

# IMMINGHAM EASTERN RO-RO TERMINAL



Applicant's Response to the ExA's  
First Written Questions

Deadline 2, Date: 5 September 2023  
Document Reference: 10.2.21

PINS Reference – TR030007

September 2023

**Document Information**

<b>Document Information</b>		
<b>Project</b>	Immingham Eastern Ro-Ro Terminal	
<b>Document Title</b>	Applicant's Response to the ExA's First Written Questions	
<b>Commissioned by</b>	Associated British Ports	
<b>Document ref</b>	10.2.21	
<b>Prepared by</b>	IERRT Project Team	
<b>Date</b>	<b>Version</b>	<b>Revision Details</b>
05/09/2023	01 Deadline 2	Submitted at Deadline 2

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## Contents

1.	Purpose of this document	4
2.	Broad, General and Cross-Topic	5
3.	Compulsory Acquisition, Temporary Possession and other Land Rights Considerations	21
4.	Climate Change	22
5.	Draft Development Consent (dDCO)	28
6.	Historic Environment including Marine Archaeology	38
7.	Biodiversity, Ecology and Natural Environment	41
8.	Navigation and Shipping	64
9.	Socio-Economic	90
10.	Terrestrial Transport and Traffic	91
11.	Water Environment, Flood Risk and Drainage	98
12.	Glossary and List of Acronyms	99
	Appendix 1 – Extract from Hansard Regarding National Policy Statement for Ports	101
	Appendix 2 – Disaggregated AIS Data for the Port of Immingham SHA and the IOT	103
	Appendix 3 – Locations of TROs and Weight Limits	106
	Appendix 4 – Truck Amenity Locations	108
	Appendix 5 – Internal Routing	110
	Appendix 6 – Internal Junction Assessment Locations	112

## 1. Purpose of this document

- 1.1 The Examining Authority (ExA) issued its First Written Questions to the Applicant and other Interested Parties on 7 August 2023 [PD-010] (“ExQ1”). The Applicant has responded to each of the questions addressed to the Applicant in the sections below.
- 1.2 A glossary of terms and list of acronyms can be found in Section 12.
- 1.3 The ExA’s questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of 20 June 2023 [PD-006].
- 1.4 Each question has a unique topic prefix identifier (capital letters), a reference number which starts with 1 (indicating that it is from ExQ1) and then a question number.
- 1.5 Column 4 of the Tables below provides the Applicant’s response to each question addressed to the Applicant. Where a question has been addressed through the making of a DL1 submission, a cross-reference to the relevant DL1 submission is provided in the appropriate Table.

## 2. Broad, General and Cross-Topic

ExQ1	Question to:	Question	Applicant's Response
BGC .11	North East Lincolnshire Council (NELC) and North Lincolnshire Council (NLC)	<p><b>Development Plan policies</b></p> <p>NELC and NLC are requested to confirm whether they are content with the Applicant's policy analysis. The local planning authorities in responding to this question should also advise on whether there have been any changes to the Development Plan operative in their respective areas further to the submission of the Nationally Significant Infrastructure Project (NSIP) application and/or as to whether any changes are anticipated prior to 25 January 2024, the latest date by which the Examination must be completed.</p>	
BGC .12	NELC and NLC	<p><b>Neighbourhood Plans</b></p> <p>Are there any relevant made or emerging neighbourhood plans that the ExA should be aware of? If there are, please:</p> <ul style="list-style-type: none"> <li>a) Provide details, confirming their status and, if they are emerging, the expected timescales for their making.</li> <li>b) Provide copies of the relevant parts of any made plan or emerging plan.</li> <li>c) Indicate what weight it is considered the ExA should give to these documents.</li> </ul>	

ExQ1	Question to:	Question	Applicant's Response
BGC .13	NELC and NLC	<p><b>Updates on other development</b></p> <p>Provide an update on any planning applications that have been submitted or any permissions that have been granted following the NSIP Application's submission which could either affect the Proposed Development or be affected by the Proposed Development and advise whether those developments would affect the conclusions reached in the Environmental Statement (ES).</p>	
BGC .14	Applicant and any other Interested Party (IP)	<p><b>Central Government Policy and Guidance</b></p> <p>Are you aware of any updates or changes to Government Policy or Guidance relevant to the consideration of this application that have been made since it was submitted? If yes, what are those changes and what implications, if any, would they have for the consideration of the Proposed Development?</p>	<p><b>Central Government Policy and Guidance</b></p> <p>The Applicant is aware of only the following changes/updates to central government policy and guidance -</p> <p><b>Ports Policy and Guidance</b></p> <p>There has been no change to Central Government Policy and Guidance on ports.</p> <p>On 14 March 2023 the Government announced that it was reviewing the National Policy Statement for Ports. A copy of the written statement made to Parliament is attached as <b>Appendix 1</b> to this document.</p> <p>The Parliamentary written statement makes it clear that, for the avoidance of doubt, the existing NPSfP remains in full effect during the period of the review and that any current or upcoming applications for development consent will be assessed under the current NPSfP.</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>Section 11(4) of the Planning Act 2008 (PA2008) enabled the Secretary of State to suspend the operation of all or any part of the NPSfP pending that review if the Secretary of State considered that the relevant conditions in section 11(1)-(3) were met. If such a suspension decision had been made, it would have had the effect of withdrawing the designation of the NPSfP or the affected part. The Secretary of State has decided not to suspend the NPSfP when announcing the review and there has been no legal challenge by way of judicial review to the decision not to suspend the NPSfP, where any such challenge would have to have been commenced within 6 weeks of that decision: see section 13(6) of the PA2008.</p> <p>Accordingly, the NPSfP remains the designated NPS governing the IERRT DCO and the NPSfP review does not affect its application for the IERRT application.</p> <p><b>Transport Policy and Guidance</b></p> <p>DfT Circular 02/13 'The Strategic Road Network and the delivery of sustainable development' has been updated by Circular 01/22 of the same name. National Highways have confirmed to the Applicant that whilst the IERRT assessments are not wholly compliant with the revised assessment methodology contained within the new circular, this does not affect the outcome of the assessments because the relevant requirements in Circular 01/22 are less onerous than those in the previous version.</p>

ExQ1	Question to:	Question	Applicant's Response
			<p><b>Cultural Heritage and Marine Archaeology</b></p> <p>There have been no updates to relevant policy. In addition, it should be noted that the Guidance _ <i>'Identifying and Protecting Palaeolithic Remains: Archaeological Guidance for Planning Authorities and Developers (English Heritage (now Historic England), 1998)</i>' is no longer available and has been replaced with <i>'Curating the Palaeolithic' Historic England (2023)</i>.</p> <p>This substitution does not change or impact the assessment that has been undertaken or the mitigation that has been proposed for the IERRT development.</p> <p><b>Commercial and Recreational Navigation:</b></p> <p>The Maritime &amp; Coastguard Agency have just consulted upon an emerging Marine Guidance Note (MGN 687) relating to the Methodology for Assessing Marine Navigation Safety and Emergency Response Risks of Fin/Shellfish and Seaweed/Algal Farms.</p> <p>Although this emerging MGN is not directly relevant to the consideration of the IERRT project, it is noted that in respect of Navigation Risk Assessment requirements, the document (at sections 4.1 and 4.2) makes it clear that in respect of proposals within Statutory Harbour Authority areas the relevant harbour authority will have the jurisdiction for the safety of navigation before and during construction and during the operational lifespan, and decommissioning of the project.</p>



ExQ1	Question to:	Question	Applicant's Response
BGC .15	Stena	<p><b>Stena operations at Killingholme</b></p> <p>Stena to:</p> <ul style="list-style-type: none"> <li>a) explain when and why it will be ceasing all of its operations at the Port of Killingholme; and</li> <li>b) comment on whether, in its view, there are any operational factors militating against the expansion of unaccompanied Ro-Ro freight capacity at the Port of Killingholme.</li> </ul>	
BGC .16	CLdN	<p><b>Evidence for suitability of an alternative to the Proposed Development</b></p> <p>Comment on the case made by the Applicant that the National Policy Statement for Ports places the onus for producing evidence about the suitability of an alternative on the person promoting an alternative [paragraph 4.3.5 in APP-040]?</p>	
BGC .17	Applicant	<p><b>Effects of construction of impact protection</b></p> <p>Paragraph 16.87 in [APP-052] of the ES refers to the construction of the proposed vessel impact protection measures being <i>“timed to avoid works to the IOT finger pier berths 8 and 9 when they are in use”</i>. Elaborate on that statement and provide an outline method statement for the construction of the impact protection measures should it be determined they would be needed.</p>	<p>The Applicant provided a response to ISH2 Action Point 21 describing how the impact protection measures, if required, would fit into the construction programme for the IERRT.</p> <p>The Applicant's assessments demonstrate and conclude that impact protection measures are not required. If, however, it was determined by the Applicant at some stage in the future that such measures should nevertheless be put in place, it is anticipated that the works would take place in line with the broad methodology provided below although a formal methodology would be prepared by the Principal</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>Contractor appointed to undertake the works bearing in mind that both construction methodology and design may evolve with time.</p> <p>In brief, the piles would be installed with a piling gate on a floating/jack-up barge with a mounted crane. Each pile would be pitched into the gate using the crane and vibrated to refusal with a vibro-hammer. The pile will then be percussively hammered to reach final level.</p> <p>Following pile installation, in-situ pile plugs would be installed in each pile followed by the installation of pre-cast pile caps. The pile caps will support pre-cast concrete troughs/boxes which would be installed between each pile creating a longitudinal beam. Following this, in-situ reinforcement would be installed into the preformed beam, tied by an in situ concrete pour.</p> <p>The Environmental Statement Chapter 10 [APP-046] assesses the effects of construction occurring at the same time as the other marine and landside infrastructure, as well as construction occurring sequentially once the northern finger pier, with two berths is in operation.</p> <p>The process, if required would include liaison with the IOT Operators through the establishment of a Port Liaison Officer whose role will be to develop a marine liaison plan and ensure that vessel activity in the area is appropriately deconflicted through effective communication between VTS and the development contractors/operators. This is represented in the NRA [APP-089] in Annex B, Table B1, where there is an 'Applied Control' identified for a 'Port</p>

ExQ1	Question to:	Question	Applicant's Response
			Liaison Officer' to be implemented by the Port of Immingham.
BGC .18	Applicant	<p><b>Confirm to what depth berth pockets would be dredged</b></p> <p>The Construction Environmental Management Plan (CEMP) [paragraph 1.3.3 of APP-111] states "... <i>The berth area will be dredged with the appropriate side slopes to a depth of 9m below Chart Datum (CD), including an allowance for over dredge</i>". Elsewhere in the ES it is stated that the dredge pocket would be dredged to a depth of 7m below CD. Please confirm if the impact assessment throughout allows for impacts of dredging to a depth of 7 metres depth or 9 metres including over dredge. Provide signposting to all places in the ES where the dredge depth is relevant to the impact assessment.</p>	<p>As stated at paragraph 2.3.21 of Chapter 2 of the ES [APP-038], the berthing area for the IERRT project will be dredged to a depth of 9 m below chart datum (CD), with an allowance for the general tolerances of the dredging equipment. The area beneath the floating pontoons will be dredged to 6 m below CD. This is referenced at a number of points throughout the ES and these depths have been assessed in the relevant topic-specific chapters of the ES.</p> <p>The references to depths of 7 m below CD are within Chapter 4 of the ES [APP-040] (at paragraphs 4.3.31, 4.3.49, 4.3.56 and 4.3.57) and in Chapter 7 of the ES [APP-043] (at paragraph 7.6.10). In both instances, what is being described is the existing water depths in the main channel of the Humber Estuary as opposed to the proposed depths of the capital dredging which will be undertaken for the IERRT project.</p>
BGC .19	Marine Management Organisation (MMO)	<p><b>Disposal at sea of dredged material</b></p> <p>The CEMP [paragraph 1.3.9 in APP-111] states "... <i>it is considered that the dredge material is suitable for disposal at sea</i>". Would the MMO confirm whether it does or does not agree with that statement.</p>	
BGC .1.10	Applicant	<b>Future shore-to-ship power supply:</b>	The Applicant recognises that within its application documentation the terms 'ship-to-shore power' and 'shore-to-ship power' are used interchangeably. Both terms,

ExQ1	Question to:	Question	Applicant's Response
		<p>Appendix 13.1 of the ES on Air Quality assessment states “<i>When docked, the primary power source for the Ro-Ro vessels will be a shore-to-ship power supply...</i>” [paragraph 13A.4.4 in APP-101].</p> <p>Elaborate on what is meant by “<i>Provision for future ship to shore power</i>” in the Planning Statement [paragraph 3.36 in APP-019] and when the power supply would be expected to be brought into regular service for the proposed new Ro-RO berths.</p> <p>Signpost where provision for future ship to shore power supply is confirmed in Chapter 13 [APP-049] and where provision of the infrastructure for shore-to-ship power supply is incorporated in the Project Description and the draft DCO.</p> <p>Is the supply of shore-to ship power to be secured by the DCO or only the infrastructure for supply? Is use of shore power to be made a requirement of operators?</p>	<p>however, refer to the same thing – namely the situation when a berthed vessel connects to a landside power source.</p> <p>The provision of shore to ship power is still a relatively new concept the actual use of which is reliant upon a number of factors such as the ability of the vessel actually to be able to ‘plug in’, the availability of required power and the cost of providing such facilities.</p> <p>As far as the proposed development is concerned, the intention is that the facility will operate shore-to-ship power as soon as reasonably practicable.</p> <p>It should be noted in this context that the Air Quality assessment (ES Chapter 13 [APP-049] and accompanying appendix [APP-101] has considered that the energy demand of docked vessels will be met solely by the berthed vessel’s engines. This approach has been adopted so as to enable the assessment to be undertaken on the basis of the reasonable worst-case scenario.</p> <p>The DCO, if approved, authorises the provision of the infrastructure to enable the supply of shore-to-ship power in the future as and when practicable.</p> <p>Within the IERRT ES, the shore-to-ship infrastructure is included within the description of the development provided in ES Chapter 2 [APP-038] – see for example, paragraphs 2.3.9 and 2.3.12.</p>

ExQ1	Question to:	Question	Applicant's Response
BGC .1.11	Applicant	<p><b>Inter-active effects consequent on “stemming” of waiting shipping traffic:</b></p> <p>Respond in detail (with signposting of where the assessment of likely effects has been made) to the Relevant Representation made by DFDS [paragraphs 5.2 and 5.4 in RR-008] that maintains that adverse effects both to shipping and to the environment would result from “stemming” (waiting) of shipping traffic.</p>	<p>It is understood that the Harbour Master Humber will also be responding to this question in terms of navigational practicality.</p> <p>In brief, however, the socio-economics chapter of the ES assesses the impact of additional shipping movements resulting from the IERRT in the Immingham area upon existing merchant traffic flow. The overall conclusion is that three additional vessel calls per day is well within the margin of variation that is already seen every day at the port – with additional reassurance to be taken from the fact that the overall trend for vessel numbers, as explained in the Navigational Safety Chapter, is declining (albeit with cargo parcel sizes and consequently vessel sizes, showing a growing trend.)</p> <p>The Applicant has provided a plan (Appendix 15 to the ISH2 Oral submissions [REP1-009]) which identifies the allowable waiting – or ‘stemming’ - areas for vessels awaiting berths at the Port of Immingham. This indicates that separate sectors of the frontage are effectively ‘reserved’ space for those vessels awaiting ready berths along the frontage.</p>
BGC .1.12	Applicant	<p><b>Air quality impact mitigation</b></p> <p>Confirm if the assessment in ES chapter 13 (Air Quality) accounts for additional marine tug activity arising from the operation of the Proposed Development and if the marine tugs to be used</p>	<p>The air quality assessment as presented within Chapter 13: Air Quality [APP-049] applies the same approach to tug activity as other construction and operational vessels moving throughout the estuary. The emissions are not specifically quantified because, like construction vessels, tug activity comprises a small and intermittent source, only required for each vessel call per day, and as with the</p>

ExQ1	Question to:	Question	Applicant's Response
		<p>would comply with relevant MARPOL emission standards [paragraph 13.3.18 in APP-049].</p>	<p>operational vessels moving through the estuary, they are a transient source that will not impact on any one location for a prolonged period of time and so are not capable of having any material effect let alone a likely significant effect.</p> <p>Given the limited emissions associated with this source and the distance between its operational area and the nearest air quality sensitive receptors, it is not considered proportionate or appropriate to seek to quantify this activity for inclusion within the air quality assessment.</p> <p>The Applicant can further confirm that all vessels associated with the operational elements of the Proposed Development, including the marine tugs, will comply with the relevant MARPOL emissions standards.</p>
BGC .1.13	Applicant	<p><b>Waste landfill void capacity</b></p> <p>Review the phrase <i>“Information on future non-hazardous and non-hazardous waste landfill void capacity...”</i> in the Construction Environmental Management Plan (CEMP) [paragraph A.3.6 APP-111] and confirm if a correction is needed to omit the second occurrence of <i>“non-hazardous”</i>.</p>	<p>This was a typographical error in drafting paragraph A.3.6 of the Construction Environment Environmental Management Plan (CEMP).</p> <p>The correct wording is:</p> <p><i>‘Information on future hazardous and non-hazardous waste landfill void capacity is not available so a worst-case scenario is taken and receptor sensitivity is determined to be very high.’</i></p> <p>The Applicant confirms that this paragraph has been incorporated in the revised CEMP as submitted at Deadline 2.</p>

ExQ1	Question to:	Question	Applicant's Response
BGC .1.14	Applicant	<p><b>Impact protection measures for the Immingham Oil Terminal (IOT)</b></p> <p>Should the CEMP [APP-111] include wording in the tables of mitigation measures, most particularly Table 3.4, to provide for the potential construction of the IOT impact protection measures, should those measures be required?</p>	<p>The Applicant does not consider that the potential construction of impact protection measures should be included in the CEMP.</p> <p>The principal purpose of a CEMP is to explain how an Applicant or developer will minimise any potential negative environmental impacts that may arise during the construction phase of the project.</p> <p>As the ExA is aware, the Applicant is of the view that impact protection measures are not, in any case, required. Should that position change, however, the installation of such measures would not be categorised as mitigation of a negative environmental effect during the construction of the IERRT.</p>
BGC .1.15	Applicant	<p><b>Cumulative and In-Combination Effects (Intra-Project)</b></p> <p>Explain why in Table 20.6 in [APP-056] there is neither an assessment for underwater noise as an operational phase impact pathway nor navigation and shipping effects and consider whether those matters need to be addressed.</p>	<p>Paragraphs 20.4.29 to 20.4.33 of Chapter 20 of the ES [APP-056] describes the methodology followed as part of the intra-project effects assessment. Within these sections, it is stated that for each receptor, the impact pathways with residual adverse impacts (i.e., minor adverse or greater) from across all topic chapters have been identified and the potential cumulative/in-combination effects assessed (i.e., considering whether and to what degree they might have the potential to act on the same receptor). This chapter has also considered the potential for pathways that are insignificant alone to give rise to a significant effect cumulatively or in-combination.</p>

