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Our ref: AM16/MJ11/62155.1/MINHI

Your ref: TR030007

6 July 2023

When telephoning please ask for: Alex Minhinick

Dear Planning Inspectorate

### **Immingham Eastern Ro-Ro Terminal DCO Application**

We continue to be instructed on behalf of Associated Petroleum Terminals (Immingham) Limited (“**APT**”) and Humber Oil Terminals Trustee Limited (“**HOTT**”) (together “**the IOT Operators**”) in relation to the application for a Development Consent Order (“**DCO**”) for the Immingham Eastern Ro-Ro Terminal (“**IERRT**”) by Associated British Ports (“**ABP**”).

We write with reference to the Examining Authority’s procedural decision dated 26 May 2023 and Rule 6 letter dated 20 June 2023.

### **Principal Areas of Disagreement Summary Statement**

As requested by the Examining Authority (“**ExA**”) in the procedural decision dated 26 May 2023, the IOT Operators have prepared and enclose a Principal Areas of Disagreement (“**PAD**”) Summary Statement which sets out a summary of the key concerns that the IOT Operators have in relation to the IERRT DCO application.

The PAD Summary Statement summarises various points including issues which have previously been set out in consultation responses, correspondence with ABP and in the IOT Operators’ relevant representation. Further detail on these concerns will be included in the IOT Operators’ written representation which will be submitted at Deadline 2.

A copy of the PAD Summary Statement has been provided to ABP separately.

### **Attendance at Hearings**

The IOT Operators note that the Preliminary Meeting, Issue Specific Hearing 1 (ISH1) on the draft DCO and Open Floor Hearing (OFH) have been listed for 25 July 2023 and Issue Specific Hearing 2 (ISH2) has been listed for 27 July 2023.

As ISH2 will cover shipping and navigation issues which is a key area of concern for the IOT Operators, the IOT Operators wish to attend in person and be heard orally at ISH2 on 27 July 2023.

The ExA will note that the draft DCO includes protective provisions in favour of HOTT. These have been reviewed by the IOT Operators and suggested amendments have been made to ensure that they adequately protect the IOT Operators’ interests. A revised version of the protective provisions has been provided to ABP and the IOT Operators are currently awaiting comments on the amendments.

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Classification: Confidential

In the absence of any meaningful update on the protective provisions before ISH1, the IOT Operators may also attend ISH1 on 25 July 2023 and wish to reserve the right to make oral submissions with regards to the drafting of the protective provisions. However, it is considered that most of the key principles from the protective provisions relate to shipping and navigation issues and would be more appropriately addressed during ISH2.

### Site Inspection

It is noted that the ExA will undertake a familiarisation site inspection on 26 July 2023 which includes visiting the Immingham Oil Terminal (“**IOT**”) jetty by water. The IOT Operators also consider that visiting the IOT jetty from land is crucial in being able to understand the IOT Operators’ concerns regarding the IERRT development. The IOT is a critical piece of operational infrastructure and Control of Major Accident Hazards (COMAH) facility which is in proximity to the proposed IERRT. It should be an essential part of any site inspection in order for the impacts of the IERRT on the IOT to be fully understood. We therefore invite the ExA to visit the jetty from land and water during the familiarisation site inspection.

The nature of the IOT jetty means that the most appropriate method to visit the site on land is via a minibus. Although it is possible to visit the site on foot, this will require personal protective equipment to be worn for health and safety reasons. The ExA are invited to liaise with the following representatives of the IOT Operators in order to make arrangements for the site inspection:

- Olly Smith      Email address: ██████████@[aptoil.co.uk](mailto:██████████@aptoil.co.uk)  
                            Phone number: ██████████
- Stephen Knott      Email address: ██████████@[aptoil.co.uk](mailto:██████████@aptoil.co.uk)  
                            Phone number: ██████████

The IOT Operators note that the ExA will hear no evidence as part of the site inspection.

Yours faithfully

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BURGESS SALMON LLP

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## ASSOCIATED PETROLEUM TERMINALS (IMMINGHAM) LIMITED

### Principal Areas of Disagreement Summary Statement

This Principal Areas of Disagreement Summary Statement is submitted on behalf of Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustees Limited (together the "IOT Operators") as requested by the Examining Authority in a letter dated 26 May 2023 in relation to the application by Associated British Ports ("ABP") for an order granting development consent ("DCO") for the Immingham Eastern Ro-Ro Terminal ("IERRT").

