KEEPING BRITAIN TRADING

IMMINGHAM EASTERN RO-RO TERMINAL

Applicant's Response to IOT's Deadline 5 Submission
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Contents

1 Executive Summary

1.1 This document provides the Applicant's response to the information submitted by IOT at Deadline 5, as well as IOT's navigational safety submissions from Deadline 4. All of these submissions in turn draw upon information submitted by IOT prior to that deadline. The IOT submissions responded to in this document are:

i. Response to Deadline 4 Submissions **[REP5-035]**;

ii. Deadline 5 Appendix **[REP5-036]** Comments on Deadline 3 Submissions; and

iii. Responses to ExQ2 and other ISH3 Requests **[REP4-035]**.

2 Introduction

2.1 This document provides the Applicant's response to the information submitted by IOT at Deadline 5, as well as IOT's navigational safety submissions from Deadline 4. All of these submissions in turn draw upon information submitted by IOT prior to that deadline. The IOT submissions responded to in this document are:

(i) Response to Deadline 4 Submissions **[REP5-035]**;

i. Deadline 5 Appendix **[REP5-036]** Comments on Deadline 3 Submissions; and

ii. Responses to ExQ2 and other ISH3 Requests **[REP4-035]**.

3 **Response to Deadline 4 Submissions [REP5-035]**

4 **Comments on Applicant's Cover Letter to PINS regarding the Applicant's Deadline 4 submissions**

5 The Applicant has provided a detailed response to the IOT's alternative NRA at Deadline 6 – please see **Document 10.2.56 – Applicant's Review of IOT's Navigational Risk Assessment. Response to Comments on Applicant's Responses to ExQ2 Submissions**

5.1 Within Part 3 of its Response to Deadline 4 Submissions **[REP5-035]**, the IOT Operators provide comments on the Applicant's Response to ExQ2 Submissions **[REP4-008]**. The following paragraphs provide a response to those comments, a appropriate.

5.2 In response to ExQ2 reference NS.2.01, relating to the responsibility of safety management in the Port of Immingham, the Applicant must stress its disappointment that the IOT Operators have seemingly ignored the information provided by the Applicant which explains, in detail, the distinction between the Statutory Harbour Authority and ABP as Applicant for the proposed development, (see **[REP1-014]**). The submissions made by the Humber Harbour Master at Deadline 5 **[REP5-040]** and **[REP5-038]** very clearly evidence the independence of the SHA and, as such, the Applicant disputes any assertion made by the IOT Operators in this regard.

5.3 At **[AS-020]** the Applicant confirmed that it has agreed to work with the IOT Operators with a view to developing a scheme of marine infrastructure protection, without prejudice to the conclusions of the Applicant's NRA; namely that it does not consider impact protection to be required. The Applicant is consulting on the proposed changes and continues to engage with the IOT operators accordingly.

5.4 The Applicant and IOT Operators will continue to engage on the matter of protective provisions in the draft DCO in favour of IOT Operators. It is true that IOT Operators will have to approve final detailed plans prior to construction of the Marine Works, but their powers to require amendments will be both appropriately limited and subject to conditions of reasonableness. The precise wording and effect of the protective provisions has not yet been settled and will develop further during the course of examination.

5.5 In response to ExQ2 reference NS.2.02, relating to the HASB and Impact Protection, the Applicant maintains that the oral explanation provided by Captain McCartain and its submissions at **[REP4-009]** provide the necessary additional evidence in relation to this question, as summarised in response to NS.2.06.

5.6 In response to ExQ2 reference NS.2.03, relating to the "Designated Person", the Applicant strongly refutes the continued suggestion around lack of independence. As explained in response to NS.2.01 and in **[REP1-014]**, there are clear distinctions between the Applicant as developer and ABP's SHA functions with robust governance processes in place. All of which have been evidenced extensively by the Applicant and the Humber Harbour Master.

5.7 With regard to the reference to ABPmer, ABP Marine Environmental Research Ltd has over 70 years of experience providing technical expertise for port development. This expertise includes an eight strong Maritime Team, the members of which have specialist skills in Harbour Mastering, Pilotage, Port Policy, operational risk assessment and the production of Navigational Risk Assessments (NRA). ABPmer has produced on average, two NRAs per year over the last 10 years in support of Marine Licence Applications, Development Consent Orders and Harbour Revision Orders. The NRAs have supported both ABP applications and schemes promoted by other Organisations.

