

0

00:00:01.515 --> 00:00:02.805

Well, good afternoon everybody.

1

00:00:03.545 --> 00:00:07.525

It is now two o'clock. The hearing is resuming.

2

00:00:07.915 --> 00:00:08.925

Looking around the table.

3

00:00:09.085 --> 00:00:10.765

I think everybody is back in the room.

4

00:00:12.545 --> 00:00:16.885

Um, Mr. Stone, do you want

5

00:00:16.885 --> 00:00:18.965

to give some sort of update as to

6

00:00:19.615 --> 00:00:21.645

where you may have arrived at in terms

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00:00:21.645 --> 00:00:23.725

of discussions with IOT?

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00:00:24.665 --> 00:00:27.645

Or do you want Mr. Elvin? To which, which way round?

9

00:00:28.105 --> 00:00:29.245

I'm, I'm happy to do it. So,

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00:00:29.705 --> 00:00:30.705

Mr. El Elvin, are

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00:00:30.705 --> 00:00:33.125

you content to let the applicant lead? Yep.

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00:00:34.975 --> 00:00:37.125

James tro for the applicants? Uh, yes.

13

00:00:37.175 --> 00:00:41.005

Thank you very much for the, um, opportunity

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00:00:41.105 --> 00:00:42.285

to discuss things further.

15

00:00:42.945 --> 00:00:46.125

The two things I think have emerged.

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00:00:46.125 --> 00:00:48.605

The first is that in relation to the,

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00:00:49.275 --> 00:00:51.005

without prejudice discussions

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00:00:51.005 --> 00:00:54.845

that occurred post 28th of September, um, we were,

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00:00:55.145 --> 00:00:56.525

as I indicated, we were content

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00:00:56.525 --> 00:01:01.125

and I believe iot are now content for those to be in front

21

00:01:01.125 --> 00:01:03.125

of the examination, the content of them.

22

00:01:04.305 --> 00:01:07.605

Uh, so that difficulties a, a addressed

23

00:01:07.625 --> 00:01:11.565

and as to the principle of operational controls,

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00:01:11.565 --> 00:01:13.405

which are already formed, the basis

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00:01:13.465 --> 00:01:15.645

of those discussions as Mr.

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00:01:15.675 --> 00:01:18.805

Hodgkin is referring to, uh, uh,

27

00:01:19.265 --> 00:01:20.525
before we break for lunch,

28

00:01:20.875 --> 00:01:22.845
there's been further discussion about those.

29

00:01:23.425 --> 00:01:27.525
My understanding from that, the upshot of that is

30

00:01:27.525 --> 00:01:31.125
that the IOT's position is not going to be one where they

31

00:01:32.185 --> 00:01:34.445
accept operational controls

32

00:01:35.035 --> 00:01:37.485
address their position.

33

00:01:38.505 --> 00:01:40.485
So there isn't agreement or,

34

00:01:40.585 --> 00:01:43.165
or likely to be agreement on, on that,

35

00:01:44.705 --> 00:01:46.725
but not that notwithstanding.

36

00:01:47.185 --> 00:01:51.925
We certainly, and I believe the iot in principle,

37

00:01:52.785 --> 00:01:54.965
uh, are willing

38

00:01:55.025 --> 00:01:57.845
and indeed happy to continue to engage

39

00:01:58.875 --> 00:02:03.285
with them about the operational controls.

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00:02:05.185 --> 00:02:08.805

And the same would apply to, uh, Ms.

41

00:02:09.105 --> 00:02:14.005

Er, albeit we're dealing principally with the,

42

00:02:15.865 --> 00:02:19.325

uh, operational controls in relation to the proximity

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00:02:19.465 --> 00:02:20.565

to IOT.

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00:02:28.805 --> 00:02:32.545

And unless I've got that summary wrong,

45

00:02:32.545 --> 00:02:34.545

what I was proposing then was just for Mr.

46

00:02:34.655 --> 00:02:38.185

Hodgkin. And once you've thought about that, just Mr.

47

00:02:38.185 --> 00:02:41.345

Hodgkin, just to, I think he, we, we have stopped just

48

00:02:41.345 --> 00:02:43.505

before he is about to explain what had been proposed.

49

00:02:43.765 --> 00:02:46.585

But if you are, if you'd like to hear, then he can tell you

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00:02:46.585 --> 00:02:49.585

what was proposed to IOT

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00:02:50.085 --> 00:02:52.585

and what they broadly consist of

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00:02:55.925 --> 00:02:57.145

Before we move to Mr.

53

00:02:57.145 --> 00:03:01.165

Hutchen. Mr. Elvin, are you, you content with the summary

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00:03:01.475 --> 00:03:03.285

that, uh, Mr.

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00:03:03.565 --> 00:03:06.205

TR0 has just given in terms of the discussions

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00:03:06.205 --> 00:03:07.205

that have just taken place?

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00:03:07.955 --> 00:03:11.165

Well, it's, it's certainly the case as we made clear

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00:03:11.625 --> 00:03:13.605

before today that, uh,

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00:03:13.795 --> 00:03:16.445

operational control controls only will not

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00:03:16.445 --> 00:03:17.645

meet our concerns.

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00:03:18.785 --> 00:03:22.965

We are happy to, well, I say happy, we are content

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00:03:23.705 --> 00:03:25.285

to continue to discuss

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00:03:27.435 --> 00:03:29.725

operational controls in principle,

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00:03:29.745 --> 00:03:32.805

but we don't see it as solving our concerns.

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00:03:33.545 --> 00:03:35.245

Uh, uh,

66

00:03:37.025 --> 00:03:40.165

but as I said, we will continue to discuss them

67

00:03:40.165 --> 00:03:42.565

to see if they can be at least improved,

68

00:03:42.625 --> 00:03:45.845

but we don't see them as resolving our concerns over risk

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00:03:45.905 --> 00:03:48.805

for what is, uh, an unprecedented development.

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00:03:52.065 --> 00:03:56.325

I'm, I, I'm meant more in terms of, in terms of the,

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00:03:56.325 --> 00:04:00.405

the review of the discussions in terms of, um,

72

00:04:00.545 --> 00:04:02.165

the positions that you've arrived at.

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00:04:02.345 --> 00:04:05.365

Mm-Hmm. Which I think your explanation does tally

74

00:04:05.365 --> 00:04:06.405

with Mr. Straw's. Yes.

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00:04:07.025 --> 00:04:08.085

My, my version of Mr.

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00:04:08.135 --> 00:04:10.885

Straw, none of this is necessary anyway, is none

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00:04:10.885 --> 00:04:12.845

of this will solve the problem. But

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00:04:13.405 --> 00:04:15.045

Yeah, I think,

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00:04:15.165 --> 00:04:17.205

I think you're both on the same page as far as that goes.

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00:04:17.505 --> 00:04:18.165

We, we are,

81

00:04:32.185 --> 00:04:35.325

Is everybody else content with at least the summary

82

00:04:35.425 --> 00:04:39.285

of the explanation of what went on, uh, in,

83

00:04:39.305 --> 00:04:41.445

in the perhaps smoke filled room

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00:04:41.505 --> 00:04:44.765

or nons, smoke filled room, anything from any

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00:04:44.765 --> 00:04:49.365

of the other ips before we, we, um, continue with Mr.

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00:04:49.395 --> 00:04:52.445

Hodgkin explaining what the protect, uh,

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00:04:52.665 --> 00:04:54.365

the control measures might be?

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00:04:56.545 --> 00:04:57.565

So yes. Um,

89

00:04:58.245 --> 00:05:00.125

Victoria Hutton on behalf of the Harbor Master.

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00:05:00.865 --> 00:05:03.525

So at a point in which it would be convenient for you,

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00:05:03.745 --> 00:05:06.285

may I just say something additional on operational controls,

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00:05:06.285 --> 00:05:07.885

we weren't in any smoke fil drums.

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00:05:08.465 --> 00:05:12.885

Um, but I, I, if, if now is convenient. Thank you.

94

00:05:13.865 --> 00:05:17.485

So just, just to reiterate that the Harbor Master's primary

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00:05:18.045 --> 00:05:21.445

position is that it is not necessary for the DCO

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00:05:21.445 --> 00:05:23.125

to stipulate operational controls.

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00:05:23.515 --> 00:05:26.245

They're subject to the separate statutory regime.

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00:05:26.675 --> 00:05:29.285

It's an established process used for years

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00:05:29.345 --> 00:05:32.205

to regulate safety and the smooth running of the Humber.

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00:05:33.425 --> 00:05:37.765

We now have on the table the one tug, uh, at birth one, uh,

101

00:05:38.145 --> 00:05:41.365

as a without prejudice position from the applicant.

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00:05:42.665 --> 00:05:45.005

In the vast majority of circumstances

103

00:05:45.915 --> 00:05:49.205

that will not find the hands of Hubber Master Hamburg.

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00:05:50.105 --> 00:05:52.685

And the reason for that is that if he's not content

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00:05:52.685 --> 00:05:55.285

for ships to birth at, uh, birth one,

106

00:05:55.755 --> 00:05:58.165

then he can make directions accordingly.

107

00:05:58.345 --> 00:06:00.245

For example, particular wind conditions

108

00:06:00.785 --> 00:06:02.885

or indeed requirement for two tugs.

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00:06:02.885 --> 00:06:05.325

And I mentioned earlier that our understanding would be,

110

00:06:05.345 --> 00:06:06.845

it would be a minimum of one tug.

111

00:06:07.745 --> 00:06:11.445

So, uh, in other words, there's nothing in the DCO

112

00:06:12.265 --> 00:06:15.445

as we understand it, which would require Harbor Master

113

00:06:15.725 --> 00:06:18.725

Humber to allow ships to birth in any circumstance.

114

00:06:18.825 --> 00:06:20.725

So, so there wouldn't be interference

115

00:06:20.725 --> 00:06:23.045

with his powers in in that regard.

116

00:06:24.075 --> 00:06:27.245

However, there is one circumstance

117

00:06:27.535 --> 00:06:30.085

where there may be conflict within, uh,

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00:06:30.085 --> 00:06:33.965

with Harbor Master hub's powers, and that is where,

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00:06:34.545 --> 00:06:35.685

and we think this is very unlikely,

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00:06:35.785 --> 00:06:39.725

but that is where the Harbor master needs to require a ship

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00:06:39.785 --> 00:06:43.605
to birth at birth one without a tug.

122

00:06:44.155 --> 00:06:45.445
It's difficult to comprehend,

123

00:06:45.505 --> 00:06:47.885
but it is possible that there is some sort

124

00:06:47.885 --> 00:06:51.965
of incident which requires a ship to birth immediately.

125

00:06:52.695 --> 00:06:54.645
Birth one is the safe place to do it.

126

00:06:55.105 --> 00:06:57.325
And it just so happens that ship doesn't have a tug,

127

00:07:00.465 --> 00:07:05.125
As we say, very unlikely, but needs to be contemplated.

128

00:07:05.185 --> 00:07:07.725
And it's for that reason that any operational control

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00:07:07.725 --> 00:07:11.805
of this kind in the DCO needs to be subject

130

00:07:12.505 --> 00:07:17.005
to any country direction of the Harbor Master in order

131

00:07:17.025 --> 00:07:18.845
to deal with that sort of circumstance.

132

00:07:21.075 --> 00:07:23.605
What we would also say, 'cause we,

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00:07:23.605 --> 00:07:25.565
because obviously discussions are going to continue

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00:07:25.565 --> 00:07:27.245

between the applicant IOT

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00:07:27.245 --> 00:07:30.605
and DFDS, we are wary

136

00:07:31.225 --> 00:07:34.485
of parties coming forward and saying, we want to see X, Y,

137

00:07:34.485 --> 00:07:36.885
and Z's operational control in the order.

138

00:07:38.345 --> 00:07:40.165
We will respond to those individually.

139

00:07:40.905 --> 00:07:43.125
But the overarching view is

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00:07:43.125 --> 00:07:44.845
that nothing in the DCO should interfere

141

00:07:44.845 --> 00:07:46.045
with statutory powers.

142

00:07:46.835 --> 00:07:49.685
Even if it were lawful for the DCO to do so,

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00:07:50.265 --> 00:07:51.365
it would not be desirable.

144

00:07:52.345 --> 00:07:54.005
Uh, and that is because the separate

145

00:07:54.005 --> 00:07:55.245
statutory regime exists.

146

00:07:55.985 --> 00:08:00.645
It works, that regime applies across the entire Humber.

147

00:08:01.385 --> 00:08:03.205
And if dcos start to come forward

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00:08:03.355 --> 00:08:05.805

with differing operational controls in them

149

00:08:05.825 --> 00:08:09.125

and differing requirements, there's a risk

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00:08:09.125 --> 00:08:14.085

of unnecessary complexity being added, uh, to that, uh,

151

00:08:14.505 --> 00:08:16.005

the current current operations.

152

00:08:17.665 --> 00:08:20.125

The Next point is

153

00:08:20.125 --> 00:08:22.085

that operational requirements must be flexible

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00:08:22.345 --> 00:08:25.285

to meet changing circumstances, so in years

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00:08:25.465 --> 00:08:26.485

and decades to come.

156

00:08:26.985 --> 00:08:30.645

And there's a danger in fixing operational controls now

157

00:08:31.055 --> 00:08:33.125

where future circumstances may change

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00:08:33.265 --> 00:08:36.245

and those changes may come about as a result of

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00:08:36.885 --> 00:08:39.565

changing technology in the vessels, uh,

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00:08:39.625 --> 00:08:43.285

but also as a result of additional development on the river.

161

00:08:44.265 --> 00:08:48.765

So it's for those reasons that the Harbormaster is wary

162

00:08:49.705 --> 00:08:51.525

of, uh, menus

163

00:08:51.525 --> 00:08:54.325

of operational controls being presented and discussed by parties.

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00:08:54.385 --> 00:08:55.965

But as I say, we will look at each one

165

00:08:55.965 --> 00:08:57.245

individually and give you our view.

166

00:08:58.105 --> 00:09:01.765

Um, but I hope that makes clear the Hub Master's position.

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00:09:26.065 --> 00:09:26.855

Thank you, Ms. Hu.

168

00:09:44.155 --> 00:09:47.585

Might be just worth, um, in the meantime saying

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00:09:48.685 --> 00:09:49.865

we will come back tomorrow

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00:09:50.645 --> 00:09:52.545

to consideration of, of that point.

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00:09:52.765 --> 00:09:53.865

So it's well made

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00:09:54.205 --> 00:09:57.145

and, uh, we've been listening

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00:09:57.145 --> 00:09:58.945

to various different representations

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00:09:59.005 --> 00:10:01.265

and, uh, we'll, we'll have an opportunity tomorrow.

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00:10:02.525 --> 00:10:03.525

Mr.