Date: 6 July 2023

PINS Ref: TR030007

The IOT Operators' key concerns in relation to the proposed development are:

- The risks presented by allision of vessels associated with the IERRT and the existing Immingham Oil Terminal (the "IOT"), which is critically important national infrastructure;
- The risks presented by collision of vessels associated with the IERRT and others within the Port of Immingham, including those accessing the IOT;
- The impact of the IERRT and the risks associated with it on the control of major accident hazard ("COMAH") safety case of the existing IOT;
- The impacts of the IERRT and vessels associated with it on tanker movements accessing the IOT;
- The adequacy of the Navigation Risk Assessment ("NRA") associated with the IERRT DCO application; and
- A lack of navigation information being provided by the applicant, ABP, despite requests from the IOT Operators to do so.

These are set out in more detail in the table below.

#	The principal issue in question	The brief concern held by the IOT Operators which will be reported on in full in the Written Representation	What needs to change, or be included, or amended so as to overcome the disagreement	Likelihood of the concern being addressed during Examination
1	Safety: Allision or contact between IERRT dredgers, construction vessels and Ro-Ro with infrastructure forming	The IOT Operators are concerned that allision or contact between dredgers or construction vessels and the IOT may occur during the construction phase of the IERRT.	The IOT Operators have suggested essential mitigation measures that should be delivered to overcome the disagreement on this issue. These measures are:	To be confirmed. The applicant has been provided with a revised set of protective provisions which would



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	<p>part of the Immingham Oil Terminal (IOT)</p>	<p>Furthermore, the IOT Operators are concerned that the increase in shipping traffic during the operational phase of the IERRT will increase the likelihood of Ro-Ro vessels making contact with IOT infrastructure.</p> <p>This is of particular concern during an ebb tide as any loss of power would result in a vessel drifting towards the IOT.</p> <p>This will have significant safety implications and will impact the IOT Operators' business. In particular it will cause substantial damage to the IOT jetty and the IOT Operators' equipment and infrastructure which will cause the IOT Operators business to cease for a significant period of time. It will also have substantial impacts on the Humber Refinery and the Lindsey Oil Refinery (the "Refineries") which rely on the IOT and may lead to shortages in national fuel supplies.</p>	<ul style="list-style-type: none"> <li>• <b>Relocation of IOT Finger Pier:</b> The relocation of the IOT Finger Pier (or at least berths 8 and 9) including all associated infrastructure to a suitable location. This should be delivered by the applicant at their cost in consultation with and with the approval of the IOT Operators. Construction and commissioning of the new finger pier should be undertaken prior to ceasing operations at the existing finger pier and prior to commencing construction of the IERRT.</li> <li>• <b>Vessel impact protection:</b> The provision of adequate vessel impact protection is considered essential to mitigate against the risk of allision or contact taking place with IOT Trunkway and IOT Finger Pier. The impact protection should be sufficient to protect the IOT and arrest errant vessels of the size and type proposed for the construction and operational phases of the IERRT. It should also account for the worst-case impact velocities including peak ebb tidal flow and strong winds. The impact protection should be designed to enable continued access to IOT infrastructure for operational maintenance. The detailed design of appropriate impact</li> </ul>	<p>address the IOT Operators' safety concerns. The IOT Operators are currently awaiting any comments on the revised protective provisions.</p>



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			<p>protection measures will need to be agreed with the IOT Operators. The IERRT infrastructure should also be designed to the same specification to ensure that allision with it by IERRT vessels does not result in impact with the IOT Trunkway.</p> <ul style="list-style-type: none"> <li> <b>Marine Liaison Plan:</b> The IOT Operators require the provision of a comprehensive Marine Liaison Plan detailing the IERRT's construction methodology and schedule of works. The plan should outline the need for the removal of conflicts between construction activity and the operations of the IOT. This may include exclusion zones for constructions vessels, priority access to the IOT finger berths during construction works, scheduling of potentially hazardous construction activities, attendance of safety standby tugs and/or workboats and weather limits. The approval of the plan should include engagement and agreement with the IOT Operators through regular meetings and approval of documents. The IOT Operators also consider that a draft plan agreed between the IOT Operators and the applicant should be submitted to the         </li> </ul>	



