

IMMINGHAM EASTERN RO-RO TERMINAL



Draft Statement of Common Ground between Associated British Ports and DFDS Seaways Plc

Document 7.7

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1 Section 1 – Introduction

Overview

- 1.1 This Statement of Common Ground (“SoCG”) has been prepared in relation to the application (the “Application”) by Associated British Ports (“ABP”), made under the provisions of Section 37 of the Planning Act 2008 (“the PA 2008”), for a Development Consent Order (“DCO”) which if approved will authorise the construction and operation of the Immingham Eastern Ro-Ro Terminal (IERRT) within the existing Port of Immingham.
- 1.2 The IERRT development as proposed by ABP falls within the definition of a Nationally Significant Infrastructure Project (“NSIP”) as set out in Sections 14(1)(j), 24(2) and 24(3)(b) of the PA 2008.

The Project

- 1.3 In summary, the IERRT development comprises two principal elements:
- (a) on the marine side, the construction of a new three berth Roll-on/Roll-off harbour facility and related marine infrastructure; and
 - (b) on the landside, the provision of a suitably surfaced area to accommodate a terminal building and ancillary buildings together with storage and waiting space for the embarkation and disembarkation of the vessel borne wheeled cargo.
- 1.4 The landside development will also include, within the Order Limits – i.e., within the boundary of the development site – a building for the UK Border Force together with an area for disembarked traffic awaiting UK Border Force checks prior to departure from the Port.
- 1.5 ABP will also be providing an area of off-site environmental enhancement at Long Wood, which is located close to the Port of Immingham’s East Gate.

Parties to this Statement of Common Ground

- 1.6 This SoCG is submitted on behalf of:
- (a) ABP – the promoter of the IERRT development and the owner and operator of the Port of Immingham; and
 - (b) DFDS Seaways Plc (“DFDS”) – an international and shipping logistics company and one of the largest users of the Port of Immingham.

1.7 In this SoCG, ABP and DFDS are collectively referred to as “the Parties”.

The Purpose and Structure of this Document

1.8 The purpose of this document is to identify and summarise any agreement, disagreement or matters outstanding between the parties on matters relevant to the examination so as to assist the Examining Authority in its consideration of the Application.

1.9 In preparing this SoCG, the guidance provided in *‘Planning Act 2008: examination of application for development consent’ (Department for Communities and Local Government (as it then was), March 2015)* has been taken fully into account. In addition, in preparing this SoCG, the Parties have had due regard to the ExA Procedural Decision of 26 May 2023 and the subsequent PAD Summary Statement submitted to the examination by DFDS, dated 6 July 2023.

1.10 Section 1 of this SoCG is designed to act as a general introduction to the IERRT project and to the Parties.

1.11 Section 2 of this SoCG sets out a summary of the correspondence and engagement between the Parties to date.

1.12 Section 3 of this SoCG sets out the matters which have been agreed or which remain outstanding, together with any matters upon which it has not been possible to reach agreement.

1.13 The table in Section 3 uses a colour coding system to indicate the status of the matters between the Parties as follows:

- (a) Green – matter agreed;
- (b) Orange – matter ongoing; and
- (c) Red – matter not yet agreed.

1.1.2 In addition to this document, the position of the Parties in relation to terrestrial transport matters is to be captured within a separate document agreed between the Parties’ transport consultants.

2 Section 2 – Summary of Engagement

- 2.1 A summary of the consultation and engagement between ABP and DFDS up to the date of this SoCG in relation to the IERRT project generally and concerning the matters raised in this SoCG specifically is presented in Table 2.1 below.
- 2.2 It is agreed by the Parties to this SoCG that Table 2.1 is an accurate record of the correspondence between the Parties.

