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

DEADLINE 1

Written Representations on behalf of Captain Firman, Harbour Master, Humber

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1. Introduction and overview of the statutory role of the Humber Conservancy and Harbour Master, Humber

1.1 Captain Andrew Firman is the Harbour Master for the river Humber (**HMH**). The Harbour Master, Humber is appointed by, and employed by, ABP in its capacity as the Statutory Harbour Authority (**SHA**) and Competent Harbour Authority (**CHA**) for the Humber, charged with the provision of conservancy, safety of navigation and provision of pilotage for the estuary. In this capacity, ABP is a separate statutory entity and independent of ABP as owner and operator of ports on the Humber, including Immingham, and promoter of the Development Consent Order (**DCO**) scheme which is under examination.

1.2 To provide a brief overview of the distinction between the two "hats" that ABP wears: the Humber SHA is the successor authority to the Humber Conservancy Commissioners who were originally established under the River Humber Conservancy Act 1852 and given powers to maintain and improve the channel and navigation in the river Humber (before being incorporated by further Act of 1868). In due course, the Humber Harbour Reorganisation Scheme 1966 Confirmation Order 1967 dissolved the Humber Conservancy Board and transferred all its statutory functions to the British Transport Docks Board.[1] The British Transport Docks Act 1972 (**1972 Act**), which remains in force, made provisions for the appointment of the Harbour Master, Humber and for issuing of general and special directions (discussed in further detail in paragraph 5 below). The British Transport Docks Board was reconstituted as a statutory body and re-named Associated British Ports by section 5(1) of the Transport Act 1981. Through this legislative route, ABP is the statutory conservancy and navigation authority for the Humber (**SCNA**), the CHA, and the Local Lighthouse Authority (**LLA**) for the Humber under the Merchant Shipping Act 1995[2], responsible for maintaining aids to navigation within the Humber SHA in accordance with the requirements of the General Lighthouse Authority (Trinity House).

1.3 The Port of Immingham has a different statutory lineage, but also ended up as part of ABP as successor body to the British Transport Docks Board. Unlike the conservancy legislation, which is concerned with the improvement and navigation of the river for all users, the enabling legislation for the Port of Immingham statutory harbour authority is concerned not only with

[1] By virtue of section 5(1) of the Transport Act 1981, the British Transport Docks Board was reconstituted as a statutory body named Associated British Ports (ABP).
[2] Which provides that each statutory harbour authority is the local lighthouse authority for the area within which it exercises its statutory powers and duties.

safety but also with the commercial development of the port and its docks and jetties for the benefit of its owners. Powers of general direction for the Immingham SHA and powers of special direction for the Immingham Dock Master were conferred by the 1972 Act. The later public listing of the ABP holding company does not affect the status, as statutory bodies, of either the conservancy or the port.

1.4 It is noted that there is a geographical overlap with the physical jurisdiction of the SCNA (and that of HMH in respect of his own powers) with the physical jurisdiction of the Immingham Dock Master, whose statutory powers extend only to a defined distance from particular Immingham dock infrastructure as set out in its enabling legislation. This is explained in further detail in HMH's comments on agenda item 5 from Issue Specific Hearing 3, also filed at Deadline 1 (HMH 5).

1.5 It is worth emphasising that ABP in each of its different statutory capacities must operate within the statutory framework for that particular body, including their respective responsibilities as to safety, or will be susceptible to challenge by Judicial Review. This is addressed in more detail in paragraph 4 below.

2. Humber Estuary Services

2.1 Humber Estuary Services (**HES**) is the name used by ABP in its capacity as SCNA and CHA for the Humber, akin to a trading name. The abbreviations SCNA and HES denote the same entity and may be used interchangeably.

2.2 The usual statutory conservancy functions of the SCNA include the licensing of works in the river, subject to the developer first obtaining the consent of the Marine Management Organisation (**MMO**). They also include the regulation and management of vessel movements and dissemination of information to users of the river. To this end, the SCNA provides VTS Humber (which supervises commercial vessel traffic on the Humber) and, in its capacity as CHA, provides pilotage and services. HMH leads all the SCNA's marine operations on the Humber and is therefore best-placed to respond on any points relating to the SCNA (HES) arising during the course of this examination.

