0
00:00:01.445 --> 00:00:05.255
Just, just gone, uh, 10 to 12.

1
00:00:05.555 --> 00:00:07.375
So the hearing is resuming.

2
00:00:07.915 --> 00:00:11.095
Um, in terms of the fire alarm, we've been advised

3
00:00:11.925 --> 00:00:15.375
that should it go again, go off again, we ignore it

4
00:00:15.375 --> 00:00:17.735
because apparently the last alarm was triggered

5
00:00:17.735 --> 00:00:20.855
by some works that are going on in the main hotel building

6
00:00:20.855 --> 00:00:23.735
affecting the heating system. Um, so

7
00:00:23.835 --> 00:00:26.695
Gi given that I've had cold showers every morning this

8
00:00:26.695 --> 00:00:28.855
week, I sincerely hope they sort it out

9
00:00:29.125 --> 00:00:30.535
because I've had enough of it.

10
00:00:30.615 --> 00:00:31.655
I dunno about anybody else

11
00:00:36.195 --> 00:00:37.895
Before we go on, Mr. Owen?

12
00:00:37.895 --> 00:00:38.895
You had a point, I think.

13
00:00:40.235 --> 00:00:42.895
Uh, thank you sir. Robbie Owen for CRDN, sir, before,

14
00:00:42.895 --> 00:00:46.815
before we finally leave, um, requirement 15, uh,

15
00:00:46.815 --> 00:00:51.015
there was a final point that, uh, uh, we wanted to make.

16
00:00:51.355 --> 00:00:55.575
Um, and it's, it's this really that noticeable by

17
00:00:55.575 --> 00:01:00.455
that absence from the list in requirement 15.

18
00:01:00.555 --> 00:01:01.655
In, in schedule two.

19
00:01:02.395 --> 00:01:06.255
Um, uh, are the, are the works plans

20
00:01:07.315 --> 00:01:11.135
and the engineering sections, drawings

21
00:01:11.135 --> 00:01:15.355
and plans, those are the, uh,

22
00:01:15.755 --> 00:01:18.355
drawings generically referred to in Article seven.

23
00:01:18.655 --> 00:01:20.715
You'll recall limits a deviation.

24
00:01:21.055 --> 00:01:25.475
Um, but it does beg the question in terms of, um, what

25
00:01:25.475 --> 00:01:29.035
otherwise is the status of those, um,

26
00:01:30.695 --> 00:01:33.315

Uh, plans and drawings referred to in Article seven.

27
00:01:33.505 --> 00:01:35.515
This isn't a deviation point that's dealt

28
00:01:35.515 --> 00:01:36.715
with in Article seven, um,

29
00:01:36.715 --> 00:01:41.395
but you do see in many development consent orders, um, uh,

30
00:01:41.515 --> 00:01:45.115
a, an obligation to, uh, subject to the power to deviate

31
00:01:45.215 --> 00:01:50.195
to build the scheme with reference to the key, um,

32
00:01:50.575 --> 00:01:52.555
uh, drawings laterally and vertically.

33
00:01:52.555 --> 00:01:53.795
So drawings and sections.

34
00:01:54.055 --> 00:01:56.835
So, um, I I, I would submit

35
00:01:56.835 --> 00:01:59.435
that considerations should be given to adding

36
00:02:00.735 --> 00:02:04.155
the works plans and secondly, the engineering sections,

37
00:02:04.155 --> 00:02:06.795
drawings and plans to, uh,

38
00:02:07.105 --> 00:02:09.075
requirement 15 to give them a status.

39
00:02:09.495 --> 00:02:13.075
Um, and, and of course it's not just what those

40
00:02:13.645 --> 00:02:16.035
plans provide for in terms of lateral

41
00:02:16.035 --> 00:02:19.915
and vertical positioning that, uh, uh, uh,

42
00:02:19.915 --> 00:02:21.235
article seven covers,

43
00:02:21.335 --> 00:02:24.355
but they also provide all sorts of other details.

44
00:02:24.455 --> 00:02:26.635
And, and, and if their status is not clear, then

45
00:02:27.585 --> 00:02:30.475
that I suggest is not, not a desirable position.

46
00:02:31.405 --> 00:02:32.405
Thank you,

47
00:02:35.295 --> 00:02:36.295
Mr. Strong or Mr. Greenwood,

48
00:02:36.295 --> 00:02:37.275

49
00:02:38.895 --> 00:02:41.795
Uh, James TRO for, for the applicant, sir.

50
00:02:42.135 --> 00:02:46.955
Um, my initial reaction is that that is unnecessary.

51
00:02:47.895 --> 00:02:52.635
And sir, as far as I can tell, if you were looking at other

52
00:02:53.425 --> 00:02:57.235
dcos, um, I think Tilbury two, uh,

53
00:02:57.855 --> 00:03:02.605

as an example, no such requirement to, to do so

54
00:03:03.065 --> 00:03:06.245
and so, but as it's just been a point raised, um,

55
00:03:06.635 --> 00:03:08.045
I'll have a look further look at it,

56
00:03:08.665 --> 00:03:10.005
but that's my initial reaction.

57
00:03:33.605 --> 00:03:36.785
The examining authority notes, both observations

58
00:03:36.805 --> 00:03:39.985
and we'll, we'll have a thing ourselves, uh,

59
00:03:40.045 --> 00:03:41.265
and, and come to a view.

60
00:03:54.495 --> 00:03:57.865
Just A very quick look at requirement 16,

61
00:03:57.865 --> 00:03:59.785
which is contaminated land.

62
00:04:00.925 --> 00:04:05.185
Um, subparagraph one refers

63
00:04:05.205 --> 00:04:08.625
to additional ground investigations that may be required

64
00:04:08.685 --> 00:04:10.425
by the Environment Agency and the council.

65
00:04:10.895 --> 00:04:15.625
There's nothing in there, uh, that effects triggers, um,

66
00:04:17.135 --> 00:04:18.705
what happens when and how.

67
00:04:19.885 --> 00:04:20.105
Um,

68
00:04:26.285 --> 00:04:30.065
any, any thoughts from the council as firstly the need for

69
00:04:30.065 --> 00:04:33.185
that opportunity to decide whether

70
00:04:33.185 --> 00:04:36.625
or not, um, any additional ground investigations are

71
00:04:36.865 --> 00:04:38.465
required and

72
00:04:38.485 --> 00:04:42.065
or how actually that might be triggered?

73
00:04:44.165 --> 00:04:47.265
And obviously the applicant will also get asked the

74
00:04:47.265 --> 00:04:48.425
same question, but Mr.

75
00:04:48.805 --> 00:04:50.745
Any any initial thoughts?

76
00:04:53.225 --> 00:04:56.565
Um, thank you, sir. Um, yeah, something I, I'd sort

77
00:04:56.565 --> 00:04:59.525
of seen there, but I, as you do, I'm not entirely sure

78
00:04:59.545 --> 00:05:00.565
how it's triggered or,

79
00:05:00.945 --> 00:05:03.925
or how we would, um, how we would look at that.

80
00:05:04.065 --> 00:05:07.845

So I think that needs to be looked at, um, by the applicant.

81
00:05:08.575 --> 00:05:09.575
Thank you.

82
00:05:16.065 --> 00:05:19.165
Um, can the applicant assist in its understanding of

83
00:05:19.165 --> 00:05:22.525
what it thought this, this provision was meant to be

84
00:05:22.785 --> 00:05:24.205
or how it was gonna work?

85
00:05:29.875 --> 00:05:32.025
James Strom for the applicant, sir?

86
00:05:32.245 --> 00:05:36.345
Yes, it was intended to allow for the potential

87
00:05:36.485 --> 00:05:40.745
for additional ground investigations of thought necessary.

88
00:05:40.965 --> 00:05:45.385
I'm not aware at the moment that there is such a, a,

89
00:05:45.545 --> 00:05:48.465
a need and in that sense, if there isn't,

90
00:05:49.425 --> 00:05:50.545
I take your point.

91
00:05:51.725 --> 00:05:54.585
Uh, but that's just my understanding. Mr.

92
00:05:54.705 --> 00:05:56.625
Cowlings still on the line.

93
00:05:56.685 --> 00:05:58.765
He may be able to, he may

94
00:05:58.765 --> 00:06:00.405
or may not be able to shed any further light,

95
00:06:00.425 --> 00:06:05.205
but, so that was the why the wording

96
00:06:05.745 --> 00:06:09.005
is in the way it is in relation to one, not

97
00:06:09.005 --> 00:06:10.645
that there is necessarily the need

98
00:06:10.665 --> 00:06:12.805
for additional ground investigations,

99
00:06:17.145 --> 00:06:18.965
Uh, Graham trial on behalf of the applicant.

100
00:06:19.025 --> 00:06:21.605
Uh, no, I've gotten further to add from,

101
00:06:21.745 --> 00:06:23.005
uh, in addition to Mr.

102
00:06:23.315 --> 00:06:24.325
STRs words.

103
00:06:25.285 --> 00:06:28.085
I mean, I I'm just wondering whether actually that

104
00:06:28.275 --> 00:06:31.085
that paragraph, sub paragraph gets struck

105
00:06:32.345 --> 00:06:34.805
and you, it's just then into, um,

106
00:06:35.155 --> 00:06:39.245
getting the strategy approved if a submission is made,

107
00:06:40.265 --> 00:06:43.125

um, to the council in

108
00:06:43.155 --> 00:06:45.525
with the consultation input from the environment agency,

109
00:06:45.525 --> 00:06:48.805
there's an issue, well, either additional information,

110
00:06:49.025 --> 00:06:51.685
and that might mean additional survey work has to be done,

111
00:06:53.025 --> 00:06:55.485
or if the applicant or the undertaker said, sorry.

112
00:06:55.665 --> 00:06:59.565
No, well, the, the counsel would have the opportunity

113
00:06:59.625 --> 00:07:01.085
to refuse what it had

114
00:07:01.085 --> 00:07:04.445
before it applicant, then he either has, well, undertaker,

115
00:07:04.445 --> 00:07:06.045
therefore has the opportunity either

116
00:07:07.025 --> 00:07:09.085
to make a new submission or go away

117
00:07:09.105 --> 00:07:11.045
and seek, uh, an appeal decision

118
00:07:13.775 --> 00:07:15.125
James drawn for the applicant's.

119
00:07:15.125 --> 00:07:17.725
Uh, yes, that does seem to make a lot of sense.

120
00:07:17.905 --> 00:07:22.645
The, the content of the remediation strategy, insofar

121
00:07:22.645 --> 00:07:24.805
as it were, didn't contain sufficient information,

122
00:07:24.805 --> 00:07:27.685
would be obviously a matter that could be raised as part of

123
00:07:27.685 --> 00:07:29.085
that approval process says

124
00:07:36.225 --> 00:07:37.225
Mr. Lier

125
00:07:37.225 --> 00:07:39.165
would striking, um,

126
00:07:39.465 --> 00:07:42.485
sub subparagraph one calls the council any concern,

127
00:07:43.945 --> 00:07:45.445
Uh, Richard Lier, north Eastlink's Council?

128
00:07:45.825 --> 00:07:47.685
Um, I don't think it would, sir,

129
00:07:47.745 --> 00:07:51.525
unless it was in relation to any unexpected contamination

130
00:07:51.525 --> 00:07:54.445
that might be found through the development process,

131
00:07:54.855 --> 00:07:56.285
which is often one of those sort

132
00:07:56.285 --> 00:07:59.725
of add-on conditions at the bottom of the standard list

133
00:07:59.725 --> 00:08:01.685
of remediation conditions, et cetera.

134
00:08:02.065 --> 00:08:04.405

So it's just if, because I just reading through there,

135
00:08:04.485 --> 00:08:08.125
I don't think unexpected contamination is covered in

136
00:08:08.125 --> 00:08:10.965
that requirement, but it might be in the other documents.

137
00:08:11.575 --> 00:08:12.575
Thank you,

138
00:08:29.865 --> 00:08:30.865
James.

139
00:08:31.635 --> 00:08:34.655
Mr. tro, James TRO for the applicant, sir, I understand

140
00:08:34.655 --> 00:08:38.415
that is that, um, is covered in the SEM

141
00:08:38.795 --> 00:08:40.575
or C-E-E-M-P

142
00:08:41.555 --> 00:08:45.015
and that eventuality, so understood,

143
00:08:45.295 --> 00:08:46.495
I understand the point being raised,

144
00:08:46.515 --> 00:08:48.055
but I think we, we, that is covered

145
00:08:58.105 --> 00:08:59.405
and we, we can speak to Mr.

146
00:08:59.545 --> 00:09:02.845
Limmer, uh, outside the examination

147
00:09:02.865 --> 00:09:04.565
and refer him to that if it helps

148
00:09:07.745 --> 00:09:08.745
Mr. Limmer, in terms of what

149
00:09:08.745 --> 00:09:09.205
you've just heard.

150
00:09:09.205 --> 00:09:10.845
Does that give you comfort that

151
00:09:11.435 --> 00:09:14.365
somewhere embedded in the draft, um,

152
00:09:16.275 --> 00:09:19.365
that unforeseen contamination point, uh,

153
00:09:19.505 --> 00:09:21.805
sounds like it will be adequately covered?

154
00:09:23.465 --> 00:09:24.605
Uh, Richard Lier Northeastern

155
00:09:24.605 --> 00:09:26.005
Council, thank you, sir. Yes, it

156
00:09:26.005 --> 00:09:27.005
Does. Thank you.

157
00:09:27.005 --> 00:09:27.255

158
00:09:39.295 --> 00:09:41.345
This, this isn't on requirement 16,

159
00:09:41.605 --> 00:09:43.265
but on your agenda you had two

160
00:09:44.015 --> 00:09:47.385
sub-bullets about requirement 15, one of which, the second

161
00:09:47.385 --> 00:09:49.945

of which was how mitigation for navigational risks

162
00:09:50.765 --> 00:09:51.825
is to be secured.

163
00:09:51.825 --> 00:09:52.905
And you haven't covered that. Are

164
00:09:52.905 --> 00:09:53.985
we, are we coming to that later?

165
00:09:56.175 --> 00:09:57.745
Yeah, I think we're gonna come to that

166
00:09:57.745 --> 00:09:59.545
and that possibly is gonna start

167
00:09:59.545 --> 00:10:01.505
with in the discussion about requirement.

168
00:10:01.575 --> 00:10:03.545
Okay. 18. Thank you.

169
00:10:03.845 --> 00:10:08.145
Um, and the possibility

170
00:10:08.205 --> 00:10:11.225
of thinking not just about impact protection measures,

171
00:10:11.225 --> 00:10:13.265
which is what requirement 18 is looking at,

172
00:10:14.005 --> 00:10:18.985
but how, um, navigational risk controls might be dealt

173
00:10:19.015 --> 00:10:21.745
with, whether that might be ineffective,

174
00:10:22.345 --> 00:10:25.185
a completely rewritten form of requirement 18

175
00:10:25.285 --> 00:10:27.585
or pot, potentially another requirement.

176
00:10:28.685 --> 00:10:32.265
Um, so yeah, I, I think we're getting there,

177
00:10:32.285 --> 00:10:34.065
but it, it might not look obvious yet.