Table 2.1 – Summary of Engagement

Date	Form of Correspondence	Summary with key outcomes and points of discussion
18.01.22	Phone Call	ABP advised about the DCO. DFDS had no immediate comments.
19.01.22	Email	ABP issued notification of the start of the Statutory Consultation.
25.01.22	Email	DFDS responded to S.42 consultation and requested more collaboration on the development of the project.
25.01.22	Email	ABP confirmed all consultation responses will be collated and reviewed.
25.01.22	Email	DFDS confirmed that would like to be involved in the process as required.
18.02.22	Email	DFDS Seaways issued S.42 Consultation Response
23.02.22	Email	DFDS Seaways issued S.42 Consultation Response
23.02.22	Email	DFDS Logistics issued S.42 Consultation Response
04.04.22	Email	ABP issued invitation to Hazid Workshop
19.04.22	Email	ABP issued updated NRA for comment
29.04.22	Email	DFDS responded to request for comments on navigational risk. Raised queries relating to NRA risk sheet and requested additional information.
09.05.22	Email	DFDS chased on queries relating to NRA risk sheet and additional information.
09.05.22	Email	ABP confirmed that a response would be issued shortly.
16.05.22	Email	ABP requested a meeting to discuss the project.
16.05.22	Email	DFDS accepted meeting request for 26.05.22.
20.05.22	Email	ABP issued invitation to Hazid Workshop on 7th & 8th June.
25.05.22	Email	DFDS declined Hazid Workshop on 7th June but suggested 8th or 9th June
25.05.22	Email	DFDS responded to invitation to Hazid Workshop and raised concerns regarding the short notice. DFDS noted that they have not received

		simulations from the previous workshop and that they consider the level of change to the project to be significant. Queries raised in letter from 29.04 are still outstanding. Thought will be given to additional stakeholders that should attend the workshop.
26.05.22	Email	DFDS confirmed email from 25.05.22 referred to personal availability. Concern was raised regarding the short notice of the invitation.
26.05.22	Meeting	Discussed project update and issues raised during consultation and ongoing engagement
26.05.22	Meeting	Discussed project update and issues raised during consultation and ongoing engagement
26.05.22	Email	ABP responded to NRA queries raised in DFDS correspondence from 29.04 & 09.05. ABP confirmed that the project is progressing on the basis of a three-berthed scheme. ABP advised that a follow up NRA is scheduled for 7th and 8th June.
27.05.22	Email	ABP confirmed receipt of DFDS email from 25.05.23 regarding availability for workshop.
27.05.22	Email	ABP notified attendees of the postponement of Hazid Workshop on 7th & 8th June
01.06.22	Email	ABP issued notes of meeting from 26.05.23 and addressed points raised regarding Impact on Drury Engineering, Traffic and Transport impacts, Environmental Matters, Marine Navigation, Layout changes.
01.06.22	Email	DFDS responded to ABP's email from 26.05.22. Raised concerns regarding the adequacy of the NRA and effectiveness of mitigation. Requested to see simulations that support the NRA.
13.06.22	Email	DFDS requested an amendment to the meeting notes.
14.06.22	Email	DFDS requested the date of the rescheduled Hazid Workshop. Also suggested that a construction expert should be present.
23.06.22	Email	ABP advised that Hazid Workshop will be held on 2nd and 3rd August.
28.06.22	Email	DFDS requested the Nav Sims again and suggested other companies that should be invited to the workshop.
29.06.22	Email	ABP issued amended meeting notes.
08.07.22	Email	ABP advised that Hazid Workshop will be held on 16th and 17th August. Requested names of attendees.
12.07.22	Email	DFDS confirmed attendance at Hazid workshop and named attendees,

