

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

DEADLINE 1

Responses to the Examining Authority's First Written Questions on behalf of Captain Firman,
Harbour Master, Humber

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Ref	Addressed to	Question from the Examining authority	Response on behalf of the Harbour Master, Humber
Q1.11.1.5	Applicant Harbour Master	<p>Humber Passage Plan</p> <p>Is there a need, as a result of the Proposed Development, to amend the Humber Passage Plan. If so, who would be responsible for this and when would it be undertaken?</p>	<p>Yes, there will be a need to amend the Humber Passage Plan. Development of a specific chapter for the IGET would take place prior to the commencement of operation of the jetty.</p> <p>The Humber Passage Plan, which is in the public domain, forms part of the Humber SHA Marine Safety Management System (MSMS) and applies controls, including sequencing, to the movement of all vessels of 11.0m draft or more, 4000t deadweight or more, or carrying 20000 cubic metres or more of gas to specific berths on the Humber Estuary. Overall responsibility for the Humber Passage Plan rests with the Harbour Master, Humber (HMH), given the jurisdiction of the conservancy, including pilotage, across the Humber as a whole, but there are a number of standing consultees, specifically:</p> <ul style="list-style-type: none"> • Humber Estuary Services (HES) (HES personnel, including Pilots) • Phillips 66 Ltd/Crude Oil Terminals (Humber) Ltd • James Fisher Marine Services – Tetney • Associated Petroleum Terminals (Immingham) Ltd • Immingham Bulk Terminal • Humber International Terminal • PX Saltend • Dock Master Hull & Goole, Deputy, or Assistants • Dock Master Grimsby & Immingham, Deputy, or Assistants • Svitzer (Humber) Ltd • SMS Towage
Q1.11.1.6	Harbour Master	<p>Applicant's Overall Approach</p>	<p>HMH is broadly content with the Applicant's NRA and considers it fit for purpose. 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</p>

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	Maritime Coastguard Agency	<p>Are you content with the Applicant's NRA [APP-191]?</p> <p>Are you satisfied the correct methodology and approach has been used and that the proposed mitigation is adequately secured in the dDCO.</p> <p>If not, explain what additional information is required.</p>	<p>"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 further set out in the SoCG between HMH/HES and the Applicant.</p> <p>HMH notes that, although there is no one "correct" way of carrying out a NRA, the methodology and approach adopted by the Applicant are aligned with both the requirements of the national Port Marine Safety Code (PMSC) and the approach adopted to navigational risk assessment by HMH and HES in respect of the Humber SHA.</p> <p>HMH is satisfied that the mitigation measures proposed in the NRA are suitable and capable of being delivered. They are consistent with, and will be delivered largely through, the mechanisms of the existing holistic arrangements that ensure navigational safety across the whole of the Humber from sea to berth including the PMSC compliant MSMS for both the Humber and Immingham SHAs, both of which use the MarNIS system for risk assessment and identification of controls. HMH notes that MarNIS was used to identify the mitigation measures set out in the NRA. These mechanisms include the vessel specific passage plans, including the Humber Passage Plan where appropriate, and other measures such as requirements for pilotage, VTS Humber to provide oversight in the scheduling and management of vessel movements, provision of suitable aids to navigation and hydrography, general directions and Notices to Mariners, backed up by the power to make and enforce special directions with the ultimate sanction that disobeying a direction of the HMH is a criminal offence. Also relevant are the MSMS, Humber Clean and Humber Estuary Serious Marine Emergency Plan. These plans will be amended to take account of the new jetty, including any special measures resulting from the carriage of liquid ammonia.</p>

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			<p>This is how the Humber is safely managed at present.</p> <p>In accordance with the precedent set by the Able Marine Energy Park Development Consent Order 2014, the dDCO does make provision for mitigation to be secured through arrangements and approvals which are compatible with the existing control mechanisms and plans that currently regulate commercial traffic on the on the Humber:</p> <p>In real life, compliance by operators with the Humber Passage Plan can be taken as read. However, even if this were not the case, such compliance (with the Humber Passage Plan and other plans and requirements (formal and informal)) would be capable of being secured through paragraph 16 of the protective provisions for the SCNA, which requires the undertaker both to obtain the approval by the SCNA of a written statement of safe operating procedures and to operate the authorised development in accordance with such approved procedures, including any approved alteration from time to time.</p> <p>Paragraph 15 (statutory functions) of those protective provisions requires the undertaker to comply with the Humber legislation, byelaws, directions or any other requirement of the SCNA or HMH (which would cover Notices to Mariners).</p> <p>Other paragraphs in the protective provisions that allow HMH to secure the proposed mitigation include:</p> <ul style="list-style-type: none"> • Paragraph 8 (navigational lights, buoys, etc.), which requires the undertaker to exhibit lights, lay down buoys and take such other steps for preventing danger to navigation as the authority may reasonably require. • Paragraph 12 (facilities for navigation), which requires the undertaker to ensure that aids to navigation remain available during construction and operation of the Proposed Development, to provide (or pay for) navigational