178
00:10:53.465 --> 00:10:57.585
I think we, I'm gonna ask the Humber

179
00:10:59.125 --> 00:11:02.945
Harbor master first in terms

180
00:11:03.445 --> 00:11:07.025
of the way requirement 18 is currently drafted.

181
00:11:08.405 --> 00:11:11.145
How do you envisage it would work in practice?

182
00:11:13.485 --> 00:11:14.905
So, thank you very much, Victoria

183
00:11:14.965 --> 00:11:16.345
Hutton for the Harbor Master.

184
00:11:17.365 --> 00:11:20.225
Um, it might be useful if I, uh,

185
00:11:20.965 --> 00:11:24.145
say something about the architecture

186
00:11:24.145 --> 00:11:25.465
of it from a legal perspective

187
00:11:25.525 --> 00:11:28.865
and then hand over to Captain Furman to address how

188
00:11:30.045 --> 00:11:31.505

it would be applied in practice.

189
00:11:32.965 --> 00:11:37.425
And, uh, the first point is

190
00:11:37.425 --> 00:11:39.265
that there is nothing, uh,

191
00:11:39.965 --> 00:11:42.985
in the current legislation governing the Humber

192
00:11:43.245 --> 00:11:44.985
and, uh, the Port of Ingham,

193
00:11:45.475 --> 00:11:48.905
which would put the statutory Harbor authority, uh,

194
00:11:49.005 --> 00:11:53.805
in the position of requiring certain works to be built, um,

195
00:11:54.465 --> 00:11:56.365
so as the, the ultimate arbiter.

196
00:11:56.665 --> 00:12:00.805
But the, but the way that the legislation is, um,

197
00:12:02.665 --> 00:12:06.845
is currently is that there is a power to license works.

198
00:12:07.225 --> 00:12:10.125
The statutory Harbor Authority under Section nine

199
00:12:10.225 --> 00:12:12.525
of the Humber Conservancy Act 1899.

200
00:12:12.545 --> 00:12:15.325
Now, that is misapplied by section three

201
00:12:15.665 --> 00:12:18.085
of the draft DCO proposed to belied.

202
00:12:19.585 --> 00:12:21.085
And then there is also the power

203
00:12:21.345 --> 00:12:23.565
for the Statutory Harbor Authority

204
00:12:23.665 --> 00:12:25.685
to make general directions

205
00:12:26.915 --> 00:12:28.685
broadly in terms of operations.

206
00:12:30.585 --> 00:12:35.405
And the Harbor Master himself has particular powers, uh,

207
00:12:36.145 --> 00:12:40.805
to make special directions in relation to, uh,

208
00:12:41.645 --> 00:12:45.405
movements and, for example, birthing of particular vessels.

209
00:12:47.825 --> 00:12:52.645
So the hub master's position is

210
00:12:52.645 --> 00:12:55.165
that it wouldn't be appropriate for him

211
00:12:55.185 --> 00:12:57.765
or the statutory Harbor authority to be the arbiter

212
00:12:58.465 --> 00:13:02.405
of whether impact protection measures are put in

213
00:13:02.635 --> 00:13:07.125
because in reality, uh, under the statutory powers

214
00:13:07.205 --> 00:13:10.445
that currently exist, either he under a special direction

215
00:13:10.545 --> 00:13:13.085

or the statutory Harbor authority under general direction

216
00:13:13.375 --> 00:13:15.485
could say, well, you can't birth

217
00:13:15.625 --> 00:13:19.605
unless in certain circumstances and the operation

218
00:13:20.705 --> 00:13:24.085
or controls with impact protection might be

219
00:13:24.085 --> 00:13:25.285
different from those without.

220
00:13:25.505 --> 00:13:27.405
So that, that as a matter of principle.

221
00:13:28.985 --> 00:13:32.765
So you would've seen from the Harbor Master's written

222
00:13:33.205 --> 00:13:36.285
representations that from the work carried out to date.

223
00:13:36.985 --> 00:13:40.085
Uh, the view of the Harbor master is

224
00:13:40.085 --> 00:13:42.125
that the impact protection measures are not required.

225
00:13:43.465 --> 00:13:47.325
But then the question is, well, in what circumstances might,

226
00:13:47.705 --> 00:13:49.805
uh, there be a recommendation

227
00:13:50.345 --> 00:13:54.005
for impact protection measures, uh, to be put in place?

228
00:13:54.665 --> 00:13:58.685
And if I could just hand over to him to take you through,

229
00:13:59.125 --> 00:14:00.285
I think it would be helpful to go back

230
00:14:00.345 --> 00:14:02.365
to the soft start procedures

231
00:14:02.545 --> 00:14:06.165
and how, um, he

232
00:14:06.165 --> 00:14:07.805
or the SHA might come to the view

233
00:14:07.915 --> 00:14:10.245
that the impact protection measures need to be implemented

234
00:14:12.475 --> 00:14:14.765
Just before Captain Thurman does that.

235
00:14:15.515 --> 00:14:17.605
What I should have said, I think just

236
00:14:17.605 --> 00:14:21.925
as we were concluding the last discussion was I think

237
00:14:21.955 --> 00:14:24.085
that might be a point at which Mr.

238
00:14:24.185 --> 00:14:28.565
Limmer, if he felt, um, he wished he could,

239
00:14:28.575 --> 00:14:29.645
could leave the hearing.

240
00:14:30.205 --> 00:14:34.285
'cause I don't think there are any other points, um, that,

241
00:14:34.355 --> 00:14:36.645
that are necessary going to come into the debate

242
00:14:36.645 --> 00:14:38.565

because they, sorry to bring that on you.

243
00:14:38.565 --> 00:14:40.285
I didn't. Um,

244
00:14:40.425 --> 00:14:43.805
but yeah, I think I should have, uh, at that juncture said

245
00:14:43.805 --> 00:14:47.205
that if you didn't want to stay any longer, um,

246
00:14:47.385 --> 00:14:49.925
by all means, um, leave,

247
00:14:51.105 --> 00:14:55.685
and that that is offered in, in, in, uh, in a,

248
00:14:56.825 --> 00:14:57.925
not a der email.

249
00:14:57.955 --> 00:15:00.645
It's just that, you know, but Mr. Sorry, Mr. Walker

250
00:15:01.055 --> 00:15:04.165
Angus Walker for DFDS, just before, uh, Mr.

251
00:15:04.355 --> 00:15:07.125
Leer goes, I, I did want to, we, we had a point on

252
00:15:08.165 --> 00:15:10.885
schedule one, the works that if

253
00:15:11.905 --> 00:15:14.045
all this business about the transport assessment

254
00:15:14.425 --> 00:15:16.285
and may be requiring upgrade

255
00:15:16.305 --> 00:15:19.085
of some junctions might need either additional works

256
00:15:19.185 --> 00:15:23.685
to the DCO or an agreement with the local authority for them

257
00:15:23.685 --> 00:15:24.765
to carry out such works.

258
00:15:25.585 --> 00:15:28.365
Um, that that is,

259
00:15:28.675 --> 00:15:31.245
that may well be our case depending on the result

260
00:15:31.245 --> 00:15:33.045
of the new transport assessment.

261
00:15:33.105 --> 00:15:34.845
So I just wanted Mr. Li to hear that.

262
00:15:37.865 --> 00:15:40.125
Yep. Well, Mr. Li, what you won't be aware,

263
00:15:40.125 --> 00:15:43.045
unless you were watching the hearings yesterday and the day

264
00:15:43.045 --> 00:15:47.965
before, um, there was a debate about whether

265
00:15:47.965 --> 00:15:51.125
or not certain junctions may or may not be over capacity.

266
00:15:52.105 --> 00:15:56.165
Um, some further work is being done in, um, DFDS,

267
00:15:56.165 --> 00:15:59.805
so looking at some possible scheme drawings that might show,

268
00:16:00.705 --> 00:16:03.605
um, some works that would improve capacity.

269
00:16:05.145 --> 00:16:08.565

Um, so there's going to be some dialogue,

270
00:16:08.625 --> 00:16:11.325
and it may well be that your highway colleagues,

271
00:16:11.385 --> 00:16:14.645
and those are the, that matter in the neighboring authority

272
00:16:14.785 --> 00:16:18.605
and NA National Highways will be asked for some comment.

273
00:16:20.195 --> 00:16:22.085
Does, does that sort of cover the point?

274
00:16:23.025 --> 00:16:27.285
Yes, thank you, sir. An Angus Walker. DFSI

275
00:16:27.285 --> 00:16:28.805
Think then if, if, Mr.

276
00:16:28.905 --> 00:16:31.005
Li, you did wish, sorry, I,

277
00:16:31.045 --> 00:16:32.045
I, I apologize, sir.

278
00:16:32.185 --> 00:16:34.165
And, uh, Brian Greenwood for ABP

279
00:16:34.265 --> 00:16:35.925
and, uh, don't want to delay Mr.

280
00:16:35.945 --> 00:16:37.325
Limmer, but just so you're aware,

281
00:16:37.425 --> 00:16:40.285
and, uh, I, I was going to cover a point with Mr.

282
00:16:40.345 --> 00:16:42.245
Limmer during the course of the examination.

283
00:16:42.245 --> 00:16:43.725
That's, that's what we agreed.

284
00:16:44.105 --> 00:16:46.965
Uh, I had a brief conversation with Mr.

285
00:16:46.985 --> 00:16:49.805
Limmer during the break. Uh, we've agreed what we're going

286
00:16:49.805 --> 00:16:51.925
to do with the wemp and, uh, we'll discuss that.

287
00:16:51.945 --> 00:16:56.125
But Mr. Limmer also raised an issue with me about the timing

288
00:16:56.395 --> 00:16:59.765
that we have provided for the local authority to approve.

289
00:17:00.425 --> 00:17:02.685
Uh, he, he thinks it's a bit short

290
00:17:02.685 --> 00:17:03.885
and didn't like it a little longer.

291
00:17:04.425 --> 00:17:07.605
Uh, we will agree to make it a little longer

292
00:17:07.825 --> 00:17:09.885
and, uh, if I just thought I'd record

293
00:17:09.885 --> 00:17:11.725
that we will discuss together

294
00:17:12.225 --> 00:17:13.885
and make the necessary amendments

295
00:17:13.885 --> 00:17:17.565
and the next version of the DCO, I just wanted

296
00:17:17.565 --> 00:17:18.845

to make the point so Mr.

297
00:17:18.865 --> 00:17:20.565
Limmer didn't suddenly think we were talking

298
00:17:20.565 --> 00:17:22.125
behind his back after he'd left

299
00:17:23.825 --> 00:17:24.485
Mr. Limmer?

300
00:17:25.265 --> 00:17:26.165
Uh, yes, thank you, sir.

301
00:17:26.165 --> 00:17:27.205
Yeah, no, that was just the point.

302
00:17:27.385 --> 00:17:29.885
Um, I was just gonna raise in terms of the part two

303
00:17:29.885 --> 00:17:31.125
and the procedure for discharge,

304
00:17:31.185 --> 00:17:34.165
but we're in discussions, um, with the applicant there

305
00:17:34.165 --> 00:17:36.005
to sort of, uh, look at those points.

306
00:17:36.665 --> 00:17:39.445
Um, so hopefully we'll do that in due course. Thank you.

307
00:17:39.705 --> 00:17:42.405
Uh, and just in regards to the highways, uh, we welcome

308
00:17:42.435 --> 00:17:44.845
that information to come forward to us in,

309
00:17:44.905 --> 00:17:46.845
in due course to review. Thank

310
00:17:46.845 --> 00:17:47.845
You. Okay. Thank

311
00:17:47.845 --> 00:17:49.885
you. Well, if, if you do want

312
00:17:49.885 --> 00:17:51.805
to depart, by all means do so.

313
00:17:51.945 --> 00:17:56.565
Uh, nobody will take any offense. Uh, sorry.

314
00:17:56.865 --> 00:18:00.765
Um, hub master's team. Um, that was my mistake.

315
00:18:00.925 --> 00:18:04.045
I should realize where we were in terms of requirements

316
00:18:04.065 --> 00:18:08.325
and that, that there was a potential need point at which Mr.

317
00:18:08.545 --> 00:18:12.045
Limmer could to Bart if you wanted to. Ms.

318
00:18:12.065 --> 00:18:14.525
Hutton, or is Captain Furman going to

319
00:18:15.025 --> 00:18:16.485
Sir Victoria Hutton for the Harbor Master?

320
00:18:16.555 --> 00:18:18.485
I'll hand over to Captain Furman. Thank you.

321
00:18:24.075 --> 00:18:28.485
Good morning, sir. Uh, Andrew Furman, master Humber, um,

322
00:18:28.905 --> 00:18:32.405
as, um, as, as,

323
00:18:32.465 --> 00:18:34.445

as I mentioned in in ISH five,

324
00:18:34.705 --> 00:18:37.245
my interest is in the management of, of risk.

325
00:18:37.905 --> 00:18:40.645
Um, and I recognize

326
00:18:40.645 --> 00:18:43.485
and have recognized throughout the process the consequence,

327
00:18:43.825 --> 00:18:47.085
um, of the impact with the trunk trunk wear that,

328
00:18:47.085 --> 00:18:49.125
that this particular measure applies to,

329
00:18:49.125 --> 00:18:53.245
mainly at the moment.

330
00:18:53.745 --> 00:18:57.365
Um, my my view is that there is other control measures

331
00:18:57.365 --> 00:19:00.365
that can be in place, and that could be as far

332
00:19:00.365 --> 00:19:04.085
as the application of tugs, the application of extra tucks

333
00:19:04.305 --> 00:19:08.885
or indeed defining tidal windows, which would reduce

334
00:19:08.885 --> 00:19:10.645
that risk, um, to a lab.

335
00:19:12.625 --> 00:19:14.925
In the absence of those control measures,

336
00:19:14.925 --> 00:19:17.045
or in any circumstance where the probability

337
00:19:17.265 --> 00:19:21.005
or likelihood of an incident increased where I, to

338
00:19:21.005 --> 00:19:24.085
where it currently is, then that would be the, uh,

339
00:19:24.445 --> 00:19:26.605
situation under which impact protection measures

340
00:19:26.665 --> 00:19:29.245
as an extra control measure would become relevant.

341
00:19:29.345 --> 00:19:30.485
And it would be at that stage

342
00:19:30.485 --> 00:19:34.805
that I would be considering its, uh, recommendation, um,

343
00:19:34.945 --> 00:19:39.855
in regards to how that, in the operation, um,

344
00:19:40.125 --> 00:19:42.255
that would, um, uh, we've said

345
00:19:42.255 --> 00:19:44.295
before there would be a soft start where some

346
00:19:44.295 --> 00:19:48.295
of those control measures would be tested, that reality

347
00:19:48.875 --> 00:19:50.375
was in line with the simulation

348
00:19:50.595 --> 00:19:52.015
and the requirements to date.

349
00:19:52.835 --> 00:19:54.055
But it would be very unlikely

350
00:19:54.325 --> 00:19:57.055

that we would find in those early weeks that our, um,

351
00:19:57.055 --> 00:20:00.135
assessment was, was so far off that that would be,

352
00:20:00.435 --> 00:20:01.455
uh, the requirement.