15.07.22	Email	DFDS confirmed outstanding queries including concerns NRA, April Hazid Workshop, effectiveness of mitigation and recent scheme changes.
15.07.22	Email	ABP requested email addresses for those who will be attending.
15.07.22	Email	DFDS confirmed relevant email addresses.
01.08.22	Email	ABP provided a response to issues relating to Hazid Workshop, Navigational simulations position of DFDS, Traffic Congestion and Material amendment.
02.08.22	Email	ABP issued Pre-read material for Hazid workshop
02.08.22	Email	ABP responded to DFDS letter from 01.06.22. Issues covered were HAZID/NRA process and consultee involvement, Under reporting of risks, Layout/process followed in Hazard Log Sheets, Assessment 02 - tanker stern collision, Variation in likelihood reduction percentages, Incident frequencies as referenced in hazard log sheets, DCO timetable, NRA subjectivity, Finalisation of hazard log sheets in last Hazid, Hazid workshop pre-reading material, Identification of worst case scenarios, Value attributed to mitigation controls & Navigational simulations
12.08.22	Email	DFDS raised concerns about the risk assessment process and the splitting of the delegates in the workshops.
12.08.22	Email	DFDS statutory response sent to PINS
15.08.22	Email	ABP issued invitation to Hazid Workshop 3
18.08.22	Email	ABP issued Draft HazLog for comment
22.08.22	Email	ABP responded to DFDs email from 12.08.22 and summarised the approach taken in the workshops.
23.08.22	Email	ABP responded to DFDs email from 12.08.22 and summarised the approach taken in the workshops.
29.08.22 & 30.08.22	Email	ABP responded to DFDs email from 12.08.22 and summarised the approach taken in the workshops.
31.08.22	Email	ABP provided a response to DFDS comments made on 29.08.22 regarding Hazid workshop.
02.09.22	Email	ABP issued Final Haz Log for review.
05.09.22	Email	DFDS provided further comments on the HAZID Workshop and assessment approach.
23.09.22	Email	ABP issued response to DFDS letter from 29.08.22.
05.10.22	Email	DFDS clarified outstanding concerns including Supporting studies, Pilotage and Berthing, AWAC buoy, wind data, simulations, methodology, risk

		assessment tool, duty holder descriptors and measure ALARP, mitigation, changes to project, overlooked risks, additional concerns, towage, tidal changes and lock productivity.
10.10.22	Email	ABP confirmed that correspondence had been received and a response will be provided shortly.
13.10.22	Meeting	Discussed Design Changes, Tidal Data, Simulation, NRA Methodology, Commercial and operational Workshop and Correspondence.
17.10.22	Email	ABP issued note of meeting from 13.10.22, which discussed Design Changes, Tidal Data, Simulation, NRA Methodology, Commercial and operational Workshop and Correspondence.
24.10.22	Email	DFDS requested information about upcoming Supplementary Statutory Consultation
26.10.22	Email	ABP provided details of the consultation.
27.10.22	Email	ABP issued notification of Supplementary Statutory Consultation.
22.11.22	Email	DFDS identified outstanding issues including; whether the finger pier is being moved from west to east, that sufficient time is allowed to consider consultation responses, Hazid simulations and workshops are re-run and economic impact on existing port users from congestion through new vessels.
24.11.22	Email	ABP responded to email from 22.11.22 and provided an update from meeting in October. Advice was provided on Design changes, Tidal Data, Simulation, NRA Methodology, Commercial/Operational Workshop, Correspondence.
25.11.22	Email	DFDS issued supplementary statutory consultation response.
06.12.22	Email	DFDS suggested further discussions when the latest Nav Sims report has been received.
12.01.23	Email	DFDS noted that the application was submitted and requested that latest Nav Sims report be issued.
16.01.23	Email	ABP confirmed that Nav Sims report will be issued shortly.
23.01.23	Email	ABP sent through Nav Sims Report and offered a follow up call or meeting.
16.02.23	Email	DFDS outlined remaining concerns on Nav Sims report. Only simulations on Berth 1 are included in the re-run and the validity of the tidal data used.
09.03.23	Email	ABP issued notice of acceptance of application.
19.04.23	Email	DFDS submitted relevant representations.

