

IMMINGHAM EASTERN RO-RO TERMINAL



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

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Contents

<u>1</u>	<u>Section 1 – Introduction</u>	4
<u>2</u>	<u>Section 2 – Summary of Engagement</u>	6
<u>3</u>	<u>Section 3 – Matters Agreed and Matters Not Agreed</u>	12
<u>4</u>	<u>Section 4 – Signatories</u>	36
	<u>Glossary</u>	37

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1 Section 1 – Introduction

Overview

- 1.1 This Statement of Common Ground (“SoCG”) has been prepared in connection with 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”). If the DCO is approved, it will authorise the construction and operation of the Immingham Eastern Ro-Ro Terminal (IERRT) at 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 has been prepared by:
- (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 SoCG 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 the SoCG, full account has been taken of 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)*. In addition, the Parties have had due regard to the ExA Procedural Decision of 26 May 2023 [PD-005] and the subsequent PAD Summary Statement submitted to the examination by DFDS at Procedural Deadline A (6 July 2023) [PDA-007].

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

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

1.12 Section 3 of the 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;
- (c) Red – matter not yet agreed; and
- (d) Grey – neutral (used in circumstances where DFDS does not express a view).

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.
23.02.22	Email	DFDS Seaways issued S.42 Consultation Response
04.04.22	Email	ABP issued invitation to Hazid Workshop
07.04.22 & 08.04.22	Workshop	HAZID workshop
08.04.22	Email	ABP emails a copy of the IERRT Spring Newsletter to DFDS
09.04.22	Email	Risk assessment element of the NRA emailed for comment.
19.04.22	Email	ABP issued updated NRA for comment
29.04.22	Email and letter	<p>DFDS responded to request for comments on navigational risk. Raised queries relating to NRA risk sheet, stakeholder attendance and requested additional information including the simulation exercise.</p> <p>DFDS noted in its response that the NRA was not fit for purpose and that there had been insufficient consultation by ABP prior to the workshop on 7 and 8 April 2022 to enable the workshop to be effective.</p>

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 and letter	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	Email and letter	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 HAZID workshop 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, letter and attached minutes	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 and letter	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.
01.06.22	Meeting	Between the Applicant and DFDS to discuss the project.
13.06.22	Email	DFDS requested an amendment to the meeting notes.
14.06.22	Email	DFDS requested an update on 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 navigational simulations 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.
15.07.22	Email and letter	BDB Pitmans (acting on behalf of DFDS), sent letter to ABP requesting a response to DFDS' letter dated 1 June and provides a list of risks which it considers should be discussed at the August HAZID workshop. Navigational simulations requested again. Indicates further statutory consultation should be undertaken.
01.08.22	Email and letter	Clyde&Co (acting on behalf of ABP) provided a response to issues relating to Hazid Workshop, navigational

		simulations, position of DFDS, traffic congestion and material amendment.
02.08.22	Email and attachments	ABP issued pre-read material for Hazid workshop
02.08.22	Email and letter	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 and confirmation that ABP would provide the navigational simulations in advance of the next HAZID workshop.
03.08.22	Email and attachments	ABP issued further pre-read material for Hazid workshop
05.08.22	Email and attachments	ABP issued a link to navigational safety reports
12.08.22	Email	DFDS respond to ABP's email of 2.08.22, raised concerns about the risk assessment process and the splitting of the delegates in the workshops.
15.08.22	Email	ABP issued invitation to Hazid Workshop 3
16-17.08.22	Workshop	HAZID workshop
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	DFDS responded to ABP email of 22.08.22 confirmed concerns remain and disagree with the approach taken to risk scores. DFDS did not accept ABP's position that all attendees had been aligned on reports; DFDS noted it believed the workshop concluded that the simulation report was flawed and should be re-run.