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			Examining Authority during the DCO Examination.	
2	Safety: Collision between IERRT, dredgers, construction vessels and Ro-Ro and tanker vessels using the IOT	<p>The IOT Operators are concerned that the increase in shipping movements due to the IERRT will increase the likelihood of collisions between tanker vessels using the IOT and vessels associated with the construction of the IERRT. The IOT Operators are also concerned that the IERRT substantially increases the future risk of collisions occurring due to the presence of Ro-Ro vessels and as there will be less space for vessels to manoeuvre in the vicinity of the IOT. This will affect tankers in transit and those moored at the IOT.</p> <p>This could lead to significant damage to tanker vessels which could have implications on human health and the environment as well as having a substantial impact on the IOT Operators' business which in turn may have impacts on the Refineries which rely on the IOT not only for feedstock import but export of refined products to other UK ports and may lead to shortages in national fuel supplies.</p>	The IOT Operators have suggested essential mitigation measures that should be delivered to overcome the disagreement on this issue. This includes the relocation of the IOT finger pier and the provision of a Marine Liaison Plan which are discussed in more detail above. The IOT Operators also considers that tanker movements should take priority over dredger vessels and IERRT Ro-Ro vessels and necessary controls should be introduced in the DCO to secure this.	To be confirmed. The applicant has been provided with a revised set of protective provisions which would address the IOT Operators' safety concerns. The IOT Operators are currently awaiting any comments on the revised protective provisions.
3	Safety: Impact on the IOT Operators' Control of Major Accident	The IOT Operators consider that the increase in shipping movements in the area and the increased likelihood of allisions,	The IOT Operators have suggested essential mitigation measures that should be delivered to ensure that there is no adverse impact on the IOT	To be confirmed. The applicant has been provided with a revised



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	Hazards (COMAH) safety case	contacts or collisions occurring during the construction and operational phases may have an impact on the IOT Operators' COMAH safety case. This impact would require additional expenditure to reduce this risk and the IOT Operators do not regard this as an expenditure that should be payable by the IOT Operators as a result of the IERRT.	Operators' safety case. This includes the relocation of the IOT finger pier, vessel impact protection and the provision of a Marine Liaison Plan which are discussed in more detail above.  The IOT Operators also consider that there should be continued engagement with the Health & Safety Executive throughout the DCO Examination to ensure that any other measures which are necessary to ensure there are no adverse impacts on the IOT Operators' safety case are delivered.	set of protective provisions which would address the IOT Operators' safety concerns. The IOT Operators are currently awaiting any comments on the revised protective provisions.
4	Safety: Unacceptable impact of the IERRT Development on tanker movements	The IOT Operators are concerned that the Ro-Ro vessels using the port during the operational phase will have implications on tanker movements. In particular, this will be an issue where tidal conditions are such that there is a clash between a tanker arriving or departing from the IOT (which is tidal constrained) and the scheduled arrival or departure of a Ro-Ro vessel.  Furthermore, the applicant has not confirmed whether the Ro-Ro vessels will be using tugs when arriving and departing. This could have implications on the availability of tug and pilot operations for tankers using the IOT's facility.  This will have unacceptable commercial implications on the IOT Operators' business	The IOT Operators consider that tankers should be given priority over Ro-Ro vessels in the vicinity of the IOT given tidal constraints on tankers arriving and departing from the IOT. The IOT Operators consider this could be achieved through protective provisions in favour of the IOT Operators.	To be confirmed. The applicant has been provided with a revised set of protective provisions which would address the IOT Operators' safety concerns. The IOT Operators are currently awaiting any comments on the revised protective provisions.



