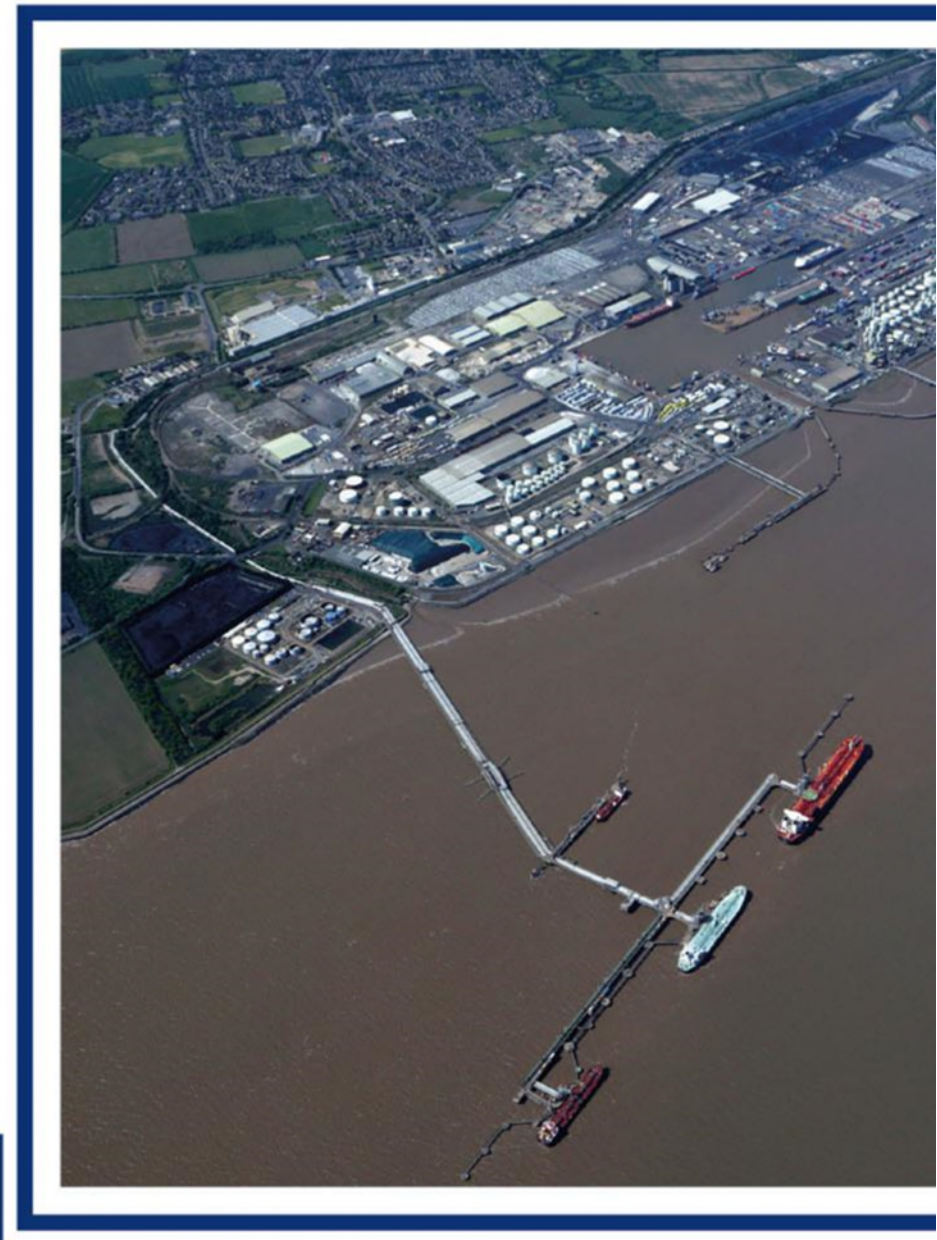


IMMINGHAM EASTERN RO-RO TERMINAL



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Executive Summary

1. The Applicant has submitted a response to DFDS's written representation. This document covers two main subject areas, namely safety of navigation and road traffic. The applicant seeks to address the principal arguments presented in turn but will be supplementing this interim response with more detailed comments in the near future.
2. In summary, however, the Applicant seeks to address specifically DFDS's comments made with regard to the complex hydrodynamic conditions of the Immingham frontage and the concentrated nature of port infrastructure in that vicinity.
3. The applicant accepts as a given, that the Humber as a whole has a complex hydrodynamic regime – as do many estuaries across the world – but as operator of the Applicant and the operator of the Port of Immingham, it remains confident carefully controlled and managed manoeuvres in such conditions and locations successfully occur on a daily basis.
4. The Applicant also addresses DFDS's concerns regarding congestion and waiting areas known as 'stemming areas' on the river frontage. As has been demonstrated by comments already submitted, these are considered to be more than sufficient for managing marine traffic accessing the port.
5. As far as the Navigational Risk Assessment is concerned, the Applicant once again restates its compliance with the Port Marine Safety Code and disagrees with DFDS's negative portrayal of the Designated Person's role in ABP's decision making process.
6. On the subject of tug use, the Applicant again states that this is a commercial matter and, should additional demand for this service be required, the market will respond.
7. DFDS address the subject of how wind data has been applied to the assessment process and again the applicant has drawn attention to the fact that the most challenging wind conditions were used to inform the marine simulations in order to test the operational viability of the facility.
8. DFDS have also examined the potential for use of the Clay Huts dredged material disposal site for IERRT arisings to cause accretion along the Immingham frontage and specifically in the outer harbour. The Applicant does not agree that this will be the case and indeed can confirm that sediment accretion is a natural feature of the Humber as a soft geology estuary.
9. Regarding comments made on road traffic and congestion, the Applicant has reviewed its terminal capacity calculations along with peak and average flow rates and is of the view that the approach adopted in the Applicant's traffic

assessment (TA) is robust and indeed consistent with the DFDS's own assessment.