19.07.23	Email & Letter	ABP noted that there has been a request from DFDS for Protective Provisions. ABP queried why this would be necessary but happy to discuss if DFDS could send through details of what they require.
19.07.23	Email	DFDS confirmed receipt of letter and confirmed they would respond.
02.08.23	Email & Letter	DFDS requested ABP's transport consultant to contact the DFDS transport consultant to begin discussions on agreeing issues outlined at the examination
03.08.23	Email & Letter	ABP transport consultant contacted DFDS transport consultant to arrange discussions of issues.
03.08.23	Email & Letter	DFDS consultant proposed meeting dates and suggested an agenda covering annual throughput, daily peak volume, baseline traffic flow, East/West Gate distribution, terminal capacity assessment, next steps and actions.
10.08.23	Meeting	ABP, DFDS and CLdN attended a call and discussed Baseline traffic surveys, terminal throughput, accompanied/unaccompanied freight split, empty tractor ratios, off-site junction modelling, HGV distribution and assignment and next steps.
14.08.23	Email	ABP requested confirmation as to whether September to November 2022 were representative months of Ro-Ro vessel movements in response to ISH2 Action Point 6.
23.08.23	Email & Letter	ABP issued a draft itinerary for the ASI for any additional comments. ABP advised that if any additional details are required could they be sent to PINS along with the clients PPE requirements.
23.08.23	Email	DFDS confirmed they would respond.
30.08.23	Email & Letter	DFDS agreed that September to November 2022 were representative months for DFDS Ro-Ro vessel movements. Data was provided showing the movements for those months and the distribution of cargo between accompanied and unaccompanied freight volume.
01.09.23	Email	ABP outlined a number of queries raised in response to the DFDS letter dated 30.08.23. ABP requested confirmation as to whether the DFDS data related to TEU or to units. ABP noted that they were proposing to only present Ro-Ro data excluding cars/mobiles. ABP asked whether DFDS would provide a 6 month average data.
04.09.23	Email	DFDS confirmed their data relates to units and that they accepted presenting Ro-Ro data excluding

	cars/mobiles. DFDS provided the 6 month average data as requested.
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3 **Section 3 – Matters Agreed and Matters Not Agreed**

- 3.1 Table 3.1 below contains a list of ‘matters agreed’ and a list of matters outstanding as at the date of this version of the SoCG together with a concise commentary as to the items referenced.

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Table 3.1: List of Matters Agreed and Outstanding

Matter	Document Reference	ABP's Position	DFDS's Position	Status
Relevant Policy		<p>The National Policy Statement for Ports (NPSfP) (DfT, 2012) is the key relevant national policy statement in considering the IERRT Application. The role of the NPSfP in the IERRT application determination process is set out in section 104 of the Planning Act 2008.</p> <p>The UK Marine Policy Statement (MPS) (2011) and The East Marine Plans (2014) are appropriate marine policy documents to which regard must be had in the IERRT determination process.</p> <p>Key local policy of relevance to the IERRT project is provided within the North East Lincolnshire Local Plan 2013 to 2032 (April 2018).</p>		

<p>The Government's policy for ports</p>		<p>The Government's policy for ports is set out within section 3.3 of the NPSfP, the fundamental policy element is provided in NPSfP paragraph 3.3.1.</p>		
<p>Overall accordance with the NPSfP</p>	<p>Planning Statement (Incorporating Harbour Statement) [APP-019]</p>	<p>A detailed and comprehensive review of the accordance of the IERRT project with policy contained within the NPSfP is provided in Chapters 4 and 8, and Appendix 1 of application document APP-019 (Planning Statement). The review undertaken demonstrates that the IERRT project itself and the assessment and supporting information submitted as part of the DCO application are fully in accordance with the NPSfP.</p>		
<p>Assessment of navigational risk</p>	<p>DFDS relevant representations (RR – 008) ES – Volume 3 – Appendix 10.1 –</p>	<p>The methodology followed in the NRA complies with the PMSC and the associated GtGP. The NRA draws upon three HAZID Workshops and</p>		

	<p>Navigational Risk Assessment (APP - 089)</p> <p>ES - Volume 3 - Appendix 10.2 - Navigational Simulation Study Part 1 (APP-090)</p> <p>ES - Volume 3 - Appendix 10.2 - Navigational Simulation Study Part 2 (APP-091)</p> <p>ES - Volume 3 - Appendix 10.2 - Navigational Simulation Stakeholder Demonstrations (APP-092)</p>	<p>vessel simulations which, with the exception of the first (internal) HAZID Workshop, have been attended by representatives of DFDS (APP-089).</p>		
<p>Previous major incidents</p>	<p>DFDS relevant representations (RR - 008)</p> <p>ES - Volume 3 - Appendix 10.1 - Navigational Risk Assessment (APP - 089)</p>	<p>Historic allisions and collisions were assessed as part of the NRA process (APP-089) and their incidence taken fully into account.</p>		

