

**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 submissions from Immingham Oil Terminal Operators

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1. Introduction

1.1. In this document Harbour Master, Humber (HMH) responds to the submissions made at Deadline 7 by Immingham Oil Terminal Operators (IOT).

1.2. The documents addressed in this submission are:

1.2.1. REP7- 069 – Post-hearing submissions

1.2.2. REP7- 070 – Appendices

1.3. The fact that HMH has not responded to any particular point does not mean that he agrees with it or accepts that it is correct. 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
REP7-069 Post hearing submissions	<p>Para 14 – page 3</p> <p><i>a. ABP’s current proposal is that the Harbour Master Humber is responsible for deciding whether impact protection is necessary. His position is that no impact protection is necessary. However, this position has been reached without a written risk assessment having been carried out by the Harbour Master Humber;</i></p> <p><i>[As stated on behalf of the Harbour Master Humber by their representative at ISH6 (Line 753 of the ISH6 Part 3 Transcript [EV11-007]).</i></p> <p>Para 32 – page 7</p> <p>Risk assessments</p> <p><i>32. The IOT Operators remain concerned that, while no risk assessment has been carried out by the Harbour Master Humber (As stated for the Harbour Master Humber at ISH6 (Line 753 of the ISH6 Part 3 Transcript [EV11-007]), he has nevertheless reached</i></p>	<p>As was most recently stated in REP7-064, HMH’s view is that impact protect has always been – and remains - an option. From the information HMH has seen and the simulations undertaken to date, together with his experience of vessel manoeuvres on the Humber, HMH is of the opinion that physical impact protection may not be required. In making this statement, HMH is applying a common-sense approach that impact protection may not be required if other protection measures are in place.</p> <p>HMH will assess the detailed design proposals and the completed berths in the usual way and apply risk control measures accordingly. This point was made at ISH5, captured in REP7-067:</p> <p><i>17. 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.</i></p>

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	<p><i>the conclusion that no vessel impact protection measures are needed. It is also not clear what the Dock Master Immingham's position on the matters is given that they were not present at ISH5 or ISH6 during discussions on these matters.</i></p> <p><i>33. Without these assessments it is impossible for the IOT Operators to understand how conclusions on the apparent safety (or otherwise) of the Proposed Development have been reached by those statutory harbour authorities. It bears repeating that the IOT Operators are responsible for the safe operation of a piece of Critical National Infrastructure, which is also an upper tier COMAH site.</i></p>	<p>Also in REP7-064 (response to IOT D6 subs):</p> <p><i>HMH is aware of all of the potential control measures identified in all the NRA's. As is normal when new infrastructure is introduced to the river Humber, HMH will ensure that IERRT operations are managed with an appropriate level of operating controls to manage the risks that have been identified. In doing this, he acts independently of the Applicant and has regard to the needs and safety of all users of the river.</i></p> <p>And:</p> <p><i>...HMH will treat this development in the same way as he would treat any development – applying the same set of principles to identify and manage risks, having regard to particular risks and consequences present and dealing with them proportionately.</i></p>
Ditto	<p>Para 61(b) - Page 13</p> <p><i>The HMH confirmed that this area of the port had not previously been used to manoeuvre for vessels of the proposed size and mass and any experience he has claimed he will apply must be of limited scope given the above facts. (As stated for the Harbour Master Humber at ISH6 (Line 666 of the ISH6 Part 2 Transcript [EV11- 005]).</i></p>	<p>HMH has not claimed to have experience in the area that will be occupied by the IERRT. He agrees, and has consistently stated, that the IERRT will operate in an area of the port not previously used for vessels of the proposed size and mass – and that is exactly why simulations are being used. The fact that the area has not been used for this purpose previously does not mean it cannot be used for such a purpose.</p>
Ditto	<p>Para 63 - Page 13</p> <p>Priority for IOT Vessels</p> <p><i>63. It has been accepted by the Applicant that Humber Passage Plan Vessel (PPV) movements to the IOT will be respected and offered priority by the Harbour Master Humber during the operation of the IERRT. (As stated</i></p>	<p>HMH has already responded to this point extensively, most recently in REP7-064:</p> <p><i>HMH has already made written submissions about the priority given to large tankers over Ro-Ro vessels (see paragraphs 3.6 and 3.7 of REP4-032) as a matter of practice. No vessel has a free run – the</i></p>

