

# Able Marine Material Change 2 Application

Responses of C.RO Ports Killingholme Limited to Second Written Questions – **Submitted for Deadline 4 (1 February 2022)**

| ExQ2:   | Question To:     | Question:   | Response of C.RO Ports Killingholme Limited:   |
|---|------------------|---|--|
| <b>1. General &amp; Cross-Topic Questions</b> |                  |   |  |
| Q1.0.3  | App, C.RO, C.GEN | Re: ExQ1: 1.0.9, C.GEN's and C.RO's WRs [REP1-029 and REP1-030], and the C.GEN and C.RO SoCGs [REP1-013 and REP1-007] - acknowledging that the Proposed Changes do not involve any land-based development, please update the ExB regarding progress towards agreement on whether contextual masterplans are to be provided. | <p>Having regard to the Applicant's submissions at Deadlines 1 and 3, as well as C.RO's further submissions at Deadline 3, it is noted that this matter remains a point of difference between the Applicant and C.RO.</p> <p>C.RO recognises the spatial scope of the proposed material change application and also acknowledges that there is nothing to directly compel the Applicant to publish information related to existing or emerging masterplan proposals as part of the current Examination.</p> <p>However, C.RO remains of the opinion that the changes comprised within the current application must be capable of being considered holistically within the broader context of the intended development and use by the Applicant of other land comprised within the existing Order Limits. As has been stated in previous submissions, there already appears to be a complex and overlapping set of extant planning permissions authorising the alternative use and development of certain parcels of land within the Order Limits. There would also appear to be a high probability that further 'standalone' planning permissions will be sought by the Applicant in the short and medium term, although the scope and nature of any such development remains publically unknown.</p> <p>C.RO is therefore not clear on how it, or any other party, can properly understand the likely significance of any environmental effects capable of arising from the material change proposals, without the Applicant first providing details of its current and anticipated future proposals for the development and operation of land within its control, including that land within the Order Limits.</p> <p>C.RO therefore wishes to reiterate its view that the publication of a series of updated masterplans would enable the Examining Body ("<b>ExB</b>") and all other interested parties to consider the material change proposals on a holistic basis, and to enable a full understanding of the likely significance of any environmental effects – or at least to confirm the conclusions of the existing assessment undertaken by the Applicant.</p> |

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| <b>2. The Draft Amendment Order</b>           |                  |  |   |
| Q2.0.2  | App, C.RO, C.GEN | ExQ1: 3.0.3, C.GEN's and C.RO's WRs [REP1-029 and REP1-030], and C.GEN's and C.RO's SoCGs [REP1-013 REP1-007], please update the ExB regarding progress towards agreement on any modifications to protective provisions. | With reference to the detailed response provided to ExQ2 Q3.0.4 (see below), C.RO is satisfied that no further amendments are required in respect of the existing protective provisions included for C.RO's benefit at Schedule 9, Part 6 to the Development Consent Order (the " <b>Protective Provisions</b> "). C.RO considers that its existing Protective Provisions must continue to remain in full force and effect, alongside those existing further protections contained within Schedules 8 and 9 to the Order.   |
| <b>3. Operations &amp; Harbour Operations</b> |                  |  |   |
| Q3.0.1  | C.RO, ABP (HES)  | Re: ExQ1: 3.0.1, the Applicant's and C.RO's responses are noted. Are C.RO and ABP(HES) content with the Applicant's response?  | <p>C.RO's position remains that a vessel management plan must be utilised in order to ensure that construction and other vessel movements are controlled and that scheduled commercial traffic retains river priority.</p> <p>In this regard, C.RO is grateful for the Applicant's commitment (as set out in ExQ1 3.0.1) to implementation of the extant operational safeguards contained within the protective provisions included at Part 6, Schedule 10 to the DCO for the benefit of C.RO (see, for example, Para. 66(1) and (2) of the same).</p> <p>C.RO is therefore satisfied that the approach as outlined in the Applicant's response to ExQ1 3.0.1 provides sufficient protection for C.RO's existing and future operations.</p> |
| Q3.0.4  | App, C.RO        | Please report on the navigation simulation exercise carried out on 6 January 2022.   | C.RO confirms that the navigation simulation exercise referred to in Paragraph 3.5.6 of C.RO's Written Representation (Ref: REP1-030) took place as scheduled on 6 January 2022. From C.RO's perspective, the navigation simulation was a helpful and worthwhile exercise, providing clarification on the likely scenarios and effects, and C.RO is grateful for the Applicant's continued cooperation in this matter.  |

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|        |              |  | <p>A written report (dated 13 January 2022) summarising the conclusions of the navigation simulation exercise was provided to C.RO by the Applicant on 17 January 2022.</p> <p>Having now had an opportunity to review the report in detail, C.RO is satisfied that the contents of the report are an accurate reflection of the conduct and outcomes of the navigation simulation exercise. C.RO does not therefore wish to make any further representations in terms of the report itself.</p> <p>However, and irrespective of the interpretation of any empirical data which it is possible to extrapolate from the report in relation to the likelihood of the risk of interference between vessels using the proposed barge berth and those within the navigable approach channel to the existing C.RO facility, C.RO does wish to re-emphasise the fact that there remains a potential risk of interference in any future scenario associated with the proposed realignment of the barge berth. This is a fact borne out by the findings presented in the report, particularly where larger vessels would be arriving or departing from the realigned barge berth.</p> <p>In order to address and appropriately mitigate this risk, C.RO considers that its existing Protective Provisions must continue to remain in full force and effect, alongside those existing further protections contained within Schedules 8 and 9 to the Order. Within that context, C.RO is satisfied that the Applicant is obliged to carry out licensed activities in accordance with an approved vessel movement management plan, and that such a plan must as a minimum specify permitted manoeuvres for different types of vessels likely to use the barge berth and allow sufficient space to the north of the approach channel within which vessels arriving at or departing from the existing C.RO facility may travel.</p> <p>C.RO is also aware of other measures currently under consideration by the Harbour Master, including the potential deepening and widening of the Foul Holme channel, and which may in cumulation further mitigate the risk of future impacts. C.RO welcomes the steps taken in this respect to date.</p> |
| Q3.0.5 | C.RO         | Re: ExQ1: 3.0.5, what is C.RO's response to the technical data and modelling behind the Applicant's conclusion that there would be no additional construction vessel movements | Based on the information provided by the Applicant, and as matters currently stand, C.RO is satisfied that no further protections are required within the DCO in order to address any impacts related to construction vessel movements arising from the proposed material changes.   |

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|        |              | caused by the Proposed Changes.  | However, in the event that there is a reasonable prospect of additional construction vessel movements within the Humber Estuary and/or other reasonably foreseeable impacts on vessels accessing the C.RO facility, C.RO will seek to rely on the existing protections contained within Schedules 8 and 9 of the DCO. |
| Q3.0.6 | C.RO         | Does C.RO have comments on the alternative construction sequence proposed by the Applicant, now published at AS-007? | C.RO has no immediate concerns regarding the Applicant's proposals for alternative construction sequencing in this location.  |
| Q3.0.7 | App,<br>C.RO | Please report on any remaining concerns regarding potential rail operations which might benefit C.RO.                | C.RO has no remaining concerns in this regard, and is grateful for the Applicant's cooperation in addressing matters relating to ongoing rail operations which were previously of concern.  |