<p>Wind and tide (baseline in NRA)</p>	<p>DFDS relevant representations (RR – 008)</p> <p>ES – Volume 1 – Chapter 7 – Physical Processes (APP – 043)</p> <p>ES – Volume 3 – Appendix 10.1 – Navigational Risk Assessment (APP – 089)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p>	<p>Existing MetOcean (meteorological and oceanographic) conditions described in Section 3.3 of the NRA are informed by available relevant measured and modelled datasets.</p> <p>Measured wind data is preferable to available modelled wind hindcast data, since it represents local conditions and is not unduly affected by model resolution and any inherent bias in the outputs.</p> <p>Further in-depth information is provided in the Physical Processes Chapter of the ES.</p>		
<p>Simulations</p>	<p>DFDS relevant representations (RR – 008)</p> <p>ES – Volume 3 – Appendix 10.1 – Navigational Risk Assessment (APP – 089)</p>	<p>The numerous simulation outcomes contained in the submitted application documents are robust and reliable, having been based on an appropriate and correct methodology and data. The simulation exercises undertaken</p>		

	<p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Study Part 1 (APP-090)</p> <p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Study Part 2 (APP-091)</p> <p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Stakeholder Demonstrations (APP-092)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p>	<p>were attended by representatives of DFDS (including experienced mariners) and comments offered at the time were fully taken into account as part of the NRA exercise.</p>		
<p>Simulation modelling (tidal)</p>	<p>DFDS relevant representations (RR – 008)</p> <p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Study Part 1 (APP-090)</p> <p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Study Part 2 (APP-091)</p>	<p>The simulations used a representative tidal model based on accurate and reliable AWAC buoy data, from the area immediately adjacent to the IERRT terminal to inform the simulations.</p>		

	DFDS Principal Areas of Disagreement (PDA – 007)			
Simulation modelling (vessel)	<p>DFDS relevant representations (RR – 008)</p> <p>ES – Volume 3 – Appendix 10.1 – Navigational Risk Assessment (APP – 089)</p> <p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Study Part 1 (APP-090)</p> <p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Study Part 2 (APP-091)</p> <p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Stakeholder Demonstrations (APP-092)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p>	<p>The vessels selected for use within the simulation studies at APP-090, APP-091, APP-092, were selected as they are the most representative models available for simulation and comprise an appropriate analogy to operational parameters.</p>		

<p>Simulation vessel conduct – unrealistic use of vessel machinery</p>	<p>DFDS relevant representations (RR – 008)</p> <p>ES – Volume 3 – Appendix 10.1 – Navigational Risk Assessment (APP – 089)</p> <p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Study Part 1 (APP-090)</p> <p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Study Part 2 (APP-091)</p> <p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Stakeholder Demonstrations (APP-092)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p>	<p>Senior Pilots (experienced marines with many years of experience of operations on the Humber) from HES conducted the pilotage/berthing manoeuvres and did not report any notable variance from real world operations.</p>		
<p>Simulation – available towage</p>	<p>DFDS relevant representations (RR – 008)</p>	<p>Senior Pilots from HES and towage providers conducted the pilotage/</p>		

	<p>ES – Volume 3 – Appendix 10.1 – Navigational Risk Assessment (APP – 089)</p> <p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Study Part 1 (APP-090)</p> <p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Study Part 2 (APP-091)</p> <p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Stakeholder Demonstrations (APP-092)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p>	<p>berthing manoeuvres and did not report any notable variance from real world operations.</p> <p>ABP as the Statutory Harbour Authority for Immingham together with HES, in its overlapping capacity as the CHA, will ensure that appropriate tugs are available to attend manoeuvres as required. The utilisation of tugs that are provided by towage providers is a commercial decision, with towage providers likely to increase the size of their fleet to meet the possible opportunities that this new development provides.</p>		
<p>Pilotage and associated Training</p>	<p>DFDS relevant representations (RR – 008)</p> <p>ES – Volume 3 – Appendix 10.1 – Navigational Risk</p>	<p>The SHA and CHA are aware of the constraints relating to the level of pilotage required for the berth and the advised environmental limitations and are satisfied that</p>		