10. It is noted that DFDS again question the Applicant's traffic assignment to the two gatehouses, and their capacity. The Applicant has made itself clear regarding anticipated gatehouse use and has, furthermore, questioned DFDS's spurious evidence of excessive queuing. The Applicant does not need to restate its view on future traffic flows and the accusation that baseline data has under-estimated future year assessment of impact.
11. The Applicant draws attention to DFDS's continued reluctance to accept its conclusions of tractor only movements, accompanied vs. unaccompanied freight predictions and junction capacity assessments.

1. Introduction

- 1.1. This document provides the Applicant's response to the written representation submitted by DFDS at Deadline 2 [REP2-040, REP2-044, REP2-045, REP2-046, REP2-047, REP2-048, REP2-049, REP2-050, REP2-051, REP2-052, REP2-053]. Due to the very short time between the publication of the WR and Deadline 3, it is only possible for a high-level response to be provided by Deadline 3. The Applicant will want to further respond as necessary.

2. Navigation

- 2.1. In section 27 of DFDS's Written Representation **[REP2-040]** DFDS acknowledge that space on the river frontage has become scarce and that creative thinking has been required to allow for greater expansion. Indeed, DFDS themselves are the beneficiary of such lateral thinking in the sense that the Outer Harbour that they themselves use requires a series of challenging – but ultimately operationally viable - maritime manoeuvres.
- 2.2. The applicant acknowledges, per section 28, that there are indeed other berths in the vicinity of the project. The Applicant notes, however, that DFDS regularly accomplish similarly complicated manoeuvres in close proximity to other vessels at their Outer Harbour location.
- 2.3. In particular, the Applicant disagrees with the views expressed in section 30 which, misleadingly attempts to highlight how IERRT vessels will need to manoeuvre close to chemical tankers on the eastern jetty. In reality, the level of vulnerability for those vessels will be considerably less than that experienced by vessels (containing equally dangerous liquid bulks) on the western jetty whilst DFDS's own vessels are manoeuvring in and around the Outer Harbour. Here, also, there is little room for error or the ability to deal with machinery breakdowns and failures.
- 2.4. The Applicant fails to understand how DFDS can suggest this to be a greater risk than that posed by their own facility on the other side of the port whose manoeuvring characteristics represent even greater dynamic contrasts than for the IERRT facility.
- 2.5. In section 31, DFDS highlight the fact that APT took a decision in 2004 to restrict berthing for vessels on the IOT finger pier during the ebb tide. Again, the Applicant fails to see how this situation is analogous with the project or even the Immingham Outer harbour and would again, for the record, state that DFDS access the outer harbour over all states of the tide.

