

**THE PROPOSED ASSOCIATED BRITISH PORTS (EASTERN RO-RO TERMINAL)  
DEVELOPMENT CONSENT ORDER**

**DEADLINE 7**

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Written summary of the Harbour Master, Humber's Oral Submissions at ISH5

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1. HMM confirmed, along with other parties, that when reaching conclusions as to the impact of the IERRT on congestion and navigational risk HMM had assumed that the berths currently used by Stena would be 'backfilled'. In other words, the movements to and from the IERRT would be net additional to those occurring currently.
2. HMM confirmed that the conditions when the Britannia Seaways vessel entered Immingham Lock during the course of the accompanied site inspection on 26 September 2023 were 'favourable'. There was a flood tide and not much wind.
3. In response to a question from Inspector Gould as to why the vessel took 30 minutes to familiarise itself before starting its manoeuvre HMM confirmed that he did not know. He confirmed that his team member had reflected that there were no problems. HMM stated that the query he would raise would be at what stage the vessel was told the lock was clear for it to enter.
4. In response to a query raised over the independence of HMM, Ms Hutton (on behalf of HMM) responded that it is a false exercise to entirely separate legal and practical issues. HMM has clear duties which he exercises without fear or favour and without his views being coloured by the particular applicant. The allegations made do not allege that he is not carrying out his duties but there have been insinuations made and those need to be backed up by evidence. In truth, the assertions about a lack of independence are simply mud-slinging. HMM has legal duties and his responses to the examination are given within that context. Ultimately, HMM could be subject to judicial review if he exercises his powers in a manner which are unlawful.
5. HMM confirmed that he would assist the ExA with a note which clearly sets out what functions HMM would be performing in terms of the existing legislation together with the role of the applicant.
6. HMM confirmed that the role played by HMM in relation to this project is no different from the role he plays on any project applied for by any other applicant and would respond to the particular points made by IOT and also by DFDS.
7. HMM confirmed that if he independently considered (irrespective of any other person) that a manoeuvre was unsafe he would not allow his pilots to conduct it and could put conditions on pilot exemption certificates ('PECs') to that effect. Further, he has a personal power to give special directions. It is a criminal offence not to comply with these directions.
8. HMM contributed to the discussion on the simulations conducted in November. In response to a question from Inspector Bradley about run 10 and whether the second tug was too close to berth two, HMM responded that this was, from his notes, the first sheltering run done in response to a request from stakeholders. The second tug was driven by the simulator. Distances were discussed afterwards, and it was agreed that a tug which was looking after itself would not have got into that position. HMM confirmed that the learning value of the simulations is in the total sum of the runs. HMM confirmed that it was a very positive couple of days with all of the stakeholders, and the simulations showed that there was room to manoeuvre. The parties talked about the benefits of with and without sheltering and the tug operators were happy. The simulations reinforced where the challenges were, and the attendees were working out solutions. Both towage operators were asked to the simulations, and it does not matter that only one attended. Everyone agreed the setting of each run beforehand. The two tug fleets are different but either fleet would be able to operate in the simulation conditions.