Marine Safety Management System

2.3 HES maintains its own Marine Safety Management System (**MSMS**) to manage marine hazards, risks and emergency preparedness on the Humber, as required by the Port Marine Safety Code (**PMSC**). The Duty Holder (referred to below) is responsible for ensuring that HMH has adequate resources to manage marine operations effectively and to adhere to relevant policies, procedures and systems and including adequate resource for training.

2.4 The Humber MSMS is produced in compliance with the requirements of the PMSC and in accordance with the Guide to Good Practice on Port Marine Operations, which requires harbour authorities to develop a formal risk assessment for the safe operation of the harbour with the aim of eliminating risk or reducing risk to "as low as reasonably practicable" (**ALARP**). On the Humber, HES carries this out using the software package, MarNIS.

2.5 The "Duty Holder" for the purposes of the Humber is ABP's Harbour and Safety Board (**HAS Board**) which comprises the same membership as the main board but meets separately and has its own remit. According to the PMSC, the Duty Holder is accountable for compliance with the code and its performance in ensuring safety of marine operations. The Humber MSMS is independently audited as required by the PMSC and treated as such with respect to Maritime and Coastguard Agency (**MCA**) PMSC health checks.

2.6 There is also a Designated Person for HES who is appointed by the Duty Holder in line with the requirements of the PMSC to provide independent assurance and oversight of the MSMS. Each ABP SHA has a separate MSMS with the same Duty Holder and Designated Person. The Designated Person is available to all staff in all ranks.

Harbour Works Consent

2.7 Consent for the construction of works in the harbour area below Mean High Water Springs is dealt with by HES in accordance with powers conferred by section 9 of the Humber Conservancy Act 1899. Consent may not be granted until the applicant for the works has also obtained consent from the Marine Management Organisation (**MMO**). Any approval may be given subject to reasonable conditions imposed by HES for the protection of conservancy and navigation interests, which may include protective works, lights etc. The proposed Development Consent Order would disapply section 9 and substitute a stream-lined approvals process for the tidal works authorised by the order as set out in the protective provisions for the benefit of the SCNA.

3. Harbour Master Humber

3.1 The HMH has overall responsibility for the management of the SCNA's operations on the Humber, and also has his own independent statutory powers under the 1972 Act.[3]

3.2 The expression "Harbour Master" is defined in section 4 of the 1972 Act to include the harbour master's deputies and assistants (who are identified as having delegated power of authority). On the Humber, this includes:

a) 1 Deputy Harbour Master
b) 3 Pilotage Operations Managers
c) 1 Harbour Control Manager
d) 1 Conservancy Manager
e) 6 Assistant Harbour Masters, one of which will be duty at any given time as the VTS Watch Manager

Harbour Master, Humber CV

3.3 Captain Firman has 32 years' experience in the marine industry, including almost 22 years relating to navigational safety on the Humber Estuary. Captain Firman spent 10 years as a Deck Officer in the Merchant Navy gaining a Master (Unlimited) Certificate of Competency. He served as a Humber pilot for four years before moving into pilotage management in 2005. He was appointed as Harbour Master, Humber in 2015, a role he has now held for more than 8 years. He is the holder of a Harbour Master Diploma (with Distinction), is a freeman of the Honourable Company of Master Mariners and a full member of the UK Harbour Master's Association. He has extensive experience of Pilotage and Pilotage Exemption Certificate (**PEC**) management, port risk assessment and ensuring continued safe navigation within the Humber upon the introduction of new infrastructure.

3.4 During his time on the Humber, HMH has been involved with relevant stakeholders in the successful planning, licensing, development, delivery and safe operation of a number of large infrastructure projects for new and expanded facilities. These include Greenport Hull, Immingham Outer Harbour, Humber Sea Terminal and Grimsby River Terminal and he has

3 Noting that the role of HMH is entirely separate from that of the Immingham Dock Master.

also been a consultee in respect of a number of other projects relating to the Humber Estuary. HMH is participating in the examination to assist the panel with his opinion on the safe and efficient operation of the harbour.

