



## **Application by Associated British Ports for the Immingham Eastern Ro-Ro Terminal**

### **The Examining Authority's further written questions and requests for information (ExQ2)**

**Issued on 15 September 2023**

The following table sets out the Examining Authority's (ExA's) further written questions and requests for information – ExQ2. If necessary, the Examination Timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of 20 June 2023 [PD-006]. Questions have been added to the framework of issues as arising from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique topic prefix identifier (capital letters), a reference number which starts with 2 (indicating that it is from ExQ2) and then a question number. For example, the first question on Navigation and Shipping issues is identified as NS.2.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [imminghameasternroroterminal@planninginspectorate.gov.uk](mailto:imminghameasternroroterminal@planninginspectorate.gov.uk) and include Immingham Eastern Ro-Ro Terminal in the subject line of your email.

With there having been a limited amount of time between Deadline 3 (11 September 2023) and the publication of this second round of questions there is potential for some of the ExA's questions to have been previously answered by the Applicant and other IPs in their Deadline 3 Submissions. Should that scenario have arisen the party answering a question is requested to simply refer (using the document reference allocated in the Examination Library) to where in an earlier submission the answer to a question can be found.

**Responses are due by Deadline 4 Monday 9 October 2023**



**Abbreviations used:**

<b>ABP</b>	Associated British Ports
<b>AEoI</b>	Adverse Effect on Integrity
<b>ALARP</b>	As Low As Reasonably Practicable
<b>AOD</b>	Above Ordnance Datum
<b>BoR</b>	Book of Reference
<b>CA</b>	Compulsory Acquisition
<b>CEMP</b>	Construction Environmental Management Plan
<b>CLdN</b>	CLdN Ports Killingholme Limited
<b>COMAH</b>	Control of Major Accident Hazard
<b>CoPA1974</b>	Control of Pollution Act 1974
<b>CTMP</b>	Construction Traffic Management Plan
<b>dDCO</b>	Draft Development Consent Order
<b>DFDS</b>	DFDS Seaways Limited
<b>DML</b>	Deemed Marine Licence
<b>EIA</b>	Environmental Impact Assessment
<b>EM</b>	Explanatory Memorandum
<b>ES</b>	Environmental Statement
<b>ExA</b>	Examining Authority
<b>FRA</b>	Flood Risk Assessment



<b>FSA</b>	Formal Safety Assessment
<b>GtGP</b>	Guide to Good Practice on Port Marine Operations (MCA)
<b>HASB</b>	Harbour and Safety Board
<b>HE</b>	Historic England
<b>HESMEP</b>	Humber Estuary Serious Marine Emergency Plan
<b>HOTT</b>	Humber Oil Terminals Trustee Ltd
<b>HRA</b>	Habitats Regulations Assessment
<b>HRAr</b>	Applicant's Habitats Regulation Assessment report
<b>IERRT</b>	Immingham Eastern Ro-Ro Terminal (the Proposed Development)
<b>IMO</b>	International Maritime Organisation
<b>IOT</b>	Immingham Oil Terminal
<b>IOT Operators</b>	Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustee Limited
<b>IP</b>	Interested Party
<b>ISH</b>	Issue Specific Hearing
<b>LHA</b>	Local highway authorities (North East Lincolnshire Council and North Lincolnshire Council)
<b>LIR</b>	Local Impact Report
<b>LPA</b>	Local Planning Authority
<b>MAIB</b>	Marine Accident Investigation Branch
<b>MarNIS/MARNIS</b>	ABP Mer's Port Assessment Toolkit for operational risk management, accident/incident reporting and data management
<b>MCA</b>	Maritime and Coastguard Agency
<b>MGN</b>	Marine Guidance Note



<b>MHW</b>	Mean High Water
<b>MLW</b>	Mean Low Water
<b>MLWS</b>	Mean Low Water Springs
<b>MMO</b>	Marine Management Organisation
<b>MPS</b>	Marine Policy Statement
<b>(M)SMS</b>	(Marine Safety) Management System
<b>NavSim</b>	Navigational (and Pilotage) Simulation
<b>NH</b>	National Highways
<b>NE</b>	Natural England
<b>NELC</b>	North East Lincolnshire Council
<b>NLC</b>	North Lincolnshire Council
<b>NPPF</b>	The National Planning Policy Framework
<b>NPSfP</b>	National Policy Statement for Ports
<b>NR</b>	Network Rail
<b>NRA</b>	Navigation Risk Assessment
<b>NSIP</b>	Nationally Significant Infrastructure Project
<b>OREI</b>	Offshore Renewable Energy Installation(s)
<b>PA2008</b>	The Planning Act 2008
<b>PEC</b>	Pilotage Exemption Certificate
<b>PINS</b>	Planning Inspectorate
<b>PMSC</b>	Port Marine Safety Code



<b>PP</b>	Protective Provision
<b>PTS</b>	Permanent Threshold Shift
<b>Ro-Ro</b>	Roll on Roll off
<b>RR</b>	Relevant Representation
<b>SAC</b>	Humber Estuary Special Area of Conservation
<b>SFAIRP</b>	So Far As Is Reasonably Practicable
<b>SHA</b>	Statutory Harbour Authority
<b>SLBV</b>	Stena Line BV
<b>SoCG</b>	Statement of Common Ground
<b>SoST</b>	Secretary of State for Transport
<b>SPA</b>	Humber Estuary Special Protection Area
<b>SSSI</b>	Site of Special Scientific Interest
<b>TP</b>	Temporary Possession
<b>TH</b>	Corporation of Trinity House of Deptford Strond
<b>WR</b>	Written Representation

### The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[TR030007-000415-Examination Library.pdf \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/TR030007-000415-Examination%20Library.pdf)

It will be updated as the Examination progresses.



### **Citation of Questions**

Questions in this table should be cited with the full question number. For example, 'BGC.2.1' refers to Broad, General and Cross-topic in ExQ2, question 1 in this table.



## Index

<b>BGC</b>	<b>Broad, General and Cross-topic+ questions.....</b>	<b>8</b>
<b>CA</b>	<b>Compulsory Acquisition, Temporary Possession and other Land Rights Considerations .....</b>	<b>10</b>
<b>CC</b>	<b>Climate Change .....</b>	<b>10</b>
<b>DCO</b>	<b>Draft Development Consent Order (dDCO) [REP3- 002/003] .....</b>	<b>10</b>
<b>LHE</b>	<b>Historic Environment including Marine Archaeology.....</b>	<b>16</b>
<b>BNE</b>	<b>Biodiversity, Ecology and Natural Environment.....</b>	<b>16</b>
<b>NS</b>	<b>Navigation and Shipping .....</b>	<b>17</b>
<b>SE</b>	<b>Socio-Economic .....</b>	<b>28</b>
<b>TT</b>	<b>Terrestrial Transport and Traffic.....</b>	<b>28</b>
<b>WE</b>	<b>Water Environment, Flood Risk and Drainage.....</b>	<b>31</b>

