Immingham Eastern Ro-Ro Terminal

Consultation Responses and Correspondence

Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustee Limited

Planning Inspectorate Ref: TR030007

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IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT

SECTION 42 CONSULTATION RESPONSE

1 INTRODUCTION

1.1 Associated British Ports (**"ABP"**) has given notice that it intends to make an application to the Secretary of State for Transport under s37 of the Planning Act 2008 (**"the 2008 Act"**) for a Development Consent Order (**"DCO"**) to construct a new Roll-on/Roll-off (**"Ro-Ro"**) cargo facility of up to four berths at the Port of Immingham, North East Lincolnshire, DN40 2LZ. If constructed, the development will be known as the Immingham Eastern Ro-Ro Terminal Development (**"IERRT Development"**).

1.2 In accordance with the duty under s42 of the 2008 Act, ABP is undertaking a consultation on the IERRT Development prior to submission of its application for development consent.

1.3 This response is submitted on behalf of Associated Petroleum Terminals (Immingham) Limited (**"APT"**) and Humber Oil Terminals Trustee Limited (**"HOTT"**) in response to the statutory consultation. HOTT is the licensee (from ABP) of the Immingham Oil Terminal Jetty (**"IOT"**) and lessee (from ABP) of the associated oil terminal and tank farm ("**Oil Depot**"). APT operates IOT and the Oil Depot on behalf of HOTT (HOTT and APT are referred to together in this response as **"the IOT Operators"**).

1.4 The IOT Operators are joint venture companies owned equally by Phillips 66 Limited (**"Phillips 66"**) and Prax Lindsey Oil Refinery Limited (**"Prax"**). Phillips 66 is the owner of the Humber Refinery and Prax is the owner of the Lindsey Oil Refinery. The principle activity of the IOT Operators is the operation of marine terminals on behalf of Phillips 66 and Prax. They are also responsible for the operation of much of the pipeline system between the IOT and the two refineries.

1.5 The IERRT Development is adjacent to the IOT. Vessel movements to and from the IOT are critical to the operation of the Humber Refinery and the Prax Lindsey Oil Refinery. The IOT Operators have significant concerns about the IERRT Development from a safety and operational perspective.

1.6 The IOT Operators' concerns are outlined in the remainder of this document, and relate to the periods of both construction, and operation, of the proposals.

1.7 The IOT Operators would welcome further engagement on these matters with ABP.

2 THE IMMINGHAM OIL TERMINAL

2.1 The IOT is located adjacent to the IERRT Development. The IOT is indicatively outlined in red on the diagram at Appendix 1 of this response. The IOT was opened in 1969 and was built to serve the oil refineries that had been built near west of the Immingham Dock site: the Continental Oil Refinery (now the Humber Refinery) and the Lindsey Oil Refinery. The IOT continues to be a critical aspect of the operation of these oil refineries.

2.2 The activity of the IOT Operators is almost entirely in response to the requirements of Phillips 66 and Prax for marine movements of feedstock and products to and from the two refineries. The principle aim of the IOT Operators is to maximise the efficiency with which its facilities (including the IOT) are used whilst having proper regard for safety and the environment.

The Humber Refinery

2.3 Phillips 66 owns and operates the Humber Refinery which sits on a 480 acre site at South Killingholme on the Humber estuary.

2.4 The Humber Refinery is at the heart of the Humber region's economy providing highly skilled and high value roles for 1,100 employees and contractors. The Humber Refinery is one of the most complex refineries in Europe. It has an expansive range of upgrading units that allow the refinery to manufacture a range of products, including materials not manufactured elsewhere in the UK or Europe. The Humber Refinery injects over £200 million on an annual basis into the region's economy through salaries, investments and payments for goods and services.

2.5 The Humber Refinery is a nationally significant piece of infrastructure. It provides 11% of UK road fuel demand and 20% of all UK demand for petroleum products. The Humber Refinery also produces high grade petroleum coke used to recycle steel and for components in lithium ion batteries used for smart phones, tablets and electric vehicles.

2.6 Since 2000, Phillips 66, with the Humber Refinery as its economic engine, has paid approximately £700 million in corporation tax to HM Treasury.

The Lindsey Oil Refinery

2.7 The Lindsey Oil Refinery is owned by Prax. The refinery extends over 500 acres and incorporates some of the most advanced refining and conversion processes in Europe and has the capacity to process up to 113,000 barrels of oil a day. The refinery is highly valuable to the region's economy and employs approximately 400 staff and another 400 contractors.

2.8 The greater part of the refinery's output is petrol and diesel for road vehicles, with the remaining proportion being speciality products such as fuel oil, bitumen, kerosene and aviation fuel.

2.9 Together, the Humber Refinery and Lindsey Oil Refinery make up approximately 27% of the UK's refining capacity. The importance of the refineries to the region and wider country's economy is expressly acknowledged in a wide range of economic and development plan policy documents, including for example:

(a) Greater Lincolnshire LEP – Strategic Economic Plan: 2014-2030 (at page 27)

(b) North Lincolnshire Core Strategy (at 9.39)

(c) North East Lincolnshire Council – Local Plan 2013 to 2032 (at 6.9)

2.10 Any prejudice to the continuing operation of Humber Refinery or the Lindsey Oil Refinery would be contrary to the public interest.

The IOT

2.11 The IOT consists of product storage tanks, associated pumps, pipe work and equipment for product transfers between ship and shore and vice versa, operational control facilities, management, maintenance and support facilities , together with a jetty approximately 1,000 metres long with seven berths for ships to dock. These consist of three main berths, two coaster berths and two barge berths. The coaster and barge berths, known as the Finger Pier, would be the closest berths to the IERRT Development.

2.12 The IOT is essential to the operations of the Humber Refinery and the Lindsey Oil Refinery, as crude oil arrives by tanker at the IOT before being transferred to the refineries by pipeline. Furthermore, approximately 30% of the Humber Refinery's production and 33% of the Lindsey Oil Refinery's production is exported and the IOT is essential to that export capabilities of the refineries. Products from the refinery are transported via pipeline to the IOT and can then be transported onwards via tanker.

2.13 Any prejudice to the operations at the IOT would result in prejudice to the continuing operations of the Humber Refinery and the Lindsey Oil Refinery. The IOT Operators are concerned that, as currently designed, the IERRT Development would be prejudicial to the IOT. These concerns are detailed below.

3 THE STATUS OF THE IOT AND THE IOT OPERATORS

Agent of change

3.1 The "agent of change" principle permeates the English planning regime. At its simplest, it can be understood as the principle that a person or business introducing a new land use is responsible for managing the impact of that change. It finds expression in the relevant National Policy Statement governing the ABP proposals (as expanded on further below), and the National Planning Policy Framework (the **"NPPF"**) which is also a matter considered to be important and relevant to the Secretary of State's decision-making on any future DCO application.

3.2 The IOT is a critically important piece of national infrastructure, for the reasons explained in the preceding section. That increases the level of urgency and sensitivity with which the agent of change principle ought to be applied in these circumstances.

Occupation of the IOT by the IOT Operators

3.3 HOTT has the benefit of a licence (the "**IOT Licence**") for the non-exclusive use of the IOT jetty. That licence expires on 14 February 2028 and is capable of being extended in 5 year intervals up to 14 February 2053.

3.4 HOTT has the benefit of a lease (the "IOT Lease") for the Immingham oil depot which together with the jetty comprises the IOT. The IOT Lease also expires on 14 February 2028 and is capable of being extended in 5 year intervals up to 14 February 2053.

3.5 Both the IOT Licence and Lease recognise that HOTT occupies the IOT through its appointed operator; APT. HOTT and APT are referred to as the "IOT Operators" jointly for ease of reference in the remainder of this document. Strictly, APT is appointed to operate the premises on behalf of HOTT.

4 IMPACTS OF THE PROPOSAL ON THE IOT – CONSTRUCTION PHASE

4.1 The IOT Operators have various concerns about ABP's proposals due to the likely impacts of the IERRT Development on the IOT. These concerns are set out in this part 4 of the IOT Operators' consultation response for the construction phase of the proposals, and in part 5 for the operational phase of those proposals.

4.2 The construction phase of the IERRT Development is likely to have several impacts on the IOT. These include impacts relating to shipping and navigation, traffic, physical processes and vibration.

Shipping and Navigation

4.3 The IOT Operators have concerns relating to shipping and navigation from ABP's proposed development including:

(a) Allision[1] / contact between dredger / construction vessels and IOT infrastructure;

(b) Collision between dredger / construction vessels and tanker vessels;

(c) Impact on the IOT Operators' Control of Major Accident Hazards (**"COMAH"**) safety case; and

(d) Impact on upstream barge mooring buoy.

(a) Allision / contact between dredge / construction vessels and IOT infrastructure

[1] The term used to describe a vessel striking a stationary object. Collision, by comparison, is where two moving vessels strike each other.

4.4 Chapter 10 of the Preliminary Environmental Information Report (PEIR) relating to Commercial and Recreational Navigation mentions that construction vessels will be operating in close proximity to port infrastructure:

"During the construction phase of the project, craft associated with the construction activities will be operating in close proximity to port infrastructure. This may be the East Jetty, IOT berths or potentially Immingham dock depending on where the craft will berth when not engaged in activities." (paragraph 10.8.5)

4.5 The IOT Operators are therefore concerned that allision or contact between dredgers or construction vessels and the IOT may occur during the construction phase of the IERRT Development. This is a particular concern during an ebb tide as any loss of power would result in the vessel drifting towards the IOT.

4.6 The Preliminary Navigational Risk Assessment (PNRA) (appendix 10.1 of the PEIR) includes the risk of allision or contact between dredgers or construction vessels and port infrastructure generally as one of the construction phase hazards (see Assessment No. C.2 in Table 8 of the PNRA). The risk of such allisions or contacts occurring during the construction phase is inherently high (see Table 14 of the PNRA). However, the PNRA makes no specific reference to the risks associated with dredgers or construction vessels and allision or contact with the IOT despite the potentially catastrophic impacts it would have including creating a serious pollution event.

4.7 ABP attempt to address the inherent high risk of allisions / contacts with port infrastructure by including a series of controls to reduce the risk (see Appendix A of the PNRA). These include embedded measures such as a Port Facility Emergency Plan, communications equipment and a pilotage service. There are also further applicable controls such as communications between the project team and the port. The PNRA is not clear on how these measures will reduce these risks and the IOT Operators seek clarification from ABP on this point. Without this information the IOT Operators are concerned that the risks may have been underestimated or the benefits of the measures overestimated.

4.8 The IOT Operators believe that in addition to controls listed by ABP, additional controls should be introduced to mitigate the risk of damage to the IOT infrastructure. This could include installing protective fendering to reduce the risk of damage to the IOT's property. The PNRA does not include any proposal which would specifically protect the IOT despite the proximity of the proposed jetty to the existing infrastructure.

4.9 Failure to adequately address these concerns increases the likelihood of allision or contact occurring which will undoubtedly lead to damage to the IOT operating infrastructure. This will have significant safety implications and will impact the IOT Operators' business. In particular it will cause substantial damage to the IOT jetty and the IOT Operators' equipment and infrastructure which will cause the IOT Operators business to cease for a significant period of time. It will also have substantial impacts on both refineries and may lead to shortages in national fuel supplies.

