

Immingham Green Energy Terminal

Deadline 4 Submissions

**Associated Petroleum Terminals (Immingham) Limited and
Humber Oil Terminals Trustee Limited
“The IOT Operators”**

Planning Inspectorate Ref: TR030008

4 June 2024

IGET

Deadline 4 Submissions of the IOT Operators



DEADLINE 4 SUBMISSIONS

This submission forms an update on the position of the IOT Operators and includes confirmation of the IOT Operators' wish to attend and speak at the Hearings commencing 1 July 2024.

1 INTRODUCTION

- 1.1 This submission is submitted on behalf of Associated Petroleum Terminals (Immingham) Limited ("**APT**") and Humber Oil Terminals Trustee Limited ("**HOTT**") in relation to Associated British Ports' ("**Applicant**") application for a development consent order ("**DCO**") to construct the Immingham Green Energy Terminal Development ("**IGET Development**"). The first customer of the IGET Development will be Air Products BR Ltd ("**Air Products**") who will construct and operate a green hydrogen production facility on land which forms part of the IGET Development.
- 1.2 HOTT is the licensee (from the Applicant) of the Immingham Oil Terminal Jetty ("**IOT**") and lessee (from the Applicant) of the associated oil terminal and tank farm ("**Oil Depot**"). APT operates IOT and the Oil Depot on behalf of HOTT (HOTT and APT are referred to together in this response as "**the IOT Operators**").
- 1.3 The IOT Operators are joint venture companies owned equally by Phillips 66 Limited ("**Phillips 66**") and Prax Lindsey Oil Refinery Limited ("**Prax**"). Phillips 66 is the owner of the Humber Refinery and Prax is the owner of the Lindsey Oil Refinery (together referred to as "**the Refineries**"). The principal activity of the IOT Operators is the operation of marine terminals on behalf of Phillips 66 and Prax. They are also responsible for the operation of much of the pipeline system between the IOT and the Refineries.
- 1.4 The IOT Operators' Relevant Representation [**RR-014**] outlined the importance of the IOT and gave an overview of the IOT Operators' concerns on the IGET Development.
- 1.5 The IOT Operator's Written Representation [**REP1-109**] then provided further detail on the IOT Operators' concerns, further emphasising the importance of the IOT and the Refineries.

IGET

Deadline 4 Submissions of the IOT Operators



2 PRIMARY CONCERNS WITH THE PROPOSED DEVELOPMENT

- 2.1 The IGET Development is immediately adjacent to the IOT. The IOT Operators have concerns about the IGET Development from a safety perspective as outlined in their Relevant Representation [RR-014] and Written Representation [REP1-091].
- 2.2 This includes the consideration that the IOT is designated as an upper tier COMAH site which is a fully and constantly manned, operating 24 hours per day throughout the year, and is therefore subject to strict requirements regarding any events that cause or are likely to cause serious injury, loss of life, damage to property at an APT controlled site or serious disruption outside these areas. Evacuation of the IOT, and its impact on fuel supply from the IOT, must be considered along with any domino effects which may arise from the introduction of new dangerous substances on the adjoining IGET site.

3 REQUIRED MITIGATION MEASURES

- 3.1 The IOT Operators' position is that the potential impacts of the IGET Development on their existing assets and activities gives rise to a need for additional mitigation measures to be secured as part of the proposals. The measures which the IOT Operators have identified to date, and which continue to be considered appropriate and necessary, were set out in their Written Representation and include:
 - (a) **Replacement accommodations;** including the provision of blast and toxic proof buildings to replace any existing occupied landside building which is significantly affected by explosion or toxic gas risks, such as the APT office building and engineering block on the APT facilities, and any improvements necessary to protect against toxic gas and/or blast risks pending an expert assessment.
 - (b) **Primary and Secondary escape routes;** A clear escape route needs to be identified and provided from the existing APT facility (to the South East corner) with an additional secondary escape route being provided to the North West in the event that emissions lead to the primary escape route being inoperable.
 - (c) **Refuges for fugitive emissions on IOT jetty;** safe havens should be provided, and existing havens improved, on the IOT berths and jetty for the protection of personnel in that location from the risks posed by the IGET proposals, sufficient for the maximum number of personnel potentially affected and at a minimum

IGET

Deadline 4 Submissions of the IOT Operators



sufficient to protect against toxic gas with potential blast-proofing required on IOT Berth 3.

- (d) **Alarms;** installation of fire and toxic gas detection, with an appropriate alarms system, and integration with existing systems on the IOT jetty and terminal.

3.2 It is noted that the Applicant indicates in its ES Chapter 22 [APP-064] in various locations that mitigation measures of this type would be required to be delivered under the COMAH Regulations.

3.3 In relation to additional mitigation measures which do not currently form part of the Applicant's DCO, the Applicant then agreed at Section 3 of its Deadline 2 submission [REP2-009] that (emphasis added):

*"the IOT Operators have already identified specific concerns with the development as proposed which have not yet been adequately addressed by the Applicant. **The Applicant and Air Products have acknowledged that those mitigation measures are necessary and appropriate**".*

3.4 Despite the acceptance that such measures were necessary and appropriate the Applicant has failed to secure them in the DCO.

