

# IMMINGHAM EASTERN RO-RO TERMINAL



Proposed Changes Notification Report

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# Immingham Eastern Ro-Ro Terminal

## Proposed Changes Notification Report

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## 1 Section 1 – Introduction

### 1.1 Purpose of the Report

1.2 On 10 February 2023 the Applicant, Associated British Ports (“ABP”) submitted to the Secretary of State for Transport under the provisions of section 37 of the Planning Act 2008 an application for a Development Consent Order (“DCO”).

1.3 The Order, if approved and made, will authorise the construction and operation of the Immingham Eastern Ro-Ro Terminal (“IERRT”), a new three berth Ro-Ro facility within the Port of Immingham.

1.4 The DCO application was accepted for examination by the Planning Inspectorate on behalf of the Secretary of State on 6 March 2023 and is currently part heard in examination – the Examination having commenced on 25 July 2023. It is due to close by 25 January 2024.

1.5 Both during the pre-application stage and since the commencement of the examination, the Applicant has endeavoured to engage with stakeholders and Interested Parties and has continued to identify whether – and if so how – the Proposed IERRT Development could be improved and/or refined in both engineering and construction delivery terms, whilst paying full regard to its environmental impact.

1.6 It is in the light of these ongoing stakeholder negotiations and scheme evolution and refinements that the Applicant has determined that it should seek to make certain changes to the Proposed Development as originally submitted.

1.7 Bearing in mind that the Examination has commenced, the Applicant has taken fully into account the advice provided by – Advice Note Sixteen: Requests to change applications after they have been accepted for examination (AN 16, March 2023).

1.8 The Advice Note, at paragraph 1.3 provides that –

*“The justification for making a change after an application has been accepted for examination must be robust and there should be good reasons as to why the matters driving the change were not identified and dealt with proactively at the Pre-application stage. Before an applicant requests a change to its application it should carefully consider how, if it accepted by the ExA, it will impact upon the other Interested Parties and the Examination Timetable.”*

1.9 The purpose of this report, therefore, is to assist the ExA in deciding “whether a change requested by an applicant can be accepted and examined” (AN16 para. 2.1).

### 1.10 Structure of the Report

1.11 This Report, together with the attached Appendices, effectively combines Steps 1 and 2 of Advice Note Sixteen.

- 1.12 Paragraph 4.1 of the Advice Note provides that to – “assist the ExA in making the Procedural Decision referred to in Step 5 of Figure 1 [namely a decision as to whether or not to accept the change application] and also to provide clarity for participants in the process, applicants should provide the information set out in Figure 2 relating to the Change Notification and the Change Application”.
- 1.13 Figure 2a of the Advice Note which relates to a Change Notification (as opposed to the actual Change Application which is dealt with in Figure 2b of the Advice Note) advises an Applicant to provide the following information which is set out in this Report in the sections noted below:
- i) A description of the proposed changes – Section 2;
  - ii) A statement explaining the rationale and pressing need for making the changes together with a justification for each change – Section 3;
  - iii) A statement establishing whether any of the changes involves a change to the Order land in the context of the Compulsory Acquisition Regulations – Section 4;
  - iv) A statement as to whether the changes are expected to result in any new or different likely significant environmental effects with a summary description – Section 5;
  - v) Accommodation of the Change Request within the remaining statutory timescale – Section 6;
  - vi) Timescale and scope for the consultation – Section 7; and
  - vii) Indicative timescale for submission of the Changes application – Section 8.
- 1.14 Changes Notification – In ensuring that the information being provided at this notification stage is properly comprehensive, this Proposed Changes Notification Report (“PCNR”) incorporates a number of additional documents as Appendices, namely –
- a) A draft Addendum to the originally submitted Environmental Statement (“ES”) identifying and explaining the amendments that will be made to the ES, on a chapter by chapter basis, if the Changes Application is accepted by the ExA (Appendix 1);
  - b) Substitute drafts of the following IERRT application documents –
    - General Arrangement Plans [APP-009] (Appendix 2);
    - Engineering Sections Drawings and Plans [REP4-004] (Appendix 3);
    - Works Plans [APP-007] (Appendix 4); and
    - Lighting Plan [APP-012] (Appendix 5).
- 1.15 **Changes Application** – In the context of the above, it should be noted that it is the Applicant’s intention, when submitting the subsequent Changes

Application (anticipated towards the end of November – see Section 8 below), that the application will include a completely revised Chapter 2 – “Proposed development” and Chapter 3 – “Details of Project Construction and Operation” of the ES.

- 1.16 **Materiality of the Proposed changes** – The Applicant is conscious that in amending Advice Note Sixteen at the beginning of this year, the Planning Inspectorate removed the distinction between a “material” and a “non-material” change.
- 1.17 In this context it may nevertheless be of assistance for the ExA to note that the Applicant is of the view that the changes proposed as described in this Notification are limited, are all contained within the environs of a busy operational port and none of them, either alone or in combination fundamentally change nor materially affect the nature or substance of the Proposed Development as originally submitted in the DCO application.
- 1.18 As is explained below, the proposed changes are designed to improve the performance and efficiency of the Proposed Development and all are being presented as a result of ongoing discussions with stakeholders and Interested Parties since the submission of the DCO application.
- 1.19 **The Proposed Changes – Summary**
- 1.20 In summary the changes proposed comprise –
- **Change 1: The Realignment of the Approach Jetty and Related Works** – within the submitted limits of deviation but further away from the IOT trunkway – with an increase in the number and repositioning of the location of piles required to support the marine infrastructure, together with ancillary works to the pier infrastructure;
  - **Change 2: A Realignment of the Internal Link Bridge and Consequential Works** - between the Northern and Central Storage Areas resulting in an improvement of land holding for the Applicant’s tenant and sub-tenants as well as a rationalisation and consequent increase in space within the Central Storage Area, albeit leading to a consequential amendment to the originally defined Limits of Deviation;
  - **Change 3: The Rearrangement of the UK Border Force (“UKBF”) Facilities** - to meet UKBF’s requirements – within the original Limits of Deviation;
  - **Change 4: Enhanced Management Controls and Options for the Potential Provision of Additional Impact Protection Measures** – in conjunction with and subject to enhanced navigational management controls for vessels entering or departing from the IERRT.
- 1.21 It should also be noted that if the application to make the proposed changes is allowed by the ExA, then those changes will require consequential changes to the Lighting Plan.

## 2 Section 2 – The Proposed Changes

### 2.1 The Proposed Changes – Summary

2.2 In summary the changes proposed comprise –

- **Change 1: The Realignment of the Approach Jetty and Related Works** – within the submitted limits of deviation but further away from the IOT trunkway – with an increase in the number and repositioning of the location of piles required to support the marine infrastructure, together with ancillary works to the pier infrastructure;
- **Change 2: A Realignment of the Internal Link Bridge and Consequential Works** - between the Northern and Central Storage Areas resulting in an improvement of land holding for the Applicant's tenant and sub-tenants as well as a rationalisation and consequent increase in space within the Central Storage Area, albeit leading to a consequential amendment to the originally defined Limits of Deviation;
- **Change 3: The Rearrangement of the UKBF Facilities** - to meet UKBF's requirements – within the original Limits of Deviation;
- **Change 4: Enhanced Management Controls and Options for the Potential Provision of Additional Impact Protection Measures** – in conjunction with and subject to enhanced navigational management controls for vessels entering or departing from the IERRT.

2.3 It should also be noted that if the application to make the proposed changes is allowed by the ExA, then those changes will require consequential changes to the Lighting Plan.

### 2.4 Proposed Change 1: The Realignment of the Approach Jetty and Related Works

2.5 The first proposed change involves works within the marine environment and across and within the Humber Estuary SAC, SPA and Ramsar site. The works principally involve the realignment, effectively a straightening, of the approach jetty, within the submitted Order limits of deviation.

2.6 In so doing, the opportunity has also been taken to reposition the supporting piles, albeit with a slight decrease in the number of piles. This will improve both project efficiency and, to a lesser extent, environmental impact.

