

**APPLICATION BY ASSOCIATED BRITISH PORTS FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE PROPOSED IMMINGHAM EASTERN RO-RO TERMINAL**

**Issue Specific Hearing 3 (ISH3)**

**Date:** Wednesday 27 September 2023

**Venue:** Stallingborough Grange Hotel and MS Teams

**Action Points**

No	Party	Action	Deadline
1	Harbour Master Humber	Further to the Accompanied Site Inspection (ASI) held on 26 September 2023, submit a note outlining: <ul style="list-style-type: none"> <li>the names and basic dimensions of vessels observed within and adjacent to the Port of Immingham from the port's Marine Control Centre; and</li> <li>the weather conditions (particularly wind strength and direction), state of tide and current (speed and direction of flow).</li> </ul>	D4
2	Harbour Master Humber	Provide a plan or plans showing: <ul style="list-style-type: none"> <li>the existing manoeuvring areas currently used by vessels arriving at or departing from the inner and outer parts of the Port of Immingham; and</li> <li>how those manoeuvring areas would be adapted to accommodate the Proposed Development.</li> </ul>	D4
3	CLdN	Provide a note ("the Killingholme note") containing plans, commentary and an explanation of the following: <ol style="list-style-type: none"> <li>the differences between operations at the ports of Killingholme and Immingham, specifically referencing: <ul style="list-style-type: none"> <li>the use of the cassette system; and</li> <li>the double stacking of containers.</li> </ul> </li> <li>the operating model and current land/berth capacity of Killingholme port;</li> <li>how capacity at the port of Killingholme could be expanded in the future;</li> </ol>	D4

No	Party	Action	Deadline
		4) post-Brexit impacts on port capacity and how those conditions have subsequently changed.	
4	Applicant	Provide written response to the Killingholme note and the potential for Killingholme to serve as an alternative to the Proposed Development.	D5
5	Applicant, CLdN, DFDS and Stena Line	Jointly prepare a Statement of Common Ground (SoCG) regarding dwell times clearly setting out the differences in baseline capacity and assumptions between the parties and explain what internal and external factors influence dwell times and the consequence of differences in the assumptions.	D5
6	CLdN	Provide as an appendix to ISH3 post-hearing submissions the full judgments for the cases referred to by CLdN and the Applicant during agenda item 2 discussion regarding the case law and policy considerations for need and alternatives. CLdN and Applicant to agree on the judgements to be included in that appendix to avoid duplication of submissions.	D4
7	IOT Operators	Submit a copy of the Ellesmere Port High Court decision referred to during ISH3, highlighting the most relevant sections for the Examining Authority (ExA) to consider, including highlighting the diametrical opposition between the two Town and Country Planning Act 1990 Section 78 appeal decisions at issue in that case.	D4
8	Applicant	Provide a written response to CLdN's and IOT's submissions on case law and policy regarding need and alternatives.	D5
9	IOT Operators	Provide references for the relevant Energy Policy considerations that should be taken into account, to include relevant provisions and explanatory statement on fuel resilience from part 12 (once part 10) of the energy bill currently passing through parliament.	D4

No	Party	Action	Deadline
10	Applicant and IOT Operators	Provide a note on the landlord and tenant relationship (tenancies, licences etc) between the Applicant and IOT Operators and how this interacts with the proposed Protective Provisions, confirming the responsibility for undertaking maintenance and repairs for the Finger Pier and trunkway.	D5
11	Applicant	Submit a note and plans concerning the comparable Ro-Ro berths and petrochemical berth siting relationship examples referred to by Mr Hannon at ISH3, commenting on relevant manoeuvres and distances.	D4
12	CLdN	Provide information on the distances between the petrochemical jetty at Thurrock and the CLdN Ro-Ro facility at Purfleet.	D4
13	Applicant	Submit indicative scaled drawings for the proposed impact protection measures and alterations to the IOT Finger Pier ('the alternative measures') which are the subject of negotiations between the Applicant and IOT Operators outlined in the Applicant's letter of 28 September 2023.	D4
14	Applicant and IOT Operators	Provide an update with respect to the negotiations relating to 'the alternative measures'.	D4
15	Applicant	Submit assessment of the likely environmental effects and marine safety implications of the alternative measures, having regard to the provisions of the Environmental Impact Assessment Regulations and the Habitat Regulations.	D5, if not already submitted as part of any request for change to the originally submitted application
16	Applicant	Clarify the Navigational Risk Assessment [APP-089] conclusions with regard to the hazards related to the operation of the Eastern Jetty and submit details of the navigation simulations undertaken for the pre-application four-berth scheme.	D4

