

ISH3 Pt2

0:01

Welcome back everybody. At the time is now 1146 and this issue specific hearing is resumed

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and we're now moving on to agenda item number 5, which is navigational and operational safety and just by way of introduction sort of run through, we're hoping to get out of the next sort of hour and a half or so.

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And the aim is very much to sort of help us have a clearer understanding of matters of navigation, operation, operational safety and the effects of the proposed development. In this respect,

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to help me there, I'd like to focus on a number of matters, starting initially with an understanding of the various bodies, their roles and responsibilities and whether these would be affected or changed by the proposed developments.

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Secondly, we'd like to identify any existing codes or documents or management plans that we need to be aware of and in particular how much weight the Secretary of State should be giving these documents in in their decision.

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Thirdly, we'd like to understand and explore the impact of the proposal on on existing operations and shipping services on the Humber. And finally, we just like to cover the assessments have been undertaken by the applicant in terms of the navigational risk assessment and the navigational simulation survey focusing on the proposed mitigation that is contained in the with the environmental statement and whether these measures are sufficient along with sort of how they're going to be secured in the final development consent order.

1:24

What I have, I got to see the questions for the applicant but I'm happy to sort of take questions as we work through. But I will sort of pause at at key points to sort of invite comments from any sort of interested parties or anybody in the virtual room as we go through. So I'm guessing that approach is, is OK with with everybody,

1:44

Sir. Yes, on behalf of the applicant, we're very content with that. Thank you, Sir. Thank you. So turning then to to the agenda,

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what I suggest we do is perhaps take sort of items one and two together because I think they are probably sort of linked. One is sort of an explanation of the roles and division of responsibilities and and two is an explanation of how these roles are affected and relate to the proposed development. So from from my point of view, it seems to make sort of sense to sort of put those two together. And and just again by way of sort of context to this, but having read the relevant representations,

2:16

it's clear to us that there are quite a number of parties with quite specific roles and responsibilities in relation to navigational safety and operation with the Humber and Vessels as well. So to help us sort of understand where everybody's roles are, it'd be useful to sort of hear from the people who actually have those roles so we can understand what their, what their purpose is and how that sort of relates to the proposed development. So that's that's the purpose of this sort of item.

2:40

And what we've done is we've listed a couple of particular bodies on the agenda that we want to sort of go through. There may well be others and if there are others that we have missed out that you're aware of, please let us know because we'd like to sort of understand their roles and responsibilities as well. And and in that respect, one of the the groups that we didn't list on there was the Immingham oil terminal operators who I think are online. So it may well be that under this bit we will probably come to you as well and and invite you to sort of make some some comments as well. So I see Mr Mechanics

3:10

on the line. So if you can just confirm that that he's OK with that. So we will come to you at a point. Brilliant. Thank you for that. The nod, that's great.

3:19

And in terms of what we're looking for, there's sort of a series of questions and I'll sort of pose these first before then sort of going round the sort of the various people that were looking to hear from. And basically the first one is sort of what is your role and responsibility in relation to ships navigating along the estuary? And if it isn't you, so you don't have the responsibility, who does take that responsibility for the ships that you you were that access and come to your facility?

3:45

In terms of those, are there any overlaps with other organisations?

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Then? How do these roles and responsibilities relate to the proposed development and what, if anything, would change as a result of the proposed development?

4:00

And then finally, probably more relevant to the interested parties perhaps, but any brief comments in relation to the effect of the proposed development on their operations and responsibilities.

4:11

We've got a number of people. So what I'm not looking for is sort of sort of quite a lengthy submission. I think we sort of keep them sort of quite short and snappy, sort of 5 minutes or so, if that's possible. Then we can go around another that might sort of generate some some discussion and bits and pieces. But that that's all my thoughts on, on that. We do have a number of bodies that actually aren't able to join us today, the Humber, the Harbour Master being one of them. But I know they're they're representative, is watching the live stream and they've undertaken to sort of take away comments and then respond to us in writing a deadline one. So we will,

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we will get those which is which is very helpful.

4:46

So perhaps if I could start with what we've termed the port of Immingham statutory harbour authority and I think this is possibly best and I'm looking towards the applicant that's being so perhaps the best people to sort of pick this one up. And and like I said, if you can sort of outline the various roles and responsibilities that you have and and how this relates to the proposed development in particular.

5:07

Sir, Yes, Sir. What we had in mind is to provide, in relation to this first item, our overview of how all of these various,

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what these various bodies do and what they cover. That will be relatively brief, but it will go through each one and set out our understanding. Clearly, those that we don't represent can speak for themselves. But given that many of them won't be here, we thought it might be helpful to have that overview. I think that that will be helpful. Thank you. So I'm going to hand over in a moment to Paul Bristow, who sits to my right to speak to these matters. And just to introduce him, Mr Bristow

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is the head of Marine Humber, having joined ABP in May 2022.

6:02

He has had a lengthy career managing and mitigating operational and commercial risk in the marine environment and he previously served in the Royal Navy for 25 years and selected for aviation duties. Operated as a carrier based helicopter pilot before promotion into a broader strategic and warfare roles, culminating in command of a Type 23 figure frigate. On leaving military service, he spent eight years

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BP's leading operational teams, initially responsible for the global deployment of 250 owned and chartered tankers, then running marine logistics for the trading division, latterly as Programme Director and the emergency response of business continuity function. He's a master mariner, he's a Chartered manager and holds an MBA from Cranfield University. So I'll now with that introduction handed over to Mr Bristow.

7:08

Good morning, Sir. Good morning to the panel. Paul Bristow for ABP

7:13

to in In light of the point made by Mr Philpott, I'll try to give an overview for those that are absent and then move into that interactions of of how the roles and responsibilities might have bearing on the I Get scheme.

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So to start with, we will provide a more detailed note on those roles and responsibilities of the the listed items

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and understand that Harbour Master Humber will also provide his own submission in that regard.

7:49

The history of the function of I'll start with the the Harbour Master Humber and the the Humber Estuary statutory harbour authority.

7:57

The history of the function of the SHA in the estuary is complicated.

8:02

ABP inherited that role

8:05

upon privatisation of the British Transport Docks Board in 1981, and that was in succession to the Humber Conservancy Commissioners who'd operated up to that date. The Commissioners were originally charged by statute to manage the estuary and be responsible for conserving and maintaining navigation and ensuring the estuary was operated safely for the benefit of all users.

8:34

ABP performs this function as SH A through Humber Estuary Services, which I'll refer to as HES hereafter, but Humber Estuary Services, who are responsible for the management of that safe navigation within the statutory defined harbour limits of the River. Humber

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has discharges the responsibilities for the estuary as a separate function within ABP's corporate structure.

9:03

It's independent from commercial operations on the home of that's that's an important point

9:09

albeit has exists within that corporate structure. But it does have that independence as is accountable to and at the direction of the Harbour Authority and Safety Board and that's one entity that wasn't listed which I will be expanding on a little bit later.

9:26

Hopper Master Humber is authorised by the Harbour Authority Safety Board

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to perform those statutory functions on a day-to-day basis.

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If I could put the slide up, I think that might be useful at this point. And that's the one with the

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there we go with the, with the, the, the, the limits of the harbour authority.

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Could you increase the slight size of the slide? It's not very visible to the panel. I don't know if it's visible to everybody else

10:00

that's better.

10:04

Any larger?

10:09

OK.