Marine Congestion

- 2.6. Regarding DFDS's review of congestion referenced in section 32 whilst water levels are equalised, it is a statement of the obvious that this will take longer

than an arrival or departure from a riverside berth. Whilst DFDS state that there are waiting areas along the Immingham frontage, known as stemming areas, the point being made is somewhat disingenuous in that the Applicant has already evidenced the practical position with regards to stemming and does not agree that the construction of IERRT will remove stemming opportunities for vessels awaiting a lock slot.

- 2.7. A plan has been published which details the various stemming areas held in readiness for vessels awaiting port infrastructure at Immingham, noting that separation is achieved not just via spatial zoning but also via timings in that it is rare to have such significant congestion that multiple vessels are competing for the same stemming area.
- 2.8. Whilst congestion, insofar as it will occur, is a legitimate concern, it is a matter for the statutory harbour authority to acknowledge and manage as part of its own commercial offer. In addition, DFDS's response on this is made in the full knowledge that commercial vessel movements at the port and indeed in the estuary as a whole have declined over recent years.

Oversight and Role of DP

- 2.9. DFDS raise the role of designated person in their response (section 40). The Applicant is unsure as to the purpose of this narrative. The Applicant has demonstrated that robust processes are in place providing oversight in this function.
- 2.10. The position with regard to the role of the Designated Person has been comprehensively explained by the Applicant in its submissions for Deadline 2.

Tug Use

- 2.11. DFDS detail in section 46 how tugs are an important part of ship manoeuvres at the port, particularly when weather conditions are challenging. They note that one of the mooring barges was not portrayed in some of the simulation run drawings.
- 2.12. This barge is located at the eastern extremity of the eastern jetty and all simulations were carried out in the full knowledge and awareness that this barge would remain in situ.

Wind Data

- 2.13. The concerns raised with regard to wind data have been dealt with in the Applicant's response submitted at deadline 2.

Dredging

- 2.14. In section 65, DFDS examine the potential for the disposal of dredged arisings to affect siltation patterns in and around their infrastructure. Their commentary demonstrates a lack of understanding as to how hydrodynamic processes work within the Humber Estuary.
- 2.15. The disposal site referred to, at Clay Huts (HU060), receives maintenance dredged arisings from the port of Immingham already. The annual allowance for this disposal site, designed specifically to be dispersive as opposed to retentive, is 7.5 million wet tonnes.
- 2.16. The dredged arisings from the IERRT project which will specifically be placed in that disposal site comprise alluvial silt which will, in form, exactly resemble the loose, recently accreted sediment removed from existing riverside berths at the port. Therefore, the disposal of these arisings will fall well within the annual disposal limits contained within the existing maintenance licence for the Port of Immingham and should be considered in the context of the estuary as a soft geology system with huge amounts of sediment held in suspension.
- 2.17. Indeed, this is the reason why accretion occurs within the outer harbour, in that by reason of its status as a stilling basin experiencing little flow, any turbid waters will experience a lack of mobility within the water column, causing sediment to drop out of suspension. This will then accrete on the estuary bed, and unless cleared on a regular basis will impede vessel access.
- 2.18. By locating the IERRT project within the active tidal flow of the estuary, this will, to some measure, stimulate a scour effect which would actually represent a superior characteristic to that observed at the Immingham outer harbour.

Engagement

- 2.19.
- 2.20. In section 68, DFDS detail various pieces of correspondence and meetings held as part of the applicant's engagement process with important stakeholders. The Applicant would simply point out that robust processes were followed in designing, simulating and assessing the safety of the project and would also refer the ExA to representations made on behalf of the Harbour Master Humber.

Simulations

- 2.21. The Applicant does not intend to duplicate information provided at Deadline 2 in relation to the Navigation Simulations undertaken which it considers to have been robust.