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00:10:04.555 --> 00:10:06.865

Thank you. So Robbie Owen for CLDN, uh, so

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00:10:06.865 --> 00:10:10.345

that this may be a matter for tomorrow rather than today,

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00:10:10.405 --> 00:10:13.905

but I would just like to make the point on behalf CLDN

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00:10:13.905 --> 00:10:17.065

that I think it's important to carefully distinguish

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00:10:17.165 --> 00:10:20.865

and clearly distinguish, um, between operational controls

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00:10:21.535 --> 00:10:23.505

that, uh, are said to be needed

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00:10:23.565 --> 00:10:26.505

to make the proposed development acceptable in principle

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00:10:28.365 --> 00:10:33.105

on the one hand and operational controls that are required

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00:10:33.525 --> 00:10:36.465

to sort of bite on elements of detail,

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00:10:36.465 --> 00:10:37.505

if I can put it that way.

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00:10:37.965 --> 00:10:42.505

Um, in terms of how the, uh, proposed development, um, uh,

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00:10:42.505 --> 00:10:44.145

should be constructed

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00:10:44.285 --> 00:10:47.505

or more particularly in this context, uh, uh,

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00:10:47.605 --> 00:10:48.945

uh, operated safely.

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00:10:49.445 --> 00:10:52.505

And I think certainly our position would be

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00:10:52.855 --> 00:10:56.625

that whilst operational controls are certainly matters that

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00:10:57.445 --> 00:11:01.705

can be contemplated, uh, as a matter of law, as Mr.

193

00:11:01.855 --> 00:11:06.185

Oman was saying earlier, uh, in, in the latter case, um,

194

00:11:06.725 --> 00:11:10.665

we absolutely do not think that it would be appropriate to,

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00:11:11.685 --> 00:11:16.065

um, uh, in effect defer a judgment on the acceptability

196

00:11:16.085 --> 00:11:17.825

of the proposed development in principle

197

00:11:17.845 --> 00:11:20.785

to a later operational control, just

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00:11:20.785 --> 00:11:22.385

because those controls exist

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00:11:22.445 --> 00:11:23.545

and, um,

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00:11:23.935 --> 00:11:26.945

generally in other contexts are, are said to work well.

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00:11:27.085 --> 00:11:29.105

So I think it's important to make that clear distinction,

202

00:11:29.525 --> 00:11:32.265
um, uh, between controls to, to,

203

00:11:32.265 --> 00:11:33.945
to make a development acceptable in principle

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00:11:33.945 --> 00:11:35.625
and those that are necessary for matters of detail.

205

00:11:37.395 --> 00:11:38.395
Thank you.

206

00:11:40.005 --> 00:11:44.265
If I, sorry, David Alvin for iot, if I can just say

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00:11:44.265 --> 00:11:45.905
that I agree with Mr.

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00:11:46.055 --> 00:11:47.345
Aidan's submissions.

209

00:11:47.845 --> 00:11:49.665
The point about changing circumstances

210

00:11:49.765 --> 00:11:52.825
and changes in technology is the same for any, uh, uh,

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00:11:53.075 --> 00:11:54.445
regulated, uh, area,

212

00:11:54.705 --> 00:11:57.925
and it's not a reason for not imposing necessary controls

213

00:11:57.925 --> 00:11:59.165
for mitigation purposes.

214

00:11:59.835 --> 00:12:02.485
It's also unacceptable to have to wait for problems

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00:12:02.505 --> 00:12:05.525

to arise if the examining authority considers there ought

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00:12:05.525 --> 00:12:06.965
to be mitigation in the first place

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00:12:07.315 --> 00:12:09.565
because you then don't know how long it will take

218

00:12:10.665 --> 00:12:12.245
for the matters to be put in place.

219

00:12:13.505 --> 00:12:16.165
Um, I don't think with respect that Ms.

220

00:12:16.165 --> 00:12:19.205
Hutton's points on behalf of Harbor Master Humber, uh,

221

00:12:19.275 --> 00:12:22.405
necessarily, uh, justify, uh, well,

222

00:12:22.445 --> 00:12:24.485
I don't think they justify the emission

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00:12:24.585 --> 00:12:27.565
of necessary controls from the DCO

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00:12:27.565 --> 00:12:28.885
and we can discuss this further tomorrow.

225

00:12:30.575 --> 00:12:35.355
Thank you. Just a small point

226

00:12:35.495 --> 00:12:39.275
of law under, um, uh,

227

00:12:39.975 --> 00:12:43.995
PA 2008 1 4 5 2, um,

228

00:12:44.655 --> 00:12:47.035
it seems to us that

229

00:12:48.975 --> 00:12:52.435

if the DC0 were to override

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00:12:52.975 --> 00:12:57.395

and if, if I impose limitations on the, uh, Harbor Master,

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00:12:58.265 --> 00:13:02.195

that would need the express consent of the Harbor master.

232

00:13:03.055 --> 00:13:05.075

Is that your understanding as well, Mr. Vin?

233

00:13:05.075 --> 00:13:08.795

First, um,

234

00:13:08.975 --> 00:13:10.635

in the meantime, Mr. Rowan

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00:13:11.415 --> 00:13:13.995

Robbie for CRDN, so could you repeat that reference?

236

00:13:14.075 --> 00:13:15.515

I didn't understand what it was.

237

00:13:15.665 --> 00:13:19.835

Section in PA 2008, um, section 1 4 5,

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00:13:20.975 --> 00:13:25.195

um, paragraph, uh, subsection two, there's an A and AB,

239

00:13:25.195 --> 00:13:26.995

and it's, they're linked by an and

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00:13:30.315 --> 00:13:31.355

I haven't got that in front of me, sir.

241

00:13:31.635 --> 00:13:32.835

I, i, from recollection.

242

00:13:32.915 --> 00:13:35.675

I think that does sound to be the case, uh,

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00:13:35.675 --> 00:13:37.475

from my recollection of that provision. Yes, thank you.

244

00:13:37.645 --> 00:13:38.645

Thank You.

245

00:13:50.245 --> 00:13:52.565

I, I'll, I'll consider that further if you don't mind.

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00:13:52.775 --> 00:13:53.525

Thank you, Mr. Ru.

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00:14:10.725 --> 00:14:13.835

Could I Just strong

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00:14:14.285 --> 00:14:15.395

James Strong with the applicant?

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00:14:15.395 --> 00:14:16.555

Just briefly, sir.

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00:14:16.775 --> 00:14:20.195

Um, I won't repeat,

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00:14:20.655 --> 00:14:25.395

but just refer you to our submissions about the need

252

00:14:25.535 --> 00:14:27.515

for operational controls in this case.

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00:14:27.695 --> 00:14:29.835

And our, where we've got to, this is all

254

00:14:30.545 --> 00:14:32.715

from our perspective moving into an area

255

00:14:33.415 --> 00:14:36.835

of not being necessary, but we're considering them.

256

00:14:37.955 --> 00:14:41.355

I, um, do agree with Ms.

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00:14:41.435 --> 00:14:45.875

Hutton's submissions, which are supported by section 1 4 5,

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00:14:45.875 --> 00:14:47.955

subsection two, uh,

259

00:14:48.095 --> 00:14:52.645

and also the equivalent Harbor revision order regime

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00:14:52.955 --> 00:14:56.125

that it previously existed or would've exist would exist,

261

00:14:56.745 --> 00:15:00.885

but for the fact that this is a, uh, inset, uh,

262

00:15:01.025 --> 00:15:02.845

and indeed you were referred to

263

00:15:03.415 --> 00:15:06.485

provisions in the Planning Act, which allow

264

00:15:06.485 --> 00:15:09.045

for the same provisions that could have been made in

265

00:15:09.565 --> 00:15:10.765

relation to a Harbor revision order.

266

00:15:11.235 --> 00:15:15.245

That just brings you back to the same question as

267

00:15:15.245 --> 00:15:18.525

to whether you are imposing the Secretary State's imposing

268

00:15:18.835 --> 00:15:20.445

something which might

269

00:15:20.445 --> 00:15:24.165

otherwise conflict with an existing enactment or Regi.

270

00:15:24.225 --> 00:15:25.605

So the two are the same.

271

00:15:26.465 --> 00:15:28.885

And as far as we've been aware, uh,

272

00:15:28.945 --> 00:15:33.005

and we'll check there doesn't appear to be a case of

273

00:15:33.575 --> 00:15:36.245

imposition of operational controls

274

00:15:37.425 --> 00:15:38.765

in a Harbor revision order,

275

00:15:38.785 --> 00:15:40.125

but I certainly haven't read them all,

276

00:15:40.945 --> 00:15:43.565

but of this nature, presumably

277

00:15:44.435 --> 00:15:46.085

because of the very provision

278

00:15:46.795 --> 00:15:48.605

that you've point drawn attention to

279

00:15:48.785 --> 00:15:53.165

and existed under the, uh, 6 96 4 Act 64 Act.

280

00:15:54.425 --> 00:15:57.005

But we can check that and there may be an example

281

00:15:57.155 --> 00:15:58.605

that someone's able to identify,

282

00:15:58.605 --> 00:16:01.005

in which case we can look at its terms.

283

00:16:01.555 --> 00:16:03.245

Well, maybe we can have another bite at

284

00:16:03.245 --> 00:16:04.765

that tomorrow if necessary.

285

00:16:06.175 --> 00:16:08.245

Thank you for your contributions.

286

00:16:08.765 --> 00:16:11.925

I think this is a good moment. I'm sorry, Australian

287

00:16:12.025 --> 00:16:14.725

Rob and C, may, may I just quickly come back on that, sir,

288

00:16:14.725 --> 00:16:17.285

because, uh, it, it might assist, um, that the,

289

00:16:17.285 --> 00:16:21.485

the general point is, uh, the provision in 1 4 5 2,

290

00:16:22.465 --> 00:16:26.445

uh, which as I, uh, thought was the case in response

291

00:16:26.445 --> 00:16:30.605

to your previous question, does require the Harbor Authority

292

00:16:31.115 --> 00:16:33.445

concern to either have asked for the provision

293

00:16:33.665 --> 00:16:35.365

or consent in writing to it.

294

00:16:35.825 --> 00:16:37.365

Um, two points to make about that.

295

00:16:37.365 --> 00:16:42.045

The first point is this only applies to provision proposed

296

00:16:42.045 --> 00:16:43.885

to be included in a development consent order

297

00:16:43.885 --> 00:16:45.165

that would change the powers

298

00:16:45.165 --> 00:16:46.445

or duties of a harbor authority.

299

00:16:47.025 --> 00:16:48.325

Uh, operational controls

300

00:16:48.325 --> 00:16:50.885

of the type we've been discussing today wouldn't necessarily

301

00:16:51.435 --> 00:16:53.325

have to change the powers

302

00:16:53.325 --> 00:16:57.085

or duties, so the functions of the Harbor Authority, um, uh,

303

00:16:57.165 --> 00:16:59.045

I can envisage a number of operational controls that

304

00:16:59.705 --> 00:17:01.605

you could say wouldn't do either of those.

305

00:17:02.745 --> 00:17:05.285

Um, second point is, um,

306

00:17:07.525 --> 00:17:08.765

I have a call of experience

307

00:17:08.765 --> 00:17:10.125

of the Harbor Vision Order regime.

308

00:17:10.345 --> 00:17:12.285

Um, there is no such provision in my

309

00:17:12.845 --> 00:17:16.445

recollection in the Harbor's Act of 1964 that in effect says

310

00:17:16.445 --> 00:17:20.245

that the Harbor Authority has to ask for, uh, uh,

311

00:17:20.575 --> 00:17:22.005

these things or agree to them

312

00:17:22.385 --> 00:17:24.485

before they can be included in a harbor revision order.

313

00:17:24.485 --> 00:17:28.205

This is very much a planning act 2008 edition, uh,

314

00:17:28.205 --> 00:17:29.445

which you see in a number

315

00:17:29.445 --> 00:17:31.045

of respects in this part of the act.

316

00:17:31.425 --> 00:17:35.885

Uh, so, uh, in HRO land, if I can put it that way, um,

317

00:17:36.115 --> 00:17:40.405

that there is no such fetter on the ability under Section 14

318

00:17:40.405 --> 00:17:42.165

and schedule two of what can be included

319

00:17:42.225 --> 00:17:43.245

in a harbor revision order.

320

00:17:43.395 --> 00:17:46.485

It's up to the Secretary of State to decide. Thank you.

321

00:17:47.075 --> 00:17:48.845

That, that, that was the point I was

322

00:17:48.845 --> 00:17:49.925

Just wanting to mull over.

323

00:17:50.265 --> 00:17:53.245

Um, and I'm happy to adopt what, what Mr. Owens says.

324

00:17:53.405 --> 00:17:56.125

I think there's a distinction between the specific

325

00:17:56.195 --> 00:17:58.925

restriction in subsection two of 1 4 5

326

00:17:59.025 --> 00:18:02.125

and necessarily a, a, an operational restriction.

327

00:18:02.125 --> 00:18:04.005

The other point I, I'll just make at this stage,

328

00:18:04.005 --> 00:18:06.765

and people can mull it over, uh, of course,

329

00:18:06.825 --> 00:18:11.285

it doesn't prevent the DCO for imposing standards on ABP

330

00:18:11.985 --> 00:18:15.405

and the operation of the terminal without interfering

331

00:18:15.405 --> 00:18:16.725

with the Harbor Masters powers.

332

00:18:19.945 --> 00:18:22.445

The, one of the reasons for deferring it to tomorrow is,

333

00:18:22.705 --> 00:18:23.765

um, time.

334

00:18:24.905 --> 00:18:27.205

Uh, and the other is there are

335

00:18:27.205 --> 00:18:28.605

other considerations involved.

336

00:18:28.785 --> 00:18:33.285

And in particular, we've got to be, I think, uh,

337

00:18:33.285 --> 00:18:34.365
conscious that we need

338

00:18:34.365 --> 00:18:36.845
to be clear which Harbor Authority we're talking about.

339

00:18:38.625 --> 00:18:41.045
Um, and so let's, can we park it for the moment,

340

00:18:41.545 --> 00:18:45.525
unless the something else in, uh, in, um,

341

00:18:46.035 --> 00:18:48.645
section 1 4 5, which you would like to,

342

00:18:49.345 --> 00:18:50.725
uh, draw our attention to?

343

00:18:51.895 --> 00:18:52.895
Thank you.

344

00:18:54.545 --> 00:18:59.045
In terms of which Harbor Authority might be imposing, um,

345

00:18:59.745 --> 00:19:03.565
or, uh, promoting or putting forward, it is important.

346

00:19:03.765 --> 00:19:05.405
Actually, we do get some clarity, um,

347

00:19:05.405 --> 00:19:06.765
because potentially we've got three

348

00:19:06.765 --> 00:19:07.885
Harbor authorities in there.

349

00:19:08.825 --> 00:19:11.605
Um, we've got the Confident Harbor Authority,

350

00:19:12.375 --> 00:19:15.405

we've got Humber, uh, Harbor Authority for the Humber,

351

00:19:15.425 --> 00:19:16.885

and we've also got Ingham.