10:11

So if we look at the aerial image on the top right of the slide,

10:16

it shows the the the blue line defines the eastern limit of the HES statutory harbour authority, which extends all the way down the Humber beyond the bridges to Goole and Trent, down the River Trent. The

10:32

blue line around Immingham shows where the Immingham statutory harbour authority resides. Other statutory harbour limits aren't shown, but we also have them around to the Port of Grimsby, the Port of Hull, the Port of Goole and the Port of Killingholme operated by CLDN.

10:56

So that covers has as this statutory harbour authority for the estuary, but they have a secondary function as the competent harbour authority

11:07

also for the estuary and that relates to the provision of pilotage services.

11:15

The jurisdiction of ABP as the competent harbour authority CHA extends over the whole of the estuary including the individual SHA ports. So those that are defined as SHAS.

11:28

Sorry, can I just again forgive our perhaps not understanding of terms. When you say pilotage to piloted services, what what does that entail? What does that that mean so mean so so pilotage is the is a service provided a Humber pilot will

11:45

be transported to the to to to a vessel inbound or outbound. We'll go to the bridge of the vessel and we'll provide the master with expert local navigation advice to ensure the safe navigation. So that that's the they're known as pilots. The the overall concept is known as pilotage.

12:08

The jurisdiction of ABP as the CHP extends right across the estuary, including those individual ports where we have the statutory harbour authority which is more the land side of the operations. To that extent

12:22

the policy incorporates those areas, but it reflects the fact that practically for an estuary the size of the Humber with the number of vessel movements that occur on a daily basis, the pilotage has to be provided as a single coordinated service.

12:39

The Harbour Authority and Safety Board can direct has to the requirements for and the provision of pilotage in the Humber estuary. So that is the the reporting line which sits outside of the commercial operations of the estuary and the port.

13:01

So moving on now to the the Port of Immingham statutory harbour authority.

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ABP operates Immingham as a commercial operation.

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The Dockmaster Iminium is the statutory harbour authority for the port

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and is responsible for them management and safety of navigation traffic within the defined harbour limits

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of the port and that includes stretching activities within that area.

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And he's just for clarity, that's the blue line

13:36

around around moving around, right, Correct. That's correct. Yes, yes Sir.

13:41

He's also responsible for servicing the efficient running of the operation from a navigational viewpoint

13:48

for safety matters. He is also accountable to and at the direction of the ABP Harbour Authority and Safety Board.

14:00

The SHA areas for HAS and HDMI are but but they don't overlap so as as as per the diagram but the CHA area flows right through the entire estuary. So that's the distinction that we would, that we would make

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if I move now to the ABP Harbour Authority and Safety Board which we refer to as the has be,

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but please stop me if that if, if I'm using too many abbreviations. But there has to be exists within the wider ABP corporate structure

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as an independent board from the ABP executive

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has be has its own remit, governance and constitution.

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There has to be governs all of the SHA&CHA functions that AB is responsible for,

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which of course includes the Humber Estuary, the four ports Grimsby, Immingham, Hull and Google in the Humber, as well as Southampton, Cardiff, Swansea and the other ABP ports around UK.

15:11

Its responsibility is to take safety decisions acting independently from ABP's commercial board and the and ABP's function as a commercial port operator. So it's to maintain that independence

15:26

there has been also enables ABP to discharge the requirements of the duty holder function

15:34

which is described in the Port Marine and Safety Code PMSC. I think it's worth being just expanding a little on the PMSC at this point, although I know that will be covered a little more in a later question.

15:49

The PMC is a voluntary code of good practise that port operators sign up to.

15:56

The code and its associated guide to good practise sets out a national standard for port marine safety in the UK and incorporates industry wide good practise on how these matters of safety should be assessed, quantified and managed.

16:17

It sets out the key responsibilities for safety management in harbours

16:22

and a framework for the safety management processes which underpin that agreed good practise.

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So that's the sort of guiding principles for the Harbour Authority and Safety Board are captured in that document.

16:40

If I move now externally to a BP, to the Maritime and Coast Guard Agency, the MCA.

16:49

The MCA is a government agency responsible to the Secretary of State for Transport for advising on the composition and application of the Port Marine Safety Code and the associated guide to good practise.

17:05

The MCA has regulatory jurisdiction for all UK flagged vessels working worldwide, anywhere in the world,

17:16

and for internationally flagged vessels that are operate and their crews operating in UK waters,

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so a wide remit, and that includes inland areas such as ports themselves.

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Of note, the MC does not have jurisdiction as a Navigation Authority, either as an SHA or as a CHA, nor does it have powers to regulate ports and harbours.

17:44

Of course the PMSC, the the the code provides guidance on how that should be done by the relevant SHS and CHS, but that's not the MCA function.

18:00

I'm moving to the Trinity House. Trinity House is not specifically empowered to control or manage navigational matters.

18:09

However, they have a vital supporting role which requires them to exercise some regulatory powers.

18:19

Trinity House is a charity

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with objectives dedicated to safeguarding, shipping and seafarers, providing education, support and welfare to the seafaring community, and with a statutory duty as the General Lighthouse Authority

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to deliver reliable, efficient and cost effective aids to navigation for the benefit and safety of all Mariners.

18:47

The Harbour Master Humber is the local lighthouse authority for the Humber Estuary,

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and he reports to the Trinity House on the position of lights and boys in the Humber Estuary, so they can take an overview of that.

19:09

So I do have some notes on CLDN and their position, but I don't know whether you would prefer that to be.

19:16

Shall I continue.

19:20

So given that CLDN are here, you may want to hear from them rather than our account of it. But we thought it was helpful to have that overview and particularly because some of those bodies are not currently present, I think that is they're very helpful and I think I'd prefer that you say here from CLDN in person and then if there's anything that you wish to sort of add to or respond that that would be helpful. So. So with that in mind sorry would fill up on behalf of the applicant. We we've sort of drawn breath there so you can deal with CLDN

19:50

rather than carrying on straight into the second item

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that's fine. Just before I come to CLD and there's just just a question that I have and in terms of Trinity House, not necessarily in terms of sort of their roles and responsibilities, but I think they have referred to a statement of common ground which I think we may have referred to at the preliminary meeting. But given we're now in examination it would be helpful to understand where that is, what the progress is on on that and what the intentions are around that sort of statement, the discussions with with them. So if while I just check back my notes on that. Do you want to hear from CDM while I?

20:25

While I look that up, that's a very efficient use of time. Yes, we can. We can do that. That's fine. So if I can now go to CLDN, I think it's and if you could introduce yourselves and anybody that you've got with you, I think you may have some new people from when you first introduced yourself this morning, that would be helpful. And then, yeah, over to you for any sort of comments that you wish to make.

