

IMMINGHAM EASTERN RO-RO TERMINAL



Applicant's Response to ExQ2 Submissions by Interested Parties

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1. Purpose of this document

- 1.1 The Examining Authority (ExA) issued its Further Written Questions and Requests for Information to the Applicant and other Interested Parties on 15 September 2023 **[PD-013]** (“ExQ2”). The Applicant, and the other Interested Parties to which the ExA addressed questions, then submitted their responses on 9 October 2023 (“Deadline 4”).
- 1.2 In the Examination Timetable appended to the Rule 8 Letter published by the ExA on 2 August 2023 (“the Rule 8 Letter”) **[PD-009]**, the ExA requested that Interested Parties provide comments on submissions received at Deadline 2 by 23 October 2023 (“Deadline 5”).
- 1.3 The tables below set out the Applicant’s comments on the answers provided by the Interested Parties to the ExQ2.
- 1.4 The ExA’s questions were 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]**. Each question has a unique topic prefix identifier (capital letters), a reference number which starts with 1 (indicating that it is from ExQ1) and then a question number.
- 1.5 The questions, along with their topic prefix and reference numbers, appear in Column 1 of the below tables. Column 2 contains the relevant examination library reference number to answers received by the Interest Parties to each question. Column 3 set out the Applicant’s submissions in relation to the ExQ1 answers provided by other Interested Parties.
- 1.6 A glossary of terms and list of acronyms can be found in Section 11.

2. Broad, General and Cross-Topic

Question	Reference to Interested Party Response	Applicant's Comments
<p>BGC.2.02</p> <p>Government policy concerning need and sustainable port development</p> <p>With respect to the Government's policy relating to the need for port development and the encouragement for "sustainable port development", 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>CLdN [REP4-020]</p> <p>DFDS [REP 4-023]</p> <p>IOT [REP4-035]</p> <p>MMO [REP 4-015]</p>	<p>The Applicant's response to [REP4-020] is provided within the overarching response to CLdN's deadline 4 submissions which has been submitted by the Applicant.</p> <p>DFDS have stated "DFDS does not consider that the Applicant has demonstrated that the proposed infrastructure is well designed in light of the safety risks it poses and likely implications on the commercial operations at the Port of Immingham". IOT has raised points on the same theme to DFDS. The Applicants response to [REP4-023] and [REP4-035] is covered in the overarching response to IOT and DFDS deadline 4 submissions which have been submitted by the Applicant – document 10.2.49 and 10.2.50.</p> <p>The Applicant welcomes the comments from MMO [REP4-015] relating to the Eastern Inshore and Offshore Marine Plans.</p>

Question	Reference to Interested Party Response	Applicant's Comments
<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>		
<p>BGC.2.03</p> <p>Relevant policies other than planning policy</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>	<p>CLdN [REP4-020]</p> <p>MMO [REP 4-015]</p>	<p>The Applicant welcomes the comments from MMO [REP4-015] that the MMO is content that all necessary legislation has been considered and that the Secretary of State has no other policies that it needs to consider.</p> <p>The Applicant's response to [REP4-020] is provided within the overarching response to CLdN's deadline 4 submissions which has been submitted by the Applicant - document 10.2.48.</p>
<p>BGC.2.04</p> <p>Implications of the Proposed Development's operation for adjoining Control of Major</p>	<p>Health and Safety Executive (HSE)</p>	<p>The Applicant is aware that Deadline 4 submissions have not been provided by the HSE but the ExA should be aware that the Applicant and the HSE are currently discussing such issues as may be still outstanding.</p>

Question	Reference to Interested Party Response	Applicant's Comments
<p>Accident Hazard (COMAH) sites 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>		<p>As part of the pre-application consultation process with the HSE, clarification was requested as to the extent of the HSE's remit. The HSE confirmed that the geographical extent of the provisions of the Town and Country Planning Act from which the HSE's regulatory powers are derived, does not extend to vessels in the marine environment – in other words beyond the extent to which LPAs have jurisdiction, which is typically the low water mark.</p> <p>In essence, a ship in motion, even if it is due to dock at or has just sailed from a port facility, does not form an active part of that marine infrastructure. As a consequence, any operational safety issues that may arise in this context, fall to the regulatory responsibility of the appropriate marine body, as dictated by maritime legislation.</p> <p>That said, the Applicant believes that the HSE would expect COMAH operators to demonstrate in their COMAH reports that the risks associated with any potential major incidents are ALARP, and this should also be taken into account when considering development proposals in their immediate vicinity.</p>

Question	Reference to Interested Party Response	Applicant's Comments
<p>BGC.2.05</p> <p>Issues of storage capacity for Stena</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>	<p>CLdN</p> <p>[REP4-020]</p>	<p>The Applicant's response to REP4-020 is provided within the overarching response to CLdN's deadline 4 submissions which has been submitted by the Applicant – document 10.2.48.</p>
<p>BGC.2.06</p> <p>Utilisation of facilities at Killingholme</p> <p>Comment on the Applicant's proposition that there "<i>... are little to no opportunities for any further</i></p>	<p>CLdN</p> <p>[REP4-020]</p>	<p>The Applicant's response to REP4-020 is provided within the overarching response to CLdN's deadline 4 submissions which has been submitted by the Applicant – document 10.2.48.</p>

Question	Reference to Interested Party Response	Applicant's Comments
<p><i>attractive berthing windows at preferred timeslots (i.e. during the day) at the current Ro-Ro berths in Killingholme ...” [page 72 in APP-079]?</i></p>		
<p>BGC.2.07</p> <p>Potential for unaccompanied Ro-Ro expansion at Killingholme</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>	<p>Stena Line BV</p> <p>[REP4-038]</p>	<p>The Applicant welcomes the clarifications made by Stena Line BV regarding the potential for unaccompanied Ro-Ro expansion at Killingholme and has provided additional points related to CLdN comments within the overarching response to CLdN’s deadline 4 submissions – document 10.2.48.</p>
<p>BGC.2.10</p> <p>Construction Environmental Management Plan (CEMP)</p>	<p>Environment Agency</p> <p>[REP4-014]</p>	<p>The Applicant notes the responses provided by the EA and the MMO in respect of the CEMP. The Applicant has reviewed the CEMP – and taken account of the responses submitted by the EA and the MMO – and has decided that it should be treated as an outline document to be approved pursuant to Requirement 8 of the dDCO. Please see</p>

Question	Reference to Interested Party Response	Applicant's Comments
<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>	<p>MMO [REP4-015]</p>	<p>updated 3.1 Draft Development Consent Order and updated 9.2 Construction Environmental Management Plan submitted at Deadline 5.</p>

3. Compulsory Acquisition, Temporary Possession and other Land Rights Considerations

Question	Reference to Interested Party Response	Applicant's Comments
All Questions in ExQ2 were for the Applicant.		