353
00:20:13.915 --> 00:20:18.575
Do I understand that hypothetically, if the soft start

354
00:20:19.805 --> 00:20:24.735
indicated that it was going to be, uh,

355
00:20:24.905 --> 00:20:27.335
let's say, difficult to continue

356
00:20:27.435 --> 00:20:32.335
to use man management measures to control the risk that

357
00:20:32.335 --> 00:20:36.255
that would be the, uh, the trigger for

358
00:20:37.255 --> 00:20:39.815
advising the construction of IPM?

359
00:20:41.795 --> 00:20:46.015
And because the follow up question then is, does that mean

360
00:20:46.045 --> 00:20:49.485
that operations of, uh,

361
00:20:50.665 --> 00:20:54.685
larger vessels would then be inhibited

362
00:20:54.895 --> 00:20:59.085
until such time as that, uh, uh, uh,

363
00:20:59.965 --> 00:21:03.605
re uh, essentially requirement for, uh, in IPM

364
00:21:04.355 --> 00:21:05.965
were in place?

365
00:21:06.985 --> 00:21:09.285
And so this, if you like, a hiatus,

366
00:21:13.145 --> 00:21:15.605
Andrew Furman Harbor Master Humber, uh, yes,

367
00:21:15.605 --> 00:21:16.685
that, that is correct.

368
00:21:16.685 --> 00:21:21.645
Whether that was as, um, prescriptive as a flood tide only,

369
00:21:21.945 --> 00:21:24.405
or only in a certain amount of peptide.

370
00:21:24.415 --> 00:21:26.165
There, there is some assessment

371
00:21:26.265 --> 00:21:28.245
to be done from one end of the scale to the other.

372
00:21:28.585 --> 00:21:33.125
But at the stage where the control measures in place

373
00:21:34.555 --> 00:21:38.285
made it, were not sufficient to make it very unlikely that,

374
00:21:38.285 --> 00:21:40.405
that there could be an impact at that stage.

375
00:21:40.505 --> 00:21:43.405
That's where impact protection measures would be considered.

376
00:21:45.695 --> 00:21:49.515
And is the soft start, which is if you like, a

377
00:21:50.215 --> 00:21:55.035

almost a, um, an operational trials period, one in which

378
00:21:56.935 --> 00:21:58.875
you are relying very much on, uh,

379
00:22:00.435 --> 00:22:02.435
feedback from experience rather than waiting

380
00:22:02.615 --> 00:22:03.715
for an near Miss

381
00:22:05.935 --> 00:22:07.235
Andrew Furman Harbor master.

382
00:22:07.615 --> 00:22:08.915
Uh, yes. Uh, and,

383
00:22:09.175 --> 00:22:10.955
and I was, I would, I would like

384
00:22:10.955 --> 00:22:14.275
to say it's not a reactive position.

385
00:22:14.365 --> 00:22:16.875
We're proactively managing that situation,

386
00:22:16.875 --> 00:22:18.795
so we're not waiting to see if an incident happens

387
00:22:18.895 --> 00:22:20.035
before it's required.

388
00:22:20.385 --> 00:22:24.115
It's, it's much more controlled than that, um,

389
00:22:24.815 --> 00:22:26.315
and assessed as we go along.

390
00:22:26.495 --> 00:22:29.395
So it's almost a period of familiarization

391
00:22:29.895 --> 00:22:32.115
and confirmation that our assumptions

392
00:22:32.255 --> 00:22:35.115
and the simulations, et cetera, um, are

393
00:22:35.115 --> 00:22:37.555
as we expect in, in normal operations.

394
00:22:40.715 --> 00:22:43.995
I know it's a, perhaps a, a an open-ended, um,

395
00:22:45.735 --> 00:22:50.555
uh, situation, but have you any sense of, uh, what this, uh,

396
00:22:50.555 --> 00:22:53.995
assimilation period, uh, what the duration might be?

397
00:22:55.415 --> 00:22:58.155
Uh, I think it's probably a matter of between this and that,

398
00:23:01.695 --> 00:23:04.155
As i, I would expect a period of weeks

399
00:23:04.505 --> 00:23:06.675
that there's a number of, of facets to that.

400
00:23:06.725 --> 00:23:08.395
There is the overall understanding

401
00:23:08.665 --> 00:23:10.915
that we'll only take a shorter time,

402
00:23:11.465 --> 00:23:15.395
then there's a longer period for each different vessel,

403
00:23:15.905 --> 00:23:18.835
perhaps each different PEC holder, each different pilots.

404
00:23:18.835 --> 00:23:22.035

Uh, the longer period would perhaps take months

405
00:23:22.125 --> 00:23:23.635
until it becomes business as usual.

406
00:23:24.615 --> 00:23:28.595
But the understanding, the larger understanding would,

407
00:23:28.595 --> 00:23:32.075
would come in weeks where we'd gone through a number

408
00:23:32.075 --> 00:23:33.595
of weather scenarios

409
00:23:33.655 --> 00:23:36.635
and a number of title cycles to, to,

410
00:23:36.655 --> 00:23:38.595
to really complete our, our understanding

411
00:23:40.825 --> 00:23:41.875
That that's anticipated.

412
00:23:41.935 --> 00:23:44.155
My next question, which is, it clearly is, um,

413
00:23:45.485 --> 00:23:47.325
dependent on weather cycles

414
00:23:47.385 --> 00:23:50.645
and, uh, weather conditions rather, uh, than, and, uh,

415
00:23:50.705 --> 00:23:53.165
and alongside tidal cycles.

416
00:23:53.165 --> 00:23:54.525
So it's, if you like the combination

417
00:23:54.545 --> 00:23:55.805
of different meditation factors,

418
00:23:58.305 --> 00:23:59.365
Andrew Furman Hama.

419
00:23:59.365 --> 00:24:01.045
Yeah. Yes, that's correct. That's why it's difficult

420
00:24:01.045 --> 00:24:02.045
to put a number on it.

421
00:24:02.195 --> 00:24:03.445
It's how long it takes

422
00:24:03.545 --> 00:24:05.485
to assess all the different conditions.

423
00:24:08.975 --> 00:24:11.275
So it would, it would be wrong to be prescriptive,

424
00:24:11.875 --> 00:24:14.555
I understand, on, on duration.

425
00:24:14.665 --> 00:24:16.115
It's really a judgmental matter.

426
00:24:17.295 --> 00:24:20.035
Uh, that's correct. It it will take as long as it,

427
00:24:20.035 --> 00:24:22.435
it takes until it's a, a comprehensive understanding.

428
00:24:22.655 --> 00:24:23.655
Yes.

429
00:24:25.535 --> 00:24:27.835
So in terms of,

430
00:24:29.345 --> 00:24:31.155
there's a start and an end to this.

431
00:24:31.255 --> 00:24:33.595

We don't know what that duration is to be,

432
00:24:33.775 --> 00:24:37.875
but, um, how, is there a, um, a,

433
00:24:37.955 --> 00:24:41.075
a single endpoint or is it a staged endpoint?

434
00:24:43.735 --> 00:24:47.155
Andrew Furman Harbor Master, uh, thinking that

435
00:24:47.155 --> 00:24:48.635
through there almost isn't an endpoint

436
00:24:48.635 --> 00:24:50.755
because we will continue to learn

437
00:24:50.855 --> 00:24:53.555
and there are so many different, uh, variables, uh,

438
00:24:53.555 --> 00:24:54.555
different vessels.

439
00:24:54.555 --> 00:24:56.835
So it is a, an evolution

440
00:24:56.935 --> 00:25:01.515
or an iteration so that there is the, um, the principle

441
00:25:01.515 --> 00:25:03.035
of continuous improvement is,

442
00:25:03.215 --> 00:25:04.875
is in the partner marine safety code.

443
00:25:04.935 --> 00:25:06.635
So really we, we,

444
00:25:06.635 --> 00:25:08.835
we learn from our own experience as we build it.

445
00:25:13.385 --> 00:25:17.325
And in amongst that, um, if

446
00:25:18.025 --> 00:25:22.565
the operator of the berth had a number

447
00:25:22.565 --> 00:25:23.645
of different vessel types,

448
00:25:24.055 --> 00:25:26.565
forgetting about the actual design vessel,

449
00:25:26.885 --> 00:25:30.165
'cause we, we think that might take some time to commission.

450
00:25:30.985 --> 00:25:33.405
Um, but whoever is ru running the fleet

451
00:25:33.865 --> 00:25:35.845
and they have various different vessel types

452
00:25:35.945 --> 00:25:36.965
within their fleet.

453
00:25:38.345 --> 00:25:42.245
Do you envisage that operating controls would be specific

454
00:25:42.345 --> 00:25:43.685
to the vessel type?

455
00:25:44.985 --> 00:25:49.005
Um, so that, you know, if one vessel was 150 meters

456
00:25:49.005 --> 00:25:50.445
and had a beam of whatever,

457
00:25:51.065 --> 00:25:53.805
and another vessel type was 1 7, 5, and a

458
00:25:53.865 --> 00:25:57.085

and a different beam, I, is that

459
00:25:57.145 --> 00:26:01.005
how things might work vessel by vessel CAT class category,

460
00:26:01.005 --> 00:26:02.045
however you describe them?

461
00:26:04.145 --> 00:26:05.885
Andrew Furman Harbor master? Yeah.

462
00:26:05.905 --> 00:26:08.205
Yes, that is very much, um, how it would work.

463
00:26:08.545 --> 00:26:12.285
In fact, the pilot exemptions, certificate holders, um,

464
00:26:12.295 --> 00:26:15.765
their authorizations are based on a specific vessel

465
00:26:15.865 --> 00:26:17.365
to a specific destination.

466
00:26:17.785 --> 00:26:20.405
And, and they would be assessed in the handling of those.

467
00:26:21.425 --> 00:26:24.285
As an example, um, Ingham Outer Harbor

468
00:26:24.585 --> 00:26:25.845
and Humber Sea Terminal,

469
00:26:25.905 --> 00:26:28.685
the CLDM facilities both have the capability

470
00:26:28.705 --> 00:26:32.485
to handle both row rows and pure car carriers,

471
00:26:32.665 --> 00:26:35.805
but the pure car carriers are subject to, um,

472
00:26:35.915 --> 00:26:38.885
different towage and different arrival windows.

473
00:26:39.105 --> 00:26:42.045
So that would be an extreme example of,

474
00:26:42.145 --> 00:26:44.045
of those assessments taken place,

475
00:27:08.245 --> 00:27:10.615
Presuming ADCO is made,

476
00:27:11.465 --> 00:27:13.975
there will be a period in which time, uh, the,

477
00:27:14.315 --> 00:27:17.295
the undertaker goes away, formulates its scheme.

478
00:27:18.435 --> 00:27:21.415
Um, in, in, in terms of

479
00:27:22.205 --> 00:27:25.495
your involvement in formulating the controls,

480
00:27:26.195 --> 00:27:29.735
the operational controls, how do you see that into play?

481
00:27:30.055 --> 00:27:33.575
I mean, would you, would you expect to see nearly firm

482
00:27:35.255 --> 00:27:38.295
drawings so you knew what the birthing arrangements were?

483
00:27:39.475 --> 00:27:43.375
Um, an expectation from the operator as to

484
00:27:43.925 --> 00:27:45.815
what vessels, so

485
00:27:45.885 --> 00:27:49.015

that you're being fairly early in on the design side

486
00:27:49.015 --> 00:27:52.335
of things and starting to think up how, um,

487
00:27:52.355 --> 00:27:55.815
the operational controls might then be played out.

488
00:27:56.875 --> 00:28:00.295
Um, because presumably then, then you've got the simulations

489
00:28:00.355 --> 00:28:04.935
to do, then there's some training to be done for, um,

490
00:28:05.325 --> 00:28:09.695
masters going in effect into the soft start regime.

491
00:28:10.795 --> 00:28:13.935
Um, so how, how do you see that side of things playing out?

492
00:28:17.195 --> 00:28:20.255
Andrew Furman, h Harper master, um,

493
00:28:22.475 --> 00:28:26.295
Excuse me, excuse me.

494
00:28:27.205 --> 00:28:28.695
Yeah, Andrew Furman Harbor Master.

495
00:28:29.155 --> 00:28:32.455
Um, the earlier we're involved in, in such an assessment,

496
00:28:32.475 --> 00:28:33.855
the more successful the outcome.

497
00:28:33.915 --> 00:28:38.495
So our normal business is, is taking vessels that,

498
00:28:38.495 --> 00:28:40.935
that already exist to terminals that already exist.

499
00:28:41.215 --> 00:28:43.615
I gave the example yesterday of Greenport Hull,

500
00:28:43.705 --> 00:28:45.295
where a vessel that is designed

501
00:28:45.355 --> 00:28:48.575
but not built is already being built on the simulator.

502
00:28:49.395 --> 00:28:53.175
Um, and probably the, the railroad operators would be able

503
00:28:53.175 --> 00:28:55.335
to speak to this more, more favorably me,

504
00:28:55.335 --> 00:28:59.415
but the vessel will be designed for its likely run IE

505
00:29:00.045 --> 00:29:02.615
iert and the, the port at the other side.

506
00:29:03.155 --> 00:29:05.615
So the earlier we were involved with that, the,

507
00:29:05.615 --> 00:29:07.255
the more successful the outcome

508
00:29:07.515 --> 00:29:11.215
and we are, um, open to, to assisting and,

509
00:29:11.215 --> 00:29:13.775
and have a long track record of that kind of work.

510
00:29:20.665 --> 00:29:23.395
Hama, would you, would you envisage that there are some,

511
00:29:23.655 --> 00:29:28.235
Uh, Controls that could be anticipated

512
00:29:28.615 --> 00:29:32.075

to be in place before any operations take place?

513
00:29:32.655 --> 00:29:34.475
And I think we've gotta perhaps think about

514
00:29:34.475 --> 00:29:36.155
that in two, two stages.

515
00:29:36.405 --> 00:29:39.235
There is firstly, when there is,

516
00:29:39.775 --> 00:29:44.525
and this is subject to, um, parallel, uh, operation

517
00:29:44.525 --> 00:29:46.485
and construction, if that takes place.

518
00:29:46.865 --> 00:29:49.765
So that's the first stage, is that there will be con the,

519
00:29:49.785 --> 00:29:54.685
the, the ques if, um, operation is

520
00:29:54.685 --> 00:29:58.125
to commence while construction is continuing in parallel.

521
00:29:58.775 --> 00:30:02.405
Could there be a set of controls envisaged to be

522
00:30:03.985 --> 00:30:07.605
in place before any operation should take, uh, should,

523
00:30:07.605 --> 00:30:09.205
should, uh, should commence.

524
00:30:15.945 --> 00:30:18.085
So thank you. Victoria Hutton for the Harbor Master.

525
00:30:18.785 --> 00:30:19.885
Um, apologies.

526
00:30:19.985 --> 00:30:21.885
Was that a legal question or practical question?

527
00:30:22.645 --> 00:30:26.365
I think essentially it's, it's, I think you're perhaps,

528
00:30:26.585 --> 00:30:28.325
uh, one step ahead here.

