

0

00:00:01.215 --> 00:00:02.265

Well, good morning everybody.

1

00:00:02.365 --> 00:00:03.385

It is 10 o'clock.

2

00:00:04.645 --> 00:00:05.985

Um, I was just waiting

3

00:00:05.985 --> 00:00:09.385

because, um, Ms. Robbins, I think's gone off

4

00:00:09.385 --> 00:00:11.385

to find some water for us, but I think we can start

5

00:00:11.385 --> 00:00:12.425

without her being in the room.

6

00:00:14.085 --> 00:00:16.505

Uh, uh, can I confirm

7

00:00:16.505 --> 00:00:17.905

that everybody in the room can hear me?

8

00:00:19.335 --> 00:00:19.625

Good.

9

00:00:24.405 --> 00:00:26.185

Uh, can I also confirm, um,

10

00:00:26.215 --> 00:00:28.105

that the live streaming has commenced?

11

00:00:28.885 --> 00:00:33.425

Yep. Thank you. I'd like to welcome everybody

12

00:00:33.485 --> 00:00:34.865

to issue specific hearing.

13

00:00:34.935 --> 00:00:37.825

Five concerning application made by associated British Port

14

00:00:38.725 --> 00:00:40.705

for an order granting development consent.

15

00:00:40.925 --> 00:00:42.825

Uh, with respect to the proposed IMMINGHAM

16

00:00:42.825 --> 00:00:44.065

East Railroad terminal.

17

00:00:45.445 --> 00:00:46.785

Uh, my name is Graham Gord.

18

00:00:46.785 --> 00:00:49.745

I'm a charter town planner and an examining inspector.

19

00:00:49.745 --> 00:00:52.305

With the planning inspectorate, I've been appointed, uh,

20

00:00:52.325 --> 00:00:54.385

by the Secretary of State as the lead panel member,

21

00:00:57.695 --> 00:00:59.075

uh, for the examining authority.

22

00:00:59.955 --> 00:01:02.355

I now ask my colleagues to introduce themselves.

23

00:01:03.865 --> 00:01:05.235

Good morning. My name's Steven Bradley.

24

00:01:05.655 --> 00:01:07.435

I'm a retired chartered architect

25

00:01:07.695 --> 00:01:09.915

and an examining inspector appointed

26

00:01:10.175 --> 00:01:11.875

as a panel member of this xa.

27

00:01:12.335 --> 00:01:16.115

Um, I'll be leading the questioning in agenda item two.

28

00:01:19.015 --> 00:01:21.195

And good morning. My name is Mark Harrison.

29

00:01:21.655 --> 00:01:24.675

I'm a chartered town planner and examining inspector.

30

00:01:25.345 --> 00:01:29.315

I've been appointed as a PAN panel member of the xa, uh,

31

00:01:29.455 --> 00:01:30.915

and will be leading later on.

32

00:01:30.915 --> 00:01:32.835

Agenda item three on transport.

33

00:01:44.395 --> 00:01:46.295

Um, also accompanying us, uh,

34

00:01:46.435 --> 00:01:49.575

is Lydia Bins the case manager who I think many

35

00:01:49.575 --> 00:01:51.575

of you will already have met.

36

00:01:52.355 --> 00:01:54.895

And in addition, in support, um,

37

00:01:55.395 --> 00:01:59.335

we have the IT technicians from the audio company Spark

38

00:01:59.995 --> 00:02:03.335

who are facilitating both, um, microphones

39

00:02:03.335 --> 00:02:05.655

and whatnot in the room, as well as the live streaming.

40

00:02:06.035 --> 00:02:08.775

If for any stage we enter any technical difficulties

41

00:02:08.775 --> 00:02:11.255

during the course of the day, and you see us talking

42

00:02:11.255 --> 00:02:14.615

to either of those two, two gentlemen, it will solely be

43

00:02:14.615 --> 00:02:17.775

to do with some sort of IT issue that's arisen.

44

00:02:23.315 --> 00:02:27.855

Um, I think most of us have been in a number

45

00:02:27.855 --> 00:02:29.335

of the hearings, so I'm gonna try

46

00:02:29.335 --> 00:02:32.095

and keep the housekeeping bits as short as possible,

47

00:02:32.095 --> 00:02:34.335

but there are a few that we do need to run through.

48

00:02:35.235 --> 00:02:37.135

Um, could I ask that everybody, make sure

49

00:02:37.135 --> 00:02:40.135

that you've got your phones, other devices on silent mode?

50

00:02:41.675 --> 00:02:45.095

Um, toilets are through the door to my right.

51

00:02:46.515 --> 00:02:50.295

Um, if the fire alarm for any reason sounds, uh, we, we,

52

00:02:50.355 --> 00:02:51.935

we will need to evacuate the building

53

00:02:51.935 --> 00:02:54.695

because as far as we're aware, that will not be for a test.

54

00:02:55.875 --> 00:02:57.135

Uh, and we gather outside

55

00:02:57.135 --> 00:02:59.760

and then wait for instructions from the hotel staff as

56

00:02:59.760 --> 00:03:01.125

to when it's safe to reenter the building.

57

00:03:07.705 --> 00:03:10.245

Uh, Ms. Robbins, can you confirm as to whether

58

00:03:10.245 --> 00:03:13.125

or not anybody, um, will be participating online?

59

00:03:18.025 --> 00:03:20.645

Uh, so today's hearing is being conducted in person.

60

00:03:21.505 --> 00:03:25.765

Um, as I indicated earlier,

61

00:03:26.075 --> 00:03:28.765

it's being, uh, live streamed and will also be recorded.

62

00:03:28.865 --> 00:03:31.925

And recordings of the hearings will be available on the, uh,

63

00:03:31.995 --> 00:03:34.645

website for this infrastructure project, uh,

64

00:03:34.645 --> 00:03:36.885

that the inspector holds as soon as possible.

65

00:03:46.505 --> 00:03:48.125

Um, I would ask that each

66

00:03:48.125 --> 00:03:51.365

and every occasion that anybody speaks, uh, that you,

67

00:03:51.465 --> 00:03:54.485

you introduce yourself by giving your name, uh,

68

00:03:54.485 --> 00:03:56.045

before you start responding.

69

00:03:56.835 --> 00:03:59.685

That is really for the benefit of anybody who may be, um,

70

00:03:59.995 --> 00:04:02.885

listening online or watching online and

71

00:04:02.885 --> 00:04:05.245

or at a later stage, um,

72

00:04:05.875 --> 00:04:10.805

when anybody might be reviewing recordings, Um,

73

00:04:11.025 --> 00:04:13.805

if you are going to speak,

74

00:04:13.805 --> 00:04:16.365

but there isn't room for you at the time that you are going

75

00:04:16.365 --> 00:04:18.925

to speak at the table, there is a roving mic,

76

00:04:18.925 --> 00:04:22.205

which can be made available so that, uh, you'll be heard.

77

00:04:31.185 --> 00:04:33.645

Um, I'm just gonna make a few comments about general data

78

00:04:33.645 --> 00:04:34.685

protection regulations.

79

00:04:34.765 --> 00:04:37.605

I think everybody's is fully aware, just be wary

80

00:04:37.605 --> 00:04:39.885

of saying anything in public that you might not wish

81

00:04:39.885 --> 00:04:41.645

to, um, have recorded.

82

00:04:42.385 --> 00:04:46.525

Um, and although not directly related to GDPR, um, in terms

83

00:04:46.525 --> 00:04:49.805

of IoT, um, again, the,

84

00:04:49.985 --> 00:04:52.045

the warning we've had, uh, earlier hearings.

85

00:04:52.145 --> 00:04:54.645

If there's anything that's beginning to get into the realms

86

00:04:54.645 --> 00:04:59.205

of security that you've got a concern about, uh, please, um,

87

00:04:59.655 --> 00:05:02.365

raise that and we'll then decide the best way to handle it.

88

00:05:09.205 --> 00:05:12.595

Mr. Bradley, Thank you.

89

00:05:12.695 --> 00:05:15.715

I'm just going to now quickly go around the room to, uh, go

90

00:05:15.715 --> 00:05:18.435

through the formalities of introducing, uh,

91

00:05:18.755 --> 00:05:20.595

although we're all familiar with ourselves, uh,

92

00:05:20.595 --> 00:05:22.235

if we could start with the applicant's team,

93

00:05:22.415 --> 00:05:24.155

if you could perhaps introduce Mr.

94

00:05:24.295 --> 00:05:26.555

Str, uh, those, those amongst your team,

95

00:05:26.695 --> 00:05:28.755

who you are expecting to speak today

96

00:05:28.855 --> 00:05:30.835

or to be answering questions.

97

00:05:33.255 --> 00:05:34.595

Yes. Thank you. Good morning, sir.

98

00:05:35.215 --> 00:05:37.875

Uh, my name's James Raun of King's Council.

99

00:05:38.055 --> 00:05:41.355

I'm acting on behalf of ABP today, the applicant.

100

00:05:42.015 --> 00:05:46.075

And, uh, in relation to agenda item number two, subject to

101

00:05:47.065 --> 00:05:50.795

your questions, uh, are the people I

102

00:05:51.825 --> 00:05:53.355

move down the table.

103

00:05:53.585 --> 00:05:55.475

Captain Mike McCartan,

104

00:05:55.735 --> 00:05:59.365

who you've met on a previous occasion, um,

105

00:05:59.595 --> 00:06:02.445

commander Paul Bristow to his left,

106

00:06:02.585 --> 00:06:05.045

who you've also met on a previous occasion.

107

00:06:06.825 --> 00:06:10.885

And Mr. James Hannon from AVP Mer, um,

108

00:06:11.105 --> 00:06:13.005

who you've also met and heard from.

109

00:06:14.985 --> 00:06:16.005

And Mr.

110

00:06:16.635 --> 00:06:20.325

Mike Parr from HR Wallingford, who you've also met,

111

00:06:20.585 --> 00:06:22.285

um, who's sitting behind.

112

00:06:22.285 --> 00:06:24.085

So you'll have to come forward, um, as

113

00:06:24.085 --> 00:06:25.485

and when you've got any questions for him.

114

00:06:27.105 --> 00:06:30.205

And then Mr. Ben Hodgkin, who I don't think you have met

115

00:06:30.225 --> 00:06:34.805

before, uh, but who is group head of projects at ABP

116

00:06:35.065 --> 00:06:36.165

and he's sitting to Mr.

117

00:06:36.475 --> 00:06:38.005

PA's left. And again, he'll need

118

00:06:38.005 --> 00:06:39.885

to come forward, uh, to speak.

119

00:06:42.685 --> 00:06:46.685

I think, I think that's everyone certainly so far

120

00:06:46.685 --> 00:06:48.965

as agenda item two is concerned.

121

00:06:49.085 --> 00:06:51.085

I, I assume that's, I don't need

122

00:06:51.085 --> 00:06:52.765

to go onto three at this stage.

123

00:06:54.295 --> 00:06:58.365

Thank you. Just quickly, um,

124

00:06:58.855 --> 00:07:03.685

would you like to cover any of the item, um, three uh,

125

00:07:04.805 --> 00:07:06.045

participants at this stage?

126

00:07:06.515 --> 00:07:10.485

Very good. Let's carry on. Um, hub Master's team.

127

00:07:11.515 --> 00:07:14.765

Good morning, sir. My name is Victoria Hutton of Council,

128

00:07:14.985 --> 00:07:17.565

and I'm here representing the Harbor Master for the Humber.

129

00:07:17.825 --> 00:07:20.285

I'm instructed by Mrs. Ham on my left.

130

00:07:20.465 --> 00:07:23.205

And Captain Furman, the Harbor Master sits on my right.

131

00:07:23.705 --> 00:07:24.885

And so we will, uh,

132

00:07:24.955 --> 00:07:28.165

participate on agenda item two only. Thank

133

00:07:28.165 --> 00:07:28.845

You. Thank

134

00:07:28.845 --> 00:07:29.845

You. Uh,

135

00:07:29.845 --> 00:07:31.525
moving on to the IO OT team.

136

00:07:33.155 --> 00:07:36.285
Good morning. Uh, David Alvin King's Council, uh,

137

00:07:36.835 --> 00:07:37.925
with me again.

138

00:07:38.385 --> 00:07:41.725
Uh, Alex Man Henick from Burgess Salmon on my left, Dr.

139

00:07:41.945 --> 00:07:45.485
Uh, ed Rogers of Nash Maritime and Captain Nigel Bassett.

140

00:07:45.825 --> 00:07:50.085
And then behind us, uh, uh, from APT, we've got Matt Danley,

141

00:07:50.085 --> 00:07:51.605
Steve Knott, and Ollie Smith.

142

00:07:52.295 --> 00:07:53.295
Thank You. Thank you.

143

00:07:54.945 --> 00:07:56.685
Moving on to the CLDN team.

144

00:07:58.665 --> 00:07:59.765
Uh, good morning, sir.

145

00:07:59.785 --> 00:08:03.365
Uh, my name is Robbie Owen from Pin Masons representing CLDN

146

00:08:03.495 --> 00:08:04.565
Ports Killing Home Limited.

147

00:08:05.065 --> 00:08:06.725
Uh, to my right with me is Mr.

148

00:08:06.755 --> 00:08:08.965

Alex Trein, also from Princeton Masons.

149

00:08:09.265 --> 00:08:10.685

We then have on his right, Mr.

150

00:08:10.865 --> 00:08:13.205

Ben Dove, Seymour from CLDN

151

00:08:13.265 --> 00:08:17.645

and sitting behind me, uh, Mr. Andrew Ross from, uh,

152

00:08:17.845 --> 00:08:21.205

R-H-D-H-V, uh, transport Consultant. Thank

153

00:08:21.205 --> 00:08:22.205

You.

154

00:08:23.655 --> 00:08:26.445

Thank you. And moving on to the DFDS team.

155

00:08:26.955 --> 00:08:29.365

Good morning, sir. My name is Isabella Tfor

156

00:08:29.425 --> 00:08:31.845

and I'm a barrister representing DFDS.

157

00:08:32.385 --> 00:08:34.885

Uh, and with me, those members I expect

158

00:08:34.885 --> 00:08:38.685

to speak are Andrew Byrne on the far left, um,

159

00:08:38.735 --> 00:08:40.285

Brock Priest next to him.

160

00:08:41.105 --> 00:08:42.525

Yes, Ben Nielsen to my right.

161

00:08:42.745 --> 00:08:45.205

And sitting behind Matt East, who will, um,

162

00:08:45.435 --> 00:08:47.365
address agenda item three.

163

00:08:50.215 --> 00:08:54.085
Thank you. I think that is all that we're expecting

164

00:08:54.105 --> 00:08:57.245
to speak, but is there anybody else in the room that is,

165

00:08:58.065 --> 00:08:59.885
has not yet introduced themselves?

166

00:09:00.345 --> 00:09:01.685
No. Thank you very much.

167

00:09:02.105 --> 00:09:06.085
So I'm going to now move on to my colleague, Mr. Harrison.

168

00:09:09.015 --> 00:09:12.125
Thank you. Um, quick continuation of opening remarks.

169

00:09:12.705 --> 00:09:16.005
Um, this hearing will generally follow the agenda

170

00:09:16.265 --> 00:09:20.925
as issued on the pins case website on 14th of November.

171

00:09:21.825 --> 00:09:24.165
Um, it would be helpful if you have a copy

172

00:09:24.185 --> 00:09:25.485
of this in front of you.

173

00:09:25.985 --> 00:09:28.925
Uh, and could the applicant's team please arrange

174

00:09:28.985 --> 00:09:31.685
for the agenda to be displayed on screen?

175

00:09:32.775 --> 00:09:37.365

Thank you. Um, you,

176

00:09:37.465 --> 00:09:40.805

you'll see the hearing guidance noted in

177

00:09:40.915 --> 00:09:44.365

that agenda document, um, for expediency.

178

00:09:44.745 --> 00:09:47.045

I'm assuming that everyone here has read it.

179

00:09:47.425 --> 00:09:49.765

Um, and therefore I don't propose

180

00:09:49.825 --> 00:09:52.205

to spend time reading it out now.

181

00:09:52.425 --> 00:09:54.725

Um, but I'll make some quick elaborating remarks.

182

00:09:55.705 --> 00:09:57.125

Uh, the examination

183

00:09:57.305 --> 00:10:01.485

of this Nsip application is primarily conducted in written

184

00:10:01.675 --> 00:10:03.765

form, as explained in detail

185

00:10:03.865 --> 00:10:07.365

by us at the preliminary meeting on the 25th of July.

186

00:10:08.505 --> 00:10:11.565

Um, the purpose of today's hearing is for the XA

187

00:10:11.625 --> 00:10:14.765

to raise questions concerning navigation and shipping

188

00:10:15.345 --> 00:10:19.925

and onshore transportation matters, um, that will help us,

189

00:10:20.225 --> 00:10:22.605

uh, receive clarification about those matters

190

00:10:22.675 --> 00:10:24.885

that can be better conveyed orally

191

00:10:24.945 --> 00:10:26.765

or visually than in writing.

192

00:10:27.865 --> 00:10:29.005

And to discuss

193

00:10:29.275 --> 00:10:32.405

what will be required following this hearing in order

194

00:10:32.465 --> 00:10:36.205

to assist us in our understanding of the cases

195

00:10:36.855 --> 00:10:40.565

being made by the applicant, the other ips, uh,

196

00:10:40.705 --> 00:10:43.645

and the Harbormaster Humber, uh, in his capacity

197

00:10:43.825 --> 00:10:45.165

as an other person.

198

00:10:45.785 --> 00:10:49.365

For the purposes of this examination, um,

199

00:10:49.505 --> 00:10:52.205

our questions will be directed either to the applicant,

200

00:10:52.375 --> 00:10:53.405

other ips

201

00:10:53.505 --> 00:10:57.405

or the Harbor Master Humber with, um, any opposing party

202

00:10:57.705 --> 00:10:59.685

or parties being given the opportunity

203

00:10:59.785 --> 00:11:03.205

to comment on the answers given to those questions.

204

00:11:04.385 --> 00:11:08.005

Um, for that reason, we may wish to inquire in greater

205

00:11:08.145 --> 00:11:11.125

or lesser detail than indicated in the agenda

206

00:11:11.865 --> 00:11:13.525

or inquire into new matters.

207

00:11:14.305 --> 00:11:17.925

Um, as stated in the agenda, any lack of discussion

208

00:11:18.105 --> 00:11:22.245

of a particular issue does not preclude further examination,

209

00:11:22.635 --> 00:11:25.085

including further written questions.

210

00:11:26.425 --> 00:11:29.765

All attendees at this hearing whether they will be actively

211

00:11:29.765 --> 00:11:32.165

giving evidence or attending in support

212

00:11:32.165 --> 00:11:34.805

of those giving evidence, uh, should note

213

00:11:34.805 --> 00:11:38.045

that if the XA considers its appropriate, uh,

214

00:11:38.045 --> 00:11:40.685

the XA may adjourn its consideration

215

00:11:40.945 --> 00:11:44.085

of an agenda topic area, mid item.

216

00:11:44.625 --> 00:11:47.645

Um, such adjourns may be used by the XA

217

00:11:47.985 --> 00:11:51.685

to enable topic specialists to hold discussions

218

00:11:51.835 --> 00:11:54.725

with one another outside of the hearing

219

00:11:55.225 --> 00:11:56.885

and then to return to the hearing

220

00:11:57.425 --> 00:11:59.165

to resume the giving of their evidence.

221

00:12:00.065 --> 00:12:02.765

Any adjournment of this type, uh, may be

222

00:12:02.825 --> 00:12:07.085

for several hours if the XA considers that would enable

223

00:12:07.605 --> 00:12:10.325

constructive discussions between the parties to be held

224

00:12:10.785 --> 00:12:14.925

and aid the efficient running of this hearing, um,

225

00:12:15.235 --> 00:12:18.565

when the applicant or any other ips are answering

226

00:12:18.565 --> 00:12:19.605

the ex excess questions.

227

00:12:20.265 --> 00:12:21.885

Um, again, if you could ensure

228

00:12:21.885 --> 00:12:24.485

that you provide succinct answers, uh,

229

00:12:24.485 --> 00:12:27.885

where a questioning is deserving of a yes no type answer,

230

00:12:28.235 --> 00:12:30.805

then please do respond accordingly.

231

00:12:31.265 --> 00:12:35.445

Um, followed by any amplification if necessary, uh, failing

232

00:12:35.465 --> 00:12:37.005

to answer a question is likely

233

00:12:37.105 --> 00:12:39.045

to result in it being put again.

234

00:12:39.705 --> 00:12:42.205

Please also ensure that you only answer the question

235

00:12:42.205 --> 00:12:45.085

that has been put to you, uh, rather than trying

236

00:12:45.085 --> 00:12:47.525

to anticipate what a subsequent line

237

00:12:47.525 --> 00:12:48.765

of questioning might be.