	<p>Assessment (APP – 089)</p> <p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Study Part 1 (APP-090)</p> <p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Study Part 2 (APP-091)</p> <p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Stakeholder Demonstrations (APP-092)</p>	<p>these can be addressed. There is an existing robust process to train ships’ masters to pilotage standards, known as the Pilotage Exemption Certification process.</p>		
<p>IOT trunkway protection</p>	<p>DFDS relevant representations (RR – 008)</p> <p>ES – Volume 3 – Appendix 10.1 – Navigational Risk Assessment (APP – 089)</p> <p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Study Part 1 (APP-090)</p>	<p>IOT trunk way protection has been identified as a potential control in the NRA and may form part of the operational ‘adaptive procedures’ which will be determined by the Navigation Authority through ongoing assessment of the construction and operation.</p>		

	<p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Study Part 2 (APP-091)</p> <p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Stakeholder Demonstrations (APP-092)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p>			
<p>Dredging</p>	<p>DFDS relevant representations (RR – 008)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p> <p>ES – Volume 1 – Chapter 7 – Physical Processes (APP – 043)</p>	<p>The physical processes assessment (APP-043) has considered the potential impact of the capital dredge campaign and associated disposal and has applied bespoke numerical modelling tools to assess the fate of dredge arisings and deposited material. The assessment concludes that the capacity of the proposed disposal sites (HU060, and HU056), the future maintenance dredge requirements at</p>		

		existing berths at the Port of Immingham (and further afield), and the bathymetry of the wider Humber Estuary will not be significantly affected by the Proposed Development.		
Navigational Risk Assessment ("NRA") methodology	<p>DFDS relevant representations (RR – 008)</p> <p>ES – Volume 3 – Appendix 10.1 – Navigational Risk Assessment (APP – 089)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p>	The methodology followed in the NRA complies with the PMSC and the associated GtGP.		
HAZID meetings and outcomes	<p>DFDS relevant representations (RR – 008)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p>	Thorough stakeholder engagement/ consultation was undertaken in accordance with the PMSC's recommendation.		

<p>HAZID resources</p>	<p>DFDS relevant representations (RR – 008)</p> <p>ES – Volume 3 – Appendix 10.1 – Navigational Risk Assessment (APP – 089)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p>	<p>A briefing on the process and methodology used in the NRA was given at each HAZID meeting including the consequence and frequency tables. Resources to inform the HAZID workshops were also supplied ahead of each meeting.</p>		
<p>HAZID attendance</p>	<p>DFDS relevant representations (RR – 008)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p>	<p>The CHA was represented at the HAZID by the Harbour Master Humber (with people from his team) and the SHA by the Dock Master Immingham (with people from his team) who are local marine experts. All relevant stakeholders were invited to attend.</p>		
<p>Duty Holder and Designated Person</p>	<p>DFDS relevant representations (RR – 008)</p>	<p>The Duty Holder as advised by specialists including their Designated Person and Head of Marine determined tolerability thresholds of navigation risks</p>		

		associated with the IERRT.		
Capacity of the Port of Immingham	<p>DFDS relevant representations (RR – 008)</p> <p>ES – Volume 3 – Appendix 10.1 – Navigational Risk Assessment (APP – 089)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p>	<p>The number of vessels transiting the port of Immingham has declined over the medium term, demonstrating that the Port of Immingham has sufficient capacity to accommodate any additional shipping movements arising from the operation of the IERRT; and indeed any future business growth for the existing customers of the port.</p> <p>The NRA considers the navigation baseline and projections of shipping on the Humber Estuary. The Navigation Authority has determined that this does not have an impact on safety of navigation.</p>		
Availability of vessel waiting (stemming) areas and tugs	DFDS relevant representations (RR – 008)	The number of vessels transiting the port of Immingham has declined over the medium term, reducing pressure on		

	<p>DFDS Principal Areas of Disagreement (PDA – 007)</p> <p>ES – Volume 3 – Appendix 10.1 – Navigational Risk Assessment (APP – 089)</p>	<p>vessel stemming areas. These areas therefore have sufficient capacity to accommodate any additional shipping movements arising from the operation of the IERRT.</p> <p>ABP as the Harbour Authority together with HES, also in its overlapping capacity as the CHA, will ensure that appropriate tugs are available to attend manoeuvres as required. The utilisation of tugs that are provided by towage providers is a commercial decision, with towage providers likely to increase the size of their fleet to meet the possible opportunities that this new development provides.</p>		
<p>Operation of the Inner Dock's lock</p>	<p>DFDS relevant representations (RR – 008)</p> <p>ES – Volume 3 – Appendix 10.1 –</p>	<p>Operation of the Inner Dock's lock will not be adversely affected by the IERRT, whilst Stena vessels and services which currently use the</p>		