24.08.22	Email	ABP emails DFDS to note the forthcoming IGET project
24.08.22	Email	ABP emails a copy of the IERRT Summer Newsletter to DFDS
25.08.22	Email	DFDS responded to ABP's email of 24.08.22 re the IGET project
29.08.22	Email and letter	DFDS responded to ABP's email of 19.08.22 and email exchanges with ABP in w/c 22.08.22
29.08.22	Email and letter	DFDS Senior Vice President contacts ABP's CEO regarding DFDS' concerns.
29.08.22 & 30.08.22	Email	ABP responded to DFDS email from 12.08.22 and summarised the approach taken in the workshops.
30.08.22	Emails	ABP respond to DFDS email of 25.08.22 re IGET project and provides IGET briefing note.
30.08.22	Email	ABP's CEO's confirms receipt of DFDS letter of 29.08.22.
30.08.22	Email	DFDS send ABP new risks DFDS have identified for the NRA.
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 draft Haz Log for final consultation.
05.09.22	Email	DFDS provided further comments on the HAZID Workshop and assessment approach.
07.09.22	Email	ABP send holding response to DFDS, noting they will respond in due course.
23.09.22	Email	ABP issued response to DFDS letter from 29.08.22.
26.09.22	Email and letter	ABP's CEO responds to DFDS Senior Vice President's letter of 29.08.22
29.09.22	Meeting	Between ABP's Humber Director and DFDS Senior Vice President
03.10.22	Email	From ABP to DFDS, following up from the meeting on 29.09.22
05.10.22	Email	DFDS response to ABP's letter of 23.09.22, 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. DFDS raised concerns regarding Humber Harbour Master reporting line.
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.
18.10.22	Email and letter	Letter from DFDS Senior Vice President responds to ABP's CEO letter of 26.09.22, notes DFDS' concerns remain.
18.10.22	Email	Email from ABP's CEO to DFDS Senior Vice President in response to letter of 18.10.22.
20.10.22	Meeting	Between ABP and DFDS, ABP note the intention to hold further statutory consultation.
24.10.22	Email	DFDS requested information about the upcoming Supplementary Statutory Consultation
26.10.22	Email	ABP respond to DFDS email of 24.10.22 to provide details of the Supplementary Statutory Consultation.
27.10.22	Email	ABP issued notification of Supplementary Statutory Consultation.
18.11.22	Email	From ABP to DFDS providing details of what further simulations ABP intended to carry out on 28-30 November 2022.
18.11.22	Email	From DFDS to ABP to confirm DFDS attendees at the simulations.
20.11.22	Email	From ABP to DFDS providing logistics details for further simulations.

21.11.22	Email	From DFDS to ABP querying when the RoRo simulations will be undertaken.
21.11.22	Email	From DFDS to ABP providing details of another DFDS attendee at the simulations.
22.11.22	Email	From ABP confirming receipt of email of 21.11.22.
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 DFDS 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.
24.11.22	Email	ABP responded to DFDS email from 05.10.22 (in purple text).
25.11.22	Email	DFDS issued supplementary statutory consultation response.
06.12.22	Email	DFDS response to ABP's email of 24.11.22, suggested further discussions when the latest Navigational Simulations report has been provided to DFDS.
12.12.22	Meeting	Between ABP and DFDS
12.01.23	Email	DFDS noted that the application for development consent was submitted and requested that latest Navigation Simulation report be issued.
16.01.23	Email	ABP confirmed that Navigation Simulation Report will be issued shortly.
23.01.23	Email	ABP sent through Navigation Simulation Report and offered a follow up call or meeting.
09.02.23	Email	DFDS response to the IGET proposal.
16.02.23	Email	DFDS outlined remaining concerns on Navigation Simulation 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.
20.03.23	Email	ABP Director Humber to DFDS Senior Vice President re invitation to senior stakeholder meeting on 27 April 2023
21.03.23	Email	DFDS Senior Vice President to ABP Director Humber accepts invitation to the senior stakeholder meeting.
19.04.23	Email	DFDS submitted relevant representations.
16.05.23	Email	ABP postponed the senior stakeholder meeting. This meeting was never held.
17.05.23	Email	DFDS respond to email of 16.05.23, expressing disappointment and short notice of the cancellation.
19.07.23	Email & Letter	Clyde&Co (acting on behalf of ABP) noted DFDS'S request for Protective Provisions in its Relevant Representation [RR-008]. 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	BDB Pitmans confirmed receipt of letter of the same date and confirmed they would respond.
02.08.23	Email & Letter	BDB Pitmans (acting on behalf of DFDS), requested ABP's transport consultant contact the DFDS transport consultant following the actions which arose from Issue Specific Hearing 2.
02.08.23	Email	Clyde & Co confirmed receipt of letter of the same date.
03.08.23	Email & Letter	ABP transport consultant, DTA contacted DFDS transport consultant, GHD 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 & Letter	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.
24.08.23	Email	ABP clarifying a reference to the A160 and noting the Inspectorate require information on PPE needed for the ASI.
29.08.23	Email	ABP requesting a response to letter of 14.08.23 re ISH2 Action Point 6.
30.08.23	Email & Letter	DFDS response to letter of 14.08.23 and agreed that September to November 2022 were representative months for DFDS Ro-Ro vessel movements (ISH2 Action Point 6). Data was provided showing the movements for those months and the distribution of cargo between accompanied and unaccompanied freight volume.
30.08.23	Email	ABP confirm receipt of email and letter.
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.
01.09.23	Email	BDB Pitmans confirmed receipt and will respond.
04.09.23	Email	BDB Pitmans confirmed the DFDS data relates to units and that they