5.8 IOT's criticism of Captain McCartain is simply incorrect and is a gross misrepresentation. The Applicant refers back to Captain McCartain's representations during ISH3 and supporting submissions [REP4-009]. The Applicant is concerned that the IOT Operators have fundamentally misunderstood the governance processes that have been applied, or are ignoring the material submitted into the examination. Furthermore, the Applicant confirms that Captain McCartain does not line manage the IERRT ABP Development and Engineering Team. Captain McCartain's only involvement in the IERRT development has been in respect of the Duty Holder's consideration.

5.9 The Applicant does not accept the statement by the IOT operators that there has been a 'lack of independence' or 'very late acceptance' of these concerns' as the Applicant's NRA, produced in December 2022 clearly explained the engagement with the Duty Holder.

5.10 The Applicant refers to the above commentary in relation to NS.2.04.

5.11 In response to ExQ2 reference NS.2.05, relating to stakeholder input to the assessment of risks, the Applicant maintains its position as detailed in its response to ExQ2 NS.2.05 **[REP4-008]** and does not believe further explanation in addition to the responses previously provided and now reinforced in the IOT NRA Review document submitted at Deadline 6 (Application Document 10.2.56) is required. It is reiterated that the Applicant "strive[s] to maintain consensus" and the PMSC or MCA guidance does indicate how this can be achieved, namely via stakeholder engagement and the review of risk assessments. As the ExA is aware, the Applicant has explained how stakeholders have been kept fully involved in this process with a view to achieving consensus, but the PMSC does not require consensus to be achieved and it is inevitable that there may sometimes be disagreement between stakeholders given their different aspirations or commercial objectives. This type of exercise is far from novel for the Applicant and, in its experience, the level of engagement and consultation undertaken to date has far exceeded that which would normally be the case. The Applicant has acted fully in accordance with the guidance in seeking to achieve consensus.

5.12 In response to ExQ2 NS.2.06, inputs informing HASB judgements of risk control cost effectiveness, the Applicant reiterates that it is not for stakeholders to define the tolerability thresholds as this is a matter for the Duty Holder. The Applicant repeatedly engaged stakeholders throughout the HAZID and NRA process and has submitted all available pre-read material

and minutes for the HASB meeting into the examination [**REP4-009**]. As set out above, the Applicant strongly disagrees that there has been a lack of independence in the process.

5.13 The meeting on 06 October evaluated the potential further applicable controls identified during the HAZID workshops. The outcome of this meeting is captured in the completed Hazard Logs, which are included as an Annex to the submitted NRA [APP-089]. The HASB presentation was submitted by the Applicant at Deadline 4 - [REP4-009]. The consideration of tolerability took account of the levels of tolerability already established within ABP's group-wide MARNIS system, specifically for the Port of Immingham. As explained in [**REP3-017**], MARNIS is a software used by ABP to facilitate the documentation and review of hazards and controls and allows a consistent method for the assessment of marine risk across all ABP locations. This meant that, prior to the presentation to HASB, the tolerability levels considered for the IERRT development were compared with the tolerability of existing hazards captured in MARNIS for the Port of Immingham.

5.14 The Cost Benefit Analysis meeting discussed potential impact protection to the IOT trunkway and agreed to include this as part of a potential future adaptive control, as the benefit provided would depend on the level of tug usage during ebb tides. This is as recorded in the NRA [APP-089] (9.9.25). The meeting also discussed the further applicable control of relocating the finger pier. Given the impact of the embedded and other further applicable controls applied (including project specific adaptive procedures and the use of tugs) on the frequency and consequence scoring, it was deemed not reasonable or practicable to relocate the finger pier, which at the time was estimated to cost £35 million.

5.15 The reference to navigational simulations was drawn from the extensive navigational simulations that had been undertaken for IERRT, including the emergency scenario simulations, where vessels had stopped within a ship's length following a modelled engine failure.