ExQ1	Question to:	Question	Applicant's Response
			<p><b>Underwater noise during operation</b></p> <p>The only project activities that will cause underwater noise effects during operation are maintenance dredging and disposal and vessel operations. These are separate project activities and cannot occur at the same time in that maintenance dredging, for navigational safety reasons, will have to be undertaken when Ro-Ro vessels are not manoeuvring in the vicinity of the IERRT infrastructure, either when arriving or departing or when berthed and stationary. It should also be noted that maintenance dredging disposal operations at HU060 will remain well within the annual allowance permitted under the existing marine licence as issued by the MMO (L/2014/00429/2).</p> <p>Underwater noise disturbance to benthic invertebrates, fish, and marine mammals from such activities during operation are assessed in Table 9.25 of Chapter 9 of the ES [APP-045]. The potential effects are considered to be insignificant.</p> <p>As such, intra-project effects from underwater noise impacts are not assessed as they are not considered likely to give rise to a significant effect alone, nor do they overlap temporally. This is consistent with the methodology followed as part of in the intra-project effects assessment as described in Paragraphs 20.4.29 to 20.4.33 of Chapter 20 of the ES [APP-056].</p>



ExQ1	Question to:	Question	Applicant's Response
			<p><b>Navigation and shipping</b></p> <p>Navigation and shipping effects have been assessed in Chapter 10 of the ES [APP-046] which is informed by the Navigational Risk Assessment (NRA) [APP-089].</p> <p>Following the application of appropriate mitigation measures, all impact pathways are considered insignificant.</p> <p>As such, intra-project effects from navigation and shipping impacts have not been assessed as they are not considered likely to give rise to a significant effect.</p>
BGC .1.16	Applicant	<p><b>CEMP Remediation Strategy</b></p> <p>Check and correct as necessary the sentence beginning “A final Remediation Strategy will be prepared...” regarding contamination risk management measures in [Table 3.6 in APP-111].</p> <p>For the CEMP in its entirety, undertake a general sense check and update as necessary and re-issue at Deadline 2.</p>	<p>A final Remediation Strategy will be prepared to take account of any relevant matters arising during the course of the examination.</p> <p>This will incorporate such mitigation measures as are considered necessary and referenced in Requirement 16 of the dDCO [REP1-005].</p> <p>A revised version of the CEMP has been submitted for Deadline 2.</p>
BGC .1.17	Applicant	<p><b>Potential impact of sediment transport</b></p> <p>With the proposed dredge pocket expected to require maintenance dredging, explain why the “magnitude of change” for future sediment</p>	<p>With respect to the assessment set out in paragraphs 7.8.64 and 7.8.65 [App-043], this specifically relates to changes in hydrodynamic forcing and the consequent effect this may have on future sediment transport across both near-field and far-field areas. In other words, the</p>

ExQ1	Question to:	Question	Applicant's Response
		<p>transport has been rated as “<i>small</i>” [paragraphs 7.8.64 and 7.8.65 in APP-043]?</p>	<p>IERRT infrastructure and berth pockets has the potential to lead either to faster flows which would increase bed erosion, or lower flows which would encourage sedimentation. Such changes to the driving tidal flows could result in associated changes to the local and/or regional sediment transport pathways across the wider estuary. This is described in the context of changes within the proposed dredge pocket, and outside the proposed dredge pocket in paragraph 7.8.64.</p> <p>The subsequent assessment of exposure to change considers the probability to be ‘high’ (since the dredge pocket and support piles will lower flow speeds in the area and lead to increased accretion, likely requiring maintenance dredging) but considers the magnitude of change to be ‘small’. This assessment is based on:</p> <ul style="list-style-type: none"> <li>• The existing (baseline) pattern and magnitude of accretion in and around the neighbouring berths, to provide context to local accretion rates (Figure 7.21) [APP-063]; and</li> <li>• The extent and magnitude of predicted change associated with the proposed IERRT infrastructure, shown in Figure 7.19 [APP-063], which predicts the majority of accretion being restricted to a relatively small area underneath the pontoons and jetties, rather than across the wider berth pockets themselves).</li> </ul> <p>As described in paragraph 7.8.65, the combination of a ‘high’ probability of occurrence and a ‘small’ magnitude of</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>change results in an overall 'low' exposure to change for local (near-field) sediment transport pathways.</p> <p>Away from the IERRT site, the modelling assessment reveals very limited changes to the baseline sedimentation and erosion rates (paragraph 7.8.64).</p> <p>Changes to suspended sediment concentrations and sedimentation, as a result of the potential future maintenance dredging and disposal, are assessed in paragraphs 7.8.83 to 7.8.89. Based on the evidence that is described in these paragraphs, and in the context of the existing (baseline) maintenance dredging and disposal from the wider Immingham berths, the probability of occurrence is considered high although the magnitude of change is assessed as small, resulting in an overall low exposure to change.</p>
BGC .1.18	Applicant	<p><b>Rochdale Envelope</b></p> <p>Paragraphs 2.3.6 and 2.3.7 in Chapter 2 of the ES (Project Description) [APP-038] state that the Proposed Development has been assessed using the worst-case scenario through adopting a "<i>Rochdale Envelope</i>" and maximum parameters. The building envelopes for landside works are provided in ES Appendix 2.3 [APP-078], however, Chapter 2 of the ES includes phrases such as "<i>an area just over</i>", "<i>approximately</i>", "<i>a number of</i>" and "<i>some 240 trailer parking bays</i>" which do not provide certainty about the nature of the Rochdale Envelope that has been relied on to assess the</p>	<p>The Applicant notes the ExA's comments with regard to the "<i>Rochdale Envelope</i>".</p> <p>Chapter 2 of the ES [<b>App-038</b>] will be submitted in a revised form when the Applicant submits its Change Notification, as referenced by Mr Greenwood on behalf of the Applicant at ISH1.</p> <p>As well as identifying the proposed changes to the proposed development, the Chapter will also include any textual amendments required in relation to the "<i>Rochdale Envelope</i>".</p>

ExQ1	Question to:	Question	Applicant's Response
		<p>impacts for the Proposed Development. The Applicant is requested to provide a revised version of Chapter 2 of the ES which includes a definition of the worst-case scenario used for the assessment of the Proposed Development's impacts and confirms that the assessment is based on the parameters derived from the worst-case scenario.</p>	
BGC .1.19	Applicant	<p><b>Immingham Green Energy Terminal application</b></p> <p>Provide an indication of when it is expected that the NSIP application for the Immingham Green Energy Terminal scheme will be submitted for Examination.</p>	<p>The Applicant understands that the Immingham Green Energy Terminal DCO application is likely to be submitted towards the end of September 2023.</p>

### 3. Compulsory Acquisition, Temporary Possession and other Land Rights Considerations

ExQ1	Question to:	Question	Applicant's Response
CA.1.1	Affected Persons	<p><b>Any Book of Reference etc inaccuracies</b></p> <p>Are any Affected Persons aware of any inaccuracies in the Book of Reference [APP-016], Statement of Reasons [APP-017] or Land Plans [APP-006]? If so, please identify what those inaccuracies are and provide the correct details.</p>	
CA.1.2	Statutory Undertakers and Interested Parties identified to benefit from Protective Provisions in Schedule 4 of the draft Development Consent Order	<p><b>Protective Provisions</b></p> <p>Please advise of the progress you are making to negotiate Protective Provisions with the Applicant, highlighting any areas of disagreement with the Applicant in terms of agreeing the wording for Protective Provisions.</p>	
CA.1.3	Crown Estate Commissioners	<p><b>Crown land consent</b></p> <p>Can the Crown Estate Commissioners provide an update regarding the discussions between it and the Applicant about the giving of its consent for the use of the Crown land affected by the Proposed Development. Most particularly</p>	

		whether agreement will be reached before the close of the Examination which will be not later than 25 January 2024.	
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#### 4. Climate Change

ExQ1	Question to:	Question	Applicant's Response
CC.1.1	Interested Parties	<p><b>Green House Gas (GHG) emission sources considered</b></p> <p>Are you content with the Greenhouse Gas (GHG) emissions sources considered by the Applicant in the lifecycle GHG Impact Assessment? If not, why not?</p>	
CC.1.2	Interested Parties	<p><b>Climate parameters considered for Climate Change Review (CCR)</b></p> <p>Are you content with the climate parameters considered by the Applicant in the CCR? If not, why not?</p>	
CC.1.3	Interested Parties	<p><b>Determination of current baseline for climate change</b></p> <p>Do you consider the desk-based review of information as set out in Chapter 19 of the ES [APP-055] is adequate to determine the current baseline conditions? If not, why not?</p>	
CC.1.4	Interested Parties	<p><b>GHG emission calculations</b></p> <p>Do you consider that GHG emissions have been calculated in line with the most up to date available guidance?</p>	

ExQ1	Question to:	Question	Applicant's Response
CC.1.5	Applicant	<p><b>Approach to identifying GHG emissions hotspots</b></p> <p>Explain in more detail what you mean by the approach “...has taken a project lifecycle approach to identify GHG emissions hotspots ...and correspondingly enable the identification of priority areas for mitigation. This approach is consistent with the principles set out in IEMA guidance (IEMA, 2022)”. How is the approach taken considered to be consistent with the principles set out in the IEMA guidance?</p>	<p>The IEMA Greenhouse Gas (GHG) Emissions Assessment guidance (2022) explicitly states under Section 5.2 of the GHG quantification principles that the “<i>Assessment results should reflect the difference in whole life net GHG emissions</i>”.</p> <p>Furthermore, as presented in Step 1 of the IEMA guidance (2022), it prescribes a “<i>modular approach of life cycles stages</i>” using the “<i>PAS 2080</i>” methodology. This informs the requirements for the “<i>boundary definition and the gathering and reporting of information associated with the assessment</i>”.</p> <p>In line with the IEMA (2022) guidance, the ES [APP-055] used the PAS 2080 methodology to define the IERRT project’s emission boundary as presented in paragraph 19.2.1 of the ES [APP-055] where it defines the following: “<i>The boundary of the study area for the GHG assessment is based on where likely emissions will arise. This includes:</i></p> <ul style="list-style-type: none"> <li>• <i>GHG emissions arising from within the IERRT project site boundary including those occurring as a result of land clearance, construction, and operational activity; and</i></li> <li>• <i>GHG emissions occurring outside the IERRT project site boundary such as embodied carbon in materials, transportation, waste disposal and vessel emissions within UK waters and international shipping associated with the operation of the IERRT project.”</i></li> </ul>

ExQ1	Question to:	Question	Applicant's Response
			<p>Additionally, in line with the PAS 2080 methodology, the carbon emission sources from the IERRT project were considered across the project's whole life cycle as defined under Table 19.1 of the ES [APP-055]. In alignment with the IEMA (2022) guidance where emission sources were scoped in or out, a justification was provided to indicate why it was or was not considered as part of the whole life cycle analysis.</p> <p>Section 6.6 of the IEMA (2022) guidance states that <i>“where the initial assessment identifies significant adverse effects, additional mitigation should be considered to reduce these effects to an acceptable and non-significant level where feasible.”</i></p> <p>The significance of the emissions from the IERRT project was determined in line with the IEMA (2022) criteria set out in Table 19.4 of the ES [APP-055].</p> <p>No significant emissions sources were identified in the Climate Change Chapter of the ES (paragraph 19.9.23 of the ES [APP-055]). As a consequence, no further mitigation measures were recommended in alignment with Section 6.6 of the IEMA guidance.</p>
CC.16	Applicant	<p><b>Use of local carbon budgets</b>                      Explain more about your reasoning not to use local carbon budgets in contextualising emissions, particularly as [APP-055] section 19.3.6] states <i>“IEMA (2022) recommends ...”</i></p>	<p>The IEMA (2022) guidance in Section 6.4 states that <i>“it is down to the practitioner’s professional judgement on how best to contextualise a project’s GHG impact.”</i></p>



		<p>Explain the difference between a recommendation and a requirement in this context.</p>	<p>In the ES in paragraph 19.3.11 <b>[APP-055]</b>, it was identified that <i>“the IERRT project is classified as a nationally significant infrastructure project”</i>. In alignment with Section 6.4 of the IEMA (2022) guidance, it was considered proportionate using the practitioner’s professional judgement to contextualise the IERRT project nationally using the <i>“UK carbon budgets”</i> (paragraph 19.3.6 <b>[APP-055]</b>).</p> <p>Additionally, as set out in the ES in paragraph 19.3.12 <b>[APP-055]</b>, in order - <i>“to provide further context on the magnitude of IERRT project emissions construction emissions from the project have been compared to the Green Construction Board (GCB) Net Zero Whole Life Carbon Roadmap (2021).”</i></p> <p>As stated in paragraph 19.3.6 of the ES <b>[APP-055]</b>, the IERRT project meets the criteria as a <i>“nationally significant infrastructure project where emission sources are on a predominantly non-localised scale”</i>. For example, shipping emissions from vessels cannot be allocated to a local authority’s carbon budget since they are emitted in international waters. Additionally, emissions from transportation will occur on a national basis, with freight transport modelled to be delivered across the UK from the proposed development.</p> <p>The UK national carbon budgets and national GCB and Net Zero Whole Life Carbon Roadmap were, therefore, considered appropriate approaches to contextualise the emissions from the IERRT project due to the national significance of the project.</p>
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ExQ1	Question to:	Question	Applicant's Response
CC.1.7	Applicant	<p><b>Future use of electrical shore-to-ship power and site plant and equipment</b>            You state the use of electrical power to ships at berth and the use of other electric-powered site plant and equipment are to become more common in future years, thereby contributing towards reducing operational energy use and GHG emissions in line with the trajectory towards net-zero. Paragraphs 19.9.2 and 19.9.3 in [APP-055].</p> <p>Advise on how and over what timeframe these adaptations would be implemented and put into use and by whom and they could be secured in a made the DCO.</p>	<p>As stated in the ES under paragraph 19.11.4 <b>[APP-055]</b> - <i>"The GHG assessment considers a 'worst-case scenario' where no GHG mitigation measures are implemented into the IERRT project"</i>.</p> <p>It follows, therefore, that these mitigation measures are not required to be incorporated within the IERRT project as the assessment was determined under paragraph 19.8.35 of the ES <b>[APP-055]</b> as "not significant. Therefore, no further mitigation is required."</p> <p>As a consequence, it was determined that for the IERRT project no additional climate change mitigation measures would be required <b>[APP-055]</b> to achieve the "Not Significant" threshold under the Climate Change Chapter assessment.</p> <p>See also response to Question BGC.1.10</p>
CC.1.8	Applicant	<p><b>Ecological enhancement and mitigation measures and climate change implications</b>            ES Chapter 9 [APP-045] and the Preliminary Ecological Appraisal [APP-082] detail ecological enhancement measures which are proposed to be delivered offsite. No reference has been made as to whether the proposed ecological enhancement measures would be resilient to climate change. The Applicant should explain whether the potential for the proposed ecological enhancement and mitigation measures to be affected by climate change has been assessed.</p>	<p>As noted within Appendix 6.2: Preliminary Ecological Appraisal Report <b>[APP-082]</b>, and paragraph 1.3.14 of the Construction Environmental Management Plan (CEMP) <b>[APP-111]</b>, environmental enhancements will be delivered as part of the proposed development with a view to both maintaining and enhancing biodiversity.</p> <p>This will be achieved by the delivery of specific works of enhancement to an existing 1.17 hectare area of woodland located south of Laporte Road named Long Wood as shown on Figure 1, Annex D of Appendix 6.2: Preliminary Ecological Appraisal Report <b>[APP-082]</b>.</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>In considering the question raised within CC.1.8, the Applicant has taken into account known guidance on the matter (<i>'Diverse forests for a future climate'</i>) published by the Forestry England, formerly known as the Forestry Commission</p> <p>This guidance relates to the planting of new trees and wooded areas and not the management of existing woodland.</p> <p>The enhancements for the proposed development do not incorporate any new tree planting and are being delivered through targeted and minimal intervention so as to encourage natural wilding of the area and to enhance the condition of the woodland, (as set out within the Woodland Enhancement Management Plan <b>[APP-112]</b>).</p> <p>The Applicant does not consider that "climate resilience" <i>per se</i> is actually applicable to the relatively small element of environmental intervention which does not include any planting – which is itself the focal point of all guidance reviewed on this topic.</p>

## 5. Draft Development Consent (dDCO)

ExQ1	Question to:	Question	Applicant's Response
DCO.1.1	Applicant	<p><b>General editing</b></p> <p>Check and confirm that the dDCO [APP-013] is:</p> <ol style="list-style-type: none"> <li>fully audited to ensure that there are no internal inconsistencies in the draft DCO and its constituent parts including the Deemed Marine Licence (DML) (which should not permit works outside the scope of those that would be permitted by the DCO itself) and that all legislative references in the draft DCO are to extant provisions and that all of the schedules refer to the correct articles;</li> <li>drafted so that any registered company is referred to in the draft DCO and/or DML and is defined using its full and precise company name and company registration number (as those appear on the register held by Company House);</li> <li>to be kept under constant review throughout the Examination to ensure that all document referencing and cross referencing to documents and other parts of the dDCO are kept up to date; and</li> <li>ensure that the Explanatory Memorandum (EM) [APP-014] is always consistent with any changes made to the dDCO and updated as necessary.</li> </ol>	<p>This question is noted and the Applicant provided both an updated dDCO and EM at Deadline 1 [REP1-005 and REP1-007].</p> <p>The Applicant will continue to audit the dDCO and EM and provide updated versions in accordance with the Examination Timetable set out in Annex A of the ExA's Rule 8 Letter [PD-009].</p>
DCO.1.2	Applicant	<p><b>Explanatory Memorandum</b></p> <p>Ensure that the EM provides comprehensive case specific justifications for all of the Articles and Schedules included in the dDCO, including any</p>	<p>The Applicant submitted an updated EM – both in clean and track – at Deadline 1 [REP1-007 and REP1-006].</p>