238

00:12:49.465 --> 00:12:51.365

Um, it will assist the XA

239

00:12:51.585 --> 00:12:54.645

and no doubt other attendees, uh, if the answers

240

00:12:54.665 --> 00:12:57.885

to our questions are delivered at a pace, uh,

241

00:12:57.885 --> 00:13:00.085

that enables a note to be made of them,

242

00:13:00.205 --> 00:13:03.085

particularly when the sub subject matter is

243

00:13:03.145 --> 00:13:06.645
of a more technical nature, um,

244

00:13:07.145 --> 00:13:10.285
it is likely no doubt that there will be action points

245

00:13:10.505 --> 00:13:14.725
for various attendees arising, uh, from the answers given

246

00:13:14.725 --> 00:13:16.125
during the course of this hearing.

247

00:13:16.745 --> 00:13:19.485
Um, so could I just ask, is there, um, someone

248

00:13:19.515 --> 00:13:22.765
amongst the applicant's team who, um, might be able

249

00:13:22.765 --> 00:13:25.805
to record any action points that arise during the hearing,

250

00:13:26.265 --> 00:13:27.845
um, which could be discussed

251

00:13:27.845 --> 00:13:30.285
and agreed prior to the close of this hearing

252

00:13:31.575 --> 00:13:33.245
James drawn for the applicant? Yes, sir.

253

00:13:33.695 --> 00:13:37.325
Thank you. Um, we will aim

254

00:13:37.345 --> 00:13:40.765
to have a short break mid-morning at a convenient point,

255

00:13:41.065 --> 00:13:45.885
and we will aim to break for lunch no later than 1:00 PM.

256

00:13:46.745 --> 00:13:49.365

Um, we will also have a break mid-afternoon

257

00:13:49.865 --> 00:13:53.005

and we'll continue, um, until we are content

258

00:13:53.005 --> 00:13:56.205

that we have addressed the agenda items, uh,

259

00:13:56.385 --> 00:13:59.045

and obviously we have tomorrow as well, um,

260

00:13:59.345 --> 00:14:00.965

set aside for, for this hearing.

261

00:14:02.585 --> 00:14:05.885

Um, so just before we move on, are there any comments

262

00:14:06.065 --> 00:14:07.605

or questions that anyone wishes

263

00:14:07.825 --> 00:14:11.245

to make under this first agenda item?

264

00:14:14.375 --> 00:14:17.905

Okay, not, not seeing anybody, um, indicating, uh,

265

00:14:17.905 --> 00:14:19.025

so thank you.

266

00:14:19.385 --> 00:14:22.945

I think that concludes the, this first agenda item.

267

00:14:23.765 --> 00:14:28.265

Um, so we will now move on to item two of the agenda, uh,

268

00:14:28.265 --> 00:14:30.585

which concerns navigation and shipping matters.

269

00:14:31.285 --> 00:14:33.625

Um, I'll first hand over to my colleague, Mr.

270

00:14:33.775 --> 00:14:36.985

Goul to introduce this item followed by Mr. Bradley.

271

00:14:40.685 --> 00:14:41.905

So thank you. Just

272

00:14:41.905 --> 00:14:45.265

before we get into agenda item two, uh,

273

00:14:45.325 --> 00:14:48.025

the examining authority is going to have a bit of a grumble,

274

00:14:49.165 --> 00:14:52.965

um, particularly around statement of common ground

275

00:14:52.965 --> 00:14:55.125

because we did ask that the final

276

00:14:55.185 --> 00:14:57.845

and signed versions be available at deadline five.

277

00:14:58.475 --> 00:15:01.525

They weren't, they then had to be, uh,

278

00:15:01.625 --> 00:15:04.245

we issued a procedural decision, um,

279

00:15:04.385 --> 00:15:06.125

and the deadline was changed to six.

280

00:15:07.305 --> 00:15:10.565

We got a goodly number of final, um,

281

00:15:10.665 --> 00:15:12.765

and signed versions of statement of common ground.

282

00:15:13.825 --> 00:15:18.565

Um, but their lateness, uh, did cause us some difficulty,

283

00:15:18.675 --> 00:15:21.725

both in terms of deciding how we were going to proceed

284

00:15:22.155 --> 00:15:23.205

with written questions.

285

00:15:23.545 --> 00:15:25.125

Uh, there was due to have been a third round

286

00:15:25.125 --> 00:15:29.525

of written questions, which, um, we decided not to, uh,

287

00:15:30.015 --> 00:15:32.605

raise, but instead we went with the hearing.

288

00:15:33.505 --> 00:15:35.685

But even preparing for the hearings, uh,

289

00:15:35.745 --> 00:15:37.685

we have had some difficulty.

290

00:15:38.665 --> 00:15:41.845

Um, now we know that some parties have said

291

00:15:42.075 --> 00:15:45.085

that there was late engagement on the applicant's behalf.

292

00:15:46.305 --> 00:15:49.725

Um, and there's some criticism, uh, in the other direction,

293

00:15:50.545 --> 00:15:53.645

um, really looking at the applicant.

294

00:15:53.705 --> 00:15:55.565

And I think Mr.

295

00:15:55.565 --> 00:15:58.285

McCartan, although you are not directly involved in project

296

00:15:58.285 --> 00:16:00.245

management for this case, you,

297

00:16:00.345 --> 00:16:02.285

you are perhaps the most senior member of

298

00:16:02.865 --> 00:16:05.325

the applicant company that's in the room.

299

00:16:06.145 --> 00:16:08.885

Uh, we'd like a message relayed, I think probably back

300

00:16:08.885 --> 00:16:11.605

to Mr. Byrd, 'cause he's, if I understand it correctly,

301

00:16:11.715 --> 00:16:14.685

he's project leading this project, uh,

302

00:16:14.685 --> 00:16:16.565

that the applicant needs to now,

303

00:16:16.755 --> 00:16:18.445

because of the very limited amount

304

00:16:18.445 --> 00:16:20.965

of time left in this examination, to ensure

305

00:16:20.965 --> 00:16:25.725

that it has got adequate resources available to respond, um,

306

00:16:26.065 --> 00:16:28.885

to matters that may well arise outta this hearing,

307

00:16:29.435 --> 00:16:30.605

this week of hearings.

308

00:16:31.345 --> 00:16:34.445

Uh, questions that we may be raising in writing next week,

309

00:16:35.465 --> 00:16:40.445

um, dealing with what will be our commentary on the, um,

310

00:16:41.005 --> 00:16:44.325
DCO, which again, we will be aiming, um,

311

00:16:44.865 --> 00:16:46.845
to issue next week.

312

00:16:46.905 --> 00:16:48.765
But depending on how things go today

313

00:16:48.765 --> 00:16:50.085
and where we think we might be with,

314

00:16:50.145 --> 00:16:51.525
we need to raise questions.

315

00:16:51.985 --> 00:16:55.085
We may have to vary the timetable in terms of

316

00:16:55.145 --> 00:16:56.525
how we deal with the DCO.

317

00:16:57.265 --> 00:17:01.325
Um, but can you please relay the message back to the company

318

00:17:01.555 --> 00:17:05.485
that we have severe concerns about resourcing, um,

319

00:17:05.705 --> 00:17:08.245
and that that needs to be addressed going forward.

320

00:17:08.505 --> 00:17:11.285
Um, if this examination is going to make

321

00:17:12.925 --> 00:17:16.485
sufficient progress by the time it closes and,

322

00:17:16.505 --> 00:17:20.165
and the examining authority then reaches a point of having

323

00:17:20.185 --> 00:17:21.965

to report, um,

324

00:17:21.965 --> 00:17:24.085
because everybody needs to appreciate

325

00:17:24.235 --> 00:17:26.125
that when the examination closes.

326

00:17:26.675 --> 00:17:29.045
That is it. As far as any information

327

00:17:29.115 --> 00:17:32.645
that the examining authority receives, we will only be able

328

00:17:32.645 --> 00:17:34.845
to deal with what's in front of us at that point.

329

00:17:39.185 --> 00:17:41.045
Mr. McCartan, do you want to say anything?

330

00:17:42.645 --> 00:17:44.685
I, I know it's slightly difficult for you

331

00:17:44.685 --> 00:17:46.005
because you are arm's length,

332

00:17:46.105 --> 00:17:47.645
so you quite clearly explained.

333

00:17:48.465 --> 00:17:50.245
Um, but I, I thought it was most appropriate

334

00:17:50.245 --> 00:17:51.365
that we direct something

335

00:17:51.425 --> 00:17:53.365
to you wearing a slightly different hat.

336

00:17:53.955 --> 00:17:55.965
Alright, sir. Mike McCartan. ABP.

337

00:17:56.025 --> 00:17:57.325

So, uh, thank you

338

00:17:57.345 --> 00:17:59.205

and apologies if that has been the case,

339

00:17:59.515 --> 00:18:02.925

I'll certainly make sure that issue's addressed, uh, today

340

00:18:03.345 --> 00:18:05.005

and, uh, we'll do much better.

341

00:18:05.455 --> 00:18:06.455

Thank you.

342

00:18:07.575 --> 00:18:08.885

Thank you, Mr. McCarton.

343

00:18:11.025 --> 00:18:14.125

So can I just add James TR0 for the applicant

344

00:18:15.255 --> 00:18:16.485

noted everything you've said

345

00:18:16.625 --> 00:18:21.045

and obviously, um, I think the particular discussion, uh,

346

00:18:21.045 --> 00:18:23.285

you, you made a more general point, which, which is Mr.

347

00:18:23.345 --> 00:18:26.925

McCart, captain McCartney's noted, uh, so far as statements

348

00:18:26.925 --> 00:18:30.645

of common ground are concerned, we there,

349

00:18:30.755 --> 00:18:33.405

because of the nature of a statement of common ground,

350

00:18:34.465 --> 00:18:38.565

we obviously in, we can't secure

351

00:18:39.485 --> 00:18:42.245

signatures from other parties to, to those statements.

352

00:18:42.705 --> 00:18:47.685

Um, and without going over, as you said,

353

00:18:47.745 --> 00:18:50.245

the differences of view about engagement,

354

00:18:50.305 --> 00:18:53.605

and either way, ultimately

355

00:18:54.905 --> 00:18:57.885

we can deliver drafts, uh,

356

00:18:57.885 --> 00:18:59.925

which are reflect our understanding.

357

00:19:00.545 --> 00:19:03.765

But the, the, the limitation we've got in respect

358

00:19:03.765 --> 00:19:07.565

of certain parties is that we can't obviously

359

00:19:08.385 --> 00:19:11.725

compel a party to sign a statement, even

360

00:19:11.725 --> 00:19:13.885

where it does reflect what we understand

361

00:19:13.885 --> 00:19:15.125

to be the differences.

362

00:19:15.425 --> 00:19:18.525

And sometimes I think parties don't

363

00:19:19.195 --> 00:19:22.045

necessarily realize that you can have a statement

364

00:19:22.045 --> 00:19:25.925

of common ground, which includes identification, which is,

365

00:19:26.005 --> 00:19:28.125

I I understand helpful to the examining authority

366

00:19:28.545 --> 00:19:29.685

of what's not agreed.

367

00:19:30.045 --> 00:19:31.285

I mean, we've been trying to do that,

368

00:19:31.385 --> 00:19:34.525

but I, that's the only caveat I'm, it's not intended to

369

00:19:35.065 --> 00:19:36.885

dilute the, the response you've already had.

370

00:19:36.885 --> 00:19:38.525

But that, that is the limitation

371

00:19:39.225 --> 00:19:41.125

for on us in relation to sustainability.

372

00:19:41.125 --> 00:19:45.085

I fully understand. But even within that limitation

373

00:19:45.295 --> 00:19:50.245

where we say must, um, we do expect that something happens.

374

00:19:51.025 --> 00:19:53.605

Now, if we take for example the

375

00:19:54.125 --> 00:19:56.045

Maritime management organization, there seems

376

00:19:56.045 --> 00:19:57.685

to have been a unilateral decision

377

00:19:58.075 --> 00:20:01.685

because they're not used to producing a statement

378

00:20:01.685 --> 00:20:03.245
of common grant fairly early

379

00:20:03.795 --> 00:20:05.085
that they weren't going to do it.

380

00:20:05.695 --> 00:20:08.085
There was a clear instruction from the examining authority.

381

00:20:08.305 --> 00:20:09.525
That's what we required.

382

00:20:09.875 --> 00:20:12.965
That organization has not participated in the examination,

383

00:20:13.095 --> 00:20:14.685
which has made it difficult for us

384

00:20:15.035 --> 00:20:18.525
because all we can do is either ask questions of them

385

00:20:19.025 --> 00:20:22.885
or rely on things that are coming back, uh, via, uh,

386

00:20:23.185 --> 00:20:26.245
the various ecological witnesses for the applicant.

387

00:20:27.145 --> 00:20:31.685
Um, so it isn't really for a body like that

388

00:20:31.685 --> 00:20:34.245
to make a unilateral decision that they're just gonna wait,

389

00:20:35.225 --> 00:20:38.925
um, to in effect the 11th hour in the exam, eight

390

00:20:38.985 --> 00:20:42.685
or 24th, third hour in exam, in an examination.

391

00:20:43.125 --> 00:20:44.805

'cause that's too late for the examining authority

392

00:20:44.825 --> 00:20:46.005

to try and respond to anything.

393

00:20:46.465 --> 00:20:50.525

And there may be issues that we could have addressed, um,

394

00:20:51.155 --> 00:20:53.325

here at a hearing today or,

395

00:20:53.345 --> 00:20:54.565

or during the course of this week,

396

00:20:54.785 --> 00:20:56.885

or we could be addressing in writing in the meantime.

397

00:20:57.625 --> 00:21:01.805

Um, And you know, it,

398

00:21:02.345 --> 00:21:06.765

it was clear when we issued, um, the notes

399

00:21:06.765 --> 00:21:08.325

for the preliminary meeting, um,

400

00:21:09.105 --> 00:21:11.165

how we expected the statement of common ground to go.

401

00:21:12.185 --> 00:21:14.805

Um, and that they are documents

402

00:21:14.805 --> 00:21:16.885

that can include both matters that are agreed

403

00:21:16.905 --> 00:21:18.325

and most particularly those matters.

404

00:21:18.505 --> 00:21:20.885

The not agreed, and it's the not agreed material

405

00:21:21.235 --> 00:21:22.765
that is actually most important to us.

406

00:21:23.005 --> 00:21:25.125
'cause that's the sort of areas that we need to focus on.

407

00:21:27.985 --> 00:21:30.365
So I, I'm I James Strong the applicant.

408

00:21:30.625 --> 00:21:33.205
I'm, I'm if, if, if any needs to be said,

409

00:21:33.305 --> 00:21:35.445
I'm agreeing in principle with what you said.

410

00:21:35.605 --> 00:21:39.285
I, in, in, we have also set out in the drafts

411

00:21:40.095 --> 00:21:42.885
where we have sought to engage with bodies such

412

00:21:42.885 --> 00:21:44.685
as MMO and I.

413

00:21:45.345 --> 00:21:47.405
I'm, again, not detracting from anything you've said

414

00:21:47.405 --> 00:21:50.205
earlier, but I hope you'll be able to see the efforts

415

00:21:50.205 --> 00:21:53.085
that have been made based to engage

416

00:21:53.145 --> 00:21:54.605
and to secure statements

417

00:21:54.605 --> 00:21:56.525
of common ground in relation to your direction.

418

00:21:56.525 --> 00:22:00.365

But the one thing neither Captain McCart nor myself

419

00:22:00.505 --> 00:22:05.485

or anyone else can do is enforce your direction

420

00:22:05.585 --> 00:22:07.205

so far as it relates to other people.

421

00:22:07.225 --> 00:22:09.125

That's the only caveat that I'm trying to

422

00:22:09.315 --> 00:22:10.315

Make. I need to make it clear,

423

00:22:10.315 --> 00:22:12.085

we, we are just using, uh, Mr.

424

00:22:12.235 --> 00:22:16.405

Captain McCarten as the messenger, uh, that is in this, uh,

425

00:22:16.845 --> 00:22:18.565

dialogue that is solely his role

426

00:22:18.565 --> 00:22:23.365

because he, um, quite clearly said, um, that in terms of

427

00:22:23.965 --> 00:22:26.165

navigational safety, that's his bailiwick

428

00:22:26.505 --> 00:22:29.525

and he is out with the rest of this project.

429

00:22:30.385 --> 00:22:34.165

Um, and you know, to be fair to him in his role, um,

430

00:22:34.305 --> 00:22:35.645

in terms of questions

431

00:22:35.645 --> 00:22:37.845

that he may be answering later on the day, we do need

432

00:22:37.845 --> 00:22:38.925

to draw that distinction.

433

00:22:38.945 --> 00:22:43.525

But we felt that, um, as Mr. Bird wasn't here,

434

00:22:43.865 --> 00:22:46.365

um, that you were perhaps the next person in line.

435

00:22:46.825 --> 00:22:48.645

Um, but it isn't just statement of common ground

436

00:22:48.645 --> 00:22:49.805

that's given rise to concern.

437

00:22:49.805 --> 00:22:51.645

There will be other issues that no doubt crop up

438

00:22:51.645 --> 00:22:54.005

during the course of, uh, the next three days

439

00:22:54.115 --> 00:22:55.805

that we will raise concerns about.

440

00:22:56.625 --> 00:22:59.725

Um, thinking off the top of my head, um,

441

00:23:01.325 --> 00:23:04.565

DFDS protective provisions, if I remember rightly, they run

442

00:23:04.585 --> 00:23:06.605

to about two or maybe three pages.

443

00:23:07.545 --> 00:23:10.205

Um, it looks like it's taken three, four and a half months,

444

00:23:10.305 --> 00:23:12.165

and we still don't seem to have much progress

445

00:23:12.465 --> 00:23:13.685
in getting those resolved.

446

00:23:17.925 --> 00:23:20.325
I think enough said on that point, we probably now ought

447

00:23:20.325 --> 00:23:23.045
to get into, uh, the main agenda.

448

00:23:26.625 --> 00:23:28.765
Um, first question

449

00:23:28.785 --> 00:23:30.805
and just turning to the applicant's team first.

450

00:23:30.805 --> 00:23:34.765
But then we are gonna go around the table, um, in terms

451

00:23:34.825 --> 00:23:35.845
of assumptions

452

00:23:36.065 --> 00:23:40.045
and what might be happening in terms of any vacated parts of

453

00:23:40.705 --> 00:23:42.925
the inner dock at Immingham and

454

00:23:43.265 --> 00:23:46.405
or any spare capacity at killing a home.

455

00:23:47.225 --> 00:23:48.285
Um, as

456

00:23:48.285 --> 00:23:52.885
and when Senline were to vi gate vacate either of the inner,

457

00:23:53.105 --> 00:23:56.045
uh, dock or killing home, um,

458

00:23:56.385 --> 00:23:58.085

and presuming that an order is made

459

00:23:58.085 --> 00:23:59.525

and the development then proceeds,

460

00:24:00.195 --> 00:24:03.645

what assumptions has the applicant been making about the,

461

00:24:03.905 --> 00:24:07.485

the reuse of the spare bits

462

00:24:07.665 --> 00:24:10.245

of the inner dock at Immingham and

463

00:24:10.245 --> 00:24:11.965

or the spare capacity at killing home?

464

00:24:12.035 --> 00:24:14.205

Because it's not entirely clear.

465

00:24:15.185 --> 00:24:18.605

Um, and if I, for instance, uh, look at some

466

00:24:18.605 --> 00:24:21.965

of the representations, uh, the pinging pong between DFDS

467

00:24:22.145 --> 00:24:25.605

and Harbor Master, uh, in amongst, um,

468

00:24:25.755 --> 00:24:29.805

what DFDS said in rep 4 0 24

469

00:24:30.825 --> 00:24:35.005

and Harbor Master's response at Rep Fi in rep 5 0 37,

470

00:24:35.235 --> 00:24:38.765

there's a reference to net for vessels per day

471

00:24:40.075 --> 00:24:42.365

looking at net four vessels today.

472

00:24:42.475 --> 00:24:46.005

That suggests that some parties are working on the basis

473

00:24:46.355 --> 00:24:48.765

that perhaps there's not back fitting of capacity

474

00:24:49.355 --> 00:24:50.605

that may be made available.

475

00:24:50.865 --> 00:24:54.405

So can the applicant clarify in terms

476

00:24:54.405 --> 00:24:56.405

of the way you've been handling the application,

477

00:24:56.515 --> 00:24:59.285

what assumptions you've made about that back filling point?

478

00:25:00.785 --> 00:25:03.405

So James Strom for the applicant, I'll let others, um,

479

00:25:03.715 --> 00:25:05.045

fill you in if you require.

480

00:25:05.065 --> 00:25:09.325

But the, just to be clear, the applicant's assumption is

481

00:25:09.435 --> 00:25:11.965

that those, uh, slots will be filled

482

00:25:12.865 --> 00:25:16.805

and that is reflected in, for example,

483

00:25:17.745 --> 00:25:20.965

the NRA given

484

00:25:20.965 --> 00:25:22.805

that this topics have risen in relation

485

00:25:22.805 --> 00:25:23.845

to navigational risk.

486

00:25:23.985 --> 00:25:28.365

But table 13, I think section 5.3

487

00:25:30.745 --> 00:25:33.885

and in the environmental consequential parts

488

00:25:33.885 --> 00:25:38.125

of the environmental statement, I think there's also, um,

489

00:25:38.715 --> 00:25:41.685

some other references in the NRA,

490

00:25:41.745 --> 00:25:45.965

but the basic assumption that's been used is not

491

00:25:45.965 --> 00:25:48.845

that it would be a net as you put,

492

00:25:48.905 --> 00:25:52.045

as you put it a moment ago, a net, um, additional movements.