529
00:30:28.665 --> 00:30:30.485
Uh, let's talk about the practical first,

530
00:30:30.715 --> 00:30:32.805
because the next question is whether there is,

531
00:30:32.905 --> 00:30:35.445
is anything which could

532
00:30:35.505 --> 00:30:37.765
or should be imposed through,

533
00:30:37.765 --> 00:30:39.365
through the order, through the order.

534
00:30:40.025 --> 00:30:44.645
But, uh, it, it's essentially, um, I think first let's see

535
00:30:45.225 --> 00:30:49.445
how we, uh, think that the production of

536
00:30:50.265 --> 00:30:51.725
the starting point in terms

537
00:30:51.785 --> 00:30:53.805
of operational controls should be established.

538
00:30:54.055 --> 00:30:56.725
Thank you, sir. So, so as I understand the question is,

539
00:30:56.725 --> 00:30:59.285

is there a, a set of controls that would be the,

540
00:30:59.785 --> 00:31:02.725
the starting point for effectively a soft start,

541
00:31:03.935 --> 00:31:05.725
which may then be amended,

542
00:31:06.185 --> 00:31:07.525
And indeed the, uh,

543
00:31:07.525 --> 00:31:10.685
soft start may take a different form depending on whether

544
00:31:10.685 --> 00:31:12.605
there is parallel construction and operation,

545
00:31:12.895 --> 00:31:13.895
Right? Yes.

546
00:31:13.895 --> 00:31:15.445
Is that okay? Thank you.

547
00:31:16.905 --> 00:31:19.645
Can I, can I raise something for IOT in a, in a moment?

548
00:31:23.435 --> 00:31:25.685
YeahAnd, Andrew Furman Harbormaster, um,

549
00:31:27.705 --> 00:31:30.725
the original control measures in place I would envisage

550
00:31:30.775 --> 00:31:35.165
would be, um, a conservative amount of towage, which,

551
00:31:35.585 --> 00:31:37.605
um, based on previous experience,

552
00:31:39.745 --> 00:31:42.165
The very early birthings are very unlikely

553
00:31:42.185 --> 00:31:43.925
to be in the extreme conditions.

554
00:31:44.345 --> 00:31:49.005
Um, and the whole operation will be

555
00:31:49.315 --> 00:31:53.885
planned, um, and not a surprise.

556
00:31:54.025 --> 00:31:58.645
So just careful planning correct Towage correct, linesmen

557
00:31:59.435 --> 00:32:01.245
correct pilots, the ones

558
00:32:01.245 --> 00:32:03.525
that have been involved in the simulation, correct, pecks,

559
00:32:04.345 --> 00:32:06.445
and then they very quickly cascade

560
00:32:06.625 --> 00:32:07.645
the training out to others.

561
00:32:07.945 --> 00:32:10.845
So we would, we would be putting a lot

562
00:32:10.925 --> 00:32:12.765
of effort into the first few birthings and,

563
00:32:12.825 --> 00:32:14.245
and moving forward from there.

564
00:32:14.545 --> 00:32:16.885
But tow itch is an, is an absolute key

565
00:32:17.225 --> 00:32:21.605
and operating in fa favorable conditions,

566
00:32:21.605 --> 00:32:23.525

or certainly not the most extreme conditions.

567
00:32:24.265 --> 00:32:27.445
Um, and not on an uptide, so on a slack water,

568
00:32:28.185 --> 00:32:30.405
but very difficult to say every single one.

569
00:32:30.505 --> 00:32:32.365
But the principle is we,

570
00:32:32.465 --> 00:32:34.245
we won't be testing the limits in those,

571
00:32:34.385 --> 00:32:35.485
in those early days.

572
00:32:37.495 --> 00:32:39.285
Thank you. I mean, that's very consistent with

573
00:32:39.285 --> 00:32:41.285
what you told us at earlier hearings.

574
00:32:41.465 --> 00:32:45.765
Uh, just for understanding, um, on the basis

575
00:32:45.795 --> 00:32:49.925
that this is evolutionary, do you envisage that

576
00:32:51.745 --> 00:32:55.405
the issue and then reissue a progressively

577
00:32:55.625 --> 00:32:58.165
of general directions to control this

578
00:32:58.585 --> 00:33:01.645
or, um, I think we need to understand a little bit more

579
00:33:01.945 --> 00:33:03.405
how much of this is documented

580
00:33:03.405 --> 00:33:07.045
and how much of it is, is, uh, uh, movable.

581
00:33:09.625 --> 00:33:12.205
Uh, the towage requirement would certainly be documented,

582
00:33:12.545 --> 00:33:15.245
um, usually through the Dock Master Humber,

583
00:33:15.245 --> 00:33:17.885
but there's an absolute copy within the

584
00:33:18.045 --> 00:33:19.125
pilotage requirements.

585
00:33:19.265 --> 00:33:22.845
And VTS also would be aware of those requirements, uh,

586
00:33:22.905 --> 00:33:27.005
any towage requirements as it coordinates the liaison

587
00:33:27.005 --> 00:33:28.485
between the towage and the vessel.

588
00:33:29.385 --> 00:33:34.285
So those ongoing documents, reassessments movements

589
00:33:34.285 --> 00:33:37.485
of those procedures, um, really do live a,

590
00:33:37.685 --> 00:33:40.805
a procedural level rather than at a general direction level.

591
00:33:43.925 --> 00:33:48.565
I can see that, that the, uh, issue and revision

592
00:33:48.625 --> 00:33:51.325
and reissue is something which can be

593
00:33:52.455 --> 00:33:57.365

relatively easily controlled in, um, both doc masters,

594
00:33:57.905 --> 00:33:59.445
um, bailiwick and,

595
00:33:59.585 --> 00:34:03.685
and, uh, within hes, how about the,

596
00:34:05.105 --> 00:34:08.725
um, con what will be a progressive

597
00:34:08.725 --> 00:34:13.245
and up to point con almost continual updating of Mariners?

598
00:34:18.395 --> 00:34:20.005
It's likely, if there was any changes

599
00:34:20.145 --> 00:34:22.245
to the generic requirements, it would be

600
00:34:22.805 --> 00:34:23.885
specific to that vessel.

601
00:34:24.105 --> 00:34:27.125
So there would, there would almost be direct communication

602
00:34:27.145 --> 00:34:28.925
and each vessel that's in the system,

603
00:34:29.465 --> 00:34:32.725
if there's anything specific, carries its own ships notes

604
00:34:32.985 --> 00:34:36.885
or visit notes for that specific, specific, um, requirement.

605
00:34:36.885 --> 00:34:39.685
So there is an exchange of information that is specific

606
00:34:39.705 --> 00:34:42.885
to a vessel or a visit that takes place on top of

607
00:34:43.785 --> 00:34:45.525
the underlying generic requirements

608
00:34:45.525 --> 00:34:46.725
that are set by the do master.

609
00:34:49.615 --> 00:34:53.005
Thank you. I, uh, good moment. I think to, uh, ask Mr.

610
00:34:53.245 --> 00:34:54.365
Alvin, if you'd like to come in now

611
00:34:55.315 --> 00:34:57.485
Just thinking about practical issues.

612
00:34:57.945 --> 00:35:00.925
Um, we've been promised in the environmental statement

613
00:35:01.325 --> 00:35:03.405
priority for the tankers coming in and leaving.

614
00:35:04.455 --> 00:35:07.485
There is little scope for adjustment

615
00:35:07.985 --> 00:35:09.965
of their arrival in departure times.

616
00:35:10.625 --> 00:35:12.805
And it's completely unclear to me

617
00:35:12.825 --> 00:35:16.605
how the Harbor master thinks that this sort of ad hoc, uh,

618
00:35:18.915 --> 00:35:23.855
It takes as long as it takes approach, will secure, uh,

619
00:35:23.925 --> 00:35:27.735
this issue, particularly given we are in the unprecedented

620
00:35:28.375 --> 00:35:31.695

situation of railroad terminal immediately adjacent

621
00:35:31.795 --> 00:35:32.855
to oil infrastructure

622
00:35:32.915 --> 00:35:35.215
and tanker births, which as you know,

623
00:35:35.215 --> 00:35:38.845
there are no other examples of the harbor Master cannot

624
00:35:38.845 --> 00:35:42.445
therefore have experience of this type of issue.

625
00:35:43.145 --> 00:35:46.325
We have to have security for the oil tankers coming in

626
00:35:46.325 --> 00:35:48.085
and out, both for their safety

627
00:35:48.265 --> 00:35:50.645
and the timing of their ability to birth

628
00:35:50.825 --> 00:35:52.005
and to leave their births.

629
00:35:52.825 --> 00:35:55.445
Uh, and the idea that this is just left

630
00:35:55.445 --> 00:35:58.245
for an unspecified period of time, despite the assurance

631
00:35:58.825 --> 00:36:01.805
in the environmental statement of priority, is

632
00:36:01.805 --> 00:36:02.845
of great concern.

633
00:36:03.225 --> 00:36:04.525
As, as I said yesterday,

634
00:36:04.865 --> 00:36:06.685
we get nothing outta this development.

635
00:36:06.705 --> 00:36:08.525
We have no commercial interest in it.

636
00:36:09.025 --> 00:36:12.525
Uh, we simply want to maintain energy security

637
00:36:12.785 --> 00:36:16.005
and our business, the energy security point,

638
00:36:16.285 --> 00:36:18.485
I should point out, looks as if it's going

639
00:36:18.485 --> 00:36:20.765
to be even greater with the potential closure

640
00:36:20.785 --> 00:36:22.685
of the only Scottish refinery,

641
00:36:22.735 --> 00:36:24.125
which was announced yesterday.

642
00:36:25.145 --> 00:36:29.405
Um, it remains a considerable concern that these matters

643
00:36:30.055 --> 00:36:33.405
might not at least have a baseline in the DCO against

644
00:36:33.405 --> 00:36:34.565
which we can operate.

645
00:36:35.945 --> 00:36:39.485
Uh, just for absolute clarity, uh, in terms of, um,

646
00:36:39.745 --> 00:36:43.685
tanker arrivals and departures, um, are, are you referring

647
00:36:44.405 --> 00:36:46.925

specifically to the coastal tanker operations on the finger

648
00:36:47.075 --> 00:36:49.085
pier, or is your point more general?

649
00:36:50.195 --> 00:36:51.195
Just

650
00:36:55.365 --> 00:36:56.365
It's more general.

651
00:36:58.535 --> 00:37:02.715
So operations on the, the, the river pier, uh, also are

652
00:37:02.735 --> 00:37:05.035
of concern to your client?

653
00:37:05.375 --> 00:37:10.195
Yes. Um, I think this is the point which we should go back

654
00:37:10.195 --> 00:37:12.235
to how my Samara, I, it seems to me that

655
00:37:12.235 --> 00:37:16.555
what we are hearing about is, is a progressive learning,

656
00:37:17.575 --> 00:37:19.555
um, because of the, the,

657
00:37:19.555 --> 00:37:24.235
certainly within the Humber unprecedented proximity of,

658
00:37:24.575 --> 00:37:29.555
uh, operations, how do you react initially to this?

659
00:37:29.655 --> 00:37:32.475
And you may want to take time to, um, to,

660
00:37:32.495 --> 00:37:34.795
to make a provisional answer and then come back to us later.

661
00:37:36.895 --> 00:37:40.635
Um, Andrew Furman Harbor Master Humber, uh, just

662
00:37:40.635 --> 00:37:43.355
to be clear, the experience that I related to you

663
00:37:43.425 --> 00:37:45.315
that we were building on was experience.

664
00:37:45.315 --> 00:37:47.275
We are still, that we build through that period

665
00:37:47.385 --> 00:37:50.075
that I'm not suggesting we've been that close

666
00:37:50.075 --> 00:37:52.195
to the IOT in a, in a railroad before.

667
00:37:52.255 --> 00:37:56.195
So just, just to clarify that point in regards to precedent

668
00:37:56.335 --> 00:37:59.195
for or priority for the, for the IO OT vessels,

669
00:37:59.855 --> 00:38:01.195
the vessels on the main face

670
00:38:01.735 --> 00:38:04.955
are very often sub mostly subject to the Humber passage plan

671
00:38:04.975 --> 00:38:08.195
or of a, a, a class situation that

672
00:38:08.745 --> 00:38:10.035
they are given priority.

673
00:38:10.065 --> 00:38:12.755
They're, they're more restricted

674
00:38:12.755 --> 00:38:13.835

in their ability to maneuver.

675
00:38:14.255 --> 00:38:18.315
So they have a number of, uh, priority there where,

676
00:38:18.315 --> 00:38:21.235
where their, their birthings are facilitated by the movement

677
00:38:21.235 --> 00:38:25.395
of other vessels in regards to vessels for the finger p um,

678
00:38:25.745 --> 00:38:28.195
they would be ordered up as normal.

679
00:38:28.585 --> 00:38:29.915
They would have a birthing time,

680
00:38:30.095 --> 00:38:33.795
and I would expect them to birth around that time if we,

681
00:38:33.975 --> 00:38:36.125
we will know what time that vessel is birthing

682
00:38:36.345 --> 00:38:39.365
and we'll plan the other vessels accordingly around it.

683
00:38:40.185 --> 00:38:42.125
Um, so I'm not sure where

684
00:38:42.305 --> 00:38:44.725
that's being conflated with this point.

685
00:38:44.825 --> 00:38:49.405
Um, but I can absolutely assure that we don't expect the,

686
00:38:49.565 --> 00:38:50.965
I don't see a situation

687
00:38:50.965 --> 00:38:54.085
where the finger peer vessel is sat an hour, an hour waiting

688
00:38:54.185 --> 00:38:56.965
for three I vessels, if that wasn't clear yesterday.

689
00:38:58.545 --> 00:39:02.285
Uh, so if, if I could assist, uh, uh,

690
00:39:03.025 --> 00:39:05.045
we are in fact, uh, almost about

691
00:39:05.045 --> 00:39:07.165
to start negotiations on protective provisions.

692
00:39:07.225 --> 00:39:09.365
One of the protective provisions has been passed across

693
00:39:09.365 --> 00:39:11.005
to us by voters seven, uh,

694
00:39:11.405 --> 00:39:13.125
actually covers the point of priority.

695
00:39:13.425 --> 00:39:15.205
And that's a point that we would be discussing

696
00:39:15.205 --> 00:39:19.005
with Harbor Master and, uh, uh, IO OT operators.

697
00:39:19.465 --> 00:39:23.165
And, uh, certainly, uh, it's not our intention to disrupt

698
00:39:23.235 --> 00:39:27.045
what actually is common accepted practice for IO OT as far

699
00:39:27.045 --> 00:39:29.685
as maneuverability and birthing of their vessels.

700
00:39:30.585 --> 00:39:33.605
Yes, it's, what was, uh, David Alvin for iot?

701
00:39:33.755 --> 00:39:36.405

What was concern was the suggestion coming from the Harbor

702
00:39:36.405 --> 00:39:38.565
master, it's a sort of suck it and sea approach.

703
00:39:38.985 --> 00:39:42.165
Uh, as long as it's accepted that there should be some level

704
00:39:42.185 --> 00:39:43.365
of minimum protections

705
00:39:43.385 --> 00:39:46.525
and priority within the protected provisions,

706
00:39:46.635 --> 00:39:47.925
then we would be content.