3.5 The Applicant and Air Products are engaging with the IOT Operators to agree these mitigation measures – a process which ought to have happened prior to submission of the DCO for examination – but unfortunately those negotiations are yet to reach a conclusion. The IOT Operators are expending significant personnel resource to assist the Applicant and Air Products design and implement the mitigation measures which are necessary for their development to proceed. The IOT Operators have no commercial interest in the outcome of the DCO application, but are actively engaging as a good neighbour.

3.6 Despite that engagement, the IOT Operators are frustrated that these concerns have not been addressed and they therefore now ask that the Examining Authority call a hearing so that they can hear from the Applicant and Air Products on the nature of the outstanding risks to the IOT Operators' operations and personnel, and why those mitigations are yet to be secured. The IOT Operators will outline their concerns to the Examining Authority, and explain how they consider the necessary mitigation ought to be secured on the face

IGET

Deadline 4 Submissions of the IOT Operators



of the DCO (if not adequately secured by separate agreement) – mitigations the Applicant and Air Products readily acknowledge to be **necessary and appropriate**.

4 NAVIGATION AND SHIPPING CONCERNS

4.1 The IOT Operators sought expert advice regarding the potential navigation and shipping effects of the IGET on the IOT from Nash Maritime experts.

4.2 On 3 May 2024 the IOT Operators wrote to the Applicant (attached as **APPENDIX 1**) regarding preliminary advice from Nash Maritime regarding the Navigation Risk Assessment (“**NRA**”) submitted by ABP [**APP-191**], including additional risk control measures proposed as part of the IGET application.

4.3 Specifically, the preliminary advice raised concerns regarding IGET Vessel Breakaway hazards, congestion and resourcing, and speed Limits in and around IGET.

4.4 The IOT Operators then requested that the Applicant respond on the concerns raised, including that the Applicant:

- (a) Expand the monitoring and response measures or controls for the identified breakaway hazard to address rapid occurring events, and a potential allision with IOT infrastructure or a moored IOT tanker;
- (b) Identify states of tide where risk controls will need to be enhanced in recognition of the vulnerability of the IOT;
- (c) Identify the minimum length of time between a breakaway event from the IGET to contact with IOT 3 or a vessel berthed there (and therefore the required minimum response time of tugs);
- (d) Provide specific risk control measures and actions in response to the identified breakaway hazard, including how those measures will be secured and enacted and at what point;
- (e) Assess the adverse effects on vessels at the IOT which might reasonably include an IGET vessel breakaway, including the ability for tugs to provide effective assistance to arrest a breakaway IGET vessel prior to significant consequences from contacting the IOT or a vessel berthed there;

IGET

Deadline 4 Submissions of the IOT Operators



- (f) Provide a substantive quantitative analysis of current baseline congestion and appropriate modelling of future scenarios for the IGET, factoring in other proposed developments and reasonably anticipated increases in baseline traffic distributions set against resource availability (tugs, pilots, line boats, etc.), response time and vessel throughput; and
- (g) Clarify the maximum allowable safe passing speed through the water (STW) when passing the IGET and explain how that speed limit will be effectively applied and enforced for vessels passing the IGET, including how this will be implemented for vessels moving against the current.

4.5 The IOT Operators requested that the Applicant respond to the issues raised in the letter in full to inform the need for or content of any submission made by the IOT Operators to the Examining Authority at Deadline 4.

4.6 The Applicant's response of 22 May 2024 is attached as **APPENDIX 2** and has not adequately addressed the concerns raised by the IOT Operators although attempts are being made to meet to discuss those concerns.

5 SUMMARY OF CONCERNS

5.1 The IOT Operators consider it essential that satisfactory risk control measures are secured to ensure that the operations of the IOT and Refineries, both deemed to be Critical National Infrastructure by the National Protective Security Authority, are not adversely impacted by the IGET Development.

5.2 The IOT Operators and the Applicant have been engaging on the concerns raised regarding the IGET Development and the need for satisfactory risk control measures to be secured – measures which the Applicant agreed were necessary and appropriate. However, sufficient risk control measures have not been secured.

5.3 Engagement with the Applicant is ongoing with the parties currently arranging further time to discuss these concerns in more detail.

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Deadline 4 Submissions of the IOT Operators



6 CONFIRMATION OF WISH TO ATTEND AND SPEAK AT THE HEARINGS W/C 1 JULY 2024

6.1 The IOT Operators confirm their wish to attend the hearings during the week commencing 1 July and can participate in any discussions on the following matters:

- (a) Safety concerns arising from the operation of the proposed development on the adjoining IOT; and
- (b) Marine navigational concerns arising from the operation of the proposed development.

6.2 The IOT Operators will consider whether there is further information which can be prepared to assist the Examining Authority in the consideration of these issues, and seek the Examining Authority's discretion to adduce that information in advance of the hearing. In any event that information would be shared with the Applicant and Air Products.