(b) Collision between dredger / construction vessels and tanker vessels

4.10 The IOT Operators are concerned that the increase in shipping movements will increase the likelihood of collisions between tanker vessels using the IOT and vessels associated with the construction of the IERRT Development. This will affect tankers in transit and those moored at the IOT. This is mentioned in paragraph 7.2.5 of the PNRA:

"The increase in activity in the area around the IOT Finger Pier increases the likelihood of interaction with tanker vessels."

4.11 The PNRA includes the risk of collision between a dredger / construction vessel with commercial vessels as one of the construction phase hazards (see Assessment No. C.6 in the PNRA). The risk of such collisions occurring during the construction phase is inherently high (see Table 14 of the PNRA).

4.12 ABP attempt to address the inherent high risk of collisions by including a series of controls to reduce the risk (see Appendix A of the PNRA). These included embedded measures such as a Port Facility Emergency Plan, communications equipment and a pilotage service. There are also further applicable controls such as communications between the project team and the port and AIS equipment. Even with these control measures the risk associated with this hazard is still assessed as significant. The PNRA is not clear on how these measures will reduce these risks and the IOT Operators seek clarification from ABP on this point. Without this information the IOT Operators are concerned that the risks may have been underestimated or the benefits of the measures overestimated.

4.13 The IOT Operators submit that in addition to controls listed by ABP, it requires further information about how the increase in shipping movement in the proximity of the IOT infrastructure during the construction phase will be managed. It also considers that tanker movements should take priority over dredger vessels and necessary controls should be introduced to secure this. Failure to adequately address these concerns could lead to damage to tanker vessels which could have implications on human health and the environment as well as having a substantial impact on the IOT Operators' business.

(c) Impact on the IOT Operators' COMAH safety case

4.14 The IOT Operators consider that the increase in shipping movements in the area and the increased likelihood of allisions, contacts or collisions occurring during the construction phase may have an impact on the IOT Operators' COMAH safety case. This impact would require additional expenditure to reduce this risk and the IOT Operators do not regard this as an expenditure that should be payable by the IOT Operators as a result of the IERRT Development. The risk should be adequately mitigated by the agent of change – the IERRT Development.

4.15 More detail is required about the detailed impacts of the proposals on the IOT Operators' business before a conclusion can be reached on this matter. But any prejudicial impact on the COMAH safety case has the potential to cause severe detriment to its operations.

(d) Impact on upstream barge mooring buoy

4.16 The IERRT Development will potentially have an impact on a barge mooring buoy which the IOT Operators have a licence to use. The IOT Operators are unclear how the proposed development will impact the use of the buoy and requires further information from ABP on how the construction phase of the development may impact the use of the buoy.

Joint Navigational Risk Assessment (NRA)

4.17 In order to adequately address the shipping and navigation impacts during the construction phase, the IOT Operators consider that the final NRA must be prepared jointly between ABP and the IOT Operators. The PNRA (appendix 10.1 of the PEIR) does not provide any indication that ABP is willing to involve the IOT Operators or any other party in preparing the final NRA.

Traffic

4.18 The IOT Operators are concerned that the construction phase of the IERRT Development will impact the ability to access the IOT's property. In particular this will be due to construction vehicles and construction activities impeding access to certain parts of the IOT's property. Any impediments to accessing IOT's property may have safety and environmental implications as well as impacting the IOT Operators' business.

Construction vehicles

4.19 The Preliminary Transport Assessment (PTA) (Appendix 17.1 of the PEIR) and Chapter 17 of the PEIR confirms that there will be an increase in traffic movements due to the construction of the proposed development. Paragraph 17.8.5 of the PEIR notes this is likely to be around 196 light vehicles a day and 140 heavy vehicle movements per working day.

4.20 The IOT Operators believe this increase in vehicle movements may impede access to the IOT's property. It will be essential for the IOT Operators to be satisfied that there will be continued access to the IOT's property so that vehicles can enter and leave as required. It will be particularly important for emergency vehicles and other essential vehicles for the operation of the IOT to be able to access the land. The IOT Operators need to be clear how the IERRT Development will impact emergency response times as this will have implications on its COMAH safety case. Access to the IOT will be required at all times from the main site entrance and from the jetty root sea wall gates from the Immingham Dock side. As noted in paragraph 2.2.3 of the PTA, the failure to allow for the efficient delivery of goods, and access by service and emergency vehicles would be contrary to the latest National Planning Policy Framework (the **"NPPF"**). ABP must therefore provide sufficient information for the IOT Operators to fully understand these impacts.

Construction activities

4.21 The IOT Operators have access via East Riverside Road to the area of land near the sluice gate. This is required in the event of needing to set up an oil spill response on the Habrough Marsh drain. The IOT Operators are unable to confirm whether the construction phase of the IERRT Development will impact this access. The IOT Operators seek further information from ABP to confirm to what extent construction activities will impact this access and that IOT's operational and emergency vehicle access will not be affected.

4.22 The IOT Operators are also concerned that the IERRT Development includes the development of the old coal yard which will be accessed by the same access road to the IOT. The IOT Operators seek further information from ABP to confirm to what extent construction activities will impact this access and that IOT's operational and emergency vehicle access will not be affected.

4.23 Another concern the IOT Operators have is with the construction of the new access route to the proposed jetty. This includes the construction of new bridge over pipelines which connect the IOT with Exolum. This is an essential pipeline for the IOT Operators' business and the IOT Operators will require continued access to inspect and maintain the pipelines during the construction phase of the development. The IOT Operators therefore seek confirmation from ABP that access to the pipelines will be secured during the construction phase.

Construction plans

4.24 In order to be satisfied that construction vehicles and activities will not impede access to the IOT, the IOT Operators consider that a Construction Traffic Management Plan should be produced with input provided by the IOT Operators. In addition, any construction plans which relate to works which interfere with any access to the IOT's property, Habrough Marsh drain and pipelines to Exolum must be shared with the IOT Operators in advance of construction works taking place so that any issues can be addressed before commencement of works.

Damage to pipelines

4.25 In addition to impacts on access during the construction phase, the IOT Operators are also concerned that construction vehicles for the proposed bridge could cause damage to the pipelines connecting the IOT with Exolum. Any damage to these pipelines could be catastrophic and the IOT Operators must be satisfied that adequate protections are in place to avoid this occurring as this would have significant impacts on the IOT Operators' business due to loss of capability to transfer to Exolum.

4.26 The IOT Operators therefore consider that a construction method statement (or similar document) relating to the new bridge should be provided to the IOT Operators in advance of construction works taking place so that it can be satisfied with the protections in place to avoid construction vehicles damaging the pipelines. Protective provisions to secure that process should be included in an agreed form in any draft Development Consent Order.

Physical Processes

4.27 The IOT Operators are concerned that the area will suffer from siltation or scouring during the construction phase of the IERRT Development. This is due to changes to the flows and river dynamics of the port area. This could have implications on tanker movements and maintenance boat access. It may also lead to increased scoring and erosion damage to the jetty which would have adverse consequences on the IOT's facilities and endanger the safety of workers on the jetty. Such impacts will have safety and environmental risks and may adversely affect the IOT Operators' business.

4.28 Chapter 7 of the PEIR on Physical Processes assesses the potential impacts of disposal, dredging and piling works associated with the construction of the IERRT Development on suspended sediment concentrations and potential sedimentation. It also assesses changes in seabed bathymetry and composition as a result of construction activities.

4.29 The IOT Operators note that the chapter concludes that the impact pathways assessed indicate a low exposure to change. However, the IOT Operators need to be satisfied that changes to the physical processes of the port area during the construction phase of the IERRT Development will not affect the IOT jetty or impede its ability to operate its business. The IOT Operators therefore seek further information from ABP on the data used to inform the studies relied upon by ABP and for further clarity on how the IOT jetty and the IOT Operators' operations will be protected from changes to flows and river dynamics.

Vibration

4.30 The IOT Operators note that construction of the IERRT Development will require marine piling which should take around 2.5 months and will not be continuous over this period (paragraph 14.8.11 of the PEIR). Chapter 14 of the PEIR is a preliminary assessment of airborne noise and vibration resulting from the IERRT Development and the IOT Operators note that this chapter does not address vibration impacts on the IOT's facilities. The IOT Operators believe that the vibration cause by the piling activities during the construction phase may impact the IOT's jetty, piping and equipment. The IOT Operators require further information from ABP regarding the potential effects of piling activities on the IOT jetty and the IOT Operators' piping and equipment.

5 IMPACTS OF THE PROPOSAL ON THE IOT – OPERATIONAL PHASE

5.1 The operational phase of the IERRT Development is also likely to have several impacts on the IOT. These include impacts relating to shipping and navigation, traffic, physical processes and vibration.

Shipping and Navigation

5.2 The IOT Operators have concerns relating to shipping and navigation from the IERRT Development including:

(a) Allision / contact between Ro-Ro and IOT infrastructure;

(b) Impact of Ro-Ro vessels on tanker movements;

(c) Impact of Ro-Ro on tug and pilot operations;

(d) Impact on the IOT Operators' COMAH safety case; and

(e) Impact on upstream barge mooring buoy.

(a) Allision / contact between Ro-Ro and IOT infrastructure

5.3 The IOT Operators are concerned that the increase in shipping traffic during the operational phase will increase the likelihood of Ro-Ro vessels making contact with IOT infrastructure particularly when movements occur on the ebb tide.

5.4 The PNRA includes the risk of allision or contact between Ro-Ro vessels and port infrastructure generally as one of the operational phase hazards (see Assessment No. O.1 in Table 8 of the PNRA). The risk of such allisions or contacts occurring during the operational phase is inherently significant (see Table 14 of the PNRA). However, the PNRA makes no specific reference to the risks associated with Ro-Ro vessels and allision or contact with the IOT despite the potentially catastrophic impacts it would have including creating a serious pollution event.

5.5 ABP attempt to address the inherent significant risk of allisions / contacts with port infrastructure by including a series of controls to reduce the risk (see Appendix B of the PNRA). These include embedded measures such as aids to navigation, communications equipment and a pilotage service. There are also further applicable controls mentioned in the PNRA such as updating arrival / sailing parameters. The PNRA is not clear on how these measures will reduce these risks and the IOT Operators seek clarification from ABP on this point. Without this information the IOT Operators are concerned that the risks may have been underestimated or the benefits of the measures overestimated.

5.6 The IOT Operators believe that in addition to controls listed by ABP, additional controls should be introduced to mitigate the risk of damage to IOT infrastructure. This could include installing protective fendering to reduce the risk of damage to the IOT jetty. The PNRA does not include any proposal which would specifically protect the IOT despite the proximity of the proposed jetty to the existing infrastructure.

5.7 The IOT Operators are also concerned that the arrivals and departures of Ro-Ro vessel will not be tidal and will be timetabled to a set time each day. This means that any loss of power of a Ro-Ro vessel on an ebb tide would result in the vessel drifting towards the IOT.

5.8 Failure to adequately address these concerns increases the likelihood of allision or contact occurring which will undoubtedly lead to damage to the IOT operating infrastructure. This will have significant safety and environmental implications and impact the IOT Operators' business. In particular it will cause substantial damage to the IOT jetty and the IOT Operators' equipment and infrastructure which

will cause the IOT Operators business to cease for a significant period of time. It will also have substantial impacts on both refineries and may lead to shortages in national fuel supplies.

(b) Impact of Ro-Ro vessels on tanker movements

5.9 The IOT Operators are concerned that the IERRT Development substantially increases the future risk of collisions occurring due to the presence of Ro-Ro vessels and as there will be less space for vessels to manoeuvre in the vicinity of the IOT.