4. Climate Change

Question	Reference to Interested Party Response	Applicant's Comment
No questions in ExQ2.		

5. Draft Development Consent (dDCO)

Question	Reference to Interested Party Response	Applicant's Comment
<p>DCO.2.07</p> <p>Schedule 3 – Deemed Marine Licence (DML)</p> <p>a. Paragraph 1 (Interpretation) of Part 1 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. Condition 8 in Part 2 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 strategy to be prepared or submitted or should this condition simply set out a protocol for addressing cold weather conditions, with sub-</p>	<p>MMO</p> <p>[REP4-015]</p>	<p>The Applicant has reviewed the responses provided by the MMO in response to DCO.2.07 and has amended the dDCO accordingly. Please see updated document 3.1 - Draft Development Consent Order submitted by the Applicant at Deadline 5.</p>

Question	Reference to Interested Party Response	Applicant's Comment
<p>paragraphs (a) to (c) already stating what can/cannot be done.</p> <p>c. Condition 9 (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. Condition 12 (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>...</p>		

Question	Reference to Interested Party Response	Applicant's Comment
<p>(2) ... 30 minutes prior to the commencement of percussive piling a search should must be undertaken ... zone, percussive piling should must not be commenced ...</p> <p>(3) ... percussive piling will must cease until ...</p> <p>(7) Subject to sub-paragraph (7) (8) ...</p> <p>(8) (a) ... 200 metres from the exposed mudflat ...</p> <p>(8) (c) ... on all construction barges on the side of the barges closest to the foreshore and the 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 (10) (11) ...</p> <p>(13) if the wording of condition 8 (cold weather piling restriction strategy/protocol) is</p>		

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<p>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. Condition 13 - licensed activities to comply with the marine scheme of archaeological investigation, combine with Condition 10?</p> <p>f. Condition 20 (disposal at sea) – would there be any disposal at sea? If not then is this condition necessary?</p> <p>g. Condition 22 (notice to mariners):</p> <p>(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"> • (3)(c) - Is there a need to quote WGS84 in full and make provision for any successor document? 		

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<ul style="list-style-type: none">• (3)(c) - Re notifying the MMO is there any duplication with Condition 25? <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>		

6. Historic Environment including Marine Archaeology

Question	Reference to Interested Party Response	Applicant's Comments
No Questions in ExQ2.		

7. Biodiversity, Ecology and Natural Environment

Question	Reference to Interested Party Response	Applicant's Comments
All Questions in ExQ2 were for the Applicant.		

8. Navigation and Shipping

Question	Reference to Interested Party Response	Applicant's Comments
<p>NS.2.05</p> <p>Stakeholder input to assessment of risks</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>	<p>CLdN [REP4-020]</p> <p>CLdN Comment</p> <p>Whilst the issues of safety immediate to Immingham are not CLdN's day-to-day concern, CLdN is concerned if such issues and reservations from other IPs are not actively addressed. If an accident was to occur, this would impact the entirety of the Humber and, as such, would be detrimental for CLdN. CLdN notes that, to date, the Applicant has been resistant to, and dismissive of, these concerns. For example, whilst CLdN has not been party to the discussions between IOT and the Applicant, CLdN understands that the concerns raised by IOT remain outstanding. CLdN does not have any information on how the IOT works will avoid problems for</p>	<p>It should be noted that the Maritime and Coastguard Agency's comments effectively comprise a quotation from the Port Marine Safety Code (PMSC). It should incidentally be noted that the guidance states that the SHA should 'strive to maintain consensus' - not that it must achieve consensus, which of course, depending on the circumstances, may often be difficult to achieve.</p> <p>In this context, it should be noted that the Applicant has undertaken comprehensive stakeholder engagement throughout the NRA and application process – as has been pointed out on a number of occasions [REP03-12 and REP03-16].</p> <p>It should be recognised, however, that consensus between multiple stakeholders cannot always be achieved and certainly is not guaranteed. In undertaking such exercises there is always the risk that outstanding issues cannot be resolved, particularly in circumstances where the motives of the stakeholders involved are being driven by competitive commercial considerations.</p> <p>As far as the Proposed Development is concerned, it is clear that the Applicant is having to "strive" to accommodate stakeholders with differing commercial drivers. On that basis alone, the Applicant considers that it is extremely unlikely that full consensus will be achieved - although the ExA should be aware that stakeholder discussions are ongoing.</p> <p>In the context of stakeholder engagement generally, the ExA should note that the MSMS for Humber and Immingham contains</p>

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	<p>the whole navigation of the Humber. However, CLdN notes that the IOT adjustments are different from those originally proposed, meaning a Navigational Risk Assessment and simulations should be required for them. The Applicant, as an organisation, is both the operator and the Harbour Authority, so it must address the concerns of all IPs openly and cooperatively. The status of the Applicant represents a special circumstance that requires fair demonstration of impartiality and proactive efforts to achieve consensus, which the Applicant has not shown.</p> <p>DFDS [REP4-023]</p> <p>DFDS Comment DFDS believes that the main obstacle to achieving consensus is the Applicant continuing to dismiss the</p>	<p>information on continuous stakeholder engagement. All port users and operators are invited to input on the safety of marine operations of the port.</p> <p>Stakeholder engagement is an important part of managing the port marine environment with a specific focus on securing consensus on proposed protocols or procedures that relate to safety of navigation. Additionally, stakeholder engagement is important when producing or reviewing risk assessments where the view or opinion of third parties needs to be considered.</p> <p>All ports should have some form of stakeholder engagement via a port user group where matters relating to the promotion of port marine safety can be discussed. Port user groups meetings should take place at least once a year with the purpose of engaging stakeholders on such items as:</p> <ul style="list-style-type: none"> • Risk Assessment reviews • New proposals or procedures • Statutory consultation (byelaws General / Harbour directions etc) • Incidents and lesson learnt <p>The Guidance on the formation of port user groups is given in the National Directions Panel Supplementary Guidance: Code of Conduct on Harbour Directions.</p>