5.16 In response to ExQ2 NS.2.08, debates around the semantics of the word 'challenging' are meaningless in that any vessel manoeuvre in an estuary such as the Humber is likely to present challenges. The Applicant refutes the suggestion that the IERRT approach would be 'exceptionally' challenging given that it bears many similarities to infrastructure elsewhere on the Humber – and in particular the Immingham Outer Harbour (IOH) and Port of Killingholme. The IOT operators seem to infer that manoeuvres 'in the full force of both the ebb and flood tide' are somehow a more risky prospect, despite the fact that the approaches to the lock, IOH and Port of Killingholme involve just such manoeuvring. The IOT Operators seem also to suggest that IOH is a safer prospect in the sense that the 'final stages of the manoeuvre' take place in a stilling basin environment with little tidal or flow effects being exerted on the vessel. Whilst it is correct that the final stages of the manoeuvre take place with little tidal or flow effects, this fails to take account of the fact that the manoeuvre up to the point that the stern of the vessel enters the IOH entrance – itself a very constrained approach – is within the full influence of the prevailing tidal vector. There is also the important factor

of windage which the IOT Operators have omitted. The effects of tidal direction on ship manoeuvres are at least a constant, known influence whereas the weather, by its very definition, is variable and will have a wide variety of influences on ship manoeuvring solutions. Indeed, berthing at the Port of Killingholme involves balancing the ship against the tide at all stages of the manoeuvre and there is no suggestion that this is an unsafe practice.

5.17 The IOT operators also state that the proximity of adjacent infrastructure adds to the risk factor. Ports inevitably are made up of a concentration of marine infrastructure – otherwise it would be able to operate as a general service port. It is the role of the port – functioning as SHA – to ensure that all manoeuvres take place in a controlled and safe manner. Throughout the examination process there has been an implied criticism that ABP, as SHA for the Port of Immingham, would deliberately abrogate its marine safety responsibilities in the pursuit of economic growth at the port. As the UK's largest ports operator handling around 25% of the UK's seaborne trade, ABP takes its safety responsibilities very seriously, and would clearly not promote a future project – and commit significant funding - which could result in serious financial and reputational harm. Captain McCartain, giving evidence during ISH3 **[REP4-009]** could not have been clearer in expressing that safety is a core value at ABP, starting at the very top and running throughout its entire structure.

5.18 There is no suggestion that the IOT Operators' trunkway is not of national significance. Rather, the risk of an errant Ro-Ro vessel coming into contact with the trunkway is considered to be extremely unlikely, given that the Ro-Ro vessels operating at the IERRT development will have two engines as well as bow thrusters, will be deployed with two anchors that will stop a vessel if required, and will be subject to the embedded and additional controls that will be deployed. In order for a vessel to collide with the trunkway, failures of both engines, the bow thrusters and both anchors would have to coincide at the exact point where the tide and wind conditions perfectly align and the vessel is on the perfect heading to avoid the IERRT infrastructure. The Applicant's NRA has taken this into account and has also considered the consequences to people and the environment. This is not an unusual position, as demonstrated at ISH3, **[REP4-009]**, and Application Document 10.2.52, there are multiple examples of oil jetties operating in close proximity to RoRo terminals and these do not contain impact protection measures to the extent that the IOT Operators are suggesting are required.

5.19 One immediate example is evidenced in DFDS's IOH Manoeuvring Explanatory Note **[REP5-043]**, which shows arrival and departure manoeuvres to and from the IOH showing just how close the vessel must manoeuvre to the Western Jetty – and any berthed chemical/petrochemical tankers - and yet the prospect of simultaneous twin engine and anchor failures, causing the wind and/or tide to set the vessel on to Western Jetty, is not considered to be an egregious risk.

5.20 In response to NS.2.10, Responsibility for safe navigation, the Applicant has answered the question in detail and with the appropriate context, which it hopes assists the ExA. The Applicant has explained that the ship's master is

in command of the vessel at all times and has provided a comprehensive response.

5.21 The Applicant agrees with the IOT Operators that the master must be content that the manoeuvre is both practical and safe. The Stena masters are highly skilled and experienced master mariners and have demonstrated their satisfaction with the safety and practicality of the manoeuvres at IERRT following the extensive simulations undertaken, which have tested the limits of operations. Indeed, Mr Laas van der Zee, a Stena Master on behalf of the Applicant, stated in ISH3 that the navigational conditions experienced in the simulations were almost the same as at Killingholme and that the berthing manoeuvre at Killingholme had been undertaken safely for 22 years. The position of the vessel and berth, as well as the tidal flows, felt very similar to Killingholme [**REP4-009**].

