

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

DEADLINE 7A

Comments on behalf of the Harbour Master, Humber

on application Changes 1 to 4

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1. Introduction

- 1.1 On 29 November 2023 the Applicant formally submitted a request to make four changes to the submitted application [AS-045]. The Examining Authority issued a Procedural Decision on 6 December 2023 accepting Changes 1 to 4 (inclusive) for Examination and providing Interested Parties and Other Persons' the opportunity to comment on those changes [PD-021].
- 1.2 In this document Harbour Master, Humber ("HMH") comments on Changes 1 and 4, specifically in relation to navigational safety:
- 1.2.1 Change 1 - The realignment of the proposed IERRT Approach Jetty and related works; and
- 1.2.2 Change 4 - Enhanced management controls and options for the potential provision of additional Impact Protection Measures.
- 1.3 The Applicant sought HMH's views on the proposed change application during the non-statutory consultation period. The comments set out in this submission reflect the comments that HMH provided to the Applicant at that time.

2. Change 1

- 2.1 In relation to Change 1, HMH has the following comments on each section of the change as relates to navigational safety:
- 2.1.1 **The realignment of the jetty:** HMH considers that the proposed realignment of the jetty approach should have no adverse effect on the safety of navigation or the ability of vessels to berth at the proposed IERRT or IOT Finger Pier facilities.
- 2.1.2 **Increase in number and change in the location of related piles:** HMH considers that the change in number and location of piles should have no adverse effect on the safety of navigation or the ability of vessels to berth at the proposed IERRT or IOT Finger Pier facilities.
- 2.1.3 **Restraint dolphins:** The effect of these on the overall infrastructure would need to be considered when assessing the residual risks associated with berthing at IERRT and establishing operating parameters and controls.

3. Change 4

- 3.1 HMH notes that in the additional environmental information, paragraphs 3.3.4 and 3.3.5 (Operational Requirements for IOT), ABP provides that:
- 3.3.4 *The Applicant is proposing the publication of enhanced navigational management controls with a view to regulating the management of vessels arriving at or departing from the IERRT berths.*
- 3.3.5 *These enhanced controls will be imposed by either the issue of a General Direction/Notice to Mariners or a revision to the Immingham Marine Operations Manual. The Applicant will seek to agree these additional navigational management controls with the IOT Operators which will be on the basis that tug assistance will be deployed for vessel arrivals to Berth 1 during an ebb tide where circumstances so demand."*

- 3.2 The Harbour Master, Humber notes that the enhanced control measures relate to additional tug assistance for vessels using the IERRT facility which lies within the statutory harbour limits of the Port of Immingham. It would be for the port operator and its Dock Master to require and control their use, although the jurisdiction of the SCNA/CHA and Harbour Master, Humber overlaps in this area and he/HES would expect to be consulted and have input in the usual way about when such controls would be implemented, given that the CHA has responsibility for pilotage and that pilots and tug operators would be working together.
- 3.3 The Harbour Master, Humber understands that the proposal would involve the Dock Master for the Port of Immingham requiring Ro-Ro vessels arriving at Berth 1 at the IERRT to use supporting tugs in conditions where, ordinarily, they might not be considered necessary. The Harbour Master, Humber considers that the proposed change is entirely consistent with the process described by the Harbour Master, Humber of applying parameters and controls for the IERRT and, in the unlikely event that the extra tugs alone are not effective in certain environmental conditions, then operational windows would need to be reduced to ensure effectiveness.
- 3.4 The Harbour Master, Humber is satisfied that the methods of enforcing the operational controls described at paragraph 3.3.5 through publicity, directions and the operations manuals would be effective as this is how such requirements are generally promulgated and obeyed by vessel operators. He remains convinced that it would not be appropriate for the use of enhanced controls of this kind (tugs, pilots, speed limits etc.) to be prescribed in the DCO, given that Parliament has already determined where the statutory powers to make these operational decisions should lie. He also has reservations about whether it is open to the Examining Authority to find that such additional controls affecting the discretion conferred by Parliament are necessary to address the unfounded concerns expressed by third parties regarding independence and whether they could be imposed without the consent of the statutory harbour authorities.
- 3.5 The Harbour Master, Humber notes that proposed change 4 includes an option for the delivery of an additional impact protection barrier at the western end of the IOT finger pier. He is in broad agreement with the effect on risks identified.

4. Conclusions

- 4.1 While the proposals for Change 1 have a limited effect on the flows in their vicinity, the HMH does not consider there to be any additional adverse impact in relation to navigational safety.
- 4.2 In relation to change 4, in the opinion of the Harbour Master, Humber, additional appropriately engineered impact protection measures would be suitable to prevent impact with the finger pier infrastructure in the absence of other protection measures.
- 4.3 In relation to "Operational Requirements for IOT", should there be a situation or environmental conditions where the measures may be ineffective, then operational windows would be adjusted or berthings cancelled in the absence of other additional controls.

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