	Question to:	Question
<b>BGC Broad, General and Cross-topic+ questions</b>		
BGC.2.01	Applicant	<p><b>Inter-projects cumulative effects assessment:</b></p> <p>Respond to the issues relating to ES Chapter 20 assessment of cumulative effects set out by the MMO in its Relevant Representation [RR-014 paras 4.3.2 to 4.3.6 inclusive]. <i>(If not fully addressed in the Applicant's Deadline 1 response to Relevant Representations.)</i></p>
BGC.2.02	Applicant, CLdN, DFDS, IOT Operators, Marine Management Organisation (MMO) and Natural England (NE)	<p><b>Government policy concerning need and sustainable port development</b></p> <p>With respect to the Government's policy relating to the need for port development and the encouragement for "<i>sustainable port development</i>", including what is stated in the entirety of paragraph 3.3.3 of the National Policy Statement for Ports 2012 (NPSfP), and having regard to the cases you have made to date, explain in policy terms, why you consider the Proposed Development would or would not comply with the Government's encouragement for sustainable port development.</p> <p>In answering this question, the Applicant and other IPs are encouraged to make concise submissions and to address the matters listed in paragraph 3.3.3 of the NPSfP, as relevant.</p>
BGC.2.03	Applicant and any other IPs	<p><b>Relevant policies other than planning policy</b></p> <p>Other than the policies stated in the NPSfP, the Marine Policy Statement 2011 and the East Inshore and East Offshore Marine Plans 2014 do you consider there any other policy considerations to which the Secretary of State for Transport should have regard in deciding this application?</p>
BGC.2.04	Health and Safety Executive (HSE)	<p><b>Implications of the Proposed Development's operation for adjoining Control of Major Accident Hazard (COMAH) sites</b></p> <p>Explain what consideration the HSE has given to the Proposed Development's operation having the potential to cause an incident affecting the safe use of any adjoining COMAH sites, for example the Immingham Oil Terminal (IOT), together with the wider Port of Immingham? In this context incidents might involve: a Ro-Ro vessel making contact (alluding) with either a berthed tanker or the IOT pipeline trunkway or an unoccupied berth forming part of the IOT's Finger Pier; a tanker manoeuvring on or off the IOT Finger Pier that alludes with a Ro-Ro vessel berthed at one of the Proposed Development's berth; or a collision between a Ro-Ro vessel manoeuvring to or from one of the Proposed Development's berths and a tanker vessel sailing to or from the IOT Finger Pier.</p>



	Question to:	Question
BGC.2.05	CLdN	<p><b>Issues of storage capacity for Stena</b></p> <p>Respond specifically to representations made about trailer storage capacity for unaccompanied freight and dwell times at Port of Killingholme made by Stena Line BV (Stena) in [REP2-065]. Identify any other matters that you consider could impinge on agreeing a new contract/tenancy between your company and Stena to accommodate growth in demand.</p>
BGC.2.06	CLdN	<p><b>Utilisation of facilities at Killingholme</b></p> <p>Comment on the Applicant's proposition that there "<i>... are little to no opportunities for any further attractive berthing windows at preferred timeslots (i.e. during the day) at the current Ro-Ro berths in Killingholme ...</i>" [page 72 in APP-079]?</p>
BGC.2.07	Stena	<p><b>Potential for unaccompanied Ro-Ro expansion at Killingholme</b></p> <p>Please expand on the answer given to part (b) of the ExA's question BGC.1.5 in [REP2-065] including providing evidence to substantiate the points made about dwell time with direct reference to the 'Volterra Report' appended to the CLdN Written Representation [REP2-031].</p>
BGC.2.08	Applicant	<p><b>Humber Accompanied/Unaccompanied Ro-Ro traffic</b></p> <p>The submitted "Humber Shortsea Market Study" [APP-079] at paragraph 77 refers to accompanied Ro-Ro traffic in the Humber being around 12% of the total Ro-Ro volumes in 2020, with that volume being affected by the COVID pandemic. Is data postdating 2020 available and if so for the Humber Ports has the proportion between accompanied and unaccompanied Ro-Ro traffic altered since 2020?</p>
BGC.2.09	Applicant	<p><b>Simultaneous construction and operation</b></p> <p>Respond to DFDS's contention that the effects of simultaneous construction have not been fully addressed in the Environmental Statement (ES) and that in-combination effects with the potential Immingham Green Energy Terminal would not be insignificant and those effects are at best as yet unknown [page 5 in REP2-039].</p>
BGC.2.10	Environment Agency, MMO, NE and North East Lincolnshire	<p><b>Construction Environmental Management Plan (CEMP)</b></p> <p>Advise whether you consider the submitted CEMP [APP-111] is currently sufficiently detailed to enable it to be used during the construction phase for the Proposed Development or whether this document should be treated as an outline CEMP, with a more detailed version needing to be submitted for NELC's approval prior to the commencement of the Proposed Development. Should you be of the view that the currently submitted CEMP is deficient, please identify those deficiencies and explain how they might be rectified.</p>

	Question to:	Question
	Council (NELC)	
<b>CA Compulsory Acquisition, Temporary Possession and other Land Rights Considerations</b>		
CA.2.01	Applicant	<p><b>Acquisition of other land or rights</b></p> <p>Would any land or rights acquisitions be required in addition to those identified in the Book of Reference [APP-016] to facilitate the construction and/or the maintenance of any impact protection measures subject to proposed Work No. 3, including any amendments to the design of that proposed work, should it be determined that the implementation of Work No. 3 would be necessary pursuant to the provisions of Requirement 18 of the dDCO [REP3-002]?</p> <p>In answering this question, the Applicant should have regard to the submissions made by the IOT Operators in its NRA [REP2-064] about the proximity of the impact protection measures subject to Work No. 3 to the Immingham Oil Terminal (IOT) trunkway and the practicalities of maintaining the latter.</p>
<b>CC Climate Change</b>		
		No questions at this time
<b>DCO Draft Development Consent Order (dDCO) [REP3-002/003]</b>		
DCO2.01	Applicant	<p><b>Company versus Undertaker in the dDCO</b></p> <p>The ExA notes that the Applicant considers the use of “Company” rather than “Undertaker” in any made DCO would avoid confusion in terminology in respect of any references to “statutory undertaker(s)” in other parts of a made DCO, not least because the Applicant is a statutory undertaker [REP1-006/007 and REP1-008]. The ExA is, however, mindful that National Highways (and its predecessor), as a company, has promoted numerous nationally significant infrastructure projects for which DCOs have been made by the Secretary of State for Transport, with National Highways being referred to as an Undertaker rather than a Company. Given that precedent the ExA is of the view that the Applicant should adopt that precedent. The Applicant should therefore replace references to Company with Undertaker when it next submits an amended version of the dDCO.</p>