9. Inspector Bradley asked HMH a hypothetical question of what he would need to know in the future about the size of the vessel that could cope and the towage requirements and when he would be calling for that to take place, e.g. over the next 2 or 3 years. HMH stated that any vessel which was significantly different to those already tested would need to be assessed. An example of this was the introduction of Jinling vessels into Immingham Outer Harbour. The introduction of a new vessel could require tugs or have an impact upon the operating window. Such a vessel would not expect to be immediately granted unfettered access in all conditions.
10. HMH confirmed that if Stena was looking to introduce a larger vessel, they would have to apply for a set of controls to be examined and at that point conditions would be imposed. HMH confirmed that Stena could bring the vessel to HES at the design stage, and he would expect Stena to design a vessel capable of moving in most conditions at this berth and HES would also apply controls.
11. HMH gave an example of this process at Green Port Hull where wind turbine blades are loaded onto vessels. There is currently a proposal for much wider ships which are not yet built but in a month's time he will be going to the simulator to check that the new vessel will be capable of manoeuvring into the port.
12. In response to submissions made on behalf of DFDS, HMH confirmed that he expected that the design vessel would be designed, fitted with correct propulsion and be capable of manoeuvring out of that berth. A smaller vessel that is underpowered could be just as dangerous as a larger vessel. Any vessel has to be fit for purpose and the SHA would always check before allowing it to operate.
13. Again, in response to comments of DFDS, HMH explained the position with regards to the tidal direction. HMH was not present at the original set of simulations. However, the results and jetty layout showed an orientation that surprised him. That was re-measured and over time the model and two sets of measurements pointed to the tidal direction at the IERRT being correct. To the north of the area, the simulator did not seem to reflect real life experience. This concerns HMH less in relation to the validity of the simulations, but he shared DFDS' observations in that he would expect it to be further round and slightly stronger. This was dealt with at the last set of simulations. HMH does not consider that this discredits the previous runs. He added that the tide on the Humber is where it is, and no-one is trying to suggest that it is not.
14. In response to a question from Inspector Bradley HMH confirmed that there have been no significant factors such as dredging that would be a reason for the currents changing closer to the shore. HMH explained that dredging for the Immingham Outer Harbour was the most significant activity in the vicinity in recent years, but that IOH has been there for 15 years. It is just a case of learning about the new area. There is nothing that changes the current guidance, but this learning would inform future guidance for navigating in this area should the development go ahead.
15. HMH further confirmed that he expected that the twin pontoon array would have an effect, but he did not expect the effect to be material. The dimensions of piles which are being considered would not be significant but once built the SHA would need to understand it.
16. As part of a discussion about operating controls HMH responded to a question from Inspector Bradley about whether it would be essential to have two engine vessels. HMH responded that a twin engine would help that vessel have a much wider operating window. The operating controls are vessel specific. There are broad principles based on vessels

coming and going all the time and some assumptions can be made but in general there are different horses for different courses. Anchor drop is a specific risk control. In general seamanship and in the upper reaches of the Humber vessels will often drop their outboard anchor and pull against it as a brake and that is an accepted non-emergency movement. Any vessel under pilotage should have the anchors ready to go.

17. In response to a question of Inspector Bradley regarding the potential worst imaginable consequence, and in terms of the controls that can be applied and managed by the SHA, HMM confirmed that he was absolutely comfortable that the risks can be managed in terms of the controls which the SHA can apply. HMM stated that the consequence of the impact upon the trunkway came out loud and clear from the HAZID workshops. He confirmed with regards to probability, that in relation to the discussion on anchoring he would not normally line up that number of abnormal events together but that is the risk that needs to be managed. HMM has looked at anchors and redundancy, the flood tide, benign conditions – all factors go into the SHA's evaluation in the final risk assessment and the risk will be managed. The SHA has a series of potential risk controls which can be applied on a sliding scale and the SHA will be looking at how far down the list it will go. What controls might cost will not affect the decision and application of controls.
18. With regards to reasons for delays and the discussion of Run 15 in Rep 6-035, HMM responded to a query regarding whether the manoeuvre would impede access to and from the lock. HMM stated that there will be a period of time where a vessel will own particular space on the river. There was a lot of talk about this issue when speaking to the moving screen during the simulations. Everything is happening concurrently. The time added on may be the time from when it leaves its course on the river to the time when it is past. There are quite a few different scenarios, all of which would be managed. It would not be a question of adding a 30 minute period on top of a 30 minute period.
19. HMM confirmed in response to CLdN that, with regards to congestion, each customer right across the Humber has its own requirements and it is his role to facilitate all those movements. Of course, there might potentially be an impact on operational flexibility, but it is within the capability of HES to manage this going forward. An IOT finger pier vessel would take precedence and other vessels would fit in around it. This is not a question of Stena coming in and everyone fitting around Stena. It will be done safely and properly managed.
20. With regards to construction and operation overlap, there is experience to fall back on to help to plan vessel movements in liaison with the construction team so as to minimise effects on scheduled services and on the whole estuary. That experience includes HMM's pilotage and VTS teams. A project will normally come forward and HES will test its ideas for practicality and safety and impose measures to ensure that it has a minimum effect. If a project has the right to go ahead it must be facilitated hand in hand with the existing traffic on the estuary.
21. Inspector Gould raised a query about tug availability. He asked if one or both tug operators decided to expand their fleet, how long would it take to order, build and commission a new tug. HMM replied that there are long term and short term solutions. Tug operators are quite often investing in new tugs and also moving tugs around. HMM could not say how long a new build would take.
22. HMM confirmed that there was one fire tug on duty at any one time provided by Svitzer. There is more than one capable unit. HMM stated that there were currently 16 tugs which were more than there have been at times before. The fire tug has always done other duties