NRA

- 2.22. The Applicant's position with regard to its NRA has been made clear in its submissions at Deadline 2 and its comments on the DFDS Additional NRA submitted for Deadline 3 should be noted.

3. Highways Responses

- 3.1. The Written Representations on behalf of DFDS in respect of Transport cover a number of separate documents. These are spread across **[REP2-040]**, **[REP2-046]**, **[REP2-047]**, **[REP2-048]**, **[REP2-051]**, **[REP2-052]** and **[REP2-053]**.
- 3.2. The issues can, however, be separated into a number of concerns, all of which have been dealt with in detail in the Applicant's own Deadline 2 responses. They are thus dealt with by topic below in the same order as **[REP2-040]**.

Terminal Capacity

- 3.3. This is raised in **[REP2-040]** under Paragraphs 152 – 156 and is further discussed at **[REP2-051]** (as a standalone assessment).
- 3.4. Section 3.5 of **[REP2-051]** sets out an alternative view on terminal capacity, concluding that the practical capacity of the terminal is 300,000 units per annum.
- 3.5. This is not accepted by the Applicant, which notes that the assessment methodology (which is not set out in any meaningful detail) is based on the capacity of the terminal in respect of HGV parking slots. There is no assessment of inbound vehicle processing capacity and, therefore, the criticism (Para 3.6) that this would lead to *“potential implications on the port road network from congestion and queuing of vehicles entering the terminal”* is clearly un-evidenced.
- 3.6. Furthermore, on the basis of 364 days per year, DFDS's quoted capacity of 300,000 would equate to around 824 units per day on average and 1,000 per day peak (adopting the DFDS's peaking factor). If that were the case, then clearly an assessment based on 1,800 units per day is robust.
- 3.7. Section 2.3 of **[REP2-051]** sets out that the peak daily volume of units would be 2,212 if the annual 660,000 DCO limit is reached.
- 3.8. The Applicant's position in respect of Terminal Capacity is set out in **[REP2-009]**. The 1,800 units per day (paragraph 155 of **[REP2-040]**) is NOT an

average, rather a maximum. The average daily flow is likely to be 1,440 units per day, as explained under TR1.1 of **[REP2-009]**.

- 3.9. Figures 1 and 2 of DFDS's **[REP2-051]** (and hence para 2.3) suggest a ratio of average daily flows to peak daily flows in the order of 122%. This figure is noted and indeed consistent with the Applicant's own assessment which has applied a ratio of 125% (i.e. $1440 \times 125\% = 1,800$ units).
- 3.10. The approach adopted in the Applicant's TA is, therefore, clearly robust and indeed consistent with the IP's own assessment.

Traffic Assignment to Gatehouse

- 3.11. This is covered in headline terms in **[REP2-040]** Paragraphs 157 – 165. This is similar in wording to DFDS's response to ISH2 Action Point 15 **[REP1-032]** and suggests that the proportion of traffic using West Gate is under-represented in the assessment. This matter has been subject of discussions at the transport specific meetings with DFDS.
- 3.12. The Applicant's fully considered response to that is provided in **[REP2-010]** (Pages 16 and 17). No further response is considered necessary at this stage.

Gatehouse Capacity

- 3.13. This is covered in Paragraph 166 – 167 of **[REP2-040]** where the suggestion is that more work or analysis is required. The text refers to a survey carried out in June 2022 on the gatehouse. Paragraph 166 refers to the data being presented in Appendix 6. It is assumed that this is a reference to **[REP2-052]**.
- 3.14. With the exception of two (apparently randomly) selected photograph stills from the survey there is no data provided and this cannot, therefore, be verified. No weight can be attributed to the conclusions of document **[REP2-052]** until the data has been shared and verified.
- 3.15. As clearly noted in the Applicant's TA **[AS-008]** and in the response to this same point in **[REP2-010]** (Page 17 and 18), queuing clearly occurs at times as a result of the necessary security function of the gatehouses. The implications of the change in delay (and queuing) based on specifically collected survey data is presented in **[REP2-010]**. This includes a sensitivity analysis of the impact of a higher level of traffic using the West Gate and this issue has therefore been fully addressed and resolved by the Applicant.

