

# Immingham Eastern Ro-Ro Terminal (“IERRT”)

PINS Ref: TR030007

## Comments on Deadline 5 submissions

### Consultation Response to the Applicant’s Change Notification:

1. The Applicant commenced consultation on 20 October 2023 on proposed changes to its DCO application with responses required by close on Sunday 19 November 2023.
2. The IOT Operators have provided their response to the Applicant in a letter dated 13 November 2023 which is appended to this submission as **Appendix 1**. That response indicates that the change request does not adequately address the safety concerns which have been articulated consistently by the IOT Operators since the statutory consultation on the scheme in early 2022.
3. The IOT Operators also wrote to the Applicant on 7 November 2023 with a series of questions relating to missing information in respect of the change request. No response has been received to that request to date. A copy of that letter is included as an appendix to the IOT Operators’ response to the change request of 13 November.
4. The IOT Operators note that in its letter during ISH3 [AS-020] the Applicant accepted that protective provisions substantially in the form advanced by the IOT Operators [REP1-039] would be included in any change request. There is no reference to those protective provisions in the notification of the proposed change, and the Applicant had not provided the IOT Operators with an updated SoCG<sup>1</sup> or PADS, despite the indication that such matters would be addressed alongside its change request.
5. The IOT Operators have therefore provided the Applicant with a revised set of protective provisions which are also appended to this submission as **Appendix 2**.
6. Given the current approach of the Applicant to the change request, the IOT Operators ask that the Examining Authority (ExA) allows for a discussion on navigation and safety matters relating to the change request during the hearing days in November (21, 22 and 23 [PD-009]). Whilst the Applicant has failed to provide the requisite level of detail necessary for the IOT Operators to fully assess the proposed changes, the IOT Operators expect that it would assist the ExA to explore their concerns around the inadequacy of the measures proposed as part of those hearings. In addition, it would be sensible to address the IOT Operators’ preferred protective provisions during ISH6 on 23 November. If the Applicant has submitted its intended protective provisions for the benefit of the IOT Operators by that date, so much the better.

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<sup>1</sup> An updated draft SoCG was provided by the Applicant at 15:28 on Friday 10 November, the working day before these submissions are being filed. The IOT Operators are reviewing that draft, and would hope that a revised draft will be available to be submitted by the Applicant at the next deadline 7, on 11 December.

## ISH3 Action Point 17 and Rule 17 Request for notes of simulations:

7. The Applicant has carried out additional simulations on 7 and 8 November and, despite the short notice period, the IOT Operators were able to attend by their staff and consultants.
8. The IOT Operators understood that the ExA requested the Applicant agree the scope of the simulation with stakeholders. The IOT Operators and other stakeholders requested specific consideration for the IERRT Design Vessel<sup>2</sup> in the additional simulations, however the Applicant chose to use a vessel which had less than half the displacement of and smaller dimensions than the IERRT Design Vessel. As such IOT Operators contend that the additional simulations are not able to provide comfort that the IERRT Design Vessel can safely access the proposed IERRT.
9. The IOT Operators' summary comments for each of the run manoeuvres observed has been appended to this submission as **Appendix 3**, as requested by the ExA's Rule 17 letter of 27 October 2023.
10. The IOT Operators again raise concerns that they are continuing to incur very significant costs in response to the Applicant which could have been avoided, or at least significantly reduced, had the Applicant addressed matters (such as these additional simulations) adequately prior to submitting its DCO Application.
11. Further, the IOT Operators note that no simulations have been undertaken to address changes brought about by the Change Request.