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	<p>genuine and serious safety concerns that are being raised by DFDS and others, for example the wind data, the direction of current, the impact on the Eastern Jetty, the lack of simulations at Berth 3 and making available the information related to the Selin S incident. In DFDS' view, the Applicant should consider and respect the views of one of its major customers, who are themselves highly experienced marine and safety professionals and the Applicant should have addressed these concerns much earlier in the process. DFDS have repeatedly informed the Applicant of what it considers is required to make the Proposed Development safe. The NRA prepared by Nash Maritime on behalf of DFDS and submitted at Deadline 2 [REP2-043] includes proposals as to what</p>	<p>Humber Estuary Services, through the Humber Harbour Master, ensures consultation with port users and stakeholders through regular meetings. These meetings are formally minuted and recorded.</p> <p>As far as the Humber ports are concerned, the following take place-</p> <p>Humber Liaison Committee Meeting Alternates between North & South Humber banks on a 12 monthly basis- Harbour Master, Port Operations Managers, plus river users, stake holders and various Marine Managers. Review of navigational safety, commercial and recreational interface.</p> <p>ABP, APT, P66, CLdN Ports, IBT Liaison Meeting Rotates between participants on a 6 monthly POM, Ops Managers' of APT, P66, CLdN Ports, and Immingham Bulk Terminal. It was formed as a discussion group for the Oil and Bulk Terminal operators with a view to maintaining good working practices and promoting safety. The group also reviews risk assessments as appropriate.</p> <p>ABP, Svitzer Liaison Meetings rotates between participants on a 6 monthly basis and are attended by Port Operations Manager, Deputy Duty Manager, General Manager - Svitzer, Pilots, & Tug Masters Agendas include tug operations, working practices, safety and training opportunities, review of any appropriate risk assessments.</p>

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	<p>mitigation would be required to move all risks to As Low As Reasonably Practicable (ALARP). Though it may be a challenge to achieve consensus by Deadline 5, DFDS is willing and committed to try to achieve this.</p> <p>IOT Operators [REP4-035] IOT Comment See section above</p>	<p>ABP, SMS Liaison Meetings rotate between participants on a 6 month basis, Port Operations Manager, Deputy Dock Master, General Manager - SMS, Pilots, Tug Masters. Discussions include tug operations, working practices, safety and training opportunities, consultation risk assessments etc..</p> <p>Other Groups include –</p> <p>The Safety of Navigation Review Committee Meeting (SNRC) Grimsby</p> <p>The Ports of Hull & Goole Health, Safety & Sustainable Development Committee</p> <p>And various port user consultation groups.</p> <p>As can be seen from the above, the Applicant maintains a comprehensive programme of stakeholder engagement, more than meeting the guidance provided by the PMSC.</p> <p>In the light of the above, the Applicant considers the comments of DfDS and IOT to be entirely without foundation and does not Details regarding agree that it is dismissive of serious safety concerns. .</p>

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<p>NS.2.07</p> <p>Examples of any comparable Ro-Ro berths and fuel import/export berths siting relationships</p> <p>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.</p>	<p>CLdN [REP4-020]</p> <p>CLdN Comment CLdN awaits the Applicant's submissions, which it expects at Deadline 4, on this point. In relation to Action Point 12 of the ISH3 Actions List [EV6-012], CLdN notes that the distance between the petrochemical jetty at Thurrock and the CLdN Ro-Ro facility at Purfleet is 1.32km (please see Figure 1 below). However, CLdN notes at this stage that it does not agree with the Applicant's view that the siting relationship of CLdN Ports London with the petrochemical jetty is comparable, because the jetty is downstream and remote from CLdN Ports London, with Ro-Ro and oil vessels not manoeuvring or</p>	<p>Details regarding similar port operations in the UK have been provided – [REP4-009 Appendix 1] – in relation to two of the Ports based on first hand marine experience.</p> <p>In REP4-020, the Applicant believes CLdN downplay the proximity of their operations on the River Thames. Their RORO facility on the Thames is in the middle of two Oil facilities and oil jetties which are both within 130m at the vessels.</p> <p>It is noted that DfDS and IOT in REP4-023 and REP4-035 make references to small domestic Ro-Ro vessel operations within the Port of Southampton, (Red Funnel), referencing Marchwood which lie son the other side of the Solent. It should be noted, however, that the Red Funnel operations are entirely different to the Ro-Ro operations proposed for the Humber and that whilst Marchwood is indeed a COMAH site, it is not a fuel import/export facility. The Applicant is of the view that the comments made by the Interested Parties in this context are misrepresentative of the facts.</p>

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	<p>operating within the same waters. CLdN vessels simply steam past the jetty at a slow speed, before continuing underneath the Queen Elizabeth Bridge and then manoeuvring, rather than interacting in any way. CLdN considers that the slides shown in ISH3 do not demonstrate similar issues to those which will face the Proposed Development. The fact that an oil terminal is within the vicinity of other ports, and that vessels pass it (with no interaction), is not the same as vessels manoeuvring and berthing in a small, constrained area. For example, at Milford Haven, the Ro-Ro vessels moving to and from Pembroke only pass the oil and liquefied natural gas terminals, in the main channel of the Haven – Pembroke itself is several kilometres away from either facility.</p>	

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	<p>DFDS [REP4-023]</p> <p>DFDS Comment</p> <p>Humber Ports: Within Associated British Ports Humber Ports (overseen by Humber Estuary Services led by ABP Harbour Master) there are three main Ro-Ro ferry (freight and passengers) operations. There are also a number also Liquid Bulk terminals within the ports along the river. Further details of the relevant Humber ports are as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Port of Hull: P&O Ferries operate from facilities at King George Dock River berth. Hull also handles Liquid Bulk traffic at the specialist Saltend Jetties. These facilities are located 3,200m apart from each other. <input type="checkbox"/> CLdN operate Humber Sea Terminal (HST) a specialist freight ferry facility for their 	

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	<p>own Ro-Ro services. Stena Line are currently also operating a RoPax (combination freight and passenger) service from there. The nearest Liquid Bulk handling facilities to HST are at two specialist berths, South Killingholme Jetty and Immingham Gas Jetty located 1,800m down river.</p> <p>□ Port of Immingham: DFDS operate out of Immingham Outer Harbour (IOH) and also within Immingham Dock. The closest Liquid Bulk operation to IOH is the Western Jetty which are 800 metres apart (as shown in Appendix 1). The Western Jetty handles approximately 500kT of cargo per year carried in c350 vessels. IOH was consented in 2004 via a Harbour Revision Order which carefully considered the compatibility of the two operations and received no objections on navigational</p>	