3.5 In relation to the current draft Development Consent Order (**dDCO**) [**PDA-005**], HMH has provided additional comments on the protective provisions in Part 1 of Schedule 14 to the dDCO, and the Applicant has accepted these. HMH therefore considers that the wording of the protective provisions in the next iteration of the draft protective provisions will be satisfactory to protect the interests of the SCNA.

4. Statutory and functional independence of HES and HMH

4.1 Reference has been made above to the separate legislative lineage of HES, HMH and the Applicant. HES is an independent voice on the river, 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.

4.2 HMH participates in these proceedings independently of ABP in its capacity as operator of the Port of Immingham and promoter of the DCO. He is equally independent in his day to day activities. HES and HMH have separate legislative functions to ABP as port operator. As successor to the original conservancy commissioners and subsequent conservatory board, HES is responsible for the safe navigation of the entire Humber SHA which includes both commercial and recreational traffic on the Humber and parts of the rivers Ouse and Trent traveling to and from multiple destinations.

4.3 HMH is not concerned with the principle of whether or not the port of Immingham (or any other commercial operation on the Humber) should be further extended to introduce new port infrastructure. Rather, his role as part of HES, is to consider any proposed tidal works, whoever brings them forward and wherever they are in the Humber, purely from the perspective of the navigational safety of all vessels using the river Humber, regardless of their destination, ownership, or other commercial interests.

4.4 Due to the size of the Humber estuary, there are a number of different statutory harbour authorities within it, as well as other river users (including tenants of ABP). All these are served by HES. No user has priority over another save where this is necessary and appropriate for the safe and efficient management of the river. An example of this is the

priority generally afforded to the largest tankers that have narrower tidal windows for berthing manoeuvres.

4.5 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 were 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. HMH confirms that he has not felt under pressure from ABP to compromise the safety first ethos attaching to his role. Were there to be any conflict between commercial expediency and safety, he would **always** put safety first. Not only does HMH have the requisite statutory powers to put safety first, but he confirms that he has always been supported by ABP in each of its capacities to do so.

4.6 In summary, there is structural independence through the different statutory frameworks under which each part of ABP exists and functional independence as a result of the distinct statutory functions of the SCNA, Port of Immingham SHA, HMH and Immingham Dock Master. The usual public law route exists for their respective actions/decisions to be reviewed by the High Court.

5. Byelaws and Directions

Byelaws

5.1 The Associated British Ports Act 1987 (**1987 Act**) made provision for byelaws to be made in respect of the Humber. The current byelaws are the Humber Navigation Byelaws dated 1990 (amended July 2007). Importantly, and amongst other requirements to control the movement of vessels in a safe manner, the byelaws require the master of every vessel (other than a river craft or other small vessel) to give prior notice to VTS Humber of its arrival at, departure from or movement within the Humber. Vessels must also report to VTS Humber when passing the published “Reporting Points” along the river. The byelaws also require the master of every power-driven vessel to maintain a continuing listening watch on the appropriate radio channel for the area in which the vessel is navigating unless using an operating radio channel for berthing.

5.2 The byelaws require the master of a vessel to report any incident to VTS Humber and, where its seaworthiness is affected or likely to be affected, the master shall not move the vessel, except to clear the fairway or to moor or anchor in safety, otherwise than with the permission and in accordance with the directions of the Harbour Master. Practically, there is a time

during which each vessel entering or leaving the Port of Immingham will be in radio contact with both VTS Humber and the Immingham Dockmaster. VTS Humber's involvement with a vessel approaching the port does not end until the vessel has reached a safe point for berthing.

5.3 Byelaw 14 relates to navigation and speed of vessels. It requires the master of a vessel to navigate the vessel with due care and caution and at a speed and in a manner which shall not endanger the safety of any person or any other vessel or cause damage thereto or to a floating navigational mark or mooring or other property. It also requires the master of a vessel to reduce the speed of the vessel when passing any other vessel employed in works and to ensure that the vessel does not exceed a speed of 5 knots when approaching and passing any jetty when any vessel is mooring, moored, or unmooring at the jetty.