352

00:19:17.785 --> 00:19:20.005

So it, it is quite muddled.

353

00:19:20.745 --> 00:19:22.805

So, um, if

354

00:19:23.505 --> 00:19:24.845

That's your homework for tonight,

355

00:19:25.505 --> 00:19:27.285

If ADC0, uh,

356

00:19:27.345 --> 00:19:30.245

or a recommendation for us was to come forward with

357

00:19:30.875 --> 00:19:33.325

some sort of control measure in it, we'd need to be certain

358

00:19:33.385 --> 00:19:38.125

as to which Harbor Authority, um, was in effect

359

00:19:39.385 --> 00:19:41.765

the custodian of the imposition

360

00:19:41.905 --> 00:19:43.645

or the management of that control.

361

00:19:46.085 --> 00:19:48.005

I think we'll leave that Ms. Hutton,

362

00:19:48.255 --> 00:19:51.165

Sorry, Victoria Hutton, uh, hub must say yes, so we'll,

363

00:19:51.165 --> 00:19:52.885

we'll respond, um, tomorrow,

364

00:19:53.065 --> 00:19:55.885

but of course, it's not necessarily which authority.

365

00:19:56.065 --> 00:19:59.045

It may be more than one 'cause of the overlap.

366

00:19:59.075 --> 00:20:01.885

Yeah, but, but just to draw attention, I did draw attention

367

00:20:02.275 --> 00:20:04.525

what is why I deliberately spoke about particular

368

00:20:04.525 --> 00:20:07.125

circumstances that when we look at all of these controls,

369

00:20:07.665 --> 00:20:11.325

one needs to understand, um, how, uh,

370

00:20:12.305 --> 00:20:13.885

powers may be fettered by them.

371

00:20:14.025 --> 00:20:15.725

And it was, that was why I was given the example

372

00:20:15.825 --> 00:20:18.125

of an emergency where you may need someone to birth.

373

00:20:18.225 --> 00:20:20.085

So, but we can go through that tomorrow.

374

00:20:25.145 --> 00:20:29.965

Uh, on that note, let's progress on, uh, perhaps, uh,

375

00:20:29.985 --> 00:20:33.965

uh, the, the, the evidence that, uh, uh,

376

00:20:34.465 --> 00:20:36.605

you suggested we, we should now continue.

377

00:20:36.785 --> 00:20:40.165

Um, if you are, you are happy for that to take base, Mr.

378

00:20:40.165 --> 00:20:43.765

Hodgkin, um, to continue, uh, Mr. Elvin, happy for Mr.

379

00:20:43.795 --> 00:20:46.245

Hodgkin to continue. Thank you.

380

00:20:48.695 --> 00:20:51.605

Thank you very much, Ben Hodgkin for ABP.

381

00:20:52.225 --> 00:20:54.205

So, as I was setting out this morning,

382

00:20:54.205 --> 00:20:57.325

following the conclusion of the various design workshops

383

00:20:57.325 --> 00:21:01.645

that we held with, um, APT, um, it became

384

00:21:02.255 --> 00:21:03.725

clear that a solution

385

00:21:03.725 --> 00:21:05.645

that met their requirements from a sort

386

00:21:05.645 --> 00:21:09.525

of physical infrastructure perspective was, um, not viable

387

00:21:09.665 --> 00:21:11.085

or, or deliverable.

388

00:21:12.185 --> 00:21:16.405

We maintained that we were very keen to explore

389

00:21:17.385 --> 00:21:20.965

the opportunity, um, to,

390

00:21:22.395 --> 00:21:25.805

regarding the position of enhanced operational controls,

391

00:21:26.465 --> 00:21:29.525

and whether that is an enhanced control measure

392

00:21:29.525 --> 00:21:33.125

that could have been agreed with IOT operators and,

393

00:21:33.185 --> 00:21:34.685

and their, and their advisors.

394

00:21:35.425 --> 00:21:40.165

Um, and so the Port of Ian developed an initial proposal

395

00:21:40.665 --> 00:21:41.925

for what those, um,

396

00:21:42.285 --> 00:21:44.645

enhanced operational controls would consist of,

397

00:21:45.465 --> 00:21:47.325

and we shared that

398

00:21:47.395 --> 00:21:50.045

with the IOT operators on the 4th of November.

399

00:21:51.425 --> 00:21:54.085

Um, and that was ahead of a meeting on Thursday,

400

00:21:54.105 --> 00:21:58.605

the 9th of November, at which we set out, which was attended

401

00:21:58.825 --> 00:22:01.085

by ABP

402

00:22:01.305 --> 00:22:04.245

and IOT, which set out the basis

403

00:22:04.425 --> 00:22:06.725

for the proposed operational controls.

404

00:22:07.745 --> 00:22:11.005

And the, the basis for that conversation was a,

405

00:22:11.245 --> 00:22:15.165

a relatively short summary, um, with a bit of an explanation

406

00:22:15.165 --> 00:22:17.325

as to the operational controls that were proposed.

407

00:22:17.945 --> 00:22:20.725

We have that, and if it's helpful, we can, we can put

408

00:22:20.725 --> 00:22:23.565

that on the screen for the, for the examining authority.

409

00:22:24.465 --> 00:22:27.805

Um, the following, so we had,

410

00:22:27.825 --> 00:22:29.085

we shared it on the 4th of November.

411

00:22:29.085 --> 00:22:30.845

We had a follow up meeting on the 9th of November.

412

00:22:31.625 --> 00:22:35.045

Um, and subsequent to the meeting on the 9th of November,

413

00:22:35.045 --> 00:22:37.605

on Friday, the 10th of November, um,

414

00:22:37.665 --> 00:22:40.805

we received correspondence from APT that they were prepared

415

00:22:40.865 --> 00:22:44.805

to continue discussions around the potential for, um,

416

00:22:45.605 --> 00:22:48.085

procedural controls with a request for a number

417

00:22:48.085 --> 00:22:49.685

of further pieces of information

418

00:22:49.785 --> 00:22:51.885
and clarification, um,

419

00:22:52.155 --> 00:22:55.805
that supported the position being put forward, including,

420

00:22:56.625 --> 00:23:01.445
um, a set of, um, proposals

421

00:23:01.505 --> 00:23:03.965
for a set of simulations to be undertaken

422

00:23:04.265 --> 00:23:06.645
to demonstrate the effectiveness of the proposed

423

00:23:07.805 --> 00:23:08.805
enhanced control measures.

424

00:23:09.665 --> 00:23:11.805
And so that was received on the 10th of November.

425

00:23:12.785 --> 00:23:15.965
We, on that day, we, we

426

00:23:15.965 --> 00:23:18.285
therefore contacted HR Wallingford

427

00:23:18.905 --> 00:23:21.965
and secured some simulation time for the following week,

428

00:23:22.415 --> 00:23:23.965
which was scheduled for Wednesday

429

00:23:24.305 --> 00:23:27.085
and Friday of that week, the 15th and 17th of November.

430

00:23:28.185 --> 00:23:31.845
Um, and arranged a meeting with

431

00:23:32.825 --> 00:23:36.205

the IOT operators on Monday the 13th of November,

432

00:23:37.385 --> 00:23:40.365

as a sort of preparation call for that set

433

00:23:40.365 --> 00:23:44.645

of simulation runs, um, where the intention was to

434

00:23:46.225 --> 00:23:50.365

Run through the proposed set of runs, the, the principles

435

00:23:50.425 --> 00:23:52.045

for the, for the simulations that were going

436

00:23:52.045 --> 00:23:54.165

to be undertaken at those sessions.

437

00:23:54.585 --> 00:23:59.445

Um, that meeting was held, um, I

438

00:24:00.865 --> 00:24:03.525

Didn't attend that meeting, but it captured the, it, I,

439

00:24:03.865 --> 00:24:07.125

as I understand it, and like Mr. Park can, can clarify this,

440

00:24:07.125 --> 00:24:09.525

that it sort of captured the,

441

00:24:09.825 --> 00:24:12.645

the principle requirements from ABT in terms of shaping

442

00:24:12.645 --> 00:24:15.685

what those simulations, um, consisted of.

443

00:24:16.385 --> 00:24:18.405

Um, but unfortunately it was confirmed on

444

00:24:18.405 --> 00:24:20.885

that Monday I believe that ABT weren't able

445

00:24:20.885 --> 00:24:25.165

to attend the simulations themselves, um, due to resourcing,

446

00:24:25.665 --> 00:24:27.485

um, and time pressures.

447

00:24:27.705 --> 00:24:28.805

And therefore,

448

00:24:29.865 --> 00:24:33.765

but on reflection, we decided that we would continue anyway

449

00:24:34.145 --> 00:24:35.765

as the applicant, ABP

450

00:24:35.905 --> 00:24:39.125

and also with attendance from Harbormaster Humber.

451

00:24:40.145 --> 00:24:42.965

And those simulations, as I say, were held in the end.

452

00:24:43.035 --> 00:24:46.565

They were, they were held on Wednesday, last Wednesday.

453

00:24:47.185 --> 00:24:50.685

Um, and I could if

454

00:24:50.685 --> 00:24:52.365

helpful hand over to Mr.

455

00:24:52.505 --> 00:24:54.005

Par to talk through the simulations

456

00:24:54.005 --> 00:24:55.205

that were held on that day.

457

00:24:55.905 --> 00:24:57.205

Um, if that's helpful.

458

00:24:57.695 --> 00:25:00.125

Thank you. Yes, please. Yes, please.

459

00:25:00.125 --> 00:25:01.125

That would be helpful,

460

00:25:04.825 --> 00:25:05.825

Sir. Mike Par,

461

00:25:05.825 --> 00:25:08.845

HR Wallingford, uh, representing ABP, uh,

462

00:25:09.025 --> 00:25:12.845

we conducted simulations on behalf of ABP on the,

463

00:25:13.985 --> 00:25:15.525

uh, we, we, Wednesday

464

00:25:15.525 --> 00:25:20.275

and Thursday last week, I,

465

00:25:20.355 --> 00:25:22.315

I I on, uh, Tuesday and Wednesday.

466

00:25:22.415 --> 00:25:24.555

So two, two sets of, uh, or an afternoon

467

00:25:24.575 --> 00:25:26.515

and a a day's worth of, uh, simulations.

468

00:25:28.095 --> 00:25:31.795

Uh, the details

469

00:25:31.795 --> 00:25:34.235

of those simulations are still being processed, um,

470

00:25:34.735 --> 00:25:36.195

by my team, so we don't have the

471

00:25:36.195 --> 00:25:37.395

reports available for those.

472

00:25:38.695 --> 00:25:43.435

Uh, but in principle, the simulation showed that, uh,

473

00:25:43.605 --> 00:25:46.475

based on a, a design for some impact protection,

474

00:25:46.475 --> 00:25:49.675

which is being proposed to go on the end of the IOT six

475

00:25:49.675 --> 00:25:54.555

and eight, the change of geometry based on that change

476

00:25:54.635 --> 00:25:58.755

of design makes no significant effect to the approaches

477

00:25:58.755 --> 00:26:00.315

and departures for iot eight.

478

00:26:01.575 --> 00:26:05.115

We also looked at, uh, enhanced operational controls for,

479

00:26:05.895 --> 00:26:07.675

uh, the Stenner transit cluster vessel.

480

00:26:08.535 --> 00:26:11.395

And in particular, we were considering whether a

481

00:26:12.275 --> 00:26:15.555

enhanced operational control of a single 50 ton ASD tub

482

00:26:16.575 --> 00:26:19.355

was sufficient to prevent, uh,

483

00:26:20.075 --> 00:26:22.915

a vessel which had undergone a total controls failure

484

00:26:24.065 --> 00:26:26.675

from being set on due to tide

485

00:26:26.675 --> 00:26:29.315

and wind towards IOT.

486

00:26:29.335 --> 00:26:32.035

In the way that IOT infrastructure was hazarded,

487

00:26:33.865 --> 00:26:36.555

what we were able to demonstrate was in a

488

00:26:36.555 --> 00:26:37.835

reasonable set of circumstances.

489

00:26:38.255 --> 00:26:41.035

So with the peak spring eptide

490

00:26:43.225 --> 00:26:46.805

And with the wind selected to be between 25

491

00:26:46.805 --> 00:26:49.325

and 30 knots from the northwest,

492

00:26:50.335 --> 00:26:52.485

which is a circumstance which rarely exists,

493

00:26:54.385 --> 00:26:57.285

The Stenner transit class could be stopped from a, uh,

494

00:26:57.445 --> 00:26:59.725

a position where it lost, had a controls failure,

495

00:27:00.945 --> 00:27:03.525

and it was doing initially two knots of stern

496

00:27:03.665 --> 00:27:05.165

as it entered the dredge box.

497

00:27:05.665 --> 00:27:07.245

In those environmental conditions,

498

00:27:07.705 --> 00:27:10.525

one single ASD tug was sufficient to prevent

499

00:27:10.525 --> 00:27:14.045
that vessel from, uh, all aligning

500

00:27:14.045 --> 00:27:15.845
with the IOT infrastructure.

501

00:27:17.225 --> 00:27:21.165
We also did similar tests in the similar environmental

502

00:27:21.165 --> 00:27:24.605
conditions with the vessels at one knot,

503

00:27:24.605 --> 00:27:28.805
approximately one ship length, further from the, uh, point

504

00:27:28.805 --> 00:27:30.765
of which the vessel crossed into the dredged area.

505

00:27:31.225 --> 00:27:33.685
And again, similar conclusions were drawn

506

00:27:35.345 --> 00:27:36.405
for sensitivity.

507

00:27:36.905 --> 00:27:39.325
We did a similar test,

508

00:27:39.865 --> 00:27:43.205
but we changed the wind to set from the northeast

509

00:27:43.205 --> 00:27:46.045
and the southwest 25 to 30 knots.

510

00:27:46.625 --> 00:27:48.725
And again, the single tug was effective

511

00:27:49.345 --> 00:27:52.765
at stopping a vessel approaching I at berth one,

512

00:27:53.895 --> 00:27:56.725

which had been subject to a complete controls failure

513

00:27:57.315 --> 00:27:59.685
from aligning with IOT infrastructure.

514

00:28:02.065 --> 00:28:04.485
Can I just get you to repeat that last one?

515

00:28:05.635 --> 00:28:07.285
Take us through it a little slower.

516

00:28:08.965 --> 00:28:12.785
So in the same conditions, so Eptide peak spring

517

00:28:14.175 --> 00:28:15.825
with, we adjusted the wind.

518

00:28:16.045 --> 00:28:20.105
So rather than setting directly towards the IOT

519

00:28:20.125 --> 00:28:22.465
and the iert, it was setting across,

520

00:28:22.605 --> 00:28:24.705
so either setting up towards IOT one

521

00:28:25.085 --> 00:28:26.705
or setting down towards iert.