5.10 The PNRA includes the risk of collision between Ro-Ro vessels and commercial vessels as one of the operational phase hazards (see Assessment No. O.3 in the PNRA). The risk of such collisions occurring during the operational phase is inherently high (see Table 14 of the PNRA).

5.11 In addition, PNRA includes the risk of collision between Ro-Ro vessels and tankers moored at the IOT as another operational phase hazards (see Assessment No. O.5 in the PNRA). The risk of such collisions occurring during the operational phase is also inherently high (see Table 14 of the PNRA).

5.12 ABP attempt to address the inherent high risk of these collisions by including a series of controls to reduce the risk (see Appendix B of the PNRA). These included embedded measures such as vessel traffic services, providing advance notice of arrivals / departures, traffic broadcast and a pilotage service. There are also further applicable controls such as updating arrival / sailing parameters. The PNRA is not clear on how these measures will reduce these risks and the IOT Operators seek clarification from ABP on this point. Without this information the IOT Operators are concerned that the risks may have been underestimated or the benefits of the measures overestimated.

5.13 The IOT Operators note that it is anticipated that the new facility when operating at its maximum capacity will service four arrivals and four departures per day. ABP's current proposal is that up to four vessels will arrive at the terminal around 07:00 and depart around 19:00 (para 3.2.2 of PEIR).

5.14 The IOT Operators are concerned that the Ro-Ro vessels using the port during the operational phase will have implications on tanker movements. The control measures suggested by ABP in the PNRA indicate that vessel movements in proximity to the new facility will be subject to controls when Ro-Ro vessels are arriving or departing. In particular, this will be an issue where tidal conditions are such that there is a clash between a tanker arriving or departing from the IOT (which is tidal constrained) and the scheduled arrival or departure of a Ro-Ro vessel. This will have implications on the IOT Operators' business and will lead to other issues such as having a significant impact on demurrage.

5.15 The IOT Operators request that ABP confirms modelling data regarding tidal times and movements, and whether tanker vessel movements may be halted when Ro-Ro vessels are arriving or departing at the new facility. The IOT also consider that tanker vessels should be granted priority over Ro-Ro vessels given the tidal constraints on tankers arriving and departing from the IOT.

5.16 In order to further understand the implications on tanker movements, the IOT Operators also request confirmation of the likely number of Ro-Ro vessel movements every year. ABP should also provide the worst case figures to ensure that is understood and adequately assessed. It also requires further details of ongoing dredging activity during the operational phase. Although paragraph 14.8.11 of the PEIR mentions that dredging will take place 24 hours a day, 7 days a week for around 100 days during construction, there is no information about the frequency of dredging required to keep existing channels and the new jetty at the required depth during the operational phase.

(c) Impact of Ro-Ro on tug and pilot operations

5.17 The IOT Operators note that during the operational phase there is likely to be four arrivals and departures at the new facility per day and that the Ro-Ro vessels will generally arrive at 07:00 and depart at 19:00. However, ABP has not confirmed whether the Ro-Ro vessels will be using tugs when arriving and departing. This could have implications on the availability of tug and pilot operations for tankers using the IOT's facility. The IOT Operators therefore require clarity from ABP about the use of tugs by Ro-Ro vessels.

(d) Impact on the IOT Operators' COMAH safety case

5.18 The IOT Operators consider that the increase in shipping movements in the area and the increased likelihood of allisions, contacts or collisions occurring during the operational phase may have an impact on the IOT Operators' Control of Major Accident Hazards (COMAH) safety case. This impact would require additional expenditure to reduce this risk and the IOT Operators do not regard this as an expenditure that should be payable by the IOT Operators as a result of the IERRT Development. The risk should be adequately mitigated by the agent of change – the IERRT Development.

5.19 More detail is required about the detailed impacts of the proposals on the IOT Operators' business before a conclusion can be reached on this matter. But any prejudicial impact on the COMAH safety case has the potential to cause severe detriment to its operations.

(e) Impact on upstream barge mooring buoy

5.20 The proposed development will potentially have an impact on a barge mooring buoy which the IOT Operators have a licence to use. The IOT Operators are unclear how the IERRT Development will impact the use of the buoy and require further information from ABP on how the operational phase of the IERRT Development may impact the use of the buoy.

Joint NRA

5.21 In order to adequately address the shipping and navigation impacts during the operational phase, the IOT Operators consider that the NRA must be prepared jointly between ABP and the IOT Operators. The Preliminary NRA (appendix 10.1 of the PEIR) does not provide any indication that ABP is willing to involve the IOT Operators or any other party in preparing the final NRA.

Traffic

5.22 The IOT Operators are concerned that the operational phase of the IERRT Development will have implications on accessing the IOT's property and that vehicles accessing the IERRT Development may cause damage to critical infrastructure. Any impediments to accessing the IOT's property or damage to infrastructure may have safety and environmental implications as well as impacting the IOT Operators' business. In particular, the IOT Operators' concerns during the operational phase are:

(a) Increases in traffic during operation;

(b) The use and maintenance of the IERRT Development impacting access to the IOT's property and essential pipelines; and

(c) Damage to essential pipelines from the use of the proposed bridge.

(a) Operational traffic

5.23 The PTA and Chapter 17 of the PEIR confirms that there will be a substantial increase in traffic movements during the operational phase of the IERRT Development. Paragraph 17.8.14 of the PEIR notes this is likely to be around 2,592 heavy goods vehicles per day.

5.24 The IOT Operators note that the PTA mentions that existing port accesses will be used (paragraph 4.1.1) and that the number of parking spaces 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 (paragraph 4.4.2). However, the PTA and Chapter 17 are not clear how the increase in traffic movements will impact the use of the existing accesses to the port. ABP provide no information about how access to the port will be split between the east and west gates and how changes to security checks at the existing entrances will have implications on traffic movements.

5.25 The IOT Operators believe the increase in vehicle movements may impede access to the IOT. It will be essential for the IOT Operators to be satisfied that there will be continued access to the IOT so that vehicles can enter and leave the property as required. It will be particularly important for emergency vehicles and other essential vehicles for the operation of the IOT to be able to access the land. The IOT Operators need to be clear how the IERRT Development will impact emergency response times as this will have implications on its COMAH safety case. Access to the IOT will be required at all times from the main site entrance and from the jetty root sea wall gates from the Immingham Dock side. As noted in paragraph 2.2.3 of the PTA, the failure to allow for the efficient delivery of goods, and access by service and emergency vehicles would be contrary the latest NPPF. ABP must therefore provide sufficient information for the IOT Operators to fully understand these impacts.

5.26 IOT require further information from ABP on the proposed traffic flow and for ABP to confirm that the IOT's operational and emergency vehicle access will not be affected by the use of the IERRT Development.

(b) Access during operational phase

5.27 The IOT Operators have access via East Riverside Road to the area of land near the sluice gate. This is required in the event of needing to set up an oil spill response on the Habrough Marsh drain. The IOT Operators are unable to confirm whether the operational phase of the IERRT Development will impact this access. The IOT Operators seek further information from ABP to confirm to what extent use of the new facility will impact this access and that the IOT's operational and emergency vehicle access will not be affected.

5.28 The IOT Operators are also concerned that the IERRT Development includes the development of the old coal yard which will be accessed by the same access road to the IOT's land. The IOT Operators seek further information from ABP to confirm to what extent the use of this part of the IERRT Development will impact this access and that IOT's operational and emergency vehicle access will not be affected.

5.29 The IOT Operators also need to be satisfied that it will be able to access the pipelines which connect the IOT with Exolum. This will require ongoing use of the proposed bridge in order to access these pipelines. Failure to maintain these pipelines may have safety and environmental implications as well as interfering with the IOT Operators' business. The IOT Operators therefore seek confirmation from ABP that access to inspect and maintain the pipelines will be secured during the operational phase.

(c) Damage to pipelines

5.30 The IOT Operators are concerned that vehicles using the proposed bridge could cause damage to the pipelines connecting the IOT with Exolum. The IOT Operators note that the bridge will be designed to normal highway standards (paragraph 2.3.12 of the PEIR). However, there is no mention of the protections which will be on the bridge to prevent vehicles from leaving the bridge and falling on to the pipelines, the consequences of which could be catastrophic. Although the pipelines are not owned by the IOT Operators, any damage would have significant impacts on the IOT Operators' business due to loss of capability to transfer to Exolum.

5.31 The IOT Operators therefore consider that construction plans relating to the new bridge should be provided to the IOT Operators in advance of construction works taking place so that it can be satisfied with the protections provided on the bridge. Protective provisions to secure that process should be included in an agreed form in any draft Development Consent Order.

Physical Processes

5.32 The IOT Operators are concerned that the area will suffer from siltation or scouring during the operational phase of the IERRT Development. This is due to changes to the flows and river dynamics of the port area. This could have implications on tanker movements and maintenance boat access. It may also lead to increased scoring and erosion damage to the jetty which would have adverse

consequences on the IOT's facilities and endanger the safety of workers on the jetty. Such impacts will have safety and environmental risks and may adversely affect the IOT's business operations.

5.33 Chapter 7 of the PEIR on Physical Processes assesses the potential impacts of disposal, dredging and piling works associated with the operational phase of the IERRT Development on local changes to the hydrodynamic and wave regimes, suspended sediment concentrations and potential sedimentation. It also assesses changes in seabed bathymetry and composition as a result of maintenance dredging during the operational phase of the IERRT Development.

5.34 The IOT Operators note that the chapter concludes that the impact pathways assessed indicate a low exposure to change and that there will be no impact on the existing hydrodynamics of the IOT's terminal (para 7.8.38 of the PEIR).

5.35 However, the IOT Operators need to be satisfied that changes to the physical processes of the port area during the operational phase of the IERRT Development will not affect the IOT jetty or impede its ability to operate its business. IOT therefore seek further information from ABP on the data used to inform the studies relied upon by ABP and for further clarity on how the IOT jetty and the IOT Operators' operations will be protected from changes to flows and river dynamics.

Vibration

5.36 The IOT Operators have been provided with no information about the frequency of ongoing dredging requirements during the operational phase. The vibration caused by the ongoing dredging may have implications on the IOT jetty, piping and equipment. This has not been addressed in Chapter 14 of the PEIR which covers Airborne Noise and Vibration. The IOT Operators require further information from ABP regarding the potential effects of dredging activities during the operational phase on the IOT jetty and the IOT Operators' piping and equipment.

6 ASSESSED NEED FOR THE SCHEME

6.1 The IOT Operators recognise that the National Policy Statement for Ports[2] contains a presumption in favour of granting consent to applications for ports development. However, that presumption is subject to the more specific policies contained within the NPS.

6.2 Section 4.17 of the NPS states, amongst other things, that there may be national security considerations where development consent relates to potentially critical infrastructure. The IOT comprises nationally critical infrastructure and should be given due regard when the application for the IERRT Development is considered. To be clear, the IOT Operators are not suggesting that the IERRT Development is, as a matter of principle, incompatible with the IOT such that national security could be compromised. However, the IOT Operators consider that the status of the IOT means that ABP should give significant consideration in the design of the IERRT Development to the potential impacts to the IOT and should be able to demonstrate that they have done so at a future examination of the DCO.

[2] Department for Transport, 2012

The IOT Operators expect ABP to have taken active steps to mitigate against any risks and impacts to the IOT.