	Question to:	Question
DCO2.02	Applicant	<p><b>Article 2 (interpretation)</b></p> <p>““the Order Land” means the land on the land plans and described in the Book of Reference”. Do the dredging disposal sites come within that definition given that neither of them have been shown on the land plans or been referred to in the Book of Reference? If not then how might that discrepancy be addressed, given that Article 25(3) would permit the disposal of dredged materials as part of a made DCO?</p>
DCO2.03	Applicant	<p><b>Article 4 (Incorporation of the 1847 Act)</b></p> <p>a) What would be the consequences for the construction and/or operation of the Proposed Development if each of the sections of the 1847 Act listed in Article 4 of the dDCO were not to be incorporated into a made DCO?</p> <p>b) Notwithstanding the above, should section 89 be incorporated as it appears to be a section that has been repealed [page 61 in AS-004]?</p> <p>c) Notwithstanding the above, should section 101 be incorporated as it appears to only relate to the City of London [page 67 in AS-004]?</p>
DCO2.04	Applicant	<p><b>Requirement 10 (Noise insulation)</b></p> <p>During the course of Issue Specific Hearing 1 (ISH1) the ExA asked how proposed Requirement 10 would be enforced, because as drafted its provisions would be ‘wholly self-policed’ by the Applicant. The Applicant undertook to review the wording for this requirement. There has, however, been no substantive redrafting of Requirement 10 since ISH1. The Applicant should therefore review the wording for Requirement 10, paying particular regard to how it would be enforced and how any disputes between a party being offered noise insulation and the Applicant would be adjudicated upon.</p>
DCO2.05	Applicant	<p><b>Requirement 18 (Impact Protection Measures)</b></p> <p>a) In the redrafted version of Requirement 18 why has the Statutory Conservancy and Navigation Authority (Harbour Master for the Humber) rather than the Statutory Harbour Authority for the Port of Immingham (the Dock Master) been identified as the body that would be responsible for making a recommendation to the Undertaker (“Company”) as to whether or not the impact protection measures should be installed?</p> <p>b) In sub-paragraph (1) should “<i>The Company must give due consideration to any recommendation received ...</i>” be replaced with ‘must implement any [direction or instruction] [received or issued] by ...’?</p>

	Question to:	Question
		<p>c) Is the sequencing for sub-paragraphs (2) and (3) correct? Following any decision to install the impact protection measures it would appear more logical that the IOT Operators and the MMO be advised of that decision and then prior to the installation of those measures they be consulted about the detailed design for the measures.</p> <p>d) In terms of enforceability the wording for Requirement 18 needs further review, because the final design for the measures would need to be approved by a regulatory authority with that authority then having responsibility for enforcing the installation of an agreed/approved set of measures. As currently drafted the Applicant/developer would be required to consult on the design of the impact protection measures but having undertaken a consultation there would be no compulsion on it to implement the measures that had been consulted upon.</p>
DCO2.06	Applicant	<p><b>Part 2 of Schedule 2 (Procedure for the discharge of Requirements)</b></p> <p>a) <b>Paragraph 19(b)</b> (Interpretation), should the definition for “discharging authority” refer to section 60 of the Control of Pollution Act 1974 (CoPA1974), given the issuing of a notice under section 60 would be an enforcement activity rather than a procedure for discharging a Requirement?</p> <p>b) <b>Paragraph 20(3)</b> (deemed approval of applications to discharge requirements). The ExA at ISH1, raised a concern about deemed approvals being available in respect of any works to be undertaken within the Humber Special Area of Conservation, Special Protection Area and the Ramsar site. The wording for paragraph 20(3) therefore requires reviewing.</p> <p>c) <b>Paragraph 22(1)(b)</b> (Appeals), while Article 37 (Appeals under section 74 of Control of CoPA1974) has been removed from the originally drafted dDCO [APP-013] in the redrafted dDCO, Paragraph 22(1)(b) remains. There therefore appears to be an anomaly if the Applicant has accepted that any appeal arising from the issuing of notice under section 60 of CoPA1974 should be considered in a Magistrates Court and not by the Secretary of State for Transport. In any event the issuing of a notice under section 60 of CoCPA1974 would not be an act of discharging a Requirement. Consideration should be given to deleting paragraph 22(1)(b).</p>
DCO2.07	Applicant and MMO	<p><b>Schedule 3 – Deemed Marine Licence (DML)</b></p> <p>a) <b>Paragraph 1</b> (Interpretation) of <b>Part 1</b> of Schedule 3 of the DML – with respect to “Notice to Mariners”, who is/are “<i>the King’s harbour masters</i>”? That term has not previously been defined in the dDCO.</p> <p>b) <b>Condition 8</b> in <b>Part 2</b> of the DML - what triggers the need for a cold weather construction restriction strategy to be prepared or is its availability an absolute conditional requirement? Is there a need for a</p>

	Question to:	Question
		<p>strategy to be prepared or submitted or should this condition simply set out a protocol for addressing cold weather conditions, with sub-paragraphs (a) to (c) already stating what can/cannot be done.</p> <p>c) <b>Condition 9</b> (Marine Noise Registry), is there any need to refer to detonation of explosives as there appears to be no reference to the use of explosives in connection with the construction of the Proposed Development in the application documentation?</p> <p>d) <b>Condition 12</b> (marine piling), suggested possible alternate wording:</p> <p>“(1) All marine piling in connection with the authorised development shall be subject to the following conditions –</p> <p>a) ...</p> <p>b) The form of soft start shall be submitted to and agreed in writing by the MM), in consultation ...</p> <p>(2) ... 30 minutes prior to the commencement of percussive piling a search <del>should</del> <b>must</b> be undertaken ... zone, percussive piling <del>should</del> <b>must</b> not be commenced ...</p> <p>(3) ... percussive piling <del>will</del> <b>must</b> cease until ...</p> <p>(7) Subject to sub-paragraph (7) <b>(8)</b> ...</p> <p>(8) (a) ... 200 metres from <b>the</b> exposed mudflat ...</p> <p>(8) (c) ... on all construction barges <del>on the side of the barges closest to the foreshore and the</del> construction activity ...</p> <p>(11)(a) and (b) should the maximum permissible number of piling rigs be specified? ie “196 hours where between two and four piling rigs are in operation”</p> <p>(12) “... each work-block described in paragraph <del>(10)</del> <b>(11)</b> ...</p> <p>(13) if the wording of condition 8 (cold weather piling restriction strategy/protocol) is amended along the lines suggested and goes onto incorporate wording requiring compliance with that protocol then there would be no need for sub-paragraph 13.</p> <p>e) <b>Condition 13</b> - licensed activities to comply with the marine scheme of archaeological investigation, combine with Condition 10?</p>

	Question to:	Question
		<p>f) <b>Condition 20</b> (disposal at sea) – would there be any disposal at sea? If not then is this condition necessary?</p> <p>g) <b>Condition 22</b> (notice to mariners):</p> <p style="padding-left: 40px;">(1) Is there a need to include a reference to who will be responsible for providing notice, ie the licence holder?</p> <ul style="list-style-type: none"> <li>• (3)(c) - Is there a need to quote WGS84 in full and make provision for any successor document?</li> <li>• (3)(c) - Re notifying the MMO is there any duplication with Condition 25?</li> </ul> <p>h) Paragraph 27 (notice of determination) – in paragraph (1) what happens if the MMO does not issue a decision within 6 weeks of receiving an application? Is a deemed approval implied?</p>
DCO2.08	Applicant	<p><b>Schedule 4 (Protective Provisions)</b></p> <ul style="list-style-type: none"> <li>• General consistency point, in some parts of Schedule 4 reference is made to “authorised works” (e.g., Statutory Harbour Authority and Northern Powergrid), while in others reference is made to “authorised development” (e.g., Environment Agency, Exolum). Consistent phraseology should be used.</li> <li>• <b>Part 1 Statutory Conservancy and Navigation Authority for the Humber</b> <ul style="list-style-type: none"> <li>➤ In paragraph 1 (interpretation), for the Statutory Conservancy and Navigation Authority is there any need to refer to Associated British Ports, as the authority is a statutory authority operating independently of the Associated British Ports?</li> <li>➤ Paragraph 3 (approval of details) – is text required stating that the tidal works cannot be commenced until they have been approved or been deemed to have been approved and if approved shall be carried in accordance with the approved details? Is text required clarifying that following a request for approval of details being made and the authority in response to that request seeking additional</li> </ul> </li> </ul>