493

00:25:52.075 --> 00:25:55.725

It's, uh, these are additional movements on the assumption

494

00:25:56.235 --> 00:26:00.045

that the current movements continue albe

495

00:26:00.755 --> 00:26:02.205

potentially by another operator.

496

00:26:06.105 --> 00:26:10.775

And if that, uh, if you want illustration of that,

497

00:26:10.775 --> 00:26:15.495

that is, um, there is one, for example,

498

00:26:15.725 --> 00:26:19.695

into the inner dock at Ingham, one movement,

499

00:26:20.505 --> 00:26:23.055

sorry, one vessel, two movements per day,

500

00:26:25.075 --> 00:26:27.575

one vessel, two movements per day.

501

00:26:28.755 --> 00:26:33.535

And under the proposed development, the addition

502

00:26:34.115 --> 00:26:37.415

in terms of movements in the area would be the additional

503

00:26:37.775 --> 00:26:41.015

movements to the iert facility.

504

00:26:42.265 --> 00:26:45.005

Three I, which I believe all would be corrected is three

505

00:26:45.325 --> 00:26:47.365

movements per day, sorry, three vessels

506

00:26:47.365 --> 00:26:49.365

and six up to six movements per day.

507

00:26:54.665 --> 00:26:56.385

I will look down the table to check.

508

00:26:56.385 --> 00:26:59.985

That's everything I've said is correct

509

00:27:00.645 --> 00:27:01.865

or not contradicted,

510

00:27:04.285 --> 00:27:05.305

It doesn't appear to be, yeah,

511

00:27:05.305 --> 00:27:06.945

I'm getting yeah, no contradict.

512

00:27:07.025 --> 00:27:08.465

I hope that's clear from our perspective.

513

00:27:08.535 --> 00:27:11.705

Yeah, I, the, the, the, the, the question you've asked sir,

514

00:27:11.885 --> 00:27:14.305

was what other assumptions others have made?

515

00:27:14.405 --> 00:27:16.625

That's probably not for me,

516

00:27:18.365 --> 00:27:19.585

but that's clear as to how we,

517

00:27:20.025 --> 00:27:22.425

I just wanted to make sure that we knew

518

00:27:22.425 --> 00:27:24.425

what the applicant thought the position was.

519

00:27:25.065 --> 00:27:28.505

'cause it appears that someones don't necessarily, um,

520

00:27:28.555 --> 00:27:30.545

understand it in quite the same way.

521

00:27:31.065 --> 00:27:33.185

I think we'll turn to DFDS first

522

00:27:33.215 --> 00:27:37.505

because, um, the point was responded

523

00:27:37.505 --> 00:27:38.545

to by the Harbor Masters.

524

00:27:38.765 --> 00:27:40.505

So, um, MR. Four

525

00:27:41.225 --> 00:27:43.065

Isabella four four DFDS.

526

00:27:43.655 --> 00:27:46.625

Well, so that accords with our understanding, um, Mr.

527

00:27:46.755 --> 00:27:48.625

Byrne has been told at several meetings,

528

00:27:48.655 --> 00:27:52.145

most recently on the 16th of November this month,

529

00:27:52.535 --> 00:27:56.305

that DFDS couldn't, could not occupy landside areas

530

00:27:56.325 --> 00:27:59.625

to be vacated by Stenner around the inner dock

531

00:27:59.625 --> 00:28:02.945

because that was unavailable as ABP had plans for it.

532

00:28:03.445 --> 00:28:05.985

We understand ABP have made a significant investment

533

00:28:06.685 --> 00:28:09.585

in their container terminal, terminal at Ingham,

534

00:28:09.885 --> 00:28:11.865

and they'll need to see a return on that.

535

00:28:12.525 --> 00:28:15.225

And we would just note that you'll have seen from the

536

00:28:15.785 --> 00:28:20.505

representations, um, the consistent narrative from ABP

537

00:28:20.505 --> 00:28:22.425

that DFDS are only objecting

538

00:28:22.425 --> 00:28:23.905

to this scheme for commercial reasons.

539

00:28:24.565 --> 00:28:26.185

And we've explained that's not the case.

540

00:28:26.805 --> 00:28:28.705

Um, we don't even consider that position

541

00:28:28.705 --> 00:28:30.585

to be internally consistent given

542

00:28:30.585 --> 00:28:32.985

that the proposed development is intended

543

00:28:32.985 --> 00:28:36.065

to accommodate stents relocated operations

544

00:28:36.775 --> 00:28:38.625

from killing home and the inner dock.

545

00:28:39.015 --> 00:28:41.625

It's entirely unclear why DFDS would have any

546

00:28:41.755 --> 00:28:43.585

commercial objection to that.

547

00:28:44.005 --> 00:28:45.185

And indeed, as I say,

548

00:28:46.025 --> 00:28:50.225

DFDS have expressed an interest in acquiring the la the land

549

00:28:50.225 --> 00:28:53.985

that will be made available if Stenner relocate, uh,

550

00:28:53.985 --> 00:28:55.385

because it would be in their commercial

551

00:28:55.745 --> 00:28:57.025

interests to acquire that.

552

00:29:05.655 --> 00:29:10.565

Thank you. Um, Harbor Master, um, any observations

553

00:29:10.745 --> 00:29:15.245

or hu

554

00:29:15.775 --> 00:29:16.775

Thank you. Thank you. So Ms.

555

00:29:16.775 --> 00:29:19.085

Hutton for the Harbor Master, um,

556

00:29:19.265 --> 00:29:23.645

so I just locating the representation that we've made, um,

557

00:29:24.715 --> 00:29:27.325

obviously there's been sort of a cross conversation

558

00:29:27.325 --> 00:29:29.085

between DFDS and the Harbor Master.

559

00:29:30.065 --> 00:29:32.445

The Harbor Master understands the position of the applicant

560

00:29:32.665 --> 00:29:35.925

and, and understands that absolutely to be the position.

561

00:29:36.075 --> 00:29:40.205

I'll try and locate our representations, uh, where we

562

00:29:40.445 --> 00:29:43.165

provided you with figures for the, um,

563

00:29:43.785 --> 00:29:46.325

how busy the Humber has been historically

564

00:29:46.865 --> 00:29:48.965

and making the point about spare

565

00:29:49.205 --> 00:29:50.245

capacity and lack of concern.

566

00:29:50.265 --> 00:29:51.405

But the short point is

567

00:29:51.995 --> 00:29:54.445

that if these movements are all net additional,

568

00:29:55.145 --> 00:29:58.485

the Harbor master stands by the position

569

00:29:58.485 --> 00:30:02.125

that there is no concern in terms of, uh, congestion,

570

00:30:02.135 --> 00:30:04.645

which presumably is the issue

571

00:30:04.645 --> 00:30:05.805

that this question is going to.

572

00:30:18.795 --> 00:30:21.415

It doesn't necessarily go to congestion, right?

573

00:30:21.415 --> 00:30:22.975

Well, it's, it's a broader point, but yeah.

574

00:30:23.515 --> 00:30:25.575

So yes. Um, something for the Harbor Master.

575

00:30:26.195 --> 00:30:27.375

So yes, that's understood.

576

00:30:27.795 --> 00:30:31.615

I'm, I'm, again, as a matter of fact,

577

00:30:31.665 --> 00:30:34.775

there will initially be a movement of stenner if this is,

578

00:30:34.995 --> 00:30:39.975

uh, uh, confirmed over to the new births.

579

00:30:40.195 --> 00:30:42.615

But then there's the question of what comes next.

580

00:30:43.435 --> 00:30:46.455

And of course, the Harbor Master will, uh,

581

00:30:46.935 --> 00:30:49.735

exercise his statutory powers to ensure the safety

582

00:30:49.835 --> 00:30:51.575

of the River Humber.

583

00:30:51.575 --> 00:30:55.255

And that's no different from any other new service, um,

584

00:30:56.055 --> 00:30:57.815

entering any port on the river Humber.

585

00:30:57.875 --> 00:31:01.495

So, uh, so yes, we can confirm that in in writing.

586

00:31:04.835 --> 00:31:08.895

Before we come to CLDN, I'm gonna go back to the applicant

587

00:31:08.895 --> 00:31:12.335

because it's clear what your assumptions are in terms of

588

00:31:12.765 --> 00:31:17.375

what hams ingham, what assumptions have been made about, um,

589

00:31:17.595 --> 00:31:20.895

any spare capacity at killing home.

590

00:31:21.235 --> 00:31:25.215

Noting that the killing home model is a bit different, um,

591

00:31:25.635 --> 00:31:30.535

to the, the Immingham model in that, um, that killing home

592

00:31:31.575 --> 00:31:34.775

occupies don't necessarily have a fixed, uh, area

593

00:31:34.955 --> 00:31:37.935

of the port that's made available to them, um,

594

00:31:38.435 --> 00:31:42.735

but killing, killing home, uh, via CLDN undertake

595

00:31:42.735 --> 00:31:45.455

to make capacity available to meet the needs

596

00:31:45.555 --> 00:31:46.575

of their customers.

597

00:31:46.875 --> 00:31:51.295

So in terms of the applicant's assumptions about reuse

598

00:31:51.295 --> 00:31:54.335

of capacity, Aing home, what's the position for that please?

599

00:31:56.065 --> 00:31:57.375

James Storm for the applicant?

600

00:31:57.515 --> 00:31:59.335

So it is the same assumption,

601

00:32:01.675 --> 00:32:06.375

and So it obviously, you,

602

00:32:07.195 --> 00:32:08.615

you were speaking about Well,

603

00:32:08.965 --> 00:32:11.615

what it specifically relates to this question.

604

00:32:11.935 --> 00:32:15.655

I mean, so far as navigational risk is concerned,

605

00:32:15.755 --> 00:32:19.375

the same number of movements as it were from both

606

00:32:19.995 --> 00:32:24.695

the inner docket Ingham are assumed to continue as

607

00:32:25.035 --> 00:32:26.135
for killing him.

608

00:32:27.635 --> 00:32:29.735
And if it assists, uh,

609

00:32:30.415 --> 00:32:33.895
'cause I managed to locate the Harbor Master's response

610

00:32:33.915 --> 00:32:36.335
to which I think you were referring, and Ms.

611

00:32:36.335 --> 00:32:38.815
Hutton was referring the,

612

00:32:39.705 --> 00:32:42.405
and I believe we'll come back to congestion

613

00:32:42.405 --> 00:32:43.765
as a separate item in a moment,

614

00:32:43.785 --> 00:32:47.365
but just for your note, um, the Harbor Master's response to

615

00:32:48.155 --> 00:32:52.605
your second set of questions included a table,

616

00:32:55.645 --> 00:32:56.965
I think Table one,

617

00:32:59.865 --> 00:33:04.565
and it showed in terms of movements on the

618

00:33:05.085 --> 00:33:09.925
Humber and around Ingham, the data for 2003,

619

00:33:10.475 --> 00:33:12.685
I've got that right, and

620

00:33:15.265 --> 00:33:16.485

2022

621

00:33:16.505 --> 00:33:21.245

and of course 2020, I think we've got data for 23 as well.

622

00:33:21.705 --> 00:33:24.845

And I think that's what was being referred to.

623

00:33:24.905 --> 00:33:28.685

So for example, the, in 2003,

624

00:33:28.865 --> 00:33:30.845

the average Humber movements,

625

00:33:31.335 --> 00:33:33.765

commercial shipping movements per day were 86,

626

00:33:34.345 --> 00:33:36.365

the maximum were 116,

627

00:33:37.465 --> 00:33:41.165

and that compares to now 61 in 2022

628

00:33:41.225 --> 00:33:45.935

and 80, both in terms of average and maximum.

629

00:33:47.395 --> 00:33:51.895

So the short point is that the data shows, albeit

630

00:33:51.895 --> 00:33:55.455

that different vessels, the actual number of movements

631

00:33:56.715 --> 00:33:59.175

has declined on the Humber

632

00:33:59.175 --> 00:34:02.575

and around Ingham over that 20 year period.

633

00:34:05.215 --> 00:34:09.815

I know that that in part goes to any

634

00:34:10.375 --> 00:34:12.655

questions you've got about, say, congestion

635

00:34:12.655 --> 00:34:15.215

or as assumptions of vehicle, sorry,

636

00:34:15.215 --> 00:34:17.695

vehicle vessel movements on the Humber.

637

00:34:18.435 --> 00:34:21.575

But that's the data I think Ms. Sutton was referring to.

638

00:34:28.745 --> 00:34:31.735

Thank you. Turning then to CL dn,

639

00:34:32.285 --> 00:34:34.895

what assumptions have you understood the applicant

640

00:34:34.895 --> 00:34:39.855

to be working to in terms of reuse of capacity at,

641

00:34:40.075 --> 00:34:41.615

uh, the inner Docker immingham

642

00:34:42.235 --> 00:34:44.735

and any spare capacity at Killing home?

643

00:34:48.315 --> 00:34:50.465

Thank you, sir. Uh, Robbie Owen, for, uh,

644

00:34:50.785 --> 00:34:53.385

CLDN Boughts Killing Home Limited, um,

645

00:34:55.535 --> 00:34:58.065

certainly in relation to killing home.

646

00:34:58.725 --> 00:35:02.345

Um, we note the, um, applicant's assumption as Mr.

647

00:35:02.355 --> 00:35:04.345

Straw has just informed us, um,

648

00:35:04.765 --> 00:35:08.145

and it matches our own expectations that, um,

649

00:35:09.255 --> 00:35:12.905

Current Movements, um, would be expected to continue.

650

00:35:13.025 --> 00:35:14.345

I mean, of course, uh,

651

00:35:14.725 --> 00:35:17.865

you've got full details from us most recently at Deadline

652

00:35:17.925 --> 00:35:21.585

six in terms of overall capacity at killing home,

653

00:35:21.675 --> 00:35:22.945

which at the moment

654

00:35:23.285 --> 00:35:26.785

and for the foreseeable future well exceeds the current

655

00:35:27.575 --> 00:35:30.065

STAINER and CRDN volumes.

656

00:35:30.165 --> 00:35:32.265

And, and, and that's expected to be the case for,

657

00:35:32.805 --> 00:35:33.865

um, quite some time.

658

00:35:33.965 --> 00:35:36.265

As per our, our, our representations at, um,

659

00:35:37.045 --> 00:35:39.005

deadline six, clearly.

660

00:35:39.305 --> 00:35:42.645

Um, if staying a vacate killing home

661

00:35:42.645 --> 00:35:45.485
because this application is approved, then

662

00:35:46.155 --> 00:35:49.565
there's more capacity, even more capacity to be

663

00:35:50.165 --> 00:35:52.045
utilized in a, in a number of different ways.

664

00:35:52.225 --> 00:35:54.685
And, um, it is a number of different ways

665

00:35:54.685 --> 00:35:56.165
that could be possible.

666

00:35:56.225 --> 00:35:59.925
I'm going to invite Mr. Ben Dove Seymour on behalf of CRDN,

667

00:35:59.925 --> 00:36:03.485
just to say a few words in terms of probably less

668

00:36:03.485 --> 00:36:05.805
so in terms of the assumptions, uh,

669

00:36:06.045 --> 00:36:09.365
CRDN has made more in terms of the, the, the, the kind

670

00:36:09.365 --> 00:36:12.245
of future patterns, what may well happen, uh, Mr.

671

00:36:12.305 --> 00:36:13.525
Ben Dove, Seymour,

672

00:36:15.665 --> 00:36:19.245
Thanks sir Ben of Seymour, uh, director at CLDN.

673

00:36:19.745 --> 00:36:24.565
Um, I think I can say not so much that to speculate,

674

00:36:24.785 --> 00:36:27.605

but that the broad assumption is that as Mr.

675

00:36:27.655 --> 00:36:31.805

Rowan has outlined, um, uh, when sta leave the terminal,

676

00:36:32.585 --> 00:36:35.525

the capacity that they effectively vacate.

677

00:36:35.785 --> 00:36:37.565

And as you've, you've noted already, sir,

678

00:36:37.565 --> 00:36:40.645

there's no dedicated compounds for sustainer.

679

00:36:41.065 --> 00:36:44.205

Um, but there will be no overall change in the operational

680

00:36:44.955 --> 00:36:46.965

land at, um, killing home.

681

00:36:47.745 --> 00:36:51.925

And, uh, we will continue to optimize, uh,

682

00:36:52.265 --> 00:36:53.445

and enhance the terminal.

683

00:36:54.105 --> 00:36:57.805

Um, and of course, if there is projected market growth

684

00:36:58.525 --> 00:37:01.845

continues, uh, along the lines of the projections,

685

00:37:01.845 --> 00:37:04.525

then we would be looking to accommodate that

686

00:37:04.545 --> 00:37:06.965

or seek to, to capture some of that, or,

687

00:37:07.345 --> 00:37:11.045

or as much of it's we can, uh, and whether there is

688

00:37:11.065 --> 00:37:12.845
or not another customer future.

689

00:37:13.785 --> 00:37:17.005
So, um, broadly the position is that the terminal

690

00:37:17.555 --> 00:37:18.565
remains as is.

691

00:37:19.105 --> 00:37:23.405
Um, and, um, any capacity that is, uh,

692

00:37:24.205 --> 00:37:25.325
vacated by staying

693

00:37:25.325 --> 00:37:28.205
or freed up is, is available still to the market.

694

00:37:29.225 --> 00:37:31.605
Um, that, that's, that's broadly the case.

695

00:37:31.685 --> 00:37:32.685
I think that's helpful.

696

00:37:33.975 --> 00:37:36.485
Thank you. I think Mr.

697

00:37:37.225 --> 00:37:40.845
Uh, Robbie o and the CODN, if I can just, um, uh, respond

698

00:37:40.845 --> 00:37:44.285
to your, the other limb of your question about, uh,

699

00:37:44.285 --> 00:37:47.285
Immingham, um, uh, uh, I,

700

00:37:47.405 --> 00:37:49.725
I don't believe CRDN have made any particular assumptions

701

00:37:49.725 --> 00:37:53.725

about Ingham, um, uh, as a result of this application.

702

00:37:53.985 --> 00:37:57.605

Um, Mr. Dove, Seymour may, uh, want to comment on that.

703

00:37:57.605 --> 00:37:59.405

No, I don't think he, he, he's, he's able to,

704

00:37:59.465 --> 00:38:01.805

so I think our comments are really confined to killing home.

705

00:38:02.415 --> 00:38:03.415

Thank you.

706

00:38:04.545 --> 00:38:06.645

No re really the purpose of the question was

707

00:38:06.645 --> 00:38:09.325

to get some clarity, because we'd seen some representations

708

00:38:09.325 --> 00:38:11.485

where there might not have been clarity.

709

00:38:12.185 --> 00:38:16.605

Uh, but as a heads up to the transport, um, experts

710

00:38:16.705 --> 00:38:20.005

who will have a, have their say later on either today

711

00:38:20.025 --> 00:38:24.525

or tomorrow, uh, there may also be some issues in, uh,

712

00:38:24.525 --> 00:38:27.525

this regard as to what assumptions have been made.

713

00:38:28.305 --> 00:38:31.405

Uh, so we'd invite the transport witnesses to go away

714

00:38:31.405 --> 00:38:34.805

and have a look at what they think they've been working to

715

00:38:34.945 --> 00:38:38.765

as assumptions, um, just to make sure that, um, given

716

00:38:38.765 --> 00:38:40.685

that there's quite a lot of number crunching going on in the

717

00:38:40.685 --> 00:38:42.085

background, that all the highway

718

00:38:42.585 --> 00:38:45.805

or the, the onshore transportation witnesses, um,

719

00:38:46.235 --> 00:38:48.965

clearly know where they're starting pitches.

720

00:38:50.485 --> 00:38:52.805

I think we'll leave it that point at that.

721

00:38:53.905 --> 00:38:55.725

So, sorry, Mr. Strong

722

00:38:56.175 --> 00:38:58.005

James Strong for the applicant's.

723

00:38:58.005 --> 00:39:00.045

Uh, can I, I,

724

00:39:00.465 --> 00:39:02.565

unless you want me to, I wasn't going to respond

725

00:39:02.625 --> 00:39:04.845

to issues about competition.

726

00:39:05.145 --> 00:39:08.205

No, um, markets, et cetera, which is a different topic,

727

00:39:08.625 --> 00:39:11.845

but the answers I've given are intended

728

00:39:12.145 --> 00:39:15.965

to address your question as to the assumptions made

729

00:39:16.745 --> 00:39:20.685

in the context of navigation for the risk assessment as

730

00:39:20.685 --> 00:39:22.845

to volumes of vessel movements

731

00:39:23.545 --> 00:39:25.325

and potentially congestion issues.