### Statement of Common Ground:

12. The IOT Operators note the ExA's Rule 17 letter of 27 October 2023 and its disappointment with progress which has been made by the Applicant with Statements of Common Ground (SoCG). As outlined above at paragraph 4, no updated draft SoCG had been provided by the Applicant until the working day before the Deadline 6 on which day this document is being submitted.
13. The Applicant has consistently indicated in its submissions that it is awaiting the outcome of ongoing discussions with the IOT Operators before a further SoCG is submitted. The IOT Operators have continued to engage with the Applicant in attempts to assist it make modifications to its scheme which will be capable of addressing the IOT Operators' long-standing and consistently articulated safety concerns.
14. Unfortunately, given the approach which has been taken by the Applicant in its change request, the ExA should be mindful that the IOT Operators do not currently expect there to be a meaningful change in their position as compared to the Principal Areas of Disagreement (PADs) document previously submitted to the Examination. Whilst the Applicant has made a change request, it is inadequate and the IOT Operators were

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<sup>2</sup> As described at paragraph 2.3.16 of the Applicant's ES Chapter 2 – APP-038.

not involved in developing the changes which have eventually been submitted by the Applicant.

15. Once any change request has been accepted (or not), and the full detail of any measures proposed by the Applicant become clear, the IOT Operators will summarise their position to assist the ExA – whether through an updated PADs or through a revised SoCG.
16. At this stage, the IOT Operators wish for their very significant concerns to be noted, and their disappointment that on Deadline 6 falling nearly four months into the Examination process it remains the case that the Applicant has not clearly articulated the mitigation measures or other accommodation works it proposes to address those very significant safety concerns.
17. In the event that a satisfactory conclusion cannot be reached with regard to protective measures, and the nature of the risks created, the IOT Operators reluctantly suggest that the DCO should not be confirmed.

Part 1

**Comments on Applicant's Draft Development Consent Order (Tracked) – Ver.04 [REP5-005]**

<b>Reference</b>	<b>Change</b>	<b>Comments by the IOT Operators</b>
Requirement 18 (Impact Protection)	No material change	The IOT Operators note that despite seeking changes to the proposed development the Applicant has not made any changes to this section to address any of the issues which led to the change request being made.
Schedule 4, Part 4 (Protective Provisions)	No material change	The IOT Operators note that despite seeking changes to the proposed development the Applicant has not made any changes to this section to address any of the issues which led to the change request being made.

## Part 2

### **Comments on Maritime and Coastguard Agency Deadline 5 Submission – 7.1 [REP5-008]**

<b>MCA Submission</b>	<b>Comments by the IOT Operators</b>
<p>On this occasion the works are being undertaken within a SHA (ABP Humber) who has relevant powers under the Harbour Act 1964 (or other) and therefore has jurisdiction. ABP Humber are responsible for maintaining the safety of navigation during construction and operational phases of the development, and therefore the MCA would not approve the NRA or undertake the prescribed approach above on behalf of a SHA.</p>	<p>The IOT Operators again raise the issue of independency and would stress that considerations must be given to that issue in this particular circumstance.</p>
<p>The MCA's representation on this occasion was to ensure that an agreed Navigation Risk Assessment would be in place using an appropriate risk assessment methodology and that the works are carried out in accordance with the Port Marine Safety Code. We are satisfied that this has/is being undertaken and I do not believe that a SoCG is required on this occasion with MCA. We have no concerns to raise with regards to the process undertaken and have been reassured that the works will be undertaken in accordance with the Port Marine Safety Code and its Guide to Good Practice.</p>	<p>It is clear to the IOT Operators (and other stakeholders) that an "agreed" NRA is <u>not</u> in place. Further, MCA do not appear to have reviewed the sNRA undertaken by the IOT Operators and have not consulted with the IOT Operators to understand the methodological concerns raised with the Applicant's NRA.</p> <p>The MCA also state that they are satisfied that a NRA in accordance with the Port Marine Safety Code has / <u>is</u> being undertaken – however this is not a clear statement as the Applicant has not made any update or changes to its NRA since submission of the ES and the start of examination.</p> <p>The statement from the MCA also implies that the Applicant has engaged directly with them and that they have been "reassured" that works will be undertaken in accordance with the PMSC And Guide to Good Practice. . The IOT Operators have not been a party to those exchanges, nor are they satisfied that the MCA has adequately engaged with the clear methodological concerns which have been raised. The IOT Operators would respectfully suggest that the ExA ought to raise a further Rule 17 request of the MCA in order to satisfy</p>

	itself that a detailed analysis of the matter has been undertaken to inform the comments which are made in these representations.
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### Part 3