6.3 Section 5.4 of the NPS recognises that port development can have significant adverse impacts on surrounding road infrastructure. Paragraph 5.4.5 states that, where appropriate, the applicant should prepare a travel plan, including demand management measures to mitigate transport impacts. It is an essential principle that a developer of port infrastructure is expected to fund provision of infrastructure required to accommodate users of the development without detriment to pre-existing users.[3] Before granting development consent, the Secretary of State will need to be satisfied that the applicant has sufficiently mitigated any transport impacts that are likely to occur as a result of the development.[4]

6.4 As outlined above, the IOT Operators have concerns about the traffic impacts of the IERRT Development and the mitigation proposed by ABP.

6.5 The NPS does not go into detail on the potential impacts of marine transport, however it notes that a key consideration to be taken into account in the applicant's assessment is the UK Marine Policy Statement (**"MPS"**)[5]. The MPS notes that port development can lead to potential impacts on other parties due to increases in shipping traffic once the development is operational.[6]

6.6 The potential for adverse effects on existing users of the marine environment, including the IOT Operators, will need to be taken into account by the Secretary of State when deciding whether to grant development consent. As detailed above, the IOT Operators consider that more could be done by ABP to ensure that the operations of the IERRT Development are compatible with the IOT and that any adverse impacts are sufficiently mitigated.

7 ENGAGEMENT TO DATE

7.1 Although optional, developers are encouraged by the Planning Inspectorate to undertake early consultation in addition to any requirements under the Planning Act 2008.[7] Developers are encouraged to do so as soon as there is sufficient detail to allow local communities a real opportunity to influence the proposed development.

7.2 The value of early engagement is that it allows developers to benefit at an early stage from the knowledge of interested parties, who can advise of local constraints, or foreseeable impacts that a development might have on their interests. Developers can then take account of those matters in any revised design.

[3] Para. 5.4.26

[4] See para. 5.4.9 of the NPS

[5] At para. 4.1.1 of the NPS

[6] Para. 3.4.9 of the MPS

[7] Section 2, Advice Note 8.1, Planning Inspectorate

7.3 ABP's Statement of Community Consultation (January 2022) states that they are now "half-way through" the pre-application process and notes that the design of the scheme has been evolving for some considerable time in terms of both the proposed new marine and land-based infrastructure.[8]

7.4 The IOT Operators are disappointed at the level of engagement from ABP to date in respect of the IERRT Development. ABP is entirely aware of the significance of the operations that take place at the IOT and ought to be aware that the IERRT Development has the potential to have an adverse impact upon it. The IOT Operators would have expected to be consulted on proposals from an early stage, so that they could provide a positive contribution to the design process.

7.5 A summary of the correspondence between APB and the IOT Operators to date is as follows:

Date	Detail of engagement
4 August 2021	First contact by Microsoft Teams meeting with ABP. ABP said they intend to build a new development near the IOT, but could not go into detail at that stage.
6 August 2021	APT were provided with a Briefing Note providing background detail to the proposal.
10 August 2021	APT requested a version of the drawing in the Briefing Note that included detail of the IOT.
13 September 2021	APT made a further request for the drawing requested on 10 August.
14 September 2021	APT request a meeting with ABP.
21 September 2021	A meeting is held between ABP and APT to discuss the project.
22 September 2021	ABP send an email to APT containing a further Briefing Note and link to the project on the Planning Inspectorate website.
28 September 2021	ABP send an email to APT advising that they are still waiting for the drawing first requested by APT on 10 August 2021.
19 January 2022	APT receive formal notification from APB of the statutory consultation process.
26 January 2022	APT attended a consultation event at the Seafarers Centre.

[8] At paragraph 1.12

7.6 The IOT Operators would welcome increased engagement from ABP on the proposals, now that they are at the stage of statutory consultation. The IOT Operators recognise that there is a limited amount of time in which the IERRT Development can be refined prior to submission. The IOT Operator's consider that there is still sufficient time for their concerns with the scheme to be addressed by ABP prior to submission of the application for development consent.

8 CONCLUSION

8.1 For the reasons outlined in this consultation response, the IOT Operators have substantial concerns about various aspects of ABP's proposals. The IOT Operators are particularly concerned about the impact of the IERRT Development on the following aspects of the IOT:

(a) The risk of allision, contact or collision of vessels with the IOT or tanker vessels during the construction and operational phase of the IEERT Development (paragraphs 4.4 – 4.13 and 5.3 – 5.12).

(b) The impact of Ro-Ro vessels using the IERRT Development during the operational phase on the ability of tanker vessels using the IOT to arrive and depart (including the availability of tug and pilot operations) (paragraph 5.13 – 5.17).

(c) The impact of the IERRT Development on the IOT Operators' COMAH safety case (paragraphs 4.14 – 4.15 and 5.18 – 5.19).

(d) The impact of the IERRT Development on the use of an upstream barge mooring buoy (paragraphs 4.16 and 5.20).

(e) The interference with access by emergency vehicles and other essential vehicles to the IOT, Habrough Marsh drain and pipelines to Exolum during the construction and operational phase of the IEERT Development (paragraphs 4.18 – 4.23 and 5.22 – 5.29).

(f) The risk of damage to essential pipelines to Exolum during the construction and operational phase of the IERRT Development (paragraphs 4.25 – 4.26 and 5.30 – 5.31).

(g) The impact of siltation or scouring on the IOT as a result of the IERRT Development (paragraphs 4.27 – 4.29 and 5.32 – 5.35).

(h) The risk of vibration during the construction and operational phase of the IERRT Development causing damage to the IOT jetty and the IOT Operators' piping and equipment (paragraphs 4.30 and 5.36).

8.2 In order to fully understand these concerns, the IOT Operators have requested further information from ABP about various aspects of the proposals and have asked for certain plans and documents to be shared or prepared jointly between ABP and the IOT Operators at the earliest opportunity, to inform the assessment or risk presented by the IERRT Development.

8.3 Subject to the information requested above by the IOT Operators, it is also expected that any or all of the following measures may be required to be included in ABP's future application for development consent:

(a) Protective provisions for the benefit of the IOT Operators' existing infrastructure during the construction of the ABP proposals;

(b) Requirements controlling the manner in which the ABP proposals are constructed or operated, for the protection of the IOT and the IOT Operators' equipment installed on it or

(c) Restrictions on the limits of deviation sought by ABP as part of its proposals.

Yours sincerely

[redacted]

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IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT

SUPPLEMENTARY CONSULTATION RESPONSE

1 INTRODUCTION

1.1 We write with reference to Associated British Ports' ("**ABP**") Supplementary Consultation Report dated 28 October 2022 ("**Supplementary Consultation Report**") and to ABP's letter dated 24 October 2022 in relation to a proposed application for a Development Consent Order for a new Roll-on/Roll-off cargo facility of up to four berths at the Port of Immingham, North East Lincolnshire known as the Immingham Eastern Ro-Ro Terminal Development (the "**IERRT Development**").

1.2 This response to the Statutory Consultation Report is submitted on behalf of Associated Petroleum Terminals (Immingham) Limited ("**APT**") and Humber Oil Terminals Trustee Limited ("**HOTT**"). HOTT is the licensee (from ABP) of the Immingham Oil Terminal Jetty ("**IOT**") and lessee (from ABP) of the associated oil terminal and tank farm ("**Oil Depot**"). APT operates IOT and the Oil Depot on behalf of HOTT (HOTT and APT are referred to together in this response as "**the IOT Operators**").

1.3 Since the first statutory consultation closed on 23 February 2022, the IOT Operators and ABP have been in ongoing discussions on the IERRT Development and have exchanged a series of letters[1]. The latest of these is a letter from ABP dated 24 October 2022 which enclosed a draft Navigation Risk Assessment ("**NRA**") methodology for the IERRT Development.

1.4 The IOT Operators attended the ABP / ABPmer Immingham Eastern Ro-Ro Terminal Development Navigation Risk Assessment Hazard Workshop III (the "**Hazard Workshop**") held between 16 and 17

[1] Those letters are dated 16 September 2022, 26 August 2022, 25 July 2022 and 29 April 2022, in addition to the IOT Operators' section 42 consultation response dated 22 February 2022.

August 2022 in Immingham. The IOT Operators and ABP subsequently met on 27 September 2022 and 19 October 2022 to discuss navigational safety concerns raised by the IERRT Development and explore how the Immingham Green Energy Terminal ("**IGET**") development proposed by ABP could provide a long term and effective solution to some of the safety concerns created by the IERRT, and whether interim solutions could be found while the IGET is developed.

1.5 Following concerns raised by the IOT Operators on the methodology and adequacy of the IERRT NRA used by ABP as part of its first statutory consultation, a draft IERRT NRA methodology was provided by ABP on 24 October 2022 (the "**draft IERRT NRA methodology**").

1.6 Whilst the IOT Operators welcome the collaborative nature of recent discussions it is noted that, as yet, no commitment to satisfactorily mitigating the concerns highlighted by the IOT Operators has been forthcoming. In addition to concerns raised in relation to navigational points, the IOT Operators have concerns about the impact of proposed design changes to the safety of the IOT marine operations and on traffic issues which will have implications on the IOT Operators' ability to access the IOT.

2 IERRT NAVIGATION RISK ASSESSMENT

2.1 A draft IERRT NRA methodology was provided to the IOT Operators by ABP on 24 October 2022. It is not clear whether a revised NRA has now been prepared by ABP; if it has the IOT Operators ask that it is shared with them at the earliest opportunity, to inform their understanding of navigational risks.

2.2 The IOT Operators consider that the finalised IERRT NRA should include:

(a) the outcomes (e.g. the IOT Operators' agreed report) of the ship bridge simulations scheduled for week commencing 28 November 2022;

(b) details of a comprehensive cost benefit analysis determination for any hazards defined as ALARP (as low as reasonably practicable); and

(c) an explanation of why the IOT Operators' proposed risk control measures such as the impact protection has now been included in design drawing, but its construction is not proposed as part of the IERRT Development.

2.3 In the absence of an updated NRA being provided, the IOT Operators are only able to make initial comments on the draft NRA methodology enclosed with ABP's letter of 24 October 2022, and associated elements of the Supplementary Consultation Report. These are set out below.

3 DUTY HOLDER AND STANDARDS OF ACCEPTABILITY

3.1 In our letter of 26 August 2022 to ABP (see paragraph 1.8) we noted that the IOT Operators do not consider that the draft IERRT NRA methodology meets either the 'UK Port Marine Safety Code', the 'Marine Guidance Note (MGN) 654 (M+F) Offshore Renewable Energy Installations (OREI) safety response' or the 'International Maritime Organization (IMO) Formal Safety Assessment' approach, as no standards of acceptability for hazards have been provided. The IOT Operators had provided appropriate standards of acceptability, which are derived from, and approved by the UK Health and Safety Executive. In reviewing ABP's letter of 24 October 2022 and the enclosed the draft NRA methodology, no further details on any standards of acceptability are provided, except that is it for the ABP Duty Holder to make this judgement.

3.2 The IOT Operators contend that if no standards of acceptability are provided as part of the IERRT NRA, based on UK Health and Safety Executive guidance, then the persons responsible for ensuring that ABP's duties are discharged (the "**ABP Duty Holder**") cannot make a judgement on acceptability of hazards scored as 'As Low As Reasonably Practicable'.

3.3 The IOT Operators welcome the confirmation at paragraph 1.8 of ABP's letter of 24 October 2022 that a cost benefit analysis will be undertaken with a view to reducing the risk (for each hazard) to a tolerable level. However, the IOT Operators note that in the draft IERRT NRA methodology, no details on how this process will be undertaken is provided.

