

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

**DEADLINE 1**

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Summary of Written Representations on behalf of Harbour Master, Humber

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Author	Winckworth Sherwood LLP
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Arbor  
255 Blackfriars Road  
London  
SE1 9AX  
DX: 156810 London Bridge 6

T 020 7593 5000  
F 020 7593 5099  
[www.wslaw.co.uk](http://www.wslaw.co.uk)

**Winckworth**  
Sherwood

**Solicitors and  
Parliamentary Agents**

## 1. Introduction

1.1 Captain Firman is Harbour Master for the Humber (**HMH**), appointed by ABP (as successor to the original Statutory Harbour Authority (**SHA**) and Competent Harbour Authority (**CHA**) for the Humber. ABP owns and operates the Port of Immingham in a separate statutory capacity.

1.2 There is a geographical overlap between the jurisdiction of the SCNA (and HMH) and Immingham Dock Master.

## 2. HES

2.1 Humber Estuary Services (**HES**) is the name used by ABP as SCNA/CHA. HES is an independent voice on the river, funded by conservancy dues on vessels and pilotage charges. It provides VTS Humber and pilotage.

2.2 HES maintains its own independently audited Marine Safety Management System (**MSMS**) under the Port Marine Safety Code (**PMSC**).

2.3 Consent for works in the harbour area below Mean High Water Springs is managed by HES upon the applicant obtaining consent from the MMO. Approval may be subject to reasonable conditions imposed by HES for the protection of conservancy and navigation interests.

2.4 HES carries out statutory pilotage functions and issues Pilotage Exemption Certificates.

## 3. HMH

3.1 HMH has overall responsibility for SCNA's operations on the Humber and has independent statutory powers<sup>1</sup>

3.2 There is structural independence through the different statutory frameworks under which ABP operates and functional independence due to the distinct statutory functions of the

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<sup>1</sup> Noting that the role of HMH is entirely separate from that of the Immingham Dock Master.

SCNA, Port of Immingham SHA, HMH and Dockmaster. Their actions/decisions may be challenged by judicial review.

#### **4. Byelaws/Directions**

**4.1** The current byelaws are the Humber Navigation Byelaws 1990 (amended July 2007).

**4.2** The SCNA may make general directions for the ease, convenience, or safety of navigation in the Humber.

**4.3** HMH may make special directions to a specific vessel at a specific time in a specific circumstance in any reasonable manner he considers appropriate. HMH could override directions given by the SHAs or Dockmaster.

**4.4** General and Special Directions are rarely used because vessels voluntarily follow instructions and standard operating procedures.

#### **5. Navigational Safety**

**5.1** Control measures for the jetty would be identified through MarNIS in consultation with stakeholders and applied through the SCNA MSMS, which is audited internally and externally (including by the Maritime and Coastguard Agency) to ensure compliance with the PMSC. Control measures may be physical (e.g. lighting) or good practice and training.

#### **6. HMH's involvement**

**6.1** HMH attended the simulations in April 2023 and HAZID workshop and provided comments on the protective provisions for the SCNA.

#### **7. NRA/NSS**

**7.1** The conclusions are consistent with what HMH would expect.

- 7.2** The 150m exclusion zone would mitigate risks from passing vessels. It may be necessary to consider other types of exclusion zone. The 5 knot speed limit would not have significant impacts.
- 7.3** The success of the simulations and known hydrodynamic regime of this area give the HMM confidence that the facility can be operated safely. The tidal model was fit for purpose.

## **8. Building on NRA/NSS**

- 8.1** HMM will carry out his own further risk assessment and simulations. Using a “soft start” to berthing, HMM will establish safe protocols for specific vessel types. Only then will he allow operations by that vessel type.
- 8.2** Arrangements for towage are made between the vessel and towage providers. The Humber Passage Plan requires confirmation of towage before passage.

### *Capacity*

- 8.3** Various channels may be utilised. Congestion is prevented by regulating vessel movements.
- 8.4** It would be impractical, disruptive and potentially unsafe were the DCO to stipulate priority for “scheduled” services.
- 8.5** The small increase in overall vessel movements can be assimilated into existing schedules. In-combination effects with other marine construction sites would be managed.
- 8.6** HMM makes decisions relating to the safety of navigation without regard to commercial expediency. He considers that the proposed IGET can be operated safely.

**Winckworth Sherwood LLP**