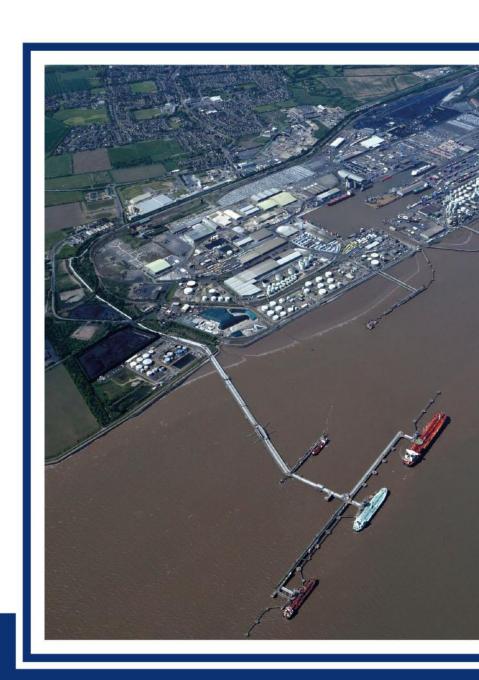


# **IMMINGHAM EASTERN RO-RO TERMINAL**



**Protective Provisions Tracker** 

Document Reference: 10.2.11

APFP Regulations 2009 – Regulation 5(2)(q)

PINS Reference - TR030007

October 2023

## **Document Information**

Document Information				
Project	Immingham Eastern Ro-Ro Terminal			
Document Title	Protective Provisions Tracker			
Commissioned	Associated British Ports			
by				
Document ref	10.2.11			
APFP Reg 2009	Regulation 5(2)(q)			
Prepared by	IERRT Project Team			
Date	Version	Revision Details		
08/2023	01 Deadline 1	Submitted at Deadline 1		
09/2023	02 Deadline 2 Submitted at Deadline 2			
09/2023	03 Deadline 3 Submitted at Deadline 3			
10/2023	04 Deadline 4 Submitted at Deadline 4			
10/2023	05 Deadline 5 Submitted at Deadline 5			

## Contents

1.	Introduction	4
2.	Protective Provision Position	5

### 1. Introduction

- 1.1 This tracker document is being provided pursuant to Question DCO1.23 from the Examining Authority (the 'ExA') for the Immingham Eastern Ro-Ro Terminal ('IERRT') Development Consent Order ('DCO') examination ('the Examination'). The ExA requires Associated British Ports as the applicant ('the Applicant') to prepare and submit an update as to the negotiation status of the Protective Provisions in the draft DCO at every deadline in the Examination timetable.
- 1.2 This document is intended to capture the progress in a single table which can then be used to track the completion of the Protective Provisions. This is intended as a live document which will be updated when updates or revisions to the Protective Provisions are made, and submitted at each Examination deadline as requested by the ExA.

## 2. Protective Provision Position

2.1 Table 1 below captures the Applicant's position on each party's Protective Provision, indicating whether a draft has been submitted to the Interested Party or is awaiting a response and providing an update as to whether any progress has been made in finalising the draft.

Table 1 – Status of Protective Provisions in draft DCO

Interested Party	Position at	Position at	Position at	Position at	Position at
	Deadline 1	Deadline 2	Deadline 3	Deadline 4	Deadline 5
Statutory	Positive discussions	Positive discussions	Protective Provision		Further
Conservancy and Navigation	with late stage draft to be shared with	with late stage draft to be shared with	agreed.		amendments have been made at the
Authority for the	the Statutory	the Statutory			request of the
River Humber	Conservancy and	Conservancy and			Statutory
	Navigation Authority.	Navigation Authority.			Conservancy and Navigation Authority, to which the Applicant has agreed. These appear in the latest version of the dDCO submitted at Deadline 5.
Environment Agency	Positive discussions with late stage draft to be shared with the Environment Agency.	Positive discussions with late stage draft to be shared with the Environment Agency.	Positive discussions ongoing with late stage draft in circulation between the parties.	Positive discussions ongoing with late stage draft in circulation between the parties.	The Applicant has agreed what it believes is the EA's last requested amendment and believes that the PP is now agreed. The dDCO submitted at

Deadline 5 includes the latest wording. Positive discussions **Draft Protective Draft Protective** The Applicant is in Protective Provision **Exolum** Provisions issued to Provisions issued to receipt of an ongoing with late agreed. The dDCO Exolum. At the time updated draft from submitted at Exolum. At the time stage draft in of writing, the of writing, the Exolum, which the circulation between Deadline 5 includes the parties. Applicant is Applicant is awaiting Applicant is the latest wording. awaiting a reviewing. a response. response. **Humber Oil** Applicant is in The Applicant is in The Applicant is The Applicant is Applicant is in receipt of an receipt of an reviewing the draft reviewing the draft **Terminal** receipt of an **Trustees Limited** updated draft from updated draft from updated draft from protective provisions protective provisions HOTT. Significant HOTT. Significant HOTT. There are in light of the in light of the differences between differences between significant ongoing without ongoing without the parties to be the parties to be differences between prejudice prejudice discussed when discussed when the parties' negotiations with negotiations with HOTT's full case HOTT's full case positions. The HOTT. HOTT. The dDCO has been submitted has been submitted Applicant is will be updated to to the Examination. to the Examination. reviewing the draft reflect the agreed protection position following provisions in light of the conclusion of HOTT's full case negotiations. submitted at D2. Northern Applicant is in Applicant is in Positive discussions Positive discussions The Applicant is in receipt of an receipt of an receipt of an ongoing with late ongoing with late **Powergrid** updated draft from updated draft from updated late stage stage draft in stage draft in Northern Powergrid, Northern Powergrid, draft from Northern circulation between circulation between which the Applicant which the Applicant Powergrid, which the parties. The the parties. the Applicant is dDCO submitted at is reviewing. is reviewing. Deadline 5 includes reviewing. the latest wording.