ExQ1	Question to:	Question	Applicant's Response
		<p>Requirements in Schedule 2 or licence requirements in Schedule 3. It is not sufficient to quote precedents from other made DCOs without explaining precisely why the precedented Articles or Requirements etc should be included in a made DCO. With respect to Articles 3 (Incorporation of the 1847 Act) and 22 (Power to appropriate) the Applicant must provide an explanation for why each section of the 1847 Act intended for incorporation in a made DCO would need to be incorporated and what the consequence for the operation of the Proposed Development would be if those section were not to be incorporated.</p> <p>In the event of a fully reviewed version of the EM not being submitted as a post ISH1 action at Deadline 1, then a comprehensively updated EM must be submitted at Deadline 2.</p>	
DCO.1.3	Applicant	<p><b>Definition and certification of the ES</b></p> <p>Schedule 6 of the dDCO [APP-013] (documents to be certified) includes the ES, without a definition. Article 2 of the dDCO [APP-013] defines the ES as <i>“the document submitted under regulation 5(2)(a) of the 2009 Regulations certified as the environmental statement by the Secretary of State for the purposes of this Order.”</i></p> <p>Consider and advise as to whether an expanded definition of what comprises the ES at the close of the</p>	<p>The Applicant has considered the approach to Schedule 6 of the dDCO suggested by the ExA and can confirm that it has adopted this in the updated dDCO submitted by the Applicant at Deadline 1 <b>[REP1-005]</b>.</p>

ExQ1	Question to:	Question	Applicant's Response
		<p>Examination will be required in Schedule 6 of the dDCO, including how any amended or additional documents submitted during the Examination will be clearly recorded as documents to be certified. For example, some documents forming part of the ES [AS-005 and AS-008] have been accepted by the ExA as Additional Submissions following the Application's original submission.</p>	
DCO.14	Applicant	<p><b>Drafting precedent from made DCOs</b>            Where drafting precedents from made DCOs have been relied on, these should be checked to identify whether they have been subsequently refined or developed in more recently made DCOs so that they reflect the Secretary of State's recent decision making. If any general provisions (other than works descriptions and other drafting that is bespoke to the Proposed Development) differ in any respect from corresponding provisions in recently made DCOs, an explanation must be provided as to why they differ from the approach taken in connection with recent decision making.</p>	<p>This question is noted and the Applicant provided both an updated dDCO and EM at Deadline 1 <b>[REP1-005 and REP1-007]</b>.</p>
DCO.15	Applicant	<p><b>Definition of vessel</b>            a) Does the Applicant intend to adopt the definition for Vessel promoted by the MMO in paragraph 3.1.1 of its Relevant Representation [RR-014]? If not, then the Applicant must provide a justification for departing from the definition preferred by the MMO.</p>	<p>a) The Applicant can confirm that it intends to adopt the definition of "vessel" promoted by the MMO in paragraph 3.1.1 of its Relevant Representation <b>[RR-014]</b> in the dDCO and the DML. The updated definition is provided in the dDCO submitted at Deadline 1 <b>[REP1-005]</b> and will be provided in the DML of the dDCO to be</p>

ExQ1	Question to:	Question	Applicant's Response
		b) Explain why the definition for vessel employed in the dDCO is inconsistent with the definition that has been used in recently made DCOs.	<p>submitted at Deadline 3 in accordance with the Examination Timetable.</p> <p>b) The updated definition for “vessel”, which reflects that promoted by the MMO, is consistent with the definition used in recently made DCOs, such as The Sizewell C (Nuclear Generating Station) Order 2022 – this is adopted in the updated dDCO submitted at Deadline 1 <b>[REP1-005]</b> and will be picked up in the DML in the version of the dDCO to be submitted at Deadline 3.</p>
DCO.16	Applicant	<p><b>Article 2 interpretation of commencement</b></p> <p>Is there a comma missing after “<i>monitoring</i>”? Does the interpretation of “<i>environmental surveys</i>” within “<i>commencement</i>” include archaeological surveys and other marine surveys? Comment on whether the erection of construction plant and equipment seaward of mean high water springs should be considered a material operation with regard to the Proposed Development’s environmental impact.</p>	<p>The comma after monitoring is addressed in the updated dDCO submitted by the Applicant at Deadline 1 <b>[REP1-005]</b>.</p> <p>The interpretation of “<i>environmental surveys</i>” does include archaeological surveys and other marine surveys.</p> <p>The erection of construction plant and equipment seaward of mean high water springs will be via work barges, marine craft, jack-up rigs, or on the actual built jetty itself. As such, these works will not constitute a “material operation”</p>
DCO.17	Applicant	<b>Article 2 interpretation of order limits</b>	The Applicant has revised the definition of “ <i>Order limits</i> ” in the dDCO submitted at Deadline 1

ExQ1	Question to:	Question	Applicant's Response
		Clarify why the interpretation of “ <i>Order limits</i> ” makes reference to limits of deviation and limits of construction activity rather than simply stating the Order limits shown on the works plans.	<b>[REP1-005]</b> . This updated definition no longer makes reference to limits of deviation and construction activity and, instead, simply states that the Order limits are as shown on the works plans.
DCO.1.8	Applicant	<p><b>Article 2 need for a definition of the Secretary of State</b></p> <p>Comment on any need for a definition for the Secretary of State for Transport to be incorporated into Article 2.</p>	The Applicant does not consider it necessary to define the term ‘Secretary of State for Transport’ in Article 2 of the dDCO. The Applicant notes that made DCOs commonly do not define the relevant Secretary of State, and, therefore, this approach has precedent – see, for example, the Port of Tilbury (Expansion) Order 2019, the York Potash Harbour Facilities Order 2016, and the Able Marine Energy Park DCO 2014.
DCO.1.9	Applicant	<p><b>Article 3 disapplication of legislative provision</b></p> <p>Confirm if express consent is required from any of the consenting authorities responsible for administering the legislation intended for disapplication under Article 3 of the dDCO. With respect to any instances when consent to disapply legislative provisions would be required, advise on the progress being made to obtain those consents.</p>	<p>The provisions cited in article 3 are prescribed under section 150 of the Planning Act 2008, such that the consent of the relevant consenting bodies to the inclusion of these provisions in the Order will be needed.</p> <p>Specifically:</p> <ul style="list-style-type: none"> <li>(i) the North East Lindsey Internal Drainage Board’s consent is required for disapplication of the provisions in article 3(1)(a) of the dDCO; and</li> <li>(ii) the Environment Agency’s consent is required for disapplication of the provisions in articles 3(1)(b) and 3(1)(c) of the dDCO.</li> </ul>



ExQ1	Question to:	Question	Applicant's Response
			Positive negotiations are ongoing with each of these bodies with an aim to agree to the respective disapplication(s) before the end of the examination. Updates will be provided, as necessary, during the course of the examination.
DCO.1.10	Applicant	<p><b>Article 3(2)</b> Provide a summary of any extant planning conditions that it is intended would be disappplied by this article.</p>	The Applicant is not aware of any extant planning conditions that would need to be disappplied. However, article 3(2) is included to provide the Applicant with certainty that there are no extant planning conditions that would impede delivery of the Proposed Development.
DCO.1.11	Applicant	<p><b>Article 6 Powers to maintain</b> Explain how Article 6(b) would be interpreted in practice in relation to judging whether any maintenance works <i>“are likely to give rise to any materially new or materially different effects”</i> such as to add to the assessment of cumulative or in-combination effects and in what circumstances reference would be made to the MMO and/or Natural England and/or Historic England in determining materiality. Please signpost in the ES if and where regard has been made to maintenance activities, predictable or otherwise.</p>	The assessment undertaken in combination with existing statutory powers give the Applicant in its capacity as statutory port undertaker to undertake certain works of maintenance without the need to refer to the relevant regulator. If, however, those works are likely to have a material impact on the marine environment, then the Applicant will have to proceed by way of normal consultation, regulation and application if appropriate.
DCO.1.12	Applicant	<p><b>Article 7(b) vertical deviation</b> Advise as to whether a limit upon downward deviation should be included in a made DCO. Should the</p>	The Applicant has provided a limit upon downward deviation in the updated dDCO submitted at Deadline 1 <b>[REP1-005]</b> .

ExQ1	Question to:	Question	Applicant's Response
		<p>Applicant conclude that such a limit is required, then wording to that effect should be incorporated into the dDCO. Otherwise, an explanation must be provided as to why the Applicant considers that it would be unnecessary for a made DCO to state a limit for downward deviation.</p>	
DCO.1.13	Applicant	<p><b>Requirement 8 Construction Environmental Management Plan (CEMP)</b>                      Explain why the phrase “<i>where applicable</i>” has been inserted in the drafting. Remove or provide a full justification for the inclusions of tailpiece’ drafting concerning making amendments to the CEMP. Respond to the drafting requirements identified by the MMO for Article 8 in [RR-014].</p>	<p>The Applicant has deleted Requirement 8 in the updated dDCO submitted at Deadline 1 [REP1-005].</p>
DCO.1.14	Environment Agency North East Lindsey Internal Drainage Board	<p><b>Requirement 9 Drainage: obstruction to Habrough Drain</b>                      Provide confirmation that you are content with the provision of this Requirement that the developer should have 28 days to respond to a notice of obstruction to Habrough Drain.</p>	
DCO.1.15	Applicant	<p><b>Requirement 14 Lighting</b>                      Should Requirement 14(2) refer to the Lighting Plan [APP-012], which it is intended would be a certified document?</p>	<p>The Lighting Plan/Strategy is an evolving document. It will not be a certified document but will require approval by the Council in accordance with Requirement 14(2). The terminology used to describe the document will be settled in the updated dDCO to be submitted by the Applicant at Deadline 3.</p>

ExQ1	Question to:	Question	Applicant's Response
DCO.1.16	Applicant	<p><b>Requirement 15 Plans and documents</b></p> <p>Should Requirement 15 include the draft Written Scheme of Investigation and/or the Materials Management Plan and should the reference to the CEMP be deleted?</p>	The Applicant is reviewing and will address as necessary in the updated dDCO to be submitted at Deadline 3.
DCO.1.17	Applicant	<p><b>Schedule 2 Part 2 Paragraph 23</b></p> <p>Paragraph 23(1)(a) appears to need “any” or “an” included rather than “and” after “refuses”. Review and redraft as necessary.</p>	This is addressed in the updated dDCO submitted at Deadline 1 <b>[REP1-005]</b> .
DCO.1.18	Applicant	<p><b>Schedule 3 Part 1 – Interpretation</b></p> <p>Consider amending the definition of ‘vessel’ and ‘notice to mariners’ as suggested by the MMO in [RR-014].</p>	<p>The Applicant has updated the definition of “notice to mariners” as suggested by the MMO in <b>[RR-014]</b>.</p> <p>The Applicant confirms that it intends to amend the definition of “vessel” as suggested by the MMO in <b>[RR-014]</b> and that this will be addressed in the updated dDCO to be submitted at Deadline 3.</p>
DCO.1.19	Applicant	<p><b>Schedule 3 Part 1 – Co-ordinates</b></p> <p>Confirm the accuracy of all of the quoted geo-spatial coordinates.</p>	<p>The co-ordinates provided at Paragraph 1 of Schedule 3 Part 1 are accurate to 0.185 m.</p> <p>The co-ordinates provided at Paragraph 5 are accurate to 1.11 m.</p>
DCO.1.20	Applicant	<p><b>Schedule 3 Part 1 – Licenced Marine Activities</b></p>	The Applicant shall provide an update at Deadline 3.

ExQ1	Question to:	Question	Applicant's Response
		<p>Confirm with signposting how potential works incorporated in Paragraph 3(2)(b) and 3(2)(c) have been assessed in the ES and Habitat Regulations Assessment report (HRAR) (including but not only works to install dolphins or berthing and mooring facilities). Respond to the drafting suggestions made by the MMO in [RR-014].</p>	<p>Drafting suggestions made by the MMO have been addressed by the Applicant, as necessary, in the updated dDCO submitted at Deadline 1 <b>[REP1-005]</b>.</p>
DCO.121	Applicant	<p><b>Schedule 3 Part 1 Condition 11 – Marine written scheme of archaeological investigation (WSI)</b> Should the draft WSI be a certified document in any made DCO? Should Paragraph 11 specify a time constraint for when consultation with Historic England must take place, prior to submission of method statements to the MMO?</p>	<p>The Applicant does not consider that the draft WSI should be a certified document in the made DCO. This is a draft document that will be approved in accordance with condition 10 to the DML.</p> <p>The Applicant does not believe a time constraint for when consultation with Historic England must take place is required in that the MMO will need to satisfy itself that sufficient consultation has taken place before it grants approval for the draft WSI.</p>
DCO.122	Applicant	<p><b>Schedule 3 Part 3 Procedure for the discharge of conditions – (MMO comments)</b> Respond to the drafting suggestions made by the MMO in [RR-014]. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>	<p>The Applicant has responded to the drafting points made by the MMO, as set out in the Schedule 3 of the updated dDCO submitted at Deadline 1 <b>[REP1-005]</b>.</p> <p>A copy of the DML has been provided to the MMO and positive discussion are ongoing. The Applicant hopes to be in a position to submit an updated DML at Deadline 3.</p>

ExQ1	Question to:	Question	Applicant's Response
DCO.1.23	Applicant	<b>Schedule 4 Protective Provisions</b> Provide at <b>all Deadlines</b> an update with respect to the progress being made to agree Protective Provisions with Interested Parties and any other parties.	The Applicant provided a Protective Provision tracker at Deadline 1 <b>[REP1-012]</b> and has submitted an updated version at Deadline 2.

## 6. Historic Environment including Marine Archaeology

ExQ1	Question to:	Question	Applicant's Response
LHE.1.1	Historic England	<p><b>Comments on Draft Marine Written Scheme of Investigation</b></p> <p>Please comment in detail on whether the Draft Marine Written Scheme of Investigation [APP-107] provides sufficient detail about proposed management of effects for marine archaeological assets and if not, why not?</p>	
LHE.1.2	Historic England	<p><b>Impact on setting of heritage assets</b></p> <p>Does HE accept the Applicant's assessment of the effect of the Proposed Development on the setting of heritage assets [paragraphs 15.8.24 to 15.8.32 in APP-051] and if not, why not?</p>	
LHE.1.3	Applicant	<p><b>Terrestrial heritage receptors</b></p> <p>Respond to paragraph 4.3.3 of the Relevant Representation made by CLdN [RR-007] which notes that "...<i>terrestrial heritage receptors appear to have been erroneously scoped out of the ES. This is contrary to the advice in Historic England's response to the Scoping Opinion Request ...</i>".</p>	<p>In the Scoping Opinion, continued liaison with stakeholders over the Cultural Heritage and Marine Archaeology assessment was encouraged.</p> <p>Subsequent stakeholder engagement was undertaken – both with Historic England and the Local Authority, including through the formal PEIR process – which culminated in the accepted approach to the Cultural Heritage and Marine Archaeology assessment presented in the Environmental Statement.</p>

			<p>Through this process it was agreed that the following summarised range of receptors needed to be assessed -</p> <ul style="list-style-type: none"> <li>• seabed prehistory receptors (e.g., palaeochannels and prehistoric artefacts),</li> <li>• seabed features (e.g., shipwrecks and aviation crash sites),</li> <li>• intertidal heritage receptors, and,</li> <li>• the wider historic setting of selected designated terrestrial heritage receptors.</li> </ul> <p>As far as the comments made by CLdN with regard to the Heritage Gateway are concerned, it should be noted that this website aggregates historic environment data from a wide number of sources, not all of which are related or suitable for the purposes of considering development proposals.</p> <p>Formally requested data from the North-East Lincolnshire Historic Environment Record was considered as part of the assessment. The terrestrial elements of the dataset located within the IERRT development boundary comprise the modern outline and workings of the Port of Immingham, modernised drainage and transport infrastructure, which has been heavily redeveloped and reworked.</p> <p>As such, no terrestrial archaeological receptors were identified within the terrestrial development boundary.</p> <p>That said, the relevant element of the terrestrial cultural heritage baseline environment, agreed via the ongoing stakeholder engagement process and “Scoped In” to the assessment is contained within ES Chapter 15 <b>[APP-051]</b> and</p>
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			<p>comprises the assessment of wider historic setting of selected designated terrestrial heritage receptors.</p> <p>As a consequence, the Applicant does not agree with the suggestion made that terrestrial heritage receptors have erroneously been scoped out of the Environmental Statement.</p> <p>In this regard it should be noted that neither the local authority nor Historic England have raised any issues in this regard in their submissions so far made to the IERRT examination.</p>
LHE.14	Applicant	<p><b>Different role titles in draft WSI and in Annex 1 flowchart</b></p> <p>Review drafting inconsistencies between the role titles within the flowchart illustrated in Annex 1 of the draft WSI and the roles described in section 9.8 of the draft WSI (e.g. “Site Champion” and “Nominated Contact” [APP-107, section 9.8 and Annex 1]).</p>	<p>The draft WSI reflects a well-developed but necessarily draft WSI document. The actual terms, names, roles etc are typically formalised at the time of deployment (i.e., post-consent) once specific contractors, key personnel and the exact form of the roles and responsibilities can be known, and terminology (which can vary across industries and work packages) is agreed.</p> <p>Whilst the exact role titles can vary, the function of the various roles does not and the Protocol for Archaeological Discoveries would function as intended. In this case the flow chart is based on existing operational examples.</p> <p>As referenced in the response to DCO.1.12, the MMO will only grant approval following a satisfactory consultation.</p>



## 7. Biodiversity, Ecology and Natural Environment

ExQ1	Question to:	Question	Applicant's Response
BNE.1.1	Applicant	<p><b>Updating the Habitats Regulations Assessment report</b></p> <p>In the light of the Relevant Representations made by Natural England (NE) [RR-015], as amended by [AS-011], [AS-015] and [AS-016], an updated Habitats Regulations Assessment report (HRAr) [APP-115] must be submitted not later than <b>Deadline 5</b> (Monday 23 October 2023) to inform The Report on the Implications for European Sites (RIES) which the ExA will be publishing on 15 November 2023. That updating of the HRAr must address all of the matters raised by NE in its previously mentioned submissions together with any subsequent Examination submissions made by NE, as well as any related representations made by the MMO, up until Deadline 5, including the submission of the final and signed Statements of Common Ground between NE and the Applicant and the MMO and the Applicant which are to be submitted no later than Deadline 5.</p> <p>In updating the HRAr the Applicant is reminded of the ExA's Procedural</p>	<p>The issues raised in both Natural England's and the MMO's Relevant Representation have been, and continue to be, discussed in detail with both organisations.</p> <p>Natural England has indicated that it is likely that all of the concerns raised can be addressed during the course of the Examination [<b>REP1-022</b>].</p> <p>The MMO has similarly stated that it should be possible for any outstanding issues to be resolved during the course of the examination [<b>PDA-013</b>].</p> <p>The Applicant is, therefore, continuing constructive discussions with both parties.</p> <p>The Applicant is intending to provide an updated Habitats Regulations Assessment report (HRAr) [<b>APP-115</b>] to address the points raised by Natural England and the MMO by Deadline 5.</p>

ExQ1	Question to:	Question	Applicant's Response
		Decision that that requiring clean and tracked copy versions of documents to be submitted – item 6 in Annex F of the Rule 6 letter [PD-006].	
BNE.12	Applicant	<p><b>Updating the HRAr, matters of detail</b></p> <p>As part of the updating of the HRAr by not later than Deadline 5:</p> <ul style="list-style-type: none"> <li>a) Text must be included explaining how any decommissioning of the Proposed Development would be undertaken, most particularly demonstrating how the integrity of the designated sites would not be adversely affected.</li> <li>b) A map must be included showing the locations for each of the projects listed in Table 35 (projects and impact pathways relevant to the in-combination assessment) of [APP-115].</li> <li>c) Text must be included stating whether the Humber Estuary Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site are each currently in a favourable or unfavourable condition.</li> <li>d) Include a table that identifies all of the mitigation measures relied upon by the Applicant in reaching its conclusion</li> </ul>	All of the items listed in points (a) to (p) of the ExA's question are noted and will be included in the Applicant's updated version of the HRAr.