Surveys of Existing Traffic Flows

- 3.16. This is covered in **[REP2-040]** Paragraphs 168 – 172 and suggests that the approach to base line data (being taken from 2021) is in some way under-estimating future year assessment of impact. This is the same point as covered in DFDS's response to ISH2 Action Point 11 **[REP1-029]** to which a comprehensive response has already been provided **[REP2-010]**.

- 3.17. DFDS refer to a third-party Transport Assessment (North Killingholme Power) **[REP2-047]** as purportedly supporting their assessment. The technical work that supported that assessment was prepared in 2019 and uses forecasts for growth which are now superseded. That assessment is no longer relevant to conditions in the area and any comparison to it is irrelevant.
- 3.18. As fully set out in the Applicant's response to **[REP1-029]** and **[REP1-032]** (included in **[REP2-010]**), it is not appropriate to place any reliance on that data and any comparison between the conclusions of the **[REP2-046]** assessment and the current application are irrelevant.
- 3.19. The Applicant has fully justified the use of 2021 data in assessing the local junctions in **[REP2-010]** (Pages 11, 12 and 13). No further response is considered necessary at this stage.
- 3.20. Furthermore, in response to ISH2 Action Point 10, **[REP1-009]** confirms that that, generally, 2023 flows are comparable or lower than the 2021 flows recorded and used in the junction capacity assessments. On that basis the assessments presented in the TA are robust as they adopted higher flows than would be the case if the 2023 surveys were adopted.

Tractor Only Movements

- 3.21. This is covered in headline terms in **[REP2-040]** Paragraphs 173 – 176 and suggests a ratio of 18.9% should be applied to unaccompanied cargo. The response is similar in wording to DFDS's response already received in relation to ISH2 Action Point 12 **[REP1-030]**.
- 3.22. This matter has been subject of discussions at the transport specific meetings with DFDS.
- 3.23. The Applicant's response to that is provided in **[REP2-010]** (Page 14 and Appendix 2). This confirms the assessment to be robust and this point has been fully considered. No further response is considered necessary at this stage.

Accompanied versus Unaccompanied

- 3.24. This is covered in headline terms in **[REP2-040]** Paragraphs 177 – 183. This is similar in wording to DFDS's response to ISH2 Action Point 14 **[REP1-031]**. This matter has been subject of discussions at the transport specific meetings with DFDS.
- 3.25. The Applicant's full response to this issue is provided in **[REP2-010]** (Page 15). That confirms the assessment to be robust and this point has been fully considered. No further response is considered necessary at this stage.

Junction Capacity

- 3.26. This is covered in headline terms in **[REP2-040]** Paragraphs 184 – 189 and refers to other development Transport Assessments – Althorpe **[REP2-053]** and Stallingborough Interchange **[REP2-046]**.
- 3.27. The technical work that supported the Stallingborough Interchange assessment **[REP2-046]** was prepared in 2018 based on surveys from 2017 and uses forecasts for growth which are now superseded. That assessment is no longer relevant to conditions in the area and any comparison is irrelevant. As fully set out in the Applicant's response to **[REP1-029]** and **[REP1-032]** (included in **[REP2-010]**), it is not appropriate to place any reliance on that data and any comparison between the conclusions of the **[REP2-046]** assessment and the current application are irrelevant.
- 3.28. Despite the suggestion to the contrary, Althorpe **[REP2-053]** clearly is consistent with the Applicant's TA **[AS-008]**. The **[REP2-053]** assessment was based on 2019 flows which can be discounted for the same reason as discussed below. In any event the results are not inconsistent as they show a morning peak RFC of 0.87 whereas the Table 5 of Annex K of the TA **[AS-008]** forecast the RFC to be 0.85. The conclusions are, therefore, comparable.

Impacts on the A1173

- 3.29. This is covered in headline terms at Para 190 and 191 of **[REP2-040]** which suggests the assessment in Chapter 17 of the ES **[APP-053]** is inadequate.
- 3.30. The relevant receptors identified by DFDS in Para 191 were appropriately considered when first assessed by the Applicant and no mitigation was shown as being required. As well as this, the Applicant's full response to the wider capacity issues raised by DFDS is provided at **[REP2-010]** (in response to **[REP1-033]**). No further response is necessary.