#### **Comments on Applicant's Deadline 5 Submission – 10.2.9 SOCG Tracker [REP5-022]**

<b>Party</b>	<b>ABP Comment</b>	<b>Comments by the IOT Operators</b>
APT	This SoCG has not been advanced in light of the ongoing without prejudice negotiations with APT regarding enhanced management controls and the potential for providing additional impact protection. The Applicant will advance an SoCG once negotiations have concluded.	<p>The Applicant has provided the IOT Operators with a revised SoCG on the afternoon of Friday 10 November 2023. This is being reviewed but unfortunately there has not been sufficient time allowed to comment on this prior to this deadline.</p> <p>As indicated in the introductory remarks to this document, at present the IOT Operators continue to have very significant safety concerns with the Applicant's proposals which it expects to be identified in any future SoCG. That said, the IOT Operators will engage with the Applicant with a view to a revised SoCG being available for submission by Deadline 7 on 11 December.</p>

Part 4

**Comments on Applicant's Deadline 5 Submission – 10.2.11 PPs Tracker [REP5-024]**

<b>Party</b>	<b>ABP Comment</b>	<b>Comments by the IOT Operators</b>
HOTT	The Applicant is reviewing the draft protective provisions in light of the ongoing without prejudice negotiations with HOTT. The dDCO will be updated to reflect the agreed position following the conclusion of negotiations.	<p>Although the Applicant accepted that protective provisions substantially in the form advanced by the IOT Operators [REP1-039] would be included in any change request, there is no reference to those in the notification of the proposed change.</p> <p>The IOT Operators have been reviewing those protective provisions in light of the proposed changes and discussions during the course of examination, and have provided the Applicant with a revised set of protective provisions which are also appended to this submission.</p>

Part 5

**Comments on Applicant’s Deadline 5 Submission – 10.2.49 Response to IOT Operators [REP5-033]**

<b>Paragraph</b>	<b>ABP Comment</b>	<b>Comments by the IOT Operators</b>
3. / 3.1	<p>Response to [REP3-012] 1.3 Stakeholder Consultation consensus, [REP3-16 NS.1.1 Response to Stakeholder consensus in NRA, and Cover [REP3-001] and MSMS Manual [REP3-017]:</p> <p>3.1. In light of the Applicant’s Proposed Changes Notification [AS-027] and the consequential ongoing public consultation, rather than enter into a lengthy exchange at this stage on Navigation and Shipping matters, the Applicant is reserving its position in the context of comments and responses so as to give it the opportunity to engage further with the Interested Parties during the current consultation process. A comprehensive response will be provided at Deadline 6 – possibly earlier subject to the progress made.</p>	<p>The IOT Operators are concerned that discussions on the Navigation and Shipping matters are being delayed by the Applicant, particularly where this delay is expressly caused by the Applicant’s late-stage proposed change request. It is not clear what further engagement the Applicant is referring to in its response, but to the extent it considers there is further material to be submitted or representations to make it should make those in good time in accordance with the ExA’s examination timetable to allow Interested Parties the chance to respond.</p> <p>Concerns have been raised well before the proposed change request was made and until that request is accepted the engagement on these concerns should not be unnecessarily delayed. The IOT Operators will comment on further material at the next available deadline, once submitted.</p>