		<p>that there would be no adverse effects for the integrity of the SAC and SPA.</p> <p>e) Include text substantiating the view that the potential intertidal habitat loss associated with the proposed capital dredging would be similar in scale to the natural background changes to the intertidal habitat.</p> <p>f) With respect to the assessment of in-combination effects, quantification of the extent of the in-combination effects should be provided and clarification must be given about what is meant by phrases such as “de minimis” and “highly localised”. In connection with the in-combination assessment text must be added to clarify whether the Proposed Development in-combination with other plans and projects would or would not have a significant effect.</p> <p>g) With respect to the loss of intertidal habitat attributed to the Proposed Development, this must be assessed in-combination with any other expected loss of intertidal habitat arising from projects that are operational, under construction, subject to current applications for approvals or consents and applications expected to be submitted for approvals or consents. Include text</p>	
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		<p>covering this in-combination assessment.</p> <p>h) In relation to the generation of underwater noise and vibration during the construction phase, text must be added explaining how the proposed mitigation measures, type of piling, duration and seasonal restrictions etc, would reduce the impacts on fish and grey seals.</p> <p>i) Provide clarification about the expectation that benthic communities would recover in a few years, having regard to the intention for there to be operational maintenance dredging three to four times every year.</p> <p>j) In connection with birds feeding regularly near the Eastern Jetty and Immingham Oil Terminal, confirm which bird species are being referred to, in what numbers and what survey data has been relied on.</p> <p>k) Clarify whether the high numbers of SPA qualify features, including black tailed godwit, found in “Sector B” are present in similar, lower or higher numbers in other sectors in the Humber Estuary.</p> <p>l) Text must be added quantifying firstly how many vessel movements there are currently within the vicinity of the</p>	
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		<p>Port of Immingham and secondly the predicted additional vessel movements associated with the construction and operational phases for the Proposed Development.</p> <p>m) With respect to airborne noise levels either incorporate into the HRAR details of the expected noise levels at 50, 200 and 300 metres from the works site or explain why that information should not be incorporated into the updated HRAR.</p> <p>n) Add text explaining the proximity of the bird roosting sites relative to the anticipated routes that vessels would use when arriving at or departing from the Proposed Development.</p> <p>o) Add text explaining why it is considered that it would only be necessary to install foreshore bird mitigation screening on the proposed linkspan and approach jetty for a period of two years rather than any longer period. In particular, what is the evidence for foreshore birds not being disturbed by the operation of the Proposed Development after a period of two years.</p> <p>p) In connection with the effects for grey seal, add text that assesses the in-</p>	
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ExQ1	Question to:	Question	Applicant's Response
		combination effects of underwater noise.	
BNE.1.3	Applicant	<p><b>Consistency between the HRAr and relevant Chapters in the Environmental Statement</b></p> <p>Ensure that by <b>Deadline 5</b> there are no inconsistencies between what is stated in the updated HRAr and the content of any of the chapters and/or appendices of the Environmental Statement (ES) which address matters also covered in the HRAr. In the event of there being any need to update parts of the ES to achieve consistency with the HRAr, any updated parts of the ES must be submitted with sufficient time remaining within the Examination to permit any statutory publicity for those changes to be undertaken and/or to enable Interested Parties to make written submissions at appropriate Examination deadlines.</p>	<p>The Applicant is currently of the view that the updates that will be made to the HRAr will result in an assessment consistent with the content of the chapters and appendices of the Environmental Statement (ES).</p> <p>The position will, however, be kept under review and, if required, any updated parts of the ES will be submitted with sufficient time remaining within the Examination to allow for any statutory publicity for those changes and/or to enable Interested Parties to make written submissions at appropriate Examination deadlines.</p>
BNE.1.4	Applicant	<p><b>Proposed restrictions for piling</b></p> <p>The proposed hours for marine piling within a four week period have been stated to be “140 hours of piling for a single rig or 196 hours of piling by two or more rigs” [paragraph 9.9.3 in APP-045]. Explain the rationale for the setting of those timeframes and clarify how many</p>	<p>This question is addressed in the Applicant's response to the Relevant Representations [REP1-013] at Table 3.2, reference '4.2.8 and 4.2.9 – fish and shellfish ecology'.</p> <p>Following previous advice from the MMO/Cefas, a similar approach to that taken by the Able Marine Energy Park (AMEP) development has been adopted for the development of piling restrictions for IERRT.</p>

ExQ1	Question to:	Question	Applicant's Response
		<p>rigs it is intended would be operated at any one time during the 196 hour period, including providing a schedule setting out the number of rigs in operation at any one time and the anticipated operating hours per rig. (If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations and/or post ISH2 submissions).</p>	<p>The rationale for the 140-hour and 196-hour periods of piling proposed for IERRT is based on the rationalisation and adaptation of the AMEP restrictions to take account of the specific location, nature and scale of effects associated with IERRT.</p> <p>IERRT will involve the use of smaller piles for a much shorter period of time than will be the case for the AMEP development. As a consequence, IERRT will result in only a partial acoustic barrier across the estuary compared to the construction effects of AMEP which will result in a complete barrier. In addition, it should be noted that the IERRT development is located further downstream and in a wider part of the outer estuary. Given these differences, it was not considered reasonable or proportionate to apply the AMEP restrictions in their entirety.</p> <p>Furthermore, the AMEP restrictions provide a precedent as to what was considered acceptable by all relevant stakeholders, including the MMO, based on the evidence available at that time for that project. The Statement of Common Ground (SoCG) on the Shadow Habitats Regulations Assessment between Able Humber Ports Ltd (the Applicant for AMEP) and the MMO and Natural England states that the mitigation proposed for AMEP was considered sufficient to avoid an Adverse Effect on Integrity (AEOI) with respect to piling activities. No specific evidence or rationale was provided in support of this statement. Similarly, the Environment Agency's oral representation at</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>the Issue Specific Hearings held on 11-13 September 2012 for the AMEP examination stated that the piling conditions “are appropriate for this application”. There has been no new evidence since the restrictions for AMEP were agreed and, therefore, these restrictions are still considered to be acceptable.</p> <p>The restriction would not mean that there would be 11 consecutive days of piling for 12 hours each day during the migratory period of fecund salmon (in June and August to October).</p> <p>As explained in the ES, there would be significant periods of downtime, pile positioning and set up each day. The underwater noise assessment is based on the likely timeframes for piling that are anticipated to be required. Each tubular pile is anticipated to require approximately 5 minutes of vibro-piling and approximately 45 minutes of impact piling. The maximum impact piling scenario is for four tubular piles to be installed each day, therefore, the maximum impact pile driving scenario would involve approximately 20 minutes of vibro-piling and 180 minutes of impact piling per day in a 12-hour shift.</p> <p>It is important to understand that the proposed restrictions for migratory fish sit within a much wider package of mitigation measures for other receptors, including overwintering coastal waterbirds that are located near to the proposed development and are sensitive to noise and</p>



ExQ1	Question to:	Question	Applicant's Response
			<p>visual disturbance. To address this issue, the Applicant has committed to avoiding construction activities on or close (within approximately 200 m) to the intertidal mudflats where the overwintering bird features are located for six months of the year (October to March inclusive). This restriction applies until an acoustic barrier/visual screen has been installed on both sides of the approach jetty – construction activity can then be undertaken on the approach jetty itself, behind the screens. Together with the restrictions that are currently proposed for fish, the construction of IERRT is already highly constrained. Any further seasonal or timing restrictions could extend the overall construction period for the project. Given the complex and comprehensive nature of the overall mitigation measures, the addition of further restrictions is likely to have a disproportionate effect on the overall construction programme.</p> <p>Overall, therefore, the proposed hourly piling restrictions are considered appropriate and acceptable for the IERRT project.</p> <p>With respect to that part of the ExA's question regarding setting out the number of rigs in operation at any one time and the anticipated operating hours per rig, the proposed restriction would mean that over every 4- week period (in June and August to October), up to 196 hours of piling could be undertaken by either 2 rigs, 3 rigs or 4 rigs.</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>In other words, the limit and temporal exposure over these periods would always remain 196 hours, independent of the number of rigs that are used. It should be noted that a maximum of four piling rigs would be in operation at any one time.</p>
BNE.15	Applicant	<p><b>Assessment of underwater noise</b>                      In assessing underwater noise reliance has been placed on the results of pre-construction and construction noise monitoring undertaken in 2014 undertaken in the Humber Estuary at Green Port Hull, section 5.6 in [APP-088]. Explain why the monitoring undertaken at Green Port Hull is considered to be representative of the marine noise levels applicable at the site for the Proposed Development?</p>	<p>This question is addressed in the Applicant's response to the Relevant Representations [REP1-013] at Table 3.1, reference 'Key Issue 10 – general HRA screening comments'.</p> <p>A detailed review of existing ambient noise sources and measured levels at Green Port Hull in the Humber Estuary is provided in Section 5 of the Underwater Noise Assessment (see Appendix 9.2 of Volume 3 of the ES [APP-088]).</p> <p>Maintenance dredging and associated vessel movements are already ongoing activities in the main navigation channel and berths at the various ports on the Humber (including both the Port of Hull which includes Green Port Hull and the Port of Immingham) and form part of the baseline soundscape of the estuary.</p> <p>Underwater noise impacts associated with vessel operations including maintenance dredging and dredge disposal as a result of the proposed development are, therefore, within the range of existing ambient levels in this part of the Humber Estuary.</p>

ExQ1	Question to:	Question	Applicant's Response
BNE.1.6	Applicant	<p><b>Accidental spillages and effects for the SAC and Ramsar site</b></p> <p>Within the HRA [APP-115] likely significant effects for the SAC and Ramsar site arising from accidental spillages have been assessed as being negligible as a result of applying established industry guidance. Further to the People Over Wind and Peter Sweetman v Coillte Teoranta) judgement (Case C-323/17) explain why the application of the industry guidance to control accidental spillages have not been considered to constitute mitigation.</p>	<p>The application of established industry guidance to control accidental spillages will occur with or without input from an environmental impact assessment process. It includes actions that will be undertaken to meet all applicable existing legislative requirements or actions which together constitute standard practice for the management of commonly occurring environmental effects.</p> <p>They are not measures that are designed specifically to avoid harmful effects of the IERRT project on European site features for the purpose of seeking to reach a conclusion of “no LSE”.</p> <p>As a consequence, the application of standard industry guidance to control accidental spillages is not considered to constitute mitigation in the context of the HRA process and can be considered at the screening stage of an HRA.</p>
BNE.1.7	Applicant	<p><b>Seabed sediment deposition during maintenance dredging</b></p> <p>Natural England in its Relevant Representation [RR-015], as amended by AS-011 and AS-015, has raised a concern about seabed sediment deposition arising during maintenance dredging. In the light of that representation describe and</p>	<p>This question is addressed in the Applicant's response to the Relevant Representations [REP1-013] at Table 3.1, reference 'Key Issue 46 – HRA assessment - benthic habitats and species – sediment deposition during maintenance dredging'.</p> <p>As stated in Table 9.25 of the ES [APP-045] and Table 3 and 5 of the HRA [APP-115], as a result of a less intensive</p>

ExQ1	Question to:	Question	Applicant's Response
		<p>quantify the amount of sediment deposition on the seabed that would be expected to arise during maintenance dredging.</p>	<p>dredge programme (and an overall lower predicted dredge volume), future maintenance dredging will result in smaller changes in SSC and sedimentation (within the dredge plumes and at the disposal site) as compared to the capital dredge. Deposition of sediment as a result of dredging is predicted to be millimetric, similar to background variability and will be highly localised (as set out in Chapter 7 of the ES [APP-043]). This is considered unlikely to cause smothering effects to benthic invertebrates. In the light of this, it was concluded that there is no potential for LSE.</p> <p>To provide further clarity, based on evidence provided in relevant Marine Evidence based Sensitivity Assessment (MarESA) assessments, the species characterising the subtidal and intertidal benthic samples collected as part of the project-specific intertidal survey (Section 9.6 of Chapter 9 of the ES [APP-045] and Appendix 9.1 of the ES [APP-087]) are considered tolerant to deposition of at least 50 mm with many species considered capable of burrowing through much greater levels of sediment deposition.</p> <p>On this basis they are not considered to be sensitive to the levels of deposition predicted. Furthermore, the species recorded in the benthic invertebrate surveys are fast growing and/or have rapid reproductive rates which allow populations typically to recolonise disturbed habitats rapidly, many within a few months following any disturbing events.</p>

ExQ1	Question to:	Question	Applicant's Response
BNE.18	Natural England	<p><b>Effects arising from the use of artificial lighting</b></p> <p>With respect to effects for the qualifying features of the SAC, SPA and Ramsar site arising from the use of artificial lighting during the construction and operational phases of the Proposed Development, please identify which qualifying features it is considered would be affected, as referred to in key issue 10 in your Relevant Representation [RR-015], as amended by [AS-01]1 and [AS-015].</p>	
BNE.19	Applicant	<p><b>Further assessment of impacts on fish during operation</b></p> <p>Explain the reasons for not carrying out the recommendation made by the MMO at the pre-app stage, noted in paragraph 4.2.3 of [RR-014] that "<i>habitat loss and disturbance as well as underwater noise impacts on fish during operation should be further assessed within the ES, taking into account other developments in the area</i>". (If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</p>	<p>This question is addressed in the Applicant's response to the Relevant Representations [REP1-013] at Table 3.2, reference '4.2.3 – fish and shellfish ecology'.</p> <p>Operational impacts on fish are assessed in Table 9.25 of Chapter 9 of the ES [APP-045]. The following impact pathways associated with maintenance dredging/disposal and vessel movements were considered:</p> <ul style="list-style-type: none"> <li>• Changes to fish populations and habitat;</li> <li>• Changes in water and sediment quality;</li> <li>• Underwater noise; and</li> <li>• Lighting.</li> </ul> <p>Potential effects associated with these impact pathways have been assessed as insignificant and the justification to</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>support this conclusion has been provided in Table 9.25 of Chapter 9 of the ES [APP-045]. It should be noted, as stated in paragraph 9.8.254 of Chapter 9 of the ES, that maintenance dredging required for the IERRT project already falls within the consent granted by the current marine licence for the disposal of maintenance dredge material from the Port of Immingham (L/2014/00429/2).</p> <p>Maintenance dredging is a near constant activity at Port of Immingham and Humber Estuary. The changes brought about as a result of the maintenance dredge and disposal of maintenance dredge material during operation of the IERRT will be comparable to that which already arises from the ongoing maintenance of the existing Immingham berths.</p> <p>Furthermore, as stated in Table 9.25 of Chapter 9 of the ES [APP-045], the additional operational vessel movements resulting from the proposed development will constitute only a small increase in vessel traffic in the area on a typical day.</p> <p>There will also be maintenance dredger movements but that is estimated as being likely to be necessary only three to four times a year.</p> <p>Inter project effects have been fully assessed within Table 20.5 Chapter 20 of the ES [APP-056]. In summary,</p>

ExQ1	Question to:	Question	Applicant's Response
			cumulative effects are considered to be at worst minor and not significant for marine ecology receptors.
BNE.1.10	Applicant	<p><b>Potential suspended sediment concentration (SSC) impact to migratory fish species</b></p> <p>Address the comments made by the MMO in [RR-014 - section 4.2.4] that “<i>whilst salmonids and migratory species which inhabit estuarine environments do have some tolerance to moderately elevated levels of SSC, given the natural fluctuations in SSC expected within estuarine environments, this does not preclude a significant impact.</i>” (If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</p>	<p>This question is addressed in the Applicant's response to the Relevant Representations [REP1-013] at Table 3.2, reference '4.2.4 – fish and shellfish ecology'.</p> <p>The text set out in Chapter 9 of the ES [APP-045] at paragraph 9.8.134 states that - “<i>Atlantic salmon and sea trout are both known to migrate through estuaries with high SSC to get to spawning areas (including the Humber Estuary which is considered one of the estuaries in the UK with the highest levels of SSCs)</i>”.</p> <p>This is a statement of fact. It does not preclude the assessment of impacts on migratory fish. The impact pathway has been fully assessed in Chapter 9 of the ES [APP-045] and the HRA report [APP-115] and takes account of baseline conditions and the sensitivity of fish to suspended sediment concentrations. No update is considered necessary.</p>
BNE.1.11	Applicant	<p><b>MMO comments on modelling approach.</b></p> <p>Respond to the comments made by the MMO in [RR-014] that the modelling approach in the ES assessment can only be used to predict magnitude of risk, rather than to determine range of impact and the MMO's understanding that the range of impacts may be higher. (If not</p>	<p>This question is addressed in the Applicant's response to the Relevant Representations [REP1-013] at Table 3.2, reference '4.2.7 – fish and shellfish ecology'.</p> <p>The nature of the modelling approach is set out in Appendix 9.2 in the ES [APP-088]. It is recognised that the simple logarithmic spreading modelling approach that was agreed to be used at the scoping stage may not always provide</p>

ExQ1	Question to:	Question	Applicant's Response
		<p>fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</p>	<p>definitive ranges. Rounding the predicted ranges to the nearest order of magnitude will not, however, change the outcome of the significance assessment presented in ES.</p> <p>Although it is recognised that simple models in complex environments can sometimes underestimate sound levels close to the source (i.e., within tens of metres), they can also substantially overestimate levels further from the source (i.e., beyond a few kilometres) (Farcas <i>et al.</i>, 2016). The distance of behavioural impacts presented in the ES (<i>circa</i> 1 km to 2 km) fall within these two ranges and are, therefore, considered a reasonable representation of the impact range.</p>