5.4 In addition to the controls established by the byelaws, the SCNA is also empowered to give and enforce general and special directions within the Humber and HMH is empowered to give special directions.

General Directions

5.5 Under section 6 of the 1972 Act, the SCNA has the statutory power to make general directions for the purpose of promoting or securing conditions conducive to the ease, convenience, or safety of navigation in the Humber. Prior to issuing a general direction, the Board must consult with the "specified bodies", namely: British Waterways Board (now the Canal and River Trust); the Chamber of Shipping of the United Kingdom (now UK Chamber of Shipping), the National Coal Board (since dissolved) and Trent River Authority (now part of Severn Trent Water Authority).

5.6 These general directions may be issued to all vessels or to a class of vessels and may apply to the whole or only part of the Humber at all times or at designated times. The current "General Directions for Navigation in the Humber" impose a duty on all masters of vessels navigating the River Humber to comply with the directions, which include:

(a) controls on notice of arrival,
(b) a prohibition on anchoring in a fairway (that is, a navigable channel which is a regular course or track of shipping) except in an emergency, for the

purposes of manoeuvring or when anchoring in a designated anchorage area; and

(c) a prohibition on moving in poor visibility for certain vessels.

5.7 In practice, it is rare to issue a general direction to promote a requirement; however they can be made when required, although it takes some time to complete the process. If this DCO is made, HMH would expect new guidance to be relayed initially through Notices to Pilots and PECs as well as VTS and Dockmaster standard operating procedures. It would also be included in Pilot Handbook in due course.

Special Directions

5.8 HMH has his own discrete powers under section 7 of the 1972 Act to make special directions in respect of vessels in the Humber. Parliament has seen fit to give him the discretion to issue directions in any reasonable manner he considers appropriate (section 10). HMH is not required to consult prior to exercising this discretion.

5.9 A special direction may be given for the following purposes:

(a) requiring a vessel to comply with a requirement made in or under a general direction:

(b) regulating or requiring for the ease, convenience, or safety of navigation the movement, mooring, or unmooring of a vessel;

(c) regulating for the safety of navigation the manner in which a vessel takes in or discharges cargo, fuel, water or ship's stores.

5.10 Special Directions issued formally are rarely used but may be given by HMH to a specific vessel at a specific time in a specific circumstance. It is a criminal offence not to comply with special directions. The effect of this flexible power means that HMH would be able to prevent a vessel from approaching a jetty if he does not consider that the manoeuvre can be managed safely – regardless of what directions may have been given by the SHAs or Immingham Dockmaster.

5.11 The reason why General and Special Directions are rarely used is that, in practice, vessels using the river follow Notices to Pilots and PECs as well as VTS and Dockmaster standard operating procedures, they also follow requests made by HES through VTS. In the event a

vessel did not follow such guidance, requests then Special Directions could be made to enforce safety.

Notices to mariners

5.12 These are issued as and when required by HMH to inform mariners and other stakeholders of any temporary or permanent matters affecting navigation within the Humber. As set out above, in practice, all mariners comply with these notices in the common interest, and it is seldom necessary to issue formal directions.

Other relevant HMH powers

5.13 In addition to his other harbour master powers, HMH can remove from or prevent entering into the harbour (i.e. the Humber SHA) any vessel if that vessel might involve grave and imminent danger to any person or person or property, or put the functioning of the harbour at risk, under section 1 (Directions by harbour master concerning dangerous vessels etc) of the Dangerous Vessels Act 1985. There is no requirement for consultation, although he does have to give reasons.

5.14 HMH may also regulate or prohibit the entry, require the removal, or regulate the handling, movement or position within the harbour area of dangerous goods, freight container, receptacle, vehicle, vessel, portable tank or other mode of transport handling, and position of any vessel if, taking into account all relevant circumstances, the condition of the dangerous goods, or their containers, or matters related to the dangerous goods create a risk to the health and safety of any person in, or in the vicinity of, the harbour area (regulation 7 of the Dangerous Goods in Harbour Areas Regulations 2016). Under paragraph (5) of Regulation 7, where the harbour master intends to give a direction requiring the dangerous goods to be removed by land from the harbour area, the harbour master must consult any police force through whose area the dangerous goods are to be moved.