707
00:39:47.985 --> 00:39:50.965
But I'm concerned at this, this approach,

708
00:39:50.965 --> 00:39:53.685
particularly given the lack of precedent for this sort

709
00:39:53.685 --> 00:39:55.205
of proximity and this,

710
00:39:55.425 --> 00:39:57.245
and its interference with the ability

711
00:39:57.245 --> 00:39:58.485
of tankers to get in and out.

712
00:39:58.945 --> 00:40:01.965
Um, um, we can explain that further if necessary,

713
00:40:01.985 --> 00:40:03.925
but I think I'd prefer to put it in writing then you've got

714
00:40:03.925 --> 00:40:06.125
a full, uh, full explanation of it.

715
00:40:06.265 --> 00:40:07.565
But that, that's my concern,

716
00:40:07.865 --> 00:40:10.525
and it does interact with what the Harbor master has said,

717
00:40:10.525 --> 00:40:14.165
because we simply need to make sure that his assessment

718
00:40:14.305 --> 00:40:17.605
of an ongoing situation with regard to the construction

719
00:40:17.605 --> 00:40:21.845
of the, uh, I doesn't impede the operation of the tankers.

720
00:40:22.985 --> 00:40:26.765
Uh, I I think that you, it's, well put that, uh,

721
00:40:26.765 --> 00:40:30.445
clearly there is a lot of interaction here between, uh,

722
00:40:30.745 --> 00:40:32.205
the safety management

723
00:40:32.545 --> 00:40:37.125
and the, um, the, the, the, uh, avoidance of,

724
00:40:37.865 --> 00:40:42.365
uh, of, uh, of impeding, uh, existing operations.

725
00:40:43.265 --> 00:40:47.965
But the, uh, uh, the, the, the process

726
00:40:48.115 --> 00:40:51.805
that we've heard is clearly one of, uh,

727
00:40:53.155 --> 00:40:55.605
gradually building more experience.

728
00:40:56.185 --> 00:40:58.685

Um, back to Captain Furman.

729
00:40:58.785 --> 00:41:00.605
Uh, do you see any,

730
00:41:02.305 --> 00:41:06.645
or do you foresee any problems of having that

731
00:41:07.735 --> 00:41:10.645
basic principle of avoiding impeding, uh,

732
00:41:10.875 --> 00:41:12.765
coastal tanker operations in particular?

733
00:41:12.885 --> 00:41:15.485
I mean, I'd say coastal tanker operations in

734
00:41:15.485 --> 00:41:17.765
that you've already got procedures in place for dealing

735
00:41:17.875 --> 00:41:19.925
with the, uh, the,

736
00:41:19.925 --> 00:41:23.685
the larger tankers on the river pier.

737
00:41:24.545 --> 00:41:27.805
The coastal tanker operations will be more

738
00:41:28.995 --> 00:41:32.285
intricately, uh, dovetailed

739
00:41:32.285 --> 00:41:35.045
with operations at the proposed, uh, iert.

740
00:41:36.265 --> 00:41:40.645
Do you see a problem in that being an overlaying um,

741
00:41:42.145 --> 00:41:47.085
uh, operating condition to avoid, uh, uh,

742
00:41:47.515 --> 00:41:49.045
impedance to the coastal tankers

743
00:41:51.935 --> 00:41:53.325
Under Furman Harbor Master?

744
00:41:54.105 --> 00:41:56.485
It, it will no doubt have an effect what one way

745
00:41:56.485 --> 00:41:58.845
or the other did, but it can be managed safely.

746
00:41:59.225 --> 00:42:02.685
It only one vessel can birth to either the IO

747
00:42:02.745 --> 00:42:04.525
or the IOT safely at one time.

748
00:42:04.905 --> 00:42:09.405
The IOT, uh, finger peer is, is subject

749
00:42:09.405 --> 00:42:12.445
to the requirements as, as, as put by IOT.

750
00:42:12.865 --> 00:42:14.725
We, we would facilitate that birthing,

751
00:42:15.185 --> 00:42:17.805
and that may have an impact on the flexibility

752
00:42:17.905 --> 00:42:21.405
or the, the operational window of, um, the IO birth for

753
00:42:21.405 --> 00:42:24.725
that half hour or half hour, whatever it took.

754
00:42:24.865 --> 00:42:28.005
But that's well within normal operating procedures.

755
00:42:28.705 --> 00:42:30.045

And if I understand it rightly,

756
00:42:30.045 --> 00:42:34.685
because of the tidal limitation on coastal tanker birthing

757
00:42:34.685 --> 00:42:37.565
and unring, um, that is

758
00:42:37.665 --> 00:42:41.285
to a large extent predictable, is, am I right in, in,

759
00:42:41.285 --> 00:42:42.685
in thinking that's unplannable.

760
00:42:44.025 --> 00:42:46.805
Uh, the main, the main face birthings are more plannable

761
00:42:46.805 --> 00:42:48.485
in regards to the finger pier.

762
00:42:48.635 --> 00:42:50.165
It's flood tide only. Yeah.

763
00:42:50.265 --> 00:42:53.445
But the, the birthing time is planned.

764
00:42:54.435 --> 00:42:56.765
It's, it's not get, get there when you get there

765
00:42:56.765 --> 00:42:57.885
with, with due respect.

766
00:42:58.145 --> 00:43:00.045
If, if we order the services

767
00:43:00.265 --> 00:43:02.485
to birth at eight thirty, nine thirty, ten thirty

768
00:43:02.765 --> 00:43:05.165
whenever it births and the plan is made further out

769
00:43:05.905 --> 00:43:08.125
so the vessels can arrive at the time

770
00:43:08.125 --> 00:43:09.605
that they'll be required in that area.

771
00:43:12.315 --> 00:43:16.245
Good. I, I, I think quite rightly, you anticipated

772
00:43:16.245 --> 00:43:19.605
that safety is perhaps the predominant concern here in

773
00:43:19.605 --> 00:43:22.725
that there are other, uh, remedies for disruption.

774
00:43:23.185 --> 00:43:27.925
But the, um, the, the, the overriding question is,

775
00:43:29.145 --> 00:43:32.085
if we take it as a starting point that, uh,

776
00:43:32.305 --> 00:43:35.645
the learning process, the soft start process, um,

777
00:43:36.305 --> 00:43:40.085
is premised on avoidance of, uh,

778
00:43:41.125 --> 00:43:44.765
impeding or, or disrupting coastal tanker services.

779
00:43:45.465 --> 00:43:50.325
Is that in principle at least? Um, uh, uh, uh, operable

780
00:43:52.345 --> 00:43:54.325
Andrew Furman Harbor master, sorry, sorry,

781
00:43:54.325 --> 00:43:57.085
I think I'm mi I'm missing now, if, if the

782
00:43:57.715 --> 00:44:00.725

soft start requirement time clashed

783
00:44:00.725 --> 00:44:04.485
with the iot finger peer birthing time, we,

784
00:44:04.625 --> 00:44:06.005
we would, we would have another time.

785
00:44:06.005 --> 00:44:10.405
There will be an impact on the original, on the initial,

786
00:44:10.785 --> 00:44:14.325
um, IOT operations in regards to a soft start.

787
00:44:14.825 --> 00:44:17.285
The time of those conditions that we wish

788
00:44:17.285 --> 00:44:20.485
to birth may not be, or 700 or 800

789
00:44:20.545 --> 00:44:21.765
or whatever the time is planned.

790
00:44:21.905 --> 00:44:26.365
So those first two, three weeks, we will need

791
00:44:26.365 --> 00:44:27.645
to carefully plan around

792
00:44:28.025 --> 00:44:31.365
and we, if there was a tanker, uh, birthing at that time,

793
00:44:31.595 --> 00:44:33.365
then we would have to plan around that as well.

794
00:44:35.435 --> 00:44:37.325
Okay. So that deals The, the wind, sorry, sir.

795
00:44:37.325 --> 00:44:39.445
The win the window of planning, um,

796
00:44:39.665 --> 00:44:41.445
or the window of the takes

797
00:44:41.465 --> 00:44:43.245
to birth a vessel at the IT finger pier,

798
00:44:43.365 --> 00:44:46.725
I wouldn't see having an impact that would stop us, um,

799
00:44:47.445 --> 00:44:48.485
carrying out our soft start.

800
00:44:50.535 --> 00:44:53.965
Thank you. Um, so it, it's really at the moment, uh,

801
00:44:54.275 --> 00:44:58.565
testing the, at least the, the, the, um, the hypothetical,

802
00:44:59.025 --> 00:45:02.165
uh, feasibility, um,

803
00:45:04.065 --> 00:45:05.445
that's dealt with the soft start.

804
00:45:05.785 --> 00:45:08.845
Um, I think if we look sometime into the future,

805
00:45:08.985 --> 00:45:12.845
the question then goes to, uh, back to IO OT

806
00:45:14.345 --> 00:45:16.415
after the a period of learning.

807
00:45:16.475 --> 00:45:19.295
And I suspect it's a mutual learning up to a point.

808
00:45:20.075 --> 00:45:23.295
Um, do you have any further con uh, comments

809
00:45:23.395 --> 00:45:25.735

or concerns that you want to raise about,

810
00:45:25.795 --> 00:45:27.015
if you like, steady state?

811
00:45:27.365 --> 00:45:31.815
Well, um, the, the, the mutual learning issue, I, I

812
00:45:32.455 --> 00:45:33.535
slightly take issue with,

813
00:45:33.535 --> 00:45:35.015
because this is being forced on us

814
00:45:35.015 --> 00:45:36.655
by somebody else's commercial imperative.

815
00:45:37.035 --> 00:45:40.775
We just want to continue our operation and our business.

816
00:45:41.395 --> 00:45:45.895
Um, but I'm reassured by the Harbor Master Humber

817
00:45:46.445 --> 00:45:50.455
reassurance that the Iert soft start will be planned

818
00:45:50.455 --> 00:45:53.335
around the requirements of the tankers, um,

819
00:45:53.755 --> 00:45:55.135
and not the other way round.

820
00:45:56.195 --> 00:45:59.175
Uh, and on that basis, I think I need to say no more.

821
00:46:01.105 --> 00:46:02.015
Thank you, Mr. Vin.

822
00:46:15.955 --> 00:46:18.375
Sir, could I make one or two points on this issue?

823
00:46:19.935 --> 00:46:22.775
I think that would be very helpful. Um, Mr.

824
00:46:22.775 --> 00:46:26.615
School and I have a a a next step in this to, to consider,

825
00:46:26.875 --> 00:46:28.455
uh, in this requirement.

826
00:46:28.615 --> 00:46:31.015
18. You may be a step ahead of us on this,

827
00:46:31.035 --> 00:46:32.655
but let's see what you have to say.

828
00:46:33.385 --> 00:46:36.295
Thank you, sir. Um, Angus Walker for DFDS, um,

829
00:46:37.275 --> 00:46:39.735
I'm treating all this discussion of soft starters,

830
00:46:39.975 --> 00:46:42.495
somewhat independent of the impact protection measures

831
00:46:42.495 --> 00:46:43.895
and will be needed, whether

832
00:46:43.955 --> 00:46:47.495
or not there are impact protection measures in place

833
00:46:47.495 --> 00:46:48.655
already or later.

834
00:46:49.435 --> 00:46:53.375
Um, so we have some concerns even about that.

835
00:46:54.155 --> 00:46:58.935
Um, although the IO OT are lucky enough to have a statement

836
00:46:58.935 --> 00:47:02.175

that they will get priority DFTS are clearly worried

837
00:47:02.175 --> 00:47:04.215
that they may not get priority,

838
00:47:04.215 --> 00:47:07.335
and it may become even worse if IO OT are getting priority.

839
00:47:08.715 --> 00:47:12.415
Um, as I am instructed,

840
00:47:13.185 --> 00:47:17.575
there is no sort of manual for soft start processes.

841
00:47:17.715 --> 00:47:22.375
So it is, this is a, a will be a completely ad hoc, um,

842
00:47:22.845 --> 00:47:26.855
process in this case, which makes it even less certain.

843
00:47:28.515 --> 00:47:33.365
Um, I'm being asked to just mention

844
00:47:33.395 --> 00:47:37.085
that the DCO does allow for some passenger services

845
00:47:37.185 --> 00:47:40.345
and whether that makes any difference to, uh,

846
00:47:40.575 --> 00:47:44.385
this soft start if it carrying passengers rather, uh,

847
00:47:44.495 --> 00:47:45.865
just RO units.

848
00:47:47.445 --> 00:47:51.905
Um, well, I've been,

849
00:47:52.095 --> 00:47:54.705
I've been given a scenario to contemplate as well.

850
00:47:55.405 --> 00:47:59.945
Um, if it's high water coinciding with the arrival

851
00:48:00.045 --> 00:48:02.505
and departure of passage plan vessels

852
00:48:02.505 --> 00:48:06.505
and tidily restricted vessels, perhaps that's IOT vessels,

853
00:48:07.605 --> 00:48:12.225
um, we don't think the Ingham area will cope with all

854
00:48:12.225 --> 00:48:13.305
that happening at the same time.

855
00:48:19.015 --> 00:48:22.345
Obvious point to pass back to the hub must, would you like

856
00:48:22.345 --> 00:48:23.345
that repeated or,

857
00:48:23.405 --> 00:48:26.585
or do you feel you've got that to be able to respond?

858
00:48:27.965 --> 00:48:29.505
Andrew Furman Harbormaster?

859
00:48:30.045 --> 00:48:31.345
No, I think, I think that's him,

860
00:48:32.935 --> 00:48:36.145
that they won't all happen at the same time, depending on

861
00:48:36.145 --> 00:48:37.785
how many vessels are moving on the tide,

862
00:48:38.695 --> 00:48:41.945
that we would not continue to pour vessels into the area

863
00:48:42.365 --> 00:48:45.945

and either the, well, it would be the railroad vessel

864
00:48:46.015 --> 00:48:48.145
that would either wait to the east of IOT

865
00:48:48.325 --> 00:48:50.145
or get ahead of the other vessels,

866
00:48:50.165 --> 00:48:51.385
but that's just part

867
00:48:51.385 --> 00:48:54.705
of managing normal traffic flows on the Humber, irrelevant

868
00:48:54.705 --> 00:48:56.185
of the vessel's final destination.

869
00:49:01.215 --> 00:49:04.145
Just as a follow up on that point, that makes our point

870
00:49:04.175 --> 00:49:07.705
that either you're going to have proper safety.

871
00:49:09.255 --> 00:49:11.945
Well, if you do have proper safety, navigational safety,

872
00:49:12.055 --> 00:49:16.305
then you will have impact on, um, vessel timings

873
00:49:16.305 --> 00:49:17.465
and delays will occur

874
00:49:17.465 --> 00:49:20.825
because you've got more vessels in the same area,

875
00:49:21.085 --> 00:49:24.785
and they will obviously almost naturally take longer if they

876
00:49:24.785 --> 00:49:27.505
are having to keep out of each other's way.

877
00:49:28.605 --> 00:49:30.345
And so that's why we are concerned about

878
00:49:30.555 --> 00:49:32.145
congestion as well as safety.

