

**PROPOSED ASSOCIATED BRITISH PORTS (IMMINGHAM GREEN ENERGY TERMINAL)
DEVELOPMENT CONSENT ORDER**

DEADLINE 1

Response to Relevant Representations
on behalf of Captain Firman, Harbour Master, Humber

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1. Introduction

1.1 In this document the Harbour Master, Humber (**HMH**) responds to the Relevant Representations that addressed matters within his remit.

1.2 The Relevant Representations addressed in this submission are:

- (a) CLdN Ports of Killingholme Limited [**RR-005**]; and
- (b) DFDS Seaways Plc. [**RR-008**]

1.3 HMH has limited his responses below to matters that are directly relevant to his areas of responsibility and where he thinks he can assist the Examining Authority. The fact that HMH has not responded to any particular point in a Relevant Representation does not mean that he agrees with it or accepts that it is correct.

2. Relevant Representation by CLdN Ports of Killingholme Limited [RR-005]

2.1 CLdN raises concerns that its scheduled services may be disrupted by the construction or operation of the proposed development. In particular, CLdN expresses concern that the imposition of additional sailing speed restrictions on the Humber would require vessels to increase sailing speeds on other segments of the passage to make up time in order to maintain the sailing schedule. CLdN states that to do this would interfere with its sustainability policies, which provide for vessels to travel at lower speeds to reduce fuel consumption and CO2 emissions and that it would impact negatively on emissions trading schemes levies. CLdN also expresses concern that decisions relating to the impacts of future vessel movements will be subject to decisions made by the Port of Immingham SHA and HMH. CLdN claims that there is no structural independence between the two.

2.2 HMH's overall position on these matters is set out in his responses to the Examining Authority's First Written Questions numbers 1.11.2.2 and 1.11.2.4 [HMH3]. For the reasons given in the above-mentioned responses, HMH does not anticipate that there will be any material adverse impacts on the delivery of CLdN's scheduled services as a result of the construction and operation of the proposed development. With regard to decision-making and the imposition of controls to ensure safe navigation, Parliament has

seen fit to confer statutory functions and powers on HMH and the SCNA to ensure the safe navigation of the river Humber *for all users*.

- 2.3** CLdN takes issue with the independence of HMH and the Harbour Safety Board. This criticism is misplaced.
- 2.4** HMH's Written Representation sets out the statutory powers and functions of the SCNA and HMH (HMH1). They are not repeated here. However, what is clear is that those statutory powers and functions are distinct from the Immingham Port Authority (also addressed in the Written Representation). As stated in the Written Representation, ABP in each of its different statutory capacities must operate within the statutory framework for that particular body. Any decision or action taken outside of the relevant statutory authority will be subject to judicial review.
- 2.5** In practice, as set out in the Written Representation, HES and HMH are independent voices on the river. HES is funded by conservancy dues on vessels entering the Humber from the sea and pilotage charges and concerned only with the transit of all vessels using the Humber, whatever their ownership or destination. Whilst HMH is an employee of ABP (as SCNA), he can only operate within the statutory framework under which he is appointed. In the event he was to act outside of those statutory powers such action would be susceptible to judicial review. HMH does not take direction from ABP as port operator.
- 2.6** CLdN raises concern about the same natural persons sitting on the Harbour Safety Board as well as the Applicant's corporate board. For clarity, HMH does not sit on either board. In any event, there is nothing unusual about personnel in organisations wearing different 'hats' and exercising different roles and statutory functions. The exercise of such statutory functions being subject to judicial review.

3. Relevant Representation by DFDS Seaways Plc. [RR-008]

- 3.1** DFDS has expressed concern about the methodology used in the Navigational Risk Assessment and the tidal direction used in the navigational simulations. With regard to the tide, paragraph 3.1.2 of DFDS's relevant representation states that the tide as depicted in the simulations appears contrary to published data both locally and by the Admiralty and varies from the daily experience of DFDS PEC holders as well as

appearing contrary to the tide data as set out in Chapter 16 (Physical Processes) of the Applicant's Environmental Statement.

- 3.2** The methodology used in the NRA is not identical to that used in MarNIS but the principles are very similar. HMM considers that the NRA submitted is fit for purpose and notes that, in the event that the DCO is made, he will be carrying out further work prior to permitting operations to commence at the IGET to establish safe operating procedures and parameters, including in relation to any new vessel types proposed to be introduced at the jetty, and to confirm that non-navigational risks such as those associated with specific cargo types are fully understood and, if necessary, addressed in the safe operating procedures. For the avoidance of doubt, as regards potential cumulative impacts, the construction and operation of any infrastructure is risk-assessed by HMM and his team as appropriate, taking into account concurrent construction and operation of other infrastructure.
- 3.3** HMM attended the simulations at HR Wallingford in April 2023. He does not recall the tide in the simulations being an issue for him or the pilots. He observes that the large vessel simulations were done at, or close to, slack water, as would be the case in real life for these vessels and which means that tidal flow is less of an issue.

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