4 DRAFT NRA METHODOLOGY

4.1 In drafting the IERRT NRA, the IOT Operators request that clear reference is made to which elements of the various guidance documents have been used in the assessment, as it is not clear to date where the different guidance is relied on (i.e. provision of a checklist in line with the 'MGN 654 Annex 6 Checklist for developers' is requested).

4.2 At paragraph 1.2.2 of the draft IERRT NRA methodology it is stated that:

"*ABP, as Harbour Authority, manages port development changes and the introduction of new trade through risk-based evaluation and established risk controls, with the application of appropriate additional risk mitigation measures in accordance with the PMSC and its Guide to Good Practice (GtGP). This forms the basis of the risk assessment methodology*".

4.3 The IOT Operators have previously requested the existing Port Marine Safety Code Formal NRA for the area encompassing the IERRT Development, which was undertaken by ABP, should be used as the basis for the IERRT NRA, with changes brought about by the IERRT Development mapped over this agreed baseline assessment.

4.4 Paragraph 1.3.2 of the draft IERRT NRA methodology states that:

"*Risk is determined through a count culmination of outcome categories in a risk tally ranking system*".

4.5 The IOT Operators consider that this explanation is simply not clear and the IOT Operators require clarification on how risk is determined. An example of how this would be determined would assist the IOT Operators.

4.6 The IOT Operators also require clarification on how the 'consequence descriptors' (paragraph 1.3.3) have been defined and specifically how they relate to the IOT Operators' operations including confirmation of whether these are based on the existing ABP NRA for the area.

4.7 As previously noted, the IOT Operators remain concerned over the use of qualitative 'frequency descriptors' as specified in Table x3 of the draft IERRT NRA methodology. It is not clear from this table how these frequency descriptors will change between the three phases of the IERRT Development (*Construction: including capital dredging and installation of infrastructure; Construction and Operation: construction of the southern finger pier whilst operating the northern finger (with two berths); and Operation: change to the study area's vessel movements including any maintenance dredging*.).

4.8 The IOT Operators remain concerned that the IERRT NRA methodology does not use empirical frequency descriptors (e.g. mathematical probabilities or return periods) which can be benchmarked to standards of acceptability (e.g. when likelihood of fatalities are considered) which in turn is necessary for the determination of ALARP classification for individual hazards. It is best practise, for marine risk assessment, especially of the complexity of the IERRT development, to define frequency empirically, which is in line with the Port Marine Safety Code Section 2.8 requirement that "*Risks should be judged against objective criteria*".

4.9 The IOT Operators are particularly concerned that at paragraph 1.3.5 of the draft IERRT NRA methodology (Risk Evaluation) the presented methodology considers risk classification in EIA 'significance', but does not explain how hazards or risks are scored. It is also not clear what the thresholds for the risk classification are and whether they are individually related to each assessment of risk for each hazard or whether aggregated risk scores are generated per hazard. The IOT Operators note that no detailed methodology or worked example is provided on assigning risk classification to individual hazards.

4.10 In the draft risk assessment methodology provided, the IOT Operators are particularly focused on, and keen to understand the approach to 'Stage 4: Cost Benefit Analysis, ALARP and Tolerability'. Apart from several reference statements in paragraphs 1.5.1 to 1.5.4 the only detail provided on the approach is at paragraph 1.5.5:

"*As part of the Cost Benefit Analysis the Risk Assessment and Control Options are presented to those who have the appropriate authority to authorise or reject the proposed further applicable controls. This forms the final stage of the assessment process*".

4.11 The IOT Operators do not agree that paragraph 1.5.5 adequately details an appropriate approach to 'Cost Benefit, ALARP or Tolerability' and seems to simply rely on the ABP Duty Holder to decide on the results of the whole assessment.

4.12 In relation to the draft IERRT NRA methodology provided, the IOT Operators require a more detailed explanation and worked examples of the IERRT NRA methodology, using the risk scoring provided as part of the Hazard Workshop by the IOT Operators (see the Appendix to this letter). For example, the methodology provided, whilst not detailed enough for the IOT Operators to confidently undertake an assessment of risk (for reasons stated above), would indicate that for '*Haz ID 02 Tanker manoeuvring on/off IOT finger pier*', the resultant baseline risk scores would include several 'significant' level risk scores, which would mean the hazard was unacceptable and additional risk controls were necessary. This is contrary to various statements contained within the Supplementary Consultation Report.

5 MARINE INFRASTRUCTURE

5.1 The IOT Operators note that paragraph 8.18 of the Supplementary Consultation Report indicates that the design of the IERRT Development has moved considerably closer to IOT infrastructure, including the IOT trunkway and IOT finger pier berths 6 and 8. This further impedes navigation of vessels bound to and from the IOT and increases the proximity of IERRT Development vessels navigating to IOT infrastructure, both of which lead to an increase in risk to the IOT Operators over the proposals presented in the Preliminary Environmental Information Report ("**PEIR**").

5.2 Paragraph 16.5 of the Supplementary Consultation Report states that:

"***Possible impact protection measures*** *– The final change made to the project arises directly from representations made by users of the Port. As will be detailed in the IERRT application material, ABP is confident that, following comprehensive risk assessment, the new Ro-Ro facility will be able to operate efficiently and safely without the need for any additional mitigation measures – although it may occasionally be necessary for the Ro-Ro operator to use tugs for a vessel berthing – as is common practice on the Humber Estuary*".

5.3 This indicates that:

(a) Comprehensive risk assessments were complete at the time of the Supplementary Consultation Report but have not been provided.

(b) The IERRT Development will be able to operate efficiently and safely without the need for any additional mitigation measures.

5.4 The IOT Operators are not able to provide comment on the detail of these statements as the supporting assessment and analysis is not provided, although the IOT Operators, as previously indicated, do not agree that the IERRT Development as planned is safe and that additional controls are not necessary.

6 TRAFFIC CONCERNS

6.1 The IOT Operators continue to have concerns relating to the impact of the IERRT Development on traffic in the area.

6.2 The IOT Operators are concerned with the operation of the East Gate following observations during a site visit in March 2022 which highlighted queuing on Queens Road at the existing security gate house and the proximity of the Laporte Road junction. The PEIR for the IERRT Development had not identified this issue and had not therefore assessed the impact of the very significant increase in vehicular trips that the IERRT Development would generate.

6.3 In paragraph 8.7 and section 12 of the Supplementary Consultation Report, ABP has acknowledged the potential of queuing traffic on the public highway, and has proposed changes to the scheme to provide two entry lanes and two security gates at the East Gate. The Supplementary Consultation Report states that these improvements have been discussed with North East Lincolnshire Council and would be "*regularised by means of a legal agreement with the Council*". The IOT Operators assume that this means an agreement under section 278 of the Highways Act 1980.

6.4 ABP has not provided any evidence to suggest that traffic surveys have been undertaken at the East Gate, nor an assessment to demonstrate that the proposed widening would alleviate any significant queuing and therefore mitigate the impacts identified by the IOT Operators' technical advisors. Whilst a second lane would increase capacity at the security gates it would not be a doubling of capacity as lane utilisation is unlikely to be equal.

6.5 Figure 7 in the Supplementary Consultation Report indicates the security huts on either side of the widened access meaning that for UK vehicles, the nearside lane security hut would be on the wrong side for the driver. The opposite would be the case for left hand drive vehicles. This could introduce further delays or lead to drivers switching lanes on the approach to the security gates which, again, could cause delays. Furthermore, there is no evidence that the proximity of the Laporte Road junction and its interaction with the East Gate has been assessed. This has been highlighted by the IOT Operators' technical advisors as a highway safety concern,

6.6 Currently there is a ghost island right turn lane just within the East Gate that serves the road that provides access to the IOT Operators. Figure 7 suggests that this right turn lane is being removed, but this is not actually stated in the Supplementary Consultation Report and no commentary on the impact of such a change is provided.

6.7 In addition, Figure 7 shows yellow box markings being installed across this junction yet there is no explanation within the Supplementary Consultation Report as to why such markings are required. Box markings are installed where queuing traffic can block a junction, and ABP should set out what assessment has been undertaken that suggests this will occur.

6.8 The Supplementary Consultation Report notes that a traffic signing strategy is being developed to route vehicles from the A180 to the East Gate via the A1173 and Queen's Road. Furthermore, the Supplementary Consultation Report states that no specific off-site highway capacity mitigation measures are required to mitigate the impacts on the significant increase in trips associated with the IERRT Development.

6.9 Given the significant numbers of lorries that approach the East Gate from Laporte Road, the IOT Operators' technical advisors consider that relying on just a signed route from the A180 might be insufficient. There is no evidence in the Supplementary Consultation Report, or publicly available updated environmental information, to justify the statement that a signing strategy is all that is required to mitigate the impacts of the IERRT Development on off-site public highways.

7 PROTECTIVE PROVISIONS

7.1 At this stage the IOT Operators are unable to confirm the nature of the protective provisions which would be required to protect their existing nationally significant infrastructure, should the concerns which have been articulated with the IERTT be adequately addressed.

7.2 The primary reason why the IOT Operators are unable to confirm the nature of protective provisions is an absence of information from ABP as scheme promoter. By way of illustrative example, no draft development consent order has been provided, nor has a revised NRA. There is an absence of onshore traffic assessment.

7.3 However, based on concerns which have been articulated or referred to within this consultation response, and previous correspondence, the IOT Operators consider it likely that protective provisions would be required to address:

(a) The relocation of the IOT finger pier, for the reasons described in paragraph 2.1(a) of our previous letter of 25 July 2022. The IOT Operators would also be prepared to consider a solution requiring the IERRT Development's outer-most berth (the northern berth of the northern pier) to

be unused until such a time as alternative adequate arrangements have been put in place to reduce impacts on (safe) use by the IOT Operators of the finger pier;

(b) The provision of adequate vessel impact protection during the construction and operational phase of the IERRT Development, as described in paragraph 2.1(b) of our previous letter of 25 July 2022;

(c) A marine liaison plan of the sort detailed at paragraph 2.1(c) of our previous letter of 25 July 2022; and

(d) Concerns with access to the IOT Operator's onshore facilities. In paragraph 2.1(d) of our previous letter of 25 July 2022 it as suggested an alternate access should be provided off Laporte Road; a suggestion to which ABP are yet to provide a response.

7.4 The IOT Operators would welcome draft protective provisions from ABP addressing these matters, together with sufficient information about the scheme to inform consideration of those provisions. Although draft protective provisions were provided to the IOT Operators on 1 June 2022, these did not adequately address the matters outlined above.

8 CONCLUSION

8.1 The IOT Operators continue to have serious concerns with the IERRT Development as set out above.

8.2 The IOT Operators also have significant concerns relating to the changes to the scheme's design with regards to marine infrastructure. The IOT Operators consider that additional mitigation measures are needed and do not agree with ABP that the IERRT Development as planned is safe.

8.3 The IOT Operators continue to have concerns about the impact of the IERRT Development on traffic in the area which would have implications on the ability of the IOT Operators to access the IOT. The IOT Operators require further information and clarification from ABP on the points outlined above.

8.4 The IOT Operators also consider that draft protective provisions should be provided by ABP to protect the IOT Operators' interests as set out above, together with sufficient information about the scheme to enable consideration of those provisions. Although draft protective provisions were provided to the IOT Operators on 1 June 2022, these did not adequately address the matters outlined above.

The IOT Operators look forward to hearing from ABP on the concerns outlined above.