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	<p>issues. The Proposed Development will be sited within the major concentration of Liquid Bulk operations at Immingham Oil Terminal (IOT) and Eastern Jetty. These terminals handle fuel and chemical cargoes in varying sizes of vessels. Volumes handled are approximately 14Mt per year handled from c1100 vessels (including the largest vessels to call in The Humber as well as small coaster tankers and oil barges from the IOT Finger Piers). Ro-Ro vessels manoeuvring to/from the new berths at the Proposed Development would be within 95 metres of the IOT Finger Pier operations. Other UK Ports: The largest Port in UK is London. 7Mt pa of Ro-Ro cargo is handled at terminals in Port of Tilbury and CLDN's dedicated Ro-Ro operation at Purfleet. London handles c13Mt pa of Liquid Bulk traffic at a number of facilities.</p>	

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	<p>These operations are located at least 1000 metres from the closest Ro-Ro terminals. Forth Ports in Scotland is a major Liquid Bulk operation handling some 17Mt pa. There is a small Ro-Ro operation at Rosyth. The nearest Liquid Bulk terminal is over 9,000 metres away from Rosyth The Port of Tees handles 16Mt pa of Liquid Bulk traffic as well as 2Mt of Ro-Ro freight on two daily services (CLdN and P&O). The ferry terminal is located 2,500 metres from the nearest Liquid Bulk facility. Within the Port of Liverpool, Ro-Ro operations handle 9Mt pa of freight. Liquid Bulk volumes in the port are 11Mt pa. These are predominately handled at Tranmere Oil Terminal located 2,800 metres from the main Ro-Ro freight ferry facility at 12 Quays Birkenhead. Tranmere is 3,000m from the RoRo berths within the Port of</p>	

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	<p>Liverpool Bulk cargoes handled. The main operations at the Fawley oil refinery. This operation is located 4,000 metres from the RoRo operations at Marchwood on southside of River Test, and 3,000 metres from the Red Funnel Ferry Terminal on the north side of River. Port of Belfast ferry operations are located 460 metres from the small liquid bulk terminals on the other side of the Port. To DFDS' knowledge, other major Ro-Ro ports in the UK do not have liquid bulk cargo facilities. The busiest UK port for Liquid Bulk traffic by some way, is Milford Haven in West Wales. It handled 39Mt of fuel, chemicals and gases. Milford Haven Port Authority also operate the Port of Pembroke within their jurisdiction where there are regular Ro-Ro freight ferry services to Ireland. The two</p>	

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	<p>facilities are located 2,500 metres apart.</p> <p>IOT Operators [REP4-035]</p> <p>IOT Comment See section above</p>	
<p>NS.2.10</p> <p>Responsibility for safe navigation</p> <p>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?</p>	<p>DFDS [REP4-023]</p> <p>DFDS Comment Under section 16 of the Pilotage Act 1987 the master is ultimately legally responsible for his/her vessel regardless of whether a pilot is embarked: However, in practical terms many parties share professional responsibility for a vessel's safety including the pilot who will have control of the speed and direction of the vessel in a compulsory pilotage area, the Harbour Master (and his</p>	<p>In the case of a marine incident within an SHA, the Harbour Master/Dock Master has overall control.</p> <p>The Master of the vessel is responsible for the vessel, however, the Master must also follow any direction given by the Harbour Master/Dock Master.</p> <p>The powers of the Harbour Master in such circumstances are contained in local acts and also within the Harbour Docks Pier Clauses Act 1847, the Harbours Act 1964 and Dangerous Vessel Act 1985.</p> <p>A copy of the port emergency plan has been submitted along with the MSMS for Immingham [REP3-017]. Roles and responsibilities</p>

	<p>delegated representatives in VTS), the dock master, tug skippers and berthing staff.</p> <p>However DFDS is unaware of any precedent for spatial constraints being an acceptable defence for a maritime incident. If the master determines a berth is unsuitable due to physical constraints which may be exacerbated by wind and/or current the master should decide to abort the planned arrival/departure until such conditions are more favourable. Obviously requiring such action is complex on a scheduled liner services where short sea passages and quick port turnarounds are essential for a successful service to operate.</p>	<p>for Marine Incidents are included in both aforementioned documents.</p> <p>In addition to the Harbour Master's/ Dock Master's powers ABP as Harbour Authority is a category 2 'cooperating body' with specific defined roles in the event of incidents that affect the Harbour. ABP shares relevant information with category 1 bodies (emergency services and local authorities), and other category 2 responders e.g. utilities and transport companies, through attendance and dialogue with the Local Resilience Forum which meets to ensure emergency plans are updated and coordinated.</p> <p>Each port has an exercise schedule which should be developed on both statutory requirements e.g. oil spill exercises, and in response to incident trends or accidents. The focus should be on testing emergency plan response and improving resilience / learning lessons from incidents which have occurred. In line with best practice any learnings which have been identified during drills and exercises are fed back into the relevant emergency plans.</p> <p>Typical exercise scenarios include:</p> <ul style="list-style-type: none"> • Tabletop response to navigational incidents (Collision, grounding, impact with structure etc) • Operating lock gates on back-up systems • Mobilising marine response centre (VTS or LPS) • Person Overboard drills
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Question	Reference to Interested Party Response	Applicant's Comments
		<ul style="list-style-type: none"> • Landing casualties from sea to shore • Liaison with local stakeholders (e.g. LRF other neighbouring authorities) <p>Local Emergency Co-operation As part of the response required as a category 2 “co-operating authority”, Humber Estuary Services liaise with emergency services and local authorities, sharing information as required when incidents occur.</p> <p>A Memorandum of Understanding exists between the Humber Harbour Master/HES and the Humber Coastguard which outlines the response required in the case of an incident within the harbour limits and is referenced in the Humber Estuary Services Marine Emergency Plan (HESMEP).</p>
<p>NS.2.11</p> <p>Closure of river due to a marine incident</p> <p>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</p>	<p>Harbour Master Humber [REP4-033]</p> <p>HMH Comment</p> <p>HMH considers that it is difficult to envisage an incident that would require closure of the river for a significant period. The Humber has a number of channels and, if one is blocked, there are other ways into the river. Therefore, there</p>	<p>The Applicant notes the Harbour Master Humber’s comments with which it agrees.</p>

Question	Reference to Interested Party Response	Applicant's Comments
<p>infrastructure and what might be the duration and consequences of such closure?</p>	<p>are few single points of failure. A potential scenario when it could be necessary to close the Humber to commercial shipping would be a significant oil spill from a tanker or pipeline infrastructure. However, even in this scenario, HMM would not expect a total closure to be required over a prolonged period. A more likely scenario would be closure of part of the river. However, it is useful for HMM to set out what would occur if it were necessary to suspend commercial traffic within the Humber for a period of hours or days. Evidently, the duration of the closure would depend upon the nature and severity of the incident. A recent example is the prolonged period of bad weather in February 2018 ("the Beast from the East"). During that period, HES stopped taking pilot orders, but ships with pilot exemption</p>	