20:48

Thank you Sir Alex, President on behalf of CLDN. I don't actually have, I know promised him earlier, but I don't actually have Benjamin Dub Seymour Director at LDN with me now. But if there's anything

that I can't answer, I'm sure we can come back to you in writing following his input. But I can just give a brief introduction to CLDN and CLD's role and operations on the Humber and lots of which was covered in CLDN relevant representations as you alluded to, which is examination library reference R00

21:18

five and but part of the CDN links group and a European integrated port shipping and freight forwarding operator. CLDN is the owner of a long established railroad terminal which operates 24 hours a day, seven days a week and servicing and average 5 1/2 scheduled row row ferry sailings a day to and from the Northern Continental ferry ports, including lines operated by its affiliated shipping operator which is CLDN, Roro SA

21:49

and also third party services operated by Stena Line BV, which the applicant will be aware of. And it's one of the UK's major North Sea Roro terminals and alongside the ABP facilities at Immingham and Hull. CLDN operates a significant proportion of the existing row row capacity on the Humber and in addition to that, CLDN is a statutory harbour authority pursuant to the North Killingholme Haven

22:20

Harbour Empowerment Order of 1994 and the Humber Sea Terminal Phase 3 Harbour Revision Order of 2006. And copies of these orders and the jurisdictional limits of these orders were provided during the Indium Eastern Railroad Terminal examination, which has recently closed. And we'd be happy to provide these into the examination for this project as well if that would be helpful,

22:47

enormously helpful. And just for information for visa than anybody else, actually we don't see anything that's been submitted to the rural terminal, so we have no sight of that. We can only consider what's actually in front of us and what's submitted to this examination. So if there is

23:01

documents that you you referred to that they saw that you need us to see them, they need to be formally submitted at the appropriate headline. So, yes, please.

23:09

OK, of course. Thank you, Sir Alex, President on behalf of CLD. And then and I'll just make two quick points on this agenda item before turning to some

23:19

concerns that CDN has in relation to the proposed development, if we'd like to address that at this point. And those are the CLDN notes that the role of the Humber Harbourmaster relates to regulatory control, including safety of navigation on the Humber. And secondly, just to reiterate geographically that CLD's existing facilities and operations are located upriver of the proposed development for this project. And yeah, as I say, CLDN does have some concerns in relation to the proposed development that are set out

23:49

in the context of roles, responsibility, responsibilities and operations. And I'm happy to run through those now if you'd like. I appreciate I expect only need a few minutes, but equally happy to defer to later if preferred. No, I think that would be helpful to to take those now. Yeah, that would be fine.

24:06

Sure. OK. And so, yeah, as I say, you shouldn't need more than a few minutes on this. But Alex present on behalf of CLDN continuing. So CLDN doesn't have an in principle objection to the proposed development and generally supports and encourages initiatives around decarbonisation. And at the outset I should clarify that CLDN has begun engaging with the applicant both directly and also via its legal representatives in relation to its concerns and is of course contained

24:36

keen to continue to do so. And this engagement has to date been positive and CLD and hopes that its concerns can be satisfactorily addressed through the applicants agreement to protection for CLDN statutory undertaking without the need for CLDN to make detailed submissions throughout the rest of the examination. And Cillian's primary concern is to ensure the continued effective and efficient operation of its harbour facility and the scheduled Roro shipping lines

25:07

and it serves. And as the applicant will be aware, Roro services operate to fixed sailing schedules and therefore both the efficiency and market attractiveness of CLDN operations rely on those on those schedules. And the development of a new berth on the Humber will not in itself directly impacts CLD. And however, the nature of the cargo handled at the proposed development has the potential to impact TLD and services and that's as a result of four key points

25:38

which I can just run through now. So the first is sailing speed restrictions for vessels passing the eye gets proposed developments. The 2nd is exclusion zones related to types of hazardous cargo to be handled at. I get The third is accidents and or major incidents under the control of Major Accident Hazards Regulations 2015 that could interrupt vessel traffic or in the worst case scenario closed the Humber to traffic completely

26:08

and then fourthly and finally unknown additional or new activities at the berth in the future.

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The application only specifies the use of the berth for 12 ammonia carriers per annum, but indicates that up to 280 additional vessel movements could be accommodated per annum And the application doesn't specify what sailing speed restrictions would apply and nor does it specify what exclusion zones would be in place. So we appreciate the references made to the Health and Safety Executive imposing these, but these might not be known at the Secretary of State

26:46

decision making stage. And so CLDN therefore is seeking further information and confirmation of likely worst case consequential effects from the applicant on these matters and is happy to pick that up as part of the ongoing discussions between CLD and the applicant that I've referenced. And I think the applicant will say that the Harbour Master Humber and the Immingham Dock Master responsible for controlling navigational issues. And whilst CLDN agrees that that is the case

27:17

it does remain correct that there are various unknowns at this stage. And the application namely the future uses relating to these additional 280 vessel movements could give rise to activities that are

outside the scope of the application and or the environmental assessment or the issues considered during this examination and or at the Secretary of State's decision making stage and sealed the and therefore wants to ensure that it's established and and future operations are not adversely affected by the

27:48

subsequent development of the iget facility. And that assessed levels and assumptions are not different or exceeded in in delivery and operation. And we consider that that is not only fair and reasonable but also consistent with the agent of change principle embedded in the national planning policy framework at paragraph 187. And so, for all of the reasons I've outlined, CLDN considers that its function as a statutory undertaker means that it should benefit from appropriate

28:19

protection for its harbour undertaking on the face of the order and in its in its in its case, these would be appropriately achieved. We submit through protective provisions between CLDN and the applicant. And as I said at the outset, CLDN is looking forward to proactively engaging with the applicant and with regard to these protected provisions. But of course, if that's not possible, then CLDN reserves the right to make future representations throughout the examination. But

28:47

representatives from CD and and the applicant met yesterday in which meeting it was agreed that CDM would provide draught protected provisions to the applicant as a starting point for discussion on those. So that's a summary of CLDN's concerns and approach to the proposed development.

29:07

Thank you. That's that's very helpful to sort of have those set out and and in those sort of succinct bullet points as well and

29:14

probably would like to go back to the applicant and just sort of ask them. But I think

29:17

in terms of responding, I think it would be helpful. I think I was gonna ask on the protective provisions, but that may well have just been dealt with in the final comments there that you had a meeting and the and the the process that's going through really I think will be helpful to sort of understand the points that were made in terms of no information on sailing speeds past the the birth and exclusion zones. So the comments about sort of having sufficient information on that and then also the the point that was raised about sort of the unknowns

29:44

and and sort of presuming that sort of future use is future sort of and imports and exports. So. So yes I've before I pass over the questions about sailing speeds and and and exclusion zones and the the question about other uses, there are two points to make. First of all, we'll we'll come on in due course. I know to the navigational risk assessment where and how that was conducted and the assumptions that were made in that. And I think that

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might pick up some of the questions about vessel numbers. That the other point I want to make, we've discussed in the

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previous issue specific hearings

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how if there was a proposal to bring through the jetty

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other substances and other bulk liquid bulks for which we don't have any land side facilities within the order, they would of course be subject to a separate consenting process with its own assessments. And so if there was a particular bulk that was proposed to be brought ashore that gave rise to different effects so far as they are then are concerned,

30:59

then of course those points would be able to be raised there. And it's right that there are discussions ongoing in relation to CLDN's concerns in order to give shape and structure to the consideration of any request for protective provisions, CLDR going to provide us with a draught so we can see what they might look like and then consider whether those are appropriate or not. But,

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and with that background, I'll pass on to Mr Bristow just to deal with those

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two points. But I'm I'm reminded that we will be dealing with matters related to speed and also exclusion zones in items 5, four and five, five.

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And so I'm I'm wondering whether it might be better to deal with those in context. I'm happy to sort of if that's a sort of

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if that's formed part of those assessment studies that you've done then that's a sort of a logical place to sort of pick it up. And I'm I'm happy to sort of do those as long as they're sort of you've noted the questions you've noticed what noted what we need and we absolutely and and and as has been very fairly pointed out on behalf of CLDN we are actively engaging with them to deal with their concerns. So it's not as though these concerns are not well known to us. We we think that they can be overcome and we're discussing that and that's that's partly as

32:27

CLD and have also fairly acknowledged about making sure that they understand what's proposed, how it's been assessed and matters of of that sort and hopefully some of that might become clearer in due course.