732

00:39:26.245 --> 00:39:27.325

I wa I wasn't proposed

733

00:39:27.325 --> 00:39:29.285

to get drawn into a wider debate about

734

00:39:29.305 --> 00:39:31.125

how they market would operate

735

00:39:31.385 --> 00:39:33.045

or indeed in relation to transport,

736

00:39:33.285 --> 00:39:35.005

although we've got the heads up that

737

00:39:35.195 --> 00:39:37.285

Yeah, the whole, the whole point is some

738

00:39:37.285 --> 00:39:40.645

of this is quite fundamental to various work streams if,

739

00:39:40.865 --> 00:39:42.805

if you wanna describe them that way.

740

00:39:43.465 --> 00:39:46.485

And if, if some parties haven't got basic assumptions

741

00:39:46.555 --> 00:39:50.085

correct, and then the work they then do,

742

00:39:50.085 --> 00:39:53.245
that flows later down in other topic areas

743

00:39:53.975 --> 00:39:55.365
might come off the tracks.

744

00:39:56.265 --> 00:39:58.725
And that's really what we are seeking to clarify, um,

745

00:39:58.875 --> 00:40:00.565
that it does appear certainly from shipping

746

00:40:00.565 --> 00:40:02.805
and navigation, which is where we are this morning,

747

00:40:03.075 --> 00:40:06.205
everybody has made the same assumption, albeit

748

00:40:06.395 --> 00:40:09.365
that it hasn't necessarily been reflected in, in all

749

00:40:09.365 --> 00:40:11.525
of the written representations that we've seen.

750

00:40:15.985 --> 00:40:20.085
Um, just for correctness, we ought to ask IOT do you want

751

00:40:20.085 --> 00:40:21.685
to make any submissions in?

752

00:40:21.865 --> 00:40:25.405
No. Okay. Okay.

753

00:40:25.405 --> 00:40:28.525
Turning on to, um,

754

00:40:29.065 --> 00:40:33.965
and questions specifically for Humber Master, sorry,

755

00:40:33.965 --> 00:40:37.485

Harbor Master Humber, that was a new acronym, or,

756

00:40:38.865 --> 00:40:41.365
and, and DFDS and, and these just a

757

00:40:42.025 --> 00:40:45.005
and scene setting type questions that go back

758

00:40:45.065 --> 00:40:48.405
to the accompanied site inspection, um,

759

00:40:48.595 --> 00:40:50.845
back on the 26th of September.

760

00:40:51.825 --> 00:40:56.485
Um, so firstly, um, we,

761

00:40:56.575 --> 00:41:00.165
we've had a note that explains, um,

762

00:41:05.675 --> 00:41:08.875
I think it was wreck for hyphen 28 from Harbor Master.

763

00:41:09.975 --> 00:41:12.635
Um, the, on that day around noon, um,

764

00:41:12.855 --> 00:41:16.715
the wind speed was about 2.3 knots, gusting, four

765

00:41:16.715 --> 00:41:21.355
and a half knots, um, on a flood tide,

766

00:41:21.655 --> 00:41:24.875
and the current speed was around about one

767

00:41:24.875 --> 00:41:28.275
and a half knots In.

768

00:41:28.415 --> 00:41:30.475
So given those conditions,

769

00:41:30.655 --> 00:41:32.355

how would you characterize them in terms

770

00:41:32.415 --> 00:41:34.885

of maneuvering vessels?

771

00:41:37.445 --> 00:41:39.405

I, I don't wanna put, there's a word

772

00:41:39.405 --> 00:41:41.325

or two that I could use, but I don't, I don't want to,

773

00:41:41.565 --> 00:41:44.005

I think it's best to let you describe,

774

00:41:44.305 --> 00:41:46.645

and they may, well, they may well match

775

00:41:46.645 --> 00:41:50.005

what we think the conditions were, but, uh,

776

00:41:50.395 --> 00:41:53.125

Yeah, good morning, Andrew Furman Harbor Master Humber,

777

00:41:53.585 --> 00:41:58.165

um, favorable would probably be, um, the word or,

778

00:41:58.305 --> 00:42:02.045

or certainly, um, not, um, not, not as challenging.

779

00:42:02.305 --> 00:42:03.805

So particularly Ingham dock,

780

00:42:03.805 --> 00:42:05.165

the flood tide would be preferable

781

00:42:05.465 --> 00:42:08.125

and obviously not much wind, so

782

00:42:09.475 --> 00:42:12.005

I'll avoid the word benign, but, um, favorable.

783

00:42:12.075 --> 00:42:13.075

Yeah,

784

00:42:16.225 --> 00:42:18.285

It might not, might not be a great surprise

785

00:42:18.285 --> 00:42:21.485

that we did have benign down, um, or calm.

786

00:42:21.745 --> 00:42:26.325

But, um, turning to DFDS, um,

787

00:42:29.395 --> 00:42:32.325

captain Peterson, Nielsen, sorry.

788

00:42:32.745 --> 00:42:36.685

Thanks you, sir. Um, Isabella, for DFDS, just, just

789

00:42:36.685 --> 00:42:39.445

to preface this, um, we, we have an image

790

00:42:39.445 --> 00:42:42.325

that we've taken from the ship's software that, um, on

791

00:42:42.325 --> 00:42:45.405

that date from the Britannia Seaways, um, which we

792

00:42:45.925 --> 00:42:48.965

consider it to, which shows the vessel stemming.

793

00:42:49.345 --> 00:42:52.485

Um, and we consider it to support our position as

794

00:42:52.485 --> 00:42:55.605

to the title direction, which we're happy to show on screen

795

00:42:55.745 --> 00:42:57.245

or to provide with our written summary.

796

00:42:57.685 --> 00:42:59.285

I know that's not the precise question you've asked,

797

00:42:59.285 --> 00:43:01.405

so I'm going to ask, uh, Mr. Nielsen to address you on that,

798

00:43:01.625 --> 00:43:03.245

but just so you know, we will be submitting

799

00:43:03.835 --> 00:43:05.685

that information with our summary.

800

00:43:13.085 --> 00:43:15.815

Yeah, thank you. Yes.

801

00:43:16.355 --> 00:43:20.535

On behalf of, uh, DFDS, the recording we have of, uh,

802

00:43:20.535 --> 00:43:22.855

of the wind, uh, is, uh, is a little bit higher,

803

00:43:22.995 --> 00:43:25.175

but it's also a little bit later when the vessel is, uh,

804

00:43:25.175 --> 00:43:26.175

is approaching the log.

805

00:43:26.175 --> 00:43:27.735

So it's not a 12 o'clock as, uh,

806

00:43:27.955 --> 00:43:29.495

as the data from the Harbor Master.

807

00:43:30.395 --> 00:43:33.415

Um, we have it closer to, to 10 meters per second,

808

00:43:33.435 --> 00:43:35.375

but I have written it down and I will go, uh,

809

00:43:35.775 --> 00:43:38.335

'cause that's a substantial, uh, difference.

810

00:43:38.335 --> 00:43:39.775

So I will double check

811

00:43:39.835 --> 00:43:42.135

and get it verified with the, with the captain on board.

812

00:43:43.255 --> 00:43:46.415

I can maybe very briefly check with review if you want the,

813

00:43:46.415 --> 00:43:47.895

the, the manure as you, as you saw

814

00:43:47.895 --> 00:43:49.695

it, or would you wait with that? What

815

00:43:49.695 --> 00:43:50.855

The conditions do you agree Their favor?

816

00:43:51.015 --> 00:43:52.495

I I think if we, if we can just,

817

00:43:52.975 --> 00:43:56.255

I can, I can agree with the conditions that, uh, relate to

818

00:43:56.315 --> 00:43:59.895

by, uh, captain Ferman, the Harbor Master, uh,

819

00:44:00.435 --> 00:44:03.335

two four knots, that's a favorable wind condition.

820

00:44:05.825 --> 00:44:07.695

Thank you. I think, um,

821

00:44:08.635 --> 00:44:11.695

it will be helpful in your post-hearing note note

822

00:44:11.755 --> 00:44:13.655

to have whatever information you've got.

823

00:44:14.175 --> 00:44:15.535

I think it's also going to be helpful

824

00:44:16.435 --> 00:44:19.895

if we can have both knots and, um, meters per second.

825

00:44:20.675 --> 00:44:23.335

Um, I, I'm not sure whether I've,

826

00:44:23.385 --> 00:44:25.215

we've said previously we are not supposed

827

00:44:25.215 --> 00:44:27.895

to do any calculations in case we get them wrong.

828

00:44:28.595 --> 00:44:30.495

Um, we can do calculations

829

00:44:30.515 --> 00:44:32.530

and some of of us are not bad at doing maths,

830

00:44:32.530 --> 00:44:34.085

but we are told not to do them.

831

00:44:34.705 --> 00:44:37.045

So if, um, it's possible.

832

00:44:37.225 --> 00:44:40.365

And similarly, if, um, the Harbor Master is gonna respond

833

00:44:40.365 --> 00:44:42.925

to anything that DFDS said, if you are able to

834

00:44:43.495 --> 00:44:45.365

speak both in knots and meters per second,

835

00:44:45.505 --> 00:44:49.045

or whichever unit you both feel is most appropriate to use,

836

00:44:49.825 --> 00:44:51.685

um, that would, would assist.

837

00:44:54.065 --> 00:44:57.925

Um, DF tests have probably preempted the next question.

838

00:44:59.305 --> 00:45:02.485

Um, in that, um,

839

00:45:03.785 --> 00:45:08.725

during the course of the, um, a company site inspection,

840

00:45:09.215 --> 00:45:13.805

pilot services manager, uh, advised that normally, um,

841

00:45:15.395 --> 00:45:16.685

when, uh, masters

842

00:45:16.985 --> 00:45:19.565

or the crew are in effect getting ready

843

00:45:19.665 --> 00:45:23.245

to make their entry into the lock, they will,

844

00:45:23.245 --> 00:45:24.805

they will take about 20 minutes

845

00:45:24.945 --> 00:45:28.805

or so to, um, get acclimatized.

846

00:45:29.145 --> 00:45:31.565

Uh, and then once they're, they're happy

847

00:45:32.195 --> 00:45:34.205

they'll start the maneuver, uh, presuming

848

00:45:34.205 --> 00:45:37.125

that the Dock Master has given authority for that to happen.

849

00:45:38.065 --> 00:45:42.085

Um, but on the day of, um, our, the company site inspection,

850

00:45:42.265 --> 00:45:46.525

it seemed from the notes that I made, um,

851

00:45:47.235 --> 00:45:50.925

that that sort of fa familiarization stabilization,

852

00:45:50.925 --> 00:45:53.445

however we want to describe it, was something

853

00:45:53.445 --> 00:45:54.845

of the order of 30 minutes.

854

00:45:55.825 --> 00:45:58.685

Um, are you able to explain whether there was any sort

855

00:45:58.685 --> 00:45:59.685

of technical difficulty

856

00:46:00.385 --> 00:46:03.965

or was there a master on board who maybe wasn't so familiar

857

00:46:04.235 --> 00:46:05.285

with Immingham,

858

00:46:05.865 --> 00:46:09.565

or was there something else that perhaps resulted in that,

859

00:46:09.595 --> 00:46:10.845

that, um,

860

00:46:14.225 --> 00:46:17.285

period being longer than perhaps might have been the norm?

861

00:46:18.445 --> 00:46:20.485

Isabella four four DFDS,

862

00:46:20.775 --> 00:46:22.765

there was certainly no technical issue

863

00:46:22.765 --> 00:46:23.845

with the vessel that day.

864

00:46:24.465 --> 00:46:29.325

Um, it was a captain who had obtained his PEC at Ingham, um,

865

00:46:29.545 --> 00:46:33.045

and, uh, we understand he carried out the maneuver

866

00:46:33.665 --> 00:46:37.765

by the book as as, as you would expect it to be carried out.

867

00:46:40.465 --> 00:46:44.725

So in short, the, the question is why was it

868

00:46:45.025 --> 00:46:47.805

so long compared to the 20 minutes

869

00:46:47.805 --> 00:46:49.525

that one would normally expect?

870

00:46:53.495 --> 00:46:56.595

Yes, but Nelson on, uh, on behalf of, uh, of DFDS,

871

00:46:57.275 --> 00:46:59.835

I think it's fair to say that, uh, sometimes the,

872

00:46:59.975 --> 00:47:01.595

the manuals takes a little bit longer.

873

00:47:01.975 --> 00:47:04.155

Uh, sometimes it, it takes a little bit shorter

874

00:47:04.175 --> 00:47:07.875

and it's also depending on, on where you are on that day

875

00:47:07.935 --> 00:47:12.435

and people is, uh, is not exactly the, the,

876

00:47:12.535 --> 00:47:16.075

the same, the captain, he was, uh, stemming the, the tide,

877

00:47:16.495 --> 00:47:19.875

uh, in a direction or in a heading of 137 degrees

878

00:47:20.255 --> 00:47:22.395

and assessing the situation, uh,

879

00:47:22.395 --> 00:47:25.155

before he started the manure to falling off little

880

00:47:25.155 --> 00:47:26.875

by little in a very controlled manner

881

00:47:26.935 --> 00:47:28.075

to, to get into the lock.

882

00:47:28.735 --> 00:47:32.045

Um, my note said this was around 25, uh, to 30 minutes,

883

00:47:32.105 --> 00:47:34.245

so it, it, it may have been a little bit longer.

884

00:47:34.865 --> 00:47:37.245

Uh, and I think it's, it's, uh, yeah,

885

00:47:37.545 --> 00:47:39.085

so sometimes it is a little bit longer

886

00:47:39.105 --> 00:47:41.925

and sometimes it is, uh, it is a little bit less,

887

00:47:41.985 --> 00:47:43.325

but I think the, the most important,

888

00:47:43.345 --> 00:47:45.245

and I hope the Harbor Master agrees with that, that is

889

00:47:45.265 --> 00:47:47.125

of course, that, that we need to do it in a,

890

00:47:47.325 --> 00:47:48.685

in a safe and a controlled manner.

891

00:47:50.345 --> 00:47:51.645

It, it seemed exemplary.

892

00:47:51.665 --> 00:47:54.165

But did, did the master know that he had an audience?

893

00:47:57.705 --> 00:48:00.425

I, Isabella tfl for the applicant? Absolutely not, sir.

894

00:48:12.115 --> 00:48:15.945

Thank you. Um, captain Furman, do you want

895

00:48:15.945 --> 00:48:17.585

to make any comment on what, uh,

896

00:48:17.585 --> 00:48:21.425

Mr. Nielsen has just said in terms of there can be a range,

897

00:48:22.045 --> 00:48:24.945

um, and it might literally come down to

898

00:48:25.695 --> 00:48:28.225

some specifics on the day, depending on where you are,

899

00:48:28.225 --> 00:48:30.745

perhaps at, in the title site cycle?

900

00:48:33.485 --> 00:48:36.785

Andrew Furman Harbor Master, um, only to say

901

00:48:36.785 --> 00:48:40.185

that my team member reflected no problems, um, and,

902

00:48:40.205 --> 00:48:43.385

and didn't particularly comment on, on the range of time.

903

00:48:44.045 --> 00:48:45.945

My only query would be whether at

904

00:48:45.945 --> 00:48:47.985

what stage the vessel was told the lock was clear

905

00:48:47.985 --> 00:48:49.145

for him to kill come in.

906

00:48:49.285 --> 00:48:52.305

I'm not sure if the site visit was aware of that level

907

00:48:52.305 --> 00:48:54.585

of communication, but I I don't believe there was any

908

00:48:54.745 --> 00:48:56.585

challenges that added to the time on Julie.

909

00:48:57.445 --> 00:49:00.265

Uh, no. And I was listening to some of the radio traffic,

910

00:49:00.365 --> 00:49:02.825

and in fact, if I recall correctly, the master

911

00:49:03.565 --> 00:49:07.825

had forgotten, uh, to do a, a radio handover to, um,

912

00:49:08.725 --> 00:49:10.545

the Dock Masters team at Immingham

913

00:49:10.645 --> 00:49:13.225

and had to apologize midstream that he had forgotten.

914

00:49:14.045 --> 00:49:16.065

Um, he, he made his apology.

915

00:49:16.075 --> 00:49:17.865

There was, there was no issue about that.

916

00:49:18.085 --> 00:49:19.985

And, um, he just got on

917

00:49:19.985 --> 00:49:22.545

with the preparation, uh, to make the entry.

918

00:49:27.295 --> 00:49:29.755

Unless anybody's got anything further to say on that point,

919

00:49:29.875 --> 00:49:31.835

I think I can hand over to Mr. Bradley.

920

00:49:34.685 --> 00:49:39.315

Thank you. Uh, item two C, uh,

921

00:49:40.125 --> 00:49:43.995

we've now a substantial amount of very strongly argued

922

00:49:44.595 --> 00:49:46.915

evidence about the navigational risk assessments.

923

00:49:47.895 --> 00:49:50.835

Um, I'm just gonna use the acronym NRA from now on.

924

00:49:51.815 --> 00:49:55.355

Uh, everything's been responded

925

00:49:55.355 --> 00:49:57.475

to very robustly and extensively.

926

00:49:57.735 --> 00:50:02.715

Um, so what I want to do is to focus now on, uh,

927

00:50:02.855 --> 00:50:04.955

the assessment

928

00:50:05.095 --> 00:50:06.435

and acceptance phases

929

00:50:06.435 --> 00:50:09.915

of the NRA rather than the input data at this stage.

930

00:50:10.775 --> 00:50:12.915

Now, we'll come on

931

00:50:12.915 --> 00:50:16.355

to questions about the recent additional simulations later

932

00:50:16.535 --> 00:50:17.755

on this morning.

933

00:50:18.895 --> 00:50:21.875

Um, but I do want to give fair warning that

934

00:50:23.255 --> 00:50:26.795

we will be asking the applicant's team to respond concisely

935

00:50:26.815 --> 00:50:29.005

to criticisms made at Deadline six

936

00:50:30.425 --> 00:50:33.965

by particularly the IOT operators and the FDS.

937

00:50:34.705 --> 00:50:37.325

Um, and so we'll take you through those points in,

938

00:50:37.385 --> 00:50:40.205

in turn later on, but, um, be prepared.

939

00:50:45.775 --> 00:50:50.285

We'll finish off, um, item two C by, uh, questioning

940

00:50:50.425 --> 00:50:52.085

how any revised

941

00:50:52.105 --> 00:50:56.445

or developed conclusions from the different nras would in

942

00:50:56.725 --> 00:51:01.165

practice be reviewed by the HHAs for the,

943

00:51:01.165 --> 00:51:02.565

for the benefit of the recording,

944

00:51:02.565 --> 00:51:04.285

the Statutory Harbor authorities,

945

00:51:06.305 --> 00:51:11.285

and how that learning, if you like, will be fed into, um,

946

00:51:11.725 --> 00:51:14.085

a safety management system in due course.

947

00:51:17.185 --> 00:51:21.005

So first I want to turn to the, uh, acceptance matters

948

00:51:21.225 --> 00:51:22.525

of the risk assessment.

949

00:51:23.335 --> 00:51:25.245

First question is what, uh,

950

00:51:25.245 --> 00:51:27.405

and this is to the applicant's team, um,

951

00:51:27.755 --> 00:51:28.845

what was the composition

952

00:51:28.865 --> 00:51:32.605

and purpose of the senior safety workshop

953

00:51:32.745 --> 00:51:35.725

and the commercial workshop referenced in

954

00:51:36.345 --> 00:51:39.445

DFD S'S submission, uh, which is REP 2 0 3 9

955

00:51:46.955 --> 00:51:49.095

As James form the applicant?

956

00:51:49.115 --> 00:51:52.215

Sir, I may need to get the documents up in, in

957

00:51:52.945 --> 00:51:54.135

which you are referring to,

958

00:51:54.205 --> 00:51:55.415
because you're referring

959

00:51:55.415 --> 00:51:59.735
to A-D-F-D-S document. I believe

960

00:51:59.995 --> 00:52:02.735
I'm, what I would say is that the documents are not

961

00:52:03.645 --> 00:52:07.775
available, but these terms are referenced by DFDS.

962

00:52:07.775 --> 00:52:08.775
What do they mean

963

00:52:10.445 --> 00:52:11.445
That Yes.

964

00:52:11.565 --> 00:52:14.855
Well, I probably have to get out the, the, the two terms.

965

00:52:14.855 --> 00:52:16.135
The DFDS, sorry. No, you don't.

966

00:52:16.135 --> 00:52:18.895
The two terms are senior safety workshop. Yep.

967

00:52:18.915 --> 00:52:19.915
What's that?

968

00:52:22.295 --> 00:52:26.615
I think for it might help in this session, um,

969

00:52:26.875 --> 00:52:30.535
if we rely more on the expert witnesses, um,

970

00:52:30.915 --> 00:52:33.335
as a question is raised, if they, if they can just chip in,

971

00:52:33.915 --> 00:52:37.095

if, where at all possible to speed things up?

972

00:52:45.675 --> 00:52:47.695

Can we, would you, would you like us

973

00:52:47.695 --> 00:52:48.855

to ask the question direct to Mr.

974

00:52:49.025 --> 00:52:50.025

Halen?

975

00:52:50.395 --> 00:52:53.615

Yes, certainly, sir. I, I, if it's in a, sorry, I,

976

00:52:53.775 --> 00:52:56.055

I apologize that my I wasn't clear.