No	Party	Action	Deadline
17	Applicant and DFDS, with the assistance of CLdN and IOT Operators	<p>Applicant to engage with DFDS and CLdN and IOT Operators to agree parameters for the undertaking of additional simulations to address DFDS' concerns with respect to the Proposed Development's proximity to the Eastern Jetty, including the effects of current direction on the approach to the proposed berths 2 and 3.</p> <p>Applicant to submit not later than D5 a detailed brief and timetable for undertaking any additional simulations, further to discussions to be held with DFDS and CLdN and IOT Operators (see footnote*).</p>	D5
18	Applicant	Submit no later than D6 a report on any additional simulations.	D6
19	Harbour Master Humber and Dock Master Immingham	Identify the currently anticipated operating limits (parameters) for the Proposed Development.	D4
20	Applicant and Harbour Master Humber	Provide an update clarifying the anticipated controls to be applied to the Proposed Development to reduce all navigational risks to "As Low As Reasonably Practicable", with particular regard to the operation of the IOT.	D5
21	Applicant	Provide a note clarifying responsibilities and reporting line under paragraph 2.2.5 of the Port of Immingham Marine Safety Management System (MSMS) [REP3-017] with regard to identifying, reviewing and implementing additional risk control measures to mitigate marine risks identified by the relevant Statutory Harbour Master as being "intolerable, and/or (with) a significantly high risk score".	D4
22	Applicant	Submit a copy of the 18 May 2023 version of the Port of Immingham MSMS	D4
23	Applicant	Provide a note or addendum to the draft CEMP explaining the formal relationship between project construction delivery team and Dock Master during construction phase, specifically having regard to safety considerations of any overlapping construction and operational activity.	D4

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24	Applicant	Review appropriateness of the Construction Environmental Management Plan [REP2-004] for securing marine risk controls and clarifying the responsibilities for the Harbour Master Humber and Dock Master in Table 3.4 of the CEMP; or submit an additional document that can be certified under the dDCO.	D5
25	Applicant	Outline the Harbour Works Consent process and how it would relate to the works subject to the dDCO, including those works subject to the Deemed Marine Licence	D4
26	Applicant	Provide minutes of the 12 December 2022 Harbour Authority and Safety Board (HASB) meeting and consider whether minutes, notes and reports relevant to the Proposed Development arising from discussions prior to that HASB meeting exist and can be submitted into the Examination, redacted as necessary.	D4
27	Applicant	Provide minutes of HASB meeting to consider any proposed changes to the Application before the close of Examination.	Not later than 25 January 2024
28	Applicant	Issue corrected version of the table forming Appendix 7 which formed part of REP1-009	D4
29	Applicant	Consider the data that has been utilised for validation of the traffic flows for the A160.	D4

No	Party	Action	Deadline
30	Applicant, CLdN and DFDS	Provide a joint note or SoCG between interested parties, potentially including local highway authorities as necessary. The note should address, amongst other things: <ul style="list-style-type: none"> <li>• for the West Gate, at what level of additional traffic would this gate reach its operational capacity and stop functioning properly;</li> <li>• the split between the handling of accompanied and unaccompanied units and the implications for vehicle generation;</li> <li>• forward transport forecast implications;</li> <li>• the predicted effect for the operation of the Proposed Development on the operation of the A160; and</li> <li>• wider highway issues as necessary.</li> </ul>	D5
31	All parties	Submit hardcopies of documents which exceed 50 pages.	All deadlines
32	Applicant	Undertake a review of the cumulative and in-combination effects assessed in Chapter 20 of the Environmental Statement [APP-056] to take account of the submission of the Immingham Green Energy Terminal (IGET) application.	D5 **

\*Additional simulations should be based on what can reasonably be considered as normal operating conditions and vessel types for the Proposed Development and the Eastern Jetty.

\*\* The submission of this review may be delayed until a later deadline in the event of the IGET application not being accepted for Examination by 19 October 2023.