6. Pilotage and Pilotage Exemption Certificates

6.1 The Humber Conservancy Act 1907 dissolved the then pilotage commissioners for the river Humber and made the Humber Conservancy Board the pilotage authority for the Humber. This function also transferred to the British Transport Docks Board under the 1967 Order and then to ABP in its capacity as successor statutory conservancy authority.

6.2 Day to day pilotage functions are carried out by HES, in its capacity as CHA, under the leadership of HMH. This includes authorising and providing pilots and, deciding the circumstances where pilotage should be compulsory (required in the interests of safety under ss7, 8 and 15 1987 Act). Before giving pilotage directions, the CHA must consult the owners of ships which customarily navigate the area to which the proposed direction would apply and any other persons who carry on harbour operations within the harbour of the CHA (i.e. the Humber). The requirements are published in the local pilotage directions, currently the Humber Pilotage Directions 2016.

6.3 HES also issues Pilotage Exemption Certificates (**PECs**) under section 8 of the 1987 Act. A PEC is granted where an application is made and HES is satisfied that the skill, experience and local knowledge of the applicant are sufficient to navigate the ship in the area without a pilot. HES may put conditions on PECs as considered necessary. Qualifying criteria for certification as a PEC are published in the supplementary provisions to the Humber Pilotage Directions.

6.4 There are currently approximately 100 authorised pilots for the Humber (excluding PECs), each of whom can cover vessels to and from Immingham relevant in size to their class of authorisation. All authorised pilots can pilot vessels up to 10,000 tonnes deadweight and 7.0m draft. 71 are authorised to pilot vessels up to 20,000 tonnes deadweight and 8.5m draft. 53 can pilot vessels up to 40,000 tonnes deadweight and 11.0m draft. Of those 53, 22 pilots are authorised to act as the lead pilot on larger vessels subject to the Humber Passage Plan, such as the largest vessels assessed as likely to visit the IGET. These vessels have more than one pilot due to their size, draft, and characteristics. Currently, there are typically 47 authorised pilots on duty on any given day. There are currently a further 4 pilots in training. Over the past 20 years, pilot numbers on duty have varied with up to an average of 58 in busier times. The service has always recruited flexibly to meet demand.

7. Navigational Safety on the River Humber

7.1 The HMH manages the safety of navigation on the Humber estuary in compliance with the PMSC. In other words, he sets marine procedures to form a MSMS based on the management of risk using a formal risk assessment tool (a specialist software package known as MarNIS), to reduce the risks to ALARP. Significant risk control measures on the Humber include provision of pilotage, VTS to provide an oversight in the scheduling and

management of vessel movements within the Estuary, and provision of suitable aids to navigation and hydrography.

7.2 As with any new development on the Humber, should the proposed DCO be made, control measures to be applied to the use of the jetty would be identified through MarNIS in consultation with stakeholders including the Immingham Dockmaster and operators of the facility, and applied through the SCNA MSMS, in compliance with the PMSC. This process will be followed, led by HMH, building on the assessments that have already been carried out for the purposes of the application for development consent.

7.3 The PMSC requires all Harbour Authorities to carry out risk assessments to ensure all marine risks are formally identified and are eliminated or reduced to ALARP, in accordance with good practice. In common with many other ports and harbour authorities, HES uses the MarNIS risk management software, produced and sold by ABPmer, which is specifically designed to assist with the assessment and management of risk in compliance with the PMSC. The MSMS is regularly audited both internally and externally (including Health Checks by the Maritime and Coastguard Agency) to ensure both that it is fit for purpose and compliant with the PMSC.

7.4 Through MarNIS, hazards in the Humber together with their causes, potential impacts and potential control measures are identified. Both inputs and outputs can be interrogated as well as monitored over time and reviewed. The outputs from MarNIS are used to identify current and potential controls which will develop and inform the SCNA's MSMS. If something changes in MarNIS – as would be the case when any new infrastructure is constructed – elements of the MSMS may be updated accordingly.

