used to the manoeuvres that there are relatively few occasions when they need to delay or cancel a berthing although it does happen and is often achieved by delaying an arrival or departure at the planning stage or diverting to anchorage. However, they are under no pressure to go into the berth if it is not safe to do so. The over-riding ethos is that of safety first.

3. DFDS – comments on D2 submissions – Part 1 HMH's Written Representations

3.1. Paragraph 2 of DFDS's commentary on HMH's Written Representations asks what residual consents will be needed for works below Mean High Water Springs that would be authorised by the DCO. The proposed protective provisions for the benefit of the Statutory Conservancy and Navigation Authority for the Humber ("the **SCNA**"), would provide for HMH to have approval of the detailed design and marine safety associated with these works.

3.2. Paragraph 3 – as described in paragraph 26 of his Written Representations (HMH1), HMH initially questioned whether the direction of the current was incorrect, as it was not what HES would have expected, based on their experience of navigation in adjacent areas of the Humber. In response to this feedback, HR Wallingford and ABP carried out further checks and measurements across the area which demonstrated to the satisfaction of HMH that the measurements used for the first simulations, in the area of the proposed IERRT jetty, were aligned so closely to the findings of the subsequent measurements as to make no material difference for the purposes of the simulations; and that HR Wallingford had a satisfactory explanation for why the current behaved in this way at this particular location.

3.3. With regard to paragraph 4, DFDS asserts that HMH told DFDS at a meeting on 13 October 2022 that he had not read any of the simulation reports, despite writing to the Project Team a month earlier. As explained below, this is an unfair representation of what HMH said at that meeting. Also, it conflates the early simulations (that HMH had not attended) with the HAZID workshops (which he had attended). At the time of writing to the project team in September, HMH had, in fact, reviewed the materials provided as part of the applicant's Risk ID

consultation, including the simulations but, as explained in paragraphs 25 and 26 of HMH's Written Representations (REP2-054), the letter set out his observations on the output of the workshops that he had attended. He had not attended the earlier simulations that were the subject of the reports.

3.4. HMH attended the meeting in October 2022 with representatives of the Applicant and DFDS. His purpose in so doing was to assist those present by sharing his experience of navigation on the Humber, should that be needed. At that meeting, DFDS challenged HMH to defend a number of specific details in the report on the simulations (which was not his role at the meeting), HMH explained that he had not read the report to the point he could discuss every detail of each simulation. He did make it clear to DFDS that he had reviewed the report so far as necessary to conclude that that the report was consistent with the positive verbal feedback he had received from the participants in his team.

3.5. HMH appraised himself of enough of the detail to satisfy himself regarding the matters relevant to his responsibilities and to allow him to have impartial input into the consultation, just as he would for any other development on the Humber. The simulations carried out to date are just one part – and, indeed, an early part to establish feasibility and identify potential risks – of an iterative process that will continue until such time as HMH is fully satisfied that any risks to navigation in the Humber associated with the new development have been reduced to ALARP.

3.6. In paragraph 7, DFDS makes a point about concentration of vessels in Immingham. The overall point is a fair one, save that it ignores the fact that vessel voyages are planned by both the Immingham Dockmaster and HES. Traffic is managed flexibly by HES according to where vessels are and where they need to get to. HMH considers that there is enough room in the estuary for all vessels to be accommodated but, obviously, they would not all be brought in and out at the same time. HES are informed what time they are wishing to enter or leave the river and they fit into an overall plan. For example, Stena could not simply block out two narrow windows every day so that nobody else could be accommodated, As an example, large tankers would be likely to have priority over Ro-Ro vessels, and vessels proceeding further upriver may be allowed to proceed first if practicable.

3.7. In this regard, it is useful to consider the number of vessels which use the Port of Immingham each day. These are set out in the Harbourmaster, Humber's response to ExQ NS.2.40. The average commercial shipping movements at Immingham per day in 2022 were 29 (entries and exits).

4. DFDS – comments on answers to questions

4.1. BGC 1.11 – please see paragraph 3.1.7 above.

4.2. NS. 1.16 – availability of tugs – towage requirements will usually be prescribed by procedures within the MSMS and may vary according to the vessel and the prevailing conditions, taking local pilotage into account too. In the opinion of HMH it would be inappropriate, and potentially harmful, to stipulate towage requirements in the DCO as there needs to be flexibility. It is noted that such details are not prescribed in orders made under the Harbours Act 1964. Requirements for tug provision (and pilotage) are firmly within the remit of the SHA's and HES as the CHA with responsibility for safety of navigation and Pilotage within the river Humber. It is for the relevant Harbour Authorities s to determine what level of tug provision should be mandatory and what pilotage requirements to impose alongside that provision.

4.3. With regards to tug availability, it is relevant to note that two companies provide tugs in the river Humber. One has an international operation, the other has a national operation. In practice both companies are able to re-direct tugs which are currently located elsewhere into the Humber as necessary. Further, neither company has a monopoly which is also relevant to the ability of the private sector to provide tugs as required. The number of tugs is currently 16 but has previously been more than 20.

4.4. NS. 1.8 – direction of current to the north of the IOT – as those responsible for managing its vessels' movements, HMH and HES share DFDS experience of vessel manoeuvres in this part of the Humber every day along with the experience of all other users of the river. It is for this reason that HMH is comfortable that vessels can pass the IOT and would be able to get into position alongside the proposed IERRT, with the relevant level of planning and care. The part of the navigation to and from the IERRT past IOT would not be new. Given this context, HMH does not consider this part of the simulations to date as important as that to the south of the IOT and he believes it has no impact on the tide direction experienced within the simulator to the south of the IOT.