977

00:52:56.555 --> 00:52:58.775

You, you are referring to A-D-F-D-S document.

978

00:52:58.915 --> 00:53:01.855

It may be that they're referring in turn to a, our

979

00:53:02.565 --> 00:53:06.735

terminology in, in our NRA or using their own, I don't know.

980

00:53:06.875 --> 00:53:08.335

So that's why I was, why

981

00:53:08.335 --> 00:53:09.375

I was, that's why I'm asking the question.

982

00:53:09.455 --> 00:53:10.855

I none of us know what it means

983

00:53:11.115 --> 00:53:14.935

and what what's intended to mean Senior Safety Workshop.

984

00:53:15.965 --> 00:53:18.695

Just get that And, sorry, sir, I did the

985

00:53:19.015 --> 00:53:20.015

Reference. The DFDS

986

00:53:20.015 --> 00:53:21.015

say they were offered

987

00:53:21.235 --> 00:53:23.855

to attend a senior safety workshop and it never happens.

988

00:53:23.875 --> 00:53:24.875

Oh,

989

00:53:29.785 --> 00:53:30.785

The dfds.

990

00:53:40.195 --> 00:53:41.245

Okay. Do you want to speak?

991

00:53:43.185 --> 00:53:44.565

Can I, can I help you out or not?

992

00:53:45.305 --> 00:53:48.085

The next question is what's, what's the steerco meeting?

993

00:53:48.895 --> 00:53:50.405

Right. I'm sure we can answer

994

00:53:50.405 --> 00:53:54.285

that. I,

995

00:53:54.385 --> 00:53:55.385

I'm gonna, who's gonna answer?

996

00:53:59.265 --> 00:54:02.165

Ben can do both. Mr. Hodgkins comes to Mr. Hodgkin.

997

00:54:04.635 --> 00:54:08.245

Good morning, Ben Hodgkin for ABP. Nice to meet you.

998

00:54:08.425 --> 00:54:11.365

Um, I believe that reference is to a meeting

999

00:54:11.365 --> 00:54:13.925

that was offered as referred to in that document by

1000

00:54:14.645 --> 00:54:19.565

a BP's CEO to DFDS, principally DFDS to have a

1001

00:54:20.075 --> 00:54:24.405

high level senior executive engagement on safety matters

1002

00:54:24.545 --> 00:54:27.085

to make sure that DFDS

1003

00:54:27.085 --> 00:54:31.685

and others were fully aware of the seriousness

1004

00:54:31.755 --> 00:54:34.445

that ABP were taking, the safety issues

1005

00:54:34.445 --> 00:54:36.645

that were being raised by our key stakeholders at that time.

1006

00:54:38.265 --> 00:54:41.205

Did it ever happen? No, it did not happen.

1007

00:54:43.235 --> 00:54:47.605

Okay. And, uh, the commercial workshop is

1008

00:54:48.435 --> 00:54:50.485

it's one and the same, or are they two separate?

1009

00:54:50.825 --> 00:54:53.125

Uh, uh, two, two separate offers, as it were.

1010

00:54:55.065 --> 00:54:58.045

I'm, I do not recall a discussion

1011

00:54:58.165 --> 00:54:59.325

about a commercial workshop.

1012

00:54:59.595 --> 00:55:01.965

Okay. Specifically, so I need to refresh my memory on

1013

00:55:01.965 --> 00:55:02.965

That. Okay. That

1014

00:55:02.965 --> 00:55:05.645

can come in, in follow up written submission.

1015

00:55:06.025 --> 00:55:09.485

So, uh, what I was trying to get to is, is

1016

00:55:10.145 --> 00:55:12.285

was there any correlation between those two terms,

1017

00:55:12.935 --> 00:55:15.325

which were referenced by DFDS

1018

00:55:15.665 --> 00:55:18.165

and the cost benefit in our soup meeting

1019

00:55:18.185 --> 00:55:20.285

and the steerco meetings, which we know did happen?

1020

00:55:21.435 --> 00:55:23.165

They're completely separate, but are they

1021

00:55:23.395 --> 00:55:24.395

Yeah. Ben

1022

00:55:24.395 --> 00:55:27.125

Hodgkin for ABP? Yes, I believe so.

1023

00:55:27.945 --> 00:55:29.885

And just testing my memory,

1024

00:55:30.845 --> 00:55:34.085

I believe the commercial workshop reference was a direct

1025

00:55:34.475 --> 00:55:38.325

request from DFDS to explore

1026

00:55:39.425 --> 00:55:42.125

and understand the commercial implications for

1027

00:55:42.745 --> 00:55:45.085

the I a development on their operation.

1028

00:55:45.625 --> 00:55:48.445

So it was completely detached from any safety conversation.

1029

00:55:48.945 --> 00:55:51.925

It was principally so that they could understand

1030

00:55:53.025 --> 00:55:55.845

the commercial implications of iert on their operation.

1031

00:55:56.415 --> 00:55:57.925

Thank you, Mr. Kin. That's very helpful.

1032

00:55:59.065 --> 00:56:01.205

So, uh, turning to the, the,

1033

00:56:01.865 --> 00:56:05.285

can we use the acronym CBA meeting rather than cost benefit

1034

00:56:05.685 --> 00:56:08.845

analysis, uh, the CBA and the steerco meetings?

1035

00:56:09.225 --> 00:56:11.685

Um, firstly, what's the, the steerco

1036

00:56:13.865 --> 00:56:15.445

Ben Hodgkin for ABP?

1037

00:56:16.185 --> 00:56:17.485

The, the Steerco

1038

00:56:17.545 --> 00:56:21.685

or Steering Committee is a standard governance methodology

1039
00:56:21.685 --> 00:56:24.965
that we employ at ABP, which applies to all of our projects.

1040
00:56:24.965 --> 00:56:26.685
Mm-Hmm. And is, um,

1041
00:56:27.245 --> 00:56:30.565
a typically a monthly project review Mm-Hmm.

1042
00:56:30.645 --> 00:56:33.365
Where we go through key project status risk, et cetera.

1043
00:56:34.145 --> 00:56:35.165
It is chaired

1044
00:56:35.665 --> 00:56:38.925
and, um, it's chaired by the project sponsor

1045
00:56:39.585 --> 00:56:42.845
who in this case is Mr. Simon Byrd,

1046
00:56:43.505 --> 00:56:46.845
as the regional director for the Humber is attended by

1047
00:56:47.825 --> 00:56:52.365
key members of the project and regional leadership teams,

1048
00:56:53.705 --> 00:56:55.845
and discuss key matters

1049
00:56:55.845 --> 00:56:58.445
that have arisen in the month proceeding.

1050
00:56:59.895 --> 00:57:02.165
Thank you. So it's Project governance. It's

1051
00:57:02.165 --> 00:57:03.165
Project governance.

1052
00:57:03.215 --> 00:57:07.845

Thank you. Now,

1053

00:57:08.445 --> 00:57:11.045

reliance is placed in the

1054

00:57:12.075 --> 00:57:15.085

applicant's NRA on cost benefit analysis,

1055

00:57:15.305 --> 00:57:19.965

and indeed on subsequent, uh, meeting, which

1056

00:57:21.065 --> 00:57:24.845

was the penultimate phase of the risk assessment,

1057

00:57:25.465 --> 00:57:29.085

the ultimate phase being the HASB meeting,

1058

00:57:30.425 --> 00:57:32.645

the stage five, if I'm remember rightly.

1059

00:57:32.985 --> 00:57:34.445

Now, those two

1060

00:57:35.075 --> 00:57:39.205

penultimate meetings in October 22, were they minute,

1061

00:57:43.905 --> 00:57:45.885

Um, Ben Kin for the applicant?

1062

00:57:45.895 --> 00:57:48.165

Could you just repeat the question?

1063

00:57:48.215 --> 00:57:50.165

Sorry, which two meetings specifically?

1064

00:57:50.165 --> 00:57:53.205

There's a meeting of, uh, so risk assessment

1065

00:57:53.845 --> 00:57:57.125

workshop on the 4th of October 22 mm—Hmm.

1066

00:57:57.305 --> 00:58:00.525

And cost benefit workshop of the 6th of October 22,

1067

00:58:04.785 --> 00:58:06.005

Ben Hodgkin for the applicant.

1068

00:58:06.725 --> 00:58:08.365

I will double check the records,

1069

00:58:08.585 --> 00:58:12.005

but my understanding is that the outcomes

1070

00:58:12.025 --> 00:58:16.045

of those two meetings were captured within the has ID logs

1071

00:58:16.355 --> 00:58:18.045

that formed part of the NRA.

1072

00:58:18.465 --> 00:58:21.525

So as appended to the NRA, the con, the,

1073

00:58:21.585 --> 00:58:22.765

the key discussion points

1074

00:58:22.825 --> 00:58:25.565

and conclusions that came outta those meetings was captured

1075

00:58:25.665 --> 00:58:26.965

in those has ID logs.

1076

00:58:27.235 --> 00:58:28.405

That was the record of the meeting.

1077

00:58:31.315 --> 00:58:34.845

Okay. I think we'll come back to those logs later on.

1078

00:58:35.505 --> 00:58:38.325

Um, I've asked some, some preparation so

1079

00:58:38.325 --> 00:58:39.365

that they can be shown on screen,

1080

00:58:39.465 --> 00:58:41.085

so let's get, get ready for that.

1081

00:58:42.185 --> 00:58:46.885

Um, so is your

1082

00:58:47.045 --> 00:58:49.085

recollection that they, those meetings were not minted?

1083

00:58:50.925 --> 00:58:52.685

I don't believe they were minted. No.

1084

00:58:53.225 --> 00:58:56.645

Is that normal? Um,

1085

00:58:57.625 --> 00:59:01.365

Ben Hodgkin for A-V-P-I-I think there were,

1086

00:59:02.135 --> 00:59:03.205

there are, yes.

1087

00:59:03.205 --> 00:59:04.925

Number of project level meetings,

1088

00:59:05.825 --> 00:59:10.445

we do not take four formal minutes of, it's our,

1089

00:59:10.665 --> 00:59:13.005

our general procedure is to capture key actions

1090

00:59:13.005 --> 00:59:16.605

that arise from, from meetings rather than verbatim minutes.

1091

00:59:17.465 --> 00:59:18.685

So yes, I'd say that is normal.

1092

00:59:19.785 --> 00:59:22.845

But these are not normal project meetings.

1093

00:59:22.855 --> 00:59:25.005

These are risk assessment meetings.

1094

00:59:28.225 --> 00:59:31.085

Ben Hodgkin for ABP? Yes, I'd agree.

1095

00:59:31.505 --> 00:59:35.125

And that's why I think the, the key actions

1096

00:59:35.145 --> 00:59:37.405

and the key points that were discussed were captured in

1097

00:59:37.405 --> 00:59:39.485

those, those has ID logs,

1098

00:59:40.735 --> 00:59:42.205

which form the record of that meeting.

1099

00:59:45.995 --> 00:59:50.925

Okay. Who were the most senior attendees from AB, P

1100

00:59:51.305 --> 00:59:53.765

and HES at those two meetings?

1101

00:59:59.705 --> 01:00:03.485

Um, Ben Hodgkin for the, for ABPI will,

1102

01:00:04.695 --> 01:00:06.605

again, check my memory,

1103

01:00:07.065 --> 01:00:09.965

but I think that the first meeting

1104

01:00:10.825 --> 01:00:12.645

was very much a project level meeting,

1105

01:00:12.905 --> 01:00:17.725

but maybe somebody from ABP Merck had just confirmed that,

1106

01:00:18.105 --> 01:00:22.565

but I, I certainly attended the second meeting along with

1107

01:00:23.715 --> 01:00:25.285

Paul Bristow to my right.

1108

01:00:26.145 --> 01:00:27.325

And the Harbor Master

1109

01:00:28.645 --> 01:00:29.645

Harbormaster Hamburg.

1110

01:00:29.765 --> 01:00:31.485

Harbormaster Hamburg? Correct.

1111

01:00:32.235 --> 01:00:37.005

Okay. Uh,

1112

01:00:37.795 --> 01:00:39.285

does that apply to both meetings

1113

01:00:39.285 --> 01:00:42.765

or just to the CBA workshop on the 6th of October?

1114

01:00:44.825 --> 01:00:47.205

Ben Hodgkin for ABP, the 6th of October meeting.

1115

01:00:47.795 --> 01:00:52.725

Okay. Um, I think we've already established, uh,

1116

01:00:54.075 --> 01:00:55.205

captain McCartan.

1117

01:00:55.365 --> 01:00:59.485

I, I think the, the sense was that as, uh,

1118

01:01:00.665 --> 01:01:04.445

at that time, the designated person, your predecessor, uh,

1119

01:01:04.545 --> 01:01:08.605

in that role was not at those meetings deliberately

1120

01:01:08.825 --> 01:01:10.645
to maintain independence.

1121

01:01:10.645 --> 01:01:13.565
Um, that's a very leading question, but is that my

1122

01:01:13.795 --> 01:01:14.845
Correct recollection?

1123

01:01:15.165 --> 01:01:16.925
ABP? No, that is the absolutely correct.

1124

01:01:16.925 --> 01:01:18.965
The recollection, just so you can step back

1125

01:01:19.105 --> 01:01:21.085
and we can look at the evidence

1126

01:01:21.145 --> 01:01:22.885
as it were in a cold, light and tape.

1127

01:01:23.825 --> 01:01:26.365
So the follow-up question to to that is that

1128

01:01:27.185 --> 01:01:29.685
as the minutes don't exist,

1129

01:01:30.785 --> 01:01:33.885
and the only thing we can look at is the has ID logs,

1130

01:01:35.105 --> 01:01:39.725
is it right to say that the, uh, the only,

1131

01:01:40.345 --> 01:01:42.285
uh, trail, if you like, the only audit trail

1132

01:01:42.285 --> 01:01:45.085
of those discussions was through the has ID logs?

1133

01:01:45.825 --> 01:01:49.165

Or is there any anecdotal, um, follow up

1134

01:01:49.475 --> 01:01:52.565

that is essentially auditable by the, uh, the,

1135

01:01:52.565 --> 01:01:53.605

the normal safety process?

1136

01:01:55.985 --> 01:01:59.485

Yep. So, uh, Mike McCartan for ABP, so I think

1137

01:01:59.485 --> 01:02:01.965

during the project meetings, those points captured

1138

01:02:02.225 --> 01:02:06.205

as outlined in terms of risks and actions, uh,

1139

01:02:06.205 --> 01:02:09.805

because the, the, uh, essentially they're the sharp,

1140

01:02:09.835 --> 01:02:12.125

informative things that we need to know

1141

01:02:12.125 --> 01:02:14.245

and understand of what needs to be actioned upon.

1142

01:02:14.625 --> 01:02:16.285

And of course, within the NRA itself,

1143

01:02:16.285 --> 01:02:19.965

then there is a dialogue pertaining to those against each

1144

01:02:19.965 --> 01:02:23.725

of the taxonomies that we've used, um, to try

1145

01:02:23.725 --> 01:02:26.885

and capture all those things in a succinct way, as difficult

1146

01:02:26.885 --> 01:02:28.925

as it as it is, but you can imagine you just have a

1147

01:02:28.925 --> 01:02:30.245

whole tomb of minutes.

1148

01:02:30.425 --> 01:02:34.165

But from the discussions that would've been, uh, on, on, on

1149

01:02:34.165 --> 01:02:36.125

that day, of course, you then got the,

1150

01:02:36.305 --> 01:02:38.725

the actions which would be decide upon to be taken.

1151

01:02:38.985 --> 01:02:42.125

So from my, our perspective, um, that's

1152

01:02:42.125 --> 01:02:43.205

what we require and need.

1153

01:02:46.245 --> 01:02:49.485

I think what, uh, we'll be spending more time on,

1154

01:02:49.885 --> 01:02:52.685

I think we've gotta be prepared for a long session today, is

1155

01:02:52.995 --> 01:02:56.005

that there are quite a number of

1156

01:02:57.095 --> 01:02:59.005

additional risk controls

1157

01:02:59.945 --> 01:03:02.165

and inverted commas to be applied,

1158

01:03:02.825 --> 01:03:07.045

but it's still very unclear to a lot of the participants in,

1159

01:03:07.145 --> 01:03:09.445

in, in this examination, particularly us

1160

01:03:09.975 --> 01:03:12.685

which risk controls are likely to be implied.

1161

01:03:13.225 --> 01:03:15.045

So we'll be coming back to that later on.

1162

01:03:16.265 --> 01:03:17.725

Uh, at the moment, it's a bundle

1163

01:03:18.385 --> 01:03:20.285

and it's imprecise what's in the bundle.

1164

01:03:22.785 --> 01:03:25.525

Um, now cost benefit analysis,

1165

01:03:25.985 --> 01:03:28.045

and there must have been input to that workshop.

1166

01:03:28.225 --> 01:03:31.005

Um, am I writing, assuming that there was, uh,

1167

01:03:31.375 --> 01:03:36.245

input work done to inform that cost benefit

1168

01:03:37.205 --> 01:03:40.245

workshop of the 6th of October, um, let's ask Mr.

1169

01:03:40.395 --> 01:03:41.395

Hodgkin on that.

1170

01:03:46.625 --> 01:03:49.485

Ben Hodgkin for ABP? Yes.

1171

01:03:49.765 --> 01:03:54.485

I, there, I believe there was some input work done to

1172

01:03:55.385 --> 01:03:59.645

assess both costs and benefits ahead of that workshop,

1173

01:04:00.265 --> 01:04:03.405

and they were discussed during that workshop.

1174

01:04:04.385 --> 01:04:07.485

Um, and

1175

01:04:09.985 --> 01:04:14.325

the, the basis for that was,

1176

01:04:14.785 --> 01:04:16.965

um, for that sort of assessment work

1177

01:04:17.625 --> 01:04:20.245

was principally done on the expertise

1178

01:04:20.245 --> 01:04:21.525

within, within the room.

1179

01:04:22.425 --> 01:04:25.085

So it was, it was done as a sort of a dynamic discussion

1180

01:04:25.825 --> 01:04:27.005

of the various costs

1181

01:04:27.065 --> 01:04:29.165

and benefits of the various control measures

1182

01:04:29.165 --> 01:04:30.725

that were being discussed at the time.

1183

01:04:53.255 --> 01:04:55.915

We would very much like to see that, uh, uh,

1184

01:04:56.625 --> 01:05:00.515

cost benefit assessment, if not analysis, the analysis

1185

01:05:00.515 --> 01:05:01.795

of course being the meeting itself.

1186

01:05:01.895 --> 01:05:04.555

But the inputs, uh, could we have

1187

01:05:04.555 --> 01:05:06.275

that submitted the examination please?

1188

01:05:07.455 --> 01:05:09.955

Um, I'm gonna ask Mr. Straughan to respond on that.

1189

01:05:13.275 --> 01:05:15.135

Uh, sorry, James Strong for the applicant.

1190

01:05:15.235 --> 01:05:16.695

Uh, I'll have to ask Mr.

1191

01:05:16.795 --> 01:05:20.645

Hodgkin if there is, um, anything by way of document

1192

01:05:20.705 --> 01:05:23.965

to submit rather than the, as you said, the discussion

1193

01:05:23.965 --> 01:05:25.885

of the principles of, of the meeting.

1194

01:05:26.225 --> 01:05:31.005

So rather than me say yes, if there is anything, yes,

1195

01:05:31.225 --> 01:05:33.765

but as I understood his answer,

1196

01:05:34.475 --> 01:05:36.965

it's a discussion at the meeting, but maybe I,

1197

01:05:37.025 --> 01:05:39.805

but I'll let, I'll, I'll refer

1198

01:05:39.805 --> 01:05:41.645

to him down the table if I may. On that,

1199

01:05:41.825 --> 01:05:43.085

I'm gonna interject here,

1200

01:05:44.745 --> 01:05:48.365

and I'm gonna use an example where, where I've had

1201
01:05:48.365 --> 01:05:50.565
to do cost benefit and that analysis where, um,

1202
01:05:50.585 --> 01:05:53.245
in local authority days, having

1203
01:05:53.265 --> 01:05:54.965
to sort out enforcement cases

1204
01:05:55.145 --> 01:05:58.245
and whether we take stop notice action, we had

1205
01:05:58.245 --> 01:05:59.485
to do a cost benefit analysis.

1206
01:05:59.545 --> 01:06:03.405
We had to formally report to whoever the decision maker was,

1207
01:06:04.275 --> 01:06:07.405
what the costs and benefits of a stop notice were

1208
01:06:07.985 --> 01:06:11.285
before we could get the authority to issue the stop notice.

1209
01:06:11.355 --> 01:06:14.565
Because if it was challenged and we ended up in court,

1210
01:06:15.305 --> 01:06:17.445
and I can think of at least one instance

1211
01:06:17.445 --> 01:06:20.285
where we did end up in court with a challenge, we had

1212
01:06:20.285 --> 01:06:22.085
to have something in writing

1213
01:06:22.085 --> 01:06:25.885
because that's what the guidance told us we had to do, um,

1214
01:06:26.105 --> 01:06:29.645

so that a decision maker was properly informed of

1215

01:06:29.675 --> 01:06:33.365

what the costs and the benefits were of taking that action.