32:40

So sorry, I don't know whether on if you've got further questions at this stage or or or whether you would like Mr Bristow to move on to dealing with the 2nd aspect of item 5, which is how the roles and responsibilities relate to the proposed development. That was where we were proposing to go. But of course, we're subject to any questions you have. I think I think that would be helpful. I think that's that

was going to be one of my sort of questions. But while I've got you, I was just gonna ask for an update whether you found the information on the Trinity House. I I have indeed, Sir. And just going back to the notes

33:12

that this was the statement common ground which has been returned signed by Trinity House on the 16th of February and therefore it's now in the process of finalisation. So that should hopefully be with you a deadline one and then you'll have a signed statement of common ground that would appear to be the the, the most advanced of all of them. Thank you for that, that clarification. Thank you.

34:03

So yeah, if I could just go to seal the end quickly just on on the protective provisions

34:10

you you refer to those in the discussions that you have with the applicant, but that's helpful. And what would be useful for us as a panel to understand is should all those protective provisions be agreed and in place? Does that and would that remove your concerns or would there still be some concerns left over that would need to be addressed. It would just then help us sort of focus our line of inquiry and the sort of the the areas that we need to be sort of focusing on in particular.

34:37

Yeah. Thank you Sir Alex, President on behalf of CLDN. It would yes as as CDN doesn't have an in principle objection to the proposed development subject to the contents of the protected provisions. If if those were agreed, then that would satisfy CDM.

34:54

Just on protective provisions, I think it's a little bit early in the examination to request a draught of what you're submitting to the applicant. So we're happy for that conversation on protection provisions to happen behind the scenes for this point. But if we get to the middle of the examination probably and protect provisions are not agreed, then we will start requesting draughts of what's been proposed and what you're proposing and commentary on both sides. So at this point it's not an action

35:23

would just a point for us to note that I think by about deadline three, we will start getting anxious if protective provisions are not agreed and start requesting draughts.

35:34

Thank you, Madam. Yeah. Alex resident on behalf of CLD. And we very much hope that you will not need to get to the stage where you need to see draughts and we that we can be having the route. OK. Thank you. Thank you. Thank you, Madam. Howard, Phil put on behalf of the applicant. That's a helpful indication in terms of timing. And unless there's anything else, I'll now Passover to Mr Bristow again to deal with the second item under item 5. So how these roles from the responsibilities relate to the proposed development

36:05

and and for that and we think it might be helpful to go back to the slide

36:13

pulled the state for ABP as the applicant.

36:18

So we we feel that the the best way to demonstrate how the roles and responsibilities relate to the scheme is is best illustrated with reference to a a vessel arrival timeline. You've seen this slide previously. It was used by Mr Varley, the Development Manager in overview previously, but I would like to add some operational detail beneath that and then of course would welcome any questions around that.

36:46

So from a marine perspective, we generally refer to four phases of a port call. There's the planning phase,

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the the arrival phase,

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the Humber passage itself, and then the mooring and birthing operation.

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So initially the owners or operators of a vessel will identify a cargo

37:11

that will generate that requirement for the port call.

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They will at that point have in mind a terminal or a berth as their destination.

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The appointed ships agent will notify

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ABP through the agents online portal,

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which is a a web-based portal and they will provide all the technical detail that's required to start planning

37:42

the port call.

37:45

This information resides in our Port and Vessel Information system known as Pavis, which is a proprietary software

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and it's accessible by HES as the competent harbour authority and statutory harbour authority for the Humber and also by the various ports, specifically the Port of Immingham, in this case Dockmaster as the statutory harbour authority.

38:12

So having received all of that information, the port call is acknowledged and confirmed by the data centre team which is our scheduling team operating in the Humber Marine Control Centre.

38:27

Sometime we'll now elapse, it could be a matter of hours, it could be a matter of weeks between that initial request for a port call and and the vessel arriving towards the the, the, the Humber limits. So we'll Fast forward to that stage where the vessels now at sea and arriving

38:47

just prior to that approach, the data centre will have looked at the schedule,

38:52

they'll have liaised with the vessel Traffic Service. So in again in the Humber Marine Control Centre, they will have grouped vessels up into the most sensible packages for for for inbound and outbound traffic and they will allocate a pilot. So that's the back to the individual charged with assisting the master of the vessel in the safe navigation.

39:19

The Data Centre team, the scheduling team will also liaise with the port of Immingham Dockmaster

39:25

in order to determine that the berth will be available. There's no no vessel on there and that the availability of locks if the vessels due to go in dark or mooring and berthing teams for one of the jetties on the estuary

39:43

within the data centre and the vessel traffic service team who all are part of the HES function, so all reporting in to Harbourmaster Humber there. There are many years of experience in sequencing and planning the flow of traffic on the Humber.

40:00

They take into account a wide range of factors, but I'll just give you a flavour for what some of those are. So vessel characteristics, length, overall draught manoeuvring characteristics of the vessel

40:14

are the type of cargo that's being carried,

40:18

the specific destination jetty or terminal for the port call,

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very importantly on the Humber tides. So tidal flows, whether it's an arbour flood, whether the vessels required to arrive at slack water to assist in the

40:35

mooring and berthing manoeuvre

40:38

they came for the towage requirements, so tugs

40:42

and they also have a a scam to all of the adjacent and wider vessel movements across the Humber. So really wide range of factors that are accounted for in pulling together the scheduling and the flow.

40:59

So the vessels arriving with us now at the outer limits of the of the Humber,

41:05

they will make a call on VHF radio informing the Vessel Traffic Service team of their estimated time of arrival at the port limit and requesting instructions.

41:21

BTS will

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permit them to enter the harbour limits

41:27

and at some point for the larger vessels

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20 miles out to sea. For smaller vessels just on the edge of the portlands, on the edge of where the blue line is on the, on the on the aerial diagram there we will embark the pilot. So the launch will take the pilot out, they'll embark,

41:44

proceed to the bridge, conduct A handover with the master and this really allows the master to focus on the safe navigation while the pilot has that local advice, local knowledge and conducts all the liaison with VTS and the various SHA's and other traffic as the vessel proceeds through the Humber. So it's about offloading some of those really important liaison and communication aspects from the master

42:15

and providing all of the local advice.

42:18

So the vessel proceeds in bound, constantly liaison with VTS who are tracking their movements, looking at adjacent vessels if you like, Vessel traffic services, the marine equivalent of air traffic control, very, very similar principles. The the the traffic is moving a little slower, but the vessels are significantly larger than an average aircraft.

42:43

So the pilot has responsibility for the liaison with the destination SHA,

42:50

in this case the port of Immingham, and is speaking with the on watch a 24/7 watch assistant dockmaster who's the representative of the of the dockmaster on the scene.