522

00:28:27.375 --> 00:28:29.665
This was all in order to understand the sensitivity

523

00:28:29.665 --> 00:28:31.905
of the situation in more normal wind conditions,

524

00:28:32.285 --> 00:28:34.745
as we've established either southwesterly

525

00:28:34.865 --> 00:28:38.305
or northeasterly, whether the tug was still satisfactorily

526

00:28:38.305 --> 00:28:39.305

able to control the vessel.

527

00:28:39.565 --> 00:28:43.465

So, and what we established was indeed, in those conditions,

528

00:28:43.485 --> 00:28:45.705

the tug was able to satisfactorily control the vessel,

529

00:28:46.165 --> 00:28:48.265

and it brought the vessel to under control,

530

00:28:49.105 --> 00:28:51.665

actually more easily and more quickly as you'd expect,

531

00:28:51.665 --> 00:28:54.785

than in the initial most challenging condition,

532

00:28:54.785 --> 00:28:57.385

which we set, which was with the eide

533

00:28:57.645 --> 00:29:00.305

and the wind together setting towards

534

00:29:00.945 --> 00:29:02.225

IOT and IOT infrastructure.

535

00:29:03.865 --> 00:29:08.665

Additionally, we did one run as a sensitivity, um, to,

536

00:29:08.685 --> 00:29:12.305

to consider the amount of towage that might be appropriate

537

00:29:12.325 --> 00:29:16.905

for a larger, uh, design vessel, if that was indu,

538

00:29:16.905 --> 00:29:18.025

if it were to be considered.

539

00:29:18.565 --> 00:29:22.105

And there is a solution not with one 50 ton ASD tug,

540

00:29:22.165 --> 00:29:24.145

but towage is appropriate

541

00:29:24.145 --> 00:29:28.985

and is able to stop a vessel of a displacement similar

542

00:29:29.045 --> 00:29:31.585

to that, which is discussed within the, uh,

543

00:29:31.825 --> 00:29:36.265

NRA from being set towards the IOT in a way

544

00:29:36.265 --> 00:29:38.265

that the iot infrastructure would be hazarded.

545

00:29:44.085 --> 00:29:47.185

It seems that, that the devil is in the detail in

546

00:29:47.185 --> 00:29:48.265

that last one.

547

00:29:49.005 --> 00:29:53.705

Um, I look forward to the written report on that.

548

00:29:54.525 --> 00:29:57.505

Uh, has the, um,

549

00:29:58.185 --> 00:30:01.505

IOT team had an opportunity to consider any of that yet?

550

00:30:01.925 --> 00:30:03.185

No. Okay.

551

00:30:04.085 --> 00:30:08.345

The, the, sorry David Alvin for iot, the invitation

552

00:30:08.485 --> 00:30:11.425

to the meeting on the Monday was left late on a Friday.

553

00:30:13.045 --> 00:30:17.425

Uh, we were given no details as to what was proposed, uh,

554

00:30:17.845 --> 00:30:19.065

at the Monday call.

555

00:30:20.075 --> 00:30:21.465

Again, we had no details

556

00:30:22.405 --> 00:30:25.345

and we were not able at that short notice

557

00:30:25.525 --> 00:30:27.145

to attend the simulation meetings.

558

00:30:27.445 --> 00:30:29.785

We still have no details and

559

00:30:29.785 --> 00:30:31.305

therefore are unable to comment,

560

00:30:32.645 --> 00:30:35.385

but I note that the simulations have been conducted

561

00:30:35.385 --> 00:30:38.065

with vessels of significantly less displacement,

562

00:30:38.485 --> 00:30:40.945

and the design vessel points we made yesterday,

563

00:30:41.485 --> 00:30:44.145

and we can only respond to this when we've actually seen

564

00:30:44.965 --> 00:30:48.225

the details that Hhl Wallingford were asked to model.

565

00:30:51.065 --> 00:30:54.105

I hear your, your points. Um, Mr.

566

00:30:54.235 --> 00:30:58.745

Parot did say that the LA there was an a last simulation,

567

00:30:58.795 --> 00:31:01.025
which modeled a larger vessel.

568

00:31:01.205 --> 00:31:03.745
And again, as as we say, let's wait

569

00:31:03.745 --> 00:31:05.825
and see what, what that, what that

570

00:31:05.825 --> 00:31:06.825
Is said. He said the ones modeled

571

00:31:06.825 --> 00:31:08.305
in the NRA, which are the, uh,

572

00:31:08.365 --> 00:31:11.025
the Gin ling, which are still a 30%

573

00:31:11.745 --> 00:31:14.465
displacement less than the design vessels. So I can

574

00:31:14.665 --> 00:31:16.345
Probably as far, is that, is that the case at Gin Ling,

575

00:31:16.345 --> 00:31:17.465
or, or was it something else?

576

00:31:17.645 --> 00:31:19.985
It, it was actually the, uh, G nine vessel,

577

00:31:19.985 --> 00:31:22.105
which is the one being recommended in terms

578

00:31:22.125 --> 00:31:23.865
of considering displacement.

579

00:31:24.365 --> 00:31:26.145
And it's, and it's a valid recommendation

580

00:31:26.235 --> 00:31:29.145

where tugs are being used solely as the method

581

00:31:29.245 --> 00:31:33.145

to control the vessel to use the G nine as a design vessel,

582

00:31:33.575 --> 00:31:37.585

because you're not expecting the single, um,

583

00:31:38.805 --> 00:31:41.625

engine, single propeller chip, which has got a bow thruster

584

00:31:41.925 --> 00:31:46.105

and a stern thruster to perform any part of the outcome.

585

00:31:46.295 --> 00:31:48.745

It's entirely based on the ability

586

00:31:48.745 --> 00:31:50.065

of the tugs to control the vessel.

587

00:31:50.245 --> 00:31:51.905

So that is the vessel we used.

588

00:31:52.405 --> 00:31:55.345

So the vessel used has a, an appropriate HU form,

589

00:31:56.605 --> 00:31:59.185

but not, uh, because the control systems are

590

00:31:59.185 --> 00:32:00.705

not relevant in this circumstance,

591

00:32:01.445 --> 00:32:03.465

Uh, it's got an, an appropriate displacement, sir,

592

00:32:03.865 --> 00:32:04.865

Ment displacement. Could you

593

00:32:04.865 --> 00:32:07.105

Just explain what the displacement is, please, Mr. Powell?

594

00:32:09.165 --> 00:32:11.865

Uh, yes. So let's ask, uh, uh, ask that question.

595

00:32:12.445 --> 00:32:16.705

Um, do you have to hand the displacement of the, the, the,

596

00:32:16.725 --> 00:32:17.825

the vessel modeled?

597

00:32:19.945 --> 00:32:22.265

I have the displacement of the vessel model in my notes.

598

00:32:23.575 --> 00:32:25.905

Fine. We'll come back to that in a moment then. Um,

599

00:32:29.625 --> 00:32:30.865

I hesitate to point out that

600

00:32:30.865 --> 00:32:33.545

that was not the NRA vessel modeled

601

00:32:33.545 --> 00:32:35.505

and the simulations, which Mr. Powell mentioned

602

00:32:35.505 --> 00:32:36.665

earlier was what was used.

603

00:32:53.055 --> 00:32:55.315

Sir, could I just, while that's being looked up, Isabella,

604

00:32:55.755 --> 00:32:58.635

for DFDS, we, we obviously haven't been party to any

605

00:32:58.635 --> 00:33:01.195

of these discussions or weren't invited to the simulations.

606

00:33:01.255 --> 00:33:03.275

We look forward to receiving the reports.

607

00:33:03.855 --> 00:33:08.475

Um, we hear that there was a simulation using, I think

608

00:33:08.475 --> 00:33:09.995

what I've been calling the Delphi

609

00:33:09.995 --> 00:33:12.995

and what Mr. Park calls the G nine vessel, which

610

00:33:13.255 --> 00:33:15.315

as you know, we've been asking for that to be,

611

00:33:15.415 --> 00:33:18.075

um, included in the simulation.

612

00:33:18.095 --> 00:33:20.235

So we'll be interested to see that, certainly.

613

00:33:20.535 --> 00:33:22.275

But could I also just pick up a point that Mr.

614

00:33:22.335 --> 00:33:23.835

Par made yesterday, which was

615

00:33:23.835 --> 00:33:25.955

that he said there had been some sensitivity testing

616

00:33:25.975 --> 00:33:28.995

of the G nine model, the Delphine previously.

617

00:33:29.895 --> 00:33:33.395

Um, we've never seen any report of that simulation,

618

00:33:33.395 --> 00:33:35.755

and we wondered if that could also be made available.

619

00:33:36.675 --> 00:33:38.675

'cause that's the vessel we think should have been

620

00:33:39.025 --> 00:33:40.235

used for the design vessel.

621

00:33:44.575 --> 00:33:47.855

I, Mr. Par, are you ready to answer that point?

622

00:33:48.235 --> 00:33:50.575

Uh, or would you like a little bit more time?

623

00:33:51.475 --> 00:33:52.535

The displacement of the vessel,

624

00:33:52.535 --> 00:33:54.735

which we modeled was 45,000 tons.

625

00:33:55.635 --> 00:33:58.015

In terms of the sensitivity testing we did

626

00:33:58.015 --> 00:34:01.415

with the Delphine, that was an internal sensitivity test,

627

00:34:01.625 --> 00:34:03.855

which we didn't necessarily record, and

628

00:34:03.875 --> 00:34:07.455

nor did we run it with the intention of, uh, recording it.

629

00:34:07.455 --> 00:34:09.335

We were, we were looking to ensure that

630

00:34:10.165 --> 00:34:14.615

what we were doing on ab behalf ABP behalf was suitably,

631

00:34:15.155 --> 00:34:18.535

uh, conservative and was for our own benefit.

632

00:34:18.595 --> 00:34:21.015

And the assessment was made by our own master Mariner,

633

00:34:23.835 --> 00:34:24.835

St.

634

00:34:25.095 --> 00:34:28.335

I. That's consistent with the answers that Mr.

635

00:34:28.875 --> 00:34:30.535

Uh, Powell was giving yesterday.

636

00:34:30.955 --> 00:34:35.495

Um, I wondered if there was something other than your,

637

00:34:36.515 --> 00:34:40.735

uh, request for simulations of the Delphino G nine, um,

638

00:34:41.405 --> 00:34:45.175

that was embedded in the representation you made

639

00:34:45.335 --> 00:34:46.615

at, uh, D six.

640

00:34:47.275 --> 00:34:50.975

Uh, I was gonna raise it un under any other business,

641

00:34:51.075 --> 00:34:54.655

but, um, you were anxious

642

00:34:54.715 --> 00:34:58.095

to see other simulations which were done prior

643

00:34:58.095 --> 00:35:00.535

to the ones which were appended

644

00:35:00.555 --> 00:35:02.375

to the environmental statement.

645

00:35:02.875 --> 00:35:03.875

Is that still the case?

646

00:35:05.255 --> 00:35:09.095

Isabella to four, for the applicant for, sorry, for DFDS,

647

00:35:09.595 --> 00:35:14.255

um, we, we we're particularly were concerned

648

00:35:14.255 --> 00:35:17.655

to see a simulation of a vessel with the characteristics

649

00:35:17.655 --> 00:35:19.295

of the design vessel.

650

00:35:19.955 --> 00:35:23.135

We think that the best existing comparison is

651

00:35:23.135 --> 00:35:24.335

the Delphine or G nine.

652

00:35:24.795 --> 00:35:26.255

We understand what Mr. Par says,

653

00:35:26.255 --> 00:35:28.975

that he thinks actually the jingling was more conservative,

654

00:35:29.075 --> 00:35:33.135

but given, given the concerns that we've raised

655

00:35:33.875 --> 00:35:37.485

and the approach, which should be to seek consensus,

656

00:35:38.035 --> 00:35:42.925

even if their own internal unrecorded, um, analysis

657

00:35:43.465 --> 00:35:44.525

led them to conclude

658

00:35:44.525 --> 00:35:47.205

that the jingling was the more conservative, we,

659

00:35:47.305 --> 00:35:49.645

we don't see why it wouldn't have been possible

660

00:35:49.705 --> 00:35:52.285

to reassure us in that way because we, we don't agree.

661

00:35:52.665 --> 00:35:54.565

We haven't seen any of that analysis.

662

00:35:54.625 --> 00:35:58.005

So that's our principle concern. I think that Mr.

663

00:35:58.145 --> 00:36:01.805

Par ultimately confirmed, I mean, we would like

664

00:36:01.805 --> 00:36:04.245

to see any simulations that have been carried out, any,

665

00:36:04.385 --> 00:36:06.165

any simulations we are keen to see.

666

00:36:06.625 --> 00:36:08.285

Um, I understand that Mr.

667

00:36:08.345 --> 00:36:10.125

Par confirmed, I think at the last hearing was that some

668

00:36:10.125 --> 00:36:13.685

of those were when it was a for birth proposal, um,

669

00:36:13.775 --> 00:36:16.525

which may be of limited value at this stage.

670

00:36:16.865 --> 00:36:18.965

Um, but we, we would be very keen to see any

671

00:36:19.065 --> 00:36:21.165

and all simulations that have been undertaken.

672

00:36:23.225 --> 00:36:27.725

We, we did have an action point 16 from ISH three, uh,

673

00:36:28.055 --> 00:36:30.885

which very largely meets that point.

674

00:36:31.305 --> 00:36:34.565

Um, and we haven't seen anything.

675

00:36:35.105 --> 00:36:39.965

Is there any good reason why we should not see

676

00:36:40.505 --> 00:36:45.045

the simulations that were outside those which were appended

677

00:36:45.045 --> 00:36:46.165

to the environmental statement,

678

00:36:51.545 --> 00:36:53.405

Sir, From HR Wallingford perspective?

679

00:36:53.475 --> 00:36:54.475

None.

680

00:36:54.945 --> 00:36:56.245

It may just have been overlooked.

681

00:36:56.345 --> 00:37:00.645

So could I, I ask you to have a look into that action point

682

00:37:00.825 --> 00:37:03.765

and to re, uh, to, to take on board what, uh, MR.

683

00:37:03.835 --> 00:37:05.125

Four has just represented,

684

00:37:05.145 --> 00:37:09.765

and, um, uh, I suggest that that's a, a deadline seven,

685

00:37:10.425 --> 00:37:11.845

uh, submission, if you would.

686

00:37:12.625 --> 00:37:14.365

Yes. Um, however, there's another point,

687

00:37:14.365 --> 00:37:18.125

which is the simulations that have just been carried out,

688

00:37:18.545 --> 00:37:20.645
um, last Tuesday, Wednesday.

689

00:37:21.305 --> 00:37:24.325
Um, again, it, we would be asking for deadline seven.

690

00:37:24.325 --> 00:37:28.165
However, as Mr. Gould said earlier on, that doesn't

691

00:37:28.685 --> 00:37:30.405
prohibit early submission.