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	<p><i>for the Harbour Master Humber at ISH6 (Line 672 of the ISH6 Part 2 Transcript [EV11-005]).</i></p> <p><i>64. The Applicant as Action Point 5 from ISH5 is preparing a comparison of vessel congestion in the vicinity of the Port of Immingham on a worst-case day prior to the IERRT against a worst-case day with IERRT traffic added. The IOT Operators fed into that process by email on 21 November but it would seem that the Applicant had not passed that information onto its project team on 7 December 2023 [APPENDIX 5]. Within those email exchanges the Applicant has received a very clear explanation of movements to and from the IOT, which it is expected will be incorporated into the Applicant's response to Action Point 5.</i></p>	<p><i>process is managed, every time, for every vessel, every day.</i></p>
Ditto	<p>Simulations, paragraphs 65 – 71, from page 14</p>	<p>In relation to paragraph 71, HMM's understanding is that the pilot's main concern was the condition of the buoy and the fact that it was out of position.</p>
Ditto	<p>Response to AP11 (ISH5)</p> <p>AP5 - Give examples of any instances when IOT Operators have found it difficult to operate the IOT because of the operation of other parts of the Port of Immingham.</p> <p>IOT response:</p> <p><i>The IOT Operators are not aware of any examples where operation of the IOT has been impeded by the operation of other parts of the Port of Immingham. As explained at paragraphs 17 and 21 above, it</i></p>	<p>As noted above, HMM has already responded to this point extensively, most recently in REP7-064:</p> <p><i>HMM has already made written submissions about the priority given to large tankers over Ro-Ro vessels (see paragraphs 3.6 and 3.7 of REP4-032) as a matter of practice. No vessel has a free run – the process is managed, every time, for every vessel, every day.</i></p>

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	<p><i>had been understood that the Applicant had committed to a protective provision to secure operational priority for the IOT. However, the Applicant has since resiled from that position. The protective provision sought by the IOT Operators is that identified as paragraph 6 in APPENDIX 1.</i></p>	
<p>REP7-070</p> <p>Appendices</p>	<p>Appendices to REP7-069</p> <p>App 1 - IOT Operators' position on the dDCO and their preferred protective provisions</p>	<p>HMH's commentary on the IOT's preferred protective provisions insofar as relates to the SCNA is set out in a separate note (HMH 33) and his failure to respond to the detail of REP7-069 should not be interpreted as meaning that HMH accept any of its contents.</p> <p>However, HMH is concerned by the suggestion made by IOT that priority for IOT vessels has been "confirmed" by HMH, which he considers misrepresents his stated position, and IOT's reliance on a single line on the transcript of ISH6 in support of this contention. The question of priority is addressed in paragraph 12 of HMH24 (written summary of oral submissions at ISH6), as follows:</p> <p><i>"12. In response to a concern from IOT about priority for their vessels HMH responded that IOT vessels are mostly subject to the Humber Passage Plan and are given more priority because of their class and ability to manoeuvre. Vessels for the finger pier would be ordered up as normal and have a berthing time and other vessels would be berthed around them. HMH assured the Inspectors that he did not foresee a position where a finger pier vessel is sat for an hour waiting for three IERRT vessels."</i></p> <p>This reflects lines 667 to 688 of the transcript.</p>

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		HMH considers that his explanation that, in practice, IOT vessels get priority for practical reasons is an entirely different thing from saying that they should always – and will always – have priority regardless of what else is happening on the river at the relevant time.

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