Question	Reference to Interested Party Response	Applicant's Comments
	<p>certificates were able to continue moving if they could. If it were necessary to cease all traffic movements, this would be effected by HES, through VTS, refusing permission for vessels to enter, or move on, the Humber. This could be backed up, if necessary, by HMM issuing special directions to vessels pursuant to section 7 of the British Transport Docks Act 1972. In this scenario, ships berthed at ports on the Humber would remain where they were. Vessels waiting outside the Humber would be held outside it until the river re-opened. HES would then manage the movements of all affected vessels following the re-opening of the river. During ISH3, HMM explained how a major incident would be dealt with from the HES viewpoint. A summary of this is provided in the Written</p>	

Question	Reference to Interested Party Response	Applicant's Comments
	Summary of HMM's Oral Submissions [HMH13].	
<p>NS.2.14</p> <p>Consequence classifications for effects to property and business</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>	<p>IOT Operators [REP4-035]</p>	<p>The Applicant notes that no response has been provided by IOT in REP4-035</p>

Question	Reference to Interested Party Response	Applicant's Comments
<p>NS.2.19</p> <p>HSE-imposed acceptability levels</p> <p>When were the HSE-imposed acceptability levels to risk referenced in the IOT's NRA [paragraph 201 in REP2-064] previously "<i>provided to IERRT developers with the Standards of Acceptability to IOT Operators as a COMAH site under UK Health and Safety Executive regulations</i>"?</p>	<p>IOT Operators [REP4-035]</p> <p>IOT Comment</p> <p>See consultation log [REP2-063] 4. Letter from the IOT Operators to ABP 25 July 2022 37 and IOT Operators sNRA para 180 and Appendix B.</p>	<p>The Applicant's position with regard to COMAH has been addressed and a further submission will be made for Deadline 6 – but in brief -</p> <ul style="list-style-type: none"> - COMAH issues are not part of Navigational Risk. - The Nash IOT NRA applies HSE/COMAH tolerability guidelines in reaching its outcomes. The use of COMAH as assessment criteria in an NRA is not considered appropriate for information 'navigational risk'.

<p>NS.2.23</p> <p>Relocation of the Immingham Oil Terminal (IOT) finger pier berths 8 and 9</p> <p>In the Applicant’s interim response to the DFDS alternative NRA [paragraph in 1.27 in REP3-009], it is stated that “<i>RC06: Moving finger pier’ – This control has been considered and determined not be in line with 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. 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</p>	<p>IOT Operators [REP4-035]</p> <p>IOT comment The IOT Operators consider that this is primarily a question that should be addressed by the Applicant as the IOT Operators’ position with regards to the required mitigation measures has been set out in its Written Representation [REP2-062] and sNRA [REP2-064]. In order to provide a joint response, the IOT Operators wrote to the Applicant’s solicitors on 21 September 2023 with a request for any draft proposals or response to be shared. However, the IOT Operators have not received a response on this point. As set out in the Applicant’s letter of 28 September 2023 [AS-020], the Applicant has committed to providing various measures to protect the IOT including revising the layout of the finger pier and constructing impact protection to a standard that will retain a</p>	<p>Discussions with the IOT Operators are ongoing and the Applicant’s position is as provided in the Applicant’s Proposed Changes Notification Report [AS-027]</p>
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Question	Reference to Interested Party Response	Applicant's Comments
<p>[paragraph 352 in REP2-064] might be incorporated and secured as an amendment to the application:</p> <ul style="list-style-type: none"> 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 b. an impact protection "island" between Proposed 	<p>vessel drifting towards the IOT trunkway or the IOT finger pier. The engineering design of these measures will be subject to approval by the IOT Operators and protective provisions substantially in the form in REP1-039 will be included in the DCO. The IOT Operators await to see the detail of these proposed measures. Until such measures are secured in an acceptable manner, the IOT Operators reserves its position and maintains its objection to the proposed development.</p>	

Question	Reference to Interested Party Response	Applicant's Comments
<p>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].</p> <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"> 1. advanced during the remainder of the Examination; 2. secured through a provision or provisions (Requirement or any other means) of the dDCO; 		

Question	Reference to Interested Party Response	Applicant's Comments
<p>3. any compulsory acquisition implications, including implications for the interests of the Crown Estate;</p> <p>4. any implications under the Environmental Impact Assessment Regulations and the Habitat Regulations; and</p> <p>5. any other legal considerations.</p>		

Question	Reference to Interested Party Response	Applicant's Comments
<p>NS.2.24</p> <p>Cost effectiveness assessment in the IOT Operators' NRA</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>	<p>IOT Operators [REP4-035]</p> <p>IOT Comment</p> <p>Correct, see IOT Operators' sNRA [REP2-064] at para. 347 which estimated the cost at £25M to relocate IOT Finger Pier Berths 8 and 9. This was considered a conservative cost and as noted IOT Operators are consulting with the Applicant on an alternative cheaper design, as such any saving in cost would improve the cost benefit determination contained within the IOT Operators NRA (Section 12.4).</p>	<p>The Applicant notes that in para. 347 of the IOT alternative NRA [REP 2-064], it is stated that – <i>“A high level and indicative only cost, for the purposes of this risk assessment, to relocate the Finger Pier berths has been estimated as £25M – although further work should be undertaken to provide a more accurate costing.”</i></p> <p>No supporting information for this statement has, however, been forthcoming further evidence has been provided by IOT. In the light of this, there can be little confidence in the accuracy of this estimate, particularly bearing in mind that there is no design, surveys, or market engagement for a finger pier relocation to support the estimate.</p>