4 June 2024

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Deadline 4 Submissions
of the IOT Operators



Appendix 1 –Letter to ABP regarding Navigation and Shipping Effects (3 May 2024)



ASSOCIATED PETROLEUM TERMINALS (IMMINGHAM) LIMITED

QUEENS ROAD
IMMINGHAM
N E LINCOLNSHIRE
DN40 2PN

TEL.: (01469) 570300
FAX: (01469) 570321

Date: 3 May 2024

Ref: APT

Dear Associated British Ports,

IMMINGHAM GREEN ENERGY TERMINAL DEVELOPMENT

- 1.1 We write with reference to Associated British Ports' ("**ABP**") application for the proposed Immingham Green Energy Terminal Development ("**IGET**") and to the ongoing DCO Examination. Where relevant we have referred to document references from the IGET DCO Examination Library.
- 1.2 As you will be aware, Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustee Limited (together the "**IOT Operators**") have sought expert advice regarding the potential navigation and shipping effects of the IGET on the Immingham Oil Terminal ("**IOT**"). Preliminary advice has now been discussed regarding the Navigation Risk Assessment ("**NRA**") submitted by ABP [**APP-191**] and the risk control measures proposed as part of the IGET application and is set out below. Specifically:
- (a) IGET Vessel Breakaway hazard;
 - (b) Congestion and resourcing; and
 - (c) Speed Limits in and around IGET.

2 IGET VESSEL BREAKAWAY HAZARD

- 2.1 The IOT Operators have particular concern with regard to two primary aspects of the identified breakaway hazard including:
- (a) Breakaway scenarios from IGET affecting vessels and/or infrastructure, primarily at IOT Berth 3 or, if vacant, vessels on other berths.



- (b) Mooring failure and subsequent breakaway risk during a strong Flooding tide if IGET vessels are pushed off the berth.

2.2 The Applicant's Environmental Statement Chapter 12: Marine Transport & Navigation [APP-054] provides at Table 12-6 on p12-29 a list of mitigation measures (Risk Controls). In relation to IGET vessel break away the following mitigation measures are noted:

- (a) Control 17: Weather monitoring.
- (b) Control 26: Load monitoring.

2.3 Both these controls relate to the monitoring of certain parameters; however, unless actions based on thresholds (such as pre-agreed limits) are then enacted, monitoring alone will in itself not mitigate risk. To mitigate the risk of break out then monitoring should be used to specify when specific actions are necessary such as:

- (a) When tugs should be used to push up on an IGET vessel to assist it to remain berthed alongside.
- (b) Stopping of cargo pumping to mitigate loss of containment.
- (c) Draining of lines and disconnecting.
- (d) Vacating the berth.

2.4 Further, it is not clear based on the information provided whether Control 26: Load monitoring, will detect rapid occurring events such as ranging (longitudinal or forward/aft movement at the berth such as from interaction due to passing vessels). If it does, the event of breakaway can occur quickly, and monitoring of line loads alone would be of limited assistance. Marine Loading Arm (MLA) monitoring is likely to be more adept at detecting any unacceptable ranging movement or position change of a vessel alongside through safe operation and alarms.

2.5 However, there are no mitigation measures identified within the mitigation measures table related to the provision or definition of actual break out mitigation measures, such as detailed mooring arrangement plans produced for, and agreed with, vessels at pre-arrival stage that have been based on approved determination of safe limits.

2.6 The breakout hazard is described in the ES Chapter 12 [APP-054 section 12.8.85 on page 12-41]. This states:

O5: Mooring Breakout This hazard can occur if a vessel breaks away from its mooring position. The identified most likely and worst credible scenarios for this hazard are respectively:



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a. Vessel ranges from berth but is re-secured with or without tug assistance. Potential for minor contact with berth / fender, and delay in discharge time.

b. Vessel completely breaks mooring with risk of heavy contact with jetty, and/or drifting into channel with risk of escalation, e.g., collision, contact or grounding. Severe damage causing ammonia release and loss of life if breakout occurs during cargo transfer, and/or event escalates.

- 2.7 The IOT Operators note that this does not include mention of potential allision with IOT infrastructure or a moored IOT tanker which, given the proximity of IOT berth 3 to IGET, would be likely on a flood tide. The outcome of such an event does not consider danger and consequence of nationally significant damage and downtime to the IOT, nor resulting oil spill and potential ignition or major accident hazard arising at the IOT. The proposed mitigation does not include whether it is possible for tugs to arrive onsite and provide effective assistance to arrest a breakaway IGET vessel prior to significant consequences from contacting the IOT or a vessel berthed there, which remains of primary concern to the IOT Operators.
- 2.8 The IOT Operators observe that ES Appendix 12.B: Navigational Simulation Survey **[APP-192]** states:
- “...simulations demonstrate that IGET with vessel alongside does not adversely affect the safety of vessels operating to and from the IOT facility.”*
- 2.9 However, the IOT Operators contend that simulations do not appear to study the adverse effects on vessels at the IOT which might reasonably include an IGET vessel breakaway. The abort and emergency scenarios in section 5.7 on page 39 of Navigational Simulation Survey do not include breakout once moored, or time required for tug assistance and subsequent capability to arrest an errant IGET vessel. It is also understood that there is only a single “fire tug” available on standby to assist if tugs are being utilised elsewhere on the river.
- 2.10 Appendix A of the Applicant’s NRA **[APP-191]** provides the minutes from the Hazard Workshop which discussed mooring breakout at A.3.6.5. The IOT Operators note that the Harbour Master Humber had stated that “there has never been a known breakout at IOT. This is due to the management in place, not the fact that there is zero risk of it occurring, e.g., speed limits and load alarms on mooring hooks”. This raises the concern that the risk of breakout may be inappropriately minimised.
- 2.11 Whilst breakout has not to say that it has never occurred is not correct. The IOT Operators consider that the reason for breakout not occurring occurred for many years is due to the incremental implementation of stringent risk controls. Breakout is still considered a very real concern, especially if risks are not correctly identified and adequate control measures in place. The IOT does experience broken mooring lines due to environmental effects and passing vessel draw off causes, even with relatively low loads on strain source gauges and the most robust procedures enforced. For reference, 5 mooring lines recently



