

IMMINGHAM EASTERN RO-RO TERMINAL DCO APPLICATION

PINS REFERENCE TR030007

SUMMARY OF CASE MADE AT ISH2 BY DFDS

1 Introduction

- 1.1 This document is a summary of the case that DFDS Seaways plc (DFDS) made at Issue Specific Hearing 2 that took place on 27 July 2023. As with our case summary of ISH1, we have italicised points that DFDS consider as new, expressed in more detail than previously or react to responses from the ExA or other parties.

2 Agenda Item 2: Need for the Proposed Development

- 2.1 DFDS does not object to the proposed development, in principle, subject to satisfactory resolution of its serious concerns about the Project's impact on navigational safety and shipping operations and capacity in the Port of Immingham, and the impact on the landside dock, road infrastructure and local community to cope with the additional traffic generated by the development.
- 2.2 *In response to the ExA's request that CLdN share freight data, DFDS agreed to share data relating to its own freight volumes for Deadline 2 (noting that July would not be a representative month as it is a holiday period in Scandinavia).*
- 2.3 *In response to questions about the Applicant's and CLdN's "dwell times" DFDS explained that the routes of its carriers are different to those of the Applicant and CLdN and carry a range of cargo, both slow and fast-moving and dwell times vary from 1 – ½ days for perishable items to nearer 3 days for non-perishable items.*

3 Agenda Item 3: Effects on landside transportation and effects for existing occupiers of the Port of Immingham unconnected with navigation and shipping

- 3.1 DFDS is of the view that traffic data collected by the Applicant between September and November 2021 is from a period that is unrepresentative, as international trade was still suppressed following the pandemic. DFDS has used its own set of data from historical sources and site surveys undertaken in 2022 which highlight that the volume of traffic is higher than in the Transport Assessment. *DFDS agreed to provide this data to the ExA and the Applicant with an accompanying commentary on the points of difference (see separate Action Point 11 response).*
- 3.2 *In response to the Applicant's presentation of the split between accompanied and unaccompanied units, DFDS questioned the premise of the Applicant's figures and explained*

that additional driver-accompanied units would influence peak hour traffic volumes especially on the proposed route outside the East Gate.

- 3.3 *DFDS identified their disagreement of the East versus West Gate distribution utilised within the Applicant's Transport Assessment. DFDS identified that traffic is more likely to come in via the West Gate and transverse the Dock Estate as facilities for truck drivers are by the West Gate. DFDS agreed to provide an explanation of its disagreement (see Action Point 12 response).*
- 3.4 *DFDS further explained that the proximity to the dual carriageway, driver facilities and refuelling makes entering the West Gate easier and more attractive, even if there is further to drive inside the port. DFDS feel that there will be capacity constraints at the West Gate and with the Proposed Development operators would have to put up with that unless driver behaviour changes.*
- 3.5 *DFDS agreed to work with CLdN and the Applicant to agree a ratio for accompanied and unaccompanied freight (see update in Action Point 14 response) and define a methodology for determining distribution levels between the East and West Gate with consideration of sensitivity analysis (see update in Action Point 15 response).*
- 3.6 There are five junctions DFDS has identified as being at over-capacity in the operational year 2032 if using more realistic base-line data than in the Transport Assessment and forecasts increased congestion as a result at the following:
- 3.6.1 *A160 Humber Eastfield Road;*
- 3.6.2 *A160/ A1173 Manby Road;*
- 3.6.3 *A1173 Kiln Lane Roundabout;*
- 3.6.4 *A1173 new site access roundabout to the Stallingborough Interchange; and*
- 3.6.5 *A180/ A1173 Roundabout.*
- 3.7 *DFDS noted it had not been invited to the Transport Assessment Group, and agreed to share its modelling of these junctions with the Applicant and to engage in a structured dialogue with the Applicant that would cover baseline data, updated data, how data changes would affect assumptions made and if changes are made how these will be reported within a revised Transport Assessment (see Action Point 17 response).*
- 3.8 *DFDS agreed with CLdN that the Transport Assessment does not allow for daily peaks in its assessment and therefore is unrepresentative. DFDS agreed with CLdN that this would influence the terminal capacity assessment which has not been evidenced within the current Transport Assessment.*