Matt Dearnley
Terminal Manager

ASSOCIATED PETROLEUM TERMINALS (IMMINGHAM) LIMITED

Appendix

Haz ID 02 Tanker manoeuvring on/off IOT finger pier details are:

(a) Hazard Category Allision

(b) Hazard Scenario Title Tanker manoeuvring on/off IOT finger pier (flood tide)

(c) Risk ID O2

(d) Worst Credible Scenario

- (i) Likelihood Possible
- (ii) People Major (4)
- (iii) Property Major (4)
- (iv) Planet Extreme (5)
- (v) Port Major (4)

(e) Most Likely Scenario

- (i) Likelihood Likely
- (ii) People Negligible (1)
- (iii) Property Moderate (3)
- (iv) Planet Negligible (1)
- (v) Port Minor (2)

(f) Risk Score with no additional risk control measures based on

- (i) Worst Credible Scenario
  - (A) People Significant
  - (B) Property Significant
  - (C) Planet Significant
  - (D) Port Significant
- (ii) Most Likely Scenario
  - (A) People Low
  - (B) Property Significant
  - (C) Planet Low
  - (D) Port Medium

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IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT

UPDATE FOLLOWING SECTION 42 CONSULTATION RESPONSE

1 INTRODUCTION

1.1 We write with reference to our section 42 consultation response of 22 February 2022 (the "**Consultation Response**"), and use the terms set out in that letter.

1.2 APT and HOTT welcomes the engagement which has been offered by ABP on its proposals for the IERRT Development and our concerns regarding shipping and navigation as outlined in the Consultation Response. That engagement has consisted principally of:

(a) Attendance at a HAZID workshop on 7 April 2022;

(b) An email from Tim Aldridge of 19 April 2022 providing updated navigational risk assessments following the workshop, with a request for comments by close on 29 April 2022; and

(c) Attendance at Ship Bridge Simulations on 11 April 2022 at HR Wallingford.

1.3 We are also using this opportunity to provide an update on the IOT Operators' traffic related concerns, as outlined in the Consultation Response.

2 SHIPPING AND NAVIGATION – ACTIONS FROM HAZID WORKSHOP

2.1 The IOT Operators continue to have number of concerns relating to the IERRT Development proposals and the methodological approach used to determine navigation safety, which were articulated in the recent HAZID workshop.

2.2 It was our understanding:

(a) that these concerns, as articulated in the workshop, would be documented / minuted, and that a plan put in place to investigate and ameliorate them where necessary by ABP;

(b) that the HAZID workshop minutes would be provided to the IOT Operators for comment;

(c) that a copy of the presentation from the HAZID workshop would also be issued to attendees; and

(d) that the supplementary information requested by the IOT Operators prior to the workshop (to inform the assessment of risk) would also be provided.

2.3 None of those actions have been completed, and it is therefore not possible for the IOT Operators to provide comments on the updated navigational risk assessments as you have requested by 29 April. Please confirm by return when each of the above actions will be completed.

2.4 The following two sections of this letter capture the concerns articulated by the IOT Operators at the HAZID workshop

3 NAVIGATIONAL RISK ASSESSMENT METHODOLOGY

3.1 Risk Assessment Matrices

3.2 It is not clear what guidance the Preliminary Navigational Risk Assessment (PNRA) is following, although it is noted several different documents are referenced in the PNRA. It does not seem, following clarification from the HAZID workshop on 7 April 2022 (the Workshop), that a specific industry approved risk assessment methodology is being used, but that the assessment is based on an ABP "in-house" methodology with associated propriety algorithms to calculate risk scores and risk control effectiveness (which have not been provided). This prevents us from understanding what the output of the navigation risk assessments means.

3.3 We particularly note that no acceptability thresholds for hazard scenario scores have been defined, or that principals such as ALARP (as low as reasonably practicable) are not being followed (even though they are referenced in the PEIR PNRA). We would therefore welcome full details on the methodology employed including the determination and allocation parameters for risk control effectiveness in order to enable us to effectively input into the assessment. This was noted at the Workshop.

3.4 It was also not clear from the Workshop, whether any cost benefit analysis would be undertaken against identified risk controls measures to support an ALARP determination, or indeed whether the collective list of "Further Applicable Controls" risk control measures identified will be secured going forwards?

3.5 Comments of baseline data and information necessary to inform the Navigational Risk Assessment for the IERRT Development

3.6 Port Wide Risk Assessment:

3.7 We would assume that a risk assessment for the IERRT Development would utilise the existing port wide risk assessment to provide a baseline understanding of navigation risk in the area, over which the changes brought about by the IERRT Development could be mapped and an understanding of not only the acceptability of the IERRT Development considered, but also the relative increase or change in risk brought about by the development determined. This would allow an assessment that determined the current navigation risk (without the IERRT Development), the future navigation risk (with the IERTT Development and embedded risk controls) and the final risk with agreed and adopted risk mitigation in place. We therefore request further information from ABP on how this can be included.

3.8 Incident Data:

3.9 We understand that details of historical incident occurrence in the vicinity of the IERRT Development (which appear to be significant from the high-level data presented at the Workshop), are available from the Statutory Harbour Authority (ABP Immingham) and would provide significant help in determining the likelihood and consequence estimates for the hazard scenario scoring. We request that these should be made available and broken down into incidents and accidents based on the types of vessels which will be navigating to and from the IERRT Development. So far, we have only observed a plot showing incident location, with no details about the magnitude, causes and outcomes of the incidents detailed, or a narrative that would inform the assessment of navigation risk. This analysis should also include other available data, such as from the Marine Accident Investigation Branch (MAIB) and the International Maritime Organisation (IMO), for other similar types of marine infrastructure in other areas.

3.10 Vessel Traffic Analysis:

3.11 Analysis of vessel traffic data is presented in the PNRA at a high level and does not adequately portray the complexity and frequency of vessel traffic activity in the area. As previously requested, a more detailed analysis including swept path analysis (as committed to prior to the Workshop) would be necessary to more clearly understand the geometry of proposed vessel use and footprint of the IERRT Development. Reliance on anonymised track data, without an understanding of water space (footprints) used, has limited utility in this assessment.

3.12 Full Bridge Simulations:

3.13 It is understood that full bridge simulations have been undertaken to inform the design of the IERRT Development, and that these simulations commenced in Q4 2021 and into 2022. We understand these

simulations have resulted in significant design modifications to date. We therefore request again that the results of these simulations be made available to inform the assessment of risk.

3.14 **Simulations**

3.15 In attending the one day of simulation on 11 April 2022 we have the following comments:

(a) We request additional simulations for the IOT finger berth are undertaken for a more suitable design vessel with a vessel of maximum size for the berth and with minimum manoeuvring aids. The simulations should also include the classification of pilot currently used for the berth as the simulations to date were undertaken with the most experienced and qualified ABP Humber Pilots, not the less experienced and qualified pilots currently used. We also request that appropriate shielding and wind effects brought about by a berthed vessel at the IERRT Development is taken into consideration.

(b) We also request that failure (and limit state) simulations are undertaken for vessels bound to and from the IERRT Development to ascertain safety thresholds. This will greatly inform the assessment of risk as for example judgement can then be more readily made on the ability of the vessel crew and attendant tugs in ameliorating any consequences of main engines failure scenario such as whether an anchor can be deployed and "brought up" in time to avert an alision with the IOT trunk way.

3.16 Scheme Design

3.17 At the Workshop, discussion was had on the scheme design and the Design Vessels for the IERRT Development. Based on attendance at the simulations held at HR Wallingford on 11 April 2022, we understand that the scheme has been altered from that presented at the Workshop. We therefore request confirmation on what scheme design the individual navigational risk assessments relate to. This may be achieved by sharing the previously requested drawing of the IERRT Development on a navigation chart that also includes the neighbouring navigation features.

3.18 Further, we have not yet been provided with details of the Design Vessel, including specific characteristics of manoeuvring aids that will visit the facility. Please can these be provided. It is noted that at the Workshop ABP identified some generic ship characteristics, but we require the details to inform the nature and magnitude of any risk. For example, we are particularly concerned that Design Vessels will need to transit at up to 6 knots through the water when berthing during certain tidal states, and the relative use of manoeuvring aids, such as bow thrusters, and even tugs significantly deteriorates at these water speeds making them less effective. Combined with strong winds this could significantly increase the likelihood of alision hazard scenario occurrence.

3.19 We would be grateful if you confirm the "designed-in" impact protection parameters of the IERRT infrastructure, particularly what loading the IERRT would be able to sustain from an errant vessel making contact. This is critical to understanding the implicit impact protection provided by the IERRT infrastructure to the IOT trunk way (a piece of nationally significant infrastructure). We requested at the Workshop that the project undertake a quantitative impact study, which we now see is included as a risk control measure. However, we do not consider that a study is in itself a risk mitigation measure. We therefore request confirmation that an impact study is being undertaken and that the results will be fed into the assessment of risk (see Control ID 170 of Hazard Scenario O3).

3.20 It is understood that the assessments do not consider the design life of the IERRT Development which is presumably between 25 and 50 years and as such uplifts in vessel traffic associated with economic growth, future development on the Humber (particularly in relation to Freeport status, Offshore Wind Farm development and decommissioning of North Sea Oil and Gas installations), how is this taken into account in the provided risk assessments.

3.21 In addition to the specific concerns raised prior to the Workshop and the need for additional information, as well as the concerns raised above, the IOT Operators remains concerned not just with the possible local navigation risk impact to the IOT finger berths and alision of to the trunk way, but also:

(a) The increase in navigation risk brought about more widely in the Humber Estuary from the addition of over 2,000 vessel movements per year;

(b) Possible impact to the COMAH status of the IOT; and

(c) Commercial impact due to reduced access to the IOT (Finger berth, and river facing berths) from increase vessel traffic movement in the area.

4 NAVIGATION RISK ASSESSMENTS

4.1 In terms of the specifics of the updated navigational risk assessments provided in the email from Tim Aldridge of 19 April 2022 then we have the following comments to raise.

4.2 As a general point it would be more helpful if you are able to share the excel spreadsheet used to create these risk assessments rather than a pdf extract as this would assist our review process.

4.3 We would also be grateful for confirmation that the scoring as undertaken in the Workshop has been directly translated into the provided individual navigational risk assessments. During the Workshop the specific values discussed in terms of hazard likelihood and consequence were not documented by the IOT Operators, but our recollection is that they do not quite seem to match up with the assessments

provided. Please could you therefore identify any changes that have been made to the assessment since the Workshop both in terms of hazard scoring and risk control effectiveness.

4.4 Risk control effectiveness

4.5 As noted above, we do not have the details of the risk assessment methodology employed, although we understand the basis used for scoring hazard scenarios (e.g. International Maritime Organisation Formal Safety Assessment method). However in terms of risk control effectiveness we do not understand the methodology employed and have not been provided with the details of how the calculations work. We also note that some risk control effectiveness scores have been updated, despite the fact they were not discussed at the workshop.

4.6 As an example in Hazard C2 it is stated that "Pilotage service / PEC" accounts for a 20% likelihood effectiveness in the "Embedded Risk Control" table, but in the "Further Applicable Controls" table, "*Communications – between the project team and port"* is identified to provide a 50% likelihood effectiveness. This suggests that the "*Communications – between the project team and port"* risk control is 2.5 times more effective at mitigating risk of an alision than "*Pilotage / PEC*" which seems incongruous. There also does not seem to be any evidential basis for the percentage of effectiveness stated and our concern is this could be an overestimate of effectiveness. Based on the lack of details in relation to the scoring methodology and application of effectiveness percentage, it is not currently possible for us to adequately review "Further Applicable Controls" and we therefore cannot reasonably progress any review of the "Final Risk" (mitigated) score.

