

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

DEADLINE 8

Response on behalf of the Harbour Master, Humber
to Deadline 7 and Additional submissions from the Applicant

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1. Introduction

- 1.1.** In this document Harbour Master, Humber (**HMH**) responds to the submissions made at Deadline 7 by the Applicant, and Additional Submissions made by the Applicant on 15 December 2023, accepted by the Examining Authority on 20 December 2023.
- 1.2.** The documents addressed in this submission are:
- 1.2.1. **REP7-029** – Applicant’s Response to the ExA’s Schedule of Proposed Changes to the draft Development Consent Order.
 - 1.2.2. **AS-078** – Additional submission accepted at the discretion of the Examining Authority – 10.2.79 Explanation of the Applicant’s Position in Respect of CLDN’s Protective Provisions.
- 1.3.** HMH has limited his responses to matters that are directly relevant to his areas of responsibility and where he thinks he can assist the Examining Authority.

2. Table of responses:

Document	Content	Response on behalf of Harbour Master, Humber
<p>REP7-029</p> <p>Applicant’s Response to the ExA’s Schedule of Proposed Changes to the draft Development Consent Order</p>		<p>HMH has provided his thoughts on the Examining Authority’s Schedule of Proposed Changes to the draft DCO in HMH29 [REP7-061]. He has responded to the Examining Authority’s further thoughts on, and amendments to, its proposed Requirement 18A and its draft text for an alternative provision (Requirement 18B) in his response to ExQ4 DC).4.04 (see HMH38 submitted at D8).</p>
<p>Ditto</p>	<p>Para 22 – Appeals - page 14 ABP comment:</p> <p><i>The Applicant will make the amendments proposed by the ExA in the updated dDCO to be submitted at Deadline 8, albeit with the inclusion of the dock master. As far as paragraph 10 is concerned, at this stage the Applicant would wish to resist this deletion in that it should still be open for the discharging authority to be able to confirm, for its purposes, the adjudicator’s consent.</i></p>	<p>HMH notes that ABP aligned itself with his submissions (HMH29) [REP7-061], which included commentary on the Examining Authority’s proposed changes to the dDCO to provide for a right of appeal by the Applicant against a direction made by the SCNA under Requirement 18.</p> <p>HMH understands that the Applicant intends to file an alternative to Requirement 18 at Deadline 8. HMH notes that this point will fall away if the Applicant’s proposal is accepted.</p>
<p>Ditto</p>	<p>(From page 32) Appendix - Explanation of the Applicant’s</p>	<p>HMH’s concurs with ABP’s response. His own position on IOT’s protective</p>

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	<p>Position in Respect of Protective Provisions for the IOT Operators and DFDS</p> <p>Table 1 – IOT protection provisions</p> <p>ABP comments (<i>page 38 of PDF, page 7 of the Appendix</i>)</p> <p>Mitigation measures:</p> <p><i>The Applicant does not agree that Work No. 3 (Impact Protection Measures) should be required in all circumstances. This would result in a protective provision which directly contradicts Requirement 18 of the dDCO. Further, it would not be appropriate for IOT to interfere with the Harbour Master Humber’s statutory responsibility for ensuring navigational safety by permitting IOT Operators to decide whether impact protection is required and/ or is sufficient.</i></p>	<p>provisions is set out in HMH 33, also filed at Deadline 8.</p>
	<p>Para 5 – Offshore Works (page 45 of the PDF, page 14 of the Appendix)</p> <p><i>The Applicant does not agree that Work No. 3 (Impact Protection Measures) should be required in all circumstances, as this would result in a protective provision which directly contradicts Requirement 18 of the dDCO and which would conflict with the Harbour Master Humber’s statutory responsibility for ensuring navigational safety. It must be for the Harbour Master’s ultimate discretion whether Work No.3 is required</i></p>	<p>HMH refers to his previous submissions on this point in REP7-061.</p> <p>HMH is confident that existing powers to impose operating controls on use of the IERRT if a recommendation of the SCNA is not acted upon, including restricting the operational parameters within which it can be approached, will ensure the safety of the Humber and the IOT.</p> <p>Having said that, HMH does not agree that it is ultimately in his discretion as to whether Work No. 3 is constructed.</p>

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	<p><i>at all or in place of/ in addition to operational controls.</i></p> <p>Para 6 – Operation of Offshore Works – ABP comments –</p> <p><i>The Applicant considers that any potential issues of marine congestion are for the Harbour Master Humber and the Dock Master Immingham, in conjunction with Vessel Traffic Services. It would not be appropriate for the protective provision to attempt to contradict these statutory jurisdictions, or for the Applicant to be required to provide a protective provision which it has no power to undertake. The Applicant, therefore, proposes the deletion of IOT Operators' wording.</i></p>	<p>HMH agrees with ABP on this point, but also refers to his own comments on IOT's protective provisions, which are set out in HMH33.</p> <p>HMH's position is that decisions need to be made for the right reasons. There should be nothing in the DCO that impedes the ability of VTS Humber to make traffic management decisions required for the safety and efficiency of the river.</p> <p>As set out in HMH 33:</p> <p><i>"The Examining Authority has already heard from HMH that, in practice, large tankers on the river are given priority over more manoeuvrable Ro-Ro vessels. However, much depends on conditions and vessel movements on any particular day and this is clearly a matter that falls squarely within the remit of the HMH and his team at HES</i></p> <p><i>HMH submits that the requirement for commitments giving IOT priority would introduce a benefit to IOT that it does not currently enjoy and, importantly, is inconsistent with the existing and long-established statutory regime for the management and regulation of safe navigation on the river. HMH submits that the text suggested by IOT should be deleted. Again, this concern would be resolved by the Applicant's proposed provisions."</i></p>
<p>AS-078</p> <p>10.2.79 Explanation of the Applicant's Position in Respect of CLDN's</p>	<p>Page 8</p> <p>[ABP's response to proposed changes to 130-133. Notice of and consultation on works and vessel movements]</p> <p><i>The Applicant considers that any potential issues of marine</i></p>	<p>HMH considers that the changes sought by CLdN would impinge on HMH's area of responsibility and would fetter his ability to properly control vessels to ensure the safety of navigation. Further, as the Applicant notes, the power that CLdN seeks to prescribe sits with HMH, not the Applicant. Therefore the</p>

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Protective Provisions	<p><i>congestion are for the Harbour Master Humber and the Dock Master Immingham, in conjunction with Vessel Traffic Services, who will be responsible for managing all vessel movements including the movements of those vessels involved in the construction of the IERRT. It would not be appropriate for the protective provision to attempt to contradict these statutory jurisdictions, or for the Applicant to be required to provide commitments over which it does not have ultimate control.</i></p> <p><i>It will be for the Harbour Master Humber, the Dock Master Immingham, and Vessel Traffic Services to manage any shipping movements – not the Applicant. On that basis, the Applicant does not require CLdN’s scheduling information.</i></p>	<p>Applicant cannot make such commitments.</p> <p>It would be damaging and inappropriate to make the changes requested by CLdN. HMH notes that CLdN is a normal river user and, as such, will be afforded protection by the usual requirement to reduce the effect of construction on users as far as reasonably practicable. HMH therefore agrees with the changes proposed by the Applicant to paragraphs 130-131 (Notice of and consultation on works and vessel movements).</p>

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