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			<p>lights, signals, radar or other navigational aids that the SCNA may deem necessary and to comply with directions as to lighting of the tidal works.</p> <p>Mitigation is also secured through such measures as (during construction), requirement 6 – compliance with CEMP and the approval of details by the MMO and approval of tidal works by the SCNA. HMH is satisfied that the mitigation referred to in the NRA would be adequately secured As explained in his Written Representations [HMH1], the IGET jetty will not become operational until such time as HMH has conducted such further risk assessments, simulations, and testing as he deems necessary to be fully satisfied that it can be operated safely, and that the safety of other river users is secured). Although HMH does not foresee it being necessary to use them, he can ensure compliance by means of his direction, noting that that compliance with his direction can be physically enforced if needs be, and that (as referred to) non-compliance is a criminal offence.</p>
Q1.11.2.2	Applicant Harbour Master	<p>Marine Congestion</p> <p>Are there any economic implications on existing ports as a result of the implementation of navigation controls and any subsequent marine congestion within the estuary.</p>	<p>HMH considers that economic matters are for the Applicant to address. He can, however, contribute on the question of whether the introduction of the new facility would lead to marine congestion within the Humber Estuary.</p> <p>As set out in his Written Representations [HMH1], the IGET proposal represents (even at the worst case scenario) a small increase in overall vessel movements which can readily be assimilated into HES's existing daily schedules for managing commercial vessels within the Humber Estuary.</p> <p>In practice, due to its location to the east of Immingham, 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 still get off on the same tide.</p>

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			<p>“Congestion” is a misnomer - vessels arrive and depart the Humber in a regulated manner using available channels. They will continue to do so. HMH is also comfortable that the additional traffic associated with IGET in combination with the IERRT facility (if consented) is well within the capacity of what the river can move in a regulated fashion.</p> <p>The imposition of the 5 knot speed limit and exclusion zone may add a little time (less than 2 minutes) to some existing journey times, including those of the CLdN scheduled services, in certain circumstances (i.e. when another vessel is moored or mooring at the jetty or when the transiting vessel would have travelled through the exclusion zone prior to the introduction of the jetty) but HMH does not consider this to be material in the context of a vessel’s passage through the Humber as a whole (let alone the entirety of its passage from the continent through the North Sea).</p> <p>HMH and HES have very many years’ experience of regulating and managing multiple vessels concurrently around the Humber with the introduction, from time to time, of new port infrastructure. The IGET development is no different.</p> <p>HMH would urge the ExA to avoid creating any inflexibility or possible adverse consequences further down the line by seeking to include unnecessarily prescriptive measures in the DCO when the existing and well-established river regime already ensures that appropriate mitigation measures and controls will be imposed in accordance with the national PMSC.</p>
Q1.11.2.3	Applicant Harbour Master	<p>Operation Requirements</p> <p>a) Are there any operation implications on existing ports as a</p>	<p>(a) HMH considers that there are no navigational safety implications for existing ports as navigational safety in the Humber, including the IGET can be managed safely. The proposed location of the jetty is most likely to have a potential operational impact on IOT vessels due to their proximity; however, this can be safely managed</p>

