

Examining Authority's First Written Questions (ExQs1) Issued 28 January 2024

In response to the Examination Authority's first written questions issued on 28 January 2024, the MCA would like to comment as follows at Deadline 1, Wednesday 13 March 2024.

ExQ1	Question to:	Question	Response from MCA
Q1.11.1 Overall Assessment Approach			
Q1.11.1.6	Maritime Coastguard Agency	<p>Applicant's Overall Approach Are you content with the Applicant's NRA [APP-191]? Are you satisfied the correct methodology and approach has been used and that the proposed mitigation is adequately secured in the dDCO. If not, explain what additional information is required</p>	<p>The MCA is content with the Applicant's Navigation Risk Assessment (NRA), including the methodology and approach applied. The MCA agrees that the proposals are being carried out in accordance with the Port Marine Safety Code and its Guide to Good Practice to date.</p> <p>It would however be useful for the applicant to confirm where in the DCO it secures the powers for the 5-knot speed limit. It appears to be only referenced in the outline Construction Environmental Management Plan (CEMP) at this stage.</p> <p>Many of the risk mitigation measures are part of the ports' internal policies and procedures and do not necessarily all need to be secured through the DCO. These are required as part of the Marine Safety Management System under the Port Marine Safety Code (PMSC). The requirement to implement the majority of the risk mitigation measures highlighted in the NRA appear to be secured in the DCO through Table 9: Marine Transport and Navigation of the CEMP.</p> <p>We note however there are some risk controls, such as the Shoreside Maintenance Programme, Mooring study and plans which are not defined in the CEMP, and therefore do not feature in the DCO.</p>

			<p>The NRA recommends that the risk assessment is used to inform amendments to the Marine Safety Management System that is currently in place at the Port of Immingham to ensure that risks are appropriately captured, monitored, and updated as required based on the latest information available as the project progresses. The MCA would support this approach.</p> <p>The onus is now on ABP to determine the extent to which the risk mitigation measures listed in Table 11.3 List of Risk Controls (of the NRA), including the updates, plans and procedures should be shared with local port stakeholders.</p>
Q1.11.2 Vessel Movements			
Q1.11.2.4	Maritime Coastguard Agency	<p>Altered Speed Limits Considering the Applicant's proposed extension of the 5-knot limit when ships are berthed, along with the 150m exclusion zone does this have any implications for wider passing traffic.</p>	<p>The MCA has studied the Navigation Simulation Study and has no concern to raise with regards to the proposed extension of the 5-knot speed limit when vessels are mooring, moored or unmooring approaching the new berth. We believe that the figures given for between 1.5 minutes and 3 minutes extra passage time for vessels passing the proposed new berth to/from Immingham Docks appear reasonable and do not appear to pose any significant commercial or safety implications. The 5-knot limit is already in place for the IOT for safety purposes.</p> <p>As above, we are however not clear how this is secured through the DCO at this time.</p> <p>We would also like to add that we note dredging operations were not considered within the simulations, as the basis of this work was to determine the operational impact of undergoing vessel manoeuvres once the project is complete. However, it is recommended that dredging operations associated with the construction phase of the project are risk assessed to ensure that the effects on current vessel movements and hydrodynamic</p>

			interactions are identified (if applicable) and appropriate control measures put in place.
Q1.11.3 Operational Safety			
Q1.11.3.2	Maritime Coastguard Agency	<p>Roles and Responsibilities</p> <p>In relation to the existing operations on the Humber Estuary, please set out your roles and responsibilities. How would these roles and responsibilities change once the Proposed Development is operational?</p>	<p>The MCA maintains its regulatory remit with regards to ships and the associated safety functions. The management of safe navigation and risk within the harbour remains <u>solely</u> with the Statutory Harbour Authority (SHA). The safety of navigation for the proposed development is under the jurisdiction of the Statutory Harbour Authority in the area, Immingham Port. The wider Humber Estuary area is covered by Humber Estuary Services.</p> <p>The MCA does not have responsibility for the Humber Estuary in terms of safe navigation so the proposed development would not affect our statutory obligations. The search and rescue capability of MCA under His Majesty's Coastguard would also remain in place.</p>
Q1.11.3.3	Maritime Coastguard Agency	<p>Risk Reduction</p> <p>Are you satisfied that the Proposed Development, subject to implementation of management plans and the level of mitigation proposed by the Applicant, reduces navigational risks and safety hazards to 'as low as reasonably possible' (ALARP)? If not, what more needs to be done to give you in reassurance?</p>	<p>ABP is responsible for the management plans and assessment of the level of risk mitigation proposed as the SHA. To that end ABP has engaged with other interested parties (IPs) and local stakeholders through the HazID workshop in May 2023.</p> <p>The MCA understands that the risks assessed as part of this workshop (including incidents and near misses in the port and covered the worst-case scenario for the proposed development) were discussed and agreed with IPs. The MCA would welcome the applicant seeking consensus on the acceptability of the navigational risk to shipping with other IPs.</p>

			<p>The applicant has confirmed that the port's marine safety management system will be fully updated and the extent to which supporting documentation is shared with local users should be clarified.</p> <p>The MCA is content that ABP has followed the appropriate methodology for assessing risk with the aim to ensure risks are ALARP.</p>
Q1.13.4 Impacts from Construction			
Q1.13.4.6	Maritime Coastguard Agency	<p>Marine Construction Works</p> <p>In respect of the marine construction works do you have any comments in relation to the Applicant's proposed approach to construction and the mitigation measures as set out in the oCEMP [APP-221].</p>	<p>The MCA has considered the document TR030008 "6.5 Outline Construction Environmental Management Plan" from September 2023 and are content with the approach to construction and mitigation measures, as secured through Table 9: Marine Transport and Navigation.</p> <p>We note however there are some risk controls such as the Shoreside Maintenance Programme, Mooring study and plans which are not defined in the CEMP, and therefore do not feature in the DCO.</p>