879
00:49:33.955 --> 00:49:38.445
Sorry, that was Angus Walker. DFTS. So can I

880
00:49:38.585 --> 00:49:41.845
Indeed, I I think, again, another, uh, point back

881
00:49:41.865 --> 00:49:46.845
to the album master, the, the, the point about, uh,

882
00:49:47.115 --> 00:49:51.245
requiring railroad vessels to wait to the east of, of,

883
00:49:51.345 --> 00:49:55.965
of the terminal, uh, uh, one assumes in, in,

884
00:49:56.145 --> 00:49:59.125
in the, in, in the fairway in the harbor, uh, sorry, in the,

885
00:49:59.125 --> 00:50:00.645
in the, in, in the Haber River.

886
00:50:01.705 --> 00:50:06.365
Um, are you willing

887
00:50:06.425 --> 00:50:11.085
to make a comment on that now as to what that might mean

888
00:50:11.265 --> 00:50:14.605
to interruption to scheduled railroad services?

889
00:50:17.175 --> 00:50:19.835
Andrew Furman have Master Humber. Uh, yes.

890
00:50:19.835 --> 00:50:21.995

And just to clarify, when I say wait, east of iot,

891
00:50:21.995 --> 00:50:23.755
that doesn't necessarily mean stemming

892
00:50:23.755 --> 00:50:26.355
because the vessels will be aware of what's ahead of them

893
00:50:26.415 --> 00:50:30.165
so they can time their arrival, um, accordingly,

894
00:50:30.465 --> 00:50:33.445
but that could well involve, uh, a delayed birthing.

895
00:50:34.225 --> 00:50:38.645
Um, similar to, to today, quite often, well, almost

896
00:50:39.385 --> 00:50:42.925
always, the vessels allow the row row vessels to pass.

897
00:50:43.465 --> 00:50:46.085
Um, you know, there, there are many, almost,

898
00:50:46.115 --> 00:50:48.525
there's a many row of vessels arriving every morning

899
00:50:48.785 --> 00:50:50.965
and departing every evening at the moment, which,

900
00:50:50.965 --> 00:50:54.245
which coexist and, and that impact does not come through.

901
00:50:56.585 --> 00:51:00.725
So the, if you like the, um, this is not something

902
00:51:00.725 --> 00:51:04.525
that is likely to necessarily mean, uh,

903
00:51:05.805 --> 00:51:08.725
a a required weight, um, in, in the river.

904
00:51:10.465 --> 00:51:13.765
It could be just a, a a, a slowdown in passage,

905
00:51:17.025 --> 00:51:18.285
Andrew Furman Harbor Master.

906
00:51:18.285 --> 00:51:22.565
That's correct. Um, in regards to which vessels are likely

907
00:51:22.665 --> 00:51:26.925
to be affected, um, it's, it is more likely

908
00:51:26.925 --> 00:51:28.445
to be the IO vessels themselves.

909
00:51:28.605 --> 00:51:31.605
I don't see their presence as, um,

910
00:51:32.305 --> 00:51:36.085
impact into IOH or C or Humber C terminal services.

911
00:51:36.105 --> 00:51:39.605
And there was quite a lot of positive, um, discussion around

912
00:51:39.605 --> 00:51:42.325
that at the stakeholder simulations too,

913
00:51:42.325 --> 00:51:45.885
where we could look at some particular situations and, and,

914
00:51:45.945 --> 00:51:47.765
and demonstrate that actually now you would

915
00:51:47.765 --> 00:51:48.885
be, you would be free to go.

916
00:51:48.885 --> 00:51:50.925
And there was quite a lot of experience in the room that,

917
00:51:51.395 --> 00:51:52.765

that, that agreed with that.

918
00:51:54.435 --> 00:51:56.405
What I understand from that is, if you like,

919
00:51:56.485 --> 00:52:00.605
a prioritization for, uh, operations that the IOH

920
00:52:01.025 --> 00:52:05.525
and at the Sea Terminal, um, over the iert,

921
00:52:07.785 --> 00:52:09.525
Andrew Herman Hama, not quite.

922
00:52:09.625 --> 00:52:12.285
So just that those, their final destination,

923
00:52:12.285 --> 00:52:15.405
their interaction with the passage plan vessels at IOT is,

924
00:52:15.505 --> 00:52:16.725
is shorter and,

925
00:52:16.725 --> 00:52:18.685
and less important once they, they're past their,

926
00:52:19.195 --> 00:52:20.485
they thing, the, the vessels

927
00:52:20.485 --> 00:52:22.085
for IOH do have some interaction

928
00:52:22.085 --> 00:52:24.685
with the bulk carriers going to the Ingham Bulk terminal

929
00:52:25.145 --> 00:52:26.645
and the Berber International terminal.

930
00:52:27.545 --> 00:52:31.165
And as an example, quite often if, uh, A-D-F-D-S

931
00:52:31.165 --> 00:52:34.605
or vessel calls up while a large one is, um, letting go,

932
00:52:35.115 --> 00:52:36.645
then the pilots will say, okay, well,

933
00:52:36.765 --> 00:52:37.805
you'll be out quicker than me.

934
00:52:37.825 --> 00:52:38.845
You, you can go.

935
00:52:39.145 --> 00:52:41.725
So there is, between the pilots VTS

936
00:52:41.825 --> 00:52:44.445
and the river community, everybody's trying

937
00:52:44.445 --> 00:52:45.965
to get everybody's shipped to

938
00:52:45.965 --> 00:52:47.845
where they're going in in the best way possible.

939
00:52:47.905 --> 00:52:50.245
But there's so many different ways that can be done.

940
00:52:50.245 --> 00:52:53.285
It's difficult to, uh, express in, in one, in one,

941
00:52:53.385 --> 00:52:56.525
uh, representation. Yes.

942
00:52:57.215 --> 00:53:01.485
Thank you. Um, it seems to me that, uh, in practice there,

943
00:53:01.915 --> 00:53:05.965
this is almost an everyday, uh, matter of, of, um,

944
00:53:06.145 --> 00:53:07.725

vessel Traffic management.

945
00:53:09.125 --> 00:53:11.725
I, I'm gonna pass back to Mr. Walker.

946
00:53:12.105 --> 00:53:16.645
Um, the, the, the, the difficulty here is, uh, that we're

947
00:53:17.765 --> 00:53:20.565
examining ADCO, um,

948
00:53:20.705 --> 00:53:23.285
and I wonder whether they have any observations to make on,

949
00:53:23.345 --> 00:53:27.325
on the Hub me's point in that it, uh, it is almost, um,

950
00:53:27.805 --> 00:53:30.325
business as usual with an overlay

951
00:53:31.025 --> 00:53:34.845
of difficulty in particular whilst we're learning about the,

952
00:53:35.025 --> 00:53:37.405
um, the, the, the safety controls that are going

953
00:53:37.425 --> 00:53:38.525
to be needed.

954
00:53:39.045 --> 00:53:41.365
I do want to set aside just for the moment, the question of,

955
00:53:41.465 --> 00:53:43.205
of impact protection measures.

956
00:53:44.985 --> 00:53:47.525
Um, thank you sir. Angus Walker for DFDS?

957
00:53:48.145 --> 00:53:50.125
Yes, it is a, it is a bit of a quandary

958
00:53:50.125 --> 00:53:52.765
because if the, um, management

959
00:53:52.765 --> 00:53:54.565
of the harbor is left till later

960
00:53:54.625 --> 00:53:56.325
and the discretion of the Harbor Master,

961
00:53:57.545 --> 00:53:59.765
we don't know whether it's going to work or not.

962
00:54:00.585 --> 00:54:04.005
Um, but on the other hand, I can see their point

963
00:54:04.005 --> 00:54:06.205
that if we put the controls in the DCO,

964
00:54:06.715 --> 00:54:08.325
that may be too rigid.

965
00:54:09.345 --> 00:54:13.685
Um, so I don't think it works

966
00:54:13.685 --> 00:54:14.925
either way to be honest.

967
00:54:19.105 --> 00:54:21.005
Mr. Strong, please. Just one point.

968
00:54:21.245 --> 00:54:24.925
I hope it helps James Ron for the applicant. Um, Mr.

969
00:54:25.825 --> 00:54:29.405
Um, well, DFGS were concerned about, uh,

970
00:54:30.325 --> 00:54:32.125
I think it was put that there isn't a manual

971
00:54:32.265 --> 00:54:35.165

for soft start procedures and there isn't.

972
00:54:36.215 --> 00:54:37.845
Sorry, there is. There, there is.

973
00:54:38.445 --> 00:54:40.965
I don't think there is, but, uh, you recall,

974
00:54:41.135 --> 00:54:43.165
we've had some discussion about the introduction

975
00:54:43.165 --> 00:54:46.485
of the jingling class to the outer harbor itself,

976
00:54:46.535 --> 00:54:48.645
which occurred later, later on.

977
00:54:49.145 --> 00:54:50.805
Uh, I may be wrong about this,

978
00:54:50.805 --> 00:54:53.845
but I'm told that that approach

979
00:54:53.865 --> 00:54:58.045
to Soft Start was adopted, uh, precisely

980
00:54:58.165 --> 00:55:02.525
for those vessels because as, as in this case,

981
00:55:02.585 --> 00:55:05.965
the introduction of a new vessel, different interaction,

982
00:55:05.965 --> 00:55:07.885
of course, I'm not suggesting the same,

983
00:55:07.885 --> 00:55:11.325
but the principle of Soft Start was adopted there

984
00:55:11.865 --> 00:55:16.125
to bed in the, um, the operations

985
00:55:17.145 --> 00:55:21.245
and in exactly in principle, the way that's being suggested.

986
00:55:21.345 --> 00:55:25.205
So no manual required according to my understanding

987
00:55:25.205 --> 00:55:28.245
of the position, but obviously management

988
00:55:28.665 --> 00:55:30.805
by the Harbor Master in the way that's described.

989
00:55:31.105 --> 00:55:32.285
If, if I'm wrong about that,

990
00:55:32.285 --> 00:55:34.405
I'm sure the Harbor Master could correct me,

991
00:55:34.405 --> 00:55:35.605
but that's my understanding of

992
00:55:35.605 --> 00:55:38.965
how the Jin Ling was brought in, uh, with its,

993
00:55:39.905 --> 00:55:41.125
uh, um, size

994
00:55:42.685 --> 00:55:43.685
Captain Firm.

995
00:55:43.885 --> 00:55:45.215
Yeah, Andrew Furman Harbor Mazda.

996
00:55:45.215 --> 00:55:46.935
That, that, that is, that is an example

997
00:55:46.935 --> 00:55:48.015
of where that has happened.

998
00:55:48.395 --> 00:55:52.495

Um, Grimsby River Terminal, uh, hump Sea Terminals,

999
00:55:52.705 --> 00:55:54.535
birth three and four, five and six,

1000
00:55:55.195 --> 00:55:58.255
and Greenport Hull are, are other examples where

1001
00:55:59.715 --> 00:56:02.495
new facilities have been, have been opened and,

1002
00:56:02.555 --> 00:56:06.895
and a precautionary start to operations has been adopted to,

1003
00:56:06.895 --> 00:56:08.735
to make sure that our assessment of risk is correct.

1004
00:56:11.955 --> 00:56:14.615
So that, that's essentially, uh, brings us back

1005
00:56:14.615 --> 00:56:17.695
to the point that it's relying on organizational experience,

1006
00:56:18.075 --> 00:56:22.015
you know, like, um, the collective experience of, of Hez

1007
00:56:22.115 --> 00:56:23.365
and Port of Ingham.

1008
00:56:24.225 --> 00:56:28.525
Uh, it doesn't really address this, this quandary that,

1009
00:56:28.555 --> 00:56:31.805
that, uh, Mr. Walker has just mentioned between the, the,

1010
00:56:31.905 --> 00:56:36.205
the, the, the protection required under DCO.

1011
00:56:36.945 --> 00:56:39.885
Um, does Mr. El Elvin want to say anything at this point?

1012
00:56:40.025 --> 00:56:42.765
And then I'm gonna see if, uh, CLN have anything to say?

1013
00:56:44.125 --> 00:56:45.845
I have nothing to add at this stage.

1014
00:56:46.805 --> 00:56:51.565
Anything from CCLN, Uh, Robbie Owen for CLDN, um,

1015
00:56:51.765 --> 00:56:53.925
a couple of perhaps general points.

1016
00:56:54.185 --> 00:56:58.565
Um, the, the, the first is I'm reminding myself

1017
00:56:58.565 --> 00:57:03.525
of the request you made of the applicant on Tuesday during,

1018
00:57:03.825 --> 00:57:08.805
um, ISH five for, uh,

1019
00:57:08.805 --> 00:57:13.005
what I recall as the congestion note, um, which I, I,

1020
00:57:13.165 --> 00:57:14.165
I think I may be mistaken,

1021
00:57:14.185 --> 00:57:17.645
but I understood that to be covering operations as well

1022
00:57:17.645 --> 00:57:20.685
as construction, and it'd be helpful if

1023
00:57:21.435 --> 00:57:25.245
what we've been hearing today could be captured in that note

1024
00:57:25.745 --> 00:57:28.765
so that, um, we can all consider it in the fullness of time.

1025
00:57:29.585 --> 00:57:34.565

Um, the second point that I have,

1026
00:57:34.565 --> 00:57:37.205
which, which may be premature in which case I'm sure you'll

1027
00:57:37.315 --> 00:57:42.285
tell me is, is whether we can

1028
00:57:43.735 --> 00:57:46.845
understand the proposed status now

1029
00:57:47.025 --> 00:57:48.565
of the navigational risk assessment,

1030
00:57:48.565 --> 00:57:52.125
because it used to be in previous drafts

1031
00:57:52.125 --> 00:57:55.325
of the development consent order listed

1032
00:57:56.265 --> 00:57:58.605
in requirement 15 as one of the documents that had

1033
00:57:58.605 --> 00:58:03.365
to be complied with, where we were told earlier today that,

1034
00:58:03.945 --> 00:58:05.645
um, not in that connection,

1035
00:58:05.645 --> 00:58:09.205
but more generally that the navigational risk assessment is

1036
00:58:09.205 --> 00:58:12.205
part of the es part of the environmental statement.

1037
00:58:12.265 --> 00:58:17.045
And we see that listed in, in, um, schedule six to the DCO.

1038
00:58:17.625 --> 00:58:21.485
But there is no general obligation in the DCO so far

1039
00:58:21.485 --> 00:58:23.645
as I can see to construct

1040
00:58:23.645 --> 00:58:25.085
and operate the scheme in accordance

1041
00:58:25.085 --> 00:58:26.245
with the environmental statement.

1042
00:58:26.905 --> 00:58:30.645
So, um, this conversation is making me wonder, well, what

1043
00:58:30.645 --> 00:58:34.645
therefore is to be the status, if anything,

1044
00:58:35.385 --> 00:58:39.605
of the NRA, um, if this project is approved, clearly

1045
00:58:40.115 --> 00:58:43.205
it's informing your consideration

1046
00:58:43.205 --> 00:58:44.605
and recommendation to the Secretary State.

1047
00:58:44.625 --> 00:58:46.685
But, but, but, but, but beyond that,

1048
00:58:46.705 --> 00:58:48.245
if the scheme is approved, um,

1049
00:58:48.395 --> 00:58:52.165
does the NRA just drop away even though it's part of the es

1050
00:58:52.165 --> 00:58:55.085
because there is no active requirement that that,

1051
00:58:55.235 --> 00:58:59.885
that I can see in the DCO to comply with the NRA in terms

1052
00:58:59.885 --> 00:59:02.165

of construction and, and importantly operations.