692

00:37:30.405 --> 00:37:33.445
In fact, I think we should be, can we ask for it to be,

693

00:37:33.625 --> 00:37:35.085
can we ask for it to be done immediately?

694

00:37:35.315 --> 00:37:39.805
Well, it, it, that pretend is determined how quickly Mr.

695

00:37:39.945 --> 00:37:42.445
Par and his colleagues can actually pull a report together.

696

00:37:42.445 --> 00:37:47.285
Mm-Hmm. Um, the, the simulations that were done,

697

00:37:47.585 --> 00:37:50.485
uh, for the Eastern jetty, his team managed

698

00:37:50.485 --> 00:37:51.725
to do something quite quickly, but

699

00:37:51.725 --> 00:37:53.045
because he may have other commitments

700

00:37:53.045 --> 00:37:55.245
or his team have got other commitments, that means

701

00:37:55.245 --> 00:37:56.645

that he can't turn it around.

702

00:37:57.435 --> 00:38:00.685

Perhaps as quickly as everybody might wish.

703

00:38:00.785 --> 00:38:02.725

Mr. Park, can you give a handle on

704

00:38:02.785 --> 00:38:06.005

how long you think the report might take to prepare?

705

00:38:07.785 --> 00:38:09.605

Sir, thanks very much for your, your consideration.

706

00:38:09.605 --> 00:38:11.925

You're absolutely right that my team does have other

707

00:38:11.925 --> 00:38:15.445

commitments and we've, uh, mo moved events around in order

708

00:38:15.465 --> 00:38:18.765

to establish short notice simulations already so far, um,

709

00:38:19.925 --> 00:38:21.565

I haven't had an update from my team how far,

710

00:38:21.565 --> 00:38:23.565

how they've got on with the drafting of the reports

711

00:38:24.115 --> 00:38:25.925

over the last, uh, 24 hours.

712

00:38:26.025 --> 00:38:28.085

So I'm not in a position to make any promises.

713

00:38:28.685 --> 00:38:33.125

I have had conversations with, uh, the ABP team

714

00:38:33.225 --> 00:38:37.085

to make sure that we've got a suitable, um, parts of

715

00:38:37.085 --> 00:38:39.925

that report will be at the deadline seven submission.

716

00:38:40.545 --> 00:38:42.605

Um, and I have discussed with the team here,

717

00:38:42.885 --> 00:38:47.125

I can make myself available to, um, share the

718

00:38:47.855 --> 00:38:51.005

draft notes and the outcomes of the work we did last week,

719

00:38:51.445 --> 00:38:53.685

particularly to the marine representatives.

720

00:38:53.725 --> 00:38:55.645

They understand the, um, the, the,

721

00:38:55.645 --> 00:38:56.725

the line we've been following

722

00:38:56.725 --> 00:38:58.725

and can see the track plots, which we produced.

723

00:39:01.735 --> 00:39:03.645

Thank you, Mr. Pat. I mean, what I read into

724

00:39:03.645 --> 00:39:07.965

that is you will do your best to get a report produced, um,

725

00:39:08.385 --> 00:39:11.325

and you will also use BET endeavors

726

00:39:11.325 --> 00:39:14.725

to share whatever you can with the IPS

727

00:39:15.105 --> 00:39:16.885

as soon as possible. Yeah,

728

00:39:16.925 --> 00:39:19.285

I can, so I can do that this afternoon, sir.

729

00:39:20.785 --> 00:39:25.365

Um, and in, in terms of the request that was made under,

730

00:39:25.745 --> 00:39:30.635

um, action point 16 from the previous here,

731

00:39:30.635 --> 00:39:35.355

presumably those older reports, um, exist

732

00:39:35.655 --> 00:39:38.915

or they, they can be put into a form, um, that

733

00:39:38.945 --> 00:39:41.075

that could be submitted by deadline seven.

734

00:39:44.585 --> 00:39:45.915

That, that, that's the simulations

735

00:39:45.925 --> 00:39:48.395

where you were looking at the, the four birth scheme.

736

00:39:48.415 --> 00:39:49.475

But if I remember rightly,

737

00:39:49.475 --> 00:39:52.115

what you said at the last hearing was that

738

00:39:52.315 --> 00:39:54.395

although it was a for birth scheme, in your view,

739

00:39:54.905 --> 00:39:59.515

what was simulated was close enough to give a, a flavor for,

740

00:39:59.975 --> 00:40:02.195

um, effects on Jett three

741

00:40:03.115 --> 00:40:03.475

Absolutely. Worth,

742

00:40:03.745 --> 00:40:05.635

Sort, sort of to that effect. A

743

00:40:05.955 --> 00:40:06.955

Absolutely. So the maneuvers

744

00:40:06.955 --> 00:40:09.355

to birth three then, what was birth four

745

00:40:09.865 --> 00:40:13.115

were more challenging than the new scheme of birth three,

746

00:40:13.115 --> 00:40:15.195

which is why when we did the work last July,

747

00:40:15.575 --> 00:40:16.915

we didn't concentrate on those and,

748

00:40:16.915 --> 00:40:19.275

and that report is available and ready to be shared.

749

00:40:20.785 --> 00:40:25.195

Well, again, a a as we indicated earlier, even though, um,

750

00:40:25.795 --> 00:40:29.155

deadline seven is whatever it is, if it can be transmitted

751

00:40:29.215 --> 00:40:33.035

to DFDS and anybody else sooner, uh,

752

00:40:33.105 --> 00:40:34.555

that w we would encourage.

753

00:40:42.685 --> 00:40:45.275

Thank you. Uh, um, thank you for sharing all

754

00:40:45.275 --> 00:40:46.435

of that information.

755

00:40:46.685 --> 00:40:50.155

There were quite a number of other points made by, um,

756

00:40:50.935 --> 00:40:55.275

IOT operators in, uh, submissions of seventh November 13th,

757

00:40:55.515 --> 00:40:57.355

November 16th November, which repented

758

00:40:57.355 --> 00:40:59.595

to their deadline six representation.

759

00:41:00.255 --> 00:41:04.555

Um, are there any of those that you, uh, Phil,

760

00:41:05.655 --> 00:41:08.435

are still appropriate to address orally?

761

00:41:09.045 --> 00:41:11.795

We're happy if you want to take, uh, the opportunity

762

00:41:11.855 --> 00:41:13.915

to just respond in the normal way in writing.

763

00:41:14.485 --> 00:41:15.995

There is one exception to that,

764

00:41:15.995 --> 00:41:18.755

and that is that we've been focusing on change fall.

765

00:41:19.615 --> 00:41:22.395

And I think before we lose the opportunity, uh,

766

00:41:22.755 --> 00:41:27.435

I think we should also talk about change one, which had

767

00:41:28.145 --> 00:41:31.355

some comments from, from, uh, from iot.

768

00:41:31.795 --> 00:41:34.925

I can't recall whether the DFDS comments on change.

769

00:41:34.945 --> 00:41:36.645

One that, uh, you'd like to pursue

770

00:41:37.325 --> 00:41:38.965

Isabella Teel for DFDS.

771

00:41:38.965 --> 00:41:41.165

Nothing on change. One we need to raise orally.

772

00:41:41.295 --> 00:41:43.685

Could I just mention one brief thing on change

773

00:41:43.715 --> 00:41:44.805

four before we move away?

774

00:41:45.025 --> 00:41:48.685

Our focus has very much been on OP operational controls.

775

00:41:49.265 --> 00:41:51.645

Um, we do just have a couple of brief points

776

00:41:51.745 --> 00:41:55.085

to make on the actual impact protection proposal

777

00:41:55.085 --> 00:41:56.485

that's shown in, in change for,

778

00:41:56.485 --> 00:41:58.365

and I wonder if I might just briefly touch on those.

779

00:41:58.505 --> 00:41:59.965

Please. Thank you very much.

780

00:42:00.145 --> 00:42:04.005

Um, the ES addendum, which is

781

00:42:04.585 --> 00:42:07.085

ass 0 2 8, explains that the design

782

00:42:07.085 --> 00:42:10.245

of the impact protection is still being finalized.

783

00:42:11.025 --> 00:42:13.485

Um, so it's difficult for us

784

00:42:13.485 --> 00:42:15.045

to provide any detailed comments.

785

00:42:16.315 --> 00:42:19.085

It's not clear to us if the impact protection is intended

786

00:42:19.145 --> 00:42:20.445

to be sacrificial.

787

00:42:20.865 --> 00:42:23.405

Um, by that I mean that it is only designed

788

00:42:23.505 --> 00:42:25.765

to withstand the impact of a single collision.

789

00:42:26.385 --> 00:42:28.525

Uh, and after that would offer no protection.

790

00:42:28.705 --> 00:42:30.245

Our understanding is that that is

791

00:42:30.245 --> 00:42:33.445

what the applicant proposes, that it be sacrificial.

792

00:42:33.465 --> 00:42:36.725

And so if that's the case, we would need to know

793

00:42:36.795 --> 00:42:39.725

what the proposal is to ensure adequate protection

794

00:42:40.775 --> 00:42:42.525

after, uh, an collision.

795

00:42:43.345 --> 00:42:48.205

Um, so it's, I think this probably

796

00:42:49.945 --> 00:42:52.805

is more for tomorrow, this final point I'm about to make.

797

00:42:52.865 --> 00:42:55.085

But it, it's the point that the impact protection remains

798

00:42:55.085 --> 00:42:56.565

conditional on the recommendation

799

00:42:56.565 --> 00:42:58.125

by the statutory Harbor authority.

800

00:42:59.105 --> 00:43:00.445

It isn't clear what would trigger that.

801

00:43:00.445 --> 00:43:02.445

We think that's entirely unacceptable.

802

00:43:02.945 --> 00:43:04.725

Um, the protection would need to be

803

00:43:05.085 --> 00:43:09.765

provided, um, in advance, certainly of the commissioning.

804

00:43:10.145 --> 00:43:11.645

Um, we haven't, as you know,

805

00:43:11.645 --> 00:43:13.485

undertaken a detailed navigational risk

806

00:43:13.485 --> 00:43:14.565

assessment of construction.

807

00:43:14.565 --> 00:43:16.885

So we can't say with such certainty there,

808

00:43:16.885 --> 00:43:18.765

but certainly in advance of commissioning.

809

00:43:19.465 --> 00:43:22.605

Um, so overall,

810

00:43:22.625 --> 00:43:25.125

the position is we have very little information on the

811

00:43:25.125 --> 00:43:28.045

applicant's alternative proposal for in protection.

812

00:43:28.745 --> 00:43:30.885

We do know it doesn't satisfy IO ot,

813

00:43:30.945 --> 00:43:32.845

and that remains of considerable concern to us.

814

00:43:35.215 --> 00:43:37.005

Thank you, Mr. Full. Um,

815

00:43:39.775 --> 00:43:41.175

I think we'll just put that straight back

816

00:43:41.235 --> 00:43:42.455

to applicant's team.

817

00:43:42.875 --> 00:43:46.815

Uh, would you like to respond now orally or to that point,

818

00:43:46.995 --> 00:43:50.255

or will you be responding in due course in writing

819

00:43:51.225 --> 00:43:52.415

James drawn for the applicant?

820

00:43:52.515 --> 00:43:55.935

So we, we clearly were going to respond in writing

821

00:43:56.085 --> 00:43:59.295

because it came in written form quite a lengthy letter.

822

00:43:59.515 --> 00:44:02.695

We, so we are going to do that, of course.

823

00:44:02.875 --> 00:44:04.535

Uh, I think you,

824

00:44:05.475 --> 00:44:08.415

but I'm keen to address anything you want today.

825

00:44:08.675 --> 00:44:10.055

Um, Mr. Hodgkins here.

826

00:44:10.075 --> 00:44:13.215

So if there's anything specific you'd like at least a sort

827

00:44:13.215 --> 00:44:15.655

of heads up of the response, we can give that. Now,

828

00:44:16.015 --> 00:44:17.575

I think on the, on this issue of, uh,

829

00:44:17.875 --> 00:44:20.295

the second point we'll cover tomorrow, yes,

830

00:44:20.295 --> 00:44:22.055

We'll come back to that towards the first point on

831

00:44:22.575 --> 00:44:24.535

sacrificial or otherwise, I think, uh,

832

00:44:24.595 --> 00:44:27.575

if you feel it would help us to, uh, to, to discuss

833

00:44:27.575 --> 00:44:29.335

that today, let's, let's hear from

834

00:44:29.335 --> 00:44:30.335

It. Can I just confer as

835

00:44:30.335 --> 00:44:31.645

to whether it's gonna gonna be take

836

00:44:31.645 --> 00:44:33.405

more time than there's value?

837

00:44:47.675 --> 00:44:50.255

The sense I'm getting is that if we're having to discuss

838

00:44:50.255 --> 00:44:52.015

how long it might take to explain it to you,

839

00:44:52.275 --> 00:44:53.535

you may prefer it in writing.

840

00:44:53.755 --> 00:44:56.815

Uh, it depends on your timing today. Would you,

841

00:44:57.955 --> 00:44:58.955

You Summarize

842

00:45:01.035 --> 00:45:03.495

You a short summary may be possible, if that helps.

843

00:45:05.005 --> 00:45:07.315

Let's keep it very short, because I'm conscious

844

00:45:07.315 --> 00:45:10.835

that we do have the transport agenda to, uh, to get onto.

845

00:45:11.455 --> 00:45:13.155

Can I, can I also just, sorry,

846

00:45:13.205 --> 00:45:17.155

David Alvin iot just interfering that the, um, changes one

847

00:45:17.155 --> 00:45:20.115

and, and what we're proposed there were also under active

848

00:45:20.115 --> 00:45:22.955

discussion, uh, with, uh, with between ourselves

849

00:45:22.975 --> 00:45:25.675

and ABP in terms of what

850

00:45:26.195 --> 00:45:27.515
restraint measures were being proposed.

851

00:45:30.235 --> 00:45:32.815
Uh, you say there's underactive discu they've

852

00:45:32.815 --> 00:45:33.975
been in ongoing,

853

00:45:35.085 --> 00:45:36.735
They have been, some have been

854

00:45:37.015 --> 00:45:38.935
provided to us some additional restraint dolphins

855

00:45:38.935 --> 00:45:41.895
and, uh, which we understand to be sacrificial.

856

00:45:42.315 --> 00:45:44.495
Um, in fact, we understand everything is proposed,

857

00:45:44.875 --> 00:45:46.775
that's proposed in terms of physical measures

858

00:45:46.775 --> 00:45:47.815
to be sacrificial Mm-hmm.

859

00:45:47.815 --> 00:45:51.655
But, uh, that was something that had been put to us by ABP

860

00:45:52.395 --> 00:45:54.175
as part of change one, but I don't know,

861

00:45:54.355 --> 00:45:56.815
but I, I'm not sure that that process is concluded either.

862

00:45:57.705 --> 00:45:58.135
Thank you.