to make it feasible. If that fire tug went off to deal with an incident, then Svitzer is obliged to backfill the provision so that there is always a fire tug available.

23. HMH confirmed that there are other RoRo services in the Humber using vessels of a similar or larger size to the Jinling. The P&O Hull ferry service is an example, which carries both freight and many passengers. It is a vessel built for a service that has to arrive and depart every day. It has recourse to tugs in the strongest winds, but it is fit for purpose and built with that service in mind.
24. With regards to discussion of the tracking movements in IOT's NRA (REP2-064) HMH confirmed that the preference of a mariner would be to keep their ship a minimum beam's width distance from another vessel. That is a reasonable assumption. HMH indicated that the presence of a vessel on berth 1 of IERRT would have an effect on strategy for berthing. There is a different movement strategy which is backed up by the densest tracks on figure 24. It would still be possible to berth.
25. Ms Hutton, on behalf of HMH, highlighted the example of the Lake Lothing DCO where operational controls were included as part of the DCO. Ms Hutton confirmed that the key point from HMH's perspective was that his hands were not bound. Any operational control within the DCO would have to be a minimum control. If he, in future, considers that additional controls are required then he must be free to impose these. Ultimately, HMH sees no reason why the existing statutory regime would not be appropriate to impose operational controls. The controls should not be stipulated such that they are fixed in such a manner as binding the hands of HMH or the SHA.
26. With regards to without prejudice meetings, Ms Hutton stated that there were many aspects of HMH's role that require confidentiality, for example investigating incidents. There is a risk of this being undermined if parties breach confidentiality in relation to things said at without prejudice meetings. As it happens HMH is content to waive privilege in relation to two meetings he was present at after 28 September 2023 in respect of impact protection discussions between IOT and the Applicant.
27. Further, in relation to operational controls, Ms Hutton re-iterated HMH's primary position which is that it is not necessary for the DCO to stipulate operational controls as these can be put in place through the separate statutory regime. Now the proposal for 1 tug at berth 1 would not, in the majority of circumstances, bind the hands of HMH/SHA if more is required. In other words, there is nothing in the DCO which requires HMH/SHA to allow ships to berth in any circumstances. However, there is one circumstance where there may be conflict – in the unlikely situation that HMH/SHA needs to require a ship to berth at berth 1 without a tug if that was the safest place to berth a ship that happened not to have a tug. Therefore any operational controls would need to be subject to any contrary direction of HMH. HMH is very wary of parties coming forwards saying that they wish to see x, y and z control in the Order. Even if it were lawful for the DCO to do so it would not be desirable. If DCOs start to come forward with differing operational controls, it would risk introducing unnecessary complexity. Also, operational controls must be flexible to meet changing circumstances. There is an issue with fixing operational controls now if changes come about as a result of changing technology or developments.