ExQ1	Question to:	Question	Applicant's Response
BNE.1.12	Applicant	<p><b>Absence of commercial shellfish beds</b> Provide evidence for the absence of commercial shellfish bivalve beds or other shellfish (e.g. crab, lobster) grounds in the area.</p>	<p>This question is addressed in the Applicant's response to the Relevant Representations [REP1-013] at Table 3.2, reference '4.2.17 – fish and shellfish ecology'.</p> <p>There are no classified commercial shellfish (bivalve) beds in the Humber Estuary (Cefas, 2021).</p> <p>As reported by Environmental Resources Management (2011) as part of the Able Marine Energy Park DCO application, a small fishery exists which targets lobster, brown (edible) crabs and whelk on the north bank in the outer estuary. A small-scale seasonal winter fishery also targets brown shrimp which extends along the Lincolnshire coast and down to the Wash, typically not taking place in the Humber Estuary (Environmental Resources Management, 2011; Walmsley and Pawson, 2007). These fisheries are not known to operate in or around the Port of Immingham area or in the vicinity of the proposed disposal sites.</p> <p>This would be expected given the navigational safety challenges of operating fishing vessels in these areas and likely limited catch potential as a result of sub-optimal habitat conditions for these species compared to other fishing grounds in the region.</p>
BNE.1.13	Applicant	<p><b>Biodiversity net gain</b> Respond to the comments regarding biodiversity net gain made by Natural</p>	<p>This question is addressed in the Applicant's response to the Relevant Representations [REP1-013] at Table 3.1, reference 'Key Issue 43 – Biodiversity Net Gain'.</p>

ExQ1	Question to:	Question	Applicant's Response
		<p>England in [RR-015], as amended by [AS-011] and [AS-015] and provide additional information to demonstrate a measurable 10% biodiversity net gain.</p> <p>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</p>	<p>As Natural England acknowledges, Biodiversity Net Gain does not yet apply to NSIPs.</p> <p>Despite this, however, the Applicant has determined to allocate the environmental benefits of one hectare of intertidal habitat at the consented Skeffling managed realignment site (which is currently being constructed) to the IERRT scheme.</p> <p>A suite of terrestrial enhancements will also be delivered within an existing area of woodland, owned by ABP, south of Laporte Road named Long Wood.</p>
BNE.1.14	Applicant	<p><b>Post-construction monitoring and remedial measures</b></p> <p>Clarify how biodiversity mitigation and net gain measures would be monitored and what factors would be used to determine whether they are working or not and whether remedial actions or other measures would be necessary.</p>	<p>This question is addressed in the Applicant's response to the Relevant Representations [REP1-013] at Table 3.1, reference 'Key Issue 8 – coastal waterbirds'. Net gain is addressed in the response to BNE.1.13.</p> <p>Adaptive monitoring, whereby post-construction monitoring informs remedial mitigation measures, was advised against by Natural England at PEIR stage (see Table 9.7, page 9.43 of Chapter 9 of the ES [APP-045]). It stated that - <i>'Natural England does not recommend reliance on a 'monitor and manage' approach which we have found can be very difficult to implement. There are a number of issues such as the setting of appropriate targets when additional mitigation measures would be required and separating out</i></p>

ExQ1	Question to:	Question	Applicant's Response
			<p><i>the disturbance effects of this development from current port activity'.</i></p> <p>This action was, therefore, removed from the ES as a mitigation. Monitoring will, however, still be undertaken to provide general data and as a continuation of the existing monitoring along the Humber south bank.</p> <p>ABP will also be allocating the environmental benefits of one hectare of intertidal habitat at the consented Skeffling managed realignment site (which is currently being constructed) to the IERRT scheme via a separate legal agreement – this will also be monitored as part of that project.</p>
BNE.1.15	Natural England	<p><b>References to the Institute of Estuarine and Coastal Studies toolkit</b></p> <p>In your Relevant Representation [RR-015], as amended by [AS-011] and [AS-015], concern has been raised about the Applicant's use of the Institute of Estuarine and Coastal Studies water disturbance mitigation toolkit. Please elaborate on what the concern is about the use of the toolkit and how that might have affected the assessment undertaken by the Applicant.</p>	
BNE.1.16	Natural England	<p><b>Effectiveness of construction mitigation measures</b></p>	

ExQ1	Question to:	Question	Applicant's Response
		<p>In your Relevant Representation [RR-015], as amended by [AS-011] and [AS-015], concern has been raised about the proposed construction mitigation measures. Please elaborate on what additional information would be required to demonstrate the effectiveness of the proposed construction mitigation measures.</p>	
BNE.1.17	Natural England	<p><b>In-combination assessment</b></p> <p>In terms of the matters raised in your Relevant Representation [RR-015], as amended by [AS-011], [AS-015] and [AS-016] and the assessment of in-combination effects, is there any additional information that you consider should be submitted by the Applicant to enable the ExA to comprehensively report on this matter when it makes its recommendation to the SoST? In answering this question Natural England should identify and submit any information that the Applicant has provided to it following the submission of the application on 10 February 2023. Should any such information have already been submitted as an Examination document then it will only be necessary to cite the Examination Library document reference number for that documentation.</p>	

ExQ1	Question to:	Question	Applicant's Response
BNE.1.18	Natural England	<p><b>Identification of matters needing to be addressed by the Applicant before a DCO could be made</b></p> <p>Further to: 1) your Relevant Representation [RR-015], as amended by [AS-011], [AS-015] and [AS-016]; and 2) the requirement placed on the Applicant by the ExA to submit an updated version of the HRAR by not later than Examination Deadline 5, please identify the matters in your view needing to be addressed by the Applicant before the ExA could recommend that a DCO could be made. (If not fully addressed in any Written Representations to be made by Natural England at Deadline 2.)</p>	
BNE.1.19	Applicant  Marine Management Organisation (MMO)	<p><b>Mitigation of suspended sediment impacts on fish species</b></p> <p>Applicant to clarify whether further assessment and mitigation relating to suspended sediment impacts for fish is proposed, and, if not, why not? What is the MMO's position on this?</p>	<p>This question is addressed in the Applicant's response to the Relevant Representations [REP1-013] at Table 3.2, reference '4.2.1 – fish and shellfish ecology'.</p> <p>Changes in water quality and impacts on fish have been assessed from paragraph 9.8.125 onwards in Chapter 9 of the ES [APP-045]. Changes in suspended sediment concentration (SSC) that are predicted to occur as a result of the capital dredge and disposal are considered in the Physical Processes assessment (Chapter 7 of this ES [APP-043]) and informs the assessment of impacts on fish.</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>In summary, the Humber Estuary is highly turbid, with in some cases peak SSCs in excess of 20,000 mg/l. As noted in Chapter 7 of this ES [APP-043], maximum SSCs are associated with the disposal activities (with relatively small increases in SSC arising from the dredge itself). The dredge disposal for IERRT is predicted to produce peak SSCs of around 600 to 800 mg/l above background at the disposal site. This is of a magnitude that regularly occurs naturally or as a result of ongoing maintenance dredging/disposal.</p> <p>Due to the existing high SSCs that typically occur in the Humber Estuary, it is considered that the predicted increase in concentrations resulting from the disposal will be immeasurable (against background) within approximately 1 km of the disposal site.</p> <p>The measurable plume from each disposal operation is also only likely to persist for a single tidal cycle (less than 6 hours from disposal) as after this time the dispersion under the peak flood or ebb tidal flows means concentrations will have reverted to background levels.</p> <p>Fish within the Humber Estuary are also very well adapted to living in an area with variable and typically very high year-round suspended sediment loads. They are not considered to be sensitive to high SSCs.</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>It is also important to note that the submitted assessment presents a worst case in terms of potential increases in SSCs in that it is based on the disposal of unconsolidated material at HU060. This would result in the largest increase in SSCs. However, some of dredge material (circa 25%) will be consolidated glacial clay/till which will be removed by backhoe dredger. This will result in a smaller increase in SSCs.</p> <p>The overall impact of increased SCCs is assessed as insignificant. As a consequence, increases in SSCs from dredging/disposal activities and elevated levels of underwater noise associated with piling are not considered to result in a significant cumulative/in-combination effect on fish. On the basis of the above, no further assessment is considered necessary.</p>

## 8. Navigation and Shipping

ExQ1	Question to:	Question	Applicant's Response
NS.1.1	DFDS and Immingham Oil Terminal (IOT) Operators	<p><b>Stakeholder consensus in NRA</b></p> <p>Expand on the views made at ISH2 that the Applicant is required to produce a Navigational Risk Assessment (NRA) with stakeholder consensus. (If not already included in written note following representations made at ISH)</p>	The Applicant has noted this question and depending on the responses received from the Interested Parties, may wish to clarify the position with regard to the part to be played by stakeholders in the formulation of an NRA.
NS.1.2	CLdN	<p><b>Need for Protective Provisions</b></p> <p>Expand on the point made at ISH2 that Protective Provisions for Port of Killingholme are needed to cover the eventuality that restrictions on use of the river following a marine accident or incident would affect operations at the Port of Killingholme. (If not already included in written note following representations made at ISH)</p>	
NS.1.3	Applicant	<p>Safety Case and Duty Holder at Port of Immingham</p> <p>Confirm:</p> <p>a) if there is a Harbour Master for the Port of Immingham distinct from the Humber Harbour Master, if so identify that individual or body/organisation; and</p> <p>b) if there is a specific Marine Safety Management System (MSMS) for the</p>	The points raised in this question have been answered by the Applicant in the Note provided for Deadline 1 [REP1-014].



ExQ1	Question to:	Question	Applicant's Response
		<p>Port of Immingham separate from that for the Humber Statutory Harbour Authority (SHA) and if so who is the Duty Holder, who is the Designated Person and how does the production and maintenance of that MSMS relate to the duties exercised by the Humber Harbour Master? (If not already fully answered in written submission following ISH2)</p>	
NS.14	CLdN	<p><b>Safety Case and Duty Holder at Port of Killingholme</b>                      Is there a specific MSMS for the Port of Killingholme and if so, who is the Duty Holder, who is the Designated Person and how does the production and maintenance of that MSMS relate to the duties exercised by the Humber Harbour Master?</p>	
NS.15	Maritime and Coastguard Agency (MCA)	<p><b>Port Marine Safety Management Systems and Risk Assessment process</b>                      Please advise on the following:                      a) Whether port developers are required by UK government or International Maritime Organisation (IMO) policy to produce a Navigational Risk Assessment (NRA) with stakeholder</p>	

ExQ1	Question to:	Question	Applicant's Response
		<p>consensus to assess the safety for a proposed development?</p> <p>b) Whether use of Marine Guidance Note (MGN) 654 guidance would be appropriate or inappropriate alongside the Port Marine Safety Code (PMSC) guidance in the production of a NRA for a port development proposal?</p> <p>c) Whether a port MSMS may be wholly withheld from stakeholders if there are security considerations concerning aspects of the MSMS.</p> <p>d) In the production and maintenance of a MSMS, is there a process for referring differences of opinion relating to acceptability or tolerability of risk to an authority higher than the Port or Harbour Board such as an independent arbitrator or regulatory body? If yes, who is the body or person in higher authority?</p> <p>e) If the Duty Holder's Designated Person would normally attend HAZID workshops and/or workshops to agree parameters for navigational pilotage simulations in connection with the planning for new developments concerning a port(s)/harbour(s)?</p> <p>f) Any other comments from the MCA on the normal process for assessing safety risks for a proposed</p>	

ExQ1	Question to:	Question	Applicant's Response
		<p>development, such as the Proposed Development, where port stakeholders have concerns about the process and conclusions relating to the tolerability of risks identified.</p>	
NS.1.6	Applicant	<p><b>Marine Incident in vicinity of IOT</b>                      Confirm/signpost how a marine incident reported in recent years involving allision of a tanker with a mooring buoy in the vicinity of the Proposed Development has been taken into account in the submitted NRA [APP-089] and the MSMS to date.</p>	<p>The Applicant understands that a response to this question is being provided by the Humber Harbour Master.</p>
NS.1.7	Applicant	<p><b>Historical allision of cargo vessel with vessel moored at IOT</b>                      With regard to DFDS' Relevant Representation, paragraph 3.5.1 in [RR-008], provide detailed commentary on the marine accident referenced, specifically noting: information on the wind and tide conditions; the details of the cargo vessel involved; the context of the navigation taking place; and the Marine Accident Investigation Branch's conclusions as to why the pilot was unable to maintain control despite having tugs made fast.</p>	<p>The Applicant understands that a response to this question is being provided by the Humber Harbour Master.</p>
NS.1.8	Applicant	<p><b>Effects on navigation adjacent to the Proposed Development</b>                      With regard to Risk O.6 in the NRA [APP-089], elaborate on the embedded</p>	<p>The controls recorded as embedded in the NRA are detailed below although this list should not be viewed as exhaustive in that they essentially comprise an</p>

ExQ1	Question to:	Question	Applicant's Response
		<p>controls assessed for collision risk with another vessel for a Ro-Ro vessel on passage to/from the Proposed Development.</p>	<p>aggregation of the readily obvious controls raised and discussed in the HAZID workshops.</p> <p><b>Towage, available and appropriate:</b> Coverage provided by local tugs is a control that reduces the risk of collision by providing greater manoeuvrability for a vessel at slow speed whilst berthing or departing.</p> <p><b>Communications – traffic broadcast:</b> This is a control that is supported by VTS (see below) as vessels transit through the Competent Harbour Authority area. By this means Pilots/PEC holders and Masters as appropriate receive up-to-date relevant information, thereby ensuring the safety navigation. This means of communication can be provided by both the Humber Harbour Master and the Port of Immingham Dock Master.</p> <p><b>International COLREGs 1972 (as amended):</b> Application of the International Rules for Prevention of Collision at Sea – colloquially termed the COLREGs (Collision Regulations) assists in reducing the risk of collision between vessels by dictating how vessels should manoeuvre in different situations. For example, for vessels in all states of visibility, the rules include but are not limited to - the use of effective lookout, proceeding at a safe speed, actions to avoid collision and conduct within narrow channels. Additional rules include instructions as</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>to the steps to be taken when vessels are in sight of one another and where vessels are operating in areas of restricted visibility. The Regulations provide a series of fundamental rules designed to reduce risk and are common knowledge for every mariner.</p> <p><b>Passage Planning:</b> This control takes into account the navigation of a vessel. Ships plan how they will manoeuvre when they enter a port and will adhere to relevant guidance in so doing. For example, ships will try to keep to the right-hand (starboard) side of a narrow channel or passage and will use various marks within a port environment to guide them as to when to manoeuvre. The planning will also account for manoeuvring data such as advance and transfer (how much a ship will 'slide' in a turn at a certain speed for a certain amount of course altered).</p> <p><b>Vessel propulsion redundancies:</b> This control takes account of the fact that many of the vessels operating in the Humber have redundancy available if they lose part or all means of their primary propulsion system. For example, some vessels have two engines which can each power one or both propeller shafts. Other vessels may also have what is known as "Power Take-in/Power Take-out" built into their propulsion system. This enables a transfer of power so as to provide power for propulsion from generators, if required, due to the primary means of</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>propulsion (engines) being lost. As will be appreciated, there are many ways in which modern ships can safeguard against the loss of their primary means of propulsion and whilst some vessels may only have a single engine with no redundancy this is not the norm. Propulsion redundancy aids the safety of navigation and reduces the risk of collision by enabling a vessel to employ an alternative means of propulsion should that be required.</p> <p><b>Vessel Traffic Services:</b> this control relates specifically to the important role Vessel Traffic Services (VTS) play in collision avoidance. VTS includes (but is not limited to) operators who manage the surface plot and spacing of vessels, AIS tracking, ARPA (Radar) Tracking, and communication with vessels to deconflict transits. The service provided by VTS enables better water-space management and as a result reduces the risk of collision.</p> <p><b>Accurate tidal measurements:</b> Accurate understanding of the state of tide helps to avoid vessel collision in that the state of the tide is an environmental condition central to safe navigation. Understanding the speed of flow and height of water is critical when conducting pilotage and berthing/departure procedures as it will often dictate where some vessels can or cannot manoeuvre (due to</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>their draughts) or how some vessels may need to manoeuvre to maintain their planned passage.</p> <p><b>Byelaws:</b> Use of this control is a recognition of the powers of direction available in the context of the safety of navigation. These measures may include wind limits, speed restrictions, or berthing windows for certain berths. This helps to reduce the risk of collision through positive control of conduct within the Compulsory Harbour Authority area.</p> <p><b>Aids to Navigation, Provision and maintenance of:</b> Aids to Navigation provide visual reference points that help to identify safe water and aid vessels in following their passage plans through basic principles of pilotage and navigation. These aids enable vessels to safely manage their own navigation by providing a visual reference.</p> <p><b>Harbour Authority requirements:</b> Much like byelaws, albeit implemented at a different level, the requirements of the Statutory Harbour Authorities can dictate how vessels are to conduct safe navigation. Strict adherence to the published requirements has a positive impact in reducing the risks associated with vessels colliding.</p>

ExQ1	Question to:	Question	Applicant's Response
			<p><b>Joint emergency drills with VTS and Port staff:</b> This control encapsulates the holding of drills involving VTS and port staff to practise immediate actions in the event of an emergency or incident. The use of drills as a control to offset incidents is well known and good practice. This control is a valuable means of reducing both the risk of collision and the issues that could arise in circumstances when a collision does occur by the reduction of cascading errors and the rehearsal of the corrective steps to be taken.</p> <p><b>Local Port Services:</b> This control is provided by the Port of Immingham's local port services. Local Port services is a generic term covering a variety of controls – all of which contribute to the safety of navigation and the reduction in collision risk. These include elements such as tugs, line handlers and the communication of weather and tidal data together with the provision and use of a wide range of physical and data-based assets or information.</p> <p><b>Availability of latest hydrographic information:</b> Having regularly updated charts and knowledge of the available depth of water throughout a port is critical to assisting in the reduction of the risk of collision as vessels are better able to understand the limits of the safe water available.</p>



ExQ1	Question to:	Question	Applicant's Response
			<p><b>Arrival/Departure, advanced notice of:</b> as a sub-function of VTS this control helps to avoid collision through the positive control of vessel movements within the harbour.</p> <p><b>Oil spill contingency plans:</b> Whilst this control has no impact on the frequency of collision between vessels it does, however, have a positive impact on the consequence outcomes. For example, if two vessels were to collide and the SHA has not put in place an oil spill plan, then the consequences of such a collision could be considerably worse from an environmental perspective. The PMSC requires risks to be considered across four receptors (including environment), therefore, this control can be described as a 'reactive' control for the environment receptor which helps reduce the environmental consequences of a collision.</p>
NS.1.9	IOT Operators	<p><b>Bunkering from barges</b> Do vessels at the finger pier berths 8 and 9 ever need to be bunkered from barges rather than the jetty's infrastructure?</p>	
NS.1.10	IOT Operators	<p><b>Tug assistance at IOT Berths 8 and 9</b> How frequently is it necessary to use a tug or tugs for arriving or departing vessels and what are the factors that</p>	