	Question to:	Question
		<p>information/details that the 28-day determination period is recast to take account of when the additional details are received by the authority?</p> <ul style="list-style-type: none"> <li>➤ Paragraph 10(4) (protective action) – who would determine that an environmental impact was greater than that anticipated in an Environmental Document? Could this situation arise because it would be likely to come to light through the discharge of Schedule 2 Requirements and/or DML conditions?</li> </ul> <ul style="list-style-type: none"> <li>• <b>Part 2 Environment Agency</b></li> </ul> <ul style="list-style-type: none"> <li>➤ Paragraph 19(1) “authorised development” is undefined, presumed reliance is placed on the definition in Article 2. Inconsistency point, why in some schedules is there a definition and why in parts of the dDCO reference is made to authorised development while in other parts authorised works are referred to. If there was a single definition for the development/works that could be only stated in Article 2 and then reliance placed on that throughout the rest of the dDCO, with Schedule 1 providing a full explanation of the works.</li> </ul> <ul style="list-style-type: none"> <li>• <b>Part 3 Exolum</b></li> </ul> <ul style="list-style-type: none"> <li>➤ Paragraph 25 - no definition for “authorised development”</li> <li>➤ Paragraph 26 – why is there a definition for “specified work”, which seems to overlap with the definition for “relevant works” used in paragraph 28?</li> <li>➤ Paragraph 28(1) – why is there a reference to explosives? Does the Applicant have any intention to use explosives in connection with the construction of the Proposed Development?</li> <li>➤ Paragraph 28(2) – why is there a reference to ABP rather than the Undertaker [“Company”]?</li> </ul> <ul style="list-style-type: none"> <li>• <b>Part 4 Humber Oil Terminal Trustees Ltd</b></li> </ul> <ul style="list-style-type: none"> <li>➤ Paragraph 37 – final word “Schedule”, should this be “protective provision”?</li> <li>➤ Paragraph 38(1)(b), (c) and (d) - “relevant works”, undefined, issue of consistency.</li> <li>➤ Paragraph 38(2)(a) – “Schedule”, should this be “protective provision”?</li> </ul>

	Question to:	Question
		<ul style="list-style-type: none"> <li>• <b>Part 5 Northern Powergrid</b></li> <li>➤ Paragraph 43 “authorised works”?</li> <li>➤ Paragraph 45(4) and (5) – references to “Schedule” rather than protective provision?</li> <li>➤ Paragraph 46(1) – reference to Schedule rather than protective provision?</li> <li>➤ Paragraph 53 - reference to Schedule rather than protective provision?</li> </ul>
<b>LHE Historic Environment including Marine Archaeology</b>		
		No questions at this time
<b>BNE Biodiversity, Ecology and Natural Environment</b>		
BNE.2.01	Applicant	<p><b>Addressing concerns raised by Natural England</b></p> <p>Provide an update on latest discussions and current position on each of the six areas of disagreement set out by Natural England’s Principal Areas of Disagreement Summary Statement document dated 15 August 2023 [REP1-022] submitted at Deadline 1.</p> <ul style="list-style-type: none"> <li>• Impact of loss of functional habitat for SPA waterbirds</li> <li>• Noise and visual disturbance</li> <li>• Use of 300 metres rather than 200 metres as a disturbance distance for SPA waterbirds</li> <li>• Noise and vibration impacts on Special Area of Conservation’s lamprey population</li> <li>• Construction noise impacts on marine mammals (grey seal)</li> <li>• Loss of intertidal/subtidal/seabed habitats</li> </ul> <p>Could you also provide an update on progress towards the other remaining issues set out in Table 1 of [REP2-019] where further information has been requested by Natural England.</p>
BNE.2.02	Applicant	<p><b>Updating the Habitats Regulation Assessment report</b></p> <p>Provide confirmation that the updated HRA report, to replace [APP-115] will be submitted by Deadline 5 (23 October 2023), as stated most recently in [REP3-014].</p>



	Question to:	Question
BNE.2.03	Applicant	<p><b>Underwater noise modelling</b></p> <p>Does the Applicant have any comments to make about the MMO's Deadline 1 representations relating to underwater noise modelling at paragraphs 5.1.2 to 5.1.17 of [REP1-020]?</p>
BNE.2.04	Applicant	<p><b>Duration of marine piling</b></p> <p>Comment further on the MMO's concern in [REP1-020] that adequate justification has not yet been provided in respect of the proposed 140 hour and 196 hour piling timeframes over a four-week period during June and between August and October.</p>
BNE.2.05	Applicant	<p><b>Mitigating noise effects on fish</b></p> <p>The MMO has concerns in respect of percussive piling and has proposed alternative mitigation measures (paragraphs 5.1.30, 5.1.31 and 5.1.33 in [REP1-020]). The Environment Agency (EA) in its Principal Area of Disagreement Summary Statement [PDA-010] has requested an additional condition be incorporated into the Deemed Marine Licence in the dDCO [REP3-002] relating to the protection of migratory fish from noise arising from percussive piling. Comment on the representations the MMO and EA have made about mitigating the effects of noise on fish.</p>
<b>NS Navigation and Shipping</b>		
NS.2.01	Applicant, Harbour Master Humber and Port of Immingham Dock Master	<p><b>Responsibility for safety management in the Port of Immingham</b></p> <p>Based on the contents of the "Immingham and River Humber – Management Control and Regulation" note [REP1-014] is the ExA correct in believing that it is the Port of Immingham SHA which has responsibility and authority for the safety management system applicable to the Port itself, acting in liaison with the Humber Harbour Master as Competent Harbour Authority (CHA) responsible for pilotage services and as the SHA operating Vessel Traffic Services?</p>
NS.2.02	Applicant	<p><b>Harbour Authority and Safety Board (HASB) decision to defer impact protection to the IOT trunkway</b></p> <p>The Applicant's explanation in REP1-014 concerning the HASB's decision on risk acceptability for the Proposed Development does not fully clarify what consideration was given by the Designated Person and the HASB to the inclusion of adaptive risk control measures, such as IOT trunkway protection measures and/or the relocation of the IOT finger pier, identified and considered by the Applicant's consultants in the NRA report [APP-089, para 9.9.3]. Accordingly, the Applicant should submit copies of:</p>