parted on the vessel Yi Bao during the unmooring procedure at IOT Berth 3 on a strong Flooding tide. The 3 tugs in attendance were unable to hold the vessel on the berth despite having more power than specified within the Humber Passage Plan rules.

3 CONGESTION AND RESOURCING

3.1 The IOT Operators have concern with regard to two potential congestion and potential delay aspects. Specifically, additional vessels classed as “Passage Plan Vessels¹” including ammonia (NH₄) carriers, deep drafted Very Large Gas Carriers (VLGCs), and carbon dioxide (CO₂) carriers that may still be classified as such, which take longer to transit to berth and require greater resources, and the assessment undertaken to date does not analyse this. Principally, the IOT Operators believe there is lack of clarity surrounding the key congestion areas regarding:

- (a) Determination of any significant issues arising from the increase in traffic to the Immingham basin; and
- (b) Extra traffic travelling through the Sunk Dredged Channel and towards the IOT and IGET.

3.2 The IOT Operators remain unable to provide informed feedback on potential delays, congestion implications or resource availability (primarily tugs and pilots) without sight of substantive quantitative analysis of current baseline congestion and appropriate modelling of future scenarios. This includes IGET in combination with other proposed developments and anticipated increases in baseline traffic distributions set against resource availability (tugs, pilots, line boats, etc.), response time and vessel throughput.

4 Speed limits

4.1 The Examination Authority (ExA) has sought to elicit further information in regard to Navigation and Operation Safety related to the specific mitigation measure: Control 19: Speed Limits and Control 22: Safety Zones [EV10-001 Issue Specific Hearing 7 (ISH7) Agenda Item 3]. This states:

i. Discussion and justification for the proposed mitigation, in particular the imposition of a 5-knot speed limit and a 150m exclusion zone. The ExA will ask questions in relation to:

- *When would the mitigation be required; where would they be measured from; and how would they relate and interact with any other existing navigational restrictions.*
- *How would they be enforced and by whom.*
- *How would the mitigation measures be secured through the dDCO and how would they be implemented. If not through the DCO, how can the ExA have certainty they will be provided.*

¹ Passage Plan Vessels which may require specific tidal windows, additional pilots and channel priority. Anticipated ammonia carriers, VLGCs and carbon dioxide carriers would be classed as gas tankers over 20,000m³ which, under current Humber Passage Plan rules, are “passage plan” vessels for both inward and outward passages, irrespective of draft.



- *What are the implications of the restrictions on other operators such as IoT and CLdN Killingholme and would their imposition have any consequential navigational effects upon the rest of the Humber.*
- *Are any further mitigation measures likely to be required to accommodate future cargos.*

4.2 The IOT Operators understand that an outcome from the IGET simulation study, although not explicitly mentioned in the simulation report, is that ferries can pass much faster than 5 knots without detriment. Based on experience of passing vessels at IOT, this is not a view which the IOT Operators could support. Whilst a 5 knot speed limit can potentially be applied as an effective risk control, it is not clear if and how this 5 knots speed limit would be applied or enforced in practice, or whether 5 knots will be the speed through the water (STW) or speed over ground (SOG). The IOT Operators assume that Humber VTS may only have visibility of SOG, not the more important STW. Using SOG, vessels moving against the current may still allow substantially higher speeds through the water with consequent risk to vessels alongside.

4.3 With regard to vessel movements to and from the IOT, the IOT Operators consider that there are unlikely to be any material concerns for its operations given that vessels bound for IOT berths will have typically reduced their speed to 5 knots or less prior to passing the location of the proposed IGET.