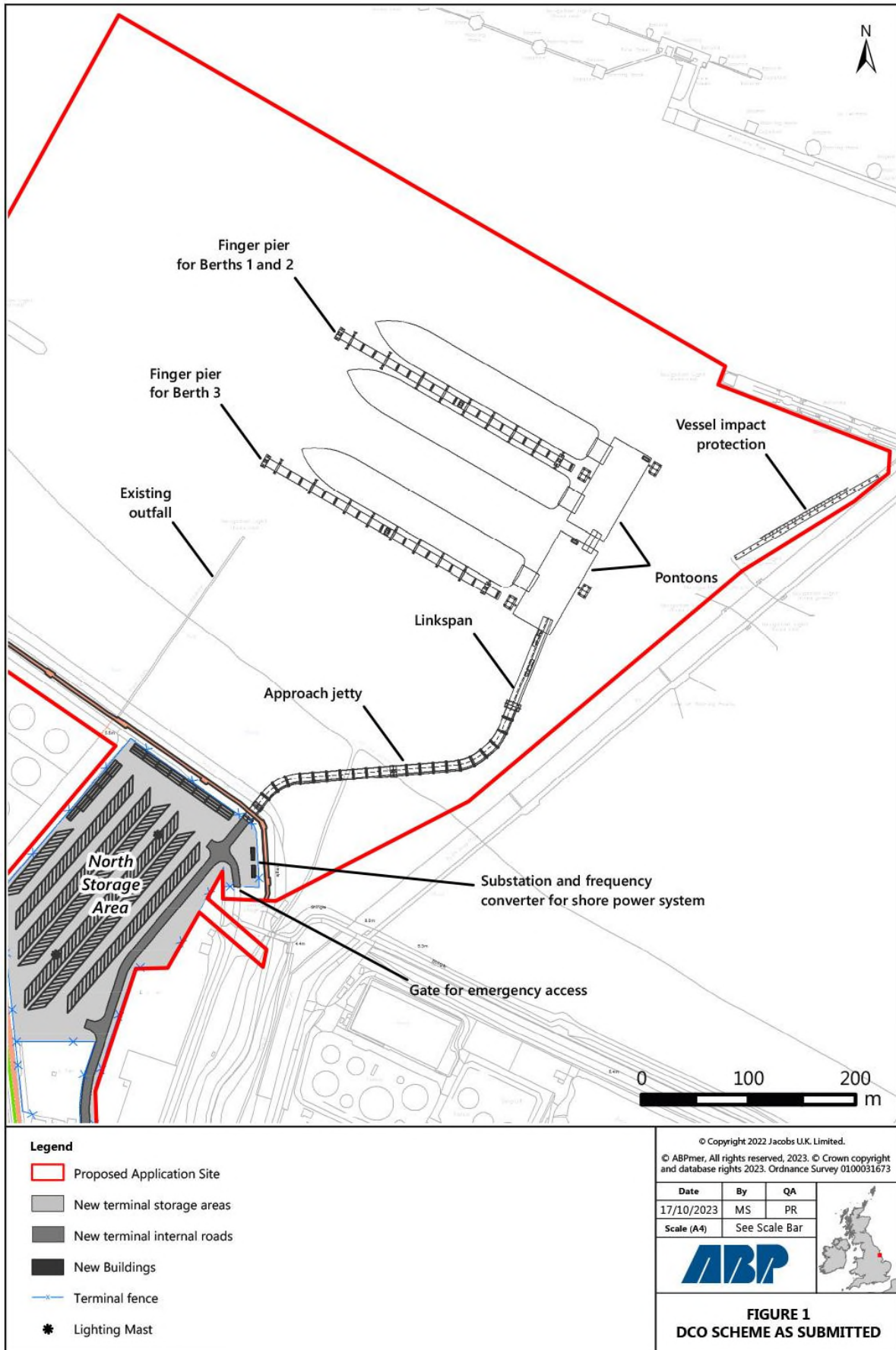
2.7 Viewed holistically, bearing in mind the sensitivity of the designated tidal and intertidal mudflat within the Order limits and in the context of the designated Humber Estuary as a whole, none of the changes proposed to the approach jetty, IERRT berths and related marine infrastructure increase significantly the already assessed environmental impact of the approach jetty and berths as set out in the ES, as noted at Section 5 below.

2.8 The function of the approach jetty is described in Chapter 2 (Proposed development) of the ES [APP-038], namely to transport vehicles and cargo

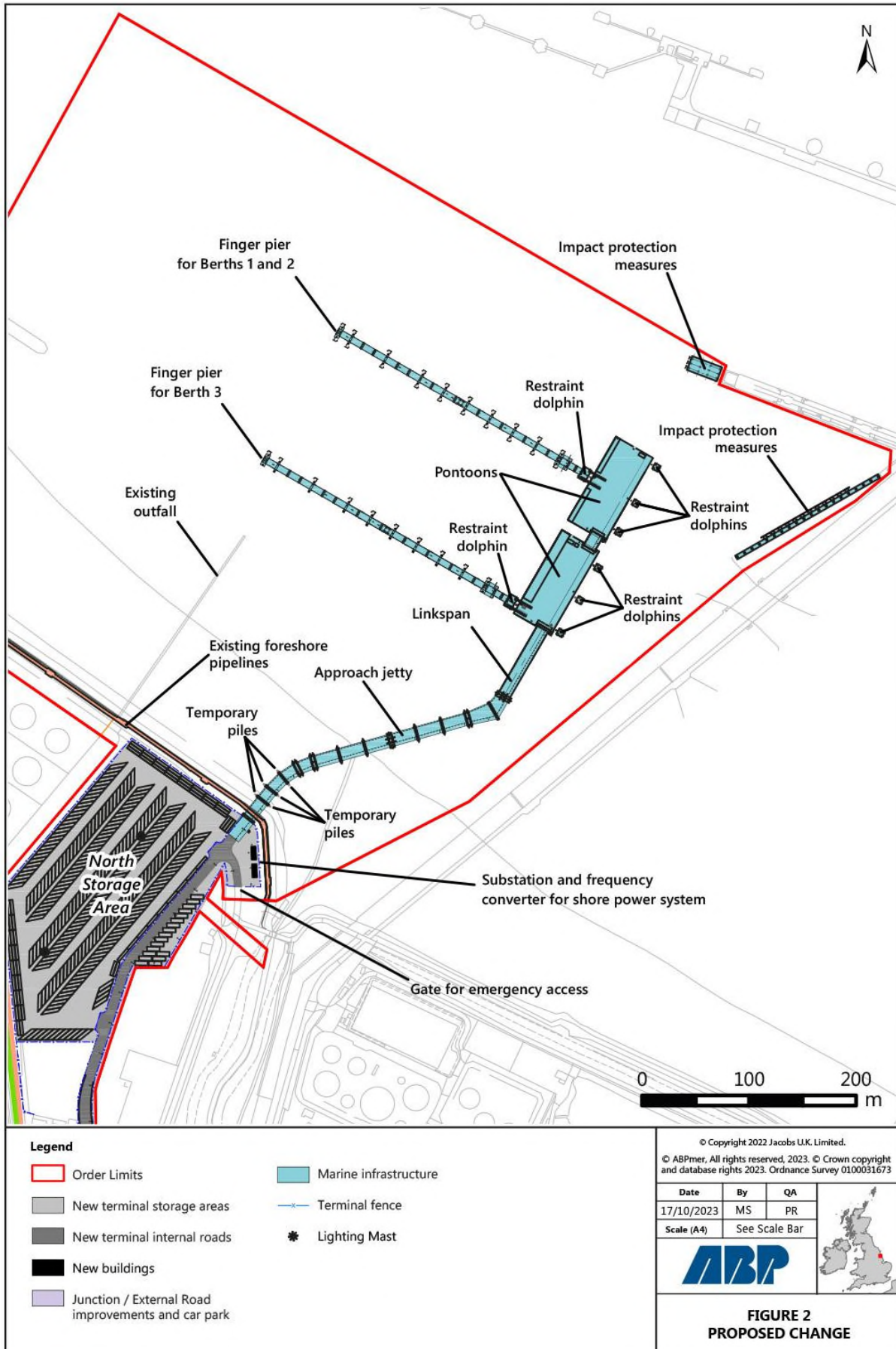
- between ship and shore. The changes to the jetty alignment have not changed the function of the approach jetty.
- 2.9 The details of the proposed changes are set out in Chapter 2 of the ES Addendum (Appendix 1) and identified in the draft amended Plans (Appendices 2 to 4).
- 2.10 In brief, however, Proposed Change 1 comprises a number of distinct elements combined as a single change to the originally proposed marine infrastructure, as summarised in the following paragraphs.
- 2.11 **Approach jetty** – the approach jetty has been straightened for efficiency from the alignment originally submitted, thereby accommodating an improved swept path for vehicular movement whilst at the same time moving the approach jetty away from IOT marine infrastructure. The realignment has also facilitated a repositioning of some of the piles leading to a slight reduction in the number of piles used.
- 2.12 **Bridging of foreshore pipelines** – at the interface between the landside and the approach jetty, the jetty structure has been raised from the design originally submitted to enable ease of access/inspection of the pipes running under the new jetty.
- 2.13 **Restraint dolphins** – up to two additional restraint dolphins are proposed for each of the landing pontoons to improve stability. The environmental effect of the increase in the number of piles required for the restraint dolphins has been assessed as minimal – this is outlined in the ES Addendum (Appendix 1) at paragraphs 7.2.3 - 7.2.8 and 9.2.6 - 9.2.9.
- 2.14 **Finger pier adjustments** – two additional piles to support bollards above, have been added to the Proposed Development's finger piers to improve mooring performance. In addition, the platforms serving both finger piers have been enlarged to facilitate the provision of the shore to ship power equipment. The additional piling required has been assessed to identify whether there is likely to be a change to the conclusions on environmental impact set out in the ES. The conclusion is that any additional impact will be minimal – as detailed in the ES Addendum (Appendix 1) at paragraphs 9.2.6 - 9.2.9.
- 2.15 Figures 1 and 2 below show how the originally submitted scheme would be amended if this proposed Change 1 is accepted.