	Question to:	Question
		<p>a) any recommendation report for the Proposed Development submitted to the HASB meeting of 12 December 2022; and</p> <p>b) the minutes of that meeting relating to the consideration of the Proposed Development.</p> <p>With respect to the submission of the HASB recommendation report and meeting minutes, if they contain any material that the Applicant would not wish to be placed in the public domain then a full set of the minutes should be submitted for the ExA’s confidential use together with a redacted set for publication in the Examination Library.</p>
NS.2.03	Applicant	<p><b>The “Designated Person”</b></p> <p>Having regard to the DFDS submissions [pages 23 and 24 in REP2-039 and REP3-022], advise on:</p> <p>a) What role Gareth Robins, as the named Designated Person (DP) in the “<i>Port of Immingham Marine Safety Management System</i>” (September 2023 version) [REP3-017], has had in advising the HASB about the Proposed Development.</p> <p>b) Whether Mr Robins attended the HASB’s meeting on 12 December 2022, when the draft NRA for the Proposed Development was considered by the HASB prior to its submission as an application document.</p> <p>c) When Mr Robins was appointed as the DP.</p> <p>d) Whether the DP has been asked to review the NRA [APP-089] in the light of the written and oral representations that have been raised about it by IPs; and has made any further recommendations to the HASB about any aspect of the Proposed Development in the light of those representations.</p> <p>e) Whether the DP is a direct employee of Associated British Ports or an advisor fulfilling this role as a contractor.</p> <p>Documentary evidence of any advice given to the HASB by the DP about the Proposed Development and any subsequent consideration of the Proposed Development undertaken by the HASB since December 2022 should accompany the answer to this question.</p>
NS.2.04	Applicant	<p><b>Decision making with respect to the installation of the impact protection measures (IPM)</b></p> <p>Further to the Applicant’s reply to the ExA’s first written question NS.1.13 [REP2-009], and the IOT Operators’ response to the applicant’s reply to NS.1.13 [REP3-026], explain precisely the decision making process that would culminate in a decision being made by the HASB as to whether the IPM subject to</p>

	Question to:	Question
		<p>proposed Work No. 3 would or would not be installed. The response to this question must at the very least address the following matters:</p> <ol style="list-style-type: none"> <li>Who would initiate the process for considering whether there might be a need to install the IPM?</li> <li>When/how would the process for considering whether or not there might be a need to install the IPM be initiated, i.e., prior to the commencement of the Proposed Development, prior to the first operation of the Proposed Development or following the use of the Proposed Development having commenced and in response to general experience or an incident?</li> <li>What information would be relied on to compile “relevant assessments/reports” and who would be involved in compiling those reports/assessments and be responsible for preparing any recommendation report for the HASB’s consideration?</li> <li>How long would it take for a decision to be taken from the initiation of the consideration process to the HASB making a decision?</li> <li>In the light of the drafting for Requirement 18 included in the dDCO [REP3-002], explain precisely what roles the SHA for the Humber Estuary and the SHA for the Port of Immingham would have in assisting with the consideration of whether the IPM would or would not be installed.</li> </ol> <p>The ExA does not consider that the Applicant’s reply to question NS.1.13 provided in REP2-009, when read in conjunction with the information provided in REP1-014, provided a sufficient level of detail.</p>
NS.2.05	Applicant, CLdN, DFDS and IOT Operators	<p><b>Stakeholder input to assessment of risks</b></p> <p>Further to the Maritime and Coast Guard Agency’s (MCA) advice in [REP1-021] that the organisation responsible for Port Marine Safety “<i>should strive to maintain consensus ...through ... stakeholder engagement and ...review of risk assessments with users...</i>” what are the main obstacles to achieving consensus and what are the prospects of achieving consensus by Deadline 5 of this Examination?</p>
NS.2.06	Applicant	<p><b>Inputs informing HASB judgements of risk control cost effectiveness</b></p> <p>What assumptions on cost and risk consequences were presented to the HASB in deciding to potentially defer the implementation of IOT trunkway protection measures until after the Proposed Development had become operational and to discount the relocation of the IOT finger pier all together?</p>

	Question to:	Question
NS.2.07	Applicant, CLdN, DFDS and IOT Operators	<b>Examples of any comparable Ro-Ro berths and fuel import/export berths siting relationships</b> Give examples of any port layouts in the United Kingdom where Ro-Ro berths and fuel import/export berths have comparable siting relationships with what is being proposed for the Port of Immingham.
NS.2.08	Applicant	<b>Equally challenging manoeuvres undertaken on the Humber</b> Under item 32 in your post Issue Specific Hearing (ISH) 2 written submissions [REP1-009] reference has been made to "...challenging manoeuvres currently undertaken on the Humber ..." by pilots and masters with pilot exemption certificates. Provide examples of situations where challenging manoeuvres are currently being undertaken on the Humber.
NS.2.09	Applicant	<b>Pilotage Incidents and consequences</b> Explain what actions were taken in response to the incidents that were subject to investigations undertaken by the Marine Accident Investigation Branch (MAIB), as cited in DFDS's Relevant Representation [RR-008].
NS.2.10	MCA, Applicant and DFDS	<b>Responsibility for safe navigation</b> If a marine incident occurs within a port, who is ultimately responsible: ship's master; pilot; or port/harbour authority and are any spatial constraints on vessel manoeuvring a defence against culpability?
NS.2.11	Harbour Master Humber	<b>Closure of river due to a marine incident</b> Under what circumstances it might it become necessary to wholly or partially close the river Humber to commercial shipping after an incident involving a tanker or pipeline infrastructure and what might be the duration and consequences of such closure?
NS.2.12	Applicant	<b>Humber Estuary Serious Marine Emergency Plan</b> Submit a copy of the Humber Estuary Serious Marine Emergency Plan (HESMEP) which has been listed in the Abbreviations/Acronyms section of the Navigation Risk Assessment (NRA) [APP-089] and explain its relevance to the Proposed Development and adjoining sites.
NS.2.13	MCA	<b>The MCA's views about the adequacy of the Applicant's risk assessment methodology</b> Further to the submission of the IOT Operator's Written Representation [REP2-062] does the MCA continue to be content about the adequacy of the risk methodology applied by the Applicant in its NRA [APP-089]?

	Question to:	Question
NS.2.14	IOT Operators	<p><b>Consequence classifications for effects to property and business</b></p> <p>Signpost or explain the benchmarks used to derive consequence classifications for effects to property and business referred to in paragraph 208 of your NRA [REP2-064] and whether any internationally recognised safety classification provide authority for the classifications stated in Table 5 of your NRA.</p>
NS.2.15	Applicant	<p><b>Potential consequences of collision with a tanker berthed at the IOT</b></p> <p>IOT's Written Representation in commenting on ExQ NS1.17 [REP2-062] describes a catastrophic potential chain of events consequent were a Ro-Ro to come into contact with a vessel on Berth 8 whilst it is loading motor spirit. Provide clarification as to whether and how such a consequence was assessed in the Applicant's NRA and confirm if and when a "chain of events" similar to that described was raised in stakeholder consultation for the Proposed Development.</p>
NS.2.16	Applicant	<p><b>Grading residual IOT allision risk As Low As Reasonably Practicable (ALARP)</b></p> <p>The Applicant's Deadline 3 interim response to the IOT Operator's NRA at paragraph 1.16 [REP3-012] states <i>"the applicant has not ruled out impact protection. These two controls along with a substantial list of other controls identified by the Applicant are sufficient to reduce the risk associated with allision to the point where the risk is considered ALARP and tolerable by the SHAs."</i></p> <p>Confirm if this means that impact protection is considered necessary for the risk to be considered as ALARP, and if so, why is the protection subject to Requirement 18 and why is the above statement at odds with the statement made in the Applicant's response to the DFDS alternative NRA [paragraph 1.7 in REP3-009] and its answer to ExQ NS.1.12 [REP2-009]?</p>
NS.2.17	Applicant	<p><b>Standard for acceptability of societal risk</b></p> <p>Comment on the summary conclusion reached by the IOT Operators in its NRA [paragraph 194 in REP2-064] that <i>"an appropriate standard of acceptability for societal risk, in relation to harm to people is a figure of one fatality in 100 years could be adopted, which is the limit between Tolerable subject to ALARP and Intolerable. An appropriate and robust Navigation Risk Assessment should therefore adopt these parameters."</i></p>