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		<p>result of the Proposed Development?</p> <p>b) Is there sufficient capacity in terms of tugboats to adequately service the proposed IGET arrivals and departures?</p>	<p>by extension of planning processes already used and co-operation between relevant parties.</p> <p>(b) Licensing of tugs is a matter that falls within the purview of the Immingham Dock Master although HMH and the Immingham Dock Master collaborate closely on establishing and maintaining safe operating procedures. Therefore, HMH will leave this question to the Applicant. What he can say from his operational perspective is that, in his experience of working on the Humber, provision of tug capacity goes up and down according to need. Tug operators can respond to increased need by relocating existing tugs and/or commissioning additional tugs. It is ultimately the master of the vessel who orders up the necessary tug(s) through the ship's agent prior to commencing passage. If there are insufficient tugs available at any given time, vessels will wait their turn to be served. However, for the largest vessels going to IGET (i.e. the tankers carrying liquid ammonia), tug availability will have been confirmed before passage commenced in accordance with the Humber Passage Plan and therefore navigational safety would not be compromised by any wait for a tug within the Humber.</p>
Q1.11.2.4	<p>Harbour Master</p> <p>Maritime Coastguard Agency</p>	<p>Altered Speed Limits</p> <p>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>HMH considers that this will extend the amount of time during which passing vessels are required to reduce speed but only by a small proportion of their journey and only when a vessel is mooring, moored or unmooring at the new facility in compliance with The Humber Navigation Byelaws 1990. This must be taken in the context of the full passage distance and journey time, and the likelihood of the jetty being used when the vessel is passing.</p> <p>The extension of the existing "exclusion zone" may also have a (minimal) impact on an outbound voyage (i.e. require the vessel to make a small route adjustment), but not significant.</p>

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Q1.11.2.5	Applicant Harbour Master The IOT Operators	Departure Procedures Explain what the process would be to regards to preventing concurrent departures from IOT and IGET.	Multiple departures and berthings would be planned to co-exist on a single tidal window in line with IOT operations today.
Q1.11.2.6	Harbour Master	Overall Shipping Movements (a) In terms of daily shipping movements, what number of commercial shipping movements do you consider the Humber can accommodate safely and efficiently? (b) What factors influence this? (c) How do current shipping movements compare with that capacity number? (d) What is the effect of the proposed	(a) There is no fixed number of commercial shipping movements that can be accommodated safely and efficiently in 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. (b) It is important to note that there is plenty of spare capacity on the river itself, and 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. Factors that influence capacity include the number of vessels that want to go to the same parts of the Humber at the same time; their destinations and expected arrival times; the types of vessels and whether there are any tidal restrictions; pilot and tug availability; and the need to comply with existing regulations. (c) Current shipping movements are readily assimilated into the Humber. The table below shows the number of commercial shipping movements accommodated on the

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		development upon this capacity?	<p>Humber in 2022 and 2023 compared with 2003. Overall pilotage and PEC movements were 20,880 in 2023 (down from 22,000 in 2022).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="5" style="text-align: center;">Table 1 – Commercial shipping movements in the Humber and Immingham</th> </tr> <tr> <th style="text-align: center;">Year</th> <th style="text-align: center;">Average Humber/day</th> <th style="text-align: center;">Maximum Humber/day</th> <th style="text-align: center;">Average Immingham/day</th> <th style="text-align: center;">Maximum Immingham/day</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">2003</td> <td style="text-align: center;">86</td> <td style="text-align: center;">116</td> <td style="text-align: center;">35</td> <td style="text-align: center;">Unavailable</td> </tr> <tr> <td style="text-align: center;">2022</td> <td style="text-align: center;">61</td> <td style="text-align: center;">80</td> <td style="text-align: center;">29</td> <td style="text-align: center;">44</td> </tr> <tr> <td style="text-align: center;">2023</td> <td style="text-align: center;">57</td> <td style="text-align: center;">83</td> <td style="text-align: center;">33</td> <td style="text-align: center;">48</td> </tr> </tbody> </table> <p>(d) HMH would not expect the IGET (if consented) to have any material effect on the capacity of the river.</p>	Table 1 – Commercial shipping movements in the Humber and Immingham					Year	Average Humber/day	Maximum Humber/day	Average Immingham/day	Maximum Immingham/day	2003	86	116	35	Unavailable	2022	61	80	29	44	2023	57	83	33	48
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Q1.11.3.2	Harbour Master	<p>Roles and Responsibilities</p> <p>In relation to the existing operations on the Humber</p>	<p><u>Harbour Master, Humber</u></p> <p>HMH's Written Representation sets out the statutory roles of the SCNA and HMH. A summary of this is provided below.</p>																									

