

Lily Robbins
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Our Ref
ADW/ADW/204604.0001

Date
13 November 2023

Dear Ms Robbins

DFDS submissions for Deadline 6 - Immingham Eastern Ro-Ro Terminal DCO

We act for DFDS Seaways plc (DFDS) who, as an Interested Party, have been assigned the reference IMRO-AFP007.

We write to outline DFDS's submissions at Deadline 6 in the Immingham Eastern Ro-Ro Terminal (IERRT) DCO examination, matching the list of items requested for Deadline 6 in the Rule 8 letter and Rule 17 letter dated 27 October 2023.

DFDS makes the following submission with this letter:

1. Comments on Deadline 5 submissions;
2. Pursuant to Issue Specific Hearing 3 Action Point 17, a summary of comments about each of the run manoeuvres observed on 7-8 November.
3. DFDS' version of the Statement of Common Ground (amended from the version returned by the Applicant on 10 November 2023 and sent to the Applicant on 13 November 2023)

Requests by Interested Parties to be heard at Issue Specific Hearing 5 (ISH5) and Issue Specific Hearing 6 (ISH6) – DFDS wishes to appear at ISH5 and ISH6 and the following will appear in person:

- Isabella Tafur, of Counsel,
- Angus Walker, BDB Pitmans,
- Andrew Byrne, Managing Director, DFDS Immingham,
- Jesper Hartvig Nielsen, Head of Fleet Management, DFDS,
- Brocque Preece, Nash Maritime,
- Matt East, GHD transport consultants,
- Gavin Wickens, GHD transport consultants.

(All may appear at ISH5, only Mr Walker and Mr Byrne will attend ISH6)

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DFDS would also wish to request for cross-questioning, this time at ISH5:

- Andrew Firman, the Harbour Master, Humber – this is to ensure adequate testing of his representations. DFDS remain concerned that his view on the tidal direction used at the simulations has not been properly established and his independence in practical rather than legal terms has not been properly explored and can only be explored through oral questioning; and
- Michael Parr- HR Wallingford - this is to ensure adequate testing of the Applicant's case in terms of the conduct of the simulation exercises, in particular whether all simulations have been reported.

If the Examining Authority is minded to refuse DFDS' request for the third time, DFDS would appreciate if it could give reasons for doing so.

Any further information requested by the ExA under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010

DFDS is aware that in its letter of the 27 October, the ExA requested that final signed copies of SoCGs be submitted not later than Deadline 6 (13 November). Whilst DFDS has been able to finalise and sign the transport specific and dwell time specific SoCGs with the relevant parties, which we understand will be submitted by the Applicant or other Interested Parties, DFDS has been waiting for the Applicant to provide comments on the main SoCG. DFDS sent its comments to the Applicant's representatives on 23 October. DFDS contacted the Applicant for comments on the draft SoCG on numerous occasions (on 31 October, 3, 6 and 10 November), the Applicant only provided its comments on the SoCG at 5:56pm on Friday 10 November with a version which included substantial changes. This has given DFDS only one working day to consider those changes and fully respond which is unreasonable. The formatting is such that the Applicant's additions have been inserted before DFDS' comments making the latter appear out of context. Therefore, DFDS has separated out the Applicant's old and new comments and is submitting the version it has sent back to the Applicant on 13 November 2023.

DFDS requested Protective Provisions in its Relevant Representation [\[REP-008\]](#) dated 19 April 2023. DFDS submitted a draft Protective Provisions at Deadline 2 on 5 September 2023 [\[REP2-042\]](#). DFDS was informed via email from the Applicant's representatives on 18 September that the Applicant was prepared to agree Protective Provisions with DFDS, albeit the drafting would likely differ from those DFDS submitted at Deadline 2. Despite numerous requests for updates, DFDS is still waiting for the Applicant to provide comments on DFDS's draft Protective Provisions or to provide its own drafting. In the latest email from the Applicant on 10 November, it was indicated that the Applicant was unlikely to provide such until after Deadline 6. DFDS is disappointed with the Applicant's slow response. There is not long left of the Examination period and the Applicant has failed to comment on the draft DFDS prepared or provide its own drafting and requests the ExA consider including DFDS' draft Protective Provisions as submitted at Deadline 2 when considering the ExA's proposed schedule of changes to the dDCO.

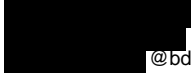


Yours sincerely



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