ExQ1	Question to:	Question	Applicant's Response
		determine when and how many tugs will be required?	
NS.1.11	Applicant	<p><b>Learning from simulation runs</b>                      Comment, with examples, on how learning to date from the aborted or failed simulation runs for the Proposed Development has been captured and fed back into re-assessing the rating of risks in the NRA and how that would be fed into the MSMS for an extended port.</p>	<p><b>APP 090 to 092</b> are appendices to the NRA [APP-089] which contain the simulation reports from HR Wallingford. It is common practice when undertaking navigational simulations to test benign conditions initially as a proof of concept that the design is at the very least feasible.</p> <p>Following this stage, conditions are then progressively degraded from the “easy” to the “difficult”, not to simulate day-to-day practical conditions – but to gain an understanding of limiting conditions.</p> <p>During ISH2, DFDS and the IOT Operators in particular, selected a specific failed Run (#59) and attempted to demonstrate that this failed run was typical of the conditions and difficulties faced by a vessel berthing at the proposed development. This is not the case and the simulations are being misused.</p> <p>Such assertions fail to recognise the purpose of navigational simulations. DFDS conducted their own simulations with HR Wallingford immediately after the Applicant’s simulations had finished in November 2022 – and DFDS will know that navigational simulations are not intended to test what is “easy” but what is “difficult” and to identify limiting conditions.</p> <p>Accordingly, devoting ISH time to consideration of one specifically selected failed run is misleading and misses</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>the purpose and point of the simulations. The simulations do not themselves form part of the completed NRA.</p> <p>The Applicant intends to provide further information to the ExA as to the basic objectives of navigational simulations and how they are used in light of the misleading representations made during ISH2 and in the Deadline 1 submissions.</p> <p>By way of example only at this stage, it can be seen that Run (#59) which was relied on by the Interested Parties at ISH2 is not and is not intended to be a typical Run. The environmental conditions deliberately applied by the simulator for this Run included 27 knots of wind from the NNE which wind condition accounts for approximately 1% of the actual wind experienced within the study area as supported by data within the NRA [APP-089]. In other words, 99% of the wind experience in the study area is either from the SW and below 27 knots or is from other directions which will have different impacts on vessels manoeuvring in proximity of berths. The purpose of undertaking navigational simulations in such a range of conditions is to understand the parameters so that what is then learned can be applied in practice.</p> <p>It is also important to note a further misunderstanding about the simulations themselves. They are not part of the NRA itself but are referenced in general [APP-089]. This is because the simulations are to be viewed in conjunction with the NRA but have not been assessed to draw conclusions in the NRA. The intent of presenting the</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>NRA and the simulations separately is to enable the SHAs to consider the specific parameters they will implement to control the identified risks.</p> <p>An example of this could include 'Wind Limits' which appears in the NRA as an 'Applied Control'. The SHAs will then consider the simulated runs and determine what specific 'Wind Limits' they will apply to manage the risk as part of the MSMS (e.g., berthing restrictions when wind from the NNE exceed 26 knots).</p> <p>As far as the learnings gleaned from the navigational simulations are concerned, during the Post-Decision stage, both SHAs (Immingham and Humber) will consider and take into account all learnings, lessons and indeed advice encapsulated in the NRA [APP-089] and its associated appendices [APP-090-092].</p> <p>These will be considered together with any additional reliable, related and pertinent sources of information (which may include NRAs from other sources if they adhere to the PMSC).</p> <p>What has been gathered will then be refined and incorporated within the MSMS. Supporting Directions will be issued by the appropriate bodies bearing in mind, as noted above, that the purpose of a risk assessment is to identify and define the risks and it is for the safety management system to manage the risks – an obvious example in this context being the identification as a result of the simulations (and indeed the separate NRA) for</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>pilotage and PEC training in the context of the three new IERRT berths.</p> <p>This process will occur for every risk and the associated controls will be incorporated by the Applicant.</p> <p>It should be noted, contrary to views expressed by the Interested Parties, there is no need, nor requirement to re-assess risk in the NRA based on the comprehensive simulations already undertaken. This is because robust and accurate simulation has already been undertaken in order to inform the SHA, in combination with the NRA.</p> <p>It should also be noted in this context that pilots will be trained in a simulated environment prior to real world operations. This will further inform and support navigational safety.</p> <p>The culmination of the lessons learned from the simulations will be fully taken into account and in due course, at the appropriate time, transferred from the NRA to the MSMS via the procedures in the PMSC's Guide to Good Practice associated with Risk Assessment and the MSMS Cycle (PMSC GtGP, Figure 1 page 32).</p>
NS.1.12	Applicant	<p><b>Reducing Risk of Allision with IOT trunkway to ALARP</b></p> <p>Is it correct that the submitted NRA [APP-089] states that the implementation of impact protection measures for the IOT trunkway, proposed Work Number 3, as</p>	<p>No, that is not correct. The NRA [APP-089] has concluded that impact protection measures for the IOT trunk way are not required to meet the ALARP required condition.</p> <p>The comment that is being referenced underlines, what is considered to be the good practice adopted by the</p>

ExQ1	Question to:	Question	Applicant's Response
		<p>additional mitigation for allision risk would be necessary to control the risk of allision with the trunkway to attain “as low as possible reasonably practicable” (ALARP)?</p>	<p>Applicant, namely that the NRA faithfully records and takes into account the comments of the Interested Parties who attended the HAZID workshops and who made the suggestions – even though those suggestions may not be reflective of reality.</p> <p>It would have been wrong for the Applicant to have failed to have presented a balanced record of the comments received by the Interested Parties during those Workshops – even though some may have been influenced by the wish to protect their own commercial interests - from the generality of the formulation of the NRA.</p> <p>The Applicant's position remains, however, as stated above.</p>
NS.1.13	Applicant	<p><b>Decision process flow for implementation of Impact Protection to IOT</b></p> <p>Provide a note with a flow-diagram explaining the process for determining whether or not impact protection measures for the Immingham Oil Terminal would be installed. The information provided should explain, amongst other things, precisely who would be involved in the decision-making process and how and when the decision making process would be initiated. (If not</p>	<p>The draft DCO at Requirement 18, provides that if the Statutory Conservancy and Navigation Authority (effectively the Harbour Master Humber) considers that that the provision of impact protection measures may be necessary, then the “Company” i.e., the Applicant must give that recommendation “due consideration”.</p> <p>The process for the Applicant's “due consideration” is outlined in the Note provided as <b>REP1-014</b>. In simple terms, however, bearing in mind that as noted, the Applicant does not consider that this scenario will actually arise, the process will involve the compilation of relevant assessments/reports followed by consideration of the recommendation – which of itself will have to be</p>

ExQ1	Question to:	Question	Applicant's Response
		already fully answered in written submission following ISH2)	supported by explanatory data. The ultimate decision will be made by the Applicant's HAS Board decision process by the "Duty Holder".
NS.1.14	Applicant, DFDS and IOT Operators	<p><b>Consequences of decision to abort berthing manoeuvre</b></p> <p>If a pilot or ship's master with a pilot exemption certificate for Immingham decides dynamically that conditions would make it unsafe to continue with a berthing manoeuvre or entry into the Port's lock, what are the consequences for that physically and administratively?</p>	The Applicant understands that a response to this question is being provided by the Humber Harbour Master.
NS.1.15	Applicant	<p><b>Pilot and tug availability</b></p> <p>Explain how many pilots and tugs are currently available to serve vessel arrivals and departures at the existing Port Immingham and what implications the operation of the Proposed Development might have for the availability of pilots and tugs.</p>	<p>Again, the Applicant considers that the Humber Harbour Master may wish to comment.</p> <p>As far as the Applicant is concerned, however, the provision of tugs is a service provided by commercial operators on a commercial basis. Put simply, if additional demand for tugs arises on the Humber, then the tug operators will increase their fleet numbers commensurately.</p> <p>The Interested Parties, all of whom make use of the services provided by the Humber tug companies, are fully aware of the position and it is disappointing that this has been raised as an issue.</p>

ExQ1	Question to:	Question	Applicant's Response
NS.1.16	Applicant	<p><b>Contingency management of tug availability for berthing in limiting conditions</b></p> <p>Based on conclusions reported in NRA Appendix Part 1 [APP-090, page 3] if multiple tugs would be required to enable Ro-Ro berthing in certain conditions, how could that risk control be secured in a made DCO or how would the consequences be managed if they were not available.</p>	<p>This is a constant feature of the existing situation that is managed on the Humber and in the context of the Port of Immingham, on a day-to-day basis. As such, the Applicant is already responsible for the operational management and safety the Port of Immingham.</p> <p>In light of the legal obligations already falling on the Applicant as Port of Immingham SHA and its clear experience in operating and managing a major port facility, it is not considered that it would be appropriate for additional risk controls to be secured by the DCO.</p> <p>As far as the provision of tugs to assist port operations and management is concerned, as already noted, this is market driven and the required level of tug support will be provided by the operators of the tug companies.</p> <p>As a consequence, this should not and cannot be a control conditioned within the approved DCO because tug availability as noted above involves the provision of commercial third-party services and in any case, is a matter for operational management by the experienced SHAs.</p>
NS.1.17	Applicant	<p><b>Societal Risk Assessment</b></p> <p>Explain what risks have been assessed in the application with respect to the potential impact of the Proposed</p>	<p>COMAH establishments are regulated by the COMAH Competent Authority (CA), comprising the Health and Safety Executive (HSE) and the Environment Agency.</p>



ExQ1	Question to:	Question	Applicant's Response
		<p>Development's proximity to Control of Major Accident Hazards (COMAH) sites, including collateral societal risk for energy supply in the United Kingdom and how any necessary mitigation would be secured in a made DCO.</p>	<p>Under the COMAH Regulations, the CA has statutory responsibility to provide regulatory oversight of high-hazard industries using or storing quantities of dangerous substances that fall into the scope of the Regulations. Their approach aims to assure the public that onshore major hazard (not maritime) businesses are meeting their responsibilities to control major accidents to people and the environment and to mitigate the consequences in the event of an industrial accident.</p> <p>The ExA should note that COMAH does not apply to navigation, and it is not correct to apply COMAH risks or controls to an NRA.</p> <p>COMAH legislation applies to the operator of the specific site. It also considers the type of substance, the quantity stored and what other combinations of product are stored in the area.</p> <p>For navigation purposes and movement of dangerous goods the <i>Dangerous Goods in Harbour Area Regulations 2016 (DGHAR)</i> define the meaning of a dangerous substance and set out the requirements for entry into the harbour area. It includes the Harbour Master's powers, marking and navigation of vessels, handling of dangerous substances, bulk liquids, packaging and labelling, storage</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>and explosives. It requires the preparation of emergency plans by harbour authorities.</p> <p>Before Dangerous Goods can be handled within a harbour area, the harbour authority i.e., the relevant port SHA, must prepare an effective emergency plan. The harbour authority must consult the emergency services and any other body it considers appropriate in the preparation of such a plan. The harbour authority can appoint inspectors to enforce the entry of dangerous substances into the harbour area and ensure the marking and navigation of vessels is carried out in a safe manner. This is particularly important to ensure third parties maintain adequate safety standards.</p> <p>A harbour master also has powers to prohibit the entry into a harbour of any vessel carrying dangerous goods, if the condition of those goods, or their packaging, or the vessel carrying them is such as to create a risk to health and safety, and to control similarly the entry on to dock estates of dangerous substances brought from inland (as prescribed in the DGHAR). The harbour master also has powers to regulate the movement of vessels carrying dangerous goods. Prior notice must be given to bring dangerous substances into a harbour area from sea or inland. The period of notice is normally 24 hours, although the harbour master has some powers of discretion on both the period and form of the notice. Harbour authorities have</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>a duty to prepare emergency plans for dealing with dangerous substances.</p> <p>The Port of Immingham and HES MSMS provides that dangerous substances being transported or handled through ABP Ports must be handled in accordance with the Dangerous Goods in Harbour Area Regulations except those substances being stored under the COMAH Regulations.</p>
NS.1.18	Applicant	<p><b>Direction of current between the IOT and the Proposed Development's berths</b></p> <p>With regard to paragraphs 3.21 and 3.22 in DFDS' Relevant Representation [RR-008], comment on any expected change arising from the formation of the proposed dredge pocket and berthing infrastructure on the direction of current within the area between the IOT and the lock mouth of the port at times of peak flow with reference to Figures 2.7 and 2.8 in [APP-090]. In responding to this question commentary relating to the relevance of simulation Runs 08, 26 and 29 of November 2022 and Runs 18, 24 of July 2022 should be provided. [If not already fully answered within response to action points at ISH2]</p>	<p>Two independent current flow monitoring surveys have been conducted in relation to the IERRT project.</p> <p><b>First</b> - a seabed deployed Acoustic Wave and Current (AWAC) device was installed for a six-month period between 15 November 2019 and 5 June 2020. Over this period current speed and direction (as well as wave climate and water levels) was monitored at 0.5 m depth intervals every 10 minutes. The instrument was located close to the location of the proposed IERRT marine infrastructure (53° 37.81252'N, 00°1 0.52781'W) – see plan provided at Appendix [12] to [REP1-009]. Current speed and direction data was initially provided as full depth-averaged data which is the standard output.</p> <p>A significant current direction sheer through the water column was, however, identified and, therefore, the data was reprocessed to provide datasets averaged over the upper 5 m, 6 m and 7 m of the water column to represent the expected drafts of vessels using the proposed berths. This data was used to assist the validation of</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>hydrodynamic models used in the design and assessment of the IERRT project (see Appendix 7.2 – Numerical Model Calibration Report [APP-084]) and to develop a tidal model for use in the vessel navigation simulations (see Appendix 10.2 – Navigation Simulation Study [APP-090 and APP-091] and Appendix 10.3 – Navigation Simulation – Stakeholder Demonstrations [APP-092]).</p> <p><b>Second</b> - a mobile, vessel based ADCP (Acoustic Doppler Current Profiler) survey was conducted along multiple transects within the vicinity of the proposed IERRT marine infrastructure. This was undertaken to understand the spatial variation of current flows in the area given the undulating bathymetry surrounding the IERRT site. The current monitoring transect surveys were conducted on two occasions: 11-12 October 2022 (spring tide) and 18 October 2022 (neap tide). The three transects were located at agreed locations to provide suitable data for model verification purposes – see plan provided at Appendix [12] to document [REP1-009].</p> <p>Two transects (A and B) were located at the location of the proposed IERRT infrastructure, with Transect B crossing the location of the previously deployed seabed AWAC (for comparison purposes). The third transect (C) was located at the approaches to Immingham lock. A further transect (D) was conducted on a peak spring only and passed over a an AWAC device that was deployed at the time (for a direct comparison). Observations of the</p>

ExQ1	Question to:	Question	Applicant's Response
			<p>current at 0.5 m intervals through the water column, were conducted along each transect at 30-minute intervals over a full 13-hour tide period. Data was processed both as full depth-averaged and (as above) averaged for the upper 5 m, 6 m and 7 m of the water column. This data corroborated the data collected via the AWAC device.</p> <p>It should be noted that the Applicant commissioned HR Wallingford to run 3D TELEMAC flow models – which considered the effect of the intended dredged pocket.</p> <p>Sensitivity analysis on the effect of the dredged pocket concluded that the effect of the dredging on current speed and direction was localised within the intertidal zone and did not significantly affect the flows towards IOT or the Immingham bell mouth.</p> <p>The pile infrastructure for the new facility was not included in the modelling because given the pile 10-12m spacing, the effect of the piles on flows will only be localised.</p> <p>The proposed IERRT pontoons did affect the flows in the local area and were included. The changes in the flow due to the draught of the pontoons, however, was only observable at low water and did not extend as far as the Immingham bell mouth. The effect in relation to IOT was considered during the simulations.</p>

ExQ1	Question to:	Question	Applicant's Response
			The flows applied in the navigation simulation were provided as gridded data providing a single value of either depth averaged or draught averaged flows, with spatial and temporal variation included at 5m and 15 min intervals.
NS.1.19	DFDS	<p><b>Vessel types and manoeuvrability</b></p> <p>With regard to paragraph 3.1.9 of DFDS' Relevant Representation [RR-008], provide elaboration of what vessel types and sizes DFDS understands would use the Proposed Development, together with an explanation of their manoeuvrability in comparison with the vessels used in the simulation runs that have informed the Applicant's NRA.</p>	
NS.1.20	DFDS	<p><b>Use of bow thrusters, tugs and pilots</b></p> <p>With regard to paragraph 3.1.10 of DFDS' Relevant Representation [RR-008], provide evidence to support the observation that "the Applicant over-relies on use of bow thrusters, tugs and pilots to achieve successful simulations".</p>	
NS.1.21	DFDS	<p><b>Direction of current</b></p> <p>Explain the implications of the contention that the current direction north of the Proposed Development is different to that modelled in the navigation simulations presented by the Applicant.</p>	

ExQ1	Question to:	Question	Applicant's Response
NS.1.22	DFDS	<p><b>Potential congestion of navigation</b></p> <p>Expand on the argument made at ISH2 that the operation of the Proposed Development would cause shipping movement congestion in and around the Port of Immingham. (If not already included in any post ISH2 submissions)</p>	
NS.1.23	DFDS	<p><b>Admiralty Chart data on current direction</b></p> <p>With regard to paragraph 3.23 of DFDS' Relevant Representation [RR-008], submit a copy of the cited Admiralty Chart data and provide a commentary on how the direction of tidal current in the vicinity of the western end of the IOT jetty and pontoons might affect the safety of berthing manoeuvres for the Proposed Development and the IOT's berths. (If not already fully answered in written submission following ISH2)</p>	
NS.1.24	DFDS	<p><b>Relationship of project lifetime to risk assessment</b></p> <p>With regard to paragraph 3.68 of DFDS' Relevant Representation [RR-008], expand on the contention as to why the lifetime of the project "<i>serves to downplay risk</i>".</p>	