		accepted presenting Ro-Ro data excluding cars/mobiles. DFDS provided the 6 month average data as requested (ISH2 Action 6).
05.09.23	Email	ABP confirm receipt of email of 04.09.23 and will respond.
05.09.23	Email	BDB Pitmans provided Clyde & Co with draft Protective Provisions in favour of DFDS.
08.09.23	Email	Clyde & Co re PPE for the ASI.
14.09.23	Email	Clyde & Co re PPE for the ASI.
15.09.23	Email	ABP provided an itinerary for meeting on the 15.09.23
18.09.23	Email	Clyde & Co note ABP prepared to agree some protective provisions and will provide some drafting in due course.
18.09.23	Meeting	ABP, DFDS and CLdN attended a call and discussed various transport and traffic points.
20.09.23	Emails	DFDS response to email of 14.09.23 re PPE for the ASI.
20.09.23	Email	Clyde & Co response to email of 20.09.23 re PPE for the ASI.
20.09.23	Email	Clyde & Co provide draft SoCG.
20.09.23	Email	BDB Pitmans acknowledged draft SoCG and confirmed they would review.
25.09.23	Email	ABP issued notes of meeting on 15.09.23 and final notes from meeting on 30.08.23
25.09.23	Email	DFDS response to email of 20.09.23 re PPE for the ASI.
25.09.23	Emails	Clyde & Co re logistics for the ASI and confirming attendees.
26.09.23	Email	GHD (on behalf of DFDS) provided comments on note of meeting on 15.09.23
13.10.23	Meeting	ABP, DFDS and CLdN attended a call and discussed various transport and traffic points.
19.10.23	Email with Letter	ABP sent a notice of consultation for proposed changes to the IERRT project.
20.10.23	Email with Letter	ABP wrote with regard to Action Point 17 proposing stakeholder simulations on 7 and 8 November.
20.10.23	Meeting	GHD and DTA met in regard to transport issues.

23.10.23	Email	ABP confirmed that a revised DCO will be submitted at Deadline 5. The applicant will consider the draft protective provisions provided by DFDS on 05.09.23 following deadline 5.
23.10.23	Email	DFDS provided an updated draft SoCG clean and tracked versions and suggested that the clean version be submitted to ExA for Deadline 5.
23.10.23	Email	ABP confirm that they will not submit the clean version for Deadline 5 but will acknowledge an amended draft has been received.
23.10.23	Email	DFDS acknowledged ABP response.
26.10.23	Email and Letter	DFDS raised issues regarding the forthcoming navigation simulations.
26.10.23	Email	ABP acknowledge receipt and will respond in due course. ABP request confirmation of the proposed attendees for the simulations and availability for the pre-meeting on 31.10.23
26.10.23	Email	DFDS confirmed availability for the pre-meeting and will revert with attendees for the simulations. DFDS requested confirmation that ABP will respond to letter of 26.10.23 before the pre-meeting and that an agenda will be sent by COB on 27.10.23
29.10.23	Email and Letter	ABP reaffirmed that they believe the navigation simulations are fit for purpose and responded to concerns raised by DFDS on 26.10.23.
30.10.23	Email	DFDS queried when comments will be provided on the draft protective provisions.
31.10.23	Meeting	Pre meeting to discuss the navigation simulations. Key areas of concern that were raised were use of the design vessel, environmental conditions and simulation pass/fail criteria.
31.10.23	Email	DFDS ask for updates on the SoCGs.
02.11.23	Email and Letter	DFDS provided comments on the pre-meeting regarding parameters and aborts, environmental model, simulation runs and vessels. DFDS

		also confirmed attendees to simulations.
02.11.23	Email	DFDS ask for an update on the protective provisions.
02.11.23	Email	ABP provide an update on the status of the protective provisions and SoCGs.
02.11.23	Email and attachments	ABP provide draft minutes of the meeting of 31.10.23 requesting comments and copy of the PowerPoint slide presented at the meeting.
03.11.23	Email and letter	ABP respond to DFDS letter of 02.11.23
03.11.23	Email	DFDS respond to email of 02.11.23 re the status of the protective provisions and SoCGs.
03.11.23	Email	ABP provide an update on the status of the protective provisions and SoCGs.
03.11.23	Email and attachment	Email from DFDS with proposed amendments to the minutes of 31.10.23
03.11.23	Email	With logistics details for the simulations on 7 & 8 November
06.11.23	Email	DFDS ask for an update on the SoCG and protective provisions.
06.11.23	Emails	Between GHD and DTA re minutes of meetings of 13 and 20 October
08.11.23	Meeting	GHD and DTA met in regard to transport issues.
09.11.23	Email	From GHD to DTA seeking clarity on gate house questions raised
09.11.23	Email	Emails between GHD to DTA re transport SoCG
10.11.23	Email	Emails between GHD to DTA re transport SoCG
10.11.23	Email	DFDS ask for an update on the SoCG and protective provisions.
10.11.23	Email	ABP provide updated SoCG and note no protective provisions will be provided until after Deadline 6.
13.11.23	Email	Emails between GHD to DTA re final and agreed transport SoCG