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		and will lead to other issues such as having a significant impact on demurrage.		
5	Navigation Risk Assessment (NRA): Use of appropriate policies / guidance documents, and incorrectly stated compliance	<p>Details of how policies and guidance documents (PMSC, IMO FSA guidelines and MCA MGN 654) are used in the NRA are not provided, and various aspects from different guidance documents are mentioned at various stages of the NRA.</p> <p>For example, there are several instances throughout the NRA where ABP state that they are in compliance with the PMSC.</p> <p>As part of this compliance, the PMSC mandates that the Port of Immingham and Humber Estuary Services' Marine Safety Management Systems (MSMS) are based on a robust NRA conducted, and regularly reviewed / updated, with stakeholder consultation.</p> <p>The risk assessment methodology deployed does not appear to be based on any published NRA methodology relating to UK marine safety and appears to be specific for the IERRT project.</p>	Provision of a check list confirming where the NRA is in compliance with guidance. This should be provided in a similar format to that provided in MCA MGN 654 <sup>1</sup> , which was produced as an aid for developers to confirm the guidance has been addressed within an Environmental Impact Assessment Report and/or Navigation Risk Assessment as required for development consent decision. The checklist provided should reference where in the NRA document the guidance is requirements are met.	Uncertain. On 19 May 2023 the IOT Operators requested that some missing NRA information should be provided to the IOT Operators. In correspondence dated 26 June 2023, the applicant noted that the additional information requested would not be provided. The IOT Operators' will continue discussions with the applicant regarding missing information and deficiencies with the NRA.
6	Navigation Risk Assessment: Quality	As part of the NRA, ABP conducted marine traffic analysis with the intention of gaining	Provision of detailed vessel traffic analysis specifically related to the area immediately	Uncertain. On 19 May 2023 the IOT Operators

<sup>1</sup> [MGN\\_654 Annex 6 MGN Checklist.docx \(live.com\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/114444/MGN_654_Annex_6_MGN_Checklist.docx)





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	<p>and detail of the vessel traffic analysis</p>	<p>an understanding of existing vessel activity within the study area and within proximity to the proposed development.</p> <p>Firstly, no quality checks on the AIS data appear to have been undertaken and data sources used throughout the NRA process are inconsistent.</p> <p>Secondly, the analysis is of inadequate quality / insufficient level of detail:</p> <ul style="list-style-type: none"> <li>- There are inconsistencies in vessel type classifications.</li> <li>- The analysis section has limited quantitative analysis across all vessel categories, specifically with regard to vessel movements in the immediate vicinity of the proposed development.</li> <li>- The plots do not include the proposed IERRT infrastructure making it difficult to understand how activity is related to the proposed development (despite being requested by the IOT Operators).</li> <li>- Several of the vessel track plots do not clearly show vessel activity in the vicinity of the proposed development and the density plot scale is incorrect.</li> </ul>	<p>adjacent to the IERRT should be provided based on data provided by the Humber Estuary Services Vessel traffic Services and Port of Immingham Local Port Service. This should include:</p> <ul style="list-style-type: none"> <li>- Consistence classification of vessels</li> <li>- IERRT Infrastructure</li> <li>- Intended passage plans and manoeuvring of IERRT vessels</li> <li>- Swept Path Analysis</li> <li>- Tidal velocity / direction analysis</li> <li>- Detailed incident analysis for ABP Humber data, National and International Ro-Ro impact data, and incidents involving Oil Terminals Marine Infrastructure.</li> </ul>	<p>requested that some missing NRA information should be provided to the IOT Operators. In correspondence dated 26 June 2023, the applicant noted that the additional information requested would not be provided. The IOT Operators' will continue discussions with the applicant regarding missing information and deficiencies with the NRA.</p>



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		<ul style="list-style-type: none"> <li>- There is no swept path analysis to provide context of sea room currently used by vessels berthing at the Finger Pier.</li> <li>- There is no tidal analysis for vessel manoeuvring within proximity to the proposed development.</li> <li>- There are several unsupported statements throughout the analysis section regarding vessel activity that is ruled out as being not of 'significant / particular concern'.</li> <li>- The incident analysis does not adequately provide context of incidents in the study area.</li> </ul> <p>Overall, the analysis provided does not offer a sufficiently clear, accurate or detailed understanding of shipping and navigation in the vicinity of the proposed development. The lack of quantitative analysis means that the NRA cannot be benchmarked to any guidance on standards of acceptability.</p>		
7	Navigation Risk Assessment: Port of Immingham's NRA	<p>There are three requirements for the Port of Immingham to have a robust NRA in place for the area covering the proposed IERRT development:</p> <ul style="list-style-type: none"> <li>- All ports are required to have undertaken an NRA in compliance</li> </ul>	Provision of the Port of Immingham NRA which covers the area of the IERRT and its approaches and benchmarking the IERRT NRA to this baseline document.	Uncertain. On 19 May 2023 the IOT Operators requested that some missing NRA information should be provided to the IOT Operators. In