## Part 6

### **Comments on Harbour Master Humber's Deadline 5 Submission Response to IOT Operators [REP5-037]**

<b>Paragraph</b>	<b>Comments by the IOT Operators</b>	<b>HMH Comment</b>	<b>Comments by the IOT Operators</b>
<p>REP4-035 - IOTT comments on D3 submissions, responses to ExQ2 and other ISH3 questions - Comments on HMH D3 submissions relating to IOT</p>	<p>Of the response to paragraph 2.1.1 of HMH's D3 submissions relating to IOT: Converse to the Applicant's comment regarding a master being 'dropped straight into the critical part of a manoeuvre'</p>	<p>As a general point, HMH would like to point out that it is legally incorrect and not appropriate for IOT to refer to the Harbour Master, Humber as "the Applicant". He is not the applicant for the Proposed Development.</p>	<p>The substance of the IOT Operator's comment in REP-035-IOTT is unchanged. Regardless, the IOT Operators have little confidence that the HMH is independent of the Applicant as noted in their previous submissions.</p>
	<p>Of the response to paragraphs 2.2.1 to 2.2.3 of HMH's D3 submissions relating to IOT: An early decision to abort may have the benefit of time and planning, and therefore be conducted in a controlled manner e.g., when an inward vessel is advised early-on that its berth is no longer available, the visibility has fallen below an acceptable level or non-availability of towage. However, a decision to abort is normally taken when a manoeuvre has already been commenced and</p>	<p>IOT Operators' commentary does not reflect abort planning on the Humber.  On the Humber, an abort point is generally understood to be the point at which a large vessel can still safely proceed safely to sea or anchorage. A decision made at the late stage and for the reasons described by IOT is not considered an abort on the Humber. It would be an incident or near-miss (and would be treated accordingly).</p>	<p>HMH is mis-construing the difference between a "passage plan abort location" which is a contingency decided in advance of a transit, compared to an action of aborting a manoeuvre at a later point if it is not going to plan or no longer likely to remain safe. The HMH is trying to conflate an abort point, a near miss and incident. The IOT Operators' concern is that the manoeuvre is terminated without the benefit of advanced planning, which should be considered as a safety issue for the IERRT development.</p>

	<p>for some reason it is not going to plan e.g., the vessel is failing to respond as envisaged, wind stronger than predicted or an item of ship's equipment failed. It is therefore rarely undertaken from a position of comfort, prediction or safety. In this case there is no time for planning; remedial action has to be quick and intuitive to have any chance of success.</p> <p>Assumptions regarding the eventual heading or orientation of a vessel when forced to abort from a suboptimal situation may not be achievable in conditions of strong tidal flow or the effect of wind.</p> <p>An IOT tanker movement, even if prioritised over a concurrent other vessel movement, is always dependent on the progress of the vessel immediately ahead of it. Therefore, any consequent delay to an inbound or outbound tanker would impact IOT as described.</p>	<p>Abort points form an integral part of any vessel's passage plan – in this case, the last abort point would most likely be the point at which the vessel is stopped and lined up ready to move backwards into the berth. At this point the vessel is under control, moving very slowly and would be utilising control measures such as pilotage and towage. There would, therefore, be an awareness on the vessel's bridge of the conditions.</p> <p>Should an incident occur, mariners are trained to react, and additional control measures could, by way of example, include use of anchors.</p> <p>HMH is not making light of IOT's concerns but is clarifying what an abort is defined as on the Humber. The impression that a vessel would just carry on is not a fair representation of a planned passage, which is being continuously evaluated by the vessel's bridge team.</p> <p>With regard to the final paragraph, it is worth remembering that the number of additional vessel movements as a result of IERRT would be limited, and they would be notified in advance to HES and programmed in the same way as all vessel movements are currently programmed, including those of IOT. HMH is not expecting a backlog of</p>	
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		vessels to arise as a result of the introduction of the Proposed Development into the Humber.	
	<p>Of the response to paragraphs 3.1.1 to 3.1.3 of HMM's D3 submissions relating to IOT: IOT Operators note that the HM agrees with the findings of the sNRA in relation to risk of hazard occurrence, and that similar control measures are identified. However, he does not confirm whether he agrees that measures such as impact protection, relocation of the finger pier and a Marine and Liaison Plan are required, despite three independent assessments confirming that they would reduce risk, and with the IOT sNRA confirming this through a detailed cost benefit approach.</p>	<p>Harbour Master, Humber Response HMM recognises the effect of all the potential controls which have been identified and are under consideration.</p>	<p>The IOT Operators request that the HMM confirm whether or not that the control measures specified in the sNRA are required.</p> <p>As an independent Statutory Harbour Authority, empowered to manage safety of navigation, we would expect HMM to accept that there is significant disagreement and seek to find consensus of solution. This has not occurred and the HMM (or indeed the Port of Immingham Dock Master) do not seem to be acting independently to the Applicant in this regard.</p>
	<p>Of the response to paragraph 3.1.4 of HMM's D3 submissions relating to IOT:</p> <p>The ABP Harbour Masters (HES Harbour Master and Port of Immingham Dock Master) undertake consultation through annual liaison meetings which IOT Operators attend. These meetings are not risk assessment or hazard workshops and primarily deal with promulgation of information by ABP. Where safety issues have been raised by IOT</p>	<p>Harbour Master, Humber Response</p> <p>HMM is surprised by IOT's suggestion that where safety issues have been raised by IOT Operators, they have often been brushed aside. Any safety issue raised by an operator on the Humber – including IOT – is always given due consideration.</p> <p>All safety improvements that involve marine operations at the terminal have been developed collaboratively whether raised by IOT or HES.</p>	<p>The point the IOT Operators are making is that HMM is brushing aside the safety issues inherent in the IERRT project, in favour of the Applicant, and has not appropriately adapted the approach in light of either the issues with independence from the Applicant or the heightened risk inherent in this particular project.</p> <p>As noted above, there are numerous documented concerns raised by the IOT Operators (and other stakeholders) in relation to the IERRT project which do not</p>