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 Ref	ABP's Position	DFDS's Position	ABP response	DFDS response	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>In ISH2 DFDS highlighted that the National Policy for Ports is not the only policy the Applicant should have regard to. DFDS has already highlighted that the Planning Act 2008 requires the Applicant to have regard to the UK Marine Policy Statement (MPS) (2011) [REP1 – 028] paragraph 5.1.</p> <p>Apart from underlining the requirement under policy to ensure navigational safety, DFDS has</p>			Neutral

		Key local policy of relevance to the IERRT project is provided within the North East Lincolnshire Local Plan 2013 to 2032 (April 2018).	not raised any issues in regard to policy and therefore queries the inclusion of this point in the SoCG and suggests it is removed.			
The Government's policy for ports		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.	As noted in paragraph 2.2 of REP4-025, DFDS has drawn attention to paragraph 3.3.3 of the NPSfP which identifies a number of criteria that new port infrastructure should satisfy to help meet the Government's policies on sustainable development. It is DFDS' view that the Proposed	ABP does not agree with DFDS in respect of the conclusions it reaches on paragraph 3.3.3 of the NPSfP for reasons that have already been rehearsed. ABP considers that the IERRT development is well designed, both functionally and environmentally. DFDS, are simply casting unfounded assertions against the Proposed Development without any supporting justification or evidential fact. If on the other hand		Not agreed

			<p>Development does not comply with the 5th bullet point '<i>new infrastructure should be well designed, functionally and environmentally</i>'. DFDS does not consider that the Applicant has demonstrated that the proposed infrastructure is '<i>functionally well designed</i>' in light of the safety risks it poses and likely implications on the existing commercial operations at the Port of Immingham and the local road network and communities.</p>	<p>DFDS could produce evidential information and relevant supporting data, ABP would be happy to review it, discuss the provided information with DFDS on a collaborative basis and respond accordingly. Until then, such assertions can be given no weight. On the other hand, ABP's evidence as to why the IERRT development constitutes sustainable development is set out within its evidence – for example, in its Planning Statement [APP-019] and Deadline 5 response to CLdN [REP5-032].</p>		
Overall accordance with the NPSfP	Planning Statement (Incorporating	A detailed and comprehensive review of the	DFDS has nothing to add in	It is patently clear that the Proposed Development is being		Neutral

	Harbour Statement) [APP-019]	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.	addition to the point above.	promoted as development entirely in accordance with the NPSfP. Again DFDS are simply making unsupported and indeed unsupportable assertions.		
Assessment of navigational risk	DFDS relevant representations (RR – 008) ES – Volume 3 – Appendix 10.1 – Navigational Risk	The methodology followed in the NRA complies with the PMSC and the associated GtGP. The NRA draws upon three HAZID Workshops and	DFDS has, in Appendix 1 of REP4-025, set out the key differences between the NRA submitted by DFDS at	ABP’s Interim Response to DFDS’ Additional Navigational Risk Assessment [REP3-009] concludes that DFDS’ NRA contains a number of fundamental flaws, whilst in other respects		Not Agreed

	<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>vessel simulations which, with the exception of the first (internal) HAZID Workshop, have been attended by representatives of DFDS (APP-089).</p>	<p>Deadline 2 [REP2-043] and the NRA produced by the Applicant [APP-089]. DFDS considers the underlying issue is that the Applicant’s NRA does not adequately capture or assess the risks.</p> <p>While DFDS attended the HAZID workshops in April and August 2022, the lack of structure and transparency on risk definition and tolerability meant that consensus could not be reached (as strongly suggested in the PMSC). It is therefore no</p>	<p>the additional NRA is in line with the comprehensive NRA submitted by the Applicant [APP-089]. ABP intends to submit a full commentary on DFDS’ NRA in due course.</p> <p>This is simply not correct. It is misleading for DFDS to assert that ABPmer have no track record of producing NRAs. ABPmer has over 70 years of experience providing technical expertise for port development, this includes an eight strong Maritime Team, the members of which have specialist skills in Harbour Mastering, Pilotage, Port Policy, operational risk assessment and the production of Navigational Risk Assessments (NRA). ABPmer has produced</p>		
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			<p>marker of reliability to say that the Applicant's NRA draws upon the HAZID workshops and vessel simulations which DFDS also contends are not reliably representative of real-life conditions, nor adequately comprehensive which has led to misinformed judgement on risk.</p> <p>DFDS does not agree that the Applicant's NRA adequately comprehends the risks or that it can be relied upon to make an informed judgement on the</p>	<p>on average, two NRAs per year over the last 10 years in support of Marine Licence Applications, Development Consent Orders and Harbour Revision Orders. The NRAs have supported both ABP applications and schemes promoted by other Organisations.</p> <p>DFDS should formally withdraw that groundless assertion which does nothing to engender a collaborative approach.</p>		
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			<p>terminal's through-life operational safety.</p> <p>[DFDS also find it surprising that the Applicant has chosen ABP Mer as their Risk Assessment consultants, when they have no track record in producing NRAs.]</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>At the HAZID workshops in April and August 2022 it was apparent that there was data from MARNIS but this was not shared with the group. It has not, therefore, been clear to DFDS, whether or how, historic allisions and collisions</p>	<p>ABP notes that the Harbour Master Humber has addressed the Fast Ann, Fast Filip and Stena Gothica incidents in [REP4-033].</p>		<p>Matter ongoing</p>