	Question to:	Question
NS.2.18	Applicant	<p><b>Maximum number of passengers and drivers on board Ro-Ro vessels</b></p> <p>Clarify the maximum number of passengers (non-ship's crew) expected to be on board a Ro-Ro vessel arriving at or departing from the Proposed Development and comment on the figure of up to "300 passengers" made by IOT in its NRA [REP2-064] and the implications for the related conclusions.</p> <p>In answering this question, the Applicant should make clear the number of lorry drivers it is envisaged would be on board Ro-Ro vessels and how this category of person has been accounted for in arriving at the conclusions included in the Applicant's NRA [APP-089].</p>
NS.2.19	IOT Operators	<p><b>HSE-imposed acceptability levels</b></p> <p>When were the HSE-imposed acceptability levels to risk referenced in the IOT's NRA [paragraph 201 in REP2-064] previously "provided to IERRT developers with the Standards of Acceptability to IOT Operators as a COMAH site under UK Health and Safety Executive regulations"?</p>
NS.2.20	Applicant	<p><b>Further Controls to be applied to control risks of collision or allision in relation to IOT</b></p> <p>Confirm or correct the assumptions made in paragraphs 333 to 339 of the IOT Operator's NRA [REP2-064] on further Risk Controls that would be committed to and applied by the Applicant if the DCO is made.</p>
NS.2.21	Applicant	<p><b>Port Liaison Role and Marine Liaison Plan details</b></p> <p>A 'Port Liaison Officer' role is referenced in [paragraph 1.12 in REP1-013] "to ensure that there is a suitable marine liaison plan and that it is followed". Signpost or provide further detail on the scope and responsibilities of such a role, its initiation and duration and reporting line(s) and clarify when a Marine Liaison Plan would be produced, what it would comprise and how this role is secured in the dDCO.</p>
NS.2.22	Applicant	<p><b>Consequences of reduced space for operations at IOT Berth 8</b></p> <p>Signpost where and how the NRA has taken into account the risk consequences of reduced manoeuvring space adjacent to IOT berth 8, specifically with regard to the use of tugs to help vessels arrive at or depart from IOT berth 8; and with regard to the IOT answers to ExQ NS.1.9 and 1.10 [REP2-062] that "de-slopping" to barges would further reduce the clearance between a vessel berthed at Berth 8 and the Proposed Development.</p>
NS.2.23	Applicant and IOT Operators	<p><b>Relocation of the Immingham Oil Terminal (IOT) finger pier berths 8 and 9</b></p> <p>In the Applicant's interim response to the DFDS alternative NRA [paragraph in 1.27 in REP3-009], it is stated that "RC06: Moving finger pier" – This control has been considered and determined not be in line with</p>

	Question to:	Question
		<p><i>the principle of ALARP</i>” and paragraph 1.28 confirms that assumes removal and reconstruction of the whole pier, which IOT is now suggesting would not be necessary.</p> <p>On a ‘without prejudice’ basis (preferably on a joint basis) comment on how the following risk control measures proposed by the IOT Operators in its NRA [paragraph 352 in REP2-064] might be incorporated and secured as an amendment to the application:</p> <ol style="list-style-type: none"> <li>a) relocation of IOT berths 8 and 9 to the landward face of the IOT river pier (outside the proposed Order limits) or alternatively the extension of the Finger Pier to enable the relocation of berth 8 to the riverward face of the Finger Pier, as in paragraph 5.4 of IOT’s Written Representation [REP2-062]; and</li> <li>b) an impact protection "island" between Proposed Development and the IOT finger pier (within the proposed Order limits), as an alternative to the impact protection measures subject to proposed Work No. 3 in the dDCO [REP1-005].</li> </ol> <p>In responding to this question consideration should be given to how any amendment(s) to the Proposed Development might be:</p> <ol style="list-style-type: none"> <li>1) advanced during the remainder of the Examination;</li> <li>2) secured through a provision or provisions (Requirement or any other means) of the dDCO;</li> <li>3) any compulsory acquisition implications, including implications for the interests of the Crown Estate;</li> <li>4) any implications under the Environmental Impact Assessment Regulations and the Habitat Regulations; and</li> <li>5) any other legal considerations.</li> </ol>
NS.2.24	IOT Operators	<p><b>Cost effectiveness assessment in the IOT Operators’ NRA</b></p> <p>Confirm that the cost effectiveness assessment in the IOT Operators’ NRA was based on relocation of IOT berths 8 and 9 to the landward face of the IOT river pier and the impact protection for the Proposed Development’s berths, as described in paragraphs 343 to 345 and 352 of REP2-064.</p>
NS.2.25	IOT Operators	<p><b>Cost effectiveness differential between low and high energy impact protection</b></p> <p>Please clarify the cost-effectiveness differential assessed between protection measures against low and high energy impact and how a ratio of 20 has been derived for this risk control measure, as reported in IOT Operators’ NRA [REP2-064].</p>

	Question to:	Question
NS.2.26	Applicant	<p><b>Cost of the IPM for the IOT trunkway</b></p> <p>What is the total capital cost for the Proposed Development? What sum has been set aside for implementing the IOT trunkway IPM, i.e. what is the current estimated construction cost for Work No. 3, should it be concluded that the installation of those measures were necessary?</p>
NS.2.27	Applicant	<p><b>Betterment</b></p> <p>Explain in what ways is it considered that the implementation of the IPM and the full or partial relocation of the IOT Finger Pier would constitute betterment for the IOT Operators [Table 7.17 in REP1-013 and section 5 of REP3-011]?</p>
NS.2.28	Applicant	<p><b>Impact speeds and forces for the proposed IOT trunkway IPM</b></p> <p>Identify what vessel speeds and impact forces the proposed IPM for the IOT trunkway, subject to proposed Work No. 3, have been designed to accommodate.</p>
NS.2.29	Applicant and Harbour Master Humber	<p><b>Towage as embedded risk control for berthing and unberthing</b></p> <p>On the basis of that the Applicant's explanation [REP2-009] that although towage would be one of the embedded risk controls, the provision of towage services should not and cannot be secured by a made DCO explain how the Immingham and Humber SHAs would each respond to ensure that the identified risks associated with berthing or unberthing at the Proposed Development would be controlled to ALARP in the event that suitable towage were to be unavailable to meet the demand.</p>
NS.2.30	Applicant	<p><b>Vessel propulsion redundancy for dredging and construction vessels</b></p> <p>Further to the answer given to ExQ NS.1.8 regarding embedded risk controls, would dredging and construction vessels used in connection with the Proposed Development have "vessel propulsion redundancies" available to them and if that is not known how has that informed the assessment of risk?</p>
NS.2.31	Applicant	<p><b>Visibility restrictions on navigation as risk control</b></p> <p>Respond to the IOT Operators' comments in REP3-026 relating to the references to visibility and harbour directions for Ro-Ro vessels as a risk control for the Proposed Development made by the Applicant in REP2-009 in answering ExQ NS.1.8.</p>
NS.2.32	Applicant, Harbour	<p><b>Use of tugs with Ro-Ro vessels</b></p> <p>Comment on the concerns made by the IOT Operators in REP3-026 further to the Applicant's answer to ExQ NS.1.8 regarding the disadvantages or hazards inherent in using towage tugs with Ro-Ro vessels.</p>