Figure 1 – Line of the Approach Jetty as originally submitted



**Figure 2 – Proposed realignment of the Approach Jetty and related works**



## **2.16 Proposed Change 2: A Realignment of the Internal Link Bridge and Consequential Works**

- 2.17 With a view to improving the operational efficiency of the Proposed Development's storage areas, the Applicant wishes to realign and shorten the internal bridge linking the Northern Storage Area with the Central Storage Area.
- 2.18 This Change has the twofold advantage of increasing the storage space available in the Central Storage Area whilst also enabling the Applicant to improve the functionality of land available for three of the Applicant's tenants/sub-tenants (namely Mr Philip John Drury, Drury Engineering Services Limited, Malcolm West Fork Lifts (Immingham) Limited and P.K. Construction (Lincs) Limited) following the bridge's construction. In brief, the realignment will reduce disruption for existing tenants who will remain on site following construction, whilst enabling pedestrian access under the new link bridge.
- 2.19 The proposals as submitted as part of the February 2023 DCO application would have taken the southern line of the bridge across the ABP internal railway line and some distance into the Central Storage Area. By shortening the length of the bridge an area of land within the Central Storage Area previously not available for use can be brought into use.
- 2.20 The change affects the originally submitted plans in that to bring the bridge down safely before ABP's internal railway line, it will be necessary to amend the originally identified limits of deviation.
- 2.21 Figures 3 and 4 below show how the originally submitted scheme would be amended if this proposed Change 2 is accepted. Further details are provided in the ES Addendum (Appendix 1) at paragraph 2.3.

Figure 3 - Line of the Internal Link Bridge as originally submitted

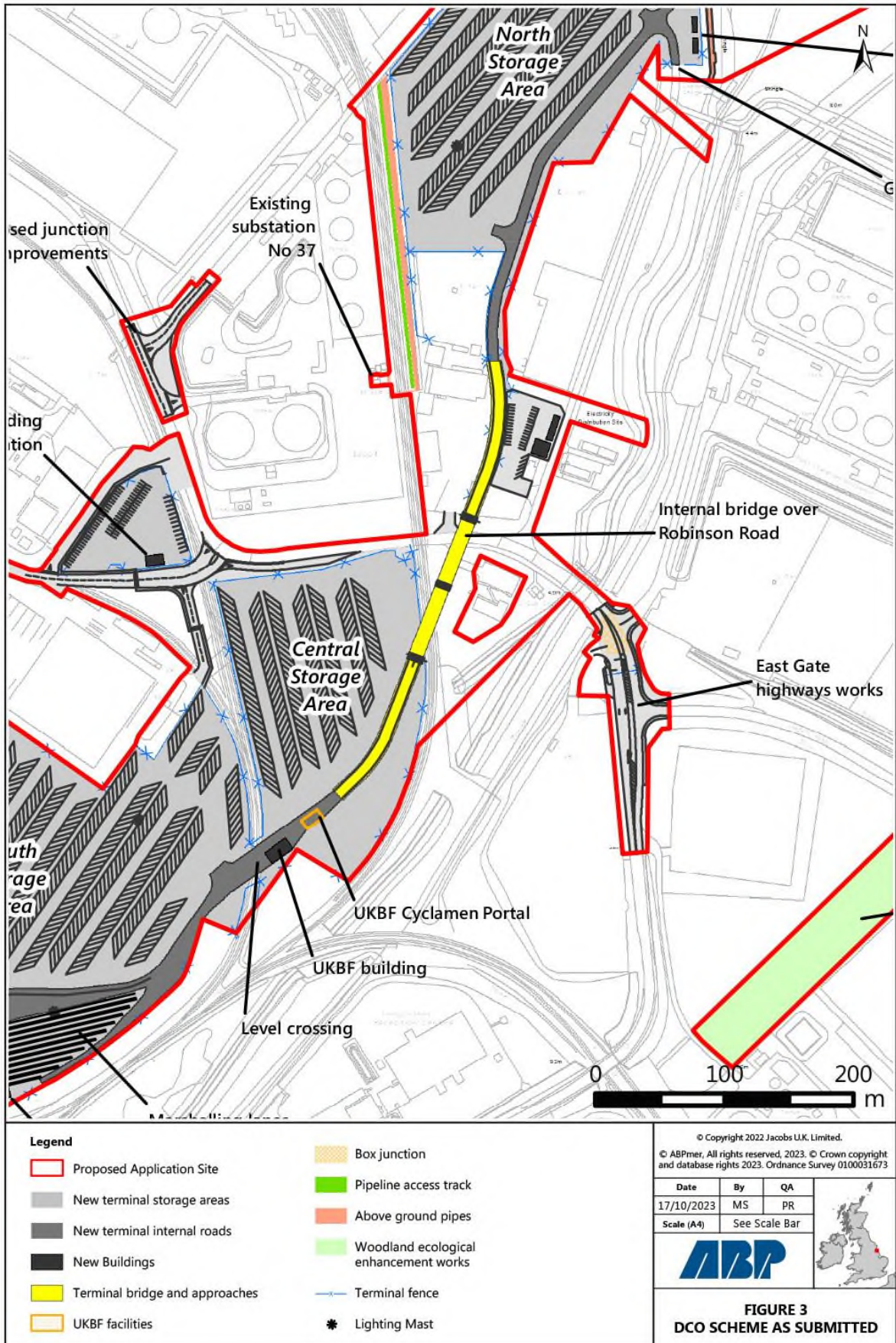
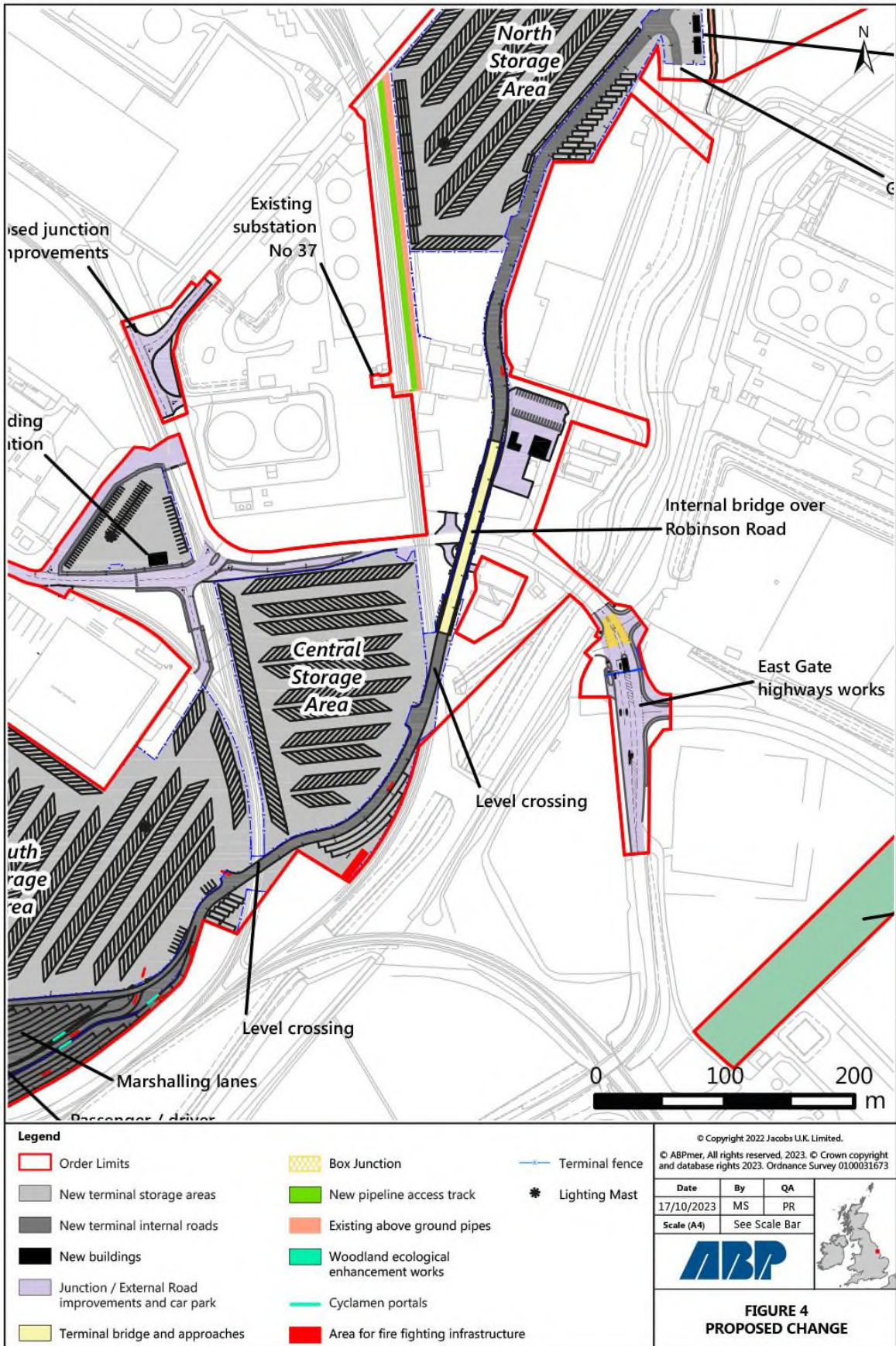


