

National Infrastructure Planning
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Our Ref
ABT/ADW/204604.0001
Date
21 July 2023

Dear Sir or Madam

Immingham Eastern Ro-Ro Terminal DCO Application: letter in response to ISH1 and ISH2 agendas

1. ISH1: attendance

We act for DFDS Seaways (DFDS). We are writing to confirm our attendance to Issue Specific Hearing 1 on Tuesday 25 July. The following people intend to attend in-person:

- Angus Walker, Partner at BDB Pitmans, acting for DFDS
- Ally Temple, Solicitor at BDB Pitmans, acting for DFDS
- Andrew Byrne, Managing Director at DFDS
- Emma Leam-Saville, Director of Border Operations, DFDS

2. ISH1: the draft Development Consent Order (dDCO)

We note that in the Applicant's 6 July submission they intend to submit a new version of the dDCO. If this is not made available on the PINS website by this Friday 21 July (or if it is available by then and has extensive changes) we would prefer to use and refer to the current version of the dDCO as otherwise there will not be sufficient time to analyse the changes.

3. ISH2: attendance and participation

We confirm that we will attend the ISH2 Hearing on Thursday 27 July. The following people will attend:

- Isabella Tafur, Counsel for DFDS (in-person)
- Angus Walker, Partner at BDB Pitmans, acting for DFDS (in-person)
- Ally Temple, Solicitor at BDB Pitmans, acting for DFDS (in-person)
- Andrew Byrne, Managing Director at DFDS (in-person)
- Emma Leam-Saville, Director of Border Operations at DFDS (in-person)

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- Matt East, Executive Advisor at GHD, special representative for DFDS (in-person)
- Jesper Hartvig Nielsen, Head of Fleet Management, DFDS (in-person)
- Graham Bishop, Deputy King's Harbour Master, Portsmouth Naval Base, and Maritime Consultant, MoD, special representative for DFDS (virtually)
- Jonathan Bush, Maritime Pilot and Maritime Consultant, special representative for DFDS (virtually)
- Kim Carlsson, Captain Scandia Seaways, DFDS (virtually)

Of those attendees, the following may participate at **Agenda Item 3. Effects on landside transportation and effects for existing occupiers of the Port of Immingham unconnected with navigation and shipping:**

- Isabella Tafur
- Angus Walker
- Andrew Byrne
- Emma Leam Saville
- Matt East

Of those attendees, the following may participate at **Agenda item 5. Navigation and Shipping effects:**

- Isabella Tafur
- Angus Walker
- Jesper Hartvig Nielsen
- Graham Bishop
- Jonathan Bush
- Kim Carlsson

Any of the above may participate at **Agenda Item 6. Any other Business**

4. ISH2: requests to cross-question

Further to the requests to participate orally at ISH2 and as heralded in our relevant representation, we also now request that we are able to cross-question two of the Applicant's witnesses. This is to allow adequate testing of the Applicant's representations, as it is not clear whether the Applicant's case is supported by these witnesses.

First, we request cross-questioning the Harbour Master of the Humber, Captain Andrew Firman. We note that you have invited the Dock Master for the Port of Immingham, but as the Dock Master's remit does not extend to the Humber Estuary or the site of the Proposed Development, we would like to the chance to question the Harbour Master on issues of navigational safety if he is in attendance.

We would also like to cross-question HR Wallingford, the author of the Applicant's navigational simulation studies which the Applicant relies on for the Proposed Development, and the concerns over which we have pointed out in our Relevant Representation and PAD Summary Statement.

We would be grateful if the panel can confirm that both Captain Andrew Firman and representatives from HR Wallingford will be available to be cross-questioned on the agenda item of Navigation and Shipping Effects. As the subjects on which we make these cross-questioning requests go to the heart



of our safety concerns, we request that 30 minutes may be allocated each to the cross-questioning of the Harbour Master and the author of the navigational simulation study.

5. ISH2: topic allocation

Having now seen the agenda for ISH2, we remain concerned, as expressed previously, that the many issues relating to navigation and shipping effects of the Proposed Development have not been allocated sufficient time to be fully explored, and we therefore request that another hearing dedicated to navigation and shipping effects is allocated within the examination timetable.

Yours faithfully

BDB Pitmans LLP

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