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		<p>with the PMSC which informs the port's MSMS.</p> <ul style="list-style-type: none"> <li>- Risk assessments are required to determine the need and requirements of Pilotage and Vessel Traffic Services</li> </ul> <p>There is no indication from the IERRT NRA how the Port of Immingham NRA was used to inform the overarching methodology or baseline understanding of risk.</p> <p>The Port of Immingham's NRA could support fundamental aspects of the IERRT NRA, including defining:</p> <ul style="list-style-type: none"> <li>- Hazard type and categories associated with hazard likelihood / consequence.</li> <li>- Tolerability / acceptability is determined for hazards that have reached ALARP.</li> </ul>		<p>correspondence dated 26 June 2023, the applicant noted that the additional information requested would not be provided. The IOT Operators' will continue discussions with the applicant regarding missing information and deficiencies with the NRA.</p>
8	<p>Navigation Risk Assessment: IERRT design specifications or associated operations</p>	<p>NRA does not define clear / sufficiently detailed IERRT design specifications or associated operations.</p> <p>In order to assess the impacts on marine safety directly attributable to the proposed development, a clear description of the IERRT infrastructure and associated operations must be provided as part of the baselining exercise. This includes proposed</p>	<p>In order to assess the impacts on marine safety directly attributable to the proposed development, a clear description of the IERRT infrastructure (including design specifications such as vessel impact loadings, and associated operations) must be provided as part of the baselining exercise. This includes proposed vessel movements, design vessel specifications, sea room required,</p>	<p>Uncertain. On 19 May 2023 the IOT Operators requested that some missing NRA information should be provided to the IOT Operators. In correspondence dated 26 June 2023, the</p>



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		<p>vessel movements, design vessel specifications, sea room required, operational limitations, etc. This information is not clearly provided within the NRA.</p> <p>Additionally, the IERRT design does not include implicit impact protection (i.e. the ability for the IERRT infrastructure to withstand impact from errant vessels berthing at the facility). Therefore, it must be concluded that limited “implicit” designed-in impact protection to the IOT and IOT Trunk Way is provided by the IERRT structure. The assessment states that there is the potential for additional vessel impact protection for a section of the IOT Trunk Way but does not provide further details.</p> <p>The future baseline provided in the NRA does not consider all relevant or cumulative aspects:</p> <ul style="list-style-type: none"> <li>- The NRA considers a future baseline scenario timescale of 50 years which is unsuitable as it does not encompass the full life span of the project which is stated in the NRA to be ‘beyond the engineering design standard of 50 years’.</li> <li>- The baseline provided is generic and not specific to the immediate</li> </ul>	<p>operational limitations, etc. This information is not clearly provided within the NRA.</p>	<p>applicant noted that the additional information requested would not be provided. The IOT Operators’ will continue discussions with the applicant regarding missing information and deficiencies with the NRA.</p>



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		<p>region around the IERRT, therefore lacking important detail.</p> <ul style="list-style-type: none"> <li>- It is not clear how the impact of projected increases in vessel traffic is considered within the assessment of risk for future scenarios i.e. encompassing the full life span of the IERRT.</li> </ul> <p>Construction of other facilities such as Immingham Green Energy Terminal (IGET) are not considered, but should be.</p>		
9	<p>Navigation Risk Assessment: Definition of the level of risk associated with 'appropriate standards of acceptability'</p>	<p>The NRA does not document a suitable method for defining the level of acceptable risk associated with 'appropriate standards of acceptability' as required by the DfT PMSC<sup>2</sup> Section 2.7:</p> <ul style="list-style-type: none"> <li>- The risk matrix and tolerability matrices do not have a defined source.</li> <li>- It is understood from the NRA that ABP, as Duty Holder for Port of Immingham, have determined what level of risk is acceptable, although the level is not documented within the NRA. As such, it is not clear what level of risk would be</li> </ul>	<p>The IOT Operators require the NRA be undertaken with clearly defined and agreed standards of acceptability. The IOT Operators have previously provided to the applicant the standards of acceptability which they work to as a COMAH site under UK Health and Safety Executive regulations and which are agreed by the UK Health and Safety Executive.</p>	<p>Uncertain. On 19 May 2023 the IOT Operators requested that some missing NRA information should be provided to the IOT Operators. In correspondence dated 26 June 2023, the applicant noted that the additional information requested would not be provided. The IOT Operators' will continue discussions with the applicant regarding</p>