1216

01:06:33.965 --> 01:06:38.125

I am finding it quite difficult to comprehend a situation

1217

01:06:39.095 --> 01:06:42.285

where costs and benefits are being considered

1218

01:06:42.345 --> 01:06:46.685

and there isn't a clear set of, um, notes,

1219

01:06:47.185 --> 01:06:51.165

um, reports, whatever that are setting out

1220

01:06:51.715 --> 01:06:55.765

what the costs and benefits are that then ultimately have

1221

01:06:55.765 --> 01:06:58.765

to be considered by whoever is making the decision.

1222

01:06:59.105 --> 01:07:01.805

And if I understand correctly, the cost benefit meeting

1223

01:07:02.785 --> 01:07:04.525

in effect was the projects team.

1224

01:07:05.225 --> 01:07:06.645

If, if I understand what Mr.

1225

01:07:06.645 --> 01:07:11.125

Hodgkin has said correctly considering issues to finalize

1226

01:07:11.795 --> 01:07:15.885

some sort of set of recommendations that ultimately went to

1227

01:07:16.865 --> 01:07:19.485

the has board, Mr.

1228

01:07:19.485 --> 01:07:21.125

Hodging is, is that correct

1229

01:07:21.355 --> 01:07:25.165

that in effect parties went into a room to discuss cost

1230

01:07:25.165 --> 01:07:29.165

and benefits without really having much committed to paper,

1231

01:07:30.225 --> 01:07:34.205

um, on which they could then formulate some sort

1232

01:07:34.205 --> 01:07:36.605

of recommendations that finally went onto hba

1233

01:07:42.625 --> 01:07:43.925

Ben Hodgkin for ABP?

1234

01:07:44.745 --> 01:07:46.045

The, the basis

1235

01:07:46.145 --> 01:07:49.725

and information that was in used to inform

1236

01:07:50.305 --> 01:07:54.365

the cost benefit discussions, we deemed appropriate

1237

01:07:54.705 --> 01:07:56.965

for the level of, um,

1238

01:07:59.835 --> 01:08:03.805

control measures that we were debating principally

1239

01:08:03.805 --> 01:08:08.485

because the, the control measures that of,

1240

01:08:08.505 --> 01:08:11.485

of all the control measures that have been identified

1241

01:08:11.485 --> 01:08:12.885

through the various has IDs

1242

01:08:12.885 --> 01:08:16.125

and through the various stakeholder engagement sessions,

1243

01:08:17.465 --> 01:08:21.325

the only control measure that wasn't being put forward

1244

01:08:21.465 --> 01:08:23.245

to the has board was the relocation

1245

01:08:23.245 --> 01:08:24.725

of the finger p from iot.

1246

01:08:25.215 --> 01:08:28.485

Every other, every other control measure

1247

01:08:28.485 --> 01:08:33.405

that had been identified was, was, was not discounted and

1248

01:08:33.525 --> 01:08:36.045

therefore the requirement for

1249

01:08:36.995 --> 01:08:39.165

cost benefit was relatively narrow

1250

01:08:40.705 --> 01:08:42.685

and reasonably clear.

1251

01:08:42.785 --> 01:08:43.785

Cut.

1252

01:08:57.715 --> 01:08:59.985

We'll leave it as an action, uh, to

1253

01:09:00.505 --> 01:09:02.465

investigate whether anything can be submitted

1254

01:09:02.465 --> 01:09:05.345

to the examination, which gives us further confidence on

1255
01:09:05.575 --> 01:09:08.785
what was discussed at that meeting. Thank you.

1256
01:09:09.005 --> 01:09:10.745
But I think we need to make it clear

1257
01:09:11.735 --> 01:09:14.665
that the examining authority does think it needs

1258
01:09:14.665 --> 01:09:19.625
to see something committed to paper about what the costs

1259
01:09:19.625 --> 01:09:22.585
and benefits were that were being, being considered.

1260
01:09:23.205 --> 01:09:27.425
Um, we asked a question, um, in our second round

1261
01:09:27.425 --> 01:09:29.865
of written questions, um,

1262
01:09:30.245 --> 01:09:33.025
and in the applicant's response to those second,

1263
01:09:33.045 --> 01:09:37.705
second round of questions, which is rep 4 0 0 8

1264
01:09:38.285 --> 01:09:43.225
to our question at NSS 2 26, which is

1265
01:09:43.225 --> 01:09:47.145
where we were asking about costs of the project in, in,

1266
01:09:47.145 --> 01:09:51.705
in its totality, and then what the costs of, um,

1267
01:09:51.875 --> 01:09:56.625
doing works to the iot were, the response

1268
01:09:56.625 --> 01:09:59.305

that we got, uh, was less than helpful

1269

01:09:59.305 --> 01:10:01.985

because it basically said, we are not gonna tell you

1270

01:10:01.985 --> 01:10:04.345

because it's covered by commercial confidence.

1271

01:10:04.675 --> 01:10:07.545

Commercial confidentiality, um,

1272

01:10:08.835 --> 01:10:12.065

fully understand that the potentially in the future

1273

01:10:12.215 --> 01:10:16.145

that the applicant will be tendering, um, for a contract.

1274

01:10:17.045 --> 01:10:20.065

Um, but we often see costs like this being discussed

1275

01:10:20.245 --> 01:10:23.065

by the likes of National Highways, uh,

1276

01:10:23.175 --> 01:10:24.865

when they're promoting their schemes.

1277

01:10:25.445 --> 01:10:27.945

Uh, we certainly see what their global costs are.

1278

01:10:28.645 --> 01:10:30.625

We definitely see what their, um,

1279

01:10:30.915 --> 01:10:32.865

compulsory acquisition costs are.

1280

01:10:33.685 --> 01:10:36.265

Um, and I certainly have seen instances

1281

01:10:36.435 --> 01:10:39.985

where it's been necessary to drill down into certain items

1282

01:10:40.045 --> 01:10:42.425

of work as to whether or not they should

1283

01:10:42.425 --> 01:10:44.585

or shouldn't proceed on a junction improvement

1284

01:10:44.605 --> 01:10:46.745

or a a footbridge or something.

1285

01:10:47.405 --> 01:10:50.945

Um, and the cost information that the examining authority

1286

01:10:51.845 --> 01:10:54.785

is made available so that it's got an understanding

1287

01:10:55.765 --> 01:10:59.345

of why an applicant say it's National Highway, say,

1288

01:10:59.345 --> 01:11:02.585

we can't do this or we will do that, um,

1289

01:11:02.585 --> 01:11:05.865

because it's founded in, in some information

1290

01:11:05.975 --> 01:11:07.505

that does revolve around cost.

1291

01:11:08.365 --> 01:11:10.865

And it does seem in this instance, um,

1292

01:11:10.975 --> 01:11:12.625

that there may be a cost issue.

1293

01:11:13.385 --> 01:11:16.605

Um, but we, we've got no oversight as to what,

1294

01:11:16.755 --> 01:11:18.285

what the relative costs are.

1295

01:11:20.225 --> 01:11:23.405

So James Strom for the applicant, so we noted, I,

1296

01:11:23.475 --> 01:11:28.245

I've noted the, the request for more information, um,

1297

01:11:28.545 --> 01:11:31.325

and we'll, we'll obviously come back to you on that

1298

01:11:31.325 --> 01:11:33.765

as quickly as possible in, I mean, just,

1299

01:11:34.035 --> 01:11:36.765

just an observation obviously about

1300

01:11:37.065 --> 01:11:38.285

the answer you've already had, Mr.

1301

01:11:38.435 --> 01:11:42.165

Hodgkin, that the cost benefit analysis,

1302

01:11:43.305 --> 01:11:48.205

uh, relates to movement of the finger p for the reasons

1303

01:11:48.235 --> 01:11:49.925

that he's already explained.

1304

01:11:51.465 --> 01:11:55.445

Uh, and we'll investigate that in the way you've described.

1305

01:11:55.445 --> 01:11:59.925

And indeed, anything else on, on the, um, issue

1306

01:11:59.925 --> 01:12:03.365

of say, enforcement notice proceedings

1307

01:12:03.365 --> 01:12:05.045

and cost benefit analysis carried out there,

1308

01:12:05.065 --> 01:12:08.125

and of course, national Highways in carrying

1309

01:12:08.305 --> 01:12:09.685

out other schemes?

1310

01:12:09.965 --> 01:12:12.925

I, I've just cautioned against too much comparison

1311

01:12:13.035 --> 01:12:16.725

because National Highways, they are obviously accounting

1312

01:12:16.865 --> 01:12:21.045

for public money in accordance with DFT, um,

1313

01:12:21.965 --> 01:12:24.125

requirements and green book analysis

1314

01:12:24.145 --> 01:12:27.445

and public funds, so that it's often able to disclose

1315

01:12:27.505 --> 01:12:30.845

and indeed it may already be disclosed information of

1316

01:12:30.845 --> 01:12:34.885

that kind, uh, as opposed to the commercial confidentiality,

1317

01:12:34.885 --> 01:12:36.765

which can apply in these circumstances.

1318

01:12:37.705 --> 01:12:41.245

And, uh, similarly in relation to the enforcement,

1319

01:12:41.245 --> 01:12:44.165

those decisions justifying the expediency

1320

01:12:44.165 --> 01:12:47.165

of enforcement action as, as you pointed out sir, is,

1321

01:12:47.505 --> 01:12:49.445

is something that's already the subject

1322

01:12:49.545 --> 01:12:54.205

of specific guidance, um, or a requirement,

1323

01:12:54.945 --> 01:12:57.845

but none of that is intended.

1324

01:12:57.925 --> 01:12:59.725

I, I'm just drawing some distinction

1325

01:12:59.725 --> 01:13:00.845

between the examples you've given.

1326

01:13:01.265 --> 01:13:05.285

But of course, we'll take away the request for, um,

1327

01:13:05.395 --> 01:13:07.165

further detail of what, what was

1328

01:13:07.165 --> 01:13:08.725

before the, the relevant

1329

01:13:08.725 --> 01:13:10.165

meetings in the house board at the time.

1330

01:13:11.905 --> 01:13:15.365

So, so would you mind if I just interjected briefly?

1331

01:13:17.035 --> 01:13:20.125

It's an issue as you know, uh, David Elvin for IOT,

1332

01:13:20.125 --> 01:13:22.125

it's an issue we've been concerned with as you know.

1333

01:13:22.625 --> 01:13:25.925

Can I just say that we don't think the issue is confined

1334

01:13:25.925 --> 01:13:28.325

to cost benefit of the finger peer relocation,

1335

01:13:28.385 --> 01:13:30.365

but also protective measures generally.

1336

01:13:31.265 --> 01:13:32.765

Can I just add that into the mix?

1337

01:13:34.615 --> 01:13:39.525

Thank you. Uh, I believe that the, uh, that,

1338

01:13:39.525 --> 01:13:43.045

that, that meeting on 6th of October was looking at the

1339

01:13:43.085 --> 01:13:44.805

totality of the risk assessment

1340

01:13:45.025 --> 01:13:47.725

and certainly not just at the, uh, at the relocation

1341

01:13:47.725 --> 01:13:49.445

of finger peer and therefore, absolutely,

1342

01:13:49.445 --> 01:13:50.645

but thank you for the clarification.

1343

01:13:52.715 --> 01:13:53.715

SS sorry, sir.

1344

01:13:53.715 --> 01:13:57.915

Isabella Tfor for DFDS, just in the applicant's own NRA,

1345

01:13:58.135 --> 01:14:00.515

it explains that, um,

1346

01:14:00.885 --> 01:14:03.915

other controls had been raised in the HAS ID workshops

1347

01:14:03.915 --> 01:14:05.435

including impact protection,

1348

01:14:05.895 --> 01:14:09.035

and this is in their NRA paragraph 9.9 0.24.

1349

01:14:09.855 --> 01:14:12.325

Um, they say that the cost benefit analysis meeting

1350

01:14:12.325 --> 01:14:14.645

discussed the potential to include impact protection,

1351

01:14:15.305 --> 01:14:17.245

and that appears to have been rejected.

1352

01:14:17.905 --> 01:14:22.365

Um, so just to, I suppose reiterate at the point that Mr.

1353

01:14:22.605 --> 01:14:26.925

Alvin has made, it wasn't just the finger peer,

1354

01:14:26.985 --> 01:14:29.805

and we need to understand in the way that you do

1355

01:14:30.105 --> 01:14:31.565

how those decisions were reached in

1356

01:14:31.685 --> 01:14:32.725

re respect of impact protection.

1357

01:14:33.855 --> 01:14:38.155

Thank you, Mr. Er. I am now going to move on

1358

01:14:38.155 --> 01:14:40.795

because, uh, that's one of many things

1359

01:14:40.795 --> 01:14:41.995

that we're gonna be covering this morning.

1360

01:14:42.855 --> 01:14:44.355

Um, in the,

1361

01:14:45.655 --> 01:14:50.635

Uh, Quite recent AS oh two seven,

1362

01:14:51.055 --> 01:14:54.355

um, notification report of proposed changes,

1363
01:14:57.425 --> 01:14:59.835
paragraph 2.31.

1364
01:15:01.375 --> 01:15:04.115
Uh, it says, uh, as at the date

1365
01:15:04.115 --> 01:15:06.075
of this proposed changes notification,

1366
01:15:06.215 --> 01:15:08.115
the duty holder has neither seen,

1367
01:15:08.735 --> 01:15:10.875
nor has it been presented with any information

1368
01:15:10.875 --> 01:15:12.795
or evidence that would suggest

1369
01:15:12.795 --> 01:15:15.035
that it should alter its original position.

1370
01:15:16.015 --> 01:15:20.875
Now, all I want to know here is the duty holder referred

1371
01:15:20.875 --> 01:15:22.035
to in that paragraph,

1372
01:15:25.175 --> 01:15:26.275
the master master,

1373
01:15:28.415 --> 01:15:31.115
or is it the has board

1374
01:15:36.725 --> 01:15:38.435
James Strom for the applicant's?

1375
01:15:38.435 --> 01:15:40.115
The latter. So it's the, it's the has board.

1376
01:15:40.265 --> 01:15:44.955

It's not, it's the duty holder of this, the,

1377

01:15:45.015 --> 01:15:46.435
the safety responsibilities.

1378

01:15:47.465 --> 01:15:51.435
Okay. And that speaks to another part of,

1379

01:15:53.455 --> 01:15:56.475
let me put it as con

1380

01:15:57.225 --> 01:16:00.275
partially con conflicting evidence that we have

1381

01:16:00.275 --> 01:16:03.995
before us that it at one point, the, uh,

1382

01:16:04.235 --> 01:16:06.515
Ingham Dock Master is a duty holder

1383

01:16:06.815 --> 01:16:09.195
for safety in certain respects.

1384

01:16:09.615 --> 01:16:12.835
And so I think it's gonna be very clear going forward in any

1385

01:16:13.195 --> 01:16:15.035
representations that we're absolutely clear

1386

01:16:16.095 --> 01:16:20.835
who we're talking about when, uh, for instance, uh,

1387

01:16:21.105 --> 01:16:22.595
paragraph 2.31.

1388

01:16:22.805 --> 01:16:23.995
Thank you for clarifying that.

1389

01:16:24.055 --> 01:16:25.795
But it's very, very important that we know

1390

01:16:25.795 --> 01:16:26.835
that we're talking about HaB0

1391

01:16:27.805 --> 01:16:28.915
James Strong for the applicant.

1392

01:16:28.935 --> 01:16:31.715
Say we agree, it's important to be clear as

1393

01:16:31.715 --> 01:16:36.155
to the relevant roles and duties under this safety regime.

1394

01:16:36.855 --> 01:16:40.595
Um, we have, I think we provided us, well, I know we've

1395

01:16:40.675 --> 01:16:44.315
provided a separate note which deals with the, the various

1396

01:16:45.495 --> 01:16:48.155
bodies, persons and how they interact.

1397

01:16:48.335 --> 01:16:51.595
And of course, this is a feature of the operation

1398

01:16:51.595 --> 01:16:53.715
of ports in, in the uk.

1399

01:16:53.745 --> 01:16:56.035
It's not confined to, to Dunbar. Yeah.

1400

01:16:56.165 --> 01:16:59.955
Thank you. So in the, um,

1401

01:17:00.555 --> 01:17:03.395
deadline six review of the IOT's, NRA,

1402

01:17:03.635 --> 01:17:05.355
I don't have this in front, in front of me at the moment.

1403

01:17:05.655 --> 01:17:10.125

In section 4.4 of, um,

1404

01:17:10.905 --> 01:17:14.765

the applicant's review of the IOTN, the, the reference

1405

01:17:14.785 --> 01:17:19.405

to the SHA here, is this meaning the SCNA

1406

01:17:20.225 --> 01:17:21.565

or the CHA,

1407

01:17:22.745 --> 01:17:25.605

or is it referring to Hasbro?

1408

01:17:27.825 --> 01:17:30.445

Who do we mean by the statutory auth Harbor authority?

1409

01:17:34.905 --> 01:17:37.805

So James TR0 for the applicant, I'm going

1410

01:17:37.805 --> 01:17:39.045

to suggest we,

1411

01:17:39.675 --> 01:17:42.645

because we have set this out in, in a document,

1412

01:17:42.785 --> 01:17:44.565

it is the statutory Harbor authority

1413

01:17:44.565 --> 01:17:46.245

that the SHA is referring to.

1414

01:17:46.945 --> 01:17:48.525

Um, I might just get up the,

1415

01:17:49.225 --> 01:17:50.405

I'm sorry, I'm gonna press notes.

1416

01:17:50.585 --> 01:17:52.005

I'm gonna press the question. The question

1417

01:17:52.545 --> 01:17:55.565

is statutory Harbor Authority when it's being referred

1418

01:17:55.565 --> 01:17:57.205

to in the applicant's own evidence?

1419

01:17:57.515 --> 01:18:00.045

Yeah. Is it referring to the HAS board

1420

01:18:01.225 --> 01:18:02.845

or is it referring to the SCNA?

1421

01:18:05.235 --> 01:18:08.305

Sorry, so the, The statutory Conserva Conservancy

1422

01:18:08.445 --> 01:18:09.785

and Navigation Authority,

1423

01:18:11.455 --> 01:18:12.545

It's the SCNA.

1424

01:18:12.565 --> 01:18:17.465

Yes. Sorry, I I it was the abbreviation. So apologies. My,

1425

01:18:18.285 --> 01:18:20.505

My understanding is the has water essentially act

1426

01:18:20.505 --> 01:18:23.825

as an audit function of all

1427

01:18:23.865 --> 01:18:25.945

of the ssha within the ABP group?

1428

01:18:27.165 --> 01:18:29.585

Is that a reasonable characterization? I'm gonna ask Mr.

1429

01:18:29.685 --> 01:18:32.065

To Captain McCartan directly on that.

1430

01:18:33.415 --> 01:18:36.385

Yeah. So the Harbor and Safety Board, uh, to act

1431

01:18:36.485 --> 01:18:41.025

as a governance body for all of our, uh, 22 s HHAs.

1432

01:18:42.165 --> 01:18:44.225

So my characterization is reasonable.

1433

01:18:44.225 --> 01:18:48.585

Is it that it's, it, it's essentially, uh, it's not the SHA

1434

01:18:49.125 --> 01:18:51.385

No, it's not the SA No, not acts

1435

01:18:51.385 --> 01:18:53.385

As governance for all of the S

1436

01:18:53.535 --> 01:18:54.535

HHAs. Right. Thank you for the

1437

01:18:54.535 --> 01:18:58.145

clarifi. Now, moving on, uh,

1438

01:18:59.445 --> 01:19:04.305

the origin of this examination, of course,

1439

01:19:04.405 --> 01:19:08.705

is the applicant's own NRA submitted with the application.

1440

01:19:09.845 --> 01:19:13.825

Um, there are various parts of this where we think we know

1441

01:19:13.825 --> 01:19:17.105

what it means, but the drafting remains ambiguous in,

1442

01:19:17.165 --> 01:19:18.265

in some parts.

1443

01:19:19.085 --> 01:19:21.305

Uh, can I have up on screen, um,

1444
01:19:22.605 --> 01:19:26.785
APP oh eight nine, the NRA sections 9.7

1445
01:19:27.045 --> 01:19:28.265
and 9.8,

1446
01:19:44.845 --> 01:19:46.305
and I'll be asking Mr.

1447
01:19:46.325 --> 01:19:49.145
Hannon to respond on, um, these points.

1448
01:19:54.325 --> 01:19:58.145
So if we could just skimm down within this, firstly

1449
01:19:58.205 --> 01:19:59.505
to table 32,

1450
01:20:09.705 --> 01:20:09.925
Mr.

1451
01:20:10.105 --> 01:20:14.565
Hannon. Um, these, I believe are,

1452
01:20:16.105 --> 01:20:20.445
if you like a sum, this is a table summarizing the, uh,

1453
01:20:21.025 --> 01:20:24.525
the, the risk outcomes assessed

1454
01:20:25.975 --> 01:20:28.845
after the October meetings.

1455
01:20:29.945 --> 01:20:31.005
Um, is that correct?

1456
01:20:33.145 --> 01:20:35.925
Uh, James Hannan, ABP, uh, that that's correct.