5.22 In response to ExQ2 reference NS.2.15, relating to potential consequences of collision with a tanker berthed at the IOT, the Applicant reiterates its response to question ExQ2 NS.2.15 posed by the ExA [REP4-008] in that this risk was comprehensively assessed in the NRA on the basis of the inputs provided by the Interest Parties.

5.23 In response to ExQ2 reference NS.2.16, relating to grading residual IOT allision risk As Low As Reasonably Practicable (ALARP), as was explained during ISH3 and underlined in the Applicant's responses submitted for Deadline 3 **[REP3-009 and REP3-011]**, the Applicant's position remains that the conclusions of its submitted NRA are correct and have not in any way been undermined by the alternative NRAs submitted by DFDS and IOT Operators. The Applicant does not agree that there is a lack of justification to support the ALARP position. This is explained in the Applicant's NRA **[APP-089]**, the oral representations made in ISH3 **[REP4-009]**, the HASB presentation and minutes submitted by the Applicant **[REP4-009]** and the Applicant's response to IOT's comments on NS.2.06 above.

5.24 A detailed response relating to ExQ2 reference NS.2.17 on standard for acceptability of societal risk is set out in the IOT NRA Review document submitted at Deadline 6 (Application Document 10.2.56).

5.25 In response to IOT's response in respect of ExQ2 reference NS.2.18 - the IOT Operator's response assumes that the relevant vessel has 150 cabins that can be used by lorry drivers and / or passengers (as defined in the DCO).

5.26 However, in considering the number of cabins available it is first necessary to reduce the number to take account of those cabins which are utilised by crew. This results in c130 cabins available for lorry drivers and / or passengers. It is then necessary to recognise that whilst cabins may be able to accommodate two people it is now generally standard practice for one lorry driver to occupy a twin cabin. In general terms it is only in circumstances where two lorry drivers are sharing the driving of a lorry – and have booked accordingly – where two lorry drivers will occupy the same cabin on a vessel.

5.27 These factors fed into the indications of lorry driver and passenger numbers that were provided in the Applicant's response to ExQ NS.2.18.

5.28 The Applicant is aware that, for Deadline 6, the Health and Safety Executive has submitted information to the examination which confirms the Applicant's approach to defining passengers within the DCO.

5.29 In response to ExQ2 reference NS.2.20, relating to Further Controls to be applied to control risks of collision or allision in relation to IOT, the Applicant would refer to the submissions made at ISH3 and in particular, **[REP5-039]** submitted by the Humber Harbour Master in response to ISH3 Action Point 20. This submission is clear that the statutory responsibility for implementing navigational control measures sits with the Statutory Harbour Authority and as such, is not defined within the dDCO. REP5-039 concludes by stating that *'HMH would like to stress that it would not be appropriate for any particular controls – or the suite of possible MarNIS controls - to be regulated by means of the DCO itself. It is the SCNA that has statutory powers – through Parliament – to regulate for, and maintain, the safety of vessels using the Humber'*. The Applicant is, however, consulting on proposed enhanced operational controls and is in dialogue with the IOT Operators on this matter.

5.30 The IOT's comments on NS.2.21 in relation to the Port Liaison Role and Marine Liaison Plan details are noted. The Applicant has set out the individuals responsible for Port Liaison and that this will be initiated prior to commencement of construction activities. The Applicant understands that HMH will also be responding to this point.

5.31 In response to ExQ2 reference NS.2.22 in relation to consequences of reduced space for operations at IOT Berth 8, the Applicant is not aware of any double-banking of vessels taking place at IOT berth 8, however, would look to the Humber Harbour Master to confirm this to be the case.

5.32 In response to the IOT's comments on ExQ2 NS.2.27 relating to betterment, the Applicant does not agree with the IOT Operators' statement that it *'appears to have accepted that there are unacceptable risks associated with the IOT Operators' existing operations posed by its development'*. The Applicant's letter **[AS-020]** is clear that the engagement with APT is without prejudice to the conclusions of the Applicant's NRA **[APP-089]** – that impact protection measures are not required. As such, the provision of any Impact Protection Measures in circumstances where they are not considered necessary for the Proposed Development will result in betterment.

5.33 In response to ExQ2 reference NS.2.28 relating to impact speeds and forces for the proposed IOT trunkway IPM, the structure has been designed to accommodate a maximum energy absorption of approximately 21,000kNm. This is equivalent to the energy absorption required to halt the T-class design vessel (27,900t displacement) travelling at approximately 2.5knots.