<sup>2</sup> [Port Marine Safety Code \(publishing.service.gov.uk\)](https://www.gov.uk/publishing/service.gov.uk)



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		<p>acceptable with the IERRT in place and operational.</p> <ul style="list-style-type: none"> <li>- Additionally, the standards of acceptability have not been agreed with IOT Operators or other stakeholders. The IOT Operators are a COMAH site and have HSE-imposed acceptability levels to risk, however, there is no indication that this has been considered in ABP's definition for standards of acceptability.</li> <li>- It is also not clear how the tolerability / acceptability of risk for hazards using ALARP has been defined, although reference is made to a tolerability workshop held by ABP (no minutes or details are provided) and Stakeholders were not consulted.</li> <li>- The categorisation of risk within the tolerability matrices (for which no source is provided) is ambiguously aligned with ABP's tolerability threshold. For example, there are instances in which medium and significant risks are considered tolerable but in the context of HSE standards of acceptability, would likely be unacceptable.</li> </ul>		<p>missing information and deficiencies with the NRA.</p>



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10	Navigation Risk Assessment: Consequence and frequency categorisations	<p>The NRA does not include the method used for defining likelihood (termed “frequency”) categorisation. No source of reference is provided, and the definitions have not been taken from the existing Port of Immingham NRA or the reference guidance documents presented / any other maritime guidance publications. Additionally, the definitions are not referenced to IOT COMAH Safety Plan likelihood classifications (which have been provided to ABP).</p> <p>The definitions used are qualitative and overly simplified, specific to the IERRT project and therefore subjective in nature, and do not allow a quantified/probabilistic basis for assigning the likelihood of a hazard occurrence. The likelihood definitions are also inappropriate to use across all stages of the project as there will be different timescales associated with the construction, construction/operation and operation phases of the IERRT.</p> <p>The ambiguous definition of likelihood allows for considerable flexibility in resulting risk scores, which could significantly underplay risk levels. Furthermore, the lack of quantitative definitions of likelihood means that the NRA cannot be</p>	<p>Update NRA consequences classifications to relate to ship collisions / allision with oil terminals.</p> <p>Update NRA likelihood / frequency classifications to a numerical basis.</p>	<p>Uncertain. On 19 May 2023 the IOT Operators requested that some missing NRA information should be provided to the IOT Operators. In correspondence dated 26 June 2023, the applicant noted that the additional information requested would not be provided. The IOT Operators’ will continue discussions with the applicant regarding missing information and deficiencies with the NRA.</p>



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		benchmarked to any guidance on standards of acceptability.		
11	Navigation Risk Assessment: Calibration of risk appetite	<p>Prior to conducting the IERRT NRA, tolerability and ALARP levels applied to the risk assessment should have been determined through consultation with relevant stakeholders. This ensures that all appetites for risk are considered when setting acceptable risk levels / tolerability thresholds i.e. calibrating the risk appetite. Alternatively, tolerability and ALARP levels for the IERRT could have been based off those established as part of the Port of Immingham's MSMS in which the risk appetite should have already been calibrated with stakeholders in the region of the proposed development.</p> <p>A fundamental issue within the NRA is that ABP have only calibrated the assessment against their own risk appetite levels (with no reference to accepted maritime guidance provided). In doing so, they have not used the existing level established by ABP operationally for other PMSC NRAs in the area, and they have not considered the risk appetite of stakeholders. This means that they have not considered IOT as a top tier COMAH site or incorporated their highly detailed and developed risk management</p>	Provision of a defined process for calibrate of risk appetite to include consultation with key stakeholders.	Uncertain. On 19 May 2023 the IOT Operators requested that some missing NRA information should be provided to the IOT Operators. In correspondence dated 26 June 2023, the applicant noted that the additional information requested would not be provided. The IOT Operators' will continue discussions with the applicant regarding missing information and deficiencies with the NRA.