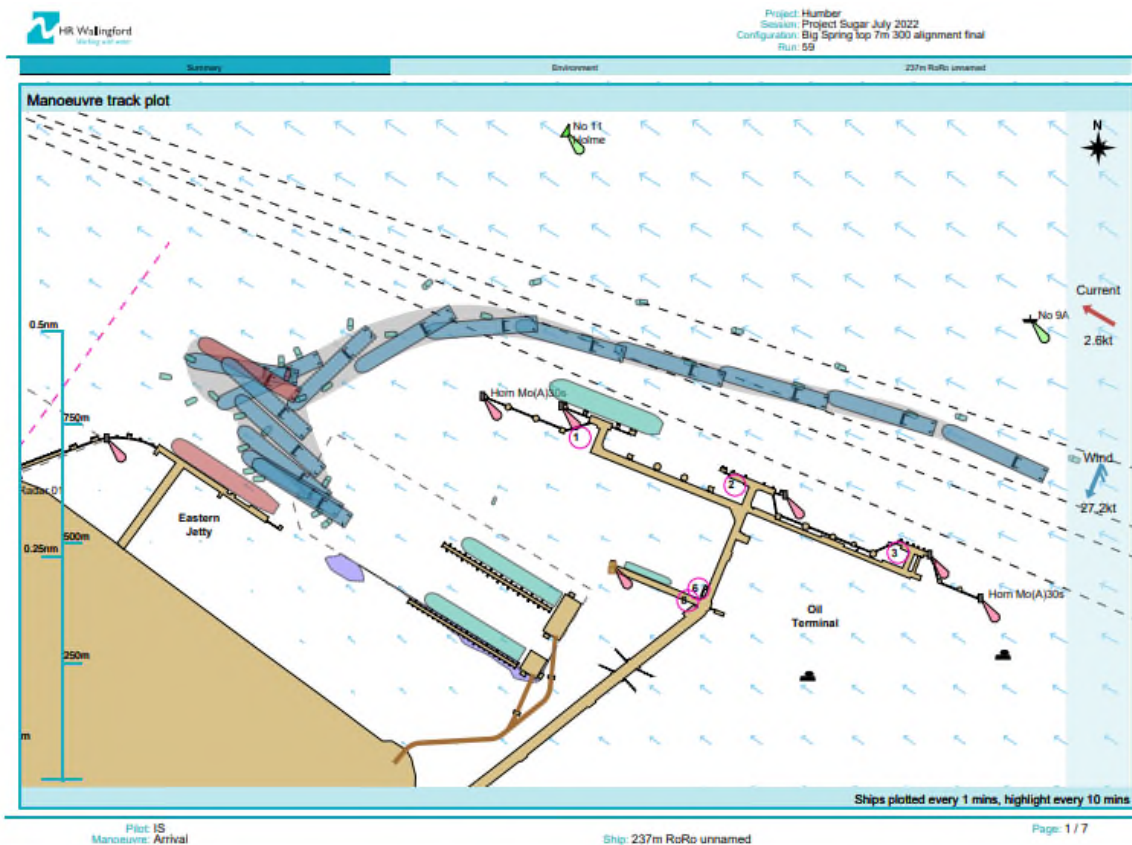
4 Agenda Item 4: Any effects for the integrity of the Humber Estuary Special Area of Conservation, Special Protection Area and Ramsar site (the designated sites)

- 4.1 DFDS had nothing further to add to its previously submitted relevant representation on this agenda item.

5 Agenda Item 5: Navigation and Shipping Effects

- 5.1 *DFDS responded to the Applicant's point that the National Policy Statement for Ports ('the Ports NPS') does not require a Navigational Risk Assessment ('NRA') pointing out that Section 4 of The Planning Act 2008 requires the Applicant to have regard not just to the Ports NPS but to appropriate marine policy documents which include the UK Marine Policy Statement and the East Inshore and Offshore Marine Plans and which contain policy on the importance of ensuring navigational safety.*
- 5.2 DFDS outlined its operations and how it will be disproportionately affected due to its high number of vessel movements.
- 5.3 *DFDS described an incident, not included in DFDS's relevant representation, where a loaded tanker (the Selin S) departed from Immingham Oil Terminal and collided with or was involved in a very near miss with a buoy in the very location of the berths included in the Proposed Development. ABP did not inform stakeholders of that incident at subsequent HAZID workshops and simulations and to date, despite several requests, has not yet provided any details of this incident.*
- 5.4 DFDS has engaged positively with the Applicant, arranging meetings at the highest level with ABP and engaging with the Harbour Master over safety concerns. Despite these efforts, DFDS retains fundamental concerns that the Applicant has failed to properly assess or appropriately mitigate the impact of the Proposed Development on the Port's safe and efficient operations and to proceed with the development would pose unacceptable risks.
- 5.5 On safety, DFDS remains of the view that the Applicant's NRA and simulations that inform it are not fit for purpose. In respect of the NRA, DFDS's concerns include:
- 5.5.1 use of mixed methodologies, incorporating elements of the Maritime Coastguard Agency's (the "MCA") MGN 654 Annex 1 'Methodology for assessing marine navigational safety and emergency response risks of [Offshore Renewable Energy Installations] OREIs'. This risk assessment methodology is intended for offshore renewable energy installations. The Port of Immingham is controlled by the statutory and competent harbour authority. The use of the OREI methodology is not appropriate;
- 5.5.2 the NRA should have been based exclusively on the Port Marine Safety Code. The Applicant's own green energy terminal (the IGET) uses the Port Marine Safety Code ('PMSC') methodology which it describes in it is PEIR as 'best practice' and DFDS is of the view that should have been adopted here;
- 5.5.3 the PMSC and OREI produce difference outputs, one quantitative and one qualitative; the results are not transparent and they do not allow the reader to interrogate the conclusions as to the tolerability of risk; and
- 5.5.4 the NRA uses inappropriate wind data from Humberside Airport, 15km inland and not representative of conditions at the proposed location of the IERRT, rather than ABP's own data from the Immingham Dock Marine Control Centre and the Stone Creek Radar mast.