4.7 With regards to the specific "Further Additional Risk Controls", during the Workshop we discussed and we considered we had agreed to amalgamate a number of risk control measures into a single defined "Marine Liaison Plan" (e.g. "Communications – between the project team and port", Contractor Risk Assessment - RAMS etc.) which will have defined contents and an agreed list of stakeholders – this approach is common for projects of this nature.

4.8 Furthermore, with regards to a number of identified "Further Additional Risk Controls", such as Aids to Navigation, we consider these to be "Embedded Risk Controls" and should not be repeated as "Further Additional Risk Controls" (i.e. they should be considered as part of a properly designed facility and in assessing the risk for hazard scenarios such controls are documented as being in place). We consider this could be deemed to be double accounting.

4.9 In conclusion, we consider it possible for us to review the input scoring provided in the individual risk assessments (in terms of worst and likely occurrence scores for likelihood and consequence), and will endeavour to undertake this review over the coming weeks. We will however need to reserve finalisation of such judgements based on provision of the requested information, which was agreed by all at the

Workshop, to be very beneficial in informing the assessment of risk. However, we will need further details in order to review the "Further Applicable Controls" aspect of the assessment to define and agree Final Risk scores which is of particular significance in an understanding of risk acceptability.

5 TRAFFIC

5.1 The IOT Operators have instructed Key Transport Consultants to advise them on the traffic impacts of the IERRT Development. The Report of KTC dated 8 April 2022 is attached to this letter, which outlines a series of concerns with the environmental information provided by ABP, and expand on the queries raised in the Consultation Response.

5.2 The IOT Operators would welcome an opportunity to discuss the concerns outlined in that report with ABP, and / or a written response from ABP to the concerns which have been outlined.

We look forward to hearing from you in the matters outlined in this letter.

Matt Dearnley
Terminal Manager

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Date: 25 July 2022
Ref: APT

IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT

1 **INTRODUCTION**

1.1 We write with reference to our letter dated 29 April 2022 and to our section 42 consultation response dated 22 February 2022 and use the terms set out in those letters.

1.2 The purpose of this letter is to outline the conditions which must be satisfied by ABP to mitigate the potential impacts of the IERRT Development on the IOT (section 2 of this letter). In sections 3 and 4 we address ongoing information exchanges, whilst section 5 notes comments on the concerning outcomes of a recent simulation event.

1.3 The IOT Operators and ABP have been in discussions in relation to the IERRT Development for several months and are yet to agree a set of mitigation measures to address the concerns which have been raised by the IOT Operators. A list of key relevant correspondence and meetings that have taken place between the parties appears at the end of this letter, for reference.

1.4 **Without these mitigations measures being secured, in a form and manner acceptable to the IOT Operators, the IOT Operators will object to any future application by ABP for development consent for the IERTT Development**. For the reasons outlined in our s.42 consultation response, including the critical importance of the IOT to the national and local economy, the IOT Operators are confident that its objection would lead to development consent being refused for the IERRT Development.

1.5 As will be apparent from the information within this letter, and previous exchanges referred to above, the IOT Operators remain willing to engage with and work with ABP to find solutions to the problems presented by the potential impacts of the IERRT Development. Adequate protection of the critically important IOT must however be the baseline for an acceptable form of development.

2 MITIGATION MEASURES

2.1 The IOT Operators consider that the following additional mitigation measures are essential to reduce the impact of the IERRT Development on the IOT to an acceptable level:

(a) **Relocation of IOT Finger Pier:** The relocation of the IOT Finger Pier including all associated infrastructure to a suitable location downstream of the IOT trunk way, at ABP's cost. An indicative diagram to show the proposed location of the new finger pier is enclosed. Construction and commissioning of the new finger pier should be undertaken prior to ceasing operations at the existing finger pier and prior to commencing construction of the IERRT Development. The relocation of the IOT Finger Pier is necessary to avoid the otherwise unacceptable risk of allision and collision during construction and operation of the IERRT Development, as outlined at paragraphs 4.4 – 4.13 and 5.3 – 5.16 of the IOT Operators' consultation response dated 22 February 2022.

(b) **Vessel impact protection:** The provision of vessel impact protection during the construction and operational phase of the IERRT Development. The impact protection should be sufficient to protect the IOT and arrest errant vessels of the size and type proposed for the construction and operational phases of the IERRT Development. It should also account for the worst-case impact velocities including peak ebb tidal flow and strong winds. The impact protection should be designed to enable continued access to IOT infrastructure for operational maintenance. The detailed design of appropriate impact protection measures will need to be agreed with the IOT operators; indicative areas for the impact protection measures are shown on the indicative drawing enclosed. . The addition of vessel impact protection measures is required to mitigate against the risk of allision or contact between vessels and the IOT as noted in paragraphs 4.4 – 4.9 and 5.3 – 5.8 of the IOT Operators' consultation response dated 22 February 2022.

(c) **Marine Liaison Plan:** Provision of a comprehensive Marine Liaison Plan detailing the IERRT Development's construction methodology and schedule of works. The plan will outline the need for the removal of conflicts between construction activity and the operations of the IOT. This may include exclusion zones for constructions vessels, priority access to the IOT finger berths during construction works, scheduling of potentially hazardous construction activities, attendance of safety standby tugs and/or workboats and weather limits. Approval of the plan will include engagement and agreement with the IOT Operators through regular meetings and approval of documents. The plan would have an agreed terms of reference and a draft plan would need to be submitted and agreed between the IOT Operators and ABP as part of the submission of any DCO application. A Marine Liaison Plan is necessary to ensure that construction activities

relating to the IERRT Development do not have an unacceptable impact on the IOT as outlined at paragraphs 4.4 – 4.15 of the IOT Operators' consultation response dated 22 February 2022.

(d) **Alternative Access off Laporte Road:** In order to mitigate against the road transport impacts of the IERRT Development on the IOT Operators, a potential solution in the form of an alternative access has been identified. A review by Key Transport Consultants Ltd (KTC) of the Preliminary Transport Assessment (January 2022) and Preliminary Environmental Information – Chapter 17: Traffic and Transport (January 2022) raised concerns regarding the robustness of the evidence base and analysis undertaken. These are set out in the KTC Technical Note 1 dated 8 April 2022 (sent to ABP on 29 April 2022).

KTC drawings 1185-001 and 1185-002 identify a potential alternative access that ABP could deliver to serve the APT site (those drawings are appended). The access is off Laporte Road to the east of the Queens Road/Laporte Road junction adjacent to the East Gate where existing congestion occurs. If the IERRT Development results in further congestion and delays at the East Gate, APT traffic can avoid this. A vehicular access to the APT site and IOT Operators' infrastructure that bypasses the East Gate at Immingham Dock would overcome some of the construction and operational traffic concerns raised by the IOT Operators in paragraphs 4.20 and 5.23 – 5.29 of the IOT Operators' consultation response dated 22 February 2022. This mitigation would need to be provided by ABP or at their cost.

2.2 Dependant on the manner in which these mitigation measures (and any others which are necessary) are to be provided by ABP, there may or may not be a need for requirements to be imposed on any proposed DCO, protective provisions to be included within it, or separately enforceable agreements to be entered into. An appropriate delivery mechanism for securing the mitigation measures can be agreed in due course.

3 INFORMATION FOR HAZARD WORKSHOP III

3.1 ABP has proposed that a third hazard workshop ("Hazard Workshop III") is held to enable stakeholders to contribute to ABP's assessment of hazards as part of its development proposals, That is welcomed, but in advance of Hazard Workshop III, the following information should be provided to the IOT Operators at least two weeks before the workshop:

(a) Provision of scheme design parameters (including schedules, construction sequences / activities and vessels, design vessel parameters, operational footprints and durations):

(i) Phase 1: Construction.

(ii) Phase 2: Construction / Operational phase.

(iii) Phase 3: Operation.

(b) Provision of a detailed explanation on the proposed methodology, specifically:

(i) Risk matrix including classification tables and acceptability criteria.

(ii) Determination on scheme risk appetite (to include stakeholders / societal expectations).

(iii) Details on how the risk reduction calculations work.

(c) Any port wide risk assessments which are appropriate for this area, which will provide context on how ABP currently manage the area and document what embedded risk control measures are currently in place.

(d) The following data and information:

(i) Tidal stream detail for the area (direction and velocity for the area).

(ii) Swept path analysis (showing footprint of area / water currently used by vessels) on approach to the IOT finger berth.

(iii) Swept path analysis for IERRT Development vessels approaching / departing the IERRT Development during the operational phase.

(iv) Swept path analysis for vessels approaching and departing the IOT finger berth during the construction, construction / operational and operational phases of the IERRT Development.

(v) HR Wallingford vessel simulation reports.

(vi) Details on historic incidents in the area.

(vii) Details / specifications of the currently defined “further additional risk control measures” in the Hazard Tables provided by ABPmer.

4 DATA PROVISION

4.1 In support of the Navigation Risk Assessment, and in order for ABP and ABPmer to appreciate the complexity and importance of the IOT and associated infrastructure, the IOT Operators have agreed to share certain documentation and data.

4.2 The following data and documents are enclosed to help inform the understanding of navigation risk in relation to the IERRT Development and IOT:

(a) Drawings of IOT;

(b) Current design vessel parameters for IOT Finger Berth 8; and

(c) Extract from the APT COMAH Safety Plan demonstrating APT risk assessment methodology and navigation hazard details for:

(i) 8.3.3 Risk Ranking Evaluation For HazId; and

(ii) 9.8 Representative Scenario Rp1 - Ship Collision With The Jetty/Berths.

4.3 Minutes of the ABPmer / NASH Navigation Risk Assessment Methodology Meeting on 25 May 2022 are also enclosed with this letter.

5 SIMULATION

5.1 ABP have undertaken several Ship Bridge Simulations on various IERRT designs, with the most recent being undertaken 11-14 July 2022 for a 3-berth option rotated to 300deg. IOT personnel and consultants attended simulations associated with vessel arrivals at the IOT Finger Pier only on 13 July 2022.

5.2 As requested by the IOT Operators these simulations used a more representative design vessel. However, the effects of wind shading, from moored IERRT vessels were not considered, and therefore the windage a vessel would encounter when arriving / departing the finger berth in challenging conditions was not modelled. That is despite concerns with wind shielding being explained extensively by IOT representatives.

5.3 It is also noted that even without these challenging effects being modelled in the simulation, the penultimate run of the day resulted in an allision with the IOT Finger Pier, which would likely have resulted in significant damage, cost, and possibly injury and environmental impact. This was the 14th run of the day, the pilot in command was very familiar with the handling characteristics of the vessel, and was also the most senior class of pilot (e.g. more experienced than would normally be used for such movement). The run was also conducted in daylight not darkness, and in good visibility not restricted. **The IOT Operators therefore conclude that the simulations attended on the 300deg IERRT design do not currently provide evidence of a safe and workable design in relation to IOT Finger Pier operations**.

5.4 IOT Operators cannot currently make any judgement on safety of the current IERRT designs and associated marine operation, which the IOT Operators have concerns over in relation to allision of IERRT vessels with the IOT Finger Pier and Trunk Way.

We look forward to hearing from you in the matters outlined in this letter.

[redacted]

Matt Dearnley
Terminal Manager

ASSOCIATED PETROLEUM TERMINALS (IMMINGHAM) LIMITED

Enclosures:

An indicative diagram showing the proposed location of the new finger pier, and vessel impact protections.