<p>NS2.25</p> <p>Cost effectiveness differential between low and high energy impact protection</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>	<p>IOT Operators [REP4-035]</p> <p>IOT Comment</p> <p>The total cost benefit for the impact protection is determined in Table 25, which sums up the individual cost benefit against each impact scenarios as the cost for the impact protection is only required once across all four scenarios (impact scenarios are detailed at para. 314). The relative difference in cost benefit between a low energy impact and a high energy impact is related to the consequence of outcome. In both instances the impact protection is built at a cost of £9m, but in a high energy impact the outcome consequences would be much higher than a low energy impact, therefore the benefit of having impact protection is better and a greater cost benefit ratio is derived.</p>	<p>The ExA attention is drawn to the Applicant's comments on NS.2.24 above, but it should also be noted that issues arising in this respect are subsumed with the ongoing discussions between the Applicant and the IOT Operators, as outlined in the Applicant's Proposed Changes Notification Report [AS-027].</p>
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Question	Reference to Interested Party Response	Applicant's Comments
<p>NS.2.29</p> <p>Towage as embedded risk control for berthing and unberthing</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>	<p>Harbour Master Humber [REP4-033]</p> <p>HMH Comment</p> <p>The way that identified risks would be contained in the absence of suitable tug availability is that, if necessary, vessels would be held by HMH or the Dockmaster, as the case may be, until either the requisite number/size of tugs became available as were required for the particular conditions/vessel or the conditions improved so that fewer or no tugs were required. Under no circumstances would safety be compromised for the sake of commercial expediency. For the avoidance of doubt, the tug requirements set as a result of the work to establish operating parameters for the IERRT would not be relaxed if tugs are unavailable for some reason. There are currently</p>	<p>The Applicant notes the Harbour Master Humber comments with which it agrees.</p>

Question	Reference to Interested Party Response	Applicant's Comments
	<p>16 tugs in operation on the river but in busier times there have been more than 20. HMH would expect towage providers on the Humber to seek to take advantage of new port infrastructure by increasing capacity so as to service, and profit from, the forecast increased demand. In this regard, it is worth noting that there are two major tug providers in the Humber, so there is no operator with a monopoly. One company has an international fleet and the other has a national fleet. Both companies are able to re-direct tugs from elsewhere in their fleet if it makes sense for them to do so. Towage requirements will usually be prescribed by harbour directions and procedures that may vary according to the vessel and the prevailing conditions. Setting of these requirements is, and always has been, the responsibility of</p>	

Question	Reference to Interested Party Response	Applicant's Comments
	<p>the statutory harbour authority (and competent harbour authority in respect of pilotage requirements) – there being a close relationship between the two. HMH is firmly of the view that it would be inappropriate and potentially counterproductive or even harmful to seek to stipulate towage requirements in the DCO.</p>	
<p>NS.2.32</p> <p>Use of tugs with Ro-Ro vessels</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>	<p>Harbour Master Humber [REP4-033]</p> <p>HMH Comment</p> <p>Although this question is directed at the applicant, HMH is providing a response to assist the ExA. Harbour towage is an important activity as a risk control measure which itself has inherent risks. It is therefore important that the various operational risks are understood by Pilots, PECs and Towage Operators. This forms an important part of the</p>	<p>The Applicant notes the Harbour Master Humber comments with which it agrees.</p>

	<p>training and authorisation of Pilots and PECs. There are also regular liaison meetings between the harbour authority and towage operators to ensure that risk assessments, safety management systems and operating procedures are both robust and complimentary of each other. Towage assistance of Ro-Ro vessels in the tidal waters of the Humber is a well embedded operation and the challenges and potential problems are well understood and managed in operations already being carried out at a number of destinations on the Humber.</p> <p>DFDS [REP4-023]</p> <p>DFDS Comment Whilst DFDS share some of the concerns expressed by the IOT operators it is important to stress that Ro-Ro vessels can and do use tugs, especially when the</p>	
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	<p>weather or tide requires it. Whilst it is rare for DFDS Immingham Outer Harbour vessels to require tugs due to the slack water conditions experienced within the outer harbour, DFDS in dock services regularly take tugs due to the strong tides experienced in the Immingham bellmouth area and the spatial constraints of port infrastructure which makes for challenging manoeuvring. The reason tugs are used less with Ro-Ro vessels, than they are with other ships with similar dimensions is:</p> <ul style="list-style-type: none"> □ The time taken for departures and arrivals is significantly longer when tugs are utilised; □ Ro-Ro vessels are generally well specified in terms of main engines and thrusters and therefore require tugs less often; The restrictions that tugs place on the ability for vessels to use 	
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	<p>main engine and bow thruster power; and</p> <ul style="list-style-type: none"> □ The safety implications both to the ship's crew and tugboat crew involved in every tug assisted operation. Due to the design of some Ro-Ro vessels the tugs need to operate at 45 degrees to the vessel at all times, to prevent tugs lines from being stretched across the sharp edges of the stern ramp, due to the considerable amount of stored energy in a tugs line when under strain there is a danger of 'snapback' in which a parted line recoils in opposite directions from the point of failure and has the potential to damage the ramp structure and cause injury to both the ship's crew and tugboat personnel. An example of this danger was highlighted in the MAIB's incident report regarding a fatality on the Wah Shan (2012) (see Appendix 2). The use of tugs at this angle adds extra time to arrival and departures as a vessel need 	
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Question	Reference to Interested Party Response	Applicant's Comments
	<p>to land app 30 meters prior to position or move forward 30 meters before tug can have a safe and efficient operation. DFDS has provided a visual aid to explain the use of tugs on Ro-Ro vessels, please see Appendix 3. The Applicant failed to follow this procedure in its simulations.</p>	
<p>NS.2.33</p> <p>Effects arising from contingency of lack of tug availability</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</p>	<p>DFDS [REP4-023]</p> <p>DFDS Comment</p> <p>If it is determined tugs are required for a safe arrival or departure and they are not available, it would require the vessel to wait until such tugs become available. This is obviously more complex for arriving vessels rather than departing vessels depending upon when the master and/or pilot became aware of the delay which may require the vessel to wait in a safe location within the estuary or</p>	<p>The Applicant notes the comments made by the HMM in his responses to ExQ2 [REP4-033] with which it agrees.</p> <p>The Applicant also notes the comments made by Stena [REP 4-038] and refers the ExA to letters submitted by the Applicant from Svitzer and SMS regarding towage availability and resourcing [Appendix 5 REP4-009]</p>

Question	Reference to Interested Party Response	Applicant's Comments
<p>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>	<p>return to sea. For departures, issues arise when tug delays extend for a period of hours as pilots will generally disembark after a fixed waiting period and a new pilot must be ordered for the vessel which can compound the delays. Delays of any origin are potentially far reaching for a scheduled liner service as it can take several days for a service to 'catch-up' with their schedule and the associated disruption this causes to operations and customers.</p> <p>Stena [REP4-038] SBLV has a contract with SMS TOWAGE. If it is not possible, for whatever reason, for them to arrange a tug an alternative tug supplier e.g. SVITZER HUMBER LTD is then arranged by SMS TOWAGE. In a situation that a tug is required, but is not</p>	