5 ADDITIONAL INFORMATION REQUIRED

5.1 The Applicant's responses and explanations to the above issues is required to inform the IOT Operators' position. In particular, the IOT Operators request that the Applicant:

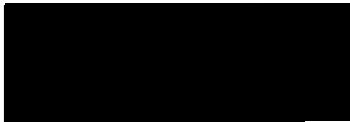
- (a) Expand the monitoring and response measures or controls for the identified breakaway hazard to address rapid occurring events, and a potential allision with IOT infrastructure or a moored IOT tanker;
- (b) Identify states of tide where risk controls will need to be enhanced in recognition of the vulnerability of the IOT;
- (c) Identify the minimum length of time between a breakaway event from the IGET to contact with IOT 3 or a vessel berthed there (and therefore the required minimum response time of tugs);
- (d) Provide specific risk control measures and actions in response to the identified breakaway hazard, including how those measures will be secured and enacted and at what point;
- (e) Assess the adverse effects on vessels at the IOT which might reasonably include an IGET vessel breakaway, including the ability for tugs to provide effective assistance to arrest a breakaway IGET vessel prior to significant consequences from contacting the IOT or a vessel berthed there;



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- (f) Provide a substantive quantitative analysis of current baseline congestion and appropriate modelling of future scenarios for the IGET, factoring in other proposed developments and reasonably anticipated increases in baseline traffic distributions set against resource availability (tugs, pilots, line boats, etc.), response time and vessel throughput; and
- (g) Clarify the maximum allowable safe passing speed through the water (STW) when passing the IGET and explain how that speed limit will be effectively applied and enforced for vessels passing the IGET, including how this will be implemented for vessels moving against the current.

5.2 The IOT Operators request that the Applicant respond to the issues raised in this letter in full to inform the need for or content of any submission made by the IOT Operators to the Examining Authority at Deadline 4. A response is therefore requested as soon as possible and at least prior to the publication of the second set of written questions on May 17 2024 to allow sufficient time.



Matt Dearnley

Terminal Manager

ASSOCIATED PETROLEUM TERMINALS (IMMINGHAM) LIMITED

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Deadline 4 Submissions
of the IOT Operators



Appendix 2 – Response Letter to APT regarding Navigation and Shipping Effects (22 May 2024)

May 2024

Mr. Matt Dearnley
Terminal Manager
Associated Petroleum Terminals (Immingham) Ltd.
Queen's Road
Immingham
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DN40 2PN

Dear Mr. Dearnley

Immingham Green Energy Terminal – concerns raised by IOT Operators

Thank you for your letter of 3 May, in which you have highlighted a number of concerns regarding the operation of ABP's proposed Immingham Green Terminal ("IGET") and how those operations could affect the Immingham Oil Terminal ("IOT"). ABP is grateful for our ongoing dialogue and is confident that the concerns can be fully addressed and resolved prior to the end of the DCO examination, ideally sooner.

One of the key features of the proposed IGET, which you will appreciate, is its very close similarity to the IOT in terms of its location adjacent to the main navigable channel of the Humber and its geometry and overall layout. This is no coincidence. The IGET jetty head is aligned to the same scoured deep sea channel on the approaches to the port as the IOT jetty heads. In terms of practical navigational effect, the IGET jetty head will function as if it were an additional berth on the IOT, albeit IGET will benefit from a greater separation distance from IOT berth 3 than the three IOT berths have from each other.

As a consequence, many of the operational procedures and processes required for the operation of the IOT will be directly applicable to the proposed IGET, both of which will be part of the Port of Immingham. The Immingham Dock Master and, insofar as relates to his own statutory functions, the Harbour Master, Humber are very familiar with those procedures and processes as, of course, are the IOT operators. The continued successful and safe operation of the IOT, including its 3 fronting berths operating in close proximity to each other, proves that the concept of a line of berthing heads tracking the scoured channel is a safe operational layout. There is no evidence that demonstrates or suggests that adding one additional jetty head in the form of IGET would render operations at IOT or IGET unsafe or somehow compromised to a risk level that is above ALARP. Compliance with the Port Marine Safety Code by the Port of Immingham and its Dock Master (and, of course, by the Statutory Conservancy and Navigation Authority for the Humber and Harbour Master, Humber) will secure that outcome.

We have addressed each of the concerns you have raised in your letter of 3 May 2024 below. Where we have taken the view that they relate to matters that are within the jurisdiction and responsibility of the Harbour Master, Humber, we have sought his guidance. Where this has been done, the letter reflects what we understand to be the Harbour Master's position based on that engagement with him and his team. A copy of this letter has therefore been passed on to the Harbour Master, Humber for his information.

Breakaway hazard

As statutory harbour authority for the Port of Immingham – which includes the IOT – the safety of vessels within our jurisdiction is ABPs primary responsibility. There is a clear, well-established and understood and collaborative process for ensuring safety within the estuary between the Harbour Master, Humber, VTS Humber, the Immingham Dock Master, and the operators of the IOT and other port users in the estuary; however statutory responsibility for vessels within the Port of Immingham including those moored at IOT and at the prospective new IGET jetty, remains squarely with ABP and the Immingham Dock Master.

As you know, the Immingham Dock Master works closely, and successfully, with the IOT operators to ensure that vessels are securely moored at the IOT. The same approach will apply to IGET. The risks of a breakaway at the IOT and how that risk is managed and mitigated and the emergency response plan to a breakaway is set out in ABP's Marine Safety Management System ("MSMS") for the Port of Immingham SHA. The Harbour Master, Humber has his own MSMS for the wider Estuary. The concern you expressed that weather and load monitoring alone are insufficient without actions based on thresholds being breached helps to demonstrate just how important the MSMS for the Port and the wider Estuary are, and how their iterative and adaptable nature is best suited and necessarily suited to the running of a busy and dynamic port environment. Again, the same approach and process will apply to IGET.