KTC drawings 1185-001 and 1185-002 - potential alternative access off Laporte Road.

IOT Documents as listed at paragraph 4.2 above.

Meeting minutes of ABPmer / NASH Navigation Risk Assessment Methodology Meeting of 25 May 2022

APPENDIX: KEY RELEVANT CORRESPONDENCE AND MEETINGS

Meeting / correspondence	**Date**
IOT section 42 consultation response	22 February 2022
Hazard Workshop II	7 Apr 2022
Ship Bridge Simulation Vessel bound for IOT finger berths – (288deg IERRT layout) –	11 Apr 2022
IOT update letter to ABP outlining technical concerns, appending KTC Technical Note 1	29 April 2022
APT / ABP Meeting	16 May 2022
ABPmer / NASH Navigation Risk Assessment Methodology Meeting	25 May 2022
Ship Bridge Simulation Vessel bound for IOT finger berths (300deg IERRT layout) –	13 Jul 2022

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IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT

1 INTRODUCTION

1.1 We write with reference to the ABP / ABPmer Immingham Eastern Ro-Ro Terminal Development Navigation Risk Assessment (NRA) Hazard Workshop III (the "**Hazard Workshop**") held between 16 and 17 August 2022 in Immingham. We also refer to our letters dated 25 July 2022 and 29 April 2022 and to our section 42 consultation response dated 22 February 2022 and use the terms set out in those letters.

1.2 In our letter dated 25 July 2022, the IOT Operators enclosed data and documents in order to support the NRA and for ABP / ABPmer to appreciate the complexity and importance of the IOT and associated infrastructure. This included drawings of the IOT, current design vessel parameters for IOT Finger Berth 8 and an extract from the APT COMAH Safety Plan. That letter also specified certain mitigation measures which the IOT Operators considered necessary to make the IERRT Development acceptable. The ABP response of 2 August indicates that the majority of those mitigation measures are not being considered further by ABP.

1.3 The purpose of this letter is to outline a number of concerns regarding the methodology employed for the IERRT Development NRA, which came to light as a result of the information provided prior to, and during attendance at, the Hazard Workshop.

1.4 The IOT Operators have requested details of the NRA methodology for several months and are yet to receive a clear, detailed and consolidated response. The IOT Operators therefore remain unclear on the methodology, despite it being integral in determining the tolerability of risk brought about by the IERRT Development. This is further exacerbated by multiple changes in what limited details have been shared to date between the Preliminary Environmental Impact Report NRA, Hazard Workshop II and Hazard

Workshop III. Therefore, without full details of the NRA methodology (especially in relation tolerability classification), the IOT Operators will object to any future application by ABP for the IERRT Development, and can only offer limited and reserved input into the third iteration of the NRA process currently being undertaken.

1.5 The IOT Operators welcome the commitment made by ABP / ABPmer during the Hazard Workshop to follow the UK Department for Transport Port Marine Safety Code, Maritime Coastguard Agency Marine Guidance Note 654 (M+F) Offshore Renewable Energy Installations (OREI) safety response and the International Maritime Organisation Formal Safety Assessment, all of which:

(a) Prioritise implementation of risk controls that eliminate risk;

(b) Require assessments to assess risk against an appropriate standard of acceptability; and

(c) Require assessments to be undertaken by people who are competent.

1.6 The IOT Operators have previously proposed additional mitigation measures that are essential to reduce the impact of the IERRT Development on the IOT, and which meet the prerequisite to prioritise risk controls that eliminate risk. This includes the IOT Operators' requirement to relocate the IOT Finger Pier and install appropriate impact protection (both as separate infrastructure to the IERRT Development and impact protection provided by the IERRT Development itself), both of which are required to arrest an errant 8,000 lane metre Ro-Ro vessel (e.g. DFDS Jingling Class or CLdN G9 class) of 240m length travelling at up to 4 knots.

1.7 In ABP's letter of 2 August 2022, ABP mention that mitigation measures in relation to vessel impact protection would be considered following the Hazard Workshop. The IERRT Development's summer newsletter issued in August 2022 also includes reference to consideration being given to the need for further jetty impact protection. It is not clear what this refers to and the IOT Operators are not aware that any jetty impact protection has been considered to date. We therefore request that this statement is clarified and details provided of what mitigation measures are being considered in relation to impact protection.

1.8 The methodology for determining acceptability of risk proposed by ABP / ABPmer, as discussed at the Hazard Workshop, is for the ABP Duty Holder (the persons responsible for ensuring that ABP's duties are discharged) to determine what hazards are acceptable and what risk control measures are required to classify unacceptable hazards as tolerable if ALARP (as low as reasonably practicable). The IOT Operators do not consider this approach meets either the UK Port Marine Safety Code, the Marine Guidance Note 654 (M+F) Offshore Renewable Energy Installations (OREI) safety response or the IMO Formal Safety Assessment approach, all of which require risk assessments to assess risks and hazards against an appropriate standard of acceptability. The IOT Operators have provided appropriate standards of acceptability in the extracts of the IOT COMAH Safety Report issued to ABP / ABPmer, which utilises

acceptability levels developed and approved by the UK Health and Safety Executive. It should also be noted that the Marine Guidance Note 654 (M+F) Offshore Renewable Energy Installations (OREI) safety, and the IMO Formal Safety Assessment guidance recommend similar acceptability criteria.

1.9 In attending the Hazard Workshop the IOT Operators also noted that numerous methodological shortfalls were identified by attendees, resulting in the facilitators requesting attendees provide suggestions and advice on how to improve the methodology (despite the IOT Operators providing details on an approved methodology as outlined above). The IOT Operators have fundamental concerns with the manner in which a complex NRA of this sort is being conducted, which appear to be shared by other experienced stakeholders.

1.10 Further, it was evident from the workshop that several stakeholders (including the ABP Harbour Master), were concerned not only with the adequacy of the NRA methodology, but also elements of supporting studies. The IOT Operators also remain concerned that the scope and findings of the supporting Ship Bridge Simulation studies do not currently provide sufficient reassurance that the IERRT Development is safe and workable for IOT Finger Pier operations, particularly in relation to the:

(a) Non-inclusion of wind shielding brought about by Ro-Ro vessels berthed alongside the IERRT Development and its impact on tankers bound to / from the IOT Finger Pier, particularly in winds from the southwest quadrant, where it is necessary to simulate the variation in forces which would be experienced in reality. Whilst ABP's simulation provider sees this element taking place later during the project cycle, it is initially fundamental to determining the feasibility of the IERRT Development and resultant risk;

(b) Limited number of simulation runs for tankers bound to / from the IOT Finger Pier;

(c) Limited vessel designs simulated for the IOT Finger Pier operations;

(d) Non-inclusion of ship simulation for bunker vessels berthing at the IOT Finger Pier berth 9; and

(e) Sustained use of maximum power by tugs and Ro-Ro vessel thruster when berthing.

The IOT Operators therefore require adequate details and answers to the concerns outlined in this letter as a matter of urgency.

[redacted]

Matt Dearnley
Terminal Manager

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Date: 16 September 2022
Ref: APT
For the attention of Harry Aitchison (ABPmer) ([redacted])

Dear Harry,

IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT

1.1 Thank you for your email of 2 September 2022 and the chance for the IOT Operators to comment on the updated hazard logs you provided on that date. This letter uses terms set out in our previous letters on this matter including our section 42 consultation response dated 22 February 2022.

1.2 The IOT Operators are providing the attached detailed comments on the updated hazard logs to assist ABP in the refinement of its development proposals. However, these comments are provided in the absence of a detailed and agreed methodology for the scoring of risks within the NRA process as a whole. This is expanded on below.

2 Methodological concerns

2.1 As outlined in our letter dated 26 August 2022, the IOT Operators have a number of concerns regarding the methodology employed for the IERRT Development NRA. It is noted no response to this letter has been received. A copy of the letter is attached for reference.

2.2 ABPmer have stated that the NRA methodology is compliant with the UK Port Marine Safety Code, the Marine Guidance Note 654 (M+F) Offshore Renewable Energy Installations (OREI) safety response and the IMO Formal Safety Assessment approach. However a clear, detailed and consolidated methodology has not yet been provided, meaning that the IOT Operators are not able to agree that the method meets the complex and detailed requirements of these publications.

2.3 In regard to the specific scoring presented in your amalgamated hazard tables, then as previously identified in comments issued on 31 August 2022, the IOT Operators remain concerned that it is not clear how the “Look up Table – Likelihood” relates to the construction, construction/operation and operational

phases of the IERRT Development. We have been clear on our expectation related to the risk assessment methodology, as demonstrated by us providing the parameters used in the IOT COMAH Safety Report – an HSE approved document. As likelihood values still remain unclear, even though all stakeholders have been asked to comment, the IOT Operators remain of the same opinion as previously articulated that scoring construction and construction/operation hazards is not possible.

3 Application of risk controls

3.1 In regard to the operation hazard table then as previously advised the IOT Operators employed three risk control measures to reduce baseline risk (as detailed in our letter dated 25 July 2022). The IOT Operators feel that the risk control measure proposed by ABP / ABPmer are ill-defined and largely a mixture of existing custom and practice, though the IOT Operators note they have been rationalised in the latest Hazard Tables provided.

3.2 For example, Additional Training is identified as a risk control measure to mitigate risk associated with Haz ID O5 but "Harbour Authority requirements" such as "Training and authorisation of Pilots/PECs in line with HES Pilotage Directions" is already included within the list of embedded risk control measures. The delineation between these two risk control measures has not been provided and details on how the "Additional Training" provides further a reduction in risk over that already in place through the embedded risk control measures is not clear.

3.3 Consequently the IOT Operators are only able to agree to reductions in baseline risk where one or more of the three IOT Operator proposed risk control measures are allocated to individual hazards (moving the IOT Finger Pier, installing impact protection and the development of a marine liaison plan).

3.4 The three risk controls identified by the IOT Operators are necessary to prioritise risk elimination – the most effective type in the hierarchy of risk controls. If they are not utilised to reduce residual risk, then the IOT Operators are not able to agree to the residual risk reductions currently shown for the operational phase of the IERRT Development. This has been made clear in the detailed comments sheet attached to this letter.

4 Previous comments on scoring

4.1 We note that the general comments we submitted with our revised scoring (issued on 31 August 2022) have not yet been addressed in the updated hazard tables, and we are also yet to receive any detailed response in relation to these comments. Please can you therefore respond accordingly in order to enable us to review the hazard tables provided.

5 Meeting of 9 September

5.1 The IOT Operators welcome the recent follow up meeting with ABP's Head of Marine, Paul Bristowe, on Friday 9 September.

5.2 Our understanding of agreed actions from that meeting where that the concerns being expressed by the IOT Operators with the IERRT Development would be raised directly with the Regional Director and ABP Harbour Board. We also understood that ABP would be consulting with HSE on its proposed NRA methodology, together with illustrative scenarios, in order to obtain its views on the consistency of the methodology with the COMAH regime to which the IOT is subject.

5.3 At the meeting, the IOT Operators indicated a willingness to work with ABP to explore solutions for the relocation of the Finger Pier as part of the new development recently announced by ABP to the south-east of the IOT: the Immingham Green Energy Terminal.

5.4 We look forward to hearing from you in the matters outlined in this letter, and to receiving responses to our letter dated 26 August 2022 and previous emailed comments of 31 August 2022.

[redacted]

Matt Dearnley
Terminal Manager

ASSOCIATED PETROLEUM TERMINALS (IMMINGHAM) LIMITED