	<p>Operators these have often been brushed aside.</p> <p>IOT Operators have not been engaged in any regular formal risk assessment process to define and assess baseline (current) navigation risk, and identify and implement risk control measures needed to mitigate risk for either the ABP Humber Estuary Services statutory port area or the ABP Port of Immingham Statutory port area to acceptable levels.</p> <p>Analysis undertaken in the sNRA [REP2-064] shows the ABP Humber has the highest alision rate of any port with Ro-Ro traffic in the UK.</p> <p>Where specific navigation mitigation measures are in place for IOT, then these have often been led by IOT Operators keen to maintain the safety of IOT. As the existing baseline NRA for the area has not been shared with IOT, and neither has IOT Operators been engaged in either the production or continuous review of the baseline NRA. As a result IOT Operators are not able to comment on management risk and are not aware of whether these risk controls are contained within the ABP PMSC baseline NRA. For</p>	<p>IOT's criticism ignores even the formal safety liaison meetings that are led through HES as well as the continuous dialogue between HES and the Marine Operations Team at IOT which underpin safe marine operations at the terminal.</p> <p>With regard to the particular assertion that there is one liaison meeting a year: there have been 117 stakeholder meetings chaired by HES in the last 10 years relating to navigational safety and IOT is a standing member of 45 of those meetings. The above meetings form an important part of the stakeholder liaison required for compliance with the PMSC which is regularly audited and, as such, all meetings are minuted. The relevant Humber baseline NRA in MarNIS is often displayed at such meetings, and external parties have participated in risk assessments, including jetty operators and tug operators.</p> <p>HMH believes IOT Operators are aware of all the procedures and controls relating to their operations</p>	<p>appear to have been considered, appropriately, by HMH. The Applicant's view appears to be that the HMH will address any safety concerns in due course following granting of the DCO, though no details or commitments have been provided to date, despite the Applicant accepting protective provisions substantially in the form advanced by the IOT Operators [REP1-039] would be included in any change request.</p> <p>Additionally, the Humber baseline NRA in MarNIS, as a critical assessment, was not shared as part of the IERRT development stakeholder agreed baseline risk assessment, and the same methodology was not used to assess the risk of the IERRT infrastructure and Design vessels to other traffic and marine facilities in the area. The IOT Operators have repeatedly requested this assessment be shared since February 2022.</p>
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	<p>example, the limitation imposed on Coastal Tankers berthing only during flood tide conditions at the IOT Finger Pier, was implemented to protect the IOT Finger Pier and Trunkway, was raised and implemented by IOT Operators (in consultation with ABP Harbour Masters).</p>		
	<p>IOT Operators maintain that the content of REP2-064 is primarily factual and therefore is representative of the conduct of the simulations including in the paragraphs outlined by the Applicant. IOT Operators, and in particular NASH Maritime observers during sessions 1 and 2, highlighted the use of ship models which were suboptimal due to either length, handling characteristics or deadweight and demonstrated a collaborative approach themselves by suggesting alternatives with the aim of obtaining the most realistic outcomes from the simulation sessions for the benefit of all parties. Similarly, the introduction of wind shading, originally deemed as not required by ABP and HR Wallingford (“HRW”) was reluctantly introduced in a very limited number of simulation runs during Session 3. The eventual agreement of ABP and HRW to develop more appropriate ship</p>	<p>Harbour Master, Humber Response HMM stands by the content of paragraphs 3.1.5 and 3.1.6 of his earlier submission.</p>	<p>The IOT Operators stand by the statements made, and previous submissions on independence.</p>