5.34 The IOT's comments are noted in relation to ExQ2 reference NS.2.29 on towage as an embedded risk control for berthing and unberthing. The Applicant has nothing further to add.

5.35 The Applicant does not agree with the IOT Operators comments in relation to NS.2.30 that construction vessels are 'often underpowered' or 'intended to work in benign port environments'. This is not based on fact and construction

vessels will be selected to safely operate in the environmental conditions and for tasks specific to the IERRT development. The Applicant has already set out the controls that will apply to ensure the safety of navigation during construction in its response to ExQ2. Further information is provided in the Construction Environmental Management Plan **[REP5-018]**.

5.36 In response to ExQ2 reference NS.2.32 relating to the use of tugs with Ro-Ro vessels, the Applicant would refer to the submissions made by the Humber Harbour Master [**REP5-037**], which clearly sets out the extensive experience of pilots, PECs and tug operators working safely with large Ro-Ro vessels on the Humber. The Applicant would also correct that it does not have any ownership of the Pilot Handbook for the River Humber.

5.37 The Applicant undertook additional navigational simulations on 7th and 8th November 2023 in response to ISH3 Action Point 17, which were attended by the Applicant, the IOT Operators, DFDS, the HMH, SMS Towage and HR Wallingford (Application Document 10.2.58). 8 of the 16 different simulated manoeuvres included tug simulations. The safety and positioning of the tug was considered prior to undertaking the manoeuvres and throughout. All runs involving a tug were recorded as successful, and the simulation attendees all agreed the manoeuvres were entirely safe and repeatable, with appropriate positioning and communication between the tug master and the Stena master. The Applicant hopes these additional simulations are sufficient for the IOT Operators to agree that tugs can be safely employed by RoRo vessels.

5.38 In response to NS.2.33, the Applicant has submitted correspondence from the tug operators which confirms that they will respond to demand [**REP4-008**] at Appendix 5. The Applicant maintains the position that it set out in response to ExQ2 NS.2.33 and the IOT Operators position is true for current marine operations.

5.39 In relation to ExQ2 reference NS.2.42 on Automatic Identification Systems (AIS) tracks for tanker vessels to and from the IOT Finger Pier, the Applicant fails to understand how the comments made by IOT in relation to AIS influence the inputs to the NRA, or its outcome. In response to IOT Operators' statement on the lack of detail on the "limitations and inaccuracies" of AIS, the Maritime and Coastguard Agency MGN 324 (M+F) Amendment 1Navigation: Watchkeeping Safety – Use of VHF Radio and AIS, provides cautionary notes of the use of AIS. It states:

'The quality and reliability of position data obtained from targets will vary depending on the accuracy of the transmitting vessel's GNSS (Global Navigation Satellite System) receiver. It should be noted that older GNSS equipment (before 2003) may not produce Course Over Ground and Speed Over Ground (COG/SOG) data to the same accuracy as newer equipment. IMO Resolution A.1106(29), Revised Guidelines for the Onboard Operational Use of shipborne Automatic Identification Systems (AIS), published December 2015, should be consulted for better understanding of the operational functions and limitations of the AIS'.

5.40 As with all navigational and/or electronic equipment, the AIS has limitations:

- The accuracy of AIS information received is only as good as the accuracy of the AIS information transmitted;
- The position received on the AIS display might not be referenced to the WGS 84 datum;
- Users must be aware that the AIS might transmit erroneous information from another ship;
- Not all ships are fitted with AIS;
- AIS, if fitted, might be switched off by a certain vessel, thereby negating any information that might have been received from such a ship; and
- Information received from other ships might not be fully accurate and of precision that might be available on its vessel.

5.41 AIS is a tool used to assist in navigation, but it is not a primary tool used for navigational information provision. It should be considered as supplemental to other equipment, such as RADAR. Over dependency on the use of AIS data can have detrimental or dangerous results due the nature of the functionality of the system. Any data collected from AIS source should be used with caution and for indicative purposes only, it cannot be relied upon as being 100% accurate.

5.42 The Applicant notes the minutes of the Port Liaison Meeting submitted by the IOT Operators in response to NS.2.50, relating to evidence of future tug provision, and welcomes this as an example of a collaborative liaison group. The minutes support the Applicant's response to NS.2.50, in that Svitzer confirmed they were purchasing an additional tug.