1457
01:20:36.625 --> 01:20:40.845

Now, these then correlates to the HAS

1458

01:20:41.385 --> 01:20:44.085

ID logs, which are appended

1459

01:20:44.205 --> 01:20:47.605

or annexed to this NRA, is that again, correct.

1460

01:20:48.815 --> 01:20:51.165

James had ABP mo? That's correct, sir. Thank you.

1461

01:20:51.945 --> 01:20:52.165

Now,

1462

01:20:57.345 --> 01:21:01.885

if we could scroll back up to paragraph 9.7 0.7, um,

1463

01:21:06.335 --> 01:21:06.965

there we go.

1464

01:21:09.665 --> 01:21:11.725

Rather than read it all, um,

1465

01:21:11.725 --> 01:21:14.325

there's one particular phrase in here which says,

1466

01:21:15.165 --> 01:21:18.765

I open quotes by considering the embedded risk outcome

1467

01:21:18.785 --> 01:21:22.285

and whether or not it was both tolerable toler tolerable

1468

01:21:22.505 --> 01:21:23.285

and op,

1469

01:21:24.345 --> 01:21:28.805

um, close quotes.

1470

01:21:29.065 --> 01:21:30.725

Now, the question here is

1471

01:21:31.545 --> 01:21:34.805

why is this paragraph not making clear what is embedded

1472

01:21:35.105 --> 01:21:37.205

and what is residual risk

1473

01:21:44.485 --> 01:21:46.605

considering the embedded risk outcome and whether

1474

01:21:46.625 --> 01:21:48.685

or not it was both tolerable and aop?

1475

01:21:51.525 --> 01:21:54.535

Because this is trying to summarize the position

1476

01:21:54.535 --> 01:21:56.375

after you've considered risk controls.

1477

01:21:56.805 --> 01:21:59.015

Therefore, why are we talking about embedded risk?

1478

01:22:11.385 --> 01:22:12.735

Let's leave, let's leave that

1479

01:22:12.735 --> 01:22:14.975

because I think that, um, it'll be helpful for you

1480

01:22:14.975 --> 01:22:17.175

to have time to think about that and come back to us.

1481

01:22:17.795 --> 01:22:19.615

Uh, it can come back to us in writing on that.

1482

01:22:19.705 --> 01:22:21.055

Could, I'm gonna be asking for,

1483

01:22:21.235 --> 01:22:22.655

for substantial clarification.

1484

01:22:23.195 --> 01:22:24.195

Um,

1485

01:22:24.465 --> 01:22:26.135
Could I, could I interject just

1486

01:22:26.215 --> 01:22:27.535
A second, just a moment. Mr. Yes,

1487

01:22:27.715 --> 01:22:28.715
I'm sorry, sir. Give

1488

01:22:28.715 --> 01:22:30.455
Mr. Hanen a chance to respond.

1489

01:22:31.555 --> 01:22:34.935
Yes. So, um, I'm, it, it's part of the two stage process.

1490

01:22:35.595 --> 01:22:38.255
Um, so it does consider the embedded and, and the,

1491

01:22:38.255 --> 01:22:40.535
and the controls that, that, that will be applied.

1492

01:22:41.315 --> 01:22:43.695
But I, I would like to take time to have a chat

1493

01:22:43.695 --> 01:22:45.495
with a colleague of mine to actually just get further

1494

01:22:45.495 --> 01:22:46.575
clarification and, and,

1495

01:22:46.635 --> 01:22:48.575
and give you the correct answer to this question.

1496

01:22:48.785 --> 01:22:50.775
Thank you, Mr. Hannon. Uh, Mr. Elvin

1497

01:22:51.345 --> 01:22:52.775
David Elvin for IOT.

1498

01:22:53.325 --> 01:22:57.815

Just, just by way of comparison, the DC0 application

1499

01:22:57.875 --> 01:23:01.855

for I get, which has just been accepted for examination,

1500

01:23:02.365 --> 01:23:06.365

does actually set the matters out with greater clarity

1501

01:23:06.915 --> 01:23:08.325

than has been done in this case.

1502

01:23:08.385 --> 01:23:10.245

And that is another ABP document

1503

01:23:10.865 --> 01:23:14.365

and ABP may wish to consider the comparison

1504

01:23:14.475 --> 01:23:16.005

with their latest application.

1505

01:23:17.625 --> 01:23:19.175

Thank you. Uh, I note the points

1506

01:23:19.195 --> 01:23:22.535

and pass it back to the applicant's team for consideration.

1507

01:23:22.795 --> 01:23:27.415

Now, um, moving to paragraph 9.81,

1508

01:23:27.915 --> 01:23:32.655

um, I see

1509

01:23:32.655 --> 01:23:34.335

neither 9.81

1510

01:23:34.635 --> 01:23:39.175

nor table 32 explicitly reference the, uh, the,

1511

01:23:39.195 --> 01:23:42.335

the narrative that's given later on, uh,

1512

01:23:43.075 --> 01:23:46.175

on applicable risk controls, which are agreed

1513

01:23:46.175 --> 01:23:48.975

to be necessary for each resi residual risk

1514

01:23:49.195 --> 01:23:50.655

to be considered a up.

1515

01:23:50.995 --> 01:23:52.815

Um, let's move on to 9.9.

1516

01:23:53.035 --> 01:23:57.895

Now, section 9.9 is really

1517

01:23:58.345 --> 01:23:59.735

where it's all brought together,

1518

01:24:01.595 --> 01:24:05.175

but the section 9.8

1519

01:24:05.205 --> 01:24:06.935

9.9 just don't connect.

1520

01:24:08.315 --> 01:24:10.775

Uh, I'm just gonna say that there are some other, uh,

1521

01:24:10.775 --> 01:24:11.975

proofreading oversights.

1522

01:24:12.075 --> 01:24:16.935

Um, end of paragraph 9.7 0.7, uh, refers to, uh, uh,

1523

01:24:17.065 --> 01:24:21.935

annex zero, uh, um, 9.81

1524

01:24:22.805 --> 01:24:26.415

says, aforementioned analysis of cost benefit analysis

1525

01:24:26.755 --> 01:24:28.175
of the potential controls.

1526

01:24:28.555 --> 01:24:33.015
Um, I don't understand that that, uh, phrase at all.

1527

01:24:33.515 --> 01:24:35.415
Um, 9.81.

1528

01:24:35.485 --> 01:24:37.695
This is followed by discussion on the applied controls

1529

01:24:37.695 --> 01:24:39.975
to identify scenarios where outcomes differ from,

1530

01:24:39.975 --> 01:24:41.295
from the potential risk outcomes.

1531

01:24:42.805 --> 01:24:45.495
What I'm saying in this is that

1532

01:24:47.475 --> 01:24:48.935
I'm going to ask the applicant

1533

01:24:49.395 --> 01:24:53.215
to really look very closely at the drafting of,

1534

01:24:53.835 --> 01:24:56.815
in particular nine, 9.7, 9.8,

1535

01:24:56.835 --> 01:25:01.095
and 9.9 in the NRA and resubmit

1536

01:25:01.825 --> 01:25:05.135
after editing, so that it is clear

1537

01:25:05.195 --> 01:25:08.695
and Coherent exactly

1538

01:25:08.725 --> 01:25:11.255

what point is being made in each of those sections

1539

01:25:14.425 --> 01:25:18.405

and submit that at deadline seven at at the latest.

1540

01:25:22.065 --> 01:25:26.285

I'm also going to ask if you would please add as annexes

1541

01:25:26.345 --> 01:25:29.245

to the RISE submission so that we have it all in one place.

1542

01:25:30.185 --> 01:25:34.805

The, um, the

1543

01:25:35.005 --> 01:25:38.885

following, uh, the briefing paper for the has B

1544

01:25:39.025 --> 01:25:43.645

of December, 2022, that's the input paper to

1545

01:25:43.645 --> 01:25:47.045

that has board, which is very clear

1546

01:25:47.465 --> 01:25:49.165

on the position reached.

1547

01:25:49.595 --> 01:25:52.685

It's, uh, I now intended to

1548

01:25:53.465 --> 01:25:56.485

sit alongside the NRA, which I believe was also submitted

1549

01:25:56.485 --> 01:26:00.485

to the House board, but it's been a great deal of help

1550

01:26:00.505 --> 01:26:01.765

to us in the examination

1551

01:26:04.065 --> 01:26:08.685

and also appended the minutes of the December 22 house board

1552

01:26:09.995 --> 01:26:11.645

that have been submitted to the examination

1553

01:26:13.665 --> 01:26:16.285

and the applicant's reviews of the IOT

1554

01:26:16.285 --> 01:26:20.045

and DFDS nras, again, both very useful documents.

1555

01:26:20.465 --> 01:26:23.885

So then we have together within a single

1556

01:26:25.695 --> 01:26:30.575

document collection as a revised NRA, a coherent

1557

01:26:32.145 --> 01:26:33.455

collection of the evidence

1558

01:26:38.045 --> 01:26:41.745

and moving on to a few other miscellaneous matters that, uh,

1559

01:26:41.885 --> 01:26:46.345

remain unclear to at least the xa.

1560

01:26:47.605 --> 01:26:51.825

Um, we've had substantial evidence

1561

01:26:52.925 --> 01:26:56.585

of the independence of the ABA Master Humber from the

1562

01:26:57.455 --> 01:27:01.585

project T separate, complete from the project team,

1563

01:27:02.245 --> 01:27:05.025

um, But also

1564

01:27:05.095 --> 01:27:08.585

that has b is the duty holder in terms of safety.

1565

01:27:09.885 --> 01:27:13.905

Um, what we really want to pursue is

1566

01:27:13.905 --> 01:27:16.265

how is the Harbor Muster Humber

1567

01:27:16.935 --> 01:27:19.905

independent impractical rather than legal terms.

1568

01:27:20.005 --> 01:27:23.945

The legal separation of roles is clear in practical terms,

1569

01:27:24.695 --> 01:27:25.985

line management is shared.

1570

01:27:28.765 --> 01:27:30.425

Um, Ms.

1571

01:27:30.425 --> 01:27:32.945

Hutton, I dunno how you want to address this,

1572

01:27:32.945 --> 01:27:34.545

this is something you'd like to respond on.

1573

01:27:34.545 --> 01:27:36.265

First of all, pass to Captain Ferman.

1574

01:27:36.765 --> 01:27:39.305

Um, well, so I would, I would like to respond at first.

1575

01:27:39.885 --> 01:27:42.465

Um, the first point is it it, sorry, Ms.

1576

01:27:42.465 --> 01:27:44.705

Hutton for the Harbor Master of the Humber.

1577

01:27:45.965 --> 01:27:49.665

So it is a false exercise to entirely, uh, separate

1578

01:27:49.815 --> 01:27:52.545

what is said to be legal and practical issues.

1579

01:27:53.525 --> 01:27:57.025

The reason for that is the Harbor Master has very clear

1580

01:27:57.575 --> 01:28:00.905

statutory duties which relate to his responsibility

1581

01:28:01.085 --> 01:28:02.345

for safety on the Humber.

1582

01:28:03.655 --> 01:28:05.625

That is clear, that is separate.

1583

01:28:06.165 --> 01:28:09.345

Um, and, and they are his duties alone.

1584

01:28:10.685 --> 01:28:14.745

He exercises those duties Without,

1585

01:28:15.485 --> 01:28:19.225

uh, fear favor without um,

1586

01:28:20.235 --> 01:28:22.745

being, his views being colored by the particular applicant.

1587

01:28:22.845 --> 01:28:25.225

And we are well aware of the number

1588

01:28:25.225 --> 01:28:29.225

of allegations being made by other parties to this inquiry.

1589

01:28:30.005 --> 01:28:34.185

Now, it can be noted, they do not go so far as

1590

01:28:34.285 --> 01:28:35.345

to allege

1591

01:28:35.855 --> 01:28:38.985

that the Harbor master is not carrying out his duties

1592

01:28:39.205 --> 01:28:41.105

of responsibility for safety on the Humber.

1593

01:28:41.765 --> 01:28:44.505

And that is, but there, but there are insinuations made,

1594

01:28:44.505 --> 01:28:48.345

and I think people need to be, um, very careful

1595

01:28:48.485 --> 01:28:50.985

and back up any insinuations with evidence.

1596

01:28:51.005 --> 01:28:52.785

We haven't seen any evidence.

1597

01:28:52.975 --> 01:28:55.985

It's frankly, at the moment it is mud slinging,

1598

01:28:56.125 --> 01:28:57.225

uh, at the Haber master.

1599

01:28:57.685 --> 01:28:59.225

So that's the first point that there is

1600

01:28:59.905 --> 01:29:01.445

a legal duty on the Hubber master,

1601

01:29:01.445 --> 01:29:04.085

which he has carried out his responses to you

1602

01:29:04.745 --> 01:29:06.885

are within that context.

1603

01:29:08.145 --> 01:29:11.005

Um, and so really we say that is,

1604

01:29:12.235 --> 01:29:16.485

that is the protection that he has that duty, uh,

1605

01:29:16.505 --> 01:29:18.605

as we've set out in recent submissions to you.

1606

01:29:19.105 --> 01:29:22.085

Of course, he was subject, um, he could be subject

1607

01:29:22.145 --> 01:29:25.565

to judicial review challenge, uh, in relation

1608

01:29:25.625 --> 01:29:27.525

to the exercise of that function.

1609

01:29:28.145 --> 01:29:32.205

So as far as he's concerned, um, that is the position.

1610

01:29:33.095 --> 01:29:35.685

There may be other questions, uh, you have about other

1611

01:29:36.245 --> 01:29:37.565

arrangements and parties,

1612

01:29:37.665 --> 01:29:39.805

but that's not a matter for the Harbor Master.

1613

01:29:44.885 --> 01:29:46.485

I think it's, it's absolutely right

1614

01:29:46.485 --> 01:29:49.885

that you address the point that certain, uh,

1615

01:29:51.505 --> 01:29:53.765

doubts have been raised by ipss.

1616

01:29:54.105 --> 01:29:57.605

Um, I think it, it would be wrong to pass

1617

01:29:57.605 --> 01:30:01.325

through this morning without, uh, having time to, to, uh,

1618

01:30:01.645 --> 01:30:03.325

a give you the opportunity to respond.

1619

01:30:03.545 --> 01:30:06.325

But, uh, if necessary for the ips

1620

01:30:06.325 --> 01:30:10.725

to follow up their concerns in, in, in detail, um, it's,

1621

01:30:11.395 --> 01:30:14.685

it's important that we are able to report to the Secretary

1622

01:30:14.685 --> 01:30:19.645

of State very clearly, uh, of our opinion, uh, on, on on

1623

01:30:20.585 --> 01:30:23.205

the evidence that's been put for us.

1624

01:30:24.185 --> 01:30:25.165

Um, now

1625

01:30:32.165 --> 01:30:36.405

I think we'll pass on the moment to looking at, uh,

1626

01:30:36.665 --> 01:30:38.205

the next question I have here.

1627

01:31:35.295 --> 01:31:37.355

Uh, Mr. Goul has got a particular question

1628

01:31:37.355 --> 01:31:38.835

that I would like him to ask.

1629

01:31:41.355 --> 01:31:43.155

I I think it's gonna assist the

1630

01:31:43.675 --> 01:31:46.035

examining authority when we come to report in particular.

1631

01:31:47.135 --> 01:31:50.835

And, um, we're potentially having to direct the Secretary

1632

01:31:50.835 --> 01:31:54.435

of State to, um, the various bits of legislation

1633

01:31:54.435 --> 01:31:55.835
and who's wearing what hats

1634

01:31:55.835 --> 01:31:59.725
and how, if we can have a note, um, now

1635

01:32:01.235 --> 01:32:06.005
that clearly sets out what the, in terms of this project

1636

01:32:06.585 --> 01:32:08.845
and the decision making, um,

1637

01:32:09.305 --> 01:32:14.045
and if a, a scheme, um, ADC0 is made

1638

01:32:14.345 --> 01:32:17.285
and the scheme is implemented as to

1639

01:32:18.915 --> 01:32:21.405
what role, well, what, um,

1640

01:32:23.445 --> 01:32:27.645
functions Harbor Master Humber, for instance, would, uh,

1641

01:32:28.945 --> 01:32:32.325
be required to follow in terms of the various bits

1642

01:32:32.325 --> 01:32:34.205
of legislation, um,

1643

01:32:35.515 --> 01:32:39.485
wearing whichever hats he has to wear in, in improving this

1644

01:32:40.025 --> 01:32:41.245
or recommending on that.

1645

01:32:42.035 --> 01:32:45.965
Similarly, for the applicant, the other bits of the jigsaw

1646

01:32:45.995 --> 01:32:50.325

that it's, um, having to wear in its, um, capacity

1647

01:32:50.545 --> 01:32:55.365

as say, uh, the dot master, um, as a ary harbor authority

1648

01:32:55.705 --> 01:32:58.485

for Immingham, so that we can clearly understand,

1649

01:32:58.485 --> 01:33:01.325

and it's in one little document, one little,

1650

01:33:01.625 --> 01:33:04.285

it might make not quite so little, um,

1651

01:33:04.425 --> 01:33:07.205

but in terms of there's a scheme,

1652

01:33:07.205 --> 01:33:09.045

something's gotta get built, uh,

1653

01:33:09.185 --> 01:33:13.125

and precisely who's wearing what hats

1654

01:33:13.985 --> 01:33:16.325

in, in terms of ultimately authorizations

1655

01:33:16.505 --> 01:33:20.845

and who's consulting who, um, is that something

1656

01:33:21.235 --> 01:33:23.605

that either one other

1657

01:33:23.705 --> 01:33:26.165

or both con jointly prepare Ms. Hutton?

1658

01:33:26.785 --> 01:33:30.405

So, uh, Ms. Hutton for the Harbor Master? Absolutely.

1659

01:33:30.945 --> 01:33:35.565

And, and, uh, the point that we will be making is

1660

01:33:35.565 --> 01:33:38.565

that the role played by the Harbor Master in this project is

1661

01:33:38.585 --> 01:33:41.285

no different to any other project on the Humber.

1662

01:33:41.285 --> 01:33:44.085

And if we can help you with examples that might,

1663

01:33:44.355 --> 01:33:45.485

that might well assist.

1664

01:33:46.025 --> 01:33:48.685

So may, may I just add, of course, there have been, um,

1665

01:33:49.895 --> 01:33:54.285

particular allegations made by, uh, for example, DFDS,

1666

01:33:54.905 --> 01:33:56.045

uh, and IOT.

1667

01:33:56.515 --> 01:33:58.645

What I'm going to suggest is we simply respond

1668

01:33:58.645 --> 01:34:03.005

to those in writing, um, rather than taking up part, I,

1669

01:34:03.205 --> 01:34:05.565

I can give you detailed submissions on every single point

1670

01:34:05.635 --> 01:34:07.765

made, but I don't think that's going to be useful,

1671

01:34:08.345 --> 01:34:09.725

uh, use of your time.

1672

01:34:09.865 --> 01:34:11.365

But if you would like it, I'm very happy

1673

01:34:11.425 --> 01:34:13.045

to give you detailed submissions on

1674

01:34:13.295 --> 01:34:14.925

particular allegations made.

1675

01:34:15.865 --> 01:34:19.045

So can I just, if, if I might intervene, Ms.

1676

01:34:19.045 --> 01:34:21.285

Hutton's, sorry, David Elvin Variety. Ms.

1677

01:34:21.285 --> 01:34:23.125

Hutton has misunderstood what's being said.

1678

01:34:23.705 --> 01:34:26.645

Our concern is about a lack of structural independence

1679

01:34:27.145 --> 01:34:29.725

and if there are adjudications to be made,

1680

01:34:30.395 --> 01:34:34.285

then we are concerned that they are undertaken independently

1681

01:34:34.775 --> 01:34:39.285

where there is a dispute, there are no specific allegations,

1682

01:34:39.645 --> 01:34:42.285

whatever she means by that, it's simply, it's a lack

1683

01:34:42.285 --> 01:34:46.285

of structural independence, which is underlined forcibly

1684

01:34:46.425 --> 01:34:50.125

by the note you already have at Rec 1 0 14,

1685

01:34:50.575 --> 01:34:53.165

which sets out in a more broad way the sort

1686

01:34:53.165 --> 01:34:54.485

of information you've asked for,

1687

01:34:54.485 --> 01:34:56.885

but it doesn't focus on the specific issues you asked

1688

01:34:56.885 --> 01:34:57.885

For. For I certainly

1689

01:34:57.885 --> 01:35:00.365

the note that I think we would usually

1690

01:35:00.915 --> 01:35:04.165

receive will help take us one step further from

1691

01:35:04.165 --> 01:35:07.045

that initial note, because that does set out

1692

01:35:07.105 --> 01:35:08.205

who all the players are,

1693

01:35:08.265 --> 01:35:10.805

but it doesn't quite explain, um,

1694

01:35:11.025 --> 01:35:13.845

how they then fulfill their functions in the context

1695

01:35:14.145 --> 01:35:15.205

of this project.