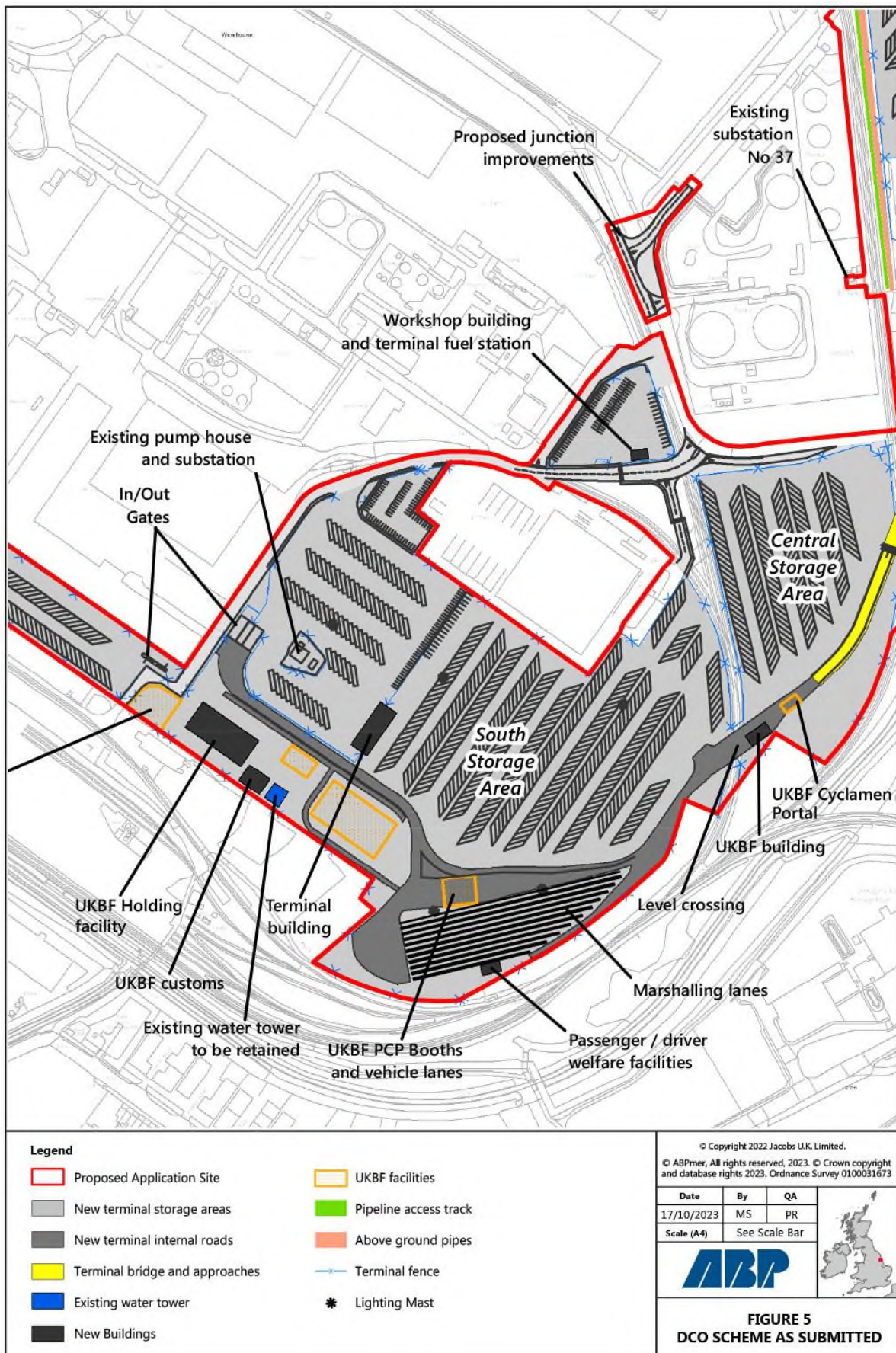
Figure 4 – Line of the proposed realigned and shortened Internal Link Bridge



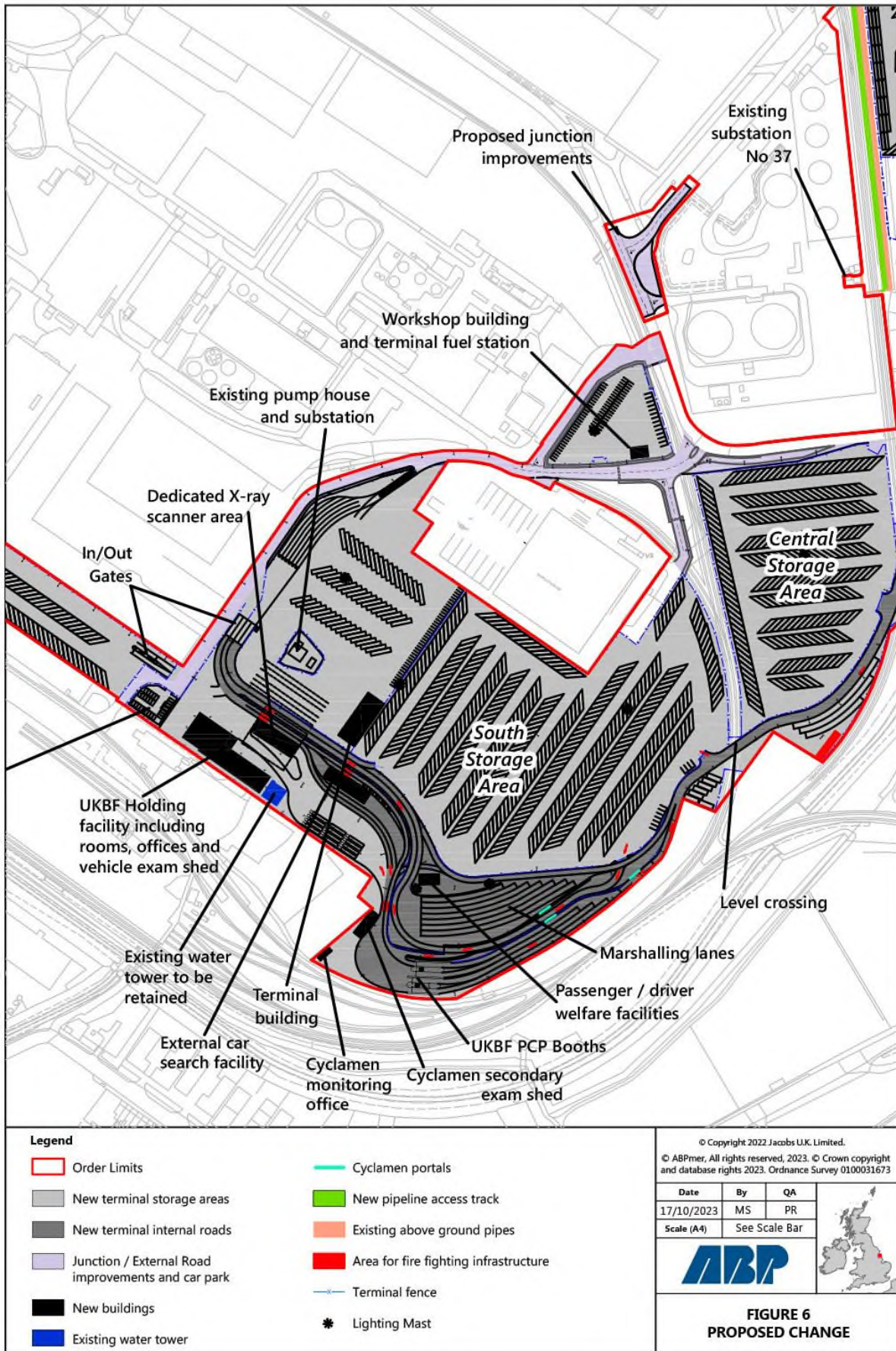
**2.22 Proposed Change 3: The Rearrangement of the UKBF Facilities**

- 2.23 The provision of suitable facilities for UKBF is required. Negotiations with UKBF as to their specific requirements, the location of certain buildings, for example the car search bays, passport control and Vehicle X-ray scanning facilities, have been ongoing since before the submission of the DCO application.
- 2.24 The area within which the UKBF facilities will be located has not changed since submission, but the general layout and the location of the facilities has changed to reflect UKBF's stated preferences.
- 2.25 In addition, in consultation with UKBF, changes are proposed to the operational layout to enhance the efficiency, safety, and security of the facility. For example, the inbound road and associated passport control booths have been moved to the southern boundary with the shift of the marshalling lanes to move slightly northwards.
- 2.26 Figures 5 and 6 below show how the originally submitted scheme would be amended if this proposed Change 3 is accepted. Further details are provided in the ES Addendum (Appendix 1) at paragraph 2.4.