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		policies / procedures into the IERRT NRA's tolerability and ALARP levels.		
12	Navigation Risk Assessment: Practicability and CBA methodology for risk control measures	<p>In the IERRT NRA, the measure of practicability of risk control measures is not clear and is not directly related to what is considered tolerable. A cost-benefit analysis (CBA) should inform whether measures taken to reduce risk are reasonably practicable.</p> <p>There is discussion of a CBA throughout the NRA but there is no detail describing the methodology and process used, nor the outcomes of the CBA exercise, including the anticipated costs (quantitatively, or even qualitatively) and how these have been used to determine what could be considered practicable. It is therefore concluded from the NRA that the judgement on CBA and tolerability is subjective and determined solely by ABP as developer of the IERRT.</p>	Provision of detail on how the CBA process was undertaken.	Uncertain. On 19 May 2023 the IOT Operators requested that some missing NRA information should be provided to the IOT Operators. In correspondence dated 26 June 2023, the applicant noted that the additional information requested would not be provided. The IOT Operators' will continue discussions with the applicant regarding missing information and deficiencies with the NRA.
13	Navigation Risk Assessment: Identification, specification and application of further risk controls	The IERRT NRA considers a number of further risk control measures that are either very similar to each other or very similar to embedded risk control measures (i.e. those measures that are currently in place for the management of navigation risk in the area).	<p>Review the further risk control measures provided in the NRA and provide a consolidated list, which cannot be considered as embedded measures. Where further control measures are included, details should be provided related to:</p> <ul style="list-style-type: none"> <li>- Specification and rough order of magnitude cost of the measure</li> </ul>	Uncertain. On 19 May 2023 the IOT Operators requested that some missing NRA information should be provided to the IOT Operators. In correspondence dated



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		<p>Additionally, some effective further risk controls have prematurely (and without justification) been discontinued through to the residual risk assessment. Specifically, the proposal to relocate the Finger Pier by the IOT Operators was identified as a highly effective risk control and listed as a “very substantial” control measure during hazard workshops and in the NRA as it eliminates the risk completely. However, it has not been carried through to the residual risk assessment and was prematurely deemed “not reasonably practicable” with no justification or consultation with IOT Operators.</p> <p>Impact protection for a portion of trunk way south of the Finger Pier was also identified as a further risk control, however, the measure does not provide protection against collision of an IERRT vessel with a tanker or barge berthed at the IOT Finger Pier, nor collision with the finger pier itself. The impact protection risk control was also not considered a requirement within the NRA, and instead the decision for its construction has been given to the Harbour Master for the Port of Immingham. This decision has been made with no justification.</p>	<ul style="list-style-type: none"> <li>- Whether the measure is critical to mitigating any unacceptable risk to tolerable levels</li> <li>- Whether the measure is included or not due to either, meeting or not meeting, the ALARP test.</li> <li>- Clear commitment from the project on accepting and taking the measure forward as part of the development.</li> </ul>	<p>26 June 2023, the applicant noted that the additional information requested would not be provided. The IOT Operators’ will continue discussions with the applicant regarding missing information and deficiencies with the NRA.</p>



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		<p>Overall, the identification, specification and application of further risk controls proposed by the IERRT NRA is difficult to understand and inconsistent. The justification for which further controls are adopted is also unclear and not documented.</p>		
14	<p>Navigation Simulation Studies: Accuracy of tidal modelling</p>	<p>Strong tidal flow around the IOT Finger Pier will be altered by the proposed dredged area of IERRT and the proposed infrastructure itself may further impact what is currently experienced.</p> <p>The tidal flow direction was also the subject of much debate during hazard workshops, with concerns raised that the directions simulated were not representative.</p> <p>The accuracy of tidal modelling is specifically important to the project as spring ebb tide is seen as the main challenge for all IERRT Berths, especially 2 and 3. In a strong (4 knot) ebb current, vessels arriving and departing all Berths will experience a significant reduction in manoeuvrability due to the reduced effectiveness of the ship's thrusters and tugs in the strong tidal flow.</p>	<p>Provide details on the tidal flow data collected following the concerns raised during hazard workshops.</p> <p>Undertake simulations with tidal flows updated to reflect the impact the infrastructure and dredged area has on vessels bound to and from IERRT and IOT Finger pier.</p>	<p>Uncertain. On 19 May 2023 the IOT Operators requested that some missing NRA information should be provided to the IOT Operators. In correspondence dated 26 June 2023, the applicant noted that the additional information requested would not be provided. The IOT Operators' will continue discussions with the applicant regarding missing information and deficiencies with the NRA.</p>