4. Comments on Any Other Submissions Received at D1 [REP2-039]

In combination: construction and operation

- 4.1. DFDS commented to the Applicant's response submitted at Deadline 1 within the document *Applicant's comments on Relevant Representations* in **[REP1-013]**.
- 4.2. The discussion covered the topic of in combination construction and operation. The Applicant proposes to continue to use the page references as indicated within the table of DFDS's Deadline 2 submission *Applicant's Response to Comments on any other Submissions received by DFDS at Deadline 1* **[REP2-039]**. As such the following is a continuation of the item noted as Page 142.

- 4.3. As detailed in Chapter 3: Details of Project Construction and Operation [**APP-039**] of the Environmental Statement, two construction scenarios are possible for the Project. As part of each individual environmental topic assessment, both scenarios were considered by the applicable technical assessors to identify which of these two scenarios would give rise to the largest potential for likely significant effects, thus the worst-case scenario.
- 4.4. The Applicant acknowledges that whilst not explicitly stated within Chapter 3 [**APP-039**], the environmental assessments were based upon the worst-case scenario for the construction and operation of the Project across the topics included within the Environmental Statement. For the avoidance of doubt, this would be a scenario whereby the Project would be constructed and then operated sequentially.
- 4.5. The application of this scenario upon which the environmental assessments are based, are noted within the following chapters and paragraphs:
- Chapter 7: Physical Processes [**APP-043**] paragraph 7.8.4.
 - Chapter 8: Water and Sedimentary Quality [**APP-044**] paragraph 8.8.5.
 - Chapter 9: Nature Conservation and Marine Ecology [**APP-045**] paragraph 9.8.9.
 - Chapter 11: Coastal Protection [**APP-047**] paragraph 11.8.7.
 - Chapter 12: Ground Conditions including Land Quality [**APP-048**] paragraph 12.8.12.
 - Chapter 13: Air Quality [**APP-049**] paragraph 13.8.4.
 - Chapter 14: Noise and Vibration [**APP-050**] paragraph 14.8.21.
 - Chapter 15: Cultural Heritage and Marine Archaeology [**APP-051**] paragraph 15.8.5.
 - Chapter 16: Socio-economic [**APP-052**] paragraph 16.8.4.
 - Chapter 17: Traffic and Transport [APP-053] paragraph 17.8.4
 - Chapter 18 Land Use [APP-054] and 18.9.12
 - Chapter 19: Climate Change [APP-055] paragraph 19.8.9
- 4.6. Where differing risks may be generated as a result of concurrent construction and operation as opposed to sequential these have been discussed in Chapter 10: Commercial and Recreational Navigation [**APP-046**] paragraph 10.8.1 to 10.8.5 and based upon the wider Navigational Risk Assessment, which is provided within Volume 3, Appendix 10.1: Navigation Risk Assessment [**APP-089**].

Noise

- 4.7. The discussion covered the topic of noise. The Applicant proposes to continue to use the page references as indicated within the table of DFDS's Deadline 2 submission *Applicant's Response to Comments on any other*

Submissions received by DFDS at Deadline 1 [REP2-039]. As such the following is a continuation of the item noted as Page 215.

- 4.8. In relation to noise insulation at residential properties on Queens Road, as stated in the response at Deadline 1 (Applicant's comments on Relevant Representations in [REP1-013]), noise insulation will be offered to residential properties between and including Number 1 to Number 31 on Queens Road. An appropriate communication protocol will be established to ensure all affected NSRs are aware of the offer of noise insulation, this communication will continue throughout examination period and further updates will be provided to the Examining Authority in due course.

Draft Development Consent Order

- 4.9. The Applicant thanks DFDS for its comments in respect of the draft Development Consent Order provided at Section 1(a) of its Comments on Any Other Submissions Received at D1 submission [REP2-039].
- 4.10. The comments provided have informed the updated **document 3.1 Draft Development Consent Order** submitted by the Applicant at Deadline 3.