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	Maritime Coastguard Agency	<p>Estuary, please set out your roles and responsibilities.</p> <p>How would these roles and responsibilities change once the Proposed Development is operational?</p>	<p>HMH has overall responsibility for the management of the Statutory Conservancy and Navigation Authority's (SCNA) operations on the Humber including VTS Humber and the provision of (all aspects of) pilotage and pilotage/PEC training.</p> <p>He is responsible for ensuring that all relevant plans, policies, and procedures relating to navigational safety are maintained and adhered to. He is responsible for issuing Notices to Mariners and for the process by which the SCNA would give General Directions (if/when considered necessary).</p> <p>HMH has the day to day responsibility for maintaining and updating the Humber Marine Management Safety System (MSMS) which is based on the formal (PMSC compliant) risk assessment which identifies navigational risks and the associated mitigation/controls to be applied.</p> <p>HMH is involved in the planning, development, delivery, and safe operation of all new tidal works in the Humber. In particular, he is responsible for managing the process by which the licensing of tidal works (Harbour Works Consent) in the Humber is carried out pursuant to section 9 of the Humber Conservancy Act 1899.</p> <p>HMH also has his own discrete statutory responsibilities under the British Transport Docks Act 1972 and other general legislation, including the power to give special directions to vessels in any reasonable manner he considers appropriate (section 7 of the British Transport Docks Act 1972). A special direction may be given for the following purposes:</p> <ul style="list-style-type: none"> • Requiring a vessel to comply with a requirement made in or under a general direction; • Regulating or requiring for the ease, convenience, or safety of navigation the movement, mooring, or unmooring of a vessel;

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			<ul style="list-style-type: none"> • Regulating for the safety of navigation the manner in which a vessel takes in or discharges cargo, fuel, water or ship's stores. <p>It is a criminal offence not to comply with a special direction and steps may also be taken to force compliance in the unlikely event that this became necessary.</p> <p>It is important to note that HMM has both structural and functional independence from ABP in its capacity as port operator and developer. His responsibilities are to ensure the safety of all river users. Were he to seek to stray outside his statutory remit, he would be susceptible to challenge by Judicial Review. Similarly, the SCNA would be susceptible to judicial review if it acted outside its statutory framework.</p> <p>HMM would be involved as a key stakeholder throughout the detailed design and construction of the jetty and, in close collaboration with colleagues at HES and the Immingham Dock Master, he would conduct such further assessments, simulations and training as he considers necessary to ensure that the jetty is capable of being operated by any particular vessel type so as to be safe for all river users. Operations would be commenced on a conservative basis in benign conditions and operating parameters would only be extended when HMM is confident that it is safe to do so. Any new vessel types wishing to use the jetty would be subject to the same assessment and training process.</p> <p>HMM's roles and responsibilities would not be affected by the coming into operation of the proposed development. It would simply be another new piece of infrastructure with attendant vessel movements in an environment that is constantly changing and evolving.</p>
Q1.11.3.3	Harbour Master	Risk Reduction	HMM has every confidence in the mechanisms that exist to reduce navigational risks and safety hazards on the Humber to ALARP. He notes that the MSMS that operates

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	Maritime Coastguard Agency	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 reassurance?	<p>on the Humber is compliant with the national PMSC and associated guidance and is independently audited.</p> <p>The level of mitigation proposed by the Applicant was assisted by using MarNIS controls, which is the software currently in use on the Humber (and many other ports and harbours worldwide). In addition to the work carried out by the Applicant, HMM will use this to carry out his own risk assessment and will apply all such risk measures as he considers necessary to reduce risks to ALARP. He will treat this jetty no differently from any other consented development brought forward on the river, whether by ABP or any other developer.</p> <p>Although all commercial vessels visiting the IGET will be subject to the usual requirements for advance notice and passage planning, HMM would expect the largest tankers planned to berth at IGET to be subject to the requirements of the Humber Passage Plan (as updated to cover the IGET jetty) which adds another layer of control.</p>
Q1.16.1.10	Humber Estuary Services Vessel Traffic Services	<p>Navigational Risks</p> <p>The ES in Appendix 25c [APP-221, Paragraph 1.9.8] states that "<i>The mitigation measures identified as necessary in respect of each project [IERRT and the Proposed Development], as defined through the NRA and EIA process, will minimise the potential for navigational risks, arising from each</i></p>	<p>HMM agrees that this is a fair conclusion to draw. The fact that there are two new jetties introduced into the Humber adds to the number of vessel movements, but it also adds to the number of berths available to accommodate those journeys and there is plenty of room on the river to accommodate the additional vessel movements with the relevant control measures and planning in place. As matters stand, the number of vessel movements on the river can vary quite dramatically from day to day. The same principles apply to each vessel so that everything can co-exist safely during construction and operation.</p>

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		<p><i>project alone and so will also minimise cumulative effects between the two projects during both construction and operation.”</i></p> <p>Confirm if you are content with the Applicant’s statement.</p> <p>If not, explain why and what additional information you require.</p>	

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