	<p>models and wind shading for Session 3 was appreciated by IOT and did indeed highlight issues not apparent during Sessions 1 and 2.</p> <p>IOT operators question the independent nature of HMH given that he is an employee of the Applicant. It is correct that in many of the simulation runs, IOT observers confirmed that they were content and in agreement with the recorded outcomes. However, in others, contrary opinions verbally expressed by observers were either ignored, derided or overruled by HMH and were not always correctly reflected in the HRW report. Session 3 post event discussion was held in an adjacent room at the request of HMH between HRW/ABP and NASH/IOT at which concerns regarding the outcomes from some simulation runs was voiced and agreement was not reached. There was a pre-determined scripted run plan during Session 3 and no time for observers to request additional runs, if required, due to the intended use by ABP of the simulation facility to commence simulations on another project. With regard to paragraph 91, in order to realistically determine the time taken to conduct a manoeuvre and therefore understand the impact to</p>	<p>In respect of aspersions cast by IOT on his independence, HMH refers to his separate note (see HMH 19).</p>	
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	<p>other river and lock traffic in the compact area adjacent to Immingham Lock bellmouth, and therefore the risk, it is necessary to allow simulations to progress independent of interference by facilitators. Facilitators should also allow an aborted manoeuvre to complete in order to demonstrate that such an abort can be safely concluded rather than simply terminating an exercise 'for the sake of time'. In relation to paragraph 94, the scenario was agreed between ABP, HRW and Stena but not by IOT (or DFDS) in their capacity as observers. IOT therefore supports that comment in paragraphs 94 and 95 of REP2-064 is justified and correct, especially in that more scenarios should have been trialled, with greater stern speed and a greater time delay in deploying anchor(s) including an event where anchors were unable to be deployed at all. In respect of paragraph 97, it is correct that Rix Phoenix PEC holder stated that he would need to (and potentially could) amend his current approach due to the intended footprint of IOT infrastructure. However, he also commented that some manoeuvres, especially those currently taking place on spring tides and in high winds would not be</p>		
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	possible with the proposed IERRT infrastructure in place.		
	<p>Of the response to paragraph 3.1.7 of HMH's D3 submissions relating to IOT:</p> <p>IOT agrees with the Applicant that any Pilotage, especially that on the Humber and in particular the density of traffic, tidal regime and mutual proximity of terminals in the Immingham area can be extremely challenging, especially navigating in an area so close to an existing multiberth Oil Terminal. Therefore, IOT reiterate that the IERRT terminal should not be placed in such close proximity to an area that requires such challenging pilotage where allision could result in catastrophic consequences.</p> <p>In other UK ports, pilots, whilst following the prescribed training matrix for that port, are expected to advance to authorisation for the largest vessels as soon as possible. Humber Pilotage is unusual in that it limits (and routinely fails to meet) the number of authorised Class 1 pilots i.e., those with sufficient experience and authorisation to conduct design vessels to IERRT.</p>	<p>Harbour Master, Humber Response</p> <p>As stated above, as a matter of law, apart from anything else, HMH is not the applicant for the IERRT scheme, and he refers the ExA document HMH 19.</p> <p>HMH said that all pilotage at Immingham is challenging. He did not say that all pilotage at Immingham is "extremely" challenging; particularly given the expertise of the pilots and PECs on the Humber and the fact that many of them have familiarity accrued over years of making the same manoeuvres on a regular basis. HMH repeats his opinion, based on his experience and expertise that safety will be managed for IERRT just as it is for the other destinations on the Humber.</p> <p>HMH is comfortable that the numbers of those pilots qualified and authorised to pilot vessels of the type that will be using IERRT (i.e Class 1 and VLS (very large ship) pilots) will be sufficient to cater for the demand arising from its introduction.</p> <p>The limit, which HES, as Competent Harbour Authority (CHA), calls the "establishment figure" referred to by IOT includes both a raw required number and</p>	<p>Whilst the HMH is not the applicant, concerns as to independence remain despite the HMH submissions on a statutory separation between HMH and ABP.</p> <p>The IOT Operators remain concerned that HMH considers that "safety will be managed for IERRT just as it is for the other destinations on the Humber" – the location of IERRT is more challenging navigationally than all other Ro-Ro berths on the Humber, no simulations have been undertaken for the proposed design vessel, the NRA is flawed, the proximity of IERRT to the IOT is unique and the consequences should an incident occur are nationally significant, as such for HMH to rely on safety of navigation to be "<i>just as it is for the other destinations on the Humber</i>" is considered by the IOT Operators to be of grave concern.</p> <p>In the absence of any empirical analysis on pilot utilisation for the IERRT in the context of available pilot, then the IOT Operators require that HMH commits there will be no delays to IOT arrivals and departures brought about by the IERRT developments. No such control is presently being offered through the Applicant's DCO.</p>

