

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

---

Response on behalf of the Harbour Master, Humber  
to question 5 of the Examining Authority's request to the Applicant for further information  
under Rule 17 dated 22 January 2024

PINS Reference Number	TR030007
Interested Party Reference Number	IMRO-OP001
Document Ref.	HMH 41
Author	Winckworth Sherwood LLP
Date	24 January 2024

---

Arbor  
255 Blackfriars Road  
London  
SE1 9AX  
DX: 156810 London Bridge 6

T 020 7593 5000  
F 020 7593 5099

[www.wslaw.co.uk](http://www.wslaw.co.uk)

**Winckworth**  
Sherwood

**Solicitors and  
Parliamentary Agents**

## 1. Introduction

1.1. By letter dated 22 January 2024, the Examining Authority requested further information from the Applicant. Although the request is directed at the Applicant, HMM is providing a response to DFDS's submissions as referred to in question 5 regarding the Humber Pilot Handbook, to assist the Examining Authority.

1.2. Request number 5 from the Examining Authority states:

*"DFDS has referred in paragraph 40 of [REP9-026] to the publication of a revised version of the Humber Pilot Handbook on 18 January 2024. DFDS submitted a copy of the previous version of the "Immingham Dock" section of the Pilot Handbook as [REP2-044]. Please submit a copy of the revised version of that Immingham Dock section of the Pilot Handbook together with an explanation of the changes that have been made to it in the latest revision."*

1.3. Paragraph 40 of DFDS's submission [REP9-026] provides:

*"In other cases the Applicant continues to disagree with DFDS in the face of clear evidence contrary to its position. It vehemently denies that the Harbour Master agrees with DFDS about the tidal direction north of the IOT, even though the Harbour Master has said in terms that 'he shared DFDS' observations in that he would expect it to be further round and slightly stronger' [REP8-050], page 1. DFDS acknowledges that the Harbour Master states that this does not, in his view, affect the validity of the simulations, but his agreement with DFDS as to the correct tidal direction stands. It is DFDS' understanding that Applicant will publish its 2024 version of the Pilot Handbook on Thursday 18 January. DFDS has been provided with a number of advanced copies for distribution amongst its mariners. The 2024 Handbook is consistent with the latest 2017 Handbook and confirms DFDS' longheld understanding of the tidal direction north of the IOT. DFDS assumes the Applicant will provide the ExA with a copy of the relevant pages at Deadline 10."*

1.4. In REP8-050, HMM re-iterated the position he has been making throughout the examination:

*"HMM refers the Examining Authority to paragraph 13 of his written summary of his oral submissions at ISH5: "To the north of the area, the simulator did not seem to reflect real life experience. This concerns HMM 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. HMM 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." DFDS has adduced no evidence to suggest that the results of the simulations insofar as concerns the operability of the proposed IERRT development would be materially different (and less successful) had the tidal direction to the north of the area in the simulations been as HMM and DFDS would have expected it in real life. HMM has addressed this point on a number of occasions in the course of this examination, including his original written submissions [REP2-054] and his opinion that the tidal direction to the north had no effect on the validity of the simulations was evidenced at the further simulations that took place in November at which the changes were explained to those present, including DFDS."*

1.5. At paragraph 3.7 of REP2-061 (Comments on behalf of the Harbour Master, Humber on submissions made at Deadline 1) HMM further explained:

*"With regard to DFDS's concerns regarding the tidal regime, HMM shared with the project team his own concern that the tidal data used in the first simulations and the proposed orientation of the jetty at that time were not what HES would have expected based on collective experience of navigating in the vicinity (but not the actual location) of the proposed*

*jetty. In HMM's view, the tide would be flowing in a direction of approximately 10 degrees to the NW/SE. In response to his feedback, the project team carried out further "real life" measurements across the area. HMM also understands that the accuracy of the simulation data was re-checked by HR Wallingford. As a result of this work, the tidal flows then used were correct in the locality of the proposed jetty, the orientation was appropriate, and the conditions of the simulation were fit for purpose. HMM was present when the revised data was used at the stakeholder simulations in November 2022 and the changes were explained to those present."*

HMM notes that DFDS has not sought to contradict or refute this evidence.

- 1.6. In REP7-058 (DFDS's submissions on its Statement of Common Ground with ABP), DFDS states that "*The Harbour Master Humber has now confirmed in oral evidence at ISH5 that the tidal direction north of IOT used in the modelling is wrong, which calls into question the direction used further south.*"
- 1.7. HMM is concerned that this submission could misrepresent his own position on tidal directions used on the simulator which have been made clear in Oral and Written Representations. Whilst he has been in agreement with DFDS as regards the tide to the north of the IOT not quite being as expected on the simulator (but in disagreement as to the relevance of this point), he believes his original concerns regarding the area to the south have been dealt with earlier in the process. Following the original concerns raised, ABP engaged ABP MER to carry out further measurements and HR Wallingford to check their calculations for the area in the vicinity of the proposed IERRT. This work confirmed the tidal flow in the modelling within the area of relevance to the outcome of the simulations (i.e. to the south) was fit for purpose.
- 1.8. The new Pilots' Handbook 2024 contains up to date information about the areas currently used for the passage of vessels. The Examining Authority will appreciate that the area of the estuary that will comprise and surround the IERRT development in the event that the DCO is made is **not** currently used for the passage of vessels and, therefore, the existing and new Pilots' Handbook does not include data for that area. All relevant data, new or current, for use by pilots and PECs will be issued at the same time as the relevant guidance for the construction and, later, the operation of the IERRT is issued, taking into account the further detailed work that will take place during detailed design. The January 2024 guidance is not corroborating anything. DFDS's concern is that the simulator did not seem to align exactly with real life experience in areas where navigation does currently take place. HMM has repeatedly provided comfort to DFDS that this is immaterial. He rehearses again his explanation that even if the data in this area were (as he believes) slightly awry, this would not affect the simulations for the new area around the IERRT where there is currently no navigation and where, for the purposes of the simulations only, the tidal measurements were checked at HMM's behest.
- 1.9. In other words, the fact that the simulator did not seem to quite align to real life experience in the areas where navigation does currently occur does **not** affect ongoing real life operations and does not require any amendment to be made to the existing guidance in the Pilots' Handbook.