Figure 5 – Arrangements for UK Border Force facilities as originally submitted



**Figure 6 – Proposed rearrangement of UK Border Force facilities**





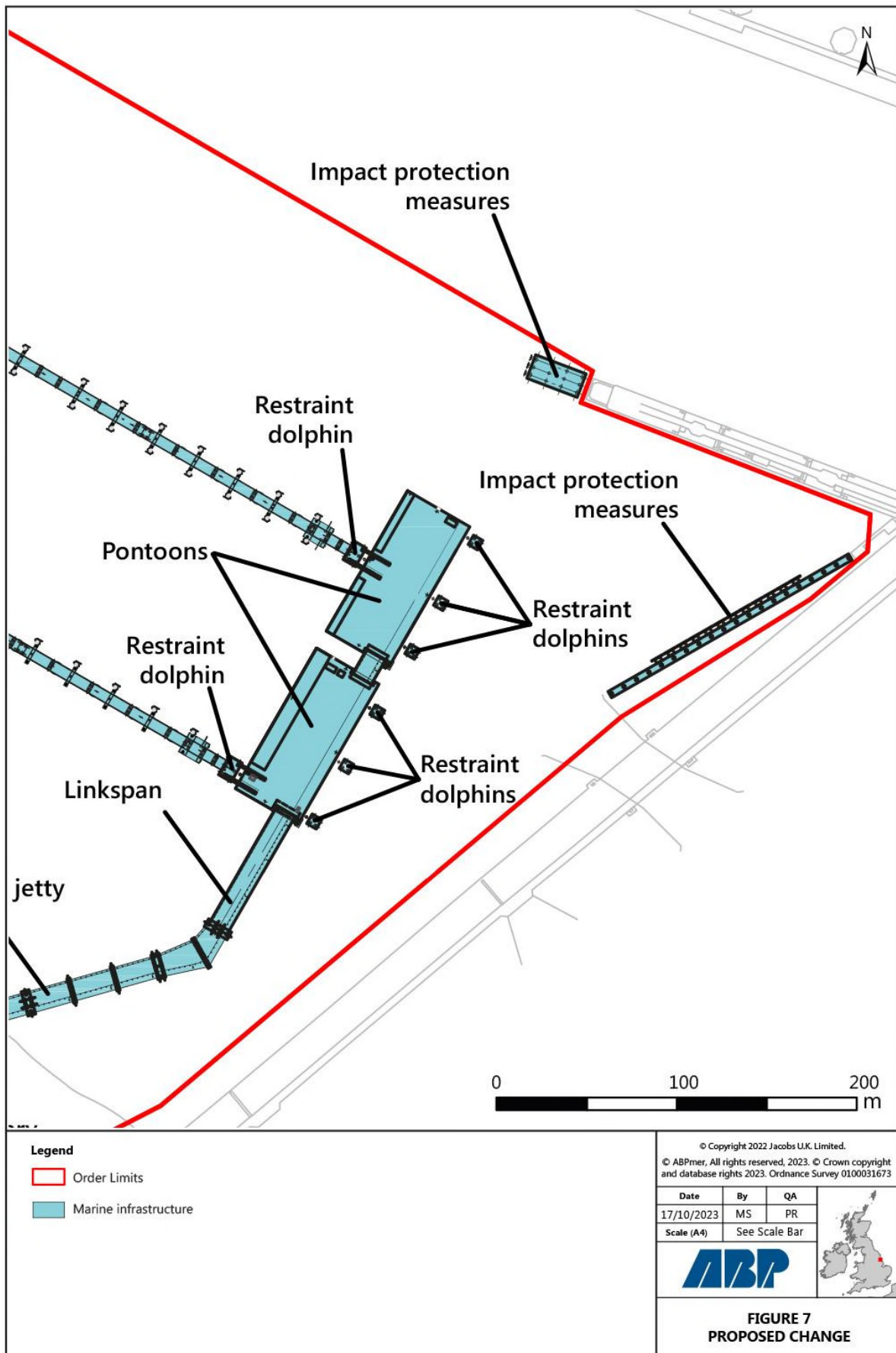
**2.27 Proposed Change 4: Enhanced Management Controls and Options for the Potential Provision of Additional Impact Protection Measures**

- 2.28 The Applicant's NRA – The DCO application for the Proposed Development was accepted for examination by the Secretary of State on 6 March 2023. One of the documents supporting the Applicant's application was a Navigational Risk Assessment ((“NRA”) – [APP-089]).
- 2.29 Following a comprehensive assessment of the potential risks arising either during the construction or operation of the IERRT, it was concluded that the risks were tolerable and “As Low As Reasonably Practicable” (“ALARP”) and that any additional Impact Protection Measures to act as barrier to protect existing marine infrastructure were not required.
- 2.30 The conclusions reached in the NRA were endorsed by both the Port of Immingham SHA and the Humber SHA. The draft NRA was then presented to the Applicant's HAS Board in December 2022 and following a presentation to the Board, the “Duty Holder” approved the conclusions reached.
- 2.31 As at the date of this Proposed Changes Notification, the Duty Holder has neither seen nor has it been presented with any information or evidence that would suggest that it should alter its original position. That includes its review of evidence submitted by the IOT Operators and DFDS during the course of the examination. The Applicant has, however, continued to engage with any concerns that have been raised.
- 2.32 The IOT Operators – The IOT Operators occupy, on licence from the Applicant, a trunkway and finger pier located to the east of the site of the Proposed Development.
- 2.33 Notwithstanding and without prejudice to the conclusions reached in the NRA and the determination of the Duty Holder (in light of the expert advice that has been received) that additional impact protection measures are not required for the either the construction or operation of the Proposed Development, the Applicant has continued to engage with the IOT Operators to seek to address their concerns.
- 2.34 In so doing, considerable time and attention has been given, in conjunction with the IOT Operators, to the “high level” potential design for impact protection measures plan proposed by Beckett Rankine on behalf of the IOT Operators, as attached to the letter dated 28 September 2023 from the Applicant's solicitors to the Examining Authority, a copy of which is proved as Figure 8 below.
- 2.35 As the ExA is aware, in that letter, the Applicant - *“agreed to work with the IOT Operators with a view to developing a scheme of marine infrastructure protection 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 [the Applicant] and APT.”*
- 2.36 As also set out in that letter of 28 September 2023, without prejudice to the respective positions of the Applicant and the IOT Operators, the Applicant was prepared to commit to the delivery of impact protection measures based

- on the Beckett Rankine scheme on the basis that (amongst other things) the revised layout for the IOT finger pier would enable a second coastal tanker to berth on the northern side of the finger pier. In addition, the relocated impact protection measures, constructed to a standard that would retain a vessel drifting towards the IOT trunkway or the IOT finger pier, would be so located so as to enable APT's barges still to berth on the southern side of the IOT finger pier and the IERRT infrastructure would be sufficiently resilient to arrest a vessel drifting in a southerly direction towards the IOT trunkway.
- 2.37 As anticipated in that letter, the Applicant and the IOT Operators have continued - and are continuing - to engage with regard to those high level proposals through a series of meetings which have included the Applicant's marine architects and engineers.
- 2.38 As noted in Section 3 below, however, (at paragraph 3.20 et seq.), those further discussions have recently culminated in the emergence of specific requirements from the IOT Operators which the Applicant considers go beyond those originally proposed by the adoption of the Beckett Rankine scheme. The Applicant and its experts do not consider the scheme now required by the IOT Operators to be feasible for a number of reasons - including navigational, engineering practicability, environmental impact and scheme viability.
- 2.39 As a consequence, as part of its continuing engagement, the Applicant is seeking to identify an alternative option/s which could still address the concerns expressed by the IOT Operators whilst still being without prejudice to the Applicant's position as stated above.
- 2.40 It should be emphasised that the Applicant intends to continue to engage with the IOT Operators throughout the Changes Consultation period with a view to reaching agreement on such options, which would then be reflected in the formal Changes Application.
- 2.41 As a consequence, the Applicant is currently discussing with the IOT Operators potential options which include the following elements –
- 2.42 **Enhanced navigational management controls** – In summary, whilst not constituting or requiring any “change” in engineering/construction terms, the Applicant is proposing to amend the draft DCO by the addition of a new Requirement in relation to the publication of enhanced navigational management controls designed to regulate the management of vessels arriving at or departing from the IERRT berths. The vehicle for these enhanced controls will be either by the issue of a General Direction/Notice to Mariners or a revision to the Immingham Marine Operations Manual.
- 2.43 The Applicant will seek to agree these additional navigational management controls - which will be on the basis that, where circumstances so demand, tug assistance will be deployed for vessel arrivals to Berth 1 during an ebb tide - with the IOT operators during the Changes Consultation period.
- 2.44 **Impact Control Measures** – The draft DCO will also be amended in two further respects –

- a) **Linear protection** – The Applicant will retain the conditional provision of the linear protection barrier for the IOT trunkway as already identified in Schedule 1 of the submitted DCO application, (Work No. 3 as shown on the General Arrangement Plans); and
  - b) **Additional protection barrier** – In addition, the Applicant also proposes, again conditionally, to add – either as a new Work or as an addition to the current Work No.3 - the ability to construct a protection barrier to be located at the western end of the IOT finger pier.
- In both respects, it should be noted that the provision of impact protection measures remains conditional on a recommendation by the Statutory Conservancy and Navigation Authority, as detailed in Requirement 18 of the draft DCO.
- 2.45 The rationale and need for these proposed changes/amendments are discussed in more detail in section 3.
- 2.46 The proposed conditional scheme changes in relation to the provision of impact protection measures are illustrated at Figure 7.

Figure 7 – Change to the Conditional Proposed Impact Protection Measures



### 3 **Section 3 – Rationale and Need for the Changes**

#### 3.1 **Proposed Change 1: Rationale and Need – The Realignment of the Approach Jetty and Related Works**

3.2 Through a process of design refinement, the alignment of the approach jetty has been optimised so as to provide a more direct route between the landside and the Proposed Development's berthing/landing pontoons.