	<p>As a result of this policy, advancement above Class 2 is seen by pilots themselves as discretionary, whereby many choose to remain at a lower grade in recognition that acts of pilotage on smaller vessels generally are less onerous and stressful than conducting the largest ships.</p> <p>This results in the roster of pilots suitably authorisation for IERRT vessels being substantially under manned and pilots being fully occupied during rostered periods. Tripping on vessels to IERRT or attending simulation training would therefore rely on a very limited number of off-watch pilots making themselves available for training to coincide with a time when ships and/or simulation facilities are available.</p> <p>This would be difficult to administer and cannot be guaranteed.</p> <p>Pilots could (and do) elect to make themselves unavailable for training for berths which they deem to be particularly challenging so that they effectively avoid being authorised for them. In undergoing 'appropriate' training and in recognition of the agreed complexities of manoeuvring</p>	<p>additional positions for professional and career development purposes.</p> <p>In regard to training, there is a track record over many years of delivery by the CHA of appropriate training for pilots where new infrastructure is introduced into the Humber estuary. Such training is normally initially undertaken by a small cadre of pilots and PECs on a simulator who would then jointly undertake the early voyages before experience is cascaded through on board training.</p> <p>The suggestion being made that the provision of pilot training for the IERRT would somehow be less capable of delivery than has been the experience in the past is, in the view of HMM, without foundation.</p> <p>The provision of pilotage on the Humber meets the requirements of the PMSC and its compliance is monitored and audited in line with the requirements of the Code.</p>	<p>The IOT Operators remain concerned with the provision of pilotage and the opinions of the HMM that there are no issues.</p>
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	<p>at IERRT, it is presumed at an individual pilot would be required to undertake at least as many arrival and departure manoeuvres from each IERRT berth or the terminal as a PEC holder.</p> <p>Humber PEC guidelines state the PEC requirement as 9 trips in and 9 trips out of the dock, plus one tug trip in and one tug trip out (see appendix to this document). However, it is noted that the current training requirement for pilot authorisation to the terminals at IOH and HRT, which are technically easier, is only 'one trip in and one trip out' per terminal (not per berth). This level of familiarisation would be wholly inadequate for a terminal with the degree of complexity and difficulty posed by IERRT and the ethos of a Humber Pilot being 'jack of all trades but master of none' would be wholly inadequate for a terminal with the agreed complexities of IERRT.</p> <p>Given that the terminal does not yet exist, it is not clear how each PEC holder would obtain the required number of trips in and out prior to commissioning. Initial pilotage authorisation for a terminal is just the first step. A total of up to approximately 50 Class 1 pilots, once</p>		
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	<p>'trained' would have little opportunity to remain individually familiar with the terminal when the vast majority of pilotage acts each year would be undertaken by PEC holders.</p> <p>IOT Operators note that the Applicant has made no comment regarding the content of paragraph 109-111.</p>	<p>We assume this comment is aimed at ABP as Applicant and not HMH.</p>	
	<p>The management of an allision or collision incident within the Port of Immingham by the Dock Master and the Harbour Master Humber.</p> <p>1.1. IOT Operators note that the ABP Harbour Master Humber and the ABP Dock Master Immingham (collectively the ABP Harbour Masters) manage allision and collision risk through their Marine Safety Management Systems which are development based on the production of the NRA (this is a requirement of the PMSC [REP1-015]).</p> <p>1.2. The PMSC states at para. 10 that Harbour Authorities should have a "Marine Safety Management System: Operate an effective MSMS which has been developed after consultation, is based on formal risk assessment and refers to an</p>	<p>Harbour Master, Humber Response HMH has responded to this point in his response to the criticism of paragraph 3.1.4 of HMH's D3 submissions relating to IOT on page 20 of this document.</p> <p>HMH does not consider this a fair reflection of how incidents at IPT have been dealt with. There is a track record over many years of working together both during and after incidents through direct dialogue in addition to formal safety liaison meetings.</p>	<p>The IOT Operators note the HMH comments, but refer to and maintain their previous submissions on this matter.</p>