			<p>have informed the NRA.</p> <p>DFDS believe the following three incidents are indicative of the complexities of the Immingham area and also illustrate the issue regarding the tides in the area that DFDS has consistently raised and the Applicant has not listened to:</p> <ul style="list-style-type: none"> - "Fast Ann"; - "Fast Filip"; and - "Stena Gothica". 			
Wind and tide (baseline in NRA)	<p>DFDS relevant representations (RR – 008)</p> <p>ES – Volume 1 – Chapter 7 – Physical Processes (APP – 043)</p>	<p>Existing MetOcean (meteorological and oceanographic) conditions described in Section 3.3 of the NRA are informed by available relevant</p>	<p>DFDS agree that measured wind data is preferable to modelled data, but the Applicant has not used relevant measurements.</p>	<p>As explained in [REP1-009] and [REP1-013], for quality and consistency, the best source of wind data should come from certified, calibrated equipment which is set and measured against a</p>		<p>Matter not agreed</p>

	<p>ES – Volume 3 – Appendix 10.1 – Navigational Risk Assessment (APP – 089)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p>	<p>measured and modelled datasets.</p> <p>Wind: 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. Further in-depth information is provided in the Physical Processes Chapter of the ES and the Applicant's Summary of Oral Representations made during ISH2 [REP1-009].</p>	<p>The Applicant is still wholly reliant on wind data from Humberside Airport and has not calibrated the Airport data to the local area, which DFDS would expect if using a such a dataset.</p> <p>Humberside Airport sits within a geographic bowl of higher ground which shields the anemometer which can lead to the data being compromised in terms of accuracy for use of a broader area. The Airport is also 15km from the Proposed Development.</p> <p>The Applicant provided local historical data to</p>	<p>regulated standard which is what has taken place.</p> <p>Gathering wind data from the nearest airport for use in simulations is a common methodology, as airports collect comprehensive and accurate data over long periods of time.</p> <p>The Humberside wind data provided a more macro indication of wind for use in the ES and NRA, and Immingham Port wind data provided indication of localised wind which is useful to inform simulation modelling. This is the approach used in the NRA. The source of wind data used in the baseline description of the NRA is not critical to the outcomes of the assessment (as that is based on the relevant expertise of stakeholders involved in</p>		
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			<p>their simulation experts as indicated in the preamble to one of their early simulation study reports so it is unclear why the Applicant is relying solely on the Airport data.</p> <p>The Applicant has done nothing to address the fact that it uses data which does not include gusts or durations of wind speed as is normal practice.</p> <p>DFDS is still of the opinion that the tide data used is inconsistent with the experience of DFDS mariners and previously published data by the Applicant in its function as</p>	<p>the HAZID process who have knowledge of working and navigating on the Humber).</p> <p>As stated in [REP1-008], gusts were modelled in the simulation exercise, and the effects of sheltering were taken into account. The gusts and sheltering wind data used by HR Wallingford to initially assess the direction and the appropriate strengths to test in the simulations derived from the Immingham Dock Tower. This was a collation of 12-months of data provided by HES and analysed by HR Wallingford to establish the general wind directions to form a realistic and representative assessment.</p> <p>Tide:</p>		
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			Humber Estuary Services and the Admiralty.	As stated in [REP1-008] HR Wallingford are confident in the tidal modelling between the IOT and the Port of Immingham bell mouth following extensive data collection and validation. The model used met the applicable standards for estuarine modelling accuracy and accurately represents the spatial variation in the long-term current measurements.		
Simulations	DFDS relevant representations (RR – 008) ES – Volume 3 – Appendix 10.1 – Navigational Risk Assessment (APP – 089) ES – Volume 3 – Appendix	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 were	DFDS do not accept that comments at the time were fully taken into account: from August 2022 onwards DFDS expressed safety concerns. For example, please see the letter from Kell Robdrup, Senior	As set out in [REP4-008], the level of engagement and consultation undertaken to date has far exceeded that which would normally be the case and The the Applicant has acted fully in accordance with the guidance in		Not agreed