863

00:46:03.855 --> 00:46:07.005

Thank you Ben Hodgkin for ABP.

864

00:46:07.585 --> 00:46:12.085

So I think, I think the question I'm answering is from Mr.

865

00:46:12.705 --> 00:46:13.765

Around, um,

866

00:46:13.875 --> 00:46:15.805

whether the impact protection measures

867

00:46:15.835 --> 00:46:17.285

have designed to be sacrificial.

868

00:46:17.825 --> 00:46:21.965

Um, that clearly depends on the impact speed

869

00:46:22.115 --> 00:46:25.925

that it, that the, that impacts, um,

870

00:46:26.065 --> 00:46:27.445

the impact protection structures.

871

00:46:27.445 --> 00:46:30.605

But yes, the maximum designed impact speed,

872

00:46:31.825 --> 00:46:35.765

the structures as designed, so I think 20

873

00:46:35.825 --> 00:46:40.805

or 25 tubular piles with a concrete capping beam on top,

874

00:46:41.705 --> 00:46:44.565

um, has been designed to permanently deflect

875

00:46:45.115 --> 00:46:47.765

because you get additional energy absorption from the

876

00:46:47.765 --> 00:46:49.565

plastic hinges that form in the piles.

877

00:46:50.225 --> 00:46:55.165

So in the event of an impact at the maximum

878

00:46:55.945 --> 00:46:59.925

design energy, there will be a permanent defamiation of

879

00:46:59.925 --> 00:47:02.165

that structure, which would either need significant

880

00:47:02.265 --> 00:47:03.525

repair or rebuild.

881

00:47:13.845 --> 00:47:16.045

I don't know whether anybody else is clear on this.

882

00:47:16.145 --> 00:47:20.645

I'm not clear yet on what those parameters for, uh,

883

00:47:21.105 --> 00:47:25.045

the maximum design energy r we've talked about speed.

884

00:47:25.505 --> 00:47:27.605

Um, I'm not sure that we talked about mass yet.

885

00:47:27.705 --> 00:47:30.885

So, um, are you, what, what, uh, uh,

886

00:47:31.885 --> 00:47:34.965

I think would be helpful is if you could, um,

887

00:47:35.515 --> 00:47:39.445

just give us a, if you like the envelope, what, what, uh,

888

00:47:41.515 --> 00:47:44.285

massive vessel at what speed are you talking about,

889

00:47:48.585 --> 00:47:49.725

Ben, for the applicant?

890

00:47:50.195 --> 00:47:51.485

I'll just get it on my screen

891

00:47:51.505 --> 00:47:52.845
and then I can, I can tell you,

892

00:47:55.545 --> 00:47:55.765
Um,

893

00:48:32.885 --> 00:48:33.885
Mr. Hodgkin, please go

894

00:48:33.885 --> 00:48:34.105
ahead.

895

00:48:34.475 --> 00:48:39.065
Thank you. So, um, in the design basis statement,

896

00:48:39.405 --> 00:48:42.025
um, that has been shared with,

897

00:48:42.215 --> 00:48:46.225
with IOTI think it was last week, um, which clarifies this,

898

00:48:46.225 --> 00:48:48.905
there's a range of design vessels that have been assumed.

899

00:48:49.725 --> 00:48:52.425
The standard T class that we've been talking about, um,

900

00:48:53.285 --> 00:48:57.665
the equivalent impact speed is two and a half knots.

901

00:48:59.765 --> 00:49:04.745
And the equivalent for this, the future design vessel

902

00:49:05.305 --> 00:49:07.865
envelope with a displacement

903

00:49:07.865 --> 00:49:11.785
of 48,431 tons

904

00:49:12.485 --> 00:49:13.825
is 1.8 knots.

905

00:49:21.195 --> 00:49:25.465
Thank you. Very clear. Uh, what I'd like to do now, uh,

906

00:49:26.205 --> 00:49:29.625
unless there's anything that you particularly want to, uh,

907

00:49:29.685 --> 00:49:33.425
to say, uh, to add to your, your, your evidence now, um,

908

00:49:36.705 --> 00:49:39.345
I think we should move on quite quickly

909

00:49:39.605 --> 00:49:41.305
to pursue any questions on timing

910

00:49:41.565 --> 00:49:44.105
and other considerations of the proposed changes.

911

00:49:44.885 --> 00:49:47.985
Uh, I I think that, um, we mustn't lose sight

912

00:49:48.325 --> 00:49:51.945
of the difficulties we have in the time available within the

913

00:49:52.265 --> 00:49:54.985
examination, Mr. Gould.

914

00:49:57.415 --> 00:50:00.065
Yeah. Can, can the applicant indicate

915

00:50:00.195 --> 00:50:03.505
where you think you are on timescale in terms of a

916

00:50:04.025 --> 00:50:06.945
possible submission of changes, which we will then have to

917

00:50:07.785 --> 00:50:10.785

consider and decide whether we're gonna accept

918

00:50:10.885 --> 00:50:13.665

or not? Mr. tro

919

00:50:14.395 --> 00:50:16.705

James Strom for the applicant's sir, I'm, I'm told

920

00:50:19.485 --> 00:50:24.025

mid next week, Tuesday afternoon

921

00:50:24.085 --> 00:50:25.625

or Wednesday morning,

922

00:50:31.105 --> 00:50:33.245

we, we in, in, in that context, sir,

923

00:50:33.245 --> 00:50:38.205

we've received obviously the consultation responses,

924

00:50:39.825 --> 00:50:41.845

uh, I think as of Sunday.

925

00:50:42.145 --> 00:50:44.885

Yes. And so we are just going to

926

00:50:46.915 --> 00:50:49.445

present the change in that timescale

927

00:50:51.225 --> 00:50:55.245

In, in terms of the internal handling of the,

928

00:50:55.505 --> 00:50:57.965

is there something that has to happen before in effect?

929

00:50:58.905 --> 00:51:01.645

Um, the documentation is, is submitted, the inspector,

930

00:51:01.745 --> 00:51:05.285

is there any internal sign off that's required

931

00:51:05.585 --> 00:51:07.085

and what is that internal sign off?

932

00:51:08.865 --> 00:51:11.845

So there is an approval process you've heard about

933

00:51:11.845 --> 00:51:13.205

before by the has board,

934

00:51:14.975 --> 00:51:18.485

which is scheduled, what do you think?

935

00:51:18.515 --> 00:51:19.515

Tuesday morning,

936

00:51:28.125 --> 00:51:28.825

The 28th,

937

00:51:40.715 --> 00:51:45.215

and there's a reasonable confidence that on the 29th the,

938

00:51:45.275 --> 00:51:46.975

the application will be submitted.

939

00:51:48.395 --> 00:51:50.815

Yes. Or the request, I should say, will be submitted

940

00:51:50.985 --> 00:51:53.175

James Strong for applicant? Yes, sir.

941

00:51:54.075 --> 00:51:58.815

Um, the examining authority on

942

00:51:58.815 --> 00:52:02.135

that timescale is going to be in a slightly tricky position

943

00:52:03.095 --> 00:52:05.895

'cause we've got a busy week next week, uh,

944

00:52:05.895 --> 00:52:09.615

because we've got to think about compiling any additional

945

00:52:09.615 --> 00:52:10.855

written questions that we might

946

00:52:10.855 --> 00:52:13.535

otherwise have raised, uh,

947

00:52:13.535 --> 00:52:16.575

what was originally our third written question deadline.

948

00:52:16.575 --> 00:52:19.335

But we deliberately deferred that, um,

949

00:52:19.525 --> 00:52:22.175

because we didn't have the statement of common ground

950

00:52:22.175 --> 00:52:24.055

that we expected, we knew

951

00:52:24.205 --> 00:52:26.375

that potentially a change request was in the

952

00:52:26.375 --> 00:52:27.975

wind, no pun intended.

953

00:52:28.915 --> 00:52:29.135

Um,

954

00:52:34.975 --> 00:52:37.235

And I think it's fair to say as we sit here today,

955

00:52:37.235 --> 00:52:40.595

that the examining authority will not come to a view as

956

00:52:40.595 --> 00:52:44.275

to whether it's gonna accept that change request, uh,

957

00:52:44.425 --> 00:52:49.115

into the examination until early, uh, the following week.

958

00:52:49.115 --> 00:52:51.035

Because as I say, we are committed

959

00:52:51.035 --> 00:52:54.475

to do other things including potentially review the DC0

960

00:52:55.175 --> 00:52:56.675

and, uh, publish.

961

00:52:58.215 --> 00:53:02.075

Um, what might be our suggested revisions to the DC0?

962

00:53:03.015 --> 00:53:06.355

Um, I think it's just fair that everybody in the room

963

00:53:07.195 --> 00:53:11.795

realizes that, uh, yes, documents might come in on the 29th,

964

00:53:11.855 --> 00:53:13.475

but you might not see them being published.

965

00:53:14.275 --> 00:53:15.515

'cause that'll be dependent on

966

00:53:15.515 --> 00:53:16.915

what decision we make about whether

967

00:53:16.915 --> 00:53:18.035

we're gonna accept them or not.

968

00:53:19.015 --> 00:53:21.155

Uh, we, we will endeavor, uh, as

969

00:53:21.155 --> 00:53:22.755

and when the application arrives

970

00:53:23.775 --> 00:53:25.725

to make a decision about acceptance

971

00:53:25.785 --> 00:53:27.685

and then arrange for publication.

972

00:53:28.545 --> 00:53:30.885

But I think that's, that's all we can say at this point.

973

00:53:32.805 --> 00:53:36.445

S So Isabella, for DFDS, just as a matter

974

00:53:36.445 --> 00:53:37.765

of practical expediency,

975

00:53:37.765 --> 00:53:40.285

perhaps if the applicant could send us all the documents so

976

00:53:40.285 --> 00:53:43.325

that we are not awaiting their publication on the website,

977

00:53:43.755 --> 00:53:44.925

that would assist,

978

00:53:47.905 --> 00:53:51.005

Is that something the applicant feels able to do on the,

979

00:53:51.275 --> 00:53:54.685

everybody realizing there is a risk that it's possible

980

00:53:54.715 --> 00:53:56.165

that the examining authority does not

981

00:53:56.165 --> 00:53:57.805

accept the change request

982

00:54:02.535 --> 00:54:03.725

James Storm for the applicant?

983

00:54:04.105 --> 00:54:06.085

Yes, sir. We can do that in this case.

984

00:54:06.385 --> 00:54:08.805

Uh, I don't wanna set a general precedent

985

00:54:08.805 --> 00:54:10.525
of doing all documents that way, yes.

986

00:54:10.525 --> 00:54:14.285
But yes. Um, and in that respect, it probably

987

00:54:15.135 --> 00:54:18.085
makes sense to include, well include IOT

988

00:54:19.225 --> 00:54:23.165
and DFDS, uh, TLDM made a response as well.

989

00:54:23.165 --> 00:54:24.405
Yeah, but we can all

990

00:54:24.405 --> 00:54:26.925
Three, you have read, read My Mind now that was coming.

991

00:54:26.925 --> 00:54:29.365
This I think probably also the Harbor Master should get a

992

00:54:29.365 --> 00:54:30.445
set as well, and the Harbor

993

00:54:30.445 --> 00:54:32.445
Master, Even if he doesn't want a set,

994

00:54:34.465 --> 00:54:36.045
Why, Why should he be excluded?

995

00:54:36.265 --> 00:54:40.285
But no, presumably it would, would assist you, um, given

996

00:54:40.285 --> 00:54:41.325
that deadlines set you.

997

00:54:41.445 --> 00:54:43.165
'cause you might wanna make comment by deadlines seven.

998

00:54:43.195 --> 00:54:45.725

It's not all that far away, presuming

999

00:54:45.725 --> 00:54:49.765

that there is an acceptance, um, of that, uh, submission.

1000

00:54:50.945 --> 00:54:53.525

Yes. I don't think we've missed anybody obvious

1001

00:54:53.525 --> 00:54:54.845

that should be receiving.

1002

00:54:55.905 --> 00:54:56.125

Um,

1003

00:55:02.085 --> 00:55:04.925

I mean there asked for statutory consulting like Natural

1004

00:55:05.035 --> 00:55:06.485

England, MMO,

1005

00:55:06.545 --> 00:55:08.125

but I think actually better that

1006

00:55:09.025 --> 00:55:11.845

the decision about acceptance is made before they get,

1007

00:55:11.845 --> 00:55:14.245

because if they spend time looking at stuff

1008

00:55:14.245 --> 00:55:15.925

that only defined that for whatever reason,

1009

00:55:16.025 --> 00:55:17.805

the examining authority didn't accept,

1010

00:55:18.275 --> 00:55:20.205

they wouldn't thank us for wasting their time

1011

00:55:20.205 --> 00:55:21.245

and effort looking at stuff

1012

00:55:21.245 --> 00:55:22.765

that perhaps they didn't need to look at.

1013

00:55:24.495 --> 00:55:26.725

James Strong, the applicant. Yes, sir.

1014

00:55:27.105 --> 00:55:31.845

And for example, had Natural England in its consultation,

1015

00:55:31.955 --> 00:55:33.885

been raising any concerns,

1016

00:55:33.985 --> 00:55:36.845

we might have alter taken a different course,

1017

00:55:36.945 --> 00:55:40.965

but the consultation response is not

1018

00:55:41.915 --> 00:55:43.165

raising concerns.

1019

00:55:43.705 --> 00:55:47.445

So in those circumstances, uh, agree in principle

1020

00:55:47.445 --> 00:55:52.045

that the main persons who have responded, um,

1021

00:55:52.265 --> 00:55:55.885

in this room are, we'll, we'll send it to, at the time

1022

00:55:55.885 --> 00:55:58.045

of submitting it to examining authority

1023

00:56:34.545 --> 00:56:36.005

At, at, at this state.

1024

00:56:36.035 --> 00:56:37.445

Well, I would imagine you,

1025

00:56:38.165 --> 00:56:39.805

somebody within the team knows in terms

1026

00:56:39.805 --> 00:56:44.365

of what's being submitted to, um, haba, what, what,

1027

00:56:44.395 --> 00:56:47.965

what is actually going, presumably it's all of the documents

1028

00:56:47.965 --> 00:56:49.405

that would form the actual change request

1029

00:56:49.465 --> 00:56:51.125

and some sort of covering report.

1030

00:56:52.465 --> 00:56:56.645

Um, Mr. McCart, I mean, have you seen any of that yet?

1031

00:56:58.465 --> 00:57:00.445

Uh, Mike McCartan for AVP? Not yet.

1032

00:57:03.335 --> 00:57:04.335

Thank you, sir.

1033

00:57:05.985 --> 00:57:08.405

Can I Jen James Strong for the applicant?

1034

00:57:08.405 --> 00:57:13.245

Can I just add that we have well in mind the

1035

00:57:13.845 --> 00:57:18.805

observations from the examining authority yesterday about

1036

00:57:19.665 --> 00:57:23.205

the revisions to the NRA

1037

00:57:23.555 --> 00:57:24.685

with appendices.