- 5.6 DFDS was asked by the ExA to respond on the Applicant's point that the methodologies are not mixed but are drawing on the HAZID process that is recommended in the annex of the OREI. DFDS questioned whether the OREI is the most appropriate methodology for a port when it is intended for offshore installations. DFDS explained the different outputs of these methodologies, and so the use of both in the NRA is confusing and means it is unclear how the NRA is producing its conclusions. Pursuant to Action Point 32, DFDS will commission and submit at Deadline 2 its own NRA that will use the PMSC methodology exclusively and highlight the differences with the Applicant's approach.
- 5.7 DFDS stated its concerns about tidal direction data in the simulations. The use of Applicant's buoy landward of the IOT is not disputed as DFDS have no data from this area, but the tidal direction seaward of the IOT is represented differently in the simulations to the practical experience of DFDS PEC (Pilot Exemption Certificate) holders. DFDS have suggested the Applicant takes a new reading north of the IOT as this affects vessels starting north of the IOT and their manoeuvres into these berths. The tidal direction makes a difference in how a pilot would approach the new berths, and the current could take a vessel on or off the IOT. DFDS have repeatedly raised concerns that the tidal data does not align with the experience of its pilots or with the Applicant's own guidebook. DFDS have also tried to engage with the Harbour Master expressing concerns about tidal data.
- 5.8 The ExA displayed Run 59 of the simulations in [APP-091](#), one of the runs which was aborted. DFDS explained that the current grabs the stern of the ship; control of it has been lost and it is very close to hitting something.



- 5.9 *In response to the ExA's question as to what would happen on Run 59 in the real world, DFDS made the point that a simulation can be stopped, but in the real world you would need to try and rescue the ship from being out of control and it would be a dangerous situation. DFDS explained the movement of the tugs in the simulation run.*
- 5.10 *DFDS pointed out that if the 'aborts' were added to the 'fails' they would total 26% of the simulations, which DFDS still contend is an underestimate because of overreliance on bow thrusters and the unrealistic abilities of tugs.*
- 5.11 *DFDS responded to the Applicant's earlier submission on governance arrangements: the PMSC identifies a 'duty holder' as the person accountable for marine safety within an organisation. However, it recognises that most duty holders will be business leaders without a marine safety background and so another individual, known as a designated person with a marine safety background will need to be appointed to advise the duty holder. In this case, it is noteworthy that the designated person did not attend any of the HAZID workshops or risk assessment meetings at which relevant stakeholders raised their concerns.*
- 5.12 *Returning to comment on Run 59 DFDS said any analogy with reverse parking a car was inappropriate as with a car you can put the brakes on and stop whereas with tidal currents and wind a vessel is constantly moving. In reference to Run 59, DFDS explained that in this manoeuvre a flood tide set the vessel to the north away from the berth if the simulation of the current was correct.*
- 5.13 *Using maximum power with a bow thruster, as was done in Run 59 and many of the other simulations, is not a safe manoeuvre as it leaves nothing in reserve. Thrusters are to fine-tune, not to complete the manoeuvre itself.*
- 5.14 *In terms of practical suggestions for narrowing safety issues DFDS submits that:*
- 5.14.1 *The HAZID workshops and simulations should be re-run across all three berths using data that can be agreed between the stakeholders;*
- 5.14.2 *The Applicant should produce a fresh NRA exclusively following the PMSC methodology and informed by a more thorough analysis of tidal and wind data;*
- 5.14.3 *Depending on the outcome of those simulations and assessments it may be necessary to consider:*
- (a) *Fewer berths;*
- (b) *A different location; and*
- (c) *The relocation of the finger pier.*
- 5.14.4 *There should be a proper commitment to protection of the trunkway as mitigation which is not conditional for the safety of all users of the Port; and*

5.14.5 *The Applicant should carry out a proper assessment of the impact of congestion on the operation of the port, informed by stakeholder engagement which was offered by the Applicant but never held.*