	Question to:	Question
	Master and DFDS	
NS.2.33	Applicant, DFDS and Stena	<p><b>Effects arising from contingency of lack of tug availability</b></p> <p>What would be the typical consequences if an additional tug was unavailable for a planned passage if a master during an “<i>act of pilotage</i>” for an arriving vessel (whether with a Humber pilot engaged or acting with the benefit of a Pilotage Exemption Certificate) determined dynamically that an additional tug would be required to make a safe manoeuvre at its commencement, having regard to the DFDS Written Representation [REP2-040] and the Harbour Master’s answers to ExQ NS.1.14 [REP2-058] and NS.1.15 [REP2-059]?</p>
NS.2.34	Applicant, Harbour Master Humber, Dock Master and DFDS	<p><b>Current direction in the approach area to the Proposed Development berths</b></p> <p>In what way might a differential of 10 to 15 degrees in current direction between that simulated at the location of the Proposed Development berths and that identified by Interested Parties and the Harbour Master in the immediate vicinity of the Proposed Development affect towage requirements (at certain states of tide and wind) and the likelihood of and consequence of allision of a Ro-Ro vessel with a moored vessel or infrastructure at the Eastern Jetty or the adjacent tug barge?</p>
NS.2.35	Applicant	<p><b>Differential current directions related to validity of simulations</b></p> <p>Respond to the case made by DFDS in answering ExQ NS1.1.21 and NS.1.23 [REP2-037] that a difference in current direction between that measured at the location of the Proposed Development’s berths and that existing differentially in the space between the end of the IOT river pier and the lock bellmouth undermines the validity of the simulations informing the assessment of levels of risk for the loss of control of vessels approaching or leaving the Proposed Development.</p>
NS.2.36	Applicant	<p><b>Assessment of risk of allision or collision at the Eastern Jetty</b></p> <p>a) Comment on the contention made by DFDS in its NRA [paragraph 2.4.4.3 in REP2-043] that one of the biggest risks to existing port operations arising from the Proposed Development would concern the operation of the Eastern Jetty’s “chemical berth” and vessels berthed there, specifically with reference to the effects of tidal currents and wind on Ro-Ro vessels crabbing across to the inner berth of the Proposed Development.</p> <p>b) Respond to DFDS’ concern that only one of the 73 simulations modelled manoeuvring to or from the Proposed Development berth nearest to the Eastern Jetty (Berth 3).</p>

	Question to:	Question
		c) Comment whether or how the tidal current effects on vessels berthing at the Proposed Development or at the IOT Finger Pier are different to those berthing at the Outer Harbour.
NS.2.37	Applicant	<p><b>Design life for Proposed Development as basis for risk assessment</b></p> <p>Justify why the Applicant's NRA [APP-089] has been based on assessment of risks over a nominal 50-year period, while at paragraph 3.2.25 in APP-039 it has been stated that the Applicant intends that the Proposed Development would continue in use beyond its nominal 50-year design life; and explain what would be the effect on the risk assessment if the period were 75 years instead?</p>
NS.2.38	Applicant	<p><b>Predicted vessel movements</b></p> <p>In responding to ExQ NS.1.26 [pages 88 and 89 in REP2-009] it has been stated that while the Proposed Development could generate up to 42 vessel movements per week, there would in effect be a net increase of 28 vessel movements per week because Stena Line would relocate from the inner dock. Confirm:</p> <p>a) Is that proposition correct because it assumes that the part of the inner dock currently used by Stena Line would not be used by another party?</p> <p>b) If the above-mentioned proposition is correct what implications does it have for the case made by the Applicant about the Proposed Development adding to port capacity and resilience?</p>
NS.2.39	Applicant	<p><b>Port of Immingham Statutory Harbour Authority's (SHA) assessment of effects of the Proposed Development</b></p> <p>In [REP1-013] in response to DFDS' Relevant Representation [paragraphs 5.1 to 5.5 in RR-008] it is stated that the SHA concluded that the projected increase in vessel traffic "... <i>is not material to the efficient operation of the estuary ...</i>", referring to the assessment in ES Chapter 16 [APP-052]. Elaborate on that statement to clarify whether any congestion effects within the Port of Immingham have been assessed, in particular by the Port of Immingham SHA.</p>
NS.2.40	Harbour Master Humber	<p><b>Humber river commercial vessel capacity</b></p> <p>In terms of daily shipping movements, what number of commercial shipping movements do you consider the Humber river can accommodate safely and efficiently, and how do mean and maximum shipping movements in 2023 to date compare with that capacity number?</p>

	Question to:	Question
NS.2.41	Applicant	<p><b>Evidence from the Port of Immingham SHA of its contentment with the risk assessment as presented to the HASB</b></p> <p>Submit evidence that both Dock Master and the Head of Marine Humber are content with the risk assessment that was presented to the HASB on 12 December 2022 and any subsequent contentment that they have that all identified risks in that assessment would be controlled or mitigated to ALARP following the decision made by the HASB at the meeting.</p>
NS.2.42	Applicant	<p><b>Automatic Identification Systems (AIS) tracks for tanker vessels to and from the IOT Finger Pier</b></p> <p>Comment specifically on Figures 24 and 25 in the IOT Operators' NRA [REP2-064] showing AIS tracks for tanker vessels and the descriptive paragraphs 242 to 247 and how that evidence correlates to data used in the Applicant's NRA [APP-089] and its consequences for conclusions on risk controls to reduce risk of collision or allision to ALARP.</p>
NS.2.43	Applicant	<p><b>Wind data</b></p> <p>Submit additional information identifying the wind speeds and frequencies in Figure 1 of Appendix 1 of REP1-009 that are illegible and a commentary note on differentials between the wind rose for Immingham Dock and the (Figure 2) 2019-22 wind rose for Humberside Airport and what relevance that differential might have for the NRA simulations, in particular the apparent difference in wind speeds from the NE sector and how important that might be to limit states for berthing at the Proposed Development.</p>
NS.2.44	Applicant	<p><b>Sensitivity testing</b></p> <p>The Applicant has stated that it expects to carry out sensitivity testing on the findings arising from berthing simulations. Does it intend to submit a report of such testing to the ExA, and if so, when?</p>
NS.2.45	Applicant	<p><b>International Maritime Organisation (IMO) guidelines for Formal Safety Assessment</b></p> <p>Submit a copy of the IMO Guidelines for Formal Safety Assessment (FSA) MSC-MEPC.2/Circ.12/Rev.2.</p>
NS.2.46	Applicant	<p><b>Maritime Coastguard Agency (MCA) Methodology for Assessing Marine Navigational Safety</b></p> <p>Submit a copy of Annex 1 to the MCA MGN 654 Methodology for Assessing the Marine Navigational Safety, etc.</p>
NS.2.47	DFDS	<p><b>MAIB reports</b></p> <p>Submit copies of the MAIB reports cited in your Relevant Representation [RR-008] at paras 3.5.1 and 3.5.5 (incidents affecting the IOT).</p>