1038

00:57:26.185 --> 00:57:30.645

So just to be clear, we've got that well in mind, uh,

1039

00:57:30.745 --> 00:57:34.885
in terms of, uh, review

1040

00:57:34.905 --> 00:57:38.325
by the house board, and

1041

00:57:39.475 --> 00:57:44.165
currently I anticipate speaking without probably told

1042

00:57:44.315 --> 00:57:45.685
that, that that will be a,

1043

00:57:49.695 --> 00:57:53.735
I think a separate process that takes account of all

1044

00:57:53.735 --> 00:57:55.135
of the observations

1045

00:57:55.245 --> 00:57:59.295
that have been made, just to be clear.

1046

00:57:59.355 --> 00:58:01.295
But the, sorry, I

1047

00:58:01.295 --> 00:58:02.295
Just want to speak Mr. McCartney.

1048

00:58:02.295 --> 00:58:03.615
Can you remind, has,

1049

00:58:03.615 --> 00:58:07.655
but does it, it meets usually four times a year.

1050

00:58:08.595 --> 00:58:10.695
Are those dates in effect once a quarter

1051

00:58:10.915 --> 00:58:14.255
and they're fixed, is what we're seeing here, um,

1052

00:58:15.135 --> 00:58:16.815

consideration of the change request and

1053

00:58:16.815 --> 00:58:18.655

or maybe revisions to NRA.

1054

00:58:18.875 --> 00:58:19.975

Is that a special meeting

1055

00:58:20.075 --> 00:58:21.655

or is that one of the regular meetings

1056

00:58:21.655 --> 00:58:22.895

that was scheduled anyway?

1057

00:58:23.515 --> 00:58:26.215

Oh, yes. Mike McCarson for ABP, sir, the, um,

1058

00:58:26.485 --> 00:58:29.095

meeting we have next week is one that is actually scheduled,

1059

00:58:29.515 --> 00:58:32.175

and then we may have to have a subsequent one, uh,

1060

00:58:32.175 --> 00:58:34.855

post comments that, uh, we received yesterday,

1061

00:58:35.355 --> 00:58:36.495

uh, before submission.

1062

00:58:37.105 --> 00:58:38.105

Thank you.

1063

00:58:40.225 --> 00:58:44.015

Could I raise one additional matter just with regard

1064

00:58:44.135 --> 00:58:48.055

to information, David Alvin, IOT in the, um,

1065

00:58:48.055 --> 00:58:52.255

environmental statement appendices for the,

1066

00:58:52.875 --> 00:58:56.855

uh, proposed changes, which is document as oh two eight

1067

00:58:57.875 --> 00:59:00.215

at 10.4 0.3?

1068

00:59:01.465 --> 00:59:04.015

Sorry, I've just lost the page. Thank you.

1069

00:59:05.875 --> 00:59:09.615

Uh, on, on updates required to appendices,

1070

00:59:10.035 --> 00:59:11.495

it says there's a need

1071

00:59:11.495 --> 00:59:13.695

to assess the navigational environment with respect

1072

00:59:13.695 --> 00:59:15.375

to a row, row vessel, coastal tanker,

1073

00:59:15.375 --> 00:59:17.535

or a bunker barge maneuvering to their respective berths

1074

00:59:17.955 --> 00:59:20.895

to be done by further consultation, further simulations,

1075

00:59:21.130 --> 00:59:22.780

promulgation of hazard logs following

1076

00:59:22.780 --> 00:59:24.045

stakeholder engagement.

1077

00:59:24.585 --> 00:59:28.605

And I just wondered what we were to expect for fulfillment

1078

00:59:28.605 --> 00:59:30.485

of that at 10.4 0.3.

1079

00:59:34.755 --> 00:59:35.805

Page 56, Mr.

1080

00:59:35.945 --> 00:59:38.645

str, uh, would one of your team late to, uh,

1081

00:59:38.915 --> 00:59:39.925

address that point?

1082

00:59:41.395 --> 00:59:43.765

Yeah. Yes. So James Strong for the applicant.

1083

00:59:43.945 --> 00:59:48.125

Um, as you've already heard, there has been a,

1084

00:59:49.345 --> 00:59:53.685

an effort made to involve IOT in the

1085

00:59:54.655 --> 00:59:55.685

assessment of,

1086

00:59:55.985 --> 00:59:59.165

in including the additional operational controls,

1087

00:59:59.225 --> 01:00:01.885

the simulations for those, uh,

1088

01:00:02.235 --> 01:00:04.685

that process is going to continue.

1089

01:00:05.825 --> 01:00:08.005

And as we've already indicated, Mr.

1090

01:00:08.185 --> 01:00:10.645

Par is here

1091

01:00:10.985 --> 01:00:12.365

and I think what he was referring

1092

01:00:12.365 --> 01:00:17.125

to in case it wasn't clear, he, he can engage with the

1093

01:00:17.715 --> 01:00:21.485
parties present on the simulations

1094

01:00:21.485 --> 01:00:23.005
that are already being carried out

1095

01:00:23.025 --> 01:00:25.885
to which IOT were invited, but couldn't come.

1096

01:00:27.305 --> 01:00:29.885
He can already today talk through those

1097

01:00:30.025 --> 01:00:31.365
and he can continue to

1098

01:00:31.545 --> 01:00:35.925
and will continue to engage, um, as appropriate.

1099

01:00:36.975 --> 01:00:40.565
Thank you. That seems a, uh, a, a sensible offer. Um, Mr.

1100

01:00:40.725 --> 01:00:44.085
Selvin, would the IIO OT team accept that offer of,

1101

01:00:44.145 --> 01:00:45.145
Of course. Um,

1102

01:00:45.145 --> 01:00:47.525
I'm just, and I obviously heard

1103

01:00:47.525 --> 01:00:48.525
what Mr. Powell said earlier.

1104

01:00:48.905 --> 01:00:51.965
My only, the reason I raised it, I wasn't quite sure

1105

01:00:52.475 --> 01:00:54.325
what the relationship of what Mr.

1106

01:00:54.425 --> 01:00:56.245

Par said with 10.4 0.3.

1107

01:00:56.445 --> 01:00:58.685

'cause 10.4 0.3 appeared to be slightly wider,

1108

01:00:59.145 --> 01:01:02.205

but I'm content to be updated by anything that's relevant,

1109

01:01:02.905 --> 01:01:04.685

uh, and we'll deal with it when we get it.

1110

01:01:05.705 --> 01:01:08.845

It seems to me that obviously engagement is a sliding

1111

01:01:08.845 --> 01:01:13.245

scale and, uh, I think this is, uh, this is a sensible offer

1112

01:01:13.465 --> 01:01:16.325

to at least keep that momentum.

1113

01:01:16.745 --> 01:01:17.845

Whilst we're all together,

1114

01:01:23.545 --> 01:01:28.405

I'm intending to, uh, to, to skip very quickly through,

1115

01:01:28.625 --> 01:01:30.405

uh, item two E.

1116

01:01:30.985 --> 01:01:33.565

Uh, in fact, I think we've effectively covered two

1117

01:01:33.765 --> 01:01:34.805

E we'll skip over that.

1118

01:01:35.025 --> 01:01:36.605

And two f we covered yesterday.

1119

01:01:36.745 --> 01:01:40.685

So two G, which is the last item under, uh, navigation.

1120
01:01:41.195 --> 01:01:46.005
Just a few, um, I think points of

1121
01:01:46.305 --> 01:01:47.405
of follow up here.

1122
01:01:48.105 --> 01:01:50.445
Uh, I think the first one is

1123
01:01:55.345 --> 01:01:58.765
an opportunity to let, um, Mr.

1124
01:01:58.905 --> 01:02:00.685
Hannon, um, speak to the point

1125
01:02:00.685 --> 01:02:02.165
that was offered at the beginning of the morning.

1126
01:02:03.495 --> 01:02:05.925
Could, yes, Mr. Hannon? Thank you.

1127
01:02:12.355 --> 01:02:16.335
Uh, James Hannon. AP uh, um, yes, on the, uh, question

1128
01:02:16.335 --> 01:02:18.495
that was asked yesterday about the, uh, the, the,

1129
01:02:18.595 --> 01:02:20.805
the assessment on the, of the Eastern Jetty collision

1130
01:02:20.805 --> 01:02:23.045
with the East and Jetty, um, the,

1131
01:02:23.065 --> 01:02:24.525
the simulations demonstrated

1132
01:02:24.555 --> 01:02:26.605
that the maneuver can be undertaken safely.

1133
01:02:27.665 --> 01:02:30.805

Um, there was, uh, no change in the risk

1134

01:02:30.805 --> 01:02:32.525
of collision with the infrastructure.

1135

01:02:33.705 --> 01:02:37.725
Uh, none of the simulation runs undertaken indicated that,

1136

01:02:37.825 --> 01:02:41.765
uh, the risk of the vessel setting down onto the jetty.

1137

01:02:42.545 --> 01:02:43.965
Um, considering the controls

1138

01:02:43.965 --> 01:02:48.685
that have currently been identified within the NRA, um, such

1139

01:02:48.685 --> 01:02:52.485
as Harbor Master Procedures, towage pilot training

1140

01:02:52.585 --> 01:02:55.285
to name a few listed, uh,

1141

01:02:56.035 --> 01:03:00.365
therefore, um, it, uh, validates the assessment of the risk

1142

01:03:00.365 --> 01:03:01.765
as it, uh, risk as it stands.

1143

01:03:02.385 --> 01:03:04.525
Uh, there is no impact on the likelihood

1144

01:03:04.625 --> 01:03:08.445
or consequences as already determined, and

1145

01:03:08.475 --> 01:03:10.885
therefore it remains tolerable and a larp.

1146

01:03:16.285 --> 01:03:18.915
Thank you. Um, very succinct. Um,

1147

01:03:24.715 --> 01:03:28.955
CLDN, uh, is there any, uh, response

1148

01:03:29.015 --> 01:03:30.955
to the points I made earlier on that you'd like

1149

01:03:30.955 --> 01:03:32.475
to make today, or should we leave that

1150

01:03:32.535 --> 01:03:33.795
to written submission?

1151

01:03:35.215 --> 01:03:36.435
Robbie 0 and CRDN.

1152

01:03:36.935 --> 01:03:37.955
So we will be able

1153

01:03:37.955 --> 01:03:40.075
to give you something just a little bit later.

1154

01:03:40.255 --> 01:03:43.155
It is in production. Um, it may not be entirely complete,

1155

01:03:43.155 --> 01:03:45.035
but I think you might find it helpful to have today.

1156

01:03:47.085 --> 01:03:49.755
Thank you. Uh, the

1157

01:03:50.865 --> 01:03:53.395
next point then is, in fact, I think

1158

01:03:53.395 --> 01:03:56.075
before we skip to the next point, let's just see if, uh,

1159

01:03:56.075 --> 01:03:59.395
there's any comment on, uh, what we've just heard from Mr.

1160

01:03:59.455 --> 01:04:01.315

Hannon, from DFTS first,

1161

01:04:01.335 --> 01:04:03.555

and then IO ot, if you'd like to mention it,

1162

01:04:04.735 --> 01:04:07.315

Isabel, for DFDS, nothing raise already,

1163

01:04:07.315 --> 01:04:09.395

will considerate in, respond in writing as necessary.

1164

01:04:09.975 --> 01:04:13.715

Mr. Ling, anything to comment on Mr.

1165

01:04:13.875 --> 01:04:15.395

Hannon's submission just now?

1166

01:04:16.215 --> 01:04:17.835

No thank you. Any, any, Any

1167

01:04:17.835 --> 01:04:19.355

Additional submissions we'll make in writing.

1168

01:04:19.645 --> 01:04:20.075

Thank you.

1169

01:04:38.165 --> 01:04:41.015

Looking through my notes here, I think that we've covered,

1170

01:04:41.475 --> 01:04:44.935

uh, the, let's call it the, the, the, the,

1171

01:04:44.955 --> 01:04:46.055

the outstanding items

1172

01:04:46.205 --> 01:04:48.775

that were raised earlier in the, the hearing.

1173

01:04:50.155 --> 01:04:53.735

But are there any other matters regarding navigation

1174

01:04:53.735 --> 01:04:57.455
and shipping, um, that any ips

1175

01:04:57.675 --> 01:05:00.455
or indeed the applicant wish to raise before we move on?

1176

01:05:02.445 --> 01:05:04.215
Forever? Hold your piece as it were.

1177

01:05:07.955 --> 01:05:09.335
dft s nothing else.

1178

01:05:10.155 --> 01:05:12.855
Um, CDN anything else to raise at this time?

1179

01:05:14.575 --> 01:05:15.575
IO ot?

1180

01:05:25.845 --> 01:05:30.005
I think other than to reiterate where we are on,

1181

01:05:30.065 --> 01:05:32.405
on these matters, which I will do briefly.

1182

01:05:32.775 --> 01:05:37.285
Thank you. Um, as you will be aware,

1183

01:05:38.225 --> 01:05:43.205
we are concerned about, um, navigation matters

1184

01:05:43.265 --> 01:05:46.805
and navigation risk in particular, we're not satisfied

1185

01:05:46.805 --> 01:05:49.165
that what's been offered by ABP is sufficient.

1186

01:05:49.745 --> 01:05:54.725
You are dealing with circumstances where were

1187

01:05:56.605 --> 01:06:00.345

set against the commercial imperatives of ABP and Stainer.

1188

01:06:00.445 --> 01:06:04.025

We are simply trying to maintain a safe status quo.

1189

01:06:04.085 --> 01:06:07.065

We get no benefits from these proposals.

1190

01:06:09.385 --> 01:06:12.985

I don't need to repeat the general significance

1191

01:06:13.125 --> 01:06:15.985

of the oil terminal to UK fuel security.

1192

01:06:18.805 --> 01:06:23.185

We do not consider that what is on the table is sufficient

1193

01:06:23.205 --> 01:06:24.425

to meet these requirements.

1194

01:06:24.885 --> 01:06:28.225

And I have to make it clear that if the examination,

1195

01:06:28.445 --> 01:06:30.825

the examining authority agrees with us on this,

1196

01:06:30.825 --> 01:06:33.385

then the only appropriate course for the Secretary

1197

01:06:33.385 --> 01:06:35.865

of State is to refuse to make the DCO.

1198

01:06:36.685 --> 01:06:40.025

We would hope that if there are sensible inter intermediate

1199

01:06:40.085 --> 01:06:42.105

stages, such as those that we've recommended,

1200

01:06:42.575 --> 01:06:43.785

they could have been imposed,

1201

01:06:44.085 --> 01:06:47.065

but we've had too little, too late from ABP.

1202

01:06:47.765 --> 01:06:50.545

And although there is engagement now,

1203

01:06:50.565 --> 01:06:52.505

if we'd had engagement a year

1204

01:06:52.505 --> 01:06:55.785

or so ago, we might have made more constructive progress.