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15	Navigation Simulation Studies: Falsely Sterile conditions	<p>Simulations are conducted in a sterile environment with the use of highly experienced, senior Pilots and Masters operating in a well-rehearsed, simulated environment. Simulation is a valuable tool in ship manoeuvring and bridge team training, but lacks dynamic variations associated with day-to-day operations of vessels, including having no other moving traffic, external time pressures, or the unpredictability and distractions regularly experienced on the bridge of a ship in a busy, fast flowing river like the Humber.</p> <p>Note that there was agreement from HRW and ABP Humber during hazard workshop three that the proposed IERRT design presents a challenging berthing scenario which would require careful planning and meticulous manoeuvring, especially in strong tide and/or wind.</p> <p>Simulations effectively indicate what may be possible in a sterile environment, not necessarily that it can be done safely time and time again, therefore can provide an inaccurate representation of risk.</p>	Undertake simulations with less experienced bridge teams as would be navigating vessels bound to and from IOT Finger Pier and clearly define the parameters of safety for vessels arriving and departing IERRT.	Uncertain. On 19 May 2023 the IOT Operators requested that some missing NRA information should be provided to the IOT Operators. In correspondence dated 26 June 2023, the applicant noted that the additional information requested would not be provided. The IOT Operators' will continue discussions with the applicant regarding missing information and deficiencies with the NRA.
16	Navigation Simulation Studies: Inaccurate representation of risk	Despite the simulations demonstrating that the modelled vessels are technically able to berth / depart IERRT, it was highlighted that	Update the simulation report findings to specifically relate to the simulations undertaken.	Uncertain. On 19 May 2023 the IOT Operators requested that some



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		<p>there are significant vulnerabilities, especially in reduced margin for error when considering the variabilities that real world / future scenarios will introduce. This includes commercial pressure, additional traffic, limited availability of the specific size and type of tugs required, time pressures, vessel sizes and marginal weather (e.g. reduced visibility or peak wind gusts).</p> <p>The presence of IERRT would also introduce significant additional navigational risks to existing IOT infrastructure downstream of the development and to vessels alongside Immingham Eastern Jetty.</p>		<p>missing NRA information should be provided to the IOT Operators. In correspondence dated 26 June 2023, the applicant noted that the additional information requested would not be provided. The IOT Operators' will continue discussions with the applicant regarding missing information and deficiencies with the NRA.</p>
17	Navigation Simulation Studies: Findings	<p>For simulations undertaken for tankers bound to and from IOT Finger Pier in a wind between S'ly and WNW'ly, the presence of a ship on IERRT Berth 1 would provide a sheltered approach to / departure from IOT Finger Pier Berth 8 and 9. This means that a tanker would not have time to 'balance' the forces of wind and tugs during these manoeuvres before suddenly becoming exposed to the full force of the wind when too close to abort. This will lead to tankers having heavy landings on the IOT Finger Pier Berth 8 and 9 with significant likelihood</p>	<p>Update the simulation report findings to specifically relate to the vessels simulated.</p>	<p>Uncertain. On 19 May 2023 the IOT Operators requested that some missing NRA information should be provided to the IOT Operators. In correspondence dated 26 June 2023, the applicant noted that the additional information requested would not be provided. The IOT</p>



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		<p>of damage to the jetty and ship, resulting in downtime of IOT operations. The conclusion made by HRW that navigation to and from berth 8 is not adversely affected, is therefore not justifiable.</p> <p>The simulations demonstrated that operations were technically feasible on a well-designed and well-resourced ship, with propulsion equipment operating at 100% capacity for extended periods of time and minimal margin for error or redundancy. However, no guarantees are provided to ensure all vessels likely to use IERRT during its lifetime are so well resourced. Therefore, the general statement that 'the proposed berths are acceptable for safe manoeuvring of a 240m long RoRo vessel', is limited to the vessel simulated.</p>		<p>Operators' will continue discussions with the applicant regarding missing information and deficiencies with the NRA.</p>