3.3 The amended design will move the approach jetty some 31 metres further away from the Immingham Oil Terminal trunkway at its closest point (from 38 metres as originally proposed in the DCO application to 69 metres).

3.4 The change in design will also improve the construction sequencing of the jetty in that –

- a) the grouping of the piled rigid frames;
  - b) the reduction in jetty length; and
  - c) the increased length of the deck sections (25 metres in length as opposed to sections of 12.5 metres as originally proposed) –
- will help to reduce the construction programme by approximately two months.

3.5 A further change which is being proposed is as a result of a need to raise the height of the approach jetty. This change in height is required for two reasons, namely –

- a) As part of ongoing stakeholder discussions, it has been agreed that the height of the approach jetty as it crosses onto the port estate should be raised so as to increase the jetty's clearance over the pipelines that run along the frontage of the Port, thereby facilitating the inspection and maintenance of the pipelines when required.
- b) In addition, as part of the approach jetty's design evolution, it is also necessary in engineering terms to raise the jetty with a view to reducing the lateral loading of wave energy on the jetty itself. This will lead to an improvement in the construction methodology to be employed as a result of a reduction in the number of raking piles, thereby improving construction sequencing and programme.

3.6 Further engineering design has also allowed, in some cases, a reduction in pile diameter, thereby ensuring that there is no additional marine habitat loss as a result of any of the marine changes (see Chapter 9 of the ES Addendum). As well as this, mooring improvements as a result of the additional bollards will increase the operational windows and further enhance safety during adverse weather conditions.

3.7 These changes have been introduced to enhance safety, access and maintenance provisions for other stakeholders in the Port and as a result of further refinement to the marine elements of the design.

### **3.8 Proposed Change 2: Rationale and Need – Realignment of the Internal Link Bridge and Consequential Works**

- 3.9 This proposed change involves a significant reduction in the length of the internal bridge, within the statutory port estate, which links the Northern Storage Area with the Central Storage Area.
- 3.10 The reasoning for proposing this change arises from a need to rationalise the use of available space within the site of the Proposed Development whilst also improving the position of the Applicant's tenant and sub-tenants currently occupying land immediately adjacent to the site of the Proposed Development and who will remain in position once operations at the new Ro-Ro Terminal have commenced.
- 3.11 The shortened bridge, at its northern end, will still cross over the internal port road, Robinson Road, but will then cross the ABP controlled railway line at ground level by means of an ABP controlled level crossing – although it should be noted that this railway line is in fact rarely used – beyond which access will be gained to the Central Storage Area.
- 3.12 In order to bring the roadway to ground level before reaching the level crossing, it has also been necessary to refine the ramp length without imposing excessive gradients that might compromise safety.
- 3.13 As noted above, the shortening of the bridge has led to a need to make a slight adjustment to the line of the bridge, which has led to the need to alter the originally defined limits of deviation.
- 3.14 The reasoning supporting this particular change is twofold –
- a) Northern side – To the northern side of Robinson Road, the proposed design will minimise disruption to existing tenants during construction and reduce visual impact during operation. In addition, once works of construction have been completed and the Terminal is operational, due to the fact that the bridge will now be an open structure, the occupiers of the land will enjoy improved facilities including pedestrian access to their car parking areas underneath the bridge – away from the footpath alongside Robinson Road. The new alignment also reduces the impact on wider port operations as the revised building alignment means that a series of HV cables will not have to be diverted.
  - b) Southern side – On the southern side, the reduction in the length of the bridge means that the access and internal road will be at ground level throughout the entirety of the Central Storage Area. This will enhance the functionality of the storage area by improving the location of the access between the internal trunk road and the parking area itself. This also reduces the need for a wider level crossing on the southern side of the Central Storage Area, the realignment of the internal bridge enabling an adjustment to be made to the angle of the internal approach road and maximises the use of the adjacent land. The realignment is necessary due to site and design constraints, including fitting a bridge between the level crossing to the south, accommodating the building constraints to the north in the

context of the Applicant's tenants and subtenants, meeting the headroom requirement over Robinson Road, and adhering to the maximum design bridge gradient.

### **3.15 Proposed Change 3: Rationale and Need – The Rearrangement of the UKBF Facilities**

3.16 Discussions with UKBF as to their requirements, in terms of both their essential facilities and the location/layout of those facilities, has been ongoing for some time – and commenced before the submission of the DCO application. The Applicant has continued to engage with UKBF to satisfy their requirements.

3.17 The changes are intended to ensure that UKBF is provided with control facilities that meet their preferences. Accordingly, Proposed Change 3 is proposed to give effect to those preferences.

3.18 The changes now proposed will improve the operability and efficiency of the customs arrangements within the Terminal, as requested by UKBF.

3.19 None of the changes proposed will require an amendment to the limits of deviation as identified in the original DCO application.

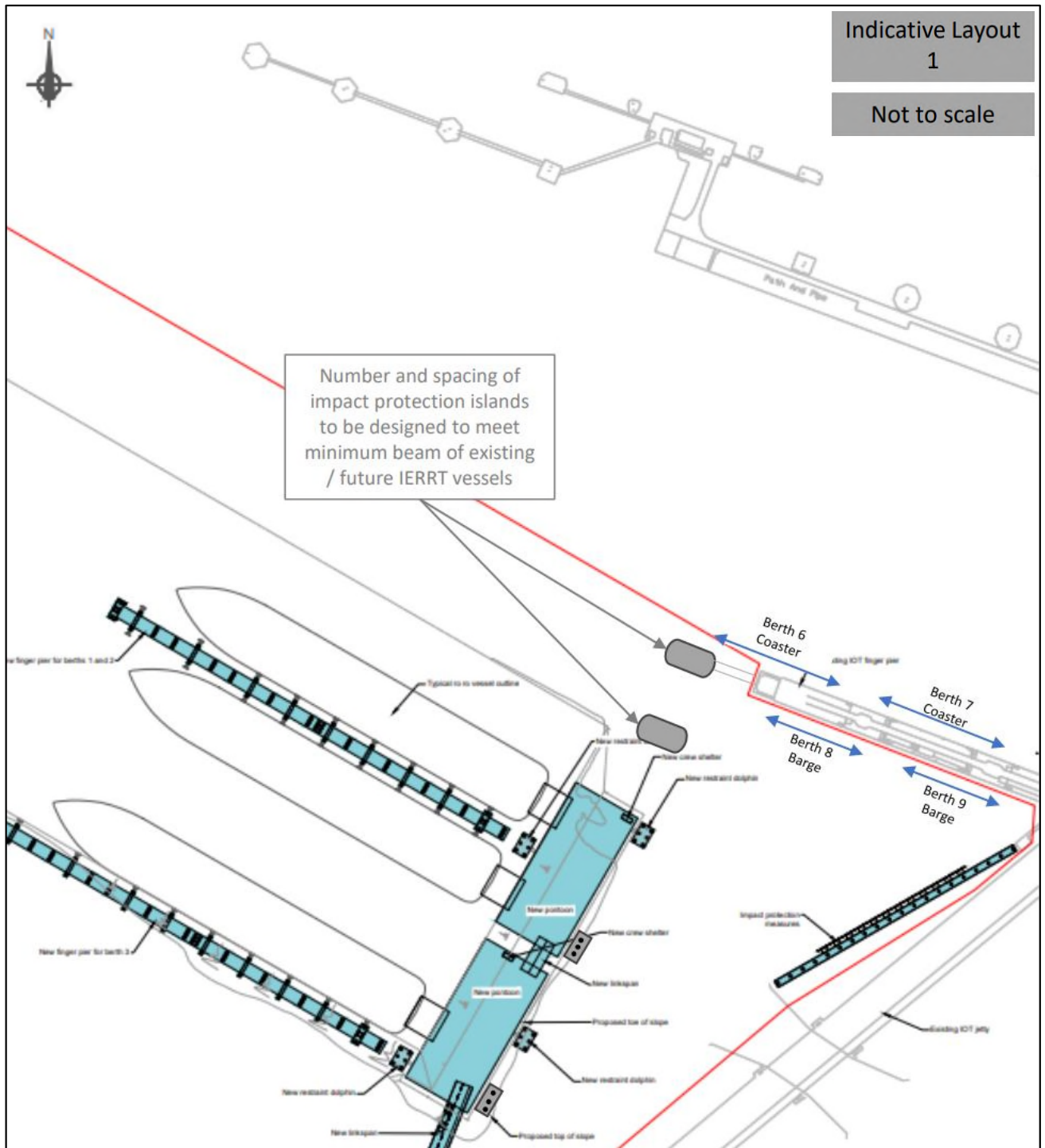
### **3.20 Proposed Change 4: Rationale and Need – Enhanced Management Controls and Options for the Potential Provision of Additional Impact Protection Measures**

3.21 It is relevant to repeat in the context of the following proposed change as summarised in section 2 above that the Applicant remains of the view that, in light of the conclusion reached in its submitted Navigational Risk Assessment (“NRA”), as endorsed by the Duty Holder, impact protection measures are not required as part of the Proposed Development.

3.22 Notwithstanding and without prejudice to the conclusions reached in the NRA and the determination of the Duty Holder (in light of the expert advice that has been received) that additional impact protection measures are not necessary for the construction and operation of the Proposed Development, the Applicant has continued to engage with the IOT Operators to develop a scheme of marine infrastructure protection based generally on the Beckett Rankine high level proposals (as shown on the plan attached to the letter dated 28 September 2023 [AS-020]).