1696

01:35:16.185 --> 01:35:20.045

Um, which I think was quite rightly alluded to in that note,

1697

01:35:20.465 --> 01:35:23.885

the co there, there is a lot of complexity in there, um,

1698

01:35:23.955 --> 01:35:26.125

just because of the way that there are various bits

1699

01:35:26.125 --> 01:35:30.365

of legislation that have come together over centering a bit,

1700

01:35:30.585 --> 01:35:34.005

um, and they're not all necessarily uniquely dealing

1701

01:35:34.115 --> 01:35:35.125

with things in the way

1702

01:35:35.125 --> 01:35:37.765

that modern day legislation might deal with things

1703

01:35:37.765 --> 01:35:40.725

that make it more straightforward for people who are not

1704

01:35:40.725 --> 01:35:45.605

so fa familiar with navigation legislation, um, uh, to,

1705

01:35:45.625 --> 01:35:46.885

to, to get to grips with.

1706

01:35:48.495 --> 01:35:52.845

Thank you. Sorry, I was just going to add,

1707

01:35:52.855 --> 01:35:54.285

sorry, I don't wanna interrupt you.

1708

01:35:54.285 --> 01:35:58.835

So I think the only reason I'm coming in is I think you,

1709

01:35:58.845 --> 01:35:59.875

James Strong, the applicant.

1710

01:35:59.915 --> 01:36:02.355

I think you're asking us, you, you you phrased it

1711

01:36:02.355 --> 01:36:05.355

to Ms. Sutton and or the applicant and we're content.

1712

01:36:05.575 --> 01:36:09.035

I'm just confirming we are content to do the same. Sorry, we

1713

01:36:09.035 --> 01:36:10.795

Don't really mind how it arrives,

1714

01:36:11.175 --> 01:36:13.795

but, um, it would be useful

1715

01:36:14.055 --> 01:36:17.355

and it might well be that it would be a useful joint note so

1716

01:36:17.355 --> 01:36:18.555

that nothing gets missed

1717

01:36:19.105 --> 01:36:22.275

because, um, having sort of lived with some

1718

01:36:22.275 --> 01:36:24.235

of this legislation now for the last six months,

1719

01:36:24.235 --> 01:36:25.955

there are some quirky bits and pieces in there

1720

01:36:26.215 --> 01:36:28.995

and it would be easy for something to be missed.

1721

01:36:29.335 --> 01:36:31.915

Um, just because of the nature of it.

1722

01:36:31.945 --> 01:36:34.235

It's quite amorphous legislation,

1723

01:36:34.725 --> 01:36:37.235

James, the applicant, happy to do it jointly, but

1724

01:36:37.675 --> 01:36:40.635

whenever that sort of thing's been done jointly, it's led to

1725

01:36:41.485 --> 01:36:43.235

criticisms of lack of independence

1726

01:36:43.415 --> 01:36:46.515

and uh, that seems to be, uh, unhelpful

1727

01:36:46.575 --> 01:36:49.035

and when, when those criticisms are made, we,

1728

01:36:49.215 --> 01:36:52.555

but I can see the benefit in, in both of us,

1729

01:36:53.095 --> 01:36:55.475

I'm Sure ensuring that the correct legislation and

1730

01:36:55.615 --> 01:36:57.435

and authorizations are pointed out for you.

1731

01:36:57.575 --> 01:37:00.315

I'm sure that all parties to this examination would,

1732

01:37:00.315 --> 01:37:02.875

would understand the spirit in which it's been requested.

1733

01:37:03.495 --> 01:37:05.395

If there were for any reason

1734

01:37:06.455 --> 01:37:08.955

and we, we would hope it would not be the case there were a

1735

01:37:08.955 --> 01:37:11.555

glaring error, then no doubt one

1736

01:37:11.555 --> 01:37:14.195

of the parties would draw it, um, to everybody's attention.

1737

01:37:14.935 --> 01:37:17.595

Um, but that would hopefully be in the spirit

1738

01:37:17.615 --> 01:37:20.155

of being helpful rather than being unhelpful

1739

01:37:20.185 --> 01:37:21.355

because this is a request

1740

01:37:21.355 --> 01:37:23.355

that's coming from the examining authority to try

1741

01:37:23.355 --> 01:37:25.915
and help us unpick some of this

1742

01:37:26.055 --> 01:37:28.395
and be able to report on it in a sensible way

1743

01:37:28.705 --> 01:37:32.395
that doesn't require us perhaps to spend paragraph

1744

01:37:32.395 --> 01:37:35.955
after paragraph trying to deal with some quite, uh,

1745

01:37:35.955 --> 01:37:37.195
difficult bits and pieces.

1746

01:37:37.465 --> 01:37:39.395
Whereas if we've got a core reference document,

1747

01:37:39.395 --> 01:37:42.315
we can very quickly just cross refer to it, um,

1748

01:37:42.375 --> 01:37:44.435
and highlight the bits where we think there,

1749

01:37:44.445 --> 01:37:46.835
there may be issues that need particularly

1750

01:37:46.835 --> 01:37:48.115
to be explored in our report.

1751

01:37:58.165 --> 01:38:00.065
So that I think will be an action.

1752

01:38:00.125 --> 01:38:04.025
It sounds like it may well be a joint action between, um,

1753

01:38:04.025 --> 01:38:05.265
applicant and Harbor Master.

1754

01:38:05.685 --> 01:38:07.945

Uh, um,

1755

01:38:08.485 --> 01:38:12.745

and we probably would like it as soon as possible.

1756

01:38:13.385 --> 01:38:15.225

IE next deadline if it's at all possible,

1757

01:38:15.485 --> 01:38:16.665

um, to get it produced in.

1758

01:38:16.665 --> 01:38:17.785

That's timescale must be

1759

01:38:17.945 --> 01:38:18.945

Deadlines. Yeah.

1760

01:38:18.945 --> 01:38:21.105

Yes, it must be deadline seven.

1761

01:38:22.005 --> 01:38:25.345

Um, I know that we're probably all eager for a break,

1762

01:38:25.485 --> 01:38:27.785

but there is a thread of questioning here and Mr.

1763

01:38:28.065 --> 01:38:29.345

Vin and I sense Ms.

1764

01:38:29.545 --> 01:38:32.585

Taffer also, uh, are impatient to to,

1765

01:38:32.685 --> 01:38:34.545

to come back with comments.

1766

01:38:35.085 --> 01:38:39.505

But, um, I would like to pursue a line of questioning here,

1767

01:38:39.635 --> 01:38:42.225

which I think actually is, uh, congruent

1768
01:38:42.225 --> 01:38:43.865
with the point that you've made Mr.

1769
01:38:44.025 --> 01:38:48.705
Ravin, uh, in relation to the proposed iet,

1770
01:38:49.765 --> 01:38:53.745
um, and the provisions

1771
01:38:53.745 --> 01:38:55.865
of the Port Marine Safety Code.

1772
01:38:56.845 --> 01:38:59.145
Who exactly is the relevant SHA,

1773
01:39:01.845 --> 01:39:05.665
is it the port of view or is it the SCNA?

1774
01:39:07.175 --> 01:39:08.745
Firstly, uh, let me pass

1775
01:39:08.925 --> 01:39:11.185
to the H Harbor Master Numbers team,

1776
01:39:12.605 --> 01:39:14.665
Uh, Victoria Hatten for the Harbor Master.

1777
01:39:15.045 --> 01:39:17.585
Um, yes, it is the Port of Ingham,

1778
01:39:18.045 --> 01:39:20.825
but of course, I think as we have explained in our note the

1779
01:39:21.055 --> 01:39:24.745
well previous representations there is collaborative working

1780
01:39:24.775 --> 01:39:26.745
between the Dock Master and the Harbor Master.

1781
01:39:27.885 --> 01:39:32.585

So in the pilotage function of the, of the,

1782

01:39:33.205 --> 01:39:35.545

uh, Harbor Master, um,

1783

01:39:36.435 --> 01:39:39.545

there are particular duties in relation to safety.

1784

01:39:39.565 --> 01:39:41.705

And so that requires an overlapping

1785

01:39:42.365 --> 01:39:45.465

and collaborative approach between the two.

1786

01:39:45.875 --> 01:39:46.905

Understood, thank you.

1787

01:39:47.885 --> 01:39:49.185

Oh, yes, and there is of course a

1788

01:39:49.185 --> 01:39:50.305

statutory overlap as well.

1789

01:39:51.835 --> 01:39:54.345

Thank you. So if I might just interject,

1790

01:39:54.485 --> 01:39:58.345

we thought pilotage was ACHA function, not an SHA function

1791

01:40:00.005 --> 01:40:02.905

That's sorry, When I Yes, that is correct.

1792

01:40:06.355 --> 01:40:10.705

Thank you. The thread of questioning continues with, um,

1793

01:40:11.715 --> 01:40:14.625

we've had a lot of risk assessment work carried out

1794

01:40:14.625 --> 01:40:16.345

during the course of this examination.

1795

01:40:17.645 --> 01:40:20.345

Um, some of it compromised by time.

1796

01:40:22.285 --> 01:40:24.385

Um, some of it may still be ongoing.

1797

01:40:24.445 --> 01:40:26.505

I'd rather hope it's still ongoing, um,

1798

01:40:26.505 --> 01:40:29.065

because the, uh, the, the changes

1799

01:40:29.065 --> 01:40:31.905

that we'll be discussing later on in this, uh, this hearing,

1800

01:40:32.765 --> 01:40:35.025

uh, are of great significance.

1801

01:40:35.965 --> 01:40:38.585

Now. How will

1802

01:40:38.695 --> 01:40:42.425

that risk assessment work be considered in due course

1803

01:40:44.125 --> 01:40:48.105

and subsequently applied to a

1804

01:40:49.005 --> 01:40:51.225

safety management system for the Port of Ingham?

1805

01:40:52.005 --> 01:40:56.045

Um, so which body finalizes

1806

01:40:56.045 --> 01:40:57.325

that safety management system?

1807

01:40:59.385 --> 01:41:04.205

Is it the SCNA or is it the Port of Ingham?

1808

01:41:04.565 --> 01:41:05.565

SHA,

1809

01:41:19.735 --> 01:41:20.735

Sir. Good morning. Paul

1810

01:41:20.735 --> 01:41:22.355

Bristow for ABP.

1811

01:41:23.455 --> 01:41:26.835

Um, the operating manual for

1812

01:41:27.575 --> 01:41:32.155

the future Iert terminal will be part of the

1813

01:41:33.315 --> 01:41:37.035

Ingham Uhhas accountability.

1814

01:41:37.615 --> 01:41:40.835

So the, the, the final sign off on the document itself

1815

01:41:41.345 --> 01:41:43.035

will be by the Dock Master Humber.

1816

01:41:44.175 --> 01:41:48.955

The process by which you arrive at the content

1817

01:41:49.295 --> 01:41:52.755

of that document is a highly collaborative process

1818

01:41:53.345 --> 01:41:57.635

involving, uh, absolute close liaison

1819

01:41:57.745 --> 01:42:00.635

with the Harbor Master Humber to arrive at the content.

1820

01:42:07.565 --> 01:42:08.875

Thank you. That's very clear.

1821

01:42:12.995 --> 01:42:17.095

And which body determines the acceptability of risks subject

1822
01:42:17.195 --> 01:42:18.815
to applied controls?

1823
01:42:20.155 --> 01:42:22.575
Um, Commodore Bristo, I think perhaps the best person

1824
01:42:22.575 --> 01:42:23.575
to answer I

1825
01:42:28.555 --> 01:42:30.975
Served, um, Paul Ow for ABP,

1826
01:42:32.595 --> 01:42:36.575
the ultimate duty holder is the Harbor Authority

1827
01:42:36.595 --> 01:42:40.615
and Safety Board, but the advice presented to

1828
01:42:40.615 --> 01:42:44.175
that would come up through the Port of Ingham, SHA

1829
01:42:44.395 --> 01:42:48.935
and if necessary, the, uh, harbor master as the Humber,

1830
01:42:49.455 --> 01:42:51.135
SHA and CHA,

1831
01:42:52.235 --> 01:42:56.295
but the ultimate duty holder is the, uh, Harbor Authority

1832
01:42:56.295 --> 01:43:00.975
and Safety Board, but requiring advice from the

1833
01:43:01.545 --> 01:43:03.095
local regional team.

1834
01:43:04.875 --> 01:43:08.335
So is it right to characterize this

1835
01:43:08.595 --> 01:43:13.055

as being a progressive function that the

1836

01:43:14.565 --> 01:43:19.255

Dock Masters team for the Port of Ingham, SHA, have

1837

01:43:19.255 --> 01:43:23.895

to determine their comfort with the acceptability of risks?

1838

01:43:24.835 --> 01:43:29.615

And that is then reviewed by the Harbor Master Humber with,

1839

01:43:30.315 --> 01:43:33.255

to a certain extent overlapping jurisdiction

1840

01:43:34.035 --> 01:43:37.575

and going through the, the, the, the Marine team,

1841

01:43:38.355 --> 01:43:41.295

but basically, essentially through the line

1842

01:43:43.915 --> 01:43:46.455

up to the has board to agree

1843

01:43:46.455 --> 01:43:48.495

or disagree on the acceptability of risks?

1844

01:43:48.555 --> 01:43:52.485

Is that the right, um, understanding of what you told us?

1845

01:43:55.585 --> 01:43:57.845

So Paul Risto for ABP? Yes, that is correct.

1846

01:43:58.025 --> 01:43:59.245

Uh, the, um,

1847

01:44:00.025 --> 01:44:03.805

and indeed the evolution of any operational controls,

1848

01:44:03.815 --> 01:44:06.965

which is happening as we speak at various other terminals

1849

01:44:06.965 --> 01:44:11.805

and various other parts of the Humber, is also, is equally

1850

01:44:11.995 --> 01:44:15.885

that collaboration between the Dock Master is the SHA

1851

01:44:16.145 --> 01:44:17.645

for the four ports that we operate

1852

01:44:18.155 --> 01:44:19.885

with the Harbor Master Humber.

1853

01:44:19.905 --> 01:44:21.925

So it is a collaborative approach.

1854

01:44:22.425 --> 01:44:26.325

We then understand whether something requires a final sign

1855

01:44:26.325 --> 01:44:29.245

off by the Harbor Master, if it's pertaining to the river

1856

01:44:30.305 --> 01:44:33.365

or by the Dock Master if it's pertaining to the port.

1857

01:44:33.785 --> 01:44:36.165

All of this, of course, laid down in the, the,

1858

01:44:36.185 --> 01:44:37.445

the legislation that Ms.

1859

01:44:37.445 --> 01:44:39.045

Hutton was describing earlier.

1860

01:44:41.195 --> 01:44:43.485

Okay, Ms. Hutton.

1861

01:44:43.785 --> 01:44:46.205

So, uh, thank you, sir. Ms. Hutton for the Harbor Master.

1862

01:44:46.985 --> 01:44:50.005

Um, what is important to note is,

1863

01:44:50.105 --> 01:44:52.805

and we don't envisage this ever occurring,

1864

01:44:53.345 --> 01:44:55.285

but if it did occur that the Harbor Master

1865

01:44:55.845 --> 01:45:00.285

independently reached a view that something was unsafe, um,

1866

01:45:00.555 --> 01:45:03.845

then he would not allow his pilots, uh,

1867

01:45:03.985 --> 01:45:07.885

to conduct those maneuvers or whatever the issue is,

1868

01:45:07.985 --> 01:45:11.765

and indeed could put conditions on p

1869

01:45:12.295 --> 01:45:14.805

pilot exemption certificates in order

1870

01:45:14.905 --> 01:45:17.725

to achieve whatever the relevant requirements were.

1871

01:45:17.985 --> 01:45:20.765

He also has the power to issue special directions.

1872

01:45:21.505 --> 01:45:23.485

So there is another layer to this

1873

01:45:23.685 --> 01:45:26.485

that if there were a differing of opinions, which again,

1874

01:45:26.485 --> 01:45:29.805

because of the collaborative process isn't envisaged, um,

1875

01:45:29.895 --> 01:45:34.045

there is an additional layer that the Harbor Master is able

1876

01:45:34.065 --> 01:45:36.885

to, um, and would be prepared to implement.

1877

01:45:38.135 --> 01:45:39.405

Thank you. That that is helpful

1878

01:45:39.465 --> 01:45:41.965

and it actually anticipates the next question.

1879

01:45:42.025 --> 01:45:46.125

You can perhaps see the line of travel here, uh, which comes

1880

01:45:46.125 --> 01:45:49.565

to the protective provisions for the, uh, the SCNA.

1881

01:45:50.465 --> 01:45:54.925

And whilst I know that we may well be coming back

1882

01:45:55.025 --> 01:45:59.525

to the PPS in detail at the next hearing, um,

1883

01:45:59.525 --> 01:46:04.125

just in general terms, here are the protective provisions

1884

01:46:04.425 --> 01:46:09.205

as drafted enough to enable the SCNA

1885

01:46:09.785 --> 01:46:14.245

to effectively overrule any direction of the HaB0?

1886

01:46:16.865 --> 01:46:19.045

So the, uh, Victoria Aden for the Harbor Master,

1887

01:46:19.545 --> 01:46:20.765

the short answer is yes,

1888

01:46:21.385 --> 01:46:24.685

and I I think it's gonna be helpful to provide, uh,

1889

01:46:24.805 --> 01:46:25.925

a written answer to that

1890

01:46:25.925 --> 01:46:29.365

because it all relates to what legislation is discipli

1891

01:46:29.365 --> 01:46:30.645

and what isn't Discipli.

1892

01:46:30.825 --> 01:46:34.445

Yes. So for example, uh, special directions, powers remain,

1893

01:46:35.465 --> 01:46:37.885

um, and that would be, uh,

1894

01:46:37.985 --> 01:46:40.565

one element equally the pilotage function remains

1895

01:46:40.585 --> 01:46:42.405

and all of the legislation around that.

1896

01:46:42.635 --> 01:46:45.085

Yeah. So the short answer is yes, thank

1897

01:46:45.085 --> 01:46:46.085

You.

1898

01:46:46.705 --> 01:46:50.365

Um, it, it is an op, there is an opportunity obviously for,

1899

01:46:50.505 --> 01:46:54.725

um, the, the subject to come back, uh, in the context

1900

01:46:54.945 --> 01:46:58.285

of the drafting of the, of, of the DC0, the next hearing.

1901

01:46:58.385 --> 01:47:00.245

But let's pass on that for the moment.

1902

01:47:01.305 --> 01:47:04.045

Um, if there should be a disagreement,

1903

01:47:06.715 --> 01:47:09.845

does the Harbor Master Hamer have a recourse

1904

01:47:09.905 --> 01:47:10.965

to an outside body?

1905

01:47:11.385 --> 01:47:12.565

Um, in,

1906

01:47:12.785 --> 01:47:17.405

at the moment arbitration under the draft DCO is, uh,

1907

01:47:17.585 --> 01:47:19.365

either by agreement

1908

01:47:20.065 --> 01:47:21.445

or by reference to the President

1909

01:47:21.445 --> 01:47:23.045

of the Institute of Civil Engineers.

1910

01:47:25.265 --> 01:47:26.925

Uh, I'd like you to consider

1911

01:47:26.925 --> 01:47:29.125

before the next hearing whether that is sufficient

1912

01:47:29.825 --> 01:47:34.045

or whether there is the, there isn't any, uh,

1913

01:47:34.415 --> 01:47:37.165

value in there being a provision for arbitration

1914

01:47:37.385 --> 01:47:38.965

by some other body.

1915

01:47:39.305 --> 01:47:41.005

And I'm thinking for instance, the MCA

1916

01:47:42.705 --> 01:47:44.485

or the Secretary of State Transport,

1917

01:47:44.585 --> 01:47:46.445

but delegated terms, yeah,

1918

01:47:48.165 --> 01:47:49.165

Victoria. Victoria Hutton

1919

01:47:49.165 --> 01:47:51.205

for the, so can we take that away?

1920

01:47:51.205 --> 01:47:53.605

Yeah, because we need to look at the addition, the

1921

01:47:53.675 --> 01:47:55.445

what already exists in the legislation,

1922

01:47:55.445 --> 01:47:58.685

particularly in terms of criminal offenses for not complying

1923

01:47:58.685 --> 01:47:59.965

with special directions, that sort of thing.

1924

01:48:00.265 --> 01:48:04.325

And so, um, we need to consider it in light

1925

01:48:04.325 --> 01:48:06.005

of what's already in the legislation.

1926

01:48:06.695 --> 01:48:07.125

Thank you.

1927

01:48:19.195 --> 01:48:21.895

Our view is now that whilst we recognize that

1928

01:48:22.475 --> 01:48:24.815

the ips will perhaps want to comment

1929

01:48:24.925 --> 01:48:26.295

that we should take a break first

1930

01:48:26.675 --> 01:48:29.255

and turn to the IPS as soon as we reconvene.

1931

01:48:29.915 --> 01:48:33.695

Um, could we reconvene please at 12,

1932

01:48:36.235 --> 01:48:37.235

10 minutes?

1933

01:48:40.675 --> 01:48:43.065

We're minded to think that 10 minutes isn't enough,

1934

01:48:43.095 --> 01:48:44.785

that we should say 10 past 12.

1935

01:48:45.965 --> 01:48:48.545

Is that okay? Very good. Thank you.