The primary reason why safety measures for IGET have not yet been specified is that these will be developed by the Immingham Dock Master (and, where relevant, the Harbour Master, Humber) in consultation with port users including the operators of the IOT, at a later date as a specific process to update the MSMSs for the Port of Immingham and the wider Estuary. The safety measures will be implemented as part of those systems in the usual way. Safe operating procedures and ongoing review of those procedures (and any other measures relating to them) will be subject to ongoing review as a matter of course within the ambit of the statutory responsibilities of those involved and in compliance with the Port Marine Safety Code, which expects port operators to seek consensus with port users.

The establishment of detailed mooring arrangement plans with vessels ahead of berthing on any berth within the Port of Immingham is a known and established process. It is an approach that is employed on berths where ABP has direct operational control and at IOT (where the Immingham Dock Master has operational oversight with IOT in operational control). The same approach will apply to IGET. The Immingham Dock Master will be upholding the high standards of safety that IOT operators already adhere to, and which are already in practice on riverside berths within the Humber at Immingham, and which are under the Dock Master's direct control. We accept that all reasonable measures should be adopted and do not disagree with any of the measures that IOT operators have proposed. These measures represent 'business as usual' for the Immingham Dock Master and simply reflect the legal duties that the Dock Master already has as opposed to being special measures sitting outside of the Dock Master's existing statutory remit and duty. The Port of Immingham has to operate safely and that is the Dock Master's remit.

Turning to paragraph 2.7, we note that IOT operators highlight their concern regarding the potential for a breakaway IGET vessel to come into contact with IOT or a vessel moored at IOT berths 1, 2 or 3. That is an existing risk with regards to IOT berths 1, 2 or 3. No accident of the type postulated (i.e. a breakout) has occurred and as explained above procedures are in place that manage that risk and reduce it to ALARP, consistent with the Port Marine Safety Code. The Yi Bao incident that is referred to at paragraph 2.11 was an uncontrolled departure and not a breakout in the true meaning of the expression. All manner of risks associated with operation of the IOT jetty exist already and are accepted by all users of the estuary, including the operators of IOT. They are carefully managed, particularly given that many thousands of vessels pass close to the IOT jetty every year. Risks of a vessel breaking away from IOT berth 3 on a flood tide, and alliding or colliding with infrastructure or vessels on IOT berths 1 and/or 2 or the reverse scenario of a breakaway from IOT berths 1 or 2 on IOT berths 2 and 3 respectively are known, addressed and reduced to ALARP in accordance with the Port Marine Safety Code process. They are, therefore, considered tolerable based on the control measures put in place by IOT's operators, the Immingham Dock Master and the Harbour, Master, Humber and observed by users of the facility and other vessels. ABP is committed to reviewing such procedures, in consultation with IOT and other port users, and employing them as appropriate at the IGET jetty together with any other measures that fall out of the risk assessment process. This will be done as a matter of course and simply reflects ABP's ongoing compliance with the Port Marine Safety Code.

Turning to your point on simulations, you observe that this work did not encompass the effects on vessels at IOT, in the event of an IGET vessel breakaway event. However, this was not a purpose of the simulations. The risks of a breakaway are a known phenomenon, as is the potential for a

breakaway vessel to make contact with nearby vessels or adjacent infrastructure. The Navigational Risk Assessment deals with such matters, alongside a working premise that steps will be put in place to address the potential for breakaway in exactly the same way as the issue is addressed with relation to the IOT jetty currently. This is entirely consistent with how such issues are dealt with by the Immingham Dock Master further to the process procedures and guidance set out in the Port Marine Safety Code. They are issues that will be resolved through the ongoing development of the Immingham MSMS to take account of the IGET berth as explained above. The simulations carried out, and in which you played a part, were aimed at demonstrating that the IGET jetty could operate safely and were completed to assist with determining the operational limits of such a facility in terms of vessel berthing/sailing. Further detailed work will be carried out in line with the Port Marine Safety Code by the Immingham Dock Master including consultation and engagement with the Statutory Conservancy and Navigation Authority, Harbour Master, Humber, yourselves and other port users, in order to establish a safe operating regime for the IGET, taking into account its proximity to, and relationship with the IOT and the river regime generally. There is no evidence that suggests that this arrangement will compromise IOT or that the process will not deliver the safe outcomes with IGET in place and operating at ALARP level. IGET will pose no greater risk to the IOT than existing operations at IOT.