1205

01:06:56.245 --> 01:06:57.465

We have tried to engage,

1206

01:06:57.605 --> 01:07:01.505

but have, uh, not had any success until recently.

1207

01:07:02.405 --> 01:07:03.785

You have seen the material.

1208

01:07:03.885 --> 01:07:05.545

That's, I don't need to repeat that.

1209

01:07:06.325 --> 01:07:08.985

Uh, and, and our position is, is simply that,

1210

01:07:09.245 --> 01:07:13.065

and we think the proposed changes, even if they're accepted

1211

01:07:13.125 --> 01:07:15.425

by the examining authority, will not be sufficient

1212

01:07:15.425 --> 01:07:16.425

to meet our concerns.

1213

01:07:16.635 --> 01:07:17.635

Thank you.

1214

01:07:18.475 --> 01:07:21.745

Thank you, Mr. Vin. Um, anything from Har Mustard?

1215

01:07:24.185 --> 01:07:26.065

Victoria Hadden, har Mustard? No, thank you, sir.

1216

01:07:26.135 --> 01:07:27.905

It's just that we note that, um,

1217

01:07:27.975 --> 01:07:30.025

item four on the agenda as any other business.

1218

01:07:30.425 --> 01:07:33.105

I hope you'll forgive us if we leave now, assuming that,

1219

01:07:34.865 --> 01:07:36.705

assuming that navigational safety isn't going

1220

01:07:36.705 --> 01:07:38.065

to come up again and we'll be

1221

01:07:38.065 --> 01:07:39.185

back tomorrow, if that's all right.

1222

01:07:40.405 --> 01:07:41.945

Agreed. Agreed. Thank you, sir.

1223

01:07:41.945 --> 01:07:43.385

And thank you very much for your help. Thank you.

1224

01:07:43.925 --> 01:07:45.625

Uh, and last word to the applicant,

1225

01:07:47.115 --> 01:07:48.385

James Strong for the applicant.

1226

01:07:48.445 --> 01:07:51.065

Sir, I'm not gonna repeat, uh, any detail of

1227

01:07:51.065 --> 01:07:52.225

what we've already discussed.

1228
01:07:52.245 --> 01:07:54.825
Um, we've got various things to respond

1229
01:07:54.825 --> 01:07:56.185
to you in writing in any event.

1230
01:07:56.685 --> 01:08:00.145
Uh, just in relation to the last observations from IOT,

1231
01:08:00.685 --> 01:08:05.465
you know, our position, we have indeed assessed the position

1232
01:08:05.685 --> 01:08:07.705
so far as the IOT's concerned

1233
01:08:08.725 --> 01:08:12.105
and conducted, uh, various

1234
01:08:13.025 --> 01:08:14.985
detailed assessments of the risk

1235
01:08:16.465 --> 01:08:18.885
and indeed involved stakeholders,

1236
01:08:18.995 --> 01:08:22.445
including all stakeholders, uh, such as the Harbor Master.

1237
01:08:23.185 --> 01:08:25.165
We have a different view

1238
01:08:26.065 --> 01:08:29.245
and we have made our risk assessments in light of

1239
01:08:30.605 --> 01:08:31.685
identifiable principles,

1240
01:08:31.685 --> 01:08:34.045
which have been the subject of discussion.

1241
01:08:34.945 --> 01:08:38.165

And, uh, when one comes to reflect on

1242

01:08:38.825 --> 01:08:41.605

the additional enhanced measures we are proposing,

1243

01:08:42.515 --> 01:08:46.125

they're indicative not of any change in perception

1244

01:08:46.125 --> 01:08:50.125

of the risk which we had regarded as tolerable and AL

1245

01:08:50.785 --> 01:08:54.725

but to the contrary, a willingness to engage

1246

01:08:55.075 --> 01:08:57.365

with the iot as a stakeholder to,

1247

01:08:57.385 --> 01:09:02.125

to give them greater comfort than was being identified

1248

01:09:02.125 --> 01:09:05.445

as necessary from our formal risk assessments.

1249

01:09:06.025 --> 01:09:10.885

So a rather different perspective in terms

1250

01:09:10.905 --> 01:09:14.925

of our approach to IOT than the one they're putting forward.

1251

01:09:15.105 --> 01:09:17.925

But I don't need to rehearse all of that,

1252

01:09:17.925 --> 01:09:21.605

but I just wanted to be clear back to where the physician I,

1253

01:09:21.805 --> 01:09:24.725

I already articulated as to why we are going

1254

01:09:25.195 --> 01:09:27.245

that extra mile, if I can put it that way.

1255

01:09:28.705 --> 01:09:29.705

Thanks much.

1256

01:09:40.595 --> 01:09:44.905

Thank you, Mr. str. Uh, sorry, Mr. Oh, I'm sorry.

1257

01:09:46.435 --> 01:09:49.745

Thank you, sir. Robbie Owen from CRDN. Um, with apologies.

1258

01:09:49.755 --> 01:09:52.665

There is one matter I wanted to raise for Ms.

1259

01:09:52.815 --> 01:09:55.065

Huts and Hard Master Humber leave.

1260

01:09:55.285 --> 01:09:58.305

Um, and it's just on reflection to do with the

1261

01:09:59.625 --> 01:10:01.505

possible crossover between item two of the agenda.

1262

01:10:01.825 --> 01:10:03.105

Shipping navigation matters clearly.

1263

01:10:03.325 --> 01:10:07.425

And item three A three A refers to

1264

01:10:07.985 --> 01:10:10.265

salient matters on the freight handling

1265

01:10:10.465 --> 01:10:11.505

capacity of the opposed developments.

1266

01:10:11.505 --> 01:10:15.265

And obviously, um, you know, vessel capacity

1267

01:10:15.685 --> 01:10:20.225

and navigational constraints, uh, are as applicable to the

1268

01:10:20.745 --> 01:10:22.665

handling capacity of the development

1269

01:10:22.925 --> 01:10:26.345
as landslide storage capacity is.

1270

01:10:26.685 --> 01:10:30.305
And, um, this may be a matter,

1271

01:10:30.645 --> 01:10:34.185
and we'd be happy if this were to be your view that we, um,

1272

01:10:34.485 --> 01:10:36.105
put in post hearing submissions,

1273

01:10:36.125 --> 01:10:39.905
but as you, as you all know, as the panel will know,

1274

01:10:40.505 --> 01:10:44.105
CRDN already consider that throughput of the

1275

01:10:44.705 --> 01:10:46.265
proposed development as set out

1276

01:10:46.265 --> 01:10:47.665
by the applicant is unachievable.

1277

01:10:48.005 --> 01:10:51.905
Um, and we've been reflecting on that overnight, uh, and,

1278

01:10:51.925 --> 01:10:54.265
and consider that the use of smaller vessels

1279

01:10:54.265 --> 01:10:56.265
that have been modeled, which we were discussing yesterday,

1280

01:10:56.755 --> 01:11:00.185
makes this makes the applicant's desired throughput

1281

01:11:00.185 --> 01:11:01.225
even more unlikely.

1282

01:11:01.845 --> 01:11:05.625

Um, and we've done some calculations ourselves overnight

1283

01:11:05.645 --> 01:11:07.985

and, um, I I, I think given the time of day

1284

01:11:07.985 --> 01:11:10.585

and the need to move on, I imagine your view might be

1285

01:11:10.585 --> 01:11:12.985

that you'd be happy for those to be submitted in writing.

1286

01:11:13.545 --> 01:11:14.685

Um, but I mentioned it

1287

01:11:14.685 --> 01:11:17.605

because one could perhaps take, take them under three A,

1288

01:11:17.605 --> 01:11:19.005

but given we spent a day

1289

01:11:19.005 --> 01:11:21.645

and a half on shipping navigation matters, you might want

1290

01:11:21.645 --> 01:11:23.165

to just, uh, not do that.

1291

01:11:24.995 --> 01:11:26.085

It's up to you. Of course. Thank

1292

01:11:26.085 --> 01:11:27.085

You. It, it's, it's very

1293

01:11:27.085 --> 01:11:27.645

interesting, um,

1294

01:11:27.755 --> 01:11:30.965

that we are acutely conscious of the linkage.

1295

01:11:31.225 --> 01:11:34.485

Uh, and yes, we will be wanting to discuss it.

1296

01:11:34.545 --> 01:11:37.485

The, the big question is whether it is of import

1297

01:11:37.865 --> 01:11:39.405

or you can envisage it being

1298

01:11:39.405 --> 01:11:41.285

of import at this stage to Harbor Master

1299

01:11:46.875 --> 01:11:50.045

Robo and C-0-D-N-I-I, I think the issues we have are,

1300

01:11:50.805 --> 01:11:53.365

I mean, we await the applicant's note on sort

1301

01:11:53.365 --> 01:11:55.005

of navigational congestion, I think was

1302

01:11:55.005 --> 01:11:56.085

how we were referring to it.

1303

01:11:56.505 --> 01:12:00.005

Um, our, our our, um, concerns

1304

01:12:00.005 --> 01:12:03.085

and further thoughts overnight are more to do with just the,

1305

01:12:03.505 --> 01:12:05.805

the achievability of the throughput in terms of

1306

01:12:06.445 --> 01:12:08.685

shipping routes and the market, if I can put it that way.

1307

01:12:08.745 --> 01:12:10.645

So, which I think is probably of lesser concern,

1308

01:12:11.065 --> 01:12:13.885

but not entirely irrelevant to Harbor Master Humber.

1309

01:12:16.465 --> 01:12:19.685

My sense on this before asking you to, to respond is that,

1310

01:12:19.905 --> 01:12:22.605

uh, what's really at stake here is

1311

01:12:23.505 --> 01:12:27.845

if we're faced certainly in the, uh, immediate future with,

1312

01:12:28.225 --> 01:12:33.205

uh, vessels are a, a significantly lower, uh, uh,

1313

01:12:33.365 --> 01:12:36.845

carrying capacity than the design vessel that if you'd like,

1314

01:12:36.845 --> 01:12:40.245

it's the maximum, uh, within the envelope

1315

01:12:40.505 --> 01:12:44.765

of the application, um, that has an impact on,

1316

01:12:45.385 --> 01:12:48.565

uh, the, the, the overall capacity

1317

01:12:48.825 --> 01:12:51.005

of this proposed development.

1318

01:12:51.905 --> 01:12:55.165

Uh, assuming that the, uh, that,

1319

01:12:55.165 --> 01:12:58.085

that we we're still talking about the, uh, the, the,

1320

01:12:58.085 --> 01:12:59.845

the maximum six sailings a day.

1321

01:13:00.185 --> 01:13:02.565

So that's really the, the matter at stake as we see it.

1322

01:13:03.385 --> 01:13:07.805

Um, is this something that Harbor Master is likely to want

1323

01:13:07.805 --> 01:13:09.525

to get engaged with at this time?

1324

01:13:14.485 --> 01:13:15.645

Victoria Hutton for the Harbor Master?

1325

01:13:15.825 --> 01:13:17.645

And I promise not just because it's 3:00 PM

1326

01:13:17.865 --> 01:13:20.965

but um, no, uh, it doesn't sound like it is, sir,

1327

01:13:21.065 --> 01:13:24.085

but we can review any written submissions

1328

01:13:24.425 --> 01:13:26.285

and consider whether there is an angle

1329

01:13:26.315 --> 01:13:28.805

that would be appropriate for us to comment on,

1330

01:13:29.955 --> 01:13:31.165

Perhaps to assist in.

1331

01:13:31.385 --> 01:13:33.765

I'm not sure that it would make an awful lot

1332

01:13:33.765 --> 01:13:37.645

of difference whether it were a smaller vessel or a larger,

1333

01:13:37.945 --> 01:13:40.725

or something in between or, or the design vessel,

1334

01:13:40.915 --> 01:13:43.165

because I think, if I understand correctly,

1335

01:13:43.235 --> 01:13:47.005

what we've been told is the proposed development is designed

1336

01:13:47.105 --> 01:13:50.565

to accommodate three inbound ships a day

1337

01:13:51.025 --> 01:13:54.485

and three departures a day as to precisely

1338

01:13:54.485 --> 01:13:57.925

what size those ships are in that context in terms

1339

01:13:57.925 --> 01:14:00.005

of river traffic doesn't really make an awful lot

1340

01:14:00.005 --> 01:14:02.605

of difference unless I'm something

1341

01:14:10.565 --> 01:14:11.685

Victoria Hatton for the Harbor Master.

1342

01:14:12.015 --> 01:14:13.685

Thank you, sir. Yes. Subject obviously

1343

01:14:13.685 --> 01:14:16.165

to the operational control piece that we dealt

1344

01:14:16.165 --> 01:14:19.645

with yesterday when a new ship, uh, comes into ber

1345

01:14:19.645 --> 01:14:20.925

and that would have to be considered,

1346

01:14:21.505 --> 01:14:24.965

but in principle, in terms of traffic, probably not.

1347

01:14:29.415 --> 01:14:30.725

Thank you for raising it, Mr.

1348

01:14:30.865 --> 01:14:33.965

And, uh, my sense is that, uh, it, it, it,

1349

01:14:34.065 --> 01:14:36.405

it would be entirely reasonable for Harbor Master

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01:14:36.625 --> 01:14:37.805

to take leave now.

1351

01:14:38.505 --> 01:14:40.765

Um, I think we should have a break,

1352

01:14:40.865 --> 01:14:42.645

but I, I'm gonna ask, uh, Mr.

1353

01:14:42.675 --> 01:14:44.565

Goul to just close this part of the agenda.

1354

01:14:46.355 --> 01:14:47.485

What, what we're gonna suggest,

1355

01:14:47.725 --> 01:14:50.005

'cause there's obviously gonna be a handover, a witnesses,

1356

01:14:50.145 --> 01:14:53.685

um, transport, onshore transport witnesses coming

1357

01:14:53.985 --> 01:14:57.685

to fill navigation people, uh, uh, witnesses.

1358

01:14:58.225 --> 01:14:59.285

Um, willing

1359

01:14:59.285 --> 01:15:02.525

and AURs to say half past three sound reasonable?

1360

01:15:02.525 --> 01:15:04.565

So it's about 15 minutes. Um,

1361

01:15:04.945 --> 01:15:08.925

and we are hoping that we'll get through the transport, um,

1362

01:15:09.595 --> 01:15:12.445

session in around two hours.

1363

01:15:12.665 --> 01:15:14.445

So that would mean we would close the hearing

1364

01:15:14.545 --> 01:15:15.725

around half past five.

1365

01:15:15.725 --> 01:15:19.525

That's what we'll endeavor to do. Okay?

1366

01:15:19.625 --> 01:15:20.725

Uh, the hearing is therefore

1367

01:15:20.725 --> 01:15:21.765

adjourned until half past three.

1368

01:15:21.765 --> 01:15:22.365

Thank you very much.