1053
00:59:02.985 --> 00:59:04.925
And this obviously is concern to CRDN,

1054
00:59:04.925 --> 00:59:07.245
as you heard on Tuesday, given, uh,

1055
00:59:08.105 --> 00:59:10.405
are interested having timely passage to

1056
00:59:10.405 --> 00:59:12.085
and from killing home and, um,

1057
00:59:12.185 --> 00:59:16.285
and delays, uh, uh, caused by others, you know,

1058
00:59:16.285 --> 00:59:19.125
would just have a unacceptable commercial impact on

1059
00:59:19.285 --> 00:59:20.565
CLDN, um,

1060
00:59:20.735 --> 00:59:22.285
Which is what we're trying to prevent.

1061
00:59:24.625 --> 00:59:27.435
Well, thank you for articulating, uh, something

1062
00:59:27.435 --> 00:59:29.395
that's been of great concern to us

1063
00:59:30.065 --> 00:59:31.275
over the last couple of days.

1064
00:59:31.455 --> 00:59:34.635
Um, we, it is challenging, um, how we think about this.

1065
00:59:35.135 --> 00:59:35.555
Uh, the,

1066
00:59:50.985 --> 00:59:53.685
Mr. Gould is gonna introduce an, uh, an idea here

1067
00:59:53.685 --> 00:59:56.565
for discussion, um, but he's just finishing his notes.

1068
00:59:56.825 --> 00:59:59.845
Um, in, in the meantime, uh, I think it's an opportunity

1069
00:59:59.845 --> 01:00:01.485
to just ask, uh, Mr.

1070
01:00:01.485 --> 01:00:04.605
Straw if, if the applicant would like to, to reply on

1071
01:00:04.605 --> 01:00:07.205
that point, because you may have some ideas as well,

1072
01:00:07.205 --> 01:00:08.565
which would help us forward on this.

1073
01:00:09.065 --> 01:00:11.245
Um, it's, it's really speaks to the point

1074
01:00:11.245 --> 01:00:13.165
that we've got an NRA, which

1075
01:00:13.945 --> 01:00:16.645
we here is essentially one which will evolve,

1076
01:00:17.505 --> 01:00:20.325
and it will certainly evolve during soft start process,

1077
01:00:20.465 --> 01:00:24.325
and it will almost certainly evolve, uh, during the process

1078
01:00:24.505 --> 01:00:28.685
of construction as well, uh, in issue the, the, the,

1079
01:00:28.685 --> 01:00:29.685

the DCO made.

1080
01:00:30.305 --> 01:00:35.205
Um, it doesn't sit comfortably

1081
01:00:35.275 --> 01:00:39.925
with, uh, uh, ADCO for the reasons

1082
01:00:39.925 --> 01:00:40.965
that we heard earlier on

1083
01:00:41.755 --> 01:00:44.285
what could sit comfortably with DCO.

1084
01:00:46.105 --> 01:00:48.125
So James drawn for the applicant.

1085
01:00:48.665 --> 01:00:52.085
Uh, I'll, I'll give you a brief summary of our position,

1086
01:00:52.105 --> 01:00:53.645
but I know I've said some of these things

1087
01:00:53.645 --> 01:00:56.445
before, so apologies if I cover grounds

1088
01:00:56.445 --> 01:00:57.685
that we've already discussed.

1089
01:00:57.865 --> 01:01:02.525
But just in principle, we, we submit that in relation

1090
01:01:02.545 --> 01:01:06.165
to navigational risk assessment, that that is done as part

1091
01:01:06.165 --> 01:01:08.445
of the environmental statement, which assesses

1092
01:01:09.065 --> 01:01:11.485
the principle of effects.

1093
01:01:13.715 --> 01:01:18.125
However, the control of navigation

1094
01:01:18.945 --> 01:01:23.085
is, this location is of course the subject

1095
01:01:23.305 --> 01:01:26.085
of a statutory regime,

1096
01:01:29.135 --> 01:01:30.605
Which you've heard quite a lot about,

1097
01:01:31.545 --> 01:01:34.205
but you, you hearing more about from the Harbor master,

1098
01:01:34.645 --> 01:01:36.725
specifically the practical day-to-Day operations.

1099
01:01:38.385 --> 01:01:43.165
And the basic principle is that the,

1100
01:01:43.905 --> 01:01:46.725
as you've identified yourself, so that for example,

1101
01:01:46.725 --> 01:01:51.685
under the Port Marine Safety Code, the safe operation

1102
01:01:52.265 --> 01:01:53.525
of the harbor,

1103
01:01:53.625 --> 01:01:56.605
and the docks takes place under that,

1104
01:01:57.135 --> 01:02:01.765
under those principles supplemented by the powers that exist

1105
01:02:01.905 --> 01:02:03.765
for the Harbor Master Dock Master

1106
01:02:04.065 --> 01:02:07.845

and the statutory Harbor authority to give force

1107
01:02:08.345 --> 01:02:10.325
to any controls that they require.

1108
01:02:10.945 --> 01:02:14.605
And of course, it's important in that environment

1109
01:02:15.195 --> 01:02:17.045
that there is an evolution

1110
01:02:17.345 --> 01:02:22.325
and an ability to continue to control your harbor

1111
01:02:22.945 --> 01:02:24.125
and your dock safely.

1112
01:02:25.905 --> 01:02:29.045
And therefore, and if I can put it this way,

1113
01:02:29.385 --> 01:02:32.685
we are not actually breaking new ground at all in

1114
01:02:32.685 --> 01:02:33.805
respect for DCO.

1115
01:02:34.545 --> 01:02:39.205
The DCO sets the principle of permitting, the construction

1116
01:02:39.205 --> 01:02:43.445
of the facilities, the subsequent operation of the facility

1117
01:02:43.585 --> 01:02:48.085
so far as navigational risk is concerned, will be controlled

1118
01:02:48.985 --> 01:02:53.005
by all of those tiers of, um, authority

1119
01:02:53.065 --> 01:02:55.565
and, uh, safety principles.

1120
01:02:58.145 --> 01:03:02.485
And I, I, I gave the example of other infrastructure.

1121
01:03:02.645 --> 01:03:07.085
I mean, that, that's certainly my understanding of all,

1122
01:03:08.305 --> 01:03:11.445
uh, harbor both revision orders

1123
01:03:11.505 --> 01:03:15.005
and indeed, um, dcos so far as they've occurred.

1124
01:03:15.715 --> 01:03:17.405
It's not the function of the s

1125
01:03:17.405 --> 01:03:22.045
of state in approving an order then to take on the powers

1126
01:03:22.825 --> 01:03:26.005
of the subsequent statutory harbor authorities in

1127
01:03:26.015 --> 01:03:28.725
regulating, uh, what then occurs.

1128
01:03:30.025 --> 01:03:34.805
Indeed, they're potentially good examples of why doing

1129
01:03:34.805 --> 01:03:38.765
that actually can inhibit the evolution, uh,

1130
01:03:38.865 --> 01:03:39.925
of safety

1131
01:03:41.025 --> 01:03:44.445
and all of this, the, the criticisms that are being made,

1132
01:03:45.385 --> 01:03:48.205
if they are criticisms, um, are

1133
01:03:48.725 --> 01:03:52.205

premised on the notion that the, there,

1134
01:03:52.275 --> 01:03:54.685
there's some difficulty in this case

1135
01:03:54.685 --> 01:03:59.605
or indeed any other case of those two things coexisting,

1136
01:04:00.265 --> 01:04:02.685
uh, which in my submission is just not well-founded.

1137
01:04:03.495 --> 01:04:07.365
There are plenty of examples of course, of

1138
01:04:08.665 --> 01:04:11.885
bodies having different functions which have

1139
01:04:11.885 --> 01:04:13.405
to be exercised responsibly.

1140
01:04:13.685 --> 01:04:17.005
I mean, a local authority is an obvious example.

1141
01:04:17.805 --> 01:04:21.765
A local authority can own land as a local authority,

1142
01:04:22.195 --> 01:04:25.565
promote it for development in its commercial interests.

1143
01:04:26.025 --> 01:04:30.165
It applies to itself for the planning permission for that.

1144
01:04:30.905 --> 01:04:33.005
And in the case of unitary authority

1145
01:04:33.105 --> 01:04:37.565
for the highway authority approval of the safe access to

1146
01:04:37.565 --> 01:04:42.085
that, uh, there's no, all of those, um,

1147
01:04:42.635 --> 01:04:46.005
hats, if I put it that way, all functions are exercised

1148
01:04:46.005 --> 01:04:47.885
by one body, the local authority,

1149
01:04:48.665 --> 01:04:51.005
but they're all exercised responsibly

1150
01:04:51.745 --> 01:04:55.445
and of course, um, subject to public law principles,

1151
01:04:55.945 --> 01:04:58.365
and they're exercised for specific purposes.

1152
01:04:58.865 --> 01:05:02.365
So here we have in, as in by way of example,

1153
01:05:03.025 --> 01:05:06.485
the Harbor master having specific statutory functions.

1154
01:05:07.515 --> 01:05:10.085
They've already, the harbor I already pointed out,

1155
01:05:10.105 --> 01:05:13.045
has exercised them for DFDS in, in relation

1156
01:05:13.045 --> 01:05:17.565
to its outer harbor in approving the Ling class

1157
01:05:17.915 --> 01:05:20.805
that came in when they wanted to expand.

1158
01:05:21.355 --> 01:05:23.205
Precisely the same would happen here.

1159
01:05:23.235 --> 01:05:25.205
They're well aware of the IOTs,

1160
01:05:25.465 --> 01:05:28.445

the hard master is well aware of the IOT's proximity

1161
01:05:29.705 --> 01:05:32.045
has already sim simulations already done, et cetera.

1162
01:05:32.225 --> 01:05:35.445
So the concept, um,

1163
01:05:35.905 --> 01:05:37.805
if this is the wider point, because I think Mr.

1164
01:05:37.945 --> 01:05:39.365
Owen's point was about, well,

1165
01:05:39.585 --> 01:05:41.645
how do we know it's all going to be controlled?

1166
01:05:42.275 --> 01:05:45.325
It's, this is well trodden ground in my submission.

1167
01:05:46.275 --> 01:05:48.405
It's a presumption

1168
01:05:49.305 --> 01:05:52.725
by the Secretary State in all these cases, that those

1169
01:05:52.785 --> 01:05:56.765
who are charge with safe operations will exercise their

1170
01:05:57.085 --> 01:06:00.005
functions for safety, not, not the opposite.

1171
01:06:00.105 --> 01:06:01.685
Namely that they will not do so,

1172
01:06:01.955 --> 01:06:04.365
even though there's no evidence whatsoever to suggest

1173
01:06:04.675 --> 01:06:08.765
that anyone in this environment has ever done anything other

1174
01:06:09.275 --> 01:06:11.365
than adhere to safe operations.

1175
01:06:12.145 --> 01:06:16.965
So yes, one's testing the principle of the development,

1176
01:06:17.545 --> 01:06:19.885
but for the fine control, the regulation of

1177
01:06:19.885 --> 01:06:24.325
that navigational risk, be it numbers of tugs,

1178
01:06:24.755 --> 01:06:28.885
operating windows, tidal restrictions, that's the meet

1179
01:06:28.905 --> 01:06:33.285
and drink of, of the Harbor master, uh, for this

1180
01:06:34.045 --> 01:06:36.925
proposed development as indeed for the continued operations,

1181
01:06:37.545 --> 01:06:40.245
be it of killing home outer harbor

1182
01:06:41.385 --> 01:06:42.805
or indeed the IOT.

1183
01:06:43.425 --> 01:06:46.125
So, I, I dunno, I, it's a long answer,

1184
01:06:46.125 --> 01:06:48.525
but I thought I'd just really set reset

1185
01:06:48.525 --> 01:06:50.525
because we're focusing on requirement 18,

1186
01:06:50.585 --> 01:06:52.925
but that it's got to be seen in that context.

1187
01:06:53.605 --> 01:06:56.965

I, I, I think that requirement 18 here is a, is a useful,

1188
01:06:57.225 --> 01:07:01.085
um, uh, uh, device for the, for

1189
01:07:02.075 --> 01:07:03.165
exploring these issues.

1190
01:07:03.585 --> 01:07:08.565
Um, before we go on to a spec, no,

1191
01:07:08.905 --> 01:07:13.125
uh, before we go onto a, um, a further discussion of whether

1192
01:07:13.265 --> 01:07:16.885
or not any limitations should be considered, uh,

1193
01:07:17.015 --> 01:07:21.485
until such time as, uh, as if you like, the soft start, um,

1194
01:07:21.905 --> 01:07:26.485
uh, period has proven the theory of,

1195
01:07:27.105 --> 01:07:31.085
uh, the, the, the, um, uh, effectiveness

1196
01:07:31.085 --> 01:07:32.165
of applied controls.

1197
01:07:32.345 --> 01:07:33.845
That's, I'll leave that for the moment.

1198
01:07:34.545 --> 01:07:38.805
Um, I just want to see whether you, uh, would respond to Mr.

1199
01:07:39.945 --> 01:07:43.765
Owen's point. I think it was about, um, can No,

1200
01:07:43.925 --> 01:07:48.285
I must finish about, uh, would you be prepared

1201
01:07:48.345 --> 01:07:52.165
to build into your paper on effects

1202
01:07:52.185 --> 01:07:55.405
of assessing the effects of, uh, congestion

1203
01:07:55.745 --> 01:07:58.405
and indeed all of the issues we've been talking about this

1204
01:07:58.405 --> 01:08:00.605
morning by deadline seven.

1205
01:08:02.145 --> 01:08:04.565
So yes, we are,

1206
01:08:04.985 --> 01:08:08.645
and can I, on congestion, we're already going to produce,

1207
01:08:09.355 --> 01:08:11.325
seek to produce in consultation with the others,

1208
01:08:12.195 --> 01:08:13.525
some further information

1209
01:08:13.525 --> 01:08:15.405
to assist the examining authority on that.

1210
01:08:15.795 --> 01:08:19.965
Just as a matter of principle, can I just say that the

1211
01:08:20.565 --> 01:08:24.525
question of congestion in, in policy terms, if I can put it

1212
01:08:24.525 --> 01:08:26.845
that way, raises a slightly different issue

1213
01:08:26.845 --> 01:08:30.165
and a different test, because it's one thing

1214
01:08:30.165 --> 01:08:33.445

to talk about safe operations as another thing

1215
01:08:33.505 --> 01:08:36.045
to think about introducing operations, which

1216
01:08:37.105 --> 01:08:39.045
the operators are saying will have an adverse

1217
01:08:39.045 --> 01:08:40.205
effect on their business.

1218
01:08:40.265 --> 01:08:43.165
Indeed, and there's different policy framework,

1219
01:08:43.305 --> 01:08:46.325
namely the national policy purports as to how one deals with

1220
01:08:47.035 --> 01:08:49.245
that and agent of change principles,

1221
01:08:49.295 --> 01:08:52.245
which require a slightly higher test than merely,

1222
01:08:52.665 --> 01:08:55.205
um, an impact. But,

1223
01:08:55.705 --> 01:08:57.405
So I just, you will address those points.