6 Response to Comments on Applicant's Summary of Oral Submissions at ISH3

6.1 Within Part 4 of its Response to Deadline 4 Submissions [REP5-035] the IOT Operators provide comments on the Applicant's Summary of Oral Submissions at ISH3 with Appendices **[REP4-009]**. The following paragraphs provide a response to those comments, where necessary.

6.2 In relation to item 16, the ExA asked the Applicant if it considered there to be any similar relationships between Ro-Ro berths and petrochemical infrastructure. The Applicant notes the submission of IOT Operator's note on similar relationships between Ro-Ro berths and petrochemical infrastructure and has nothing further to add.

7 Comments on Deadline 3 Submissions, Responses to ExQ2 and other ISH3 Requests [REP4-035]

8 Response to comments on ABP's Interim Response to the IOT Operators' NRA [REP3-012], comments on ABP's Response to the IOT Operators' Written Representation [REP3-011], and comments on ABP's Response to ExQ1 Submissions by the IOT Operators [REP3-016]

8.1 Within its Comments on Deadline 3 Submissions, Responses to ExQ2 and other ISH3 Requests **[REP4-035]** the IOT Operators provide comments on the Applicant's Interim Response to the IOT Operators' NRA **[REP3-012]**, ABP's Response to the IOT Operators' Written Representation **[REP3-011]**, as well as ABP's Response to ExQ1 Submissions by the IOT Operators **[REP3-016]**. The comments relate to stakeholder consultation, intolerable assessments, use of COMAH, inappropriate use of receptor descriptions, selective use of methodology, use of controls, and application of intolerability concept. The Applicant has provided a full review of the IOT Operators NRA **[REP2-064]** in Application Document 10.2.56 submitted at Deadline 6, within which all of these points are dealt with. These points are therefore not repeated here.

8.2 Regarding the IOT Operators' assertions on the independence of the Harbour Master, Dock Master and Designated Person, the Applicant refers to its responses above, as well as **[REP1-014]**.

9 Response to comments on ABP's Cover Letter [REP3-001] and MSMS Manual [REP3-017]

9.1 Within its Comments on Deadline 3 Submissions, Responses to ExQ2 and other ISH3 Requests **[REP4-035]** the IOT Operators also provide comments on ABP's Cover Letter **[REP3-001]** and the Marine Safety Management System (MSMS) Manual **[REP3-017]**. The following paragraphs provide the Applicant's response to points raised by the IOT Operators.

9.2 Action Point 30 arising from ISH2 **[EV3-012]** requested that the Applicant "consider what parts of the Marine Safety Management System can be shared with the IOT's Operator's request". In the cover letter submitted at Deadline 2 **[REP2-001]**, the Applicant confirmed that it intended to release the MSMS manual at Deadline 3. This was submitted as agreed **[REP3-017]**.

9.3 The IOT Operators state elsewhere in **[REP4-035]** that they have not been consulted on any of the changes to the Marine Safety Management System (MSMS), and it should be noted that the manual as provided postdates the manual in effect at the time of the IERRT NRA. IOT Operators, therefore, indicate that they require the appropriate version of the manual (e.g., Version 4.4 Dated 02 Feb 2022 **[REP3-017**]). The Applicant noted at [**REP4-009**] that the MSMS is intended to be a live and dynamic document and a full list of updated sections and a commentary of the changes is provided at the start of the document which provides clarity on the nature of all updates.

9.4 In the context of stakeholder engagement generally, the ExA should note that the MSMS for Humber and Immingham contains information on continuous stakeholder engagement. All port users and operators are invited to input on the safety of marine operations of the port. Stakeholder engagement is an important part of managing the port marine environment with a specific focus on at least striving for consensus on proposed protocols or procedures that relate to safety of navigation. Additionally, stakeholder engagement is important when producing or reviewing risk assessments where the view or opinion of third parties will be taken into account.

9.5 All ports should have some form of stakeholder engagement via a port user group where matters relating to the promotion of items related to promoting port marine safety can be discussed. Port user group meetings should take place at least once a year with the purpose of engaging stakeholders on such items as:

- Risk Assessment reviews
- New proposals or procedures
- Statutory consultation (byelaws General / Harbour directions etc)
- Incidents and lesson learnt

9.6 The Guidance on the formation of port user groups is given in the National Directions Panel Supplementary Guidance: Code of Conduct on Harbour Directions.