43:03

As the vessel approaches the the limits of the SH, so the the the blue line around Immingham. In this particular case

43:13

they will confirm with the assistant dockmaster that they've got approval to enter. They'll confirm that the mooring and birthing teams are ready in all respects to receive them. That are, Birthing Master has been deployed to the relevant jetty

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and the Assistant Dock Master will give the pilot approval to make their final birthing manoeuvre and get the ship safely alongside

43:39

the vessel. Now alongside all fast

43:42

the that's the that's the the essentially, although they're monitored, whilst alongside that's the work of HES and the work of Dockmaster Immingham is is done, they will commence the cargo operations working with the relevant terminal, whether that's an ABP terminal or a third party terminal. The cargo operation continues.

44:03

Think of notes.

44:05

That procedure that I've just described is

44:09

exactly the same for every terminal, every jetty, every birth across the Humber, regardless of whether it's operated by BP themselves, whether it's operated by a third party, or whether it's operated by another SH. In the case of CLDN operation at the port of Killingholme, the process for bringing the vessel from outside, from the harbour limits in and safely to the birth is is the same.

44:39

There is then of course a similar process in reverse for the departure.

44:47

I think that that that's that's how I would sort of like to illustrate that but obviously would welcome any questions at that point. If you would like me to clarify anything around how that that process works and how the different roles interact,

45:02

I don't have any questions. I think it was very sort of helpful step by step and I'm glad you sort of did that way cause one of my questions was going to be let's take a typical ship and work it through but that was that was very helpful and quite a sort of a useful thing. I don't know there any my my colleagues have got any particular questions on on that. So that that's helpful.

45:23

What I'd like to do is I I did say that we'd want to sort of hear from Immingham oil terminal as well. I think it might be useful to sort of bring them in at at this point and and then it may well be they've got comments and we can then sort of see if there's anything that the applicant needs to respond to. So, yeah, if I can go to and oil terminal operators and again, if you could just introduce yourself and and anybody you've got with us would be really helpful.

45:44

Of course, Sir, thank you. My name is Alex Minhinnick for the IoT operators and I have Ollie Smith from the IoT operators from APPT, which is one of the IoT entities with me. He's the marine Superintendent. So obviously well placed to talk to these matters if we need to bring him in.

46:07

So I have relatively few points to make. But I thought it might help if I just sketch out what the IoT's position is in relation to marine matters at this stage and then perhaps ask if we can. We can conclude with with asking if there's any specific information that it would help the panel to have from IoT. But but to come back to that, the

46:31

IoT obviously has no interest in this development. Um, but it is immediately next door to the proposed I get I believe. So the distance between the jetties is around 150 metres which is less than a vessels length in some respects. So it's it's an effective neighbour. It's obviously also a an habitual user of the port

47:02

and the systems that ABP's have very helpfully been describing during this session as a as a as a user of that port rather than offering any sort of regulatory

47:17

capacity.

47:19

The the applicant ABP and our products. It was obviously the first customer

47:27

have been in contact with IoT in this regard in relation including marine aspects of the development and that contact is certainly welcomed and discussions are ongoing.

47:42

IoT requires expert assistance in order to comment in detail on the the marine elements of the proposals and in particular the sorts of issues that we're touching on during this agenda item. ABP and our products are all aware that that assistance is being obtained and that process is ongoing at the moment. So we're not in a position to articulate precisely what any concerns might be, but I can give you an

48:13

an indication that like CLDN have explained, it's focusing on that future capacity as I've referred to it in my own mind. So the capacity beyond the immediate 12 annual ammonia shipments and any impact in particular that that additional capacity may have on congestion on the Humber as a whole.

48:38

As I say, we're in continued discussions. UH IoT is continuing to take advice on those points. And we would hope that any issues that do emerge can adequately be resolved between the parties. And exactly how the mechanism by which they would be resolved would obviously form part of that conversation. And we would of course keep the panel updated on where those discussions are getting to as they proceed. But I think it's probably quite early at the moment to go beyond the broad sketch that I've just given you

49:09

there

49:12

in terms of what we've heard today and what it might be helpful for the panel to have from the IoT operators. Uh, I'll I'll turn to Mr. Smith in a moment, but I don't believe we have any direct comments on the explanation that has been provided by ABP for the functions of the various statutory bodies and their roles and responsibilities. But the the, the I suppose a a final thought from me is whether it would be helpful to the panel to have an explanation

49:42

and whether Mr. Smith can do this now in the hearing or whether we provide this as part of our written representation or in following written submissions. As part of the process is whether it would be helpful for the panel to have an understanding of what traffic to the IoT looks like in the marine environment and the relevant constraints and thoughts and processes that factor into that.

50:07

I think that would be helpful. But what I'm going to do is I'm just conscious of of time and we've got a few things that I think we want to get on to discuss and that will be really helpful to get that in writing as part of your your submissions deadline one. So I think yes, you heard what the applicant have, they've set it out. I think it would be useful to sort of have that set out in terms of your position and that side of things. So yes, writing would be great on that one.

50:30

Yes, Sir, absolutely. We'll take that as well as an action point. I may not be here for the

50:36

action session at the end of this hearing. We're probably drop off after this agenda item but I've got that down and we'll we'll pick that up. That's fine with the way we're doing action point is that we're posing them in our written questions. So we'll make sure that that's picked up in and and put your put your name happily against that one to to pick up for us.

50:54

Thank you.

51:03

I think from my perspective that probably answers everything that I wanted to sort of try and get out of of sort of items one and two on the agenda. Was there anything, I don't think be anything else anybody wants to add

51:15

virtually or in the room just before I go out to the applicant for one final time?

51:20

No, I'm not seeing anything. And there's anything the applicant which is to sort of pick up Harwood Phillip on behalf of the applicant? No. So the the, the two points which were picked up by IoT about congestion as it was put and and the number of vessels as I said, we'll come to those in the later items under item 5. So I don't propose to anything about them now. Thank you for that.

51:44

OK. Well, I think we'd like to move on to item number three on the agenda and

51:51

which deals principally with relevant safety cards, management plans, good practise and and safety measures that the proposal must comply with.

52:02

But also I think what would be helpful to us is whether any of those actually fall within sort of the definition of marine policy documents. And given the what it says in Section 104 of the Planning Act and the need for us to sort of consider the national policy statement, but then also specifically identifies the need for us to sort of give way to sort of any national policy, sorry, marine policy documents as well. So if I can perhaps sort of pass to the applicant to sort of take us, take us through those. So yes, Hereward Phillipot on behalf of the applicant RB dealing with this matter.

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And

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so the the, the list of guidance and codes to which ABP will have regard in respect of the operation of the proposed terminal is quite lengthy.

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And what I propose to do, we've pulled the list together. But rather than reading it all out because it's a long list and I propose to suggest we provide it in writing, I'll give some indications of the sort of things that are on it. And then I'll deal specifically with the two points you've raised. First of all, status pursuant to the Act and secondly, which is not necessarily the same point, questions of relevance and weight.

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So

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as I said it's a, it's a long list of of guidance.

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One of the to take, to take an example to illustrate the sort of broader themes, the port safety code. And that was something which Mr Bristow referred to a moment ago and that's a Department for Transport document, the Port Marine Safety Code. And there is accompanying guidance from the Department for Transport, a guide to good practise on Port Marine operations. Now that that is

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a code which sets out national standards for every aspect of port marine safety, So

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what that does is obviously important. It's relevant so far as the management of safety Imports is concerned,

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but neither it nor any of the other documents that we'll be putting in in the list are marine policy documents

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under Section 59 of the Marine and Coastal Access Act 2009.

