

IMMINGHAM EASTERN RO-RO TERMINAL



Document Reference: 10.2.30

APFP Regulations 2009 – Regulation
5(2)(q)

PINS Reference – TR030007

September 2023

Document Information

Document Information	
Project	Immingham Eastern Ro-Ro Terminal
Document title	Applicant's Response to IOT's Written Representation
Commissioned by	Associated British Ports
Document ref	10.2.30
APFP Reg 2009	Regulation 5(2)(q)
Prepared by	IERRT Project Team

Date	Version	Revision Details
September 2023	01	Submitted at Deadline 3

Contents

- 1. Introduction 4
- 2. Need 4
- 3. Navigation and Shipping 4
- 4. COMAH Implications 5
- 5. Mitigation and Protective Provisions 5
- 6. Engagement with ABP 6

1. Introduction

- 1.1. This document provides the Applicant's response to the written representation submitted by IOT at Deadline 2 **[REP2-062]**. 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. Need

- 2.1. The Applicant notes that the IOT operators are not directly challenging the need case that has been presented.
- 2.2. The analysis of policy contained within section 2 of the IOT written representation is directed at demonstrating, having regard to the content of relevant policy and guidance, the importance of the IOT facility. The Applicant does not dispute the importance of the IOT facilities or the associated refineries.
- 2.3. The issue raised by IOT in this section of its written representation is a more detailed repeat of the point raised during the ISH2 session. In summary it is understood that IOT's concerns relate to the implications of the proposed IERRT development on its facility.
- 2.4. As explained elsewhere within the Applicant's evidence, the Applicant does not consider that the IERRT development will have a significant adverse impact on the IOT facility or its operations. As such, the Applicant's evidence is that any adverse impact of the proposed development on the IOT facility – even having regard to the stated significance of that facility and the refineries it serves – would not outweigh the benefits of the IERRT development.

3. Navigation and Shipping

- 3.1. In the time available, it has not been possible for the Applicant to provide comprehensive comments with regard to the additional NRA submitted on behalf of the IOT Operators ('IOT') nor has it had the opportunity to fully cross reference the elements from the written representations to the additional NRA. The Applicant does however note that a very large proportion of the points made within the Written Representations are the same as points made in the opening section of the additional NRA.
- 3.2. Rather than producing two separate responses to the same set of points made in separate documents, the Applicant will provide a full response to the additional NRA and the written response prior to Issue Specific Hearing 3.

- 3.3. With a view to assisting the ExA in the interim, however, the Applicant has set out in the Applicant's Preliminary Response to IOT's Navigational Risk Assessment [**document reference 10.2.31**] which should be viewed as high level comments.

4. COMAH Implications

- 4.1. With reference to paragraph 4.1, the Applicant is not clear on the underpinning rationale to the statement that the IERRT development has the potential to have a significant impact on the IOT Operators' COMAH safety case.
- 4.2. The Applicant does accept that there will be a small increase in shipping movements in the area, as referenced in paragraph 4.2, but does not agree that there will be an increased risk to the IOT Operators' safety case arising from maritime operations at the IERRT.
- 4.3. The Applicant does not consider that the use of COMAH is appropriate in undertaking an NRA and has explained this point in its response to the ExQ1 submitted at Deadline 2 [**REP2-009**], its Preliminary Response to the IOT's Navigational Risk Assessment submitted at Deadline 3 and will further supplement this in advance of the examination hearings scheduled to commence 27 September.

5. Mitigation and Protective Provisions

- 5.1. With reference to paragraphs 5.4(a) and 5.4(b), the Applicant notes that IOT has reiterated its views regarding the claimed inadequacy of the risk control measures identified in the Applicant's NRA [**APP-089**]. Table 7.17, Row 1.12 of document [**REP1-013**] (the Applicant's Response to Relevant Representations) sets out the Applicant's position in relation to these matters, concluding that *"Following a comprehensive risk assessment exercise, which culminated in the NRA (APP-089), the Statutory Harbour Authorities have satisfied themselves that such additional mitigation measures (which in themselves would represent a material betterment for IOT Operator's existing use of its own facility) are not required as part of the proposed development to ensure the safe continued operations of the IOT."*
- 5.2. Further, and as stated in the Applicant's Response to the ExA's First Written Questions [**REP2-009**] at question NS.1.12, the NRA [**APP-089**] has concluded that impact protection measures for the IOT trunk way are not required to meet the ALARP required condition. The Applicant's response to question NS.1.13 then sets out the process should the Navigation Authority

considers that that the provision of impact protection measures may be necessary.

- 5.3. With reference to paragraph 5.4(c), Marine Liaison Plan, the Applicant has committed to liaising with the IOT Operators as described in the NRA [**APP-089**] in Annex B, Table B1, where there is an 'Applied Control' identified for a 'Port Liaison Officer' to be implemented by the Port of Immingham. This will be managed through the MSMS and a dialogue with the IOT to ensure that safe construction can occur without adversely affecting the IOT's operations.
- 5.4. As such, the Applicant considers that the IOT's amendments to their protective provisions [**REP1-039**] are neither appropriate in the circumstances, nor can they be justified as being necessary. The Applicant will continue to engage with IOT in order to settle protective provisions which provide IOT with adequate protections, whilst being appropriate and proportionate.

6. Engagement with ABP

- 6.1. The Applicant has no specific comments to make on paragraphs 6.1 to 6.4 of the IOT Operators' Written Representation.
- 6.2. With regard to paragraph 6.5, this relates to a request for information made by the IOT Operators, which ABP considered and responded to in its letter of 26 June 2023 to explain its position. The Applicant notes that the IOT Operators provided a copy of the correspondence at Deadline 1 [**REP1-035**].