3.23 A plan of the original Beckett Rankine scheme is provided at Figure 8 below.

**Figure 8 - Beckett Rankine scheme**





- 3.24 Since the close of the ISH3 hearings, extensive discussions between the Applicant and the IOT Operators and their advisors have continued to take place. During these discussions, however, it has become apparent that unfortunately the 'high level' schematic of the proposed impact protection presented by the Beckett Rankine scheme during the ISH3 hearings does not meet the functional requirements that the IOT Operators are now stating as being required.
- 3.25 Leaving aside the Applicant's position on them, the functional requirements that the IOT Operators now require, as referenced by them during engagement with the Applicant following the ISH3 hearings, can be summarised as follows:
- a) 2 x "impact protection islands" with a maximum gap of 25m (no greater than the beam of the smallest IERRT design vessel);
  - b) The impact protection structures should be independent of any extension of the finger pier, with sufficient clearance to ensure separation from the finger pier in case of allision;
  - c) Design vessel speed – 4 knots (the maximum current velocity which occurs <1% of the time);
  - d) Design vessel size – all IERRT vessels including Future Vessel;
  - e) 2 x barge berths on south face of finger pier;
  - f) 2 x coaster vessel berths on northern face, requiring an extension of the finger pier of approximately 100m; and
  - g) Modifications to existing, and provision of new, topside equipment including pipework and Marine Loading Arms to accommodate two coaster vessel berths on the northern face of the finger pier.
- 3.26 Following the establishment of what the IOT operators have stated to be their functional requirements (and again leaving aside the Applicant's position about them), the Applicant undertook an initial feasibility study in order to establish in principle the extent of infrastructure that would be required to meet such stated requirements.
- 3.27 This assessment concluded that there were a number of significant issues that now preclude a viable option being developed to meet what the IOT operators have stated to be their requirements. The key issues can be summarised as follows:
- a) **The size of the impact protection structures** – the requirement to design impact protection structures to accommodate the largest design vessel travelling at a maximum current speed of 4 knots resulted in a plan area of each impact protection structure in the order of 45m long by 25m wide by 30m high. This compares to an approximate size of 20m by 10m as shown in the Beckett Rankine sketch. One impact of such a significant size increase would be the introduction of a significant additional navigational constraint, to both IOT and the proposed IERRT operations.

- b) ***The required form of construction*** – due to the energy absorption required and the resultant impact force of over 80MN in the design requirements being suggested by the IOT Operators, it is anticipated that construction of solid gravity caissons or cofferdam structures would be required, as an open piled structure would have insufficient strength. The construction of such structures would require the dredging of up to 10m depth of seabed to accommodate the founding of the structures on the competent underlying strata. This not only creates a significant challenge to construction viability, but would also have the potential effect in terms of introducing the risk of undermining the existing IOT finger pier sub-structure.
- c) ***The environmental impact of the impact protection structures*** – the provision of solid vessel impact protection structures of the type that have emerged from the IOT Operators' stated requirements (as compared with those illustrated in the Beckett Rankine plan) are likely to result in material changes to the hydrodynamic regime in the vicinity of the IOT finger pier, altering current flows and consequential effects on foreshore erosion. The different direct sub-tidal habitat loss due to the footprint of the two impact protection structures would also have to be addressed.
- d) ***The navigational impact of the finger pier extension*** – whereas the Beckett Rankine plan was intended to accommodate two coaster vessels on the northern face of the finger pier in the arrangement shown, the stated requirements of the IOT Operators which have emerged are based on providing an extension of approximately 130 metres to the finger pier. This extension, along with the provision of the large impact protection structures (identified above) result in an encroachment into the navigational area of IERRT and increase the risk of allision (in contrast to what was illustrated in the Beckett Rankine plan).
- e) ***The modifications to the existing finger pier and topside infrastructure*** - in addition to an emerging requirement to extend the finger pier to the length indicated, the IOT Operators have also stated that they would require the installation of five new Marine Loading Arms and extensive modifications to existing pipework and ancillary systems. It is likely that this would also necessitate structural modifications and the strengthening of the existing jetty to accommodate the repositioning of the new Loading Arms.

3.28 Following the completion of the initial feasibility study, the Applicant proposed an alternative scheme in an effort to reach an agreement in principle with the IOT operators.

3.29 That alternative version, based on the Beckett Rankine scheme, will accommodate a maximum design velocity of 2.9 knots, derived from a statistical analysis of current velocities and which is already in excess of the current operational limit for the deployment of tugs on the Humber, namely 2.5 knots.

- 3.30 Whilst this reduction in design velocity enables the impact protection structures to be constructed using an open piled form of construction, the other stated requirements of the IOT Operators that have emerged still result in the structures remaining of a significant size - each structure requiring 25 vertical steel piles, with consequential environmental impact. The plan dimensions of the structures also remained significant, with the consequential impacts as described above.
- 3.31 Further, to satisfy the requirements of the IOT Operators, the Applicant is also being required to increase the linear protection of the IOT trunkway from 20 to 25 piles.
- 3.32 In the light of the above and despite ongoing engagement with the IOT Operators, it has not been possible to identify a deliverable and proportionate scheme based generally on the Beckett Rankine proposal but which would still meet all of what the IOT Operators have subsequently stated they require for such a physical structure.
- 3.33 The Applicant is of the view, however, that it will be possible to address the IOT Operators' stated concerns through a combination of enhanced operational management measures together with the option to provide impact protection measures as set out below. These proposals will form the basis of ongoing discussions during the Changes Consultation period.
- 3.34 ***The Applicant's Operational and Impact Provision Options*** - As a result of the continuing discussions with the IOT Operators, and again without prejudice to the Applicant's position on the existing proposals and the NRA that has been conducted of them and the conclusions reached that no additional measures are required, the Applicant is proposing a formulation in respect of operational measures and impact protection options which will, it is intended, meet the substance of the concerns of the IOT Operators in any event.
- 3.35 ***Enhanced Navigational Management Measures*** - As noted above, discussions with the IOT Operators have been ongoing and are continuing. As a consequence of these discussions, the Applicant proposes to amend the draft DCO so as to include a new Requirement, to be met by the Port of Immingham Dock Master, to issue enhanced navigational management measures either by a General Direction/ Notice to Mariners or by an amendment to the Port of Immingham Marine Operations Manual which will specify navigational management and control measures for the berthing and sailing of vessels to and from the proposed IERRT development.
- 3.36 The enhanced measures will encompass the regulation and control of vessels under different tidal and wind conditions, for example the use of tugs, in certain prescribed circumstances, on an ebb tide.
- 3.37 The Applicant will seek to agree such navigational management and control measures with the IOT Operators during the course of the Changes Consultation.
- 3.38 ***Impact Protection Measures*** – in addition to the enhanced operational management measures noted above, the Applicant is also proposing to

enhance further the potential impact protection measures that can be installed if required, as follows:

- a) The Applicant will retain the conditional provision of the linear protection barrier in front of the IOT trunkway (Work No. 3) as identified in the submitted General Arrangement Plans, [APP-009]; and
- b) The Applicant is seeking to amend the submitted draft DCO to include, again conditionally, the provision of an additional impact protection barrier to the west and in front of the IOT finger pier.

3.39 In more detail, the draft DCO at Requirement 18 currently provides that –

*“The [Undertaker] must give due consideration to any recommendation received from the Statutory Conservancy and Navigation Authority that Work No. 3 is required in the interest of navigational safety in the River Humber”.*

3.40 Work No. 3 currently comprises the linear protection barrier fronting the trunkway. The description of that Work will, however, be amended as part of the proposed Change Application to include the western finger pier protective barrier as noted at paragraph 2.23(b).

3.41 The Applicant will continue to address observations as to the terms of Requirements 18 during the course of the examination, but the general approach set down in the draft DCO will remain. In other words, the potential provision of impact protection measures will continue to be included within the draft DCO, but to be provided if the Applicant is so advised by the statutory harbour authority.

3.42 This approach remains consistent and in accord with the conclusions of the Applicant’s NRA but will enable the potential provision of additional protection measures to the finger pier. As far as sub-paragraphs (a) and (b) above are concerned, a plan detailing the proposed scheme which is the subject of this Change Notification is provided at Figure 7 above.