Paragraph 2.10 addresses the topic of breakaway and how this risk was addressed at the HAZID workshop. We certainly apologise if the impression IOT Operators took away from the meeting was that 'the risk of breakout may be inappropriately minimised.' There was absolutely no intention to downplay this risk. The Harbour Master, Humber made the observation at the Hazard Workshop that the lack of a known breakout at IOT was down to management of risk through measures such as speed restrictions and alarms on mooring hooks rather than there being zero risk of it happening in the first place. This is true of any risk that is identified and once identified, is mitigated through identification of appropriate measures to avoid or reduce its occurrence. Indeed, the Harbour Master's comment mirrors your own statement in paragraph 2.11 that: "The IOT Operators consider that the reason for breakout not occurring for many years is due to the incremental implementation of stringent risk controls." We are therefore unclear why you should suggest that the Harbour Master's comment raises a concern that the risk of breakout might be inappropriately minimised. It is in no parties interest for a breakaway to happen, and the existing regime will ensure that such risk is reduced to ALARP. There is no reason to suggest that it will occur from IGET given that safe berthing, departures and mooring arrangements will be applied and implemented at IGET in accordance with the Port Marine Safety Code and MSMS, as described above.

Further, when using MarNIS to establish appropriate controls, both the Immingham Dock Master (and Harbour Master, Humber) will have the benefit of the work that has already taken place (and applied successfully) to establish safe operating procedures/reduce risks of break out at IOT to ALARP, and will be able to build on that as appropriate for the risks identified at IGET.

Congestion and Resourcing

IOT Operators' concerns regarding delay cover two main areas. Firstly, to address the congestion concern, marine traffic transiting the estuary to and from the Immingham area has been identified as a more generalised concept, and secondly a specific pinch-point at the Sunk Dredged Channel has been highlighted.

ABP's response to the Examining Authority's first written question Q1.11.2.2 concerning the potential for congestion as a result of the introduction of the IGET can be found at REP1-032 and we note that the Harbour Master, Humber also made submissions on this point in his responses to Q1.11.2.2 and Q1.11.2.6 and at paragraphs 10.9 to 10.12 of his Written Representation [REP1-100]. Congestion is simply not an issue that is supported by evidence and IOT has provided no evidence that suggests this issue needs to be examined further.

Furthermore, there is a huge variability in daily traffic volumes of ships of whatever type using the estuary and there is certainly nothing to suggest that congestion in the vicinity of IOT will be an issue moving forward; indeed, we note that IOT is not operating at full utilisation. It will be for the Statutory Conservancy and Navigation Board and, in particular, the Harbour Master Humber, to manage

whatever traffic movements there are on the river when IGET is operational, but our review of this matter indicates that the physical and temporal maneuvering restrictions within the estuary imposed for large/sensitive vessels will still be able to accommodate those movements associated with IGET without disrupting IOT's operations.

IOT operators have requested a 'quantitative analysis of current baseline congestion.' We note that the Harbour Master, Humber made it clear in his written submissions that there is currently ample spare capacity on the river. Indeed, one of the key defining benefits of shipping via the Humber are that its size as a large macro-tidal estuary means that large volumes of shipping can be safely accommodated within the estuary at any time. Furthermore, you will be aware that VTS Humber, whose services IOT benefit from on a daily basis, actively prioritise tidally restricted vessels when scheduling and managing vessel movements over those which can navigate at any state of the tide. It is precisely the ability of VTS Humber to employ a flexible and adaptive approach to vessel management that affords all estuary users the marine access that they currently enjoy and benefit from. Both the Harbour Master, Humber and VTS Humber know the characteristics of the ships that arrive and depart from IOT and that situation will not change. The strategic importance of the IOT to the national economy is well-known and there is no evidence that the IGET project will compromise that or represent a significant risk to what is acknowledged by ABP to be a facility of strategic national importance.

Turning now to the specific issue of resource allocation, we note that IOT operators are concerned regarding the provision of pilotage and tugs. Even 292 calls per year, as assessed on a precautionary basis in the ES, would sit well within the bounds of daily variation on the Humber, so pilotage resource allocation will not be adversely affected.

As regards the provision of towage services, we have previously replied on this matter to ExA first written question Q1.11.2.3(b) [REP1-032]. In simple terms the entire founding premise of the port and marine sector in the UK is that market forces dictate what infrastructure and services will be provided and where. Indeed, it is considered necessary for our ports and related services to exist in a state of competitive tension, a concept enshrined within the National Policy Statement for Ports. ABP cannot – nor would it seek – to influence towage provision on the Humber, simply because this is provided as a separate commercial service. If towage providers sensed that the supply of this service was insufficient to meet projected demand, then market forces would compel them, or indeed another competitive tug operator – to invest in more vessels to meet that additional demand. To separately intervene in this process, either as the operator of a port or overarching SHA for a waterway, or indeed via legal means embedded in a statutory instrument such as the draft development consent order, would be to distort a freely competitive marketplace and could quite possibly be considered to be anti-competitive.

Speed limits

The speed limit of 5 knots in the Humber Byelaws is set, and enforced, by the Statutory Conservancy and Navigation Authority and operates across the Humber Estuary as a whole. We recognise the distinction made by IOT Operators between speed through water and speed overground but, as far as we are aware, this has not been the subject of representations by IOT Operators to the Statutory Conservancy and Navigation Authority. As described above, in viewing the IGET jetty head as a fourth – albeit separated – jetty head to the IOT, it will be important to treat the IGET jetty head in exactly the same way – and with similar all-embracing safety considerations – as the IOT main jetty heads are. In so doing, the IGET jetty will benefit from the same levels of protection currently employed by IOT operators, which have proved satisfactory to date. The introduction of the IGET would not, of itself, be a reason to open up the question of whether the 5 knot speed limit needs to be examined or changed.

