

By Email

National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Attn Examining Authority

Our Ref
10276966

Your Ref
TR030007

Date
28 September 2023

Dear Examining Authority

Immingham Eastern Ro-Ro Terminal (IERRT) – TR030007 Draft DCO: Requirement 18 – Impact protection measures

I write on behalf of my client Associated British Ports, the Applicant, in relation to the above proposed development.

For some time the Applicant has been engaged, albeit informally, in discussions with the IOT Operators regarding both the proposed development generally and the question of the provision of impact protection measures specifically. We should say at the outset that as owner and operator of the Port of Immingham, the Applicant acknowledges the IOT Operators as valued tenants and recognises the importance of the IOT's infrastructure.

With this in mind and noting that the IOT Operators do not object in principle to the proposed development, our client has been considering how best to resolve the issues that have arisen bearing in mind the Applicant's NRA process has concluded that impact protection measures are not required, whereas the IOT operators have carried out their own NRA concluding that they are required.

The ability for the Applicant to provide impact protection measures if the circumstances were to so warrant is already addressed by the inclusion of Work No.3 "Impact Protection Measures" in the draft DCO subject to the terms of Requirement 18. Work No.3 contemplates the construction, within a specifically defined area, of a single line protective barrier, supported by piles, with a reinforced capping beam with fendering units on the outer facing elevation. The ExA will have noted, however, that at Appendix D of the additional NRA commissioned by the IOT Operators there is a note produced by Beckett Rankine, appointed by Nash Maritime, who have undertaken "*a high level design review for a potential impact protection system that could be installed at IOT*".

Our client has considered these alternative design proposals as outlined and has agreed to work with the IOT Operators with a view to developing a scheme of marine infrastructure protection

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for the IOT based generally on the Beckett Rankine high level proposals, albeit with possible refinements suggested by the IOT Operators' maritime advisors NASH Maritime, as they referenced at a recent meeting between our client and APT.

Without prejudice to the respective positions of the Applicant and the IOT as to the need for such measures, and provided that proposed changes to the DCO to reflect alternative design proposals are accepted by the Examining Authority, the Applicant is prepared to commit to delivery of these measures as part of the DCO project on the basis that:

- 1 The revised layout for the IOT finger pier will enable a second Coastal tanker to berth on the northern side of the finger pier whilst retaining two barge berths on the finger pier;
- 2 The relocated impact protection measures, whilst being constructed to a standard that will retain a vessel drifting towards the IOT trunkway or the IOT finger pier, will be so located as to enable APT's barges still to berth on the southern side of the IOT finger pier; and
- 3 The IERRT infrastructure will be sufficiently resilient to arrest a vessel drifting in a southerly direction towards the IOT trunkway.
- 4 The engineering design of those measures will be subject to approval by the IOT (with provision for arbitration in the event of dispute)
- 5 The measures will be implemented prior to the commissioning of any berth in the IERRT facility unless otherwise agreed in writing.
- 6 ABP will indemnify the IOT Operators for the IOT Operators' costs relating to the revised protection measures and for any business losses occurring as a result of the installation of those measures substantially in accordance with the protective provisions in REP1-039.

If the proposed changes are accepted the draft DCO will be amended (to include appropriate protective provisions for the benefit of the IOT Operators substantially in the form in REP1-039 but subject to the terms of this letter and which reflect the approved measures) to reflect this commitment and the IOT will withdraw its objection to the proposal. There will also be a separate agreement by ABP to deliver the revised impact protection measures (as above) if the DCO is made and implemented.

In that event, and subject to agreement of satisfactory protective provisions for the benefit of the IOT Operators, the IOT Operators will withdraw their objection.

In sending this letter to you, we are also copying it to the IOT Operators who have already seen and approved a draft.

Yours faithfully



Brian Greenwood

Clyde & Co LLP

CC Burgess Salmon on behalf of the IOT Operators

Indicative Layout
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Not to scale