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And therefore none of them are documents that the Secretary of State is obliged to have regard to pursuant to Section 104 of the Planning Act 2008. And before I just explain that process a little bit more, that's not to say that they aren't relevant or that they might not be important. It's simply that the statute gives a particular status to certain documents,

55:04

thereby they automatically become mandatory considerations pursuant to the the statute. None of them have that status but that doesn't imply that they're not.

55:13

It is important to relevant and so far as the status is concerned, Section 59 of the Marine and Coastal Access Act, 2009, and identifies the appropriate marine policy documents that are to be taken into

account by a public authority which is taking a decision that affects a marine area and that Section 58. Three and the

55:40

the identification of whether or not a document is inappropriate. Marine policy document and follows the following approach. So the section 59 of the Marine and Coastal Access Act determines which are the appropriate marine policy documents. Secretary of State is required to have regard to under section 104 and pursuant to subsection 3 of section 59, the appropriate marine policy documents for this Marine plan area,

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and that's the East Inshore Marine plan area,

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are first of all any marine plan which is in effect for that area. And secondly any marine policy statement which is in effect. Now the A marine plan is defined in section 64 as having the meaning given in section 51. And section 51 defines a marine plan in the following way. So this is in subsection 3. It's a document that's been

56:48

prepared and adopted for a marine plan area by the appropriate marine plan authority in accordance with schedule six of the Act. It states the authorities policies, however, expressed foreign in connection with the sustainable development of the area. And thirdly, it states that it is a marine plan prepared and adopted for the purposes of this section.

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The appropriate Marine Plan Authority is the Secretary of State and none of the guidance documents that we'll put in including

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Port Marine Safety code

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that that those relate to navigation safety of the harbour. But those documents do not have the status of marine plan. They don't state that they have the status of marine plan as required and they're not appropriate marine policy documents under Section 59 for those purposes. So that's the legal mechanism, that's why they don't. But that's not to underplay their importance in terms of navigation and and safety. So

57:58

if that's acceptable, we'll provide them the list and any further commentary needed on them in writing. Although inevitably I think as you've heard already there may be some reference to some of them in the explanations you hear in relation to later items.

58:16

That's very helpful and I think that approach of providing that in writing to us is helpful. But taking us through that steps where I was, I was hoping we could get out of that sort of item so that that's that's really useful. And just before I move on, just want to check if any burn line is just got anything

that they wish to add to to what they've just heard and that sort of discussion we've just had under that agenda item.

58:44

I'm not seeing any hands up. So I would suggest that what we'll do is we'll move on to the next agenda item which is very much sort of on capacity on the the Humber Estuary. But I'm sort of conscious of time and consciously perhaps sort of carried some items from aspect one through to the. The final aspect I think might be important for us to to get into. We've actually posed a question to the the Humber Master on sort of capacity and and that side of things and

59:11

and I suspect he will come back to us. It might be that the best bet is to sort of us to have that response and then we can then sort of perhaps sort of pick that up at later hearings. If that's if that's OK. In terms of the the capacity because I'm quite keen to make sure we get through the navigational risk assessment and the and the simulation services are think they will be some questions and comments that might come up through that and they might generate slightly more discussion. The the the capacity is more about position rather than anything else

59:41

Sir. Thank you. Harry would feel put on behalf of the applicant. So we're content with it. Obviously we're here to help you with what you will find most useful at this point of the examination Will we will we can provide and we'll provide a note dealing with what we say is the position by reference to item 54. So you'll have that the deadline one in any event to sit alongside what the Harbour Master Humber says. I think that would be helpful, that wouldn't allow us to.

1:00:09

The, the, the, the only point I'm asked if we can just deal with briefly is the question of speed, which might be a slightly separate point. But if you can bear with us while Mr Bristow briefly deals with that and that may then assist. Also when it comes to other items

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published to form a BP as the applicant

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the the matter of speed really builds on the the matter of capacity, but I think it it does stand alone so it probably useful to bring it out at this stage. So

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the applicant proposes an extension of the five knots speed limit when passing the occupied jetty head on the eye get scheme,

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in the same way that we impose A5 knot speed limit on vessels passing the IoT jetties, the three IO T jetties on the river.

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Similarly, it will match the 150 metre exclusion zone, which is entirely consistent with that around the IoT jetty.

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To make an assessment of what impact this might have on transit times through the Humber that that Humber passage component of the timeline that we discussed earlier, we commissioned a study by Unitech consultants who modelled vessels passing the currently the the IoT jetties

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using automated identification system track data. So really accurate way of of modelling that data. The study concluded that when the berth is occupied,

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there would be an incremental less than 2 1/2 minutes to the entire Humber passage.

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So looking at a three hours

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movement through the through the river as as an absolute maximum, including the morning and birthing time, we'd be adding 2 1/2 minutes to that

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segment. But in the context of a vessel crossing the North Sea, it's not material at all.

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We can provide more detail on that if required, but that's our sort of high level summary of of speed.

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Thank you that that's helpful. I think I'll probably come to interested parties, but just

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two questions on that. One, in terms of the

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helpful sort of scenario that you took us from a ship as it comes in, how long does that take? Because I think that's and would have been a useful question for me to ask at that point. But how long does that take? Is that the three hours that you've referred to,

1:03:06

but we're so for app, the applicant, yes. So for a for a large vessel, which is where pilotage starts right out at sea, 20 miles out from the the harbour limits, that would be 3 hours into the position where they then conducting the morning and birthing operation. OK, thank you. And then so the second question in terms of the exclusion zone and the speed limits, how and where is that secured through the application?

1:03:46

So can, can we take that away and can I come back to that perhaps after lunch once I've had a chance

to just take instruction on that point rather than taking your time now? Yeah, that's that's fine. I think it just be helpful to us. That's fine.

1:03:59

And if I could just go to the the virtual room

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and see in particular sort of whether anybody's got any comments on on those sort of points we've just heard around the the speed limits and the restriction zones

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as a Alex President on behalf of CLD. And no, just to say that we're grateful to the applicants representatives for that summary and are interested as well in their response to your final question there as well.

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Thank you very much. And is there anything from the oil terminal

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Sir Alex manic for the IT operators? No, nothing on that point from me. So

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thank you very much. And then we'll, yes, we'll we'll come back together before we sort of kick off on the next agenda item. If you could have that for us after lunch that would be that would be helpful.

1:04:51

OK. I think that moves on to the final item on on the agenda and which is very much looking at the the navigational risk assessment and the navigational simulation survey that the applicant has sort of undertaken. And I think we've actually posed a number of questions on this anyway and our our written questions. So I'm not looking, not looking to go over those grounds, although you may well touch on some of those anyway.

1:05:13

And it was really to sort of help us understand the process that you've been through and and how those assessments and surveys have informed the design. But also then to sort of link back to the the points we're discussing in sort of items one and and two as well,

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Sir, thank you. I'm now going to pass on to a new speaker. So this is Mr. John Beattie from Anitec and and he sat to Mr Varley's right. So I'll pass over to Mr Beatty to deal with this matter.

1:05:45

John Beattie for the applicant. Good afternoon, everyone. So yeah, Anitec, who I represent, we carried out the navigational risk assessment for iget. So I thought it'd be helpful just to go through that because you you've asked about the approach and the robustness of it as well as the mitigation measures. So I'll just briefly summarise if that's OK.