7.5 Control measures in the MSMS may be physical (such as lighting) or matters of good practice and training. They include those measures set out in, for example, notices to mariners, harbour byelaws and directions, the pilot handbook and pilotage directions and vessel passage plans. The Humber Passage Plan consists of seven passage and berthing plans applicable to certain large vessels. The plans are the responsibility of HES and are agreed with the relevant river users to facilitate the safe movement of large vessels on the Humber. The Humber Passage Plan serves Tetney Mono-Buoy, Immingham Oil Terminal, Immingham East/West Jetties, Immingham Bulk Terminal, Humber International Terminal, Immingham Gas Terminal and South Killingholme Jetty and Saltend Jetties. It is a set of agreed protocols, not a General Direction. The Humber Passage Plan is discussed in more detail in HMH's

response to the Examining Authority's First Written Questions, also filed at deadline 1 (HMH 3).

7.6 The SHA will set the operating limits for the IGET jetty, as it does for any new development on the Humber. These would be established over a period of time to ensure they are ALARP and are determined through:

(a) simulations;
(b) feedback received through a "soft start" to operations in good weather conditions;
(c) continual feedback as to the working of the new development; and
(d) knowledge gained from experience of similar manoeuvres in similar conditions to date on the Humber.

7.7 Operating limits are specific to particular types of vessel. As with all developments, the operating limits take into account factors including wind speed and tidal conditions.

7.8 Training is another one of the control measures used by the SCNA. A vital element of this relates to the training and authorisation of pilots and PECs, built up through simulation training and cascaded (or passed on) by experienced pilots. The existing standard operating procedures on the Humber comprise a body of good practice built up over very many years. This includes existing controls on the Humber for the management and regulation of vessels such as Humber VTS and notices to mariners.

7.9 This soft start approach has recently (successfully) been implemented for the Grimsby River Terminal, Humber Sea Terminal berths 3 to 6, and Green Port Hull. A soft start to operations allows HMH to check that reality aligns with the simulations that would be carried out prior to operation of any new infrastructure on the Humber.

7.10 Further, apart from any operating limits, which may well include the requirement for towage, Masters and Pilots can also use their own discretion to assess tug usage in advance of any manoeuvre. Where not otherwise pre-stipulated (e.g. Humber Passage Plan) tug use will vary due to a number of factors including wind strength and direction, tidal direction and speed and the manoeuvring characteristics of the vessel involved.

8. Involvement of the HMH in the development of the application

8.1 HMH was invited to attend the simulations at HR Wallingford over three days in April 2023 and attended the HAZID workshop in May 2023 to identify marine hazards associated with the proposed development and to assess the associated risks and how they would be managed.

8.2 In relation to the current draft Development Consent Order [**PDA-005**], HMH has provided additional comments on the protective provisions set out in Schedule 14 for the SCNA in the dDCO, and the Applicant has accepted these. HMH therefore expects the wording of the protective provisions in the next iteration of the dDCO will be satisfactory.

8.3 HMH considers that the disapplication of section 9 of the Humber Conservancy Act 1899 (licences for execution of works) in article 3 of the dDCO which provides the usual licensing regime for tidal works justifies the inclusion in the proposed order of a stream-lined approvals process for the protection of the SCNA. He notes that this approach has precedent in the Able Marine Energy Park DCO.

9. Comments on NRA and NSS

9.1 HMH notes that the NRA follows industry standards and guidance and considers that the risk assessment methodology is broadly in line with the Port Marine Safety Code. The conclusions, including proposed mitigation are consistent with what HMH would expect based on his experience of the Humber. There are certain elements that he considers are not entirely correct (for example, paragraph 1.3.1 (“Primary Legislation”) has not got the (admittedly complex) legal background quite right and the table of mitigation includes a requirement for “Harbour Works Consent” (which has been disapplied by the dDCO) and ought to refer instead of “approval of tidal works” and “approved safe operating procedure” as mitigation for the project). However, such points are not material to the overall robustness of the actual assessment and its conclusions, with which HMH is content. These points are set out in the Statement of Common Ground between HMH/HES and the Applicant.