completion of an

completion of an

**Anglian Water** Positive Positive Positive Positive discussions Positive discussions discussions, with discussions, with discussions, with ongoing with late ongoing with the late stage draft late stage draft late stage draft stage draft (which Applicant awaiting circulated to circulated to Anglian reflects the comments on a late circulated to Anglian Anglian Water. Water. Water. outcomes of a call stage draft (which between the parties) reflects the outcomes of a call now in circulation. between the parties). The dDCO submitted at Deadline 5 includes the latest wording. DB Cargo (UK) Awaiting completion Awaiting completion Awaiting completion Alternative access As a result of the Limited of an alternative of an alternative of an alternative agreement alternative access access agreement. access agreement, access agreement, completed. agreement having following which the following which the following which the Applicant awaiting been completed, the Applicant considers Applicant considers confirmation that Applicant has Applicant considers that these that these protective that these protective protective provisions removed this provisions will no provisions will no are no longer protective provision protective form the latest provisions will no longer be needed. longer be needed. required. longer be needed. version of the dDCO submitted at Deadline 5. The Applicant has contacted DB Cargo twice for confirmation of their agreement to this and is awaiting a response. **Network Rail** Awaiting (i) Awaiting (i) Awaiting (i) **Network Rail** Applicant is in

completion of an

solicitors seeking

receipt of an

	alternative access agreement with Network Rail and DB Cargo, and (ii) publication of scheme changes in order to progress draft further.	alternative access agreement with Network Rail and DB Cargo, and (ii) publication of scheme changes in order to progress draft further. Network Rail have provided an updated draft which the Applicant is reviewing.	alternative access agreement with Network Rail and DB Cargo, and (ii) publication of scheme changes in order to progress draft further. Network Rail have provided an updated draft which the Applicant is reviewing. Parties intend to meet in order to discuss matters prior to D4.	instructions following call.	updated draft from Network Rail, which the Applicant is reviewing. The draft received is reflected in the latest version of the dDCO submitted at Deadline 5.
North East Lincolnshire Council as Lead Local Flood Authority	Positive discussions with late stage draft to be shared with the Council.	Positive discussions with late-stage draft to be shared with the Council.	Positive discussions with late-stage draft issued to the Council.	Positive discussions with late-stage draft issued to the Council.	Positive discussions with late-stage draft issued to the Council.
Cadent Gas Limited	Cadent returned the draft to the Applicant with further comments immediately prior to Deadline 1.	Applicant is in receipt of an updated draft from Cadent Gas Limited, which the Applicant is reviewing. The parties intend to meet in order to discuss outstanding areas of difference.	The Applicant is in receipt of an updated draft from Cadent Gas Limited, which the Applicant is reviewing. The parties intend to meet in order to discuss outstanding areas of difference.	Call between parties 25.09.23. Differences remain and a further call is proposed.	A further call between the parties is being arranged in order to discuss the draft further. The dDCO will be updated to reflect the agreed position following the conclusion of negotiations.

Operators of Electronic Communications Code Networks CLdN	Positive discussions with late stage draft to be shared with the Operators.  Applicant awaiting a first draft from CLdN.	Positive discussions with late stage draft to be shared with the Operators.  Applicant is reviewing the list of topics which CLdN consider should be subject to protective provisions.	Positive discussions with late stage draft issued to the Operators.  The Applicant has reviewed CLdN's comments on the scope of any protective provisions in CLdN's favour and the Applicant does not consider that such – or any –	Positive discussions with late stage draft issued to the Operators.  Applicant awaiting a response from CLdN.	Positive discussions with late stage draft issued to the Operators.  The Applicant is considering CLdN's letter dated 9 October 2023 discussing protective provisions and will respond in due course.
DEDS	Applicant awaiting a	Applicant awaiting a	protective provisions are necessary. The Applicant has written to CLdN to this effect and awaits a response.	The Applicant	The Applicant
DFDS	Applicant awaiting a first draft from DFDS.	Applicant awaiting a first draft from DFDS.	The Applicant received a first draft from DFDS at D2, which it is reviewing.	The Applicant received a first draft from DFDS, which it is reviewing.	The Applicant received a first draft from DFDS, which it is reviewing.

9

Interested Party	Position at	Position at	Position at
,	Deadline 6	Deadline 7	Deadline 8
Statutory			
Conservancy			
and Navigation			
Authority for the			
River Humber			
Environment			
Agency			
Exolum			
Humber Oil			
Terminal			
Trustees Limited			
Northern			
Powergrid			
Anglian Water			
DB Cargo (UK)			
Limited			
Network Rail			
North East			
Lincolnshire			
Council as Lead			
Local Flood			
Authority			
Cadent Gas			
Limited			
Operators of			
Electronic			
Communications			
Code Networks			
CLdN			
DFDS			