ExQ1	Question to:	Question	Applicant's Response
NS.125	Applicant	<p><b>AIS transit density data</b></p> <p>Explain the "AIS Transect" pecked line in Figure 10.2 of [APP-066] and provide AIS transit plots on a disaggregated basis for: 1) the IOT and 2) the rest of the Port of Immingham for the same time period as depicted in Figure 10.2.</p>	<p>The AIS transect line is the point at which the AIS data is measured to provide the information contained within Table 10.4 and Table 10.5 of Chapter 10: Commercial and Recreational Navigation [APP-046].</p> <p>The figures provided in <b>Appendix 2</b> to this document display disaggregated AIS data for the IOT and the remainder of the Port of Immingham SHA (excluding the IOT) on a per vessel type basis</p>
NS.126	Applicant	<p><b>For Port of Immingham additional predicted vessel movements</b></p> <p>In terms of vessel movements to and from the Port of Immingham, for a typical week provide a summary of the existing vessel arrivals and departures and to that arrival and departure information add the vessel movements predicted to be generated by the Proposed Development.</p>	<p>Taking into account data from January 2022 to end of August 2023, the weekly average vessel arrivals and departures to/from the Port of Immingham total 199 movements. This only considers commercial vessels arriving or departing berths within the Port of Immingham jurisdiction and does not take account of vessels transiting to other ports or terminals within the Humber Estuary.</p> <p>As noted in the Applicant's response to ISH2 Action Point 2 [REP1-009], the marine activity recorded during the Familiarisation Site Inspection on 26 July was confirmed to represent a typical day. Therefore, the Applicant has undertaken an analysis of the Port of Immingham vessel arrivals and departures for the week of 24 July 2023 for consistency.</p>



ExQ1	Question to:	Question	Applicant's Response
			<p>Vessel movements during this period for the Port of Immingham total 192. The IERRT development will generate 42 additional vessel movements per week (i.e., 3 arrivals and 3 departures per day). Based on the above period the total weekly movements for the Port of Immingham including the IERRT vessels will be 234.</p> <p>In the context of the above, however, it should be noted that Stena already currently operate one service from the Port of Immingham which calls at a berth in-dock. As a consequence, once the proposed development is operational, the net increase in Stena's operations will be 4 movements per day, or 28 movements per week. When added to the Port of Immingham weekly vessel movements, this totals 220 movements. The Applicant can confirm this is below peak vessel movements recorded within the Port of Immingham in the last 18 months.</p>

## 9. Socio-Economic

ExQ1	Question to:	Question	Applicant's Response
SE.1.1	CLdN	<p><b>Socio-Economic indirect effects and potential displacement</b></p> <p>Consultation Report Appendices [APP-034, page 209] responds to comment PI41 made by C.Ro Ports Killingholme (now CLdN) by referring to paragraph 16.8.5 onwards and Table 16.9 of “<i>this ES chapter</i>”, taken to mean [APP-052, ES Chapter 16). Does CLdN accept that relevant indirect affects have been assessed? If not, please clarify the point being made.</p>	

## 10. Terrestrial Transport and Traffic

ExQ1	Question to:	Question	Applicant's Response
TT.1.1	Applicant	<p><b>Accommodating throughput of HGVs</b></p> <p>With reference to [AS-008, paragraph 7.3.1], provide the evidence underpinning the assessment the conclusion that <i>“the number of HGV parking and storage provided on site means that all vehicles will be catered for on-site and there will not be any queuing on the local highway network. The facility includes for a significant amount of waiting areas and check in lanes, to specifically ensure that the design throughput of HGVs can be accommodated on site. There is no need therefore for mitigation.”</i></p>	<p>The Transport Assessment [AS-008] makes clear at paragraph 5.2.3 that the overall capability of the terminal (and, therefore, the maximum throughput assessed within both the TA and the ES) is 1,800 units per day / 660,000 units per year.</p> <p>In practical terms, however the efficient throughput of the terminal on a day-to-day basis is considered likely to be around 80% of that total capacity, which would result in an average 1,440 units being handled per day (around 525,000 units per year).</p> <p>The assessed level of 1,800 units that has formed the basis of the assessment, therefore, allows for a 25% uplift on the considered efficient throughput level to allow for assessment of potential peak days. The assessment presented in the TA is, therefore, robust and appropriate.</p> <p>As indicated above in response to Question BGC.1.16, the Applicant will be submitting a revised version of Chapter 2 of the ES [APP-038] once it submits its Change Notification, as referenced by Mr Greenwood on behalf of the Applicant at ISH1. That revised ES Chapter will reflect the further ongoing detailed design refinement work that has taken place on the IERRT since the submission of the DCO application. Elements of the terminal which have an influence on its throughput are matters that have been refined during ongoing detailed design work – for example,</p>

			<p>the number of check-in desks and whether those check-in desks are manual or automatic.</p> <p>Once it makes this further design refinement information available, the Applicant will be able to provide a further level of reassurance that the position set out in paragraph 7.3.1 of the TA <b>[AS-008]</b> is a robust position.</p>
TT.12	Applicant	<p><b>Measures to accommodate HGV parking outside the Proposed Development</b></p> <p>With regard to terrestrial Traffic and Transport impacts [APP-053, section 17.9] for both the construction and operational phases:</p> <ul style="list-style-type: none"> <li>a) what security can be provided ensuring parking of HGVs overnight or during rest breaks would avoid any nearby residential areas or on any other local roads near to the Port.</li> <li>b) provide a map showing the location of services or rest areas between the application site and the strategic highway network that might be used by HGV drivers together with details of the number of off-street parking available at each of the services or rest areas.</li> <li>c) what measures would be put in place to ensure that any HGVs that arrived early at either the East or West Gate or prior to being notified of a</li> </ul>	<p>The town of Immingham and the surrounding highway network is subject to a comprehensive set of controls (by means of Traffic Regulation Orders) which are designed limit the impact of existing high levels of HGV traffic using the port and surrounding industrial areas.</p> <p>a) <b>Appendix 3</b> shows the existing controls in the area in respect of Immingham and the access routes to the port.</p> <p>The A160 and A1173 is subject to “Clearway” restrictions which prohibit stopping (for any reason) 24 hours a day. The residential areas of Immingham and South Killingholme are all subject to environmental weight restrictions of 7.5 tonnes which prohibits access by any vehicle over 7.5 tonnes unless it has genuine reason to access that area.</p> <p>There is a roadside parking layby on the A1173 just to the east of Immingham which provides parking for residential terrace houses fronting the road. This layby is subject to a restriction which prohibits parking of vehicles over 5 tonnes.</p> <p>A second similar layby on Kings Road has the same restriction.</p> <p>As a consequence, it is considered that there is no need nor justification for further measures to address potential impacts of HGV parking on local access roads or nearby residential areas.</p>

		<p>cancelled sailing did not park in laybys or on roads near to the Port or outside any designated service area or did not cause delays to accessing the Port of Immingham.</p>	<p>b) A map showing the location of truck stops and services both existing and proposed can be seen in <b>Appendix 4</b> to this document. There are two principal publicly available truck stop services available within the area, one at Immingham (for around 70 spaces) and one at Ulceby for 70 spaces.</p> <p>In addition, North East Lincolnshire Council are currently considering two applications for further provision on the A180 at the existing Ascona Luxmore Petrol Stations. If granted, these will provide an additional 44 spaces for HGVs (a 31% increase in current provision in the area).</p> <p>It should be noted that there is also a further application under consideration for a 200 space HGV park (within North Lincolnshire) at the A15 / A180 Barnetby Interchange.</p> <p>c) Measures to prevent HGV parking on the local road network are set out above in response to point a).</p> <p>In terms of management of HGVs by operators for cancelled sailing, as set out in <b>[AS-008 Para 7.4.3]</b> in common with all operators of such facilities, all HGVs are booked through a booking system. This also, in the case of Stena, involves the provision of an App based booking process which allows real time notification of any changes to services to all booked customers. Alerts are made through the App and backed up by provision of SMS and emails to customers.</p> <p>By these means all customers are alerted to changes to services thereby preventing unnecessary journeys to the facility.</p> <p>Clearly in some cases the notification of a cancellation might come at point when the HGV has already left its point of origin. In such a case, there will be provision for those vehicles arriving</p>
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			<p>to be booked into the Terminal to wait for the next service. Full facilities for drivers will be provided on site to accommodate this.</p> <p>In the context of construction traffic, the CEMP [APP-11 Plate 1] includes the provision of a specific HGV routeing plan which will direct drivers to the East Gate.</p>
<p>TT.13</p>	<p>Applicant</p>	<p><b>Relocation of bus stop</b>                  With reference to bus stop noted on [APP-007] Works No. 12:                  a) In connection with relocating the Queens Road bus stop, would a temporary bus stop be provided during the construction works and if so the location for the temporary stop should be shown on a map.                  b) Has the proposed relocation of the bus stop been discussed with the bus service provider? If not, is there an intention to do so? If it has been discussed what has been the bus operator's response?</p>	<p>The bus stop can be maintained in or near its current position as a temporary measure during the construction works. This is a matter for detailed traffic management to be agreed prior to commencement of works.</p> <p>In terms of the detail of the works the scheme will require the widening of the carriageway in the vicinity of the existing bus layby and the provision of the new footway link to connect it to the port.</p> <p>This will require excavation along the edge of the carriageway for the installation of new kerbs. To comply with traffic management regulations, the bus layby would need to be closed, but only for the specific duration of this task. During that period the bus stop will be temporarily relocated (most likely to Laporte Road)</p> <p>The decision as to the location of the temporary bus stop will be captured within the local authority traffic management / permit approvals. As there is no pedestrian access in the vicinity of the current bus stop temporary traffic management will be required to provide a safe access from pedestrians to / from the bus stop.</p> <p>No discussions have taken place with the bus operator at this stage but their engagement and agreement on the solution as part of the detailed design and consideration of traffic</p>

			management arising will take place as part of the Section 278 design process.
TT.14	Applicant	<p><b>Internal port traffic movements</b></p> <p>Indicate on a plan or plans the likely internal roads between the East Gate and the West Gate that might be used by vehicles during the construction and operational phases.</p>	<p><b>Appendix 5</b> to this document shows the routes which vehicles would take from each security gate through the port.</p> <p>The route from the site to East Gate is around 400m in length.</p> <p>The route to West Gate is a distance of some 3.5km and involves routing through one priority junction, a signal controlled crossing and two roundabouts.</p> <p>As set out in the CEMP [<b>APP-111 Plate 1</b>], all construction traffic movements will be routed via East Gate.</p>
TT.15	Applicant	<p><b>Capacity analysis of road junctions within the port</b></p> <p>Signpost any capacity analysis for the Port of Immingham internal road junctions that has been undertaken. If such an analysis has not been undertaken explain why that is?</p>	<p>Capacity assessments of internal junctions can be seen in <b>Annex M (Technical Note 4) of the TA [AS-008]</b>. The internal junctions within the statutory port estate which were assessed were:</p> <ul style="list-style-type: none"> <li>Robinson Road/ Crescent Access Road Junction;</li> <li>East Riverside/ East Dock Road;</li> <li>Robinson Road/ East Dock Road;</li> <li>Robinson Road/ Gresley Way;</li> <li>Robinson Road/ East Riverside; and</li> <li>Robinson Road/ IOT Access Road.</li> </ul> <p>These junctions can be seen in <b>Appendix 6</b> to this document. They were assessed because they are the junctions immediately affected by part of East Riverside being closed as part of the proposals.</p> <p>The junctions which will accommodate the traffic to and from the proposed development between the site access and West Gate</p>

			have not been assessed as the increase in additional traffic due to the proposals is not considered to be significant.
TT.1.6	National Highways And local highway authorities (LHAs)	<p><b>Cumulative impact of HGV traffic if construction and operation is overlapped</b></p> <p>Advise as to whether or not you are content that any cumulative impact of HGV movements on strategic and local highway networks has been adequately assessed for the worst-case scenario of there being an overlap between a second phase construction period while the first phase of the Proposed Development would be operational?</p>	<p>The applicant has not explicitly assessed a split in the construction / operation phases of the development. The assessment of construction impact is provided at Section 5.1 of the Transport Assessment [AS-008]. This forecasts construction traffic at a peak of 280 HGV and 240 light vehicle movements per day (a peak of 520 movements per day). The average generation is 420 movements per day.</p> <p>The full operation of the proposed development is described in Section 5.2 of the Transport Assessment [AS-008] and has been assessed on the basis that it will, as a worst case scenario, generate circa 2,000 movements per day. That assessment has concluded that any traffic impact on strategic and local highways will be acceptable.</p> <p>If construction were to be undertaken on a sequential basis, and interacted with some operational use of the site, the impacts would remain lower at all times than that assessed in the TA.</p> <p>For example, on a pro-rata basis one Berth would generate a maximum of around 650 movements and two berths a maximum of around 1,300 movements, so even if construction took place alongside the operation of two berths, the overall peak combined traffic level would be 1820 movements per day.</p> <p>On the basis of the above, it is not considered that any further assessment is required.</p>
TT.1.7	LHAs	<b>Statutory compliance</b>	



		Do the LHAs have any comments to make with respect to the need for any off-site mitigation measures to assist the operation of the local highway network?	
TT.18	LHAs	<p><b>Proposed Travel Plan Management, Measures, Monitoring and Remedial Measures</b></p> <p>Are the LHAs content with the proposed Travel Plan Management measures, the Monitoring and Remedial Measures identified in [APP-109]? If not please explain what that is?</p>	

## 11. Water Environment, Flood Risk and Drainage

ExQ1	Question to:	Question	Applicant's Response
WE.1.1		No questions at this time	

## 12. Glossary and List of Acronyms

<b>ABP</b>	Associated British Ports
<b>AIS</b>	Automatic Identification System
<b>ALARP</b>	As Low As Reasonably Practicable
<b>CA</b>	Compulsory Acquisition
<b>CEMP</b>	Construction Environmental Management Plan
<b>CLdN</b>	CLdN Ports Killingholme Limited
<b>dDCO</b>	Draft Development Consent Order
<b>DFDS</b>	DFDS Seaways Limited
<b>DML</b>	Deemed Marine Licence
<b>EIA</b>	Environmental Impact Assessment
<b>EM</b>	Explanatory Memorandum
<b>ES</b>	Environmental Statement
<b>ExA</b>	Examining Authority
<b>HE</b>	Historic England
<b>HOTT</b>	Humber Oil Terminals Trustee Ltd
<b>HRA</b>	Habitats Regulations Assessment
<b>HRAr</b>	Applicant's Habitats Regulation Assessment report
<b>IERRT</b>	Immingham Eastern Ro-Ro Terminal (proposed development)
<b>IOT</b>	Immingham Oil Terminal
<b>IOT Operators</b>	Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustee Limited
<b>IP</b>	Interested Party
<b>ISH</b>	Issue Specific Hearing
<b>LHA</b>	Local highway authorities (North East Lincolnshire Council and North Lincolnshire Council)
<b>LIR</b>	Local Impact Report
<b>MCA</b>	Maritime and Coastguard Agency
<b>MGN</b>	Marine Guidance Note
<b>MMO</b>	Marine Management Organisation
<b>MSMS</b>	Marine Safety Management System
<b>NE</b>	Natural England

<b>NELC</b>	North East Lincolnshire Council
<b>NLC</b>	North Lincolnshire Council
<b>NRA</b>	Navigation Risk Assessment
<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>PA2008</b>	The Planning Act 2008
<b>PMSC</b>	Port Marine Safety Code
<b>Proposed Development</b>	The proposed Immingham Eastern Ro-Ro Terminal
<b>RIES</b>	Report on the Implications for European Sites
<b>Ro-Ro</b>	Roll on roll off
<b>RR</b>	Relevant Representation
<b>SAC</b>	Humber Estuary Special Area of Conservation
<b>SHA</b>	Statutory Harbour Authority
<b>SoCG</b>	Statement of Common Ground
<b>SoST</b>	Secretary of State for Transport
<b>SPA</b>	Humber Estuary Special Protection Area
<b>TRO</b>	Traffic Regulation Order
<b>WR</b>	Written Representation

**Appendix 1 – Extract from Hansard Regarding National Policy Statement for Ports**

# Hansard

[UK Parliament](#) > [Hansard](#) > [Commons: 14 March 2023](#) > [Written Statements](#) > [Transport](#)

## Ports National Policy Statement: Review

Volume 729: debated on Tuesday 14 March 2023

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### The Secretary of State for Transport >

(Mr Mark Harper)

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The Government are committed to a strong planning regime for nationally significant infrastructure which properly takes into account impacts on the natural environment, air quality and valued landscapes, and the views of local communities affected by development.

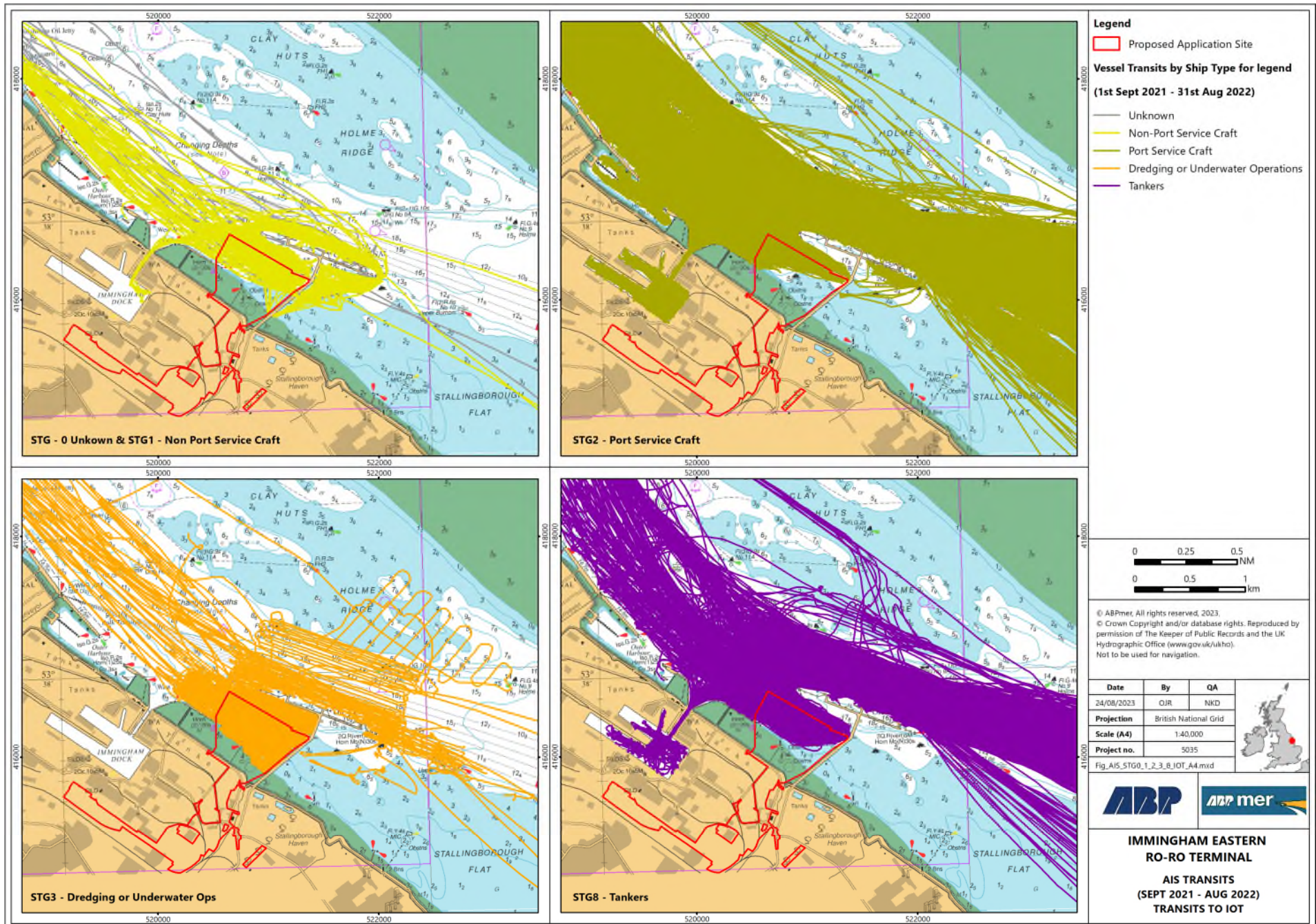
The National Policy Statement for Ports was published in 2012. While the statement continues to provide an appropriate framework for planning decisions in relation to ports infrastructure development and associated development, such as road and rail links, it is important to ensure the statement continues to support decision making effectively.