	<p>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>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>Vice President at DFDS to Henrik Pedersen, CEO at ABP on 29.08.22 (see e-page 116-117 of REP2-048).</p> <p>Stakeholders were only invited to the final set of simulations in November 2022 which used smaller vessels than the design specification of the Proposed Development and then only to Berth 1 which is widely viewed as the most straightforward in terms of manoeuvring. The Applicant is relying on a previous model on the berth which makes the simulations</p>	<p>seeking to achieve consensus</p>		
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			<p>unreliable for what is now proposed.</p> <p>To suggest any comments in relation to these limited simulations fully addressed the concerns of DFDS is untrue and misleading.</p>			
Simulation modelling (tidal)	<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 accurate and reliable AWAC buoy and ADCP survey data from the area immediately adjacent to the IERRT terminal to inform the simulations.</p>	<p>DFDS do not accept that the tidal model used by the Applicant is representative and have raised concerns consistently about the modelling since the first HAZID workshop it attended in April 2022.</p> <p>The Applicant has acknowledged they have not</p>	<p>As stated in [REP1-008] HR Wallingford are confident in the tidal modelling between the IOT and the Port of Immingham bell mouth following extensive data collection and validation. The model used met the applicable standards for estuarine modelling accuracy and accurately represents the spatial variation in the long-term current measurements.</p> <p>Further in-depth information is provided in the Physical</p>		Not agreed

	<p>DFDS Principal Areas of Disagreement (PDA – 007)</p>		<p>taken data north of the IOT, but as this is where vessels start their manoeuvre from, it is integral that accurate tidal data is used.</p> <p>DFDS Master Mariners and consultants have decades of experience manoeuvring north of the IOT, in the Immingham Bellmouth Area, to the East and West Jetty and to the IOT finger piers. They remain resolute that the tides as represented are not consistent with this considerable experience nor is it consistent with published data from the</p>	<p>Processes Chapter of the ES and the Applicant's Summary of Oral Representations made during ISH2 [REP1-009].</p> <p>ABP is concerned that DFDS seem to be taking its comments out of context. That is not helpful and does nothing to aid the SoCG exercise.</p>		
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			<p>Admiralty nor the Applicant in their function as Humber Estuary Services. In all of these publications the tide in the Immingham area is described as roughly 135°/315° which is consistent with our mariners' experience.</p> <p>The Applicant acknowledges in its response to ExQ2 question NS.2.34 (e-page 37 of REP4-008) that a differential of 10 to 15 degrees would clearly have a significant impact.</p>			
Simulation modelling (vessel)	DFDS relevant representations (RR – 008)	The vessels selected for use within the simulation studies at APP-090, APP-091, APP-092,	DFDS does not agree that the Jinling vessels are the most representative	ABP is the owner and operator of the port of Immingham, and SHA for the port. It has commissioned HR		Not agreed

	<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>were selected as they are the most representative models available for simulation and comprise an appropriate analogy to operational parameters.</p>	<p>when only six exist worldwide and they are all operated by DFDS and none are intended for use at the Proposed Development.</p> <p>There are other operators on the Humber with similar tonnage RoRo vessels such as the Delphine and sisters but these have not been simulated.</p>	<p>Wallingford, a world leader (and a company incidentally similarly instructed by DFDS in respect of their own operations) to undertake comprehensive simulations. The simulations were undertaken in consultation with and in the presence of DFDS and it is not for DFDS now to gainsay the conduct of those simulations when no such points were made at the time.</p> <p>The rationale has been explained to DFDS on a number of occasions, most recently during navigation simulations undertaken on 7th/ 8th, November and it is disappointing that DFDS continue to repeat a concern that that has absolutely no substance. and it is disappointing that DFDS</p>		
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	DFDS Principal Areas of Disagreement (PDA – 007)				
Simulation vessel conduct – unrealistic use of vessel machinery	<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>	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.	DFDS remain of the view that unrealistic use of machinery was used in the simulations, whether or not the Senior Pilots reported variance during the simulations.	Again, no such point was made during the simulations which were attended by representatives of DFDS.	Not agreed

	<p>ES – Volume 3 – Appendix 10.2 – Navigational Simulation Stakeholder Demonstrations (APP-092)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p>					
Simulation – available towage	<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>Senior Pilots from HES and towage providers conducted the pilotage/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</p>	<p>DFDS remain of the view that simulations are not representative of the complexity of real life interactions. The first simulations used smaller tugs, then subsequent ones use more powerful tugs which are not representative of the tugs available on the river.</p>	<p>Towage providers have confirmed that their fleets can expand to meet demand [REP4-008]. ABP is mystified by the expressed concerns of DFDS in this respect bearing in mind that it operates from the Port of Immingham and does actually know how the Port operates.</p>		Not agreed