Question	Reference to Interested Party Response	Applicant's Comments
	<p>available the vessel will either not depart the Port or it will not try to arrive at the Port. In the case of an arrival vessel, the Captain would decide to wait at an appropriate point and drop anchor until an appropriate solution was found.</p> <p>We trust that the above provides the information sought in answer to question NS. 2.33.</p>	
<p>NS.2.34</p> <p>Current direction in the approach area to the Proposed Development berths</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</p>	<p>Harbour Master Humber [REP4-033]</p> <p>HMH Comment</p> <p>The first point that HMH would like to make is that based on the further measurements carried out that there is currently no reason to believe such differential exists. The further checks and measurements carried out by HR Wallingford demonstrated to the</p>	<p>The Applicant has noted the HMH's response and believe that no further comment is required.</p> <p>As far as the comment of DFDS is concerned, the Applicant strongly rebuts the assertion related to Berth 3 of the Proposed Development.</p> <p>The Applicant is nevertheless currently putting in place further stakeholder navigational simulations.</p>

Question	Reference to Interested Party Response	Applicant's Comments
<p>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>	<p>satisfaction of HMH that the measurements used for the first simulations, in the area of the proposed IERRT jetty, were aligned so closely to the findings of the subsequent measurements as to make no material difference for the purposes of the simulations. In a situation where there was such a differential there may, depending on the location, be an increased or decreased risk of allision or collision. An increase would be dealt with by means of adaptive risk controls which could decrease operational flexibility, although this would depend to some extent on conditions and the vessel concerned. Reduction of risk to ALARP in these circumstances might well involve an increased requirement for tugs in benign conditions and tighter safe berthing windows, (such as berthing only in slacker tidal conditions). The safe</p>	

	<p>operating parameters would be reduced, but safety would not be compromised.</p> <p>Dock Master</p> <p>DFDS [REP4-023]</p> <p>DFDS Comment</p> <p>The direction of the current is intrinsic to the safe operation of the berth, the way in which manoeuvres are conducted, and the towage requirements imposed. Although 10-15 degrees may sound minimal it would have a noticeable effect on a vessel of the size the Applicant indicates would operate at the proposed new berths. The effect of the current is then either pushing a vessel onto the infrastructure or pushing it away from the infrastructure. This is significant for the vessel in that it makes the approach to the terminal more challenging and, in</p>	
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	<p>particular, the manoeuvres to berths 2 and 3. It also results in greater risk to the Eastern Jetty, the Eastern Jetty Tug barge and most significantly a chemical tanker berthed at this location. However as the Applicant has failed to fully simulate berth 3 manoeuvres, having only conducted 1 such trial, it is difficult to fully appreciate or demonstrate these dangers. There has been, understandably, much attention given to the need for adequate risk mitigation around the IOT's operations given the nature of the cargoes handled at that facility and the proximity of the IOT Finger Pier to the Proposed Development. DFDS are keen that the Examining Authority and other IP's do not lose sight of the risks associated with the Eastern Jetty given the nature of the cargoes handled there and the exposure the berth and vessels moored there would face from vessels manoeuvring to and from</p>	
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Question	Reference to Interested Party Response	Applicant's Comments
	<p>IERRT Berths 2 & 3. The Eastern Jetty has the capacity to handle vessels up to 213m in length and a draught of over 10m, which are much larger than the coastal vessels using the IOT Finger Pier. The nature of the cargoes handled at the Eastern Jetty include acids, benzene compounds and inorganic compounds such as caustic soda. The potential for these cargoes to cause harm to human life, marine life and ecology is potentially even greater than with the oil products handled at the IOT Finger Pier. The Applicant has failed to identify any mitigations to guarantee the safety of the Eastern Jetty. This coupled with the lack of simulation to Berth 3 is a concern for DFDS.</p>	

Question	Reference to Interested Party Response	Applicant's Comments
<p>NS.2.40</p> <p>Humber river commercial vessel capacity</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>	<p>Harbour Master Humber [REP4-033]</p> <p>HMH Comment</p> <p>There is no fixed maximum number of commercial shipping movements that can be accommodated on the Humber. Vessels can always be accommodated safely because there are a number of channels and vessels can be brought in and permitted to leave at different times. In terms of total vessel numbers, there is plenty of spare capacity on the river itself and the introduction of new infrastructure, from time to time, increases berthing capacity. The Immingham Outer Harbour and Humber Sea Terminal are examples of developments that have increased capacity within the river in terms of infrastructure. Row 3 of Table 1 (below) shows the daily commercial vessel movements subject to</p>	<p>The Applicant notes the Harbour Master Humber comments with which it agrees.</p>

	<p>pilotage or pilotage exemption certification in 2003, as recorded by HES. This was a busy year within the past 20 years for which HES has records. The movements captured are both those in the wider Humber, based on records taken from HES's Port and Vessel Information Service ("PAVIS") as well as those being to and from an Immingham designated destination. The 2003 figures can be compared with the equivalent movements in 2022 and 2023 to date (set out in rows 4 and 5. Unfortunately, the analysis tool required to interrogate daily maximums for Immingham is unavailable for the 2003 data. The table clearly demonstrates the capacity of the Humber to accommodate significantly more traffic than it does today, in a safe and sustainable manner. In 2003 in the wider Humber there were a daily average of 86 movements with a maximum</p>	
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Question	Reference to Interested Party Response	Applicant's Comments
	<p>number of 116 movements. In 2023, year to date, the average number of movements over the same area is 58 per day with a recorded maximum of 78 movements. HES's records also show that in 2003 there were an average of 35 movements per day to or from an Immingham destination compared with an average 29 movements per day (year to date) in 2023.</p> <p>Table</p>	
<p>NS.2.47</p> <p>MAIB reports</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>	<p>DFDS [REP4-023]</p> <p>DFDS Comment</p> <p>Copies of the MAIB Reports relating to the following incidents (referred to in DFDS' Relevant Representation [RR-008]) are appended to this document:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Cargo Vessel Xuchanghai collides with the Aframax 	<p>The Applicant notes the Harbour Master Humber's comments.</p>

Question	Reference to Interested Party Response	Applicant's Comments
	<p>shuttle oil tanker Aberdeen berthed on IOT 1 (2000), please see Appendix 4; and</p> <p>☐ Coaster Fast Fillip collision with tanker berthed at IOT 1 (2015), please see Appendix 5. DFDS has also provided details of an incident in 2010 where the Fast Ann collided with the IOT in 2010, see Appendix 6.</p>	
<p>NS.2.48</p> <p>'MarNIS' incident reports</p> <p>Provide a narrative of [APP-089 Figure 19] 'MarNIS(MARNIS)' reported incidents at the Port of Immingham and their relevance to the Proposed Development.</p>	<p>IOT Operators [REP4-035]</p> <p>IOT Operators Image</p> <p>Figure 19 shows an Extract from MARNIS accident/incident reports (Figure 19 from ABPmer IERRT NRA) for Killinghome Ro-Ro Terminal and DFDS Ro-Ro terminal. These are similar types of terminal operations to that proposed by the IERRT, but are not</p>	<p>The Applicant notes the Harbour Master Humber comments</p>