1:06:04

What we what we actually did. So the NRA is we call it navigational risk assessment. It was conducted conforming to the relevant UK guidance which Paul Bristow has talked about the Department for Transport, Port Marine Safety code and associated guide to good practise. So the aim of the guidance is to enhance the safety of port operations and we made sure the NRA aligned with that and the NRA built upon work already carried out at the scoping stage and peer stages on navigational risk. We defined As

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for the area covering an area over which any potential impacts could be experienced. So that spanned the area from the Humber Bridge to the West out to the harbour limits that was shown earlier in the approaches to that and Humber to the east of I get.

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So that's really where what we looked at in terms of collecting baseline data to understand and characterise the existing marine features, navigational features including the vessel activity within that area and also the past accidents that have occurred because obviously historical accidents are of interest to understand, you know how often things do go wrong. So I'll mention that you know the sources we used for that data,

1:07:16

just talking about the vessel activity, the EIS data, automatic identification System data, we used a year of that data, a film 12 months to analyse the current traffic in the river in terms of the vessel numbers, types, sizes, seasonality and kind of monthly daily variations. And what we found was the traffic is pretty steady really, but there are some seasonal variations and things like recreational vessels for example.

1:07:41

And we had an average of 78 vessels per day using the river in the vicinity of Iget. So what we did, we do that gate or a cross section of the river north of Iget and we counted the number of vessels going past. So that gave us that number 78 per day. Now that includes a mixture of larger vessels, cargo ships, tankers, passenger vessels, as well as smaller tugs, port, service craft and recreational traffic.

1:08:06

And the vast majority of these vessels because of the way I get being designed and the vast majority of those vessels naturally passed to the north of baguette and is planned 150 metres minimum passing distance.

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We also conducted a site visit to visit Immingham in January 2023 to consult with the port personnel including the Humber Harbour Master, the Immingham Dockmaster Vessel Traffic Service, BTS.

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And we carried out a document review to understand the documents in place to manage and the procedures in place for managing vessels coming in and out. So that was like the Humber passage plan, pilotage, directions, notices to Mariners, as well as in marine safety management system that's already in place in the Humber

1:08:54

I mentioned, we looked at 10 years of historical incident data. We used a variety of sources,

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I don't know I, you know Royal National Lifeboat Institution Responses Marine Accident Investigation Branch data and a system called Marnus, which is what ABP use across our Alner ports to manage between risk. And what we found was the Martinis data was the most comprehensive because that includes both the record incidents as well as near misses. So there was richer data if you like in more detailed data from the Marnus system.

1:09:30

Thank you. This details of path incidents that occurred in the Humber, there causes, what the outcomes have been in terms of consequences and also what mitigation measures in place and Marnus also the use that to manage risks. So it has a list of mitigation measures that are already in place in the Humber that would help prevent future incidents. So that was quite useful for informing the risk assessment. For I get

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we also Adam's going to talk about the navigation simulation survey work that was done by HR Wallingford, but that also informed the work we did on navigation risk. And what they found was that the simulation did not raise any causes for concern for vessels arriving or departing the project or the neighbouring jetties. And the key thing for us for passing traffic, it demonstrated that vessels were able to pass safely to the north of the project and because one of the risks we look at is risk of maybe

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traffic being squeezed being 4th closer together in terms of possible collisions or encounters. So that was reassuring that the simulation work demonstrated the channel width would remain the same. Effectively

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now the key component of the NRA was

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the Navigation Hazard Review workshop we held in May 2023. So that's like a round table forum discussion. There was ourselves there ABP port personnel including the harbour master and pilots and users of the port. So some of the attendees today IOT&C LTN attended the workshop

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and the methodology for that workshop, it was based on the the documents we've mentioned, the Port Marine safety code as well as IMO guidance on how you conduct risk assessment. And that methodology was circulated to all the attendees in advance.

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And so that's that's set out, the process we were going to follow the frequency and consequence categories we were using for ranking the risks as well as the tolerability criteria that we were comparing the risks against to decide where they tolerable or whether any risks they were intolerable.

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And and that came from it's been mentioned already the duty holder, the harbour and Safety Board has board, so they were duty holder so related tolerability criteria was set by them. So we used that for I get.

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So at the workshop we did present the methodology and it was confirmed There was no comments or questions. We presented the baseline traffic data. The instant data and the findings of the simulation work were also presented for context.

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And then we went through the hazard scenarios and we identified for each phase construction and operation

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what were the hazards, what could cause potentially cause the hazards and what controls could be put in place to bring them as low as possible to minimise the hazards. So examples where collisions between vessels are legions or contacts

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by a vessel with poor infrastructure like the jetty, as well as groundings.

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At the conclusion of the workshop, we asked the question, did anyone see if any of the hazards were intolerable or unacceptable? And that wasn't the case. There was no indication of that.

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So I think that reflects the mitigation measures that are already in place in the Humber and or that will be implemented as part of I get sorry, I just interrupt and just ask

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you said about the workshop who was have we got the details of who was at that workshop and he said you asked and they all agree. Do we have the information of sort of which organisations were there? Yeah they are lifted. It's an appendix to the NRA 191.

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These are lifted, I think have been redacted, but you know the the initials are there. No organisations are there. Thank you. Yeah,

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so, So, yeah, I think that that indication that the hazards were there was no intolerable hazards. It does reflect the mitigation measures that are already in place. I think a key mitigation measure to prevent impacts is that the birth is aligned with the existing IT infrastructure to the West, so it maintains that Channel width for the passing traffic.

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And similarly, other controls are already in place for neighbouring IoT and other traffic in the Humber will also apply to I get. So the minimum passing distance of 150 metres from the bath line,

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the maximum speed limit of five knots when there's a vessel actually working at the birth and the traffic management procedures in place, including VTS and pilotage, as Paul and Bristol has mentioned.

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So after the workshop, we then ranked all the hazards versus the the risk criteria, you know, frequency and consequence. And as as required by the Port Marine Safety Code, we looked at the expected outcome. So what's the most likely outcome if a of a collision, for example. But we also looked at the word credible outcome, you know, what would be the worst case? And so we're able to rank in terms of both criteria, all the hazards that were identified and that drew up on all the elements of the NRA as well as expert judgement.

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It was based on the final project design including a single berth layout aligned with IoT and a total of 292 vessel arrivals, because I know that was one of the questions. So we're definitely based on those maximum 292 vessels arriving at Target

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and the meeting report and the the hazard log, the draught risk rankings, they were circulated to all the attendees again as well as other people who've been invited but didn't attend for comment. We only got very minor comments back and then the final minutes and hazard log are within the NRA, which is at 191 Appendices A&B.

1:15:14

And so the output of that process was that only navigational hazards were demonstrated to be tolerable and alarmed, as low as reasonably practicable based on the identified mitigation measures.

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There was no additional measures suggested that the project did not adopt,

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so the project has undertaken to implement all four to one of the mitigation measures that were identified,

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many of which are already standard industry practise and are already in place in the number for the week. They'll be revised and updated as necessary to take into account I get like for example, charts and publications won't be updated.

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So the approach taken and the results of the NRA were approved by the Harbour and Safety Board as the duty holder. So they agreed that the navigation risks associated with the project were all tolerable and alarm.

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And so really the findings in their NRA will then go forward and inform the statutory harbour authorities Formal risk assessment as part of its ongoing and continuous update and review of their marine safety management system which is required for any new or changed operation in the marine environment.