	<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>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>The Applicant's position in their response to ExQ2 that "in the very unlikely event that demand for towage outstrips supply then... the manoeuvre would simply not be allowed to take place" (NS.2.06 REP4 – 008) would result in delays and capacity issues particularly as the Applicant does not have control over tug availability on the river.</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</p>	<p>DFDS agrees that there is a robust training process in place and expects that Pilots and PECs already have such training and</p>			<p>Matter ongoing</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>limitations and are satisfied that 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>therefore disagrees that further training would reduce the risks and cannot accept this as “additional mitigation”.</p>			
<p>IOT trunkway protection</p>	<p>DFDS relevant representations (RR – 008)</p> <p>ES – Volume 3 – Appendix</p>	<p>IOT trunk way protection has been identified as a potential control in the NRA and may</p>	<p>DFDS is unable to form an opinion until it has had the opportunity to</p>			<p>Matter ongoing</p>

	<p>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</p>	<p>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>fully consider the Applicant’s proposed Impact Protection Measures, set out in the Applicant’s change request, published on 19 October 2023.</p>			
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	Disagreement (PDA – 007)					
Dredging	<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 existing berths at the Port of Immingham (and further afield), and the bathymetry of the wider Humber Estuary will not be significantly affected</p>	<p>DFDS remains concerned that dredging deposits will not stay in the deposit grounds in a tidal river but will spread to terminal and channels.</p>	<p>If DFDS wish to record concerns in this respect they should provide scientific data and evidence to support their assertions otherwise, in light of the above, ABP considers them to be groundless. That said, if appropriate evidence is provided to support these assertion, ABP would, of course, be happy to review the information provided.</p>		Matter ongoing

		by the Proposed Development.				
<p>Navigational Risk Assessment ("NRA") methodology</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>The methodology followed in the NRA fully complies with the PMSC and the associated GtGP.</p>	<p>As set out in the note appended to REP4–025, DFDS considers that the Applicant’s NRA does not apply the fundamental principles of Navigation Risk Assessment to facilitate a robust, impartial, transparent risk assessment that facilitates stakeholder consensus (as strongly emphasised in the PMSC GtGP). The Applicant fails to appropriately apply likelihood definitions or the</p>	<p>As discussed in Appendix 4 to [REP1-009], the scope of the NRA undertaken for this project has been extremely thorough and comprehensive and involved full involvement of stakeholders. It has been produced by qualified specialist experts in relation to navigation matters.</p>		<p>Not agreed</p>

			<p>concept of ALARP as per their references (PMSC GtGP and MGN 654). The separation of ALARP and tolerability – being treated as mutually exclusive concepts – also obfuscate the level of risk, the appropriate mitigations and does not attempt to consider the stakeholders' requirements. Overall, the Applicant's approach does not align with the underlying intent of the PMSC's GtGP on how to undertake reliable NRAs.</p>			
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<p>HAZID meetings and outcomes</p>	<p>DFDS relevant representations (RR – 008)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p>	<p>Thorough stakeholder engagement/ consultation was undertaken in accordance with the PMSC’s recommendation.</p>	<p>Although HAZID workshops took place, there was no agreement during these and DFDS did not agree with the proposed methodology and assessment of risk. DFDS does not agree that there was stakeholder consensus.</p>	<p>ABP has explained in [REP4-008] how stakeholders have been kept fully involved in this process with a view to achieving consensus. The MCA’s Guidance does not, however, require consensus to be achieved and it is inevitable that there may sometimes be disagreement between stakeholders given their different aspirations or commercial objectives. As an experienced SHA, ABP believes that the level of engagement and consultation undertaken to date has far exceeded that which would normally be the case and the SHA has acted fully in accordance with the guidance in seeking to achieve consensus. In the circumstances where commercial considerations are in play for stakeholders, and notwithstanding the</p>	<p>Not agreed</p>
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				efforts made to achieve consensus, it has not been possible so to do.		
HAZID resources	DFDS relevant representations (RR – 008) ES – Volume 3 – Appendix 10.1 – Navigational Risk Assessment (APP – 089) DFDS Principal Areas of Disagreement (PDA – 007)	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.	The Applicant did provide a briefing but there was not stakeholder consensus. Simulations and a matrix were supplied ahead of the meetings but arrived late and there was insufficient documentation to explain these provided prior to the meetings.			Agreed
HAZID attendance	DFDS relevant representations (RR – 008) DFDS Principal Areas of Disagreement (PDA – 007)	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	DFDS agrees the Harbour Master attended the HAZID workshops, where he agreed the tidal data was not correct. DFDS notes the Designated	It is misleading for DFDS to state that the Harbour Master Humber “agreed the tidal data was not correct”. Bearing in mind the information that has already been provided to the examination, such misleading statements do little to engender any		Not Agreed