	<p>Navigational Risk Assessment (APP – 089)</p>	<p>Inner Dock will be displaced to the IERRT – relieving Inner Dock berth and lock capacity.</p> <p>The NRA considers the navigation baseline and projections of shipping on the Humber Estuary. The Navigation Authority has determined that this does not have an impact on safety of navigation.</p>		
<p>Environmental Statement</p>	<p>DFDS relevant representations (RR – 008)</p> <p>ES – Volume 1 – Chapter 20 - Cumulative and In-combination Effects (APP – 056)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p>	<p>The Environmental Statement (ES) considers all relevant impact pathways relating to the construction and operation of the Proposed Development, as well as the potential overlap of the construction and operational phases. The Cumulative and In-combination assessment (APP-056) properly assesses, insofar as is practicable bearing in mind that the Immingham Green Energy Terminal (IGET) application has not yet been submitted, the</p>		

		potential impacts alongside the proposed IGET. The ES adheres to the requirements set out in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) as well as relevant guidance.		
Impact of vessel congestion	DFDS relevant representations (RR – 008) DFDS Principal Areas of Disagreement (PDA – 007)	APP-052 considers the navigation baseline and projections of shipping on the Humber Estuary. The Navigation Authority has determined that this does not have an impact on safety of navigation.		
Background Noise and Mitigation: Effect on Noise Sensitive Receptors	DFDS relevant representations (RR – 008) DFDS Principal Areas of Disagreement (PDA – 007)	The construction noise assessment contained in Chapter 14 of the ES [APP-050] has included 5 dB attenuation for temporary acoustic screening near Noise Sensitive Receptors. This a conservative approach as acoustic screening could provide more than 5 dB attenuation. The existing ambient noise levels are used to		

		<p>determine construction noise thresholds for residential properties as set out in paragraph 14.8.14 of Chapter 14 [APP-050] as per the guidance in BS 5228:2009+A1:2014: Code of practice for noise and vibration control on construction and open site– Part 1: Noise.</p> <p>The construction noise assessment has included all daytime construction activities occurring at the same time, which results in negligible effects on residential receptors. For the on-site noise sensitive, with external windows and doors kept closed and alternative means of cooling/ventilation utilised the internal noise levels are met.</p>		
Noise: Insulation	DFDS relevant representations (RR – 008)	As set out in Paragraph 14.9.14-14.9.15 of Chapter 14 [APP-050] and Requirement 10 of the		

	<p>DFDS Principal Areas of Disagreement (PDA – 007)</p>	<p>dDCO a package of noise insulation will be offered to residential properties on Queens Road. The noise insulation will offer additional protection to the residential properties' internal acoustic environment in sensitive/habitable rooms such as bedrooms and living rooms</p>		
<p>Noise: Construction Hours and plant</p>	<p>DFDS relevant representations (RR – 008) DFDS Principal Areas of Disagreement (PDA – 007)</p>	<p>Paragraph 14.91 of Chapter 14 [APP-050] states that construction works outside the core working hours would comply with any restrictions agreed with the local authority via a Section 61 application under Control of Pollution Act (CoPA) Chapter 14 [APP-050] Has stated the use of electrical plant will help to reduce the noise levels further, however the assessment has been based on the use of diesel powered plant and</p>		

		vehicles as a worst case scenario.		
Air quality	<p>DFDS relevant representations (RR – 008)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p>	<p>The assessment described in Chapter 13 of the ES [APP-049] is informed by baseline data from a combination of primary and secondary sources. The sources and level of baseline data used in the assessment is considered proportionate and in line with industry standard guidance.</p> <p>Future year vehicle emissions assumptions are based on industry standard guidance, as are the pollutants considered in the assessment. It is not standard practice for air quality assessments to consider SO₂ emissions from vehicle exhausts, given the low sulphur content of available fuel in the UK.</p> <p>Not all habitat within SAC / SPA / RAMSAR sites is</p>		