9.2 The proposed 150m exclusion zone (i.e. the same as applies to IOT) appears appropriate and manageable from a navigational perspective in order to mitigate the risk of incidents being caused by passing vessels. It may also be necessary to consider other types of exclusion zone, the imposition of which is necessary to mitigate the effects of any incident

should such an incident occur. HMH anticipates that further work will be undertaken prior to the commencement of operations at the IGET jetty and also notes that there would already be several layers of controls to ensure safe vessel movements.

9.3 The proposed speed limit around the new infrastructure of 5 knots is the same as applies already pursuant to Byelaw 14. HMH would not expect the speed limit to have any significant impacts on vessel movements or to cause congestion or prolonged waiting in stemming areas. It is worth noting that the area within which the speed restriction would be applied is a small part of the total length and duration of a vessel's passage through the Humber and not significant. HMH doubts that it would be necessary for any vessel to materially increase sailing speeds on other segments of the passage to make up time resulting from adherence to speed limits for the relatively short distance within Immingham but, if it did, there is obviously ample opportunity to do so both within the river and in the sea beyond it.

Simulations

9.4 HMH attended the nautical simulations at HR Wallingford on 11, 12 and 13 April 2023. HR Wallingford is recognised as being industry leaders in this field. In the opinion of HMH, the Navigational Simulation Survey was fit for purpose and robust. The success of the simulation runs, coupled with the known hydrodynamic regime of this area, give the HMH confidence that this marine facility can be operated safely and successfully. For the purposes of the simulations done, which involved berthing and departure close to high water and low water slack in compliance with the Humber Passage Plan, the tidal model was entirely fit for purpose in this regard.

10. How the Harbour Master would use/build on the NRA/Simulations were the DCO to be made

10.1 As mentioned above, once the DCO is made, and following development of the detailed designs for the new facility, the HMH will carry out his own further risk assessment using MarNIS and will conduct further detailed simulations, as described below. HMH will work in collaboration with his team at HES, the Immingham Dock Master and other relevant stakeholders and using a "soft start" to berthing and unberthing manoeuvres HMH will establish appropriate protocols and procedures, e.g. in terms of wind and tidal conditions, pilotage and towage for specific vessel types as well as speed limits and exclusion zones, to ensure that the IGET can be operated safely. Only once HMH is satisfied that a particular

vessel type can use the IGET safely, will he allow full operations by that vessel type to commence.

10.2 The further simulations will focus on how the “as built” jetty will be used and are carried out to develop experience and practical learning/familiarisation by vessel masters and other stakeholders. They will also be used to flesh out operational parameters, manoeuvring and tug guidance.. Simulators are not only used in the context of proposed new infrastructure, they are also used on a regular basis to provide pilotage training, as well as assessments of new pilots. In addition, simulators provide opportunities for refresher training and continuous professional development for more experienced Pilots as part of the larger programme of training and development.

10.3 Specific assessments and restrictions would be implemented for the construction phase to ensure it is carried out safely with minimal impact to other estuary users. Although the requirement for issuing of a Harbour Works consent pursuant to section 9 of the Humber Conservancy Act 1899 would be disapplied by the DCO, the approval of tidal works required by the protective provisions would be subject to reasonable conditions imposed by HES for the protection of traffic in, or the flow or regime of, the river.

10.4 The soft start referred to above ensures that the operational phase of the new facility would be implemented safely by phasing any potential operational restrictions (timings of ship movements and berthings, wind speed, tides, use of tugs, speed of approach etc). In simple terms the tightest restrictions would apply first with a vessel arriving at slack water in daylight with little wind until operational experience was gained and operating windows expanded and developed for individual classes and types of vessel.

10.5 The general principle is that HMH would not allow the IGET to be operated in a manner which is unsafe should operational reality cause any concern that may require a change in parameters from those originally identified.

10.6 It follows that any new vessels using the jetty will be specifically assessed and appropriate operating parameters established through the same “soft start” process to ensure that they can be operated safely.