	Question to:	Question
NS.2.48	IOT Operators	<b>‘MarNIS’ incident reports</b> Provide a narrative of [APP-089 Figure 19] ‘MarNIS(MARNIS)’ reported incidents at the Port of Immingham and their relevance to the Proposed Development.
NS.2.49	IOT Operators	<b>Locations for incidents elsewhere in the UK referred to in Table 11 in the IOT Operators NRA</b> For each entry in Table 11 in the IOT Operators’ NRA [REP2-064] identify where each incident occurred by reference to a port/harbour name or other locational descriptor.
NS.2.50	Applicant	<b>Evidence of future tug provision</b> With respect to tug availability, provide evidence from SMS and Svitzer to support the statement at page 185 of REP1-013 that those tug operator fleets will “ <i>grow to meet conditions as required</i> ”, noting DFDS concerns, as expressed in [RR-008], with the availability of tugs in sufficient numbers and capabilities when the need arises.
NS.2.51	Applicant	<b>Evidence of tug environmental performance</b> With respect to tug environmental performance, provide evidence from SMS and Svitzer of plans to improve the environmental performance of their tug fleet noting DFDS contention, as expressed in [RR-008], that environmental performance of port plant and equipment is a material consideration to the application for the Proposed Development.
<b>SE Socio-Economic</b>		
		No questions at this time
<b>TT Terrestrial Transport and Traffic</b>		
TT.2.01	Applicant	<b>Sensitivity testing accompanied vs unaccompanied freight</b> Confirm whether the information in Appendix 7 “ <i>Sensitivity test of accompanied vs unaccompanied freight against Table 8 of Transport Assessment</i> ” (post ISH2 submissions [REP1-009]) in the three “Totals” columns is arithmetically correct and has been presented accurately throughout the whole of this appendix? The numbers quoted in column 4 (the first of the total columns included in Appendix 7) do not appear to correspond with the numbers quoted in the comparable column included in Table 8 of the Transport

	Question to:	Question
		<p>Assessment [AS-008], while the totals presented in the seventh column of Appendix 7 do not add up to the sum of the fifth and sixth columns.</p> <p>If there are arithmetical errors in Appendix 7 in REP1-009, what implications does that have for what has been stated in the final paragraph in the response to post ISH2 action point 13. For Example, for the hour between 09:00 and 10:00 the increase in vehicles would appear to be more than 37.</p>
TT.2.02	Applicant, North East Lincolnshire Council (NELC), North Lincolnshire Council and National Highways	<p><b>Scoping out of committed schemes from the Transport Assessment</b></p> <p>Why have a number of committed developments been excluded from the agreed scope for the Transport Assessment [AS-008] for the Proposed Development, as referred to in the Applicant's response to DFDS's Deadline 1 submissions [page 20 in REP2-010]?</p>
TT.2.03	Applicant	<p><b>Road signage strategy</b></p> <p>Advise as to whether a traffic signage strategy has been/is being developed in liaison with the highway authorities, further to the comments made by DFDS at paragraph 164 in its Written Representation [REP2-040]. If a signage strategy has been/is being developed:</p> <ol style="list-style-type: none"> <li>how might its operation affect the distribution of vehicles entering or exiting the Port of Immingham via the Eastern and Western Gates; and</li> <li>how might its operation be secured?</li> </ol>
TT.2.04	Applicant and any other IPs	<p><b>Accompanied and unaccompanied unit ratio</b></p> <p>Has agreement been reached regarding determining an appropriate split for the handling of accompanied and unaccompanied units associated with the operation of the Proposed Development?</p>

	Question to:	Question
TT.2.05	Applicant and any other IPs	<p><b>Tractor-only movements</b></p> <p>Has agreement been reached regarding an appropriate allowance for tractor only movements, further to DFDS's and CLdN's representations at ISH2 that the 10% allowance in the Transport Assessment (TA) [AS-008] is insufficient.</p>
TT.2.06	Applicant and any other IPs	<p><b>East and West Gate ratio</b></p> <p>Has agreement been reached between the parties about the proportion of traffic generated by the Proposed Development predicted to enter the Port of Immingham via the East and West Gates?</p>
TT.2.07	Applicant	<p><b>National Highways proposed requirements</b></p> <p>National Highways in its Deadline 2 submission [REP2-017] has proposed the following for inclusion in the DCO requirements: <i>"provision of a Construction Traffic Management Plan (CTMP) prior to works commencing that is agreed to by National Highways."</i> What is the Applicant's view on this?</p>
TT.2.08	Applicant	<p><b>Network Rail proposed amendments</b></p> <p>Network Rail has set out proposed amendments to the DCO (para.6.1 of [REP2-022]) to address concerns regarding the lighting strategy and level crossings, together with their standard protective provisions at Appendix 2. How are the matters raised by Network Rail being progressed?</p>
TT.2.09	Applicant and CLdN	<p><b>Protecting rights in respect to use of rail network</b></p> <p>CLdN in its Deadline 1 submission [REP1-025] contends it would be reasonable and proportionate to have its legal rights in respect of connecting to the rail network similarly protected (as per Part 6 of Schedule 9 of the Able Marine DCO) with appropriate protective being incorporated into any made DCO. What are the Applicant's views about this?</p> <p>CLdN should provide further justification as to why it considers such a protective provision would be necessary, given the Applicant has stated it does not expect the Proposed Development would make use of the rail network and the Proposed Development would not involve the undertaking of any physical works that would affect the rail line that serves the Port of Killingholme.</p>
TT.2.10	Applicant	<p><b>Securing ANPR installation and operation</b></p> <p>Paragraph 6.4.10 of TA [AS-008] states <i>"It is also proposed to implement Automatic Number Plate Recognition (ANPR) for staff which will again increase the capacity of the gate and reduce queuing times"</i>.</p>

ExQ2: 15 September 2023

Responses due by Deadline D4: 9 October 2023

	Question to:	Question
		Given that ANPR is part of the mitigation strategy to help reduce queuing at the East Gate arising from the Proposed Development, how would installation and operation of ANPR be secured in any made DCO?
TT.2.11	Applicant	<b>East Gate Safety Audit and Queuing Assessment</b> Provide an update on the East Gate Road Safety Audit and East Gate Queuing Assessment which are both referred to in NELC's Principal Area of Difference Summary Statement [PDA-001].
<b>WE</b>	<b>Water Environment, Flood Risk and Drainage</b>	
		No questions at this time