		<p>sensitive to air pollution. The saltmarsh habitat within the SAC / SPA / RAMSAR is considered the closest habitat sensitive to air pollution and the nearest such habitat is at the distance from the IERRT project as specified in the ES.</p>		
<p>Draft Development Consent Order</p>	<p>DFDS relevant representations (RR – 008)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p> <p>Draft Development Consent Order (APP – 013)</p> <p>Explanatory Memorandum to Draft DCO (APP – 014)</p>	<p>The draft Development Consent Order will be subject to extensive review by all parties during the examination. ABP has taken satisfactory steps to deal with the comments raised in DFDS's relevant representation though both the draft DCO and the Explanatory Memorandum.</p>		
<p>Ecological concerns</p>	<p>DFDS relevant representations (RR – 008)</p> <p>ES – Volume 1 – Chapter 9 – Nature Conservation and</p>	<p>The assessment on Nature Conservation and Marine Ecology (APP-045) has considered the potential impact of the Proposed Development on marine ecology,</p>		

	<p>Marine Ecology (APP – 045)</p>	<p>including the Humber Estuary European Marine Site (EMS) and on coastal waterbirds (including Black-tailed Godwit). It is based on a robust evidence base, supported by extensive baseline surveys covering the last two decades. It is considered that, with the proposed mitigation measures in place, there will be no significant adverse effects (or an adverse effect on the integrity of the Humber Estuary EMS) as result of the Proposed Development.</p>		
<p>Impacts on intertidal habitat</p>	<p>DFDS Principal Areas of Disagreement (PDA – 007)</p>	<p>Chapter 9 of the ES (APP-045) and the Habitats Regulations Assessment (HRA) (APP-115) provides a detailed assessment of the loss of intertidal habitat (which is also supporting habitat for coastal waterbirds including Black-tailed Godwit). It is concluded</p>		

		that there will be no significant adverse effects (or an adverse effect on the integrity of the Humber Estuary EMS) as a result of the Proposed Development.		
Ornithology impacts and mitigation	DFDS Principal Areas of Disagreement (PDA – 007)	The assessment presented in Chapter 9 of the ES on Nature Conservation and Marine Ecology (APP-045) and in the HRA (APP-115) considered the potential impact of the Proposed Development on coastal waterbirds (including Black-tailed Godwit). The proposed overwintering restriction period during construction (October to March inclusive) correlates with the months when the largest number of SPA qualifying species typically occur (i.e., Black-tailed Godwit, Dunlin and Shelduck). Mitigation measures during operation are proposed on a pre-cautionary basis. It		

		is considered that, with the proposed mitigation measures in place, there will be no significant adverse effects (or an adverse effect on the integrity of the Humber Estuary EMS) as result of the Proposed Development.	
Protective Provisions		Construction and Operation of the IERRT Development will not adversely affect DFDS operations and, as such, protective provisions in favour of DFDS are not required.	

4 Section 4 – Signatories

This Statement of Common Ground is agreed:

On behalf of DFDS:

Name

Signature

Date:

On behalf of ABP:

Name:

Signature:

Date:

DRAFT

Glossary

Abbreviation / Acronym	Definition
ABP	Associated British Ports
ALARP	
AWAC Buoy	
CHA	
DCO	Development Consent Order
DFDS	DFDS Seaways Plc
EIA	Environmental Impact Assessment
EMS	European Marine Site
ES	Environmental Statement
Hazid	Hazard Identification
Hazlog	Hazard Log
HES	Humber Estuary Services
IERTT	Immingham Eastern Ro-Ro Terminal
IGET	Immingham Green Energy Terminal
Nav Sim	Navigational Simulation
NRA	Navigational Risk Assessment
NSIP	Nationally Significant Infrastructure Project
PA 2008	Planning Act 2008
PINS	Planning Inspectorate
Ro-Ro	Roll-on/roll-off
SoCG	Statement of Common Ground
SoS	Secretary of State for Transport
UK	United Kingdom