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So that's my summary. Happy to answer any questions Sir before if I can just

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come in there Heywood Philpot on behalf of the applicant

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partly to come back and answer the question you asked which I've been able to get some information on. But also I think it neatly fits into the end of that as part of the same explanation. And ultimately as I understand it the 150 metres

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comes into effect not through the development consent order itself but through the existing system that regulates the the safety of the harbour through the SHA the strategic harbour authority. So that there is a a marine safety management system which is in place and and that is in line with the requirements of the Port Marine Safety Code that I referred to earlier and you've heard reference

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to today. And that that's put in place in order to comply with the code and also various other

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bylaws and and and matters which regulate harbour safety. And that is then

1:17:46

contained within the

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not only the marine safety management system, but also the Humber Passage plan and the Humber Emergency plan.

1:18:03

So that those are the instructions I've been able to obtain on that. I've just looked to my right to see if anyone thinks I've got that.

1:18:13

It looks like I've got that right, So I'm grateful to those who provided me with assistance behind the scenes. So I hope that helps

1:18:21

those. Thank you. Yes. Yeah.

1:18:27

Is that the end of everything that you wish

1:18:29

your team on on on that particular item it if there are particular things you would like to ask questions about, we're happy to get go further we we can deal with the navigational simulation as well if you would find that helpful or but if we're in your hands as to what. Yeah, I think what I do is I just have sort of one question which you may not be able to answer, but I'm going to and I'll explain why. I don't think you can answer it when I come to it. But I will

1:19:00

just go to the at the virtual room see if there's any sort of comments for anybody on on what they've heard on on that

1:19:10

Sir Alex Minhinnick for the IT operators. If I may very briefly just say that Mr. Smith was one of the attendees at the workshops that have been referred to. And

1:19:26

the, as I explained in my previous comments, the IoT operators are taking some expert assistance on matters relating to marine movements, which obviously includes the subject of or the matters which are looked at in the NRA and at this stage. So it's not to raise any expressed disagreement with anything that's been said. Safe to say that the IT operators did ask some questions during those workshops which were carried out and they are

1:19:56

continuing to consider the detail of those issues. I don't have anything concrete to put in front of you at the moment, nor am I clear if there will be anything concrete in the future. But just to, I suppose put a marker down so that we are continuing to look at that process and will flag anything as as as if there are any issues which emerge.

1:20:21

OK. Thank you that that that's helpful to sort of give us that that that detail.

1:20:26

I'm not seeing any hands up from anybody else in in the room.

1:20:30

So my my last question and and the caveat I give that I'm not sure you're able to answer it is because I see Mr. Lewis is your I expert isn't isn't with you. So it may be something you wish you wish to take away, but it was a question about sort of how the, the two studies have fed into the environmental impact assessment. And in particular

1:20:49

in terms of that what has been assessed from those whether in the EIA, whether it's sort of the 12 movements or the full 294, whatever the the, the correct number is or whether that has been assessed.

If that is something you're able to give an answer I want to take away that's that's fine. So I think we can deal with that, that point. Now I'll pass over to Mr Varley, who can deal with that.

1:21:15

Adam Valley for the applicant, yes, the the full number of vessels was considered in in the EIA assessment. So from that perspective that's a worst case scenario in terms of the the ship movements, Yeah. And indeed some a point that is repeatedly emphasised to me when these things are discussed as a team is that that really is theoretical. Worst case, it's not what we expect to see. The only other point which occurs to me, I perhaps ought to

1:21:45

just emphasised if it wasn't clear from what I said earlier. I I noted in the agenda item, one of the particular queries is the deliverability of the identified mitigation measures. And I don't know if you're coming to that separately, but I I'm happy to sort of introduce it for you. That was going to be my next sort of once I understood what been considered in the environmental statement then sort of have those mitigation measures that are then been identified would be would be delivered. So yeah, if you want to.

1:22:16

So I I I think if I deal with this at a relatively high level and then I think it might help if you have a written explanation in due course which you can look at alongside the the the list of of controls that that sort of fall out of the NRA. That the short answer is that that there are as I've indicated existing systems in place as you might expect and would certainly hope to manage the safe

1:22:45

passage and and docking etcetera. Vessels within the harbour that's both within the the the Humber and also within Iminium and the risk controls that come out of the NRA

1:23:00

are effectively matters that will be picked up and incorporated into that existing system of control as opposed to something that would be need to be separately secured through the the development consent order. So if I just take an example to illustrate it, one of those risk controls is passage planning and the description of the measures. Project vessels will have in place appropriate passage plans as well as adhering to the Humber passage plan when applicable.

1:23:30

Not that that is something which will apply to vessels that use the proposed jetty, just as one would expect it to apply to vessels using other jetties and and one doesn't need therefore a separate system of regulation for that. Another example, CDM regulations, the Construction Design and Management Regulations 2015 will be adhered to to help protect employee health during construction projects.

1:24:01

Again, that sort of it answers itself. Obviously that's a separate system of regulation. I take those by way of examples. There's a long list and therefore rather than going through them all in detail, I hope that overview and just with a few examples to illustrate and helps to give the general answer.

1:24:21

It does, yes. Thank you very much.

1:24:35

OK. Well I I don't have any further questions on this on on this sort of agenda item. I'm not sure there are my colleagues have anything that they wish to to raise.

1:24:44

Is there anybody

1:24:47

any interested parties who at this point have any sort of final comments that they wish to wish to make.

1:24:54

Again I'm not seeing any any hands up and there's anything final from the applicant that they wish to to add. So not on this topic, if I can just flag up one point which will and we'll come to after the lunch break. And it's simply at the beginning we had a discussion of the use of slides and I I said that there was the only slight we wanted to use was one that had been used for issue specific hearing one and you've seen that and that I'm reminded is not actually right. There is one further

1:25:23

slide that we wish to use for the next agenda item. But what what it is it, it's a slide that picks up the first agenda item and simply puts in a, a a tabular form the months of the year, the construction activity. And then it deals with the issue that arises under item, sub item one in a way which is much more readily understandable both I suspect for you and your colleagues but also for anyone following

1:25:54

than if we go through the exercise of describing that without that visual in front of us. So we think it will be helpful and efficient and no one will be disadvantaged. So I apologise I didn't raise that earlier but it hadn't been drawn to my attention. I thought I'd just raise it at the first opportunity. No, thank you for that sort of for warning of that. And I think that's that's that's OK given the the comments from Mr High in in the opening. I think that's that's fine to sort of have that that displayed this afternoon. So thank you for that.

1:26:24

OK, well, I think that probably takes us nearly up to lunch. So the time is Ohh, sorry, bear with me.

1:26:43

Thank you. Is it possible to have that slide before we break for lunch? And I've also made myself a similar table so it would be good to compare them and see if there are still because I've got quite a few questions and if they're all answered by your slide, we can probably move on fairly swiftly through the item. So if it's possible to have it before lunch, I can have a quick look. No, I don't see any reason why I'm getting nods from my right it is in existence. We can send it straight and I hope that does help

1:27:12

if whether it saves time, but at least it will help crystallise. Ohh, absolutely yes. Thank you.

1:27:18

Yeah. So if that can be provided to the case team, then they can, they can get that to us. That's great.

Thank you. OK. So what we propose to do is take perhaps sort of the the full hour for lunch. So it's 30 minutes past

1:27:31

one at this stage. But rather than coming back at 30 minutes past two, I suggest we come back at 2:15 to make it nice and easy. So thank you for your input so far in this hearing is adjourned until 2:15.

1:27:40