		<p>relevant stakeholders were invited to attend.</p>	<p>Person was not invited.</p>	<p>degree of trust in the views being expressed by DFDS. In [REP2-054], as DFDS are aware, the Harbour Master Humber did express his initial concern with regards to tidal data but then acknowledged that when ABP undertook more work in this regard which resolved his initial concerns. Indeed, ABP and HR Wallingford conducted further data collection and validation as referenced above. As stated in [REP1-008] HR Wallingford are confident in the tidal modelling between the IOT and the Port of Immingham bell mouth following extensive data collection and validation.</p> <p>The Harbour Master Humber further addresses tidal data in [REP3-024] and [REP4032], stating that</p>		
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				<p>tide direction to the north of the IOT is not of concern.</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 associated with the IERRT.</p>	<p>The Duty Holder is the ABP Harbour Board. The Designated Person (supposed to advise the Duty Holder) did not attend any of the HAZID meetings and is not identified as having participated in any way during the production of the NRA.</p> <p>Notwithstanding the Applicant's explanation in response to ExQ question NS.2.03, REP4–008 DFDS remains of the opinion that there is insufficient independent scrutiny in</p>	<p>This was fully explained during the ISH by the Applicant's Designated Person - oral evidence which seems to have been ignored by DFDS.</p>		<p>Not agreed</p>

			determining navigational risks 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</p>	<p>DFDS does not agree that the Proposed Development will not have an impact on the capacity of the Port of Immingham.</p> <p>Whilst the number of vessels has gone down the size of vessel has gone up, and a large ship takes longer to manoeuvre and this will cause delays.</p>	<p>Management of the Port of Immingham falls to ABP as the SHA. If ABP considered that there would be any issues in this respect, it clearly would not be promoting the IERRT development.</p>		Not agreed

		Authority has determined that this does not have an impact on safety of navigation.				
Availability of vessel waiting (stemming) areas and tugs	<p>DFDS relevant representations (RR – 008)</p> <p>DFDS Principal Areas of Disagreement (PDA – 007)</p> <p>ES – Volume 3 – Appendix 10.1 – Navigational Risk Assessment (APP – 089)</p>	<p>The number of vessels transiting the port of Immingham has declined over the medium term, reducing pressure on 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</p>	<p>The Applicant has not addressed DFDS’s concerns that the new berths will cause significant interference with the existing agreed vessel waiting (stemming) areas.</p> <p>As above, while the number of vessels have the declined, the size of vessel has increased, and a larger vessel takes longer to</p>	<p>This is not correct and is unhelpfully misleading. Stemming areas have been the subject of submissions by the Harbour Master Humber.</p>		Not agreed

		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.	manoeuvre which will cause delays.			
Operation of the Inner Dock's lock	DFDS relevant representations (RR – 008) ES – Volume 3 – Appendix 10.1 – Navigational Risk Assessment (APP – 089)	Operation of the Inner Dock's lock will not be adversely affected by the IERRT, whilst Stena vessels and services which currently use the Inner Dock will be displaced to the IERRT – relieving Inner Dock berth and lock capacity. The NRA considers the navigation baseline and projections of	DFDS needs to see modelling of the movements to see whether it can agree.	Management of navigation within the environs of the port of Immingham is the responsibility – and legal obligation - of ABP as owner and operator of the port and SHA – not DFDS.		Matter ongoing

		shipping on the Humber Estuary. The Navigation Authority has determined that this does not have an impact on safety of navigation.				
Environmental Statement	<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.</p> <p>The Cumulative and In-combination assessment (APP-056) properly assesses the potential impacts alongside the proposed IGET. The</p>	<p>DFDS does not agree that the Cumulative and In-combination assessment properly assess the potential impacts alongside the IGET. The IGET application has been submitted to and accepted by the Inspectorate so it should be reassessed.</p>	<p>[REP5-025] includes a review of the cumulative and in-combination effects to take account of the recent submission of the IGET application, concluding that the assessment remains robust.</p> <p>This statement is another example of DFDS levelling assertions against the Proposed Development without any supporting evidential data. Again, if DFDS could explain their concerns with specific reference to where it is considered the Applicant's</p>		<p>Not Agreed</p>

		ES adheres to the requirements set out in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) as well as relevant guidance.		assessment is lacking, then ABP would be happy to review that information and respond accordingly. Until then, such an assertion can be given no weight.		
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.	DFDS has not seen any modelling done by the Applicant on vessel congestion.	It is for ABP as operator of the port and SHA to satisfy itself in this respect.		Not agreed
Background Noise and Mitigation: Effect on Noise	DFDS relevant representations (RR – 008) DFDS Principal Areas of	The construction noise assessment contained in Chapter 14 of the ES [APP-050] has included 5 dB	DFDS does not agree as there is no satisfactory mitigation if all the construction	As detailed in [APP-050] on-site noise sensitive receptors benefit from existing alternative means of cooling/		Not agreed

<p>Sensitive Receptors</p>	<p>Disagreement (PDA – 007)</p>	<p>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 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. The construction noise assessment</p>	<p>activities occur at the same time. Nowhere is the cooling/ventilation mentioned by the Applicant secured.</p>	<p>ventilation which can be utilised. DFDS have failed to explain why they consider the information provided by the Applicant to be lacking. Without the provision of such evidence and data, ABP has to a view the concerns expressed as groundless but