10.7 HMH would ensure that if the IGET jetty is consented and built, as with any other new infrastructure on the Humber River, all navigational safety risks associated with it are ALARP. An example of where this has occurred is the Grimsby River Terminal where HMH has required ships to have the assistance of three tugs. This was the result of feedback from pilots and the PEC group who had tested berthing at that terminal through simulations.

10.8 Were a scenario to arise where tugs were in short supply, vessels would have to wait for a tug to become available exactly as they do now. Arrangements for towage are made in advance directly between the vessel concerned and the towage providers. In HMH's experience, the tug capacity on the river goes up and down according to need. It should be noted that the Humber Passage Plan for larger vessels required the confirmation of towage prior to passage.

Capacity on the river

10.9 The Humber is a busy tidal estuary where a significant proportion of the commercial vessel movements rely on the two tides per day. Typically, there are currently an average of 60 commercial vessel movements a day, although historically there have been up to 100 movements.

10.10 There is no fixed maximum number of commercial shipping movements that can be accommodated on the Humber. Vessels can always be accommodated safely because there are various channels that may be utilised, depending on destination and vessel type, and vessels can be brought in and allowed to leave at different times. Congestion within the Humber Estuary is prevented by the simple expedient of requiring vessels to arrive, depart and transit the Humber in a planned manner. No commercial vessel of over 12 metres in length can navigate the Humber unless under the supervision of VTS Humber. The same principles apply however many vessels are being moved. Of course, the introduction of new infrastructure from time to time itself increases capacity. The Immingham Outer Harbour and Humber Sea Terminal are examples of developments that have increased capacity to accommodate commercial shipping movements within the river.

10.11 Many of the vessel movements on the Humber are regular "scheduled" services, but this does not mean that they are exempt from the usual requirements to submit their intended arrival and departure details to VTS Humber so that their passages can be incorporated into the plan for that day and their movements controlled, depending upon what else is going on upon the river. Thus, whilst effort is made to ensure that such services are not delayed, the

use of the term “scheduled” to denote a particular service (such as Ro-Ro vessels travelling to and from CLdN’s North Killingholme facility) does not denote any priority over other vessels. HMH would be very concerned indeed were the DCO to contain protective provisions for any river operator or user that stipulated priority for vessels using its facilities and would urge the Secretary of State to reject any such request as impractical, disruptive and potentially unsafe. He reiterates that Parliament has seen fit to give the SCNA responsibility and for regulating traffic movements on the Humber at its discretion.

10.12 HMH is of the view that the construction and operation of the IGET jetty will not have a material impact on the safety or operation of the Humber. He notes that the Applicant’s “reasonable worst case” assumptions on the number of vessel arrivals associated with the IGET jetty is 292 per annum (of which 12 would be ammonia carriers). The Humber Estuary was subject to c13,471 pilotage and 7,409 PEC movements in 2023 making a total of 20,880 (down from 22,000 on 2022) (in 2003 those movements were c31,000). The IGET proposal represents a small increase in overall movements which can readily be assimilated into HES’s existing daily schedules for managing commercial vessels within the Humber Estuary. In practice, due to its location, HMH would reasonably expect IGET vessels to be last in on the tide, behind the convoy of IOT vessels and to depart some time before high water. He would expect all vessels that need to do so could get off on the same tide. In-combination effects with other marine construction sites would be managed by applying the same controls.

10.13 HMH makes decisions relating to the safety of navigation without regard to commercial expediency. If HMH was not content with the operation of the IGET, either because of its impact upon navigation in the estuary, or the safety of vessels, he would ensure that measures are taken to ensure its acceptable operation. This could be achieved through the issuing of special directions, if necessary.

10.14 Overall, and in light of HMH’s statutory role and the powers available to him, HMH is of the view that if built the proposed IGET can be operated safely.

11. Conclusion

11.1 HMH is participating in this examination to provide input on behalf of the SCNA in relation to his areas of expertise and responsibility, acting independently of ABP as promoter of the proposed Development Consent Order.

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