Additional Information Required

We note that the IOT operators have requested additional information, which is felt should enable a review of the above matters of concern. Addressing these requests in turn:

(a) Expand the monitoring and response measures or controls for the identified breakaway hazard

to address rapid occurring events, and a potential collision with IOT infrastructure or a moored IOT tanker;

The applicant is committed to ensuring that appropriate measures are in place which replicate the protections currently in force at the IOT. We would consider that such measures form part of our iterative approach to marine management espoused in our MSMS as explained above. To not do so would breach our duty of care under the Port Marine Safety Code.

(b) Identify states of tide where risk controls will need to be enhanced in recognition of the vulnerability of the IOT;

As explained above, assessment of appropriate risk controls which may well differ according to various states of tide will be assessed in accordance with the existing MSMS, and in compliance with the Port Marine Safety Code in the usual way so that safe operating parameters are established and reviewed on an ongoing basis, taking into account all relevant factors, just as they are for IOT.

(c) Identify the minimum length of time between a breakaway event from the IGET to contact with IOT 3 or a vessel berthed there (and therefore the required minimum response time of tugs);

Again, this risk already exists at the IOT jetty heads so it would be appropriate to adopt a similar timescale to that already used at the IOT jetty heads. In fact, as the IGET jetty head is further away from IOT 3 than the individual IOT jetty heads are from each other, using the IOT jetty minimum breakaway time and appropriate risk controls would represent a precautionary approach.

(d) Provide specific risk control measures and actions in response to the identified breakaway hazard, including how those measures will be secured and enacted and at what point;

As explained above, this will fall out of the further work to be done when setting safe operating parameters for IGET in advance of its operational use through review of the MSMS further to the Port Marine Code. However, one can surmise that the control measures would be the same, or very similar to, those already employed for that purpose at IOT.

(e) Assess the adverse effects on vessels at the IOT which might reasonably include an IGET vessel breakaway, including the ability for tugs to provide effective assistance to arrest a breakaway IGET vessel prior to significant consequences from contacting the IOT or a vessel berthed there;

A breakout has not previously occurred at IOT and there is no evidence that a breakout would occur from IGET. The risk of that occurrence at IGET be managed through the operating procedures that will be adopted at IGET and the MSMS for the Port of Immingham that will be updated to allow for the operation of IGET as part of the ongoing iterative process that applies to the MSMS as explained above including seeking consensus with all port users as advised in the Port Marine Safety Code. As indicated above the operational processes that will apply to IGET will be the same or very similar to those that apply to IOT and the risk will be the same for IGET as IOT noting that the separation of IOT berths 1 to 3 is less than the separation between IOT berth 3 and IGET

(f) Provide a substantive quantitative analysis of current baseline congestion and appropriate modelling of future scenarios for the IGET, factoring in other proposed developments and reasonably anticipated increases in baseline traffic distributions set against resource availability. (tugs, pilots, line boats, etc.), response time and vessel throughput;

This concern has been addressed above. In brief, it is considered that plenty of 'spare' marine capacity exists within the estuary and congestion is not an issue within the estuary as the Harbour Master, Humber and ABP has explained in their submission to the DCO Examination. The increase in vessel movements associated with the IGET jetty on a precautionary basis sits well within the bounds of daily variation and vessel movements within the estuary will continue to be managed by the Harbour Master, Humber as is the case at present.

(g) Clarify the maximum allowable safe passing speed through the water (STW) when passing the IGET and explain how that speed limit will be effectively applied and enforced for vessels passing the IGET, including how this will be implemented for vessels moving against the current.

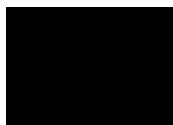
We refer you to the existing and long-standing measures contained in the Humber Estuary byelaws which already apply when jetties at Immingham are in use, including IOT and which will apply automatically to the IGET jetty.

In summary, therefore, regarding the important safety matters which you have raised, ABP highlights that it is both the applicant and SHA for the Port of Immingham. We therefore have a statutory duty to operate our harbour area in a safe manner and would consider that practices already in place at the IOT – and which are deemed appropriate to reduce the risk of an incident at the IOT to ALARP in line with the Port Marine Safety Code – can be directly deployed at IGET to achieve the same ALARP compliance in respect of the IGET. Port users are involved in the iterative development of our MSMS, in compliance with the Port Marine Safety Code, which necessarily adapts itself whenever new developments come online, or operational parameters change.

On the resource availability points, it is our opinion that sufficient resource and capacity exists on the Humber to absorb the additional vessels generated by the IGET, which comprises just one additional berth. As a port operator trading in a competitive environment, we would not presume to interfere with market forces on the provision of services which fall outside of our commercial orbit.

We look forward to working with you on the progression of these matters.

Yours faithfully

A solid black rectangular box used to redact the signature of Adam Varley.

Adam Varley
Project Development Manager