	<p>appropriate approach to incident investigation.”</p> <p>1.3. The ABP Harbour Masters undertaken consultation through annual liaison meetings, which the IOT Operators attend. These meetings are not hazard workshops and primarily deal with promulgation of information from ABP. Where safety issues have been raised by IOT Operators these have often been brushed aside.</p> <p>1.4. IOT Operators have not been engaged in any formal risk assessment process to define and assess the baseline (current) navigation risk for the area, and identify and implement risk control measures needed to mitigate risk for either the ABP Humber Estuary Services statutory port area or the ABP Port of Immingham Statutory port area.</p> <p>1.5. Where specific mitigation measures are in place for IOT, then these are often led by IOT Operators, who do not know whether these risk controls are contained within the ABP PMSC baseline NRA. For example, the limitation imposed on Coastal Tankers berthing only during flood tide conditions at the IOT</p>		
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	<p>Finger Pier, implemented to protect the IOT Finger Pier and Trunkway, was raised and implemented by IOT Operators (in consultation with ABP Harbour Masters).</p> <p>1.6. When incidents have historically occurred, involving vessels berthing and departing the IOT, IOT Operators are often not provided with incident reports (or even invited to attend and assist with investigations) or provided with corrective actions taken by ABP Harbour Masters. For example, this is evident for recent incidents involving ABP pilot error at IOT where IOT Operators have still 31 not been provided with incident investigation reports into Selin S (28 July 2022) and Heinrich (19 March 2023) incidents (noted at Section 8.2.2 and 8.2.3 of the IOT sNRA).</p>		
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Part 8

**Comments on Harbour Master Humber's Deadline 5 Submission - Independence Concerns [REP5-040]**

<b>Paragraph</b>	<b>HMH Comment</b>	<b>Comments by the IOT Operators</b>
2	HMH cannot help but conclude that these comments are mischief-making on the part of IOT Operators as objector to the proposed jetty. They have no evidential basis for the assertions and when one looks at the legal background, including the case law relied on by IOTT in support of its contentions, they have no legal basis either. HMH has worked with the operators of the IOT on virtually a daily basis over the course of many years and they will be aware that HES is an independent voice on the river, funded by conservancy dues and pilotage charges, and concerned only with the transit of all vessels using the Humber, whatever their ownership or destination.	Borges Salmon <i>Note – para 2 of Winkworth submission says</i> HMH cannot help but conclude that these comments are mischief-making on the part of IOT Operators as <b>objector to the proposed jetty</b> .  There is no evidence for this assertion on behalf of HMH, and it is rejected.