- 4        **Section 4 – Compliance with the Infrastructure Planning (Compulsory Acquisition Powers) Regulations 2010**
- 4.1      Whereas the Beckett Rankine proposals, as discussed in Section 3 above, would have potential required amendment the Order Limits to secure temporary rights of access over the IOT Operators' finger pier so as to enable the construction of the finger pier extension, the proposed Changes do not.
- 4.2      None of the Changes to the IERRT development as now proposed, require any amendment to the Order Limits and the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 will not be engaged.
- 5        **Section 5 – New or Different Likely Significant Effects**
- 5.1      Advice Note 16 requires the Applicant to provide –
- “A Statement establishing whether the change is expected to result in any new or different likely significant environmental effects, as summary description of those effects and any mitigation proposed”.*
- 5.2      The proposed changes as detailed in the PCNR will not result in any new likely significant environmental effects. All of the proposed changes have been assessed in terms of additional or different environmental effects and the following aspects of the environment and impact pathways have the potential to be affected:
- a) **Physical processes** – local changes to hydrodynamic regime, wave regime and sediment transport pathways, and potential impacts on existing features;
  - b) **Marine ecology** – direct and indirect losses of intertidal and subtidal habitat, and changes to coastal waterbird habitat;
  - c) **Commercial and recreational navigation** – no different or likely significant effects in terms of allision of vessels with marine infrastructure will arise (the Applicant will, however, continue in the provision of further confirmation of that);
  - d) **Air quality** – on-site emission sources during the operational phase;
  - e) **Airborne noise and vibration** - noise and vibration impacts during construction and operation, including on an additional noise sensitive receptor (the relocated Malcolm West building); and
  - f) **Climate change** – greenhouse gas emissions during construction.
- 5.3      For these aspects of the environment the assessment of effects has been adjusted to reflect the proposed changes. This is presented in the ES Addendum.
- 5.4      The overall conclusions reached in the ES Addendum, however, are no different to that presented in the original ES (i.e., the level of significance for each impact pathway remains the same).

5.5 Furthermore, given the proposed changes do not give rise to any new or materially different environmental effects, no additional mitigation (other than that which has already been identified in the ES) is considered necessary.

## 6 **Section 6 – Accommodation of the Change Request within the Remaining Statutory Timescale**

6.1 As noted in section 7 below, the Applicant is proposing to undertake a comprehensive consultation, reflecting the previously undertaken statutory consultation.

6.2 On that basis, the consultation will commence on Friday 20th October and close at 13.59 on Sunday 19th November.

6.3 Whilst fully accepting that the Applicant will need to produce a Consultation Report and finalise the application itself and supporting documentation, the Applicant would hope that the Changes Application could be accepted in early December.

6.4 As none of the Changes proposed are fundamental nor do they change the nature of the scheme, the Applicant is confident that any issues arising can be accommodated by the close of the examination on 25th January 2024.

## 7 **Section 7 – Timescale and Scope for the Consultation**

### 7.1 **Introduction**

7.2 The Applicant's non-statutory, but comprehensive, consultation commences on 20 October and closes on 19 November 2023 so as to ensure that all parties who are entitled to be consulted, who were consulted on the original Application or those with a potential interest in the changes are made aware of the proposed changes and have the opportunity to provide comments in advance of the submission of the formal change request to the Examining Authority. This will allow for their interests to be safeguarded and for those potentially impacted by the proposed changes to be informed.

7.3 Whilst there is no statutory requirement to carry out consultation on the proposed changes to the Application, ABP will be carrying out non-statutory consultation on each of the Proposed Changes. The Consultation will, however, be undertaken in line with the approach that was adopted for both statutory consultation exercises previously undertaken by ABP prior to submission of the Application (under the Original Statutory Consultation and the Supplementary Statutory Consultations), and in general conformity with the principles agreed with the relevant local authorities in the Statement of Community Consultation for the IERRT project ("SoCC"), which was published on 19 January 2022 (available to view under Appendix A to the Consultation Report - Examination Document Reference [APP-022]).

7.4 ABP confirms that it will have regard to all relevant responses received in response to the Consultation during the consultation period, when finalising its change request.

### 7.5 **Consultation Activities**

7.6 Advice Note 16 provides at paragraph 3.4 -

“Consultation about the proposed change may be done voluntarily by an applicant in advance of seeking procedural advice from the ExA in order to potentially save time. If an applicant wishes to consult in advance of Step 3 in Figure 1 but is unsure about how to proceed then it may make a submission seeking the views of the ExA as to the scale and nature of the consultation exercise.”

- 7.7 The Application is at present part heard. In light of the limited time remaining within the Examination Timetable ABP decided to undertake a full consultation on a voluntary basis without seeking procedural advice from the ExA before commencing the Consultation, in line with the principle outlined in paragraph 3.4 of AN 16. This approach was adopted in order to save time in respect of the Examination Timetable, whilst also recognising that by undertaking a comprehensive consultation exercise it would achieve maximum outreach to the local community about the changes to the Application as well as all parties with a potential interest in the changes.
- 7.8 ABP will be undertaking the following consultation activities during the Consultation Period:
- (a) Publication of non-statutory notice (“the Notice of Proposed Changes”), advertising the Consultation, in the national and local press, namely:
    - (i) The Guardian;
    - (ii) London Gazette;
    - (iii) Lloyd’s List;
    - (iv) Fishing News;
    - (v) Grimsby Telegraph; and
    - (vi) Scunthorpe Telegraph;
  - (b) Formal notification letters will be sent to prescribed consultees, local authorities, and those landowners and persons with an interest in land directly affected by the Application (including the Proposed Changes), informing them of the Consultation, explaining how they can provide feedback, and enclosing a copy of the Notice of Proposed Changes and Newsletter;
  - (c) Delivering by post of a Newsletter to all residential and business addresses located within the consultation zone (as set by the SoCC), providing information about the Proposed Changes and the Consultation being undertaken, including details of the planned public consultation events, how comments in response to the Consultation can be provided and how to seek further information;
  - (d) Publicising the Consultation and details of the consultation activities on ABP’s dedicated consultation website for the IERRT project;
  - (e) Publishing the consultation materials on ABP’s dedicated consultation website for the IERRT project;
  - (f) Displaying site notices in the vicinity of the Application site;

- (g) Displaying posters advertising the Consultation and consultation events at appropriate local information points, at the same locations previously used;
- (h) Emailing electronic copies of the Newsletter to all ABP's on-site Port tenants, as well as business/operators within the Port for which ABP had email addresses or which had previously asked to be informed about the IERRT project;
- (i) Providing copies of the Notice of Proposed Changes, Newsletter and poster by email to the following local Town and Parish Councils, to enable them to advertise the Consultation within their administrative area if they so wished:
  - (i) Immingham Town Council;
  - (ii) Stallingborough Parish Council;
  - (iii) Healing Parish Council;
  - (iv) Great Coates Parish Council;
  - (v) Killingholme Parish Council;
  - (vi) South Killingholme Parish Council; and
  - (vii) Ulceby Parish Council;
- (j) Providing details about the Consultation to North East Lincolnshire Council for inclusion in its upcoming mailshot on 19 October 2023 to subscribers of their consultation mailing list (approx. 5000 recipients);
- (k) Displaying hard copies of the consultation materials for members of the public to access and review at the Immingham Civic Centre and the Council's Municipal Offices in Grimsby, as well as for port users at the Seafarers Centre Immingham within the Port;
- (l) Holding two in-person consultation events, one for members of the public at Immingham Civic Centre and one for port users at the Seafarers Centre Immingham within the Port (same locations previously used);
- (m) Providing online webinars during the Consultation Period, subject to demand (interest to be registered);
- (n) Providing telephone surgeries with a member of the Project team for members of the public or interested parties to discuss any questions about the Proposed Changes, subject to request; and
- (o) Provision of inquiries and feedback channels, as follows:
  - (i) Emailing: [immroro@abports.co.uk](mailto:immroro@abports.co.uk)
  - (ii) Writing to: Associated British Ports, Port of Immingham, Dock Office, Alexandra Road, Immingham Dock, Immingham, North East Lincolnshire, DN40 2LZ (Quoting Reference: Immingham Eastern Ro-Ro Terminal)



(iii) Calling: Freephone 0808 169 9912

7.9 In a departure from the approach to consultation set out in the SoCC, ABP is not providing a feedback questionnaire as part of the consultation materials for the Consultation. This follows feedback received as to the usefulness of the document as a means of responding to the Original Statutory Consultation. A questionnaire was similarly not provided for the Supplementary Statutory Consultation carried out, as a result of the feedback received - ABP instead asking for all comments to be provided in writing in full – an approach which ABP confirmed in writing with the relevant local authorities responsible for the SoCC.

#### 7.10 **Consultation Documents**

7.11 The following documents have been prepared for the purposes of the Consultation, and comprise the Consultation Materials, in respect of which comments are invited.

- (a) Proposed Changes Notification Report (this document) – which describes the Proposed Changes, explains why the changes are being sought and whether they are anticipated to give rise to any new or different significant environmental effects;
- (b) Notice of Proposed Changes – non-statutory notice publicising the Consultation; and
- (c) Newsletter – providing details of the consultation events, how to respond to the Consultation and how to seek further information.

#### 7.12 **Consultation Report**

7.13 ABP will produce a Consultation Report reporting on the consultation undertaken, which will be submitted with the formal change request to the Planning Inspectorate acting on behalf of the Secretary of State.

7.14 The consultation report will demonstrate how ABP has sought to carry out a proportionate non-statutory consultation on the proposed changes to the Application. It will also set out how the feedback received to the Consultation was analysed and has been taken into account by ABP in finalising its change request.

### 8 **Section 8 – Indicative Timescale for Submission**

8.1 In accordance with Advice Note 16, this Report sets out when the request to make a change is likely to be made to the ExA.

8.2 For additional clarity, the anticipated programme dates for each of the steps contained in the Advice Note are set out below:

- (a) Notification of changes to the Planning Inspectorate: 19 October 2023
- (a) Consultation: Non-statutory 31-day consultation begins 20 October 2023 and closes 19 November 2023.
- (b) Submission of formal request for changes: week commencing 27 November 2023.