Question	Reference to Interested Party Response	Applicant's Comments
	<p>located in the same challenging location.</p> <p>The extracts show very high densities of incidents occurring close to these terminals, related to "equipment failure", "impact with structures" and "other" incident categories. As the full details of these incidents has not been provided by the Applicant for the IOT Operators sNRA (despite it being requested – see IOT Operators sNRA at), no detailed analysis is provided, and allisions (impacts with structures) on the Humber Estuary is the highest in any UK port of RoRo vessels, then the Applicant's assertion that IERRT allision risk can be considered acceptable with minimal controls in place, despite the nationally significant infrastructure of the IOT is not warranted.</p>	

Question	Reference to Interested Party Response	Applicant's Comments
<p>NS.2.49</p> <p>Locations for incidents elsewhere in the UK referred to in Table 11 in the IOT Operators NRA</p> <p>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.</p>	<p>IOT Operators [REP4-035]</p> <p>IOT Comment See below.</p>	<p>The Applicant notes the locations in the IOT Operators' response.</p>

9. Socio-Economic

Question	Reference to Interested Party Response	Applicant's Comments
No Questions in ExQ2.		

10. Terrestrial Transport and Traffic

Question	Reference to Interested Party Response	Applicant's Comments
<p>TT.2.02</p> <p>Scoping out of committed schemes from the Transport Assessment</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>		<p>No responses have been received from the Highways Authorities, DFDS or CLdN in relation to this question.</p>
<p>TT.2.04</p> <p>Accompanied and unaccompanied unit ratio</p> <p>Has agreement been reached regarding determining an appropriate split for the handling of accompanied and unaccompanied</p>	<p>DFDS [REP4-023] CLdN [REP4-020]</p>	<p>There is general agreement with DFDS and CLdN that the ratio of accompanied and unaccompanied units has no material impact on the outcome of the transport assessment. The final position on this will be reported in the SOCG.</p> <p>Both CLdN and DFDS are seeking consideration of a further range of ratios (without evidence to support the justification for that) as part of a revised Transport Assessment. This is not</p>

<p>units associated with the operation of the Proposed Development?</p>		<p>accepted as being necessary by the Applicant because it has been clearly demonstrated this has no material outcome on the overall assessment. The applicant is however in process of agreeing a set of parameters for inclusion in a sensitivity test of junction impacts. This is confirmed in the SOCG (document 7.10 - Draft Transport Statement of Common Ground between Associated British Ports, CLdN Ports Killingholme Limited and DFDS Seaways Plc.</p> <p>The DFDS response also makes reference to the need for a revised assessment to account for PCU conversion factors and this provided in DTA Report 23325-27 (document 10.2.45.2 - Applicant's Issue Specific Hearing 3 Action Points for Deadline 5 – Appendix 2 - DTA Report 23325-27 including Annexes A-C).</p>
<p>TT.2.05</p> <p>Tractor-only movements</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>	<p>DFDS [REP4-023] CLdN [REP4-020]</p>	<p>CLdN confirm that in isolation this factor will not have a material impact on the impact of the terminal, and the applicant agrees with this. The applicant was made aware on 13th October that CLdN were intending to submit further in this respect by 19th October and therefore reserves the right to comment once this is received.</p> <p>DFDS make further reference for the need for sensitivity tests that reflect different ratios for internal junctions and external junctions.</p> <p>For robustness the internal port junction assessments have been updated based on a ratio of 40% and this is reported in DTA Report 23325-27 (document 10.2.45.2 - Applicant's Issue</p>

		<p>Specific Hearing 3 Action Points for Deadline 5 – Appendix 2 - DTA Report 23325-27 including Annexes A-C). The conclusions of the original assessment remain robust and there is significant spare capacity in the internal port junctions.</p> <p>It is further anticipated that a figure will be agreed as part of the SOCG to allow a sensitivity test for the wider network to be provided on basis of a single ratio.</p>
<p>TT.2.09</p> <p>Protecting rights in respect to use of rail network</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</p>	<p>CLdN [REP4-020]</p>	<p>Subsequent to Deadline 4, the Applicant has received further details from CLdN regarding protective provisions related to the rail network. Whilst the Applicant is considering the detail of this request, it does not accept the premise that the proposed IERRT development could affect the rail operations of CLdN.</p>

<p>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>		
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11. Glossary and List of Acronyms

ABP	Associated British Ports
AIS	Automatic Identification System
ALARP	As Low As Reasonably Practicable
CA	Compulsory Acquisition
CEMP	Construction Environmental Management Plan
CLdN	CLdN Ports Killingholme Limited
dDCO	Draft Development Consent Order
DFDS	DFDS Seaways Limited
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
EM	Explanatory Memorandum
ES	Environmental Statement
ExA	Examining Authority
HE	Historic England
HOTT	Humber Oil Terminals Trustee Ltd
HRA	Habitats Regulations Assessment
HRAr	Applicant's Habitats Regulation Assessment report
IERRT	Immingham Eastern Ro-Ro Terminal (proposed development)
IOT	Immingham Oil Terminal
IOT Operators	Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustee Limited
IP	Interested Party
ISH	Issue Specific Hearing
LHA	Local highway authorities (North East Lincolnshire Council and North Lincolnshire Council)
LIR	Local Impact Report
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Note
MMO	Marine Management Organisation
MSMS	Marine Safety Management System
NE	Natural England

NELC	North East Lincolnshire Council
NLC	North Lincolnshire Council
NRA	Navigation Risk Assessment
NSIP	Nationally Significant Infrastructure Project
PA2008	The Planning Act 2008
PMSC	Port Marine Safety Code
Proposed Development	The proposed Immingham Eastern Ro-Ro Terminal
RIES	Report on the Implications for European Sites
Ro-Ro	Roll on roll off
RR	Relevant Representation
SAC	Humber Estuary Special Area of Conservation
SHA	Statutory Harbour Authority
SoCG	Statement of Common Ground
SoST	Secretary of State for Transport
SPA	Humber Estuary Special Protection Area
TRO	Traffic Regulation Order
WR	Written Representation