In the Freeports Bidding Prospectus, the Government set out their intention to review the National Policy Statement for Ports in 2021. I am today announcing a review of the National Policy Statement for Ports under the provisions of the Planning Act 2008. This review will include a thorough examination of the modelling and forecasts that support the statement of need for development, and the environmental, safety, resilience, and local community considerations that planning decisions must take into account. Reviewing the National Policy Statement for Ports will ensure that it remains fit for purpose in supporting the Government's commitments for appropriate development of infrastructure for ports and associated road and rail links.

For the avoidance of doubt, the existing National Policy Statement for Ports will remain in full effect during the period of the review. Any current or upcoming applications for development consent will be assessed under the current National Policy Statement for Ports.

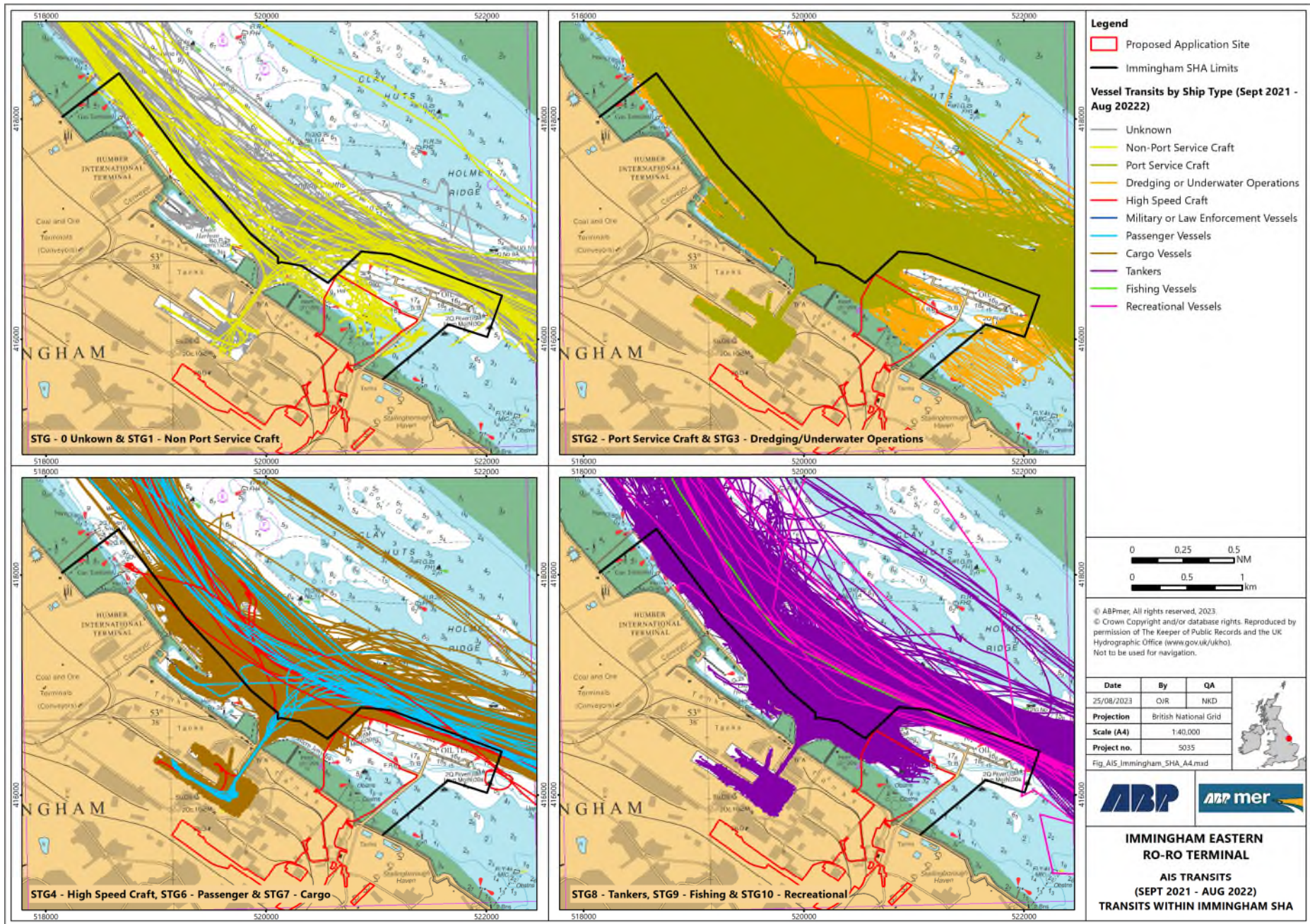
[HCWS628]

**Appendix 2 – Disaggregated AIS Data for the Port of Immingham SHA and the IOT**



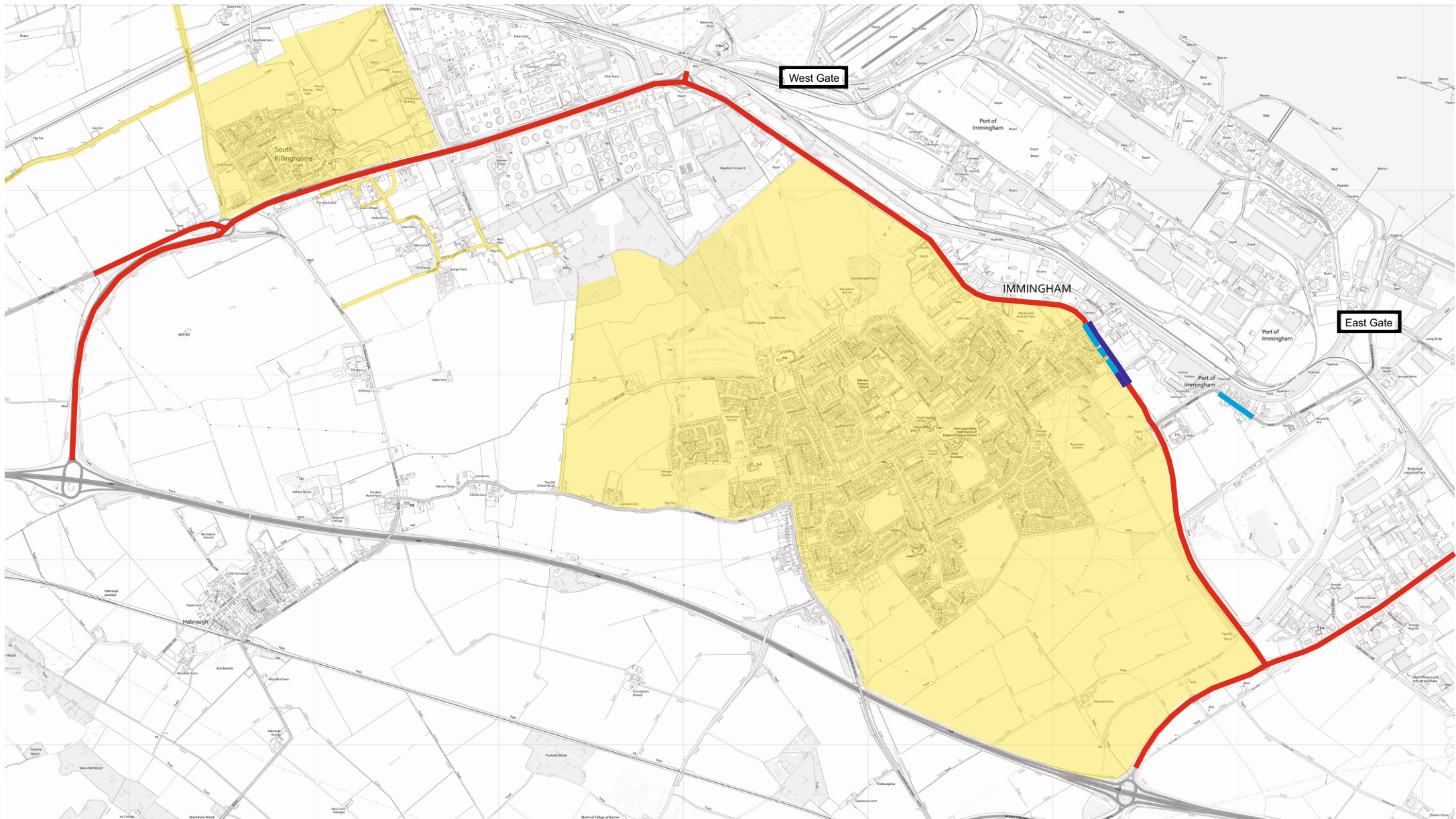
**Figure 1.** Disaggregated transits of vessels that go to/from the IOT





**Figure 2.** Disaggregated transits of vessels that pass through the Port of Immingham SHA that do not use the IOT

**Appendix 3 – Locations of TROs and Weight Limits**



Notes:

- Double Yellow Lines
- Urban Freeway
- 5t Weight Parking Restriction
- 7.5t Weight Restriction Except for Access

## **Appendix 4 – Truck Amenity Locations**



**DTA**  
 Transport Planning Consultants

Forester House, Doctors Lane,  
 Henley-in-Arden, Warwickshire,  
 B95 5AW  
 Tel: +44(0) 1564 793598  
 Fax: +44(0) 1564 793983  
 www.dtatransportation.co.uk

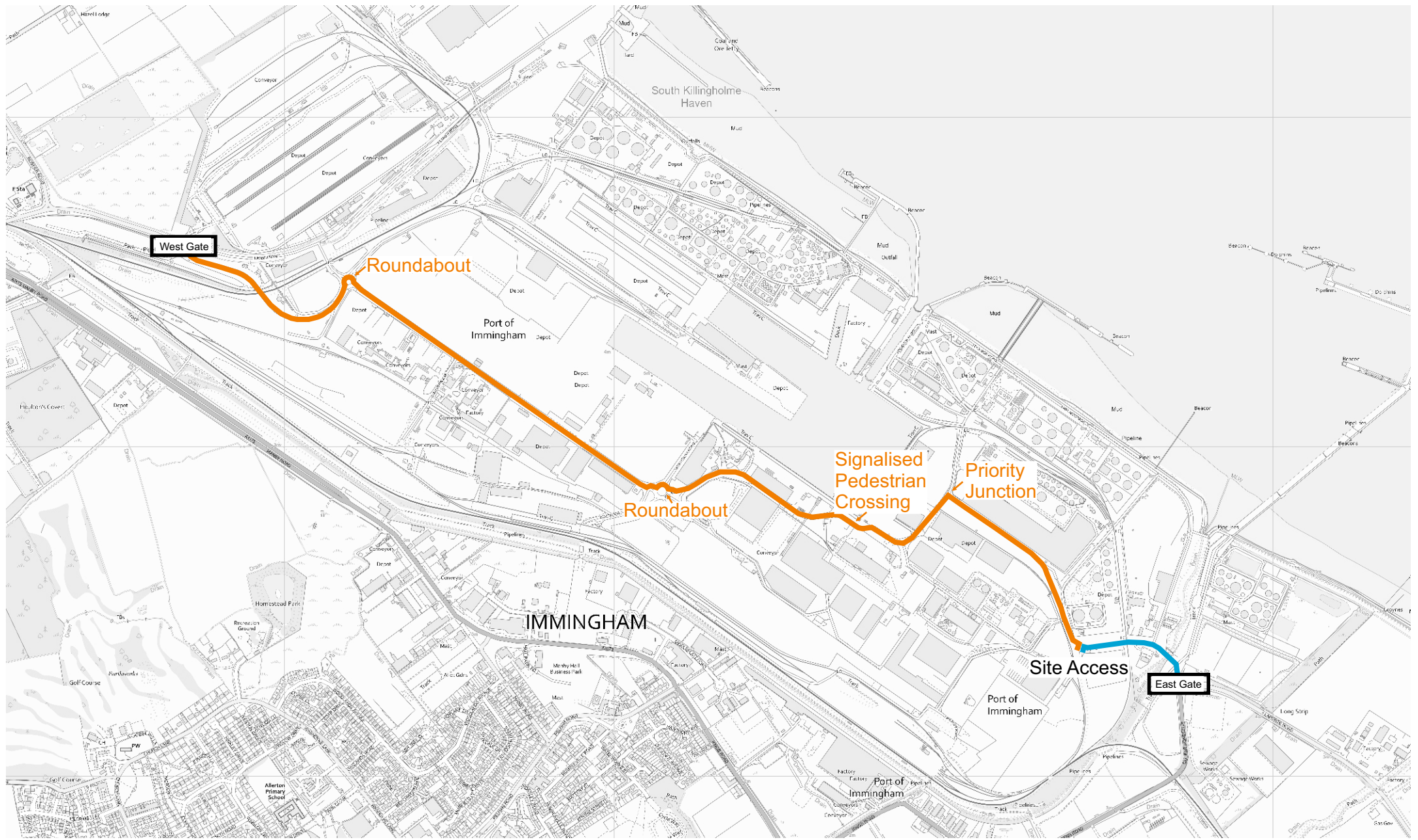
- Notes:
- Truck Stop
  - Truck Services
  - Proposed Truck Stop
  - Haulier Compound

Figure 2  
 Drawing Title Location of Truck Stops and Services  
 Job Title IERRT, Port of Immingham  
 Client Associated British Ports 109

Scale : NTS  
 NORTH

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## **Appendix 5 – Internal Routing**



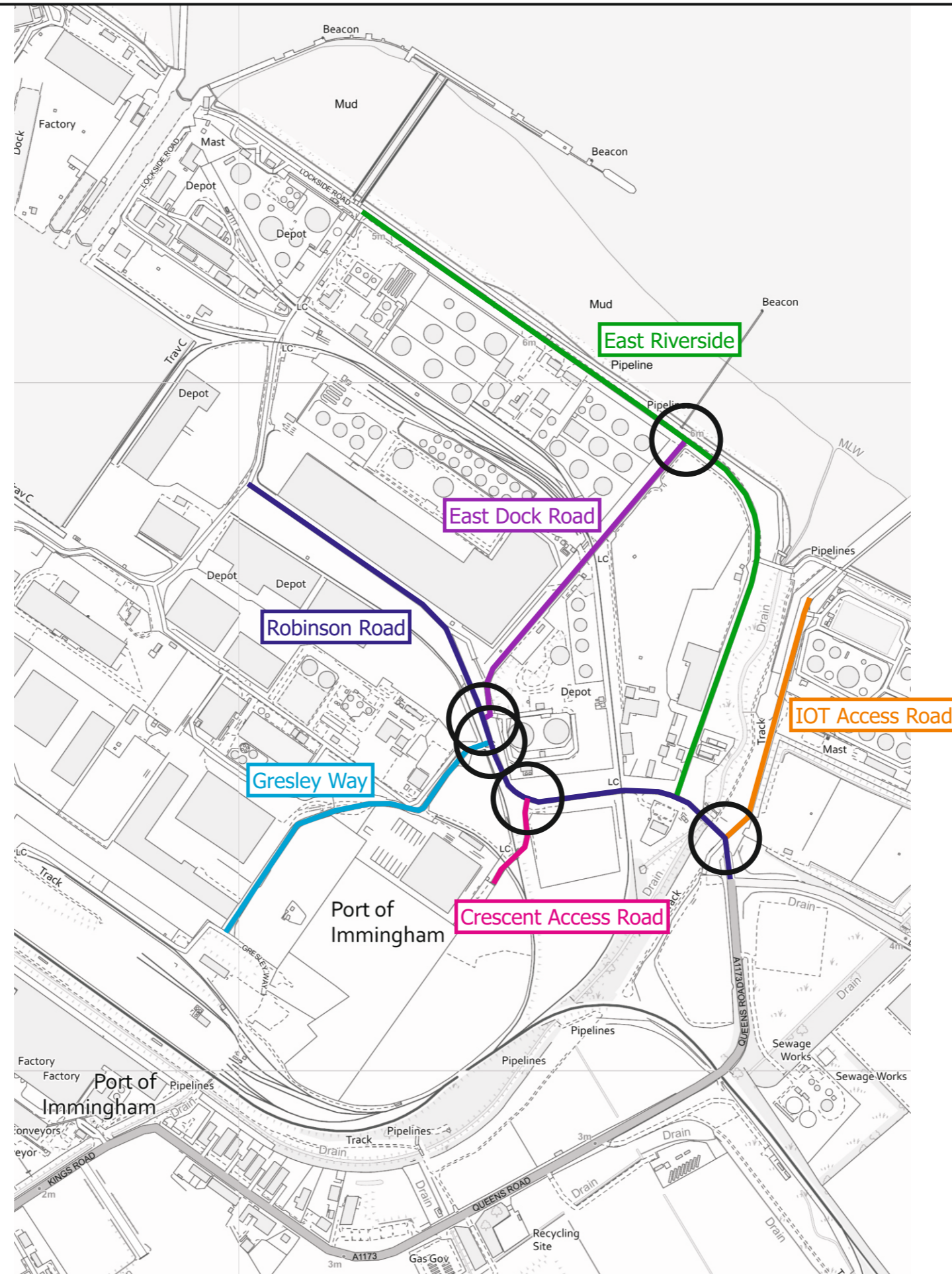
Notes:

- Route from East Gate
- Route from West Gate



**Appendix 6 – Internal Junction Assessment Locations**





Notes:

Figure 4  
 Drawing Title  
 Job Title  
 Client

Internal Junction Assessments  
 Project Sugar, Port of Immingham  
 ABP

Scale : NTS