1224
01:08:57.505 --> 01:08:58.965
Of course, of course. In your, your,

1225
01:08:59.115 --> 01:09:00.405
Your, I I will, of course.

1226
01:09:00.405 --> 01:09:01.965
So, but I'm just seeking to distinguish

1227
01:09:01.965 --> 01:09:06.485
because it's important we do questions of safety and,

1228
01:09:06.785 --> 01:09:08.725
and what the harm is identifying,

1229
01:09:09.345 --> 01:09:11.765
and then questions of congest, what,

1230
01:09:11.765 --> 01:09:12.805
what are called congestion.

1231
01:09:12.905 --> 01:09:14.245
We, we actually consider

1232
01:09:14.345 --> 01:09:16.405
to be the ability to operate the pool,

1233
01:09:16.585 --> 01:09:18.965
Of course, but we, we've clearly exposed this morning

1234
01:09:18.965 --> 01:09:20.885
that there is a dynamic connection between

1235
01:09:20.885 --> 01:09:21.885
The two. I I understand

1236
01:09:21.885 --> 01:09:24.245
that. So, so yes, in principle, we, we,

1237
01:09:24.505 --> 01:09:26.885
we can deal with by virtue of looking at

1238
01:09:28.045 --> 01:09:32.365
movements in the river and how Iert would fit into that

1239
01:09:33.475 --> 01:09:35.605
without we say the, the sort

1240
01:09:35.605 --> 01:09:37.165
of deleterious impacts on others.

1241
01:09:37.665 --> 01:09:42.365

Um, we can cover the overlap with the, um, testing

1242
01:09:42.465 --> 01:09:44.605
of as it was safe operations.

1243
01:09:45.895 --> 01:09:47.565
Sorry that that's an answer.

1244
01:09:49.265 --> 01:09:50.285
I'm gonna pick up an appointment with

1245
01:09:50.285 --> 01:09:51.565
Mr. Owen in a minute, and then Ms.

1246
01:09:51.625 --> 01:09:55.445
Hutton, but before Mr. Owen actually answers

1247
01:09:55.665 --> 01:09:57.525
or makes his point, I'm,

1248
01:09:57.825 --> 01:09:59.885
I'm gonna ask a question of Mr. Owen.

1249
01:10:00.725 --> 01:10:02.365
'cause if I understand correctly,

1250
01:10:02.365 --> 01:10:04.925
you've said earlier you promoted Toby two.

1251
01:10:06.585 --> 01:10:09.765
Am I right in thinking that until we two,

1252
01:10:09.865 --> 01:10:14.165
the nr there is an NRA that's referred to in the made order.

1253
01:10:15.235 --> 01:10:18.285
What role does that NRA play in that made order?

1254
01:10:19.855 --> 01:10:21.805
Thank you, sir. Robbie Owen, for CRDM, uh,

1255
01:10:22.425 --> 01:10:25.845
you've anticipated the point I wanted to make in response to

1256
01:10:26.155 --> 01:10:28.085
what you just heard, um, in Mrs.

1257
01:10:28.085 --> 01:10:32.285
Strand's answer, because we absolutely do not accept that

1258
01:10:32.835 --> 01:10:36.965
current, um, practice with dcos is, as you were told, it is,

1259
01:10:37.185 --> 01:10:38.605
um, Mrs.

1260
01:10:38.765 --> 01:10:43.405
Raun, uh, is fond of citing the tilbury order in some cases.

1261
01:10:43.595 --> 01:10:45.165
Well, I, I can also do so

1262
01:10:45.165 --> 01:10:48.085
because there's a very clear provision in the Tilbury order.

1263
01:10:48.195 --> 01:10:51.525
It's requirement 11, uh, which is the equivalent of

1264
01:10:52.275 --> 01:10:53.725
requirement 15 here.

1265
01:10:53.745 --> 01:10:56.685
So it's paragraph 11 of schedule two to the tilbury order

1266
01:10:57.075 --> 01:10:59.205
that says that the authorized development must be

1267
01:10:59.205 --> 01:11:01.965
constructed and operated in accordance with the number

1268
01:11:01.965 --> 01:11:04.845

of documents and listed there very plainly

1269
01:11:04.845 --> 01:11:07.765
and clearly is the navigational risk assessment.

1270
01:11:08.545 --> 01:11:09.565
Um, there

1271
01:11:09.745 --> 01:11:13.565
and I, there are other dcos too, not necessarily just, uh,

1272
01:11:13.675 --> 01:11:16.125
port and Harbor dcos, but ones involving Port

1273
01:11:16.125 --> 01:11:18.685
and Harbors where, uh, you see the same treatment.

1274
01:11:18.685 --> 01:11:22.045
And this is an evolution of, um, best practice

1275
01:11:22.045 --> 01:11:24.605
with environmental impact assessment, including nras

1276
01:11:24.825 --> 01:11:27.485
and, um, it, it, it used not to be the practice

1277
01:11:27.485 --> 01:11:29.525
with Harbor Vision orders and Harbor Empowerment orders,

1278
01:11:29.545 --> 01:11:32.605
but certainly for development consent orders, it is,

1279
01:11:32.905 --> 01:11:35.165
and there, there you have a very clear obligation

1280
01:11:35.165 --> 01:11:36.205
therefore, to construct

1281
01:11:36.545 --> 01:11:38.245
and operate in accordance with the NRA.

1282
01:11:38.245 --> 01:11:41.245
And it's useful just to reflect on the situation applying

1283
01:11:41.245 --> 01:11:43.365
to the Thames where you have a statutory body.

1284
01:11:44.545 --> 01:11:46.205
The applicant of course, is not a statutory body.

1285
01:11:46.205 --> 01:11:48.405
It has statutory powers, but it is not a statutory body.

1286
01:11:48.405 --> 01:11:51.085
You have a statutory body on the Thames, namely the Port

1287
01:11:51.085 --> 01:11:54.445
of London authority, um, which is entirely separate

1288
01:11:54.585 --> 01:11:57.645
to the developer in the case of Tilbury two, which is, uh,

1289
01:11:57.745 --> 01:12:01.325
Porter Tilbury, um, London Limited, um,

1290
01:12:01.625 --> 01:12:05.045
if it was felt there, where you have complete separation,

1291
01:12:05.405 --> 01:12:06.685
structural independence, as Mr.

1292
01:12:06.775 --> 01:12:09.645
Elvin was saying, on Tuesday to, um,

1293
01:12:09.715 --> 01:12:11.805
have a very clear requirement to operate

1294
01:12:11.805 --> 01:12:14.405
and construct in accordance with the, uh, NRA.

1295
01:12:14.405 --> 01:12:18.845

Then in a situation where here you have one body, uh,

1296
01:12:18.985 --> 01:12:23.285
in effect in law, um, performing these different functions,

1297
01:12:23.285 --> 01:12:27.645
then I, I suggest that, uh, the case here for, in effect,

1298
01:12:27.645 --> 01:12:31.925
putting back into, uh, requirement 15, the, uh, NRA,

1299
01:12:31.925 --> 01:12:33.965
which is of course was the applicant's original proposal,

1300
01:12:34.025 --> 01:12:36.245
but they're going backwards on that then.

1301
01:12:36.475 --> 01:12:38.325
Yeah, we think there's a very clear case

1302
01:12:38.325 --> 01:12:40.645
that the NRA absolutely must be reflected

1303
01:12:41.145 --> 01:12:45.685
and included in, in requirement 15, um, in schedule two.

1304
01:12:49.025 --> 01:12:51.245
If, if I may, uh, just to quickly,

1305
01:12:51.305 --> 01:12:53.925
and one of the things that, uh, I think

1306
01:12:54.965 --> 01:12:58.605
challenges us here is that the NRA, which was carried out,

1307
01:12:58.985 --> 01:13:03.285
uh, in order to make the application, has been subject to

1308
01:13:04.275 --> 01:13:05.485
substantial criticism.

1309
01:13:06.225 --> 01:13:10.765
And, uh, indeed learning has been evolving,

1310
01:13:11.265 --> 01:13:13.085
uh, through the course of the examination,

1311
01:13:13.505 --> 01:13:17.445
and it will continue to, uh, uh, so the NRA is

1312
01:13:18.085 --> 01:13:20.765
exposing the, uh, assessment of risks

1313
01:13:21.425 --> 01:13:24.605
and saying there will be further applicable controls.

1314
01:13:25.065 --> 01:13:27.605
Now, the further applicable controls are not defined in the

1315
01:13:27.645 --> 01:13:29.085
NRA and therefore there's not much

1316
01:13:29.085 --> 01:13:31.405
to rely on other than the fact that it has been assessed.

1317
01:13:33.145 --> 01:13:35.605
Robbie Aaron, for CODN, uh, I understand that.

1318
01:13:35.865 --> 01:13:39.285
Uh, uh, sir, and I think the way to deal with that is to

1319
01:13:40.405 --> 01:13:42.445
construct in the relevant requirement

1320
01:13:42.445 --> 01:13:46.925
of the DCO an obligation to develop the, uh,

1321
01:13:47.045 --> 01:13:49.325
NRA in accordance with what might be referred to

1322
01:13:49.325 --> 01:13:51.205

as the outline, NRA, the current one.

1323
01:13:51.225 --> 01:13:53.725
So very similar to the Construction Environmental Management

1324
01:13:53.725 --> 01:13:55.045
Plan approach, um,

1325
01:13:55.265 --> 01:13:59.005
and provide for that subsequently developed, uh,

1326
01:13:59.005 --> 01:14:02.245
navigational risk assessment to be subject to approval, uh,

1327
01:14:02.275 --> 01:14:05.325
with a degree of independent oversight.

1328
01:14:05.585 --> 01:14:06.645
And I think that's important

1329
01:14:06.705 --> 01:14:09.165
for the reasons you'll understand from the points that we

1330
01:14:09.165 --> 01:14:11.085
and other, uh, ips have been making.

1331
01:14:11.345 --> 01:14:12.885
Um, and, and I think that would be,

1332
01:14:13.145 --> 01:14:15.165
in my submission entirely, in accordance

1333
01:14:15.165 --> 01:14:17.805
with current best practice with, uh,

1334
01:14:17.805 --> 01:14:18.925
environmental impact assessment,

1335
01:14:18.925 --> 01:14:20.605
including navigational risk assessment

1336
01:14:20.785 --> 01:14:22.325
as you see in development consent orders.

1337
01:14:23.505 --> 01:14:26.885
Can I, Do you have any suggestions on, uh, what

1338
01:14:26.885 --> 01:14:29.005
that independent oversight might be?

1339
01:14:33.545 --> 01:14:36.725
My view for something of such importance is this,

1340
01:14:36.725 --> 01:14:39.085
where you, you have at the moment a situation where,

1341
01:14:39.665 --> 01:14:42.125
you know, all of the RO

1342
01:14:42.145 --> 01:14:45.045
and passenger ferries on the Humber arrive at, in a,

1343
01:14:45.045 --> 01:14:46.045
in a short time window.

1344
01:14:46.825 --> 01:14:48.885
And, and this development, you know,

1345
01:14:48.915 --> 01:14:51.605
condenses them obviously in a small area at,

1346
01:14:51.605 --> 01:14:52.805
at immingham with the oil terminal.

1347
01:14:52.865 --> 01:14:56.965
And given the stakes are so high, uh, uh, I, I, I think our,

1348
01:14:57.065 --> 01:14:58.445
our, our feeling should be

1349
01:14:58.795 --> 01:15:00.845

that this should go back to the Secretary of State.

1350
01:15:01.265 --> 01:15:02.485
Uh, you often see in development,

1351
01:15:02.485 --> 01:15:04.285
consent orders requirements, uh,

1352
01:15:04.835 --> 01:15:07.525
requiring further approvals from the Secretary of State,

1353
01:15:07.545 --> 01:15:09.445
as well as sometimes the local planning authority.

1354
01:15:09.945 --> 01:15:13.045
And my view for something, um, of this importance

1355
01:15:13.045 --> 01:15:16.005
where you have this in effect, uh,

1356
01:15:16.475 --> 01:15:19.645
dispute about the independence of the controls on the Humber

1357
01:15:19.645 --> 01:15:21.845
and their effectiveness for this development,

1358
01:15:21.945 --> 01:15:23.565
I'm not talking about normally, uh,

1359
01:15:23.865 --> 01:15:25.685
our submission would be it should be a Secretary

1360
01:15:25.685 --> 01:15:28.885
of State matter for further approval of the developed NRA

1361
01:15:28.905 --> 01:15:32.325
before construction, let alone operations can commence.

1362
01:15:34.375 --> 01:15:37.205
Thank you, Mr. Ray. So, could, can I, could

1363
01:15:43.815 --> 01:15:46.975
I, no, I think before we do that, Ms.

1364
01:15:46.975 --> 01:15:50.615
Hutton indicated a little while ago, so I think we'll go Ms.

1365
01:15:50.635 --> 01:15:52.815
Hutton, then IO ot, then Applicant

1366
01:15:53.295 --> 01:15:54.615
Victoria Hutton for the Hub Master.

1367
01:15:56.075 --> 01:15:58.065
So, um, sorry,

1368
01:15:59.095 --> 01:16:00.105
What? Yeah, I

1369
01:16:00.105 --> 01:16:03.025
Think we have gone past one

1370
01:16:12.305 --> 01:16:13.305
Less.

1371
01:16:14.895 --> 01:16:16.515
We actually should adjourn.

1372
01:16:17.735 --> 01:16:21.995
Um, we might be 5, 10, 10

1373
01:16:22.345 --> 01:16:22.835
minutes

1374
01:16:27.405 --> 01:16:27.755
speed.

1375
01:16:29.045 --> 01:16:32.115
Sorry. Uh, yeah, I, I think we,

1376
01:16:32.255 --> 01:16:34.635

we probably should adjourn, um, because

1377
01:16:34.635 --> 01:16:36.155
otherwise we'd potentially start

1378
01:16:36.215 --> 01:16:38.315
to create a problem with people having lunch.

1379
01:16:39.135 --> 01:16:42.635
Um, it also perhaps helps, um, those who are going

1380
01:16:42.635 --> 01:16:46.555
to make further submissions, um, compile those submissions.

1381
01:16:47.415 --> 01:16:50.395
Um, so is there a general agreement

1382
01:16:50.395 --> 01:16:52.675
that this is an inconvenient time to adjourn?

1383
01:16:53.905 --> 01:16:56.315
Applicant's team seems to say harbor master, yeah.

1384
01:16:58.255 --> 01:16:59.835
Not getting any, any opposition.

1385
01:17:00.295 --> 01:17:03.755
Um, do we say

1386
01:17:04.545 --> 01:17:07.715
just over an hour, which brings us back at quarter past two.

1387
01:17:07.825 --> 01:17:08.955
Does that sound reasonable?

1388
01:17:10.615 --> 01:17:12.275
I'm quite happy to come back at two if

1389
01:17:12.615 --> 01:17:15.075
that's would be more efficient, frankly.

1390
01:17:15.615 --> 01:17:18.835
Two. Okay. I agree. Resume then at two o'clock.