9.7 Humber Estuary Services, through the Humber Harbour Master, ensures consultation with port users and stakeholders through regular meetings. These meetings are formally minuted and recorded.

9.8 As far as the Humber ports are concerned, the following take place –

- Humber Liaison Committee Meeting Alternates between North & South Humber banks on a 12 monthly basis – Involves HM, POMs, plus river users, stake holders and various Marine Managers. Review of navigational safety, commercial and recreational interface.
- ABP, APT, P66, CLdN Ports, Immingham Bulk Terminal Liaison Meeting Rotates between participants on a 6 monthly POM, Ops Managers of APT, P66, CLdN Ports, and IBT. Was formed as a discussion group for of the discussion of Oil and Bulk Terminal operators with a view to maintaining operations and concerns particularly for Humber Passage Plan VLS. Maintaining good working practices and promoting safety. The group also reviews risk assessments as appropriate. Consultation on the review of any appropriate risk assessments.
- ABP, Svitzer Liaison.
- ABP, SMS Liaison.

9.9 Meetings rotate between participants on a 6 monthly basis and are attended by Port Operations Manager, Deputy Dock Master, General Manager Svitzer, Pilots, Tug Masters. Agendas include Discussion of tug operations, and concerns maintaining good working practices, promoting safety and training opportunities. Consultation on the review of any appropriate risk assessments.

- Safety of Navigation
- Review Committee Meeting
- (SNRC) Grimsby

- Ports of Hull & Goole Health, Safety & Sustainable

9.10 A Development Committee is held quarterly in Hull and is made up of the Regional Director, Head of Compliance, Heads of Depts & Managers & Safety reps. Required under H&S regulations to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees.

9.11 In addition, Humber Estuary Services sit on a number of other consultation meetings as follows:

- Port user group meetings
- Goole Dock users meetings
- Hull Dock users meetings
- P&O liaison group

9.12 As can be noted from the above, the Applicant maintains a comprehensive programme of stakeholder engagement which demonstrates that it is fully engaged in stakeholder consensus, and more than meets the requirement as laid out in the PMSC.

9.13 The Applicant finds the comments from IOT unfounded and does not agree that the Applicant is dismissive of serious safety concerns or fails to meet consensus.

9.14 Within its Comments on Deadline 3 Submissions, Responses to ExQ2 and other ISH3 Requests [REP4-035] the IOT Operators also provide comments on ABP's Cover Letter [REP3-001] and the Marine Safety Management System (MSMS) Manual [REP3-017]. The comments made by the IOT Operators on 'Baseline NRA' and 'Applicant's Approach to NRA' are dealt with in responses already provided in previous examination submissions [REP3-009 and REP3-012] which are now reinforced in the IOT and DFDS NRA Review documents submitted at Deadline 6 (Application Documents 10.2.55 and 10.2.56).

10 Response to summary of responses to ExA ISH 3 Agenda Questions

10.1 Within its Comments on Deadline 3 Submissions, Responses to ExQ2 and other ISH3 Requests [REP4-035] the IOT Operators also provide a summary of responses to ExA ISH 3 Agenda Questions [EV6-001]. These points primarily relate to approaches taken in the Applicant's NRA [APP-089], and the IOT Operators [REP2-064] and DFDSs NRAs [REP2-043]. The Applicant maintains its position and refers back to the responses already provided in previous examination submissions [REP3-009 and REP3-012] which are now reinforced in the IOT and DFDS NRA Review documents submitted at Deadline 6 (Application Documents 10.2.55 and 10.2.56).

Glossary

Abbreviation/ Acronym	Definition
ABP	Associated British Ports
APT	Associated Petroleum Terminals (Immingham) Limited
DCO	Development Consent Order
Hazid Workshop	Hazard Identification Workshop
HazLog	Hazard Log
HES	Humber Estuary Services
HOTT	Humber Oil Terminals Trustees Limited
IERRT	Immingham Eastern Ro-Ro Terminal
IOT	Immingham Oil Terminal
IOT Operators	APT and HOTT
Nav Sims	Navigational Simulations
NRA	Navigational Risk Assessment
PMSC	Port Marine Safety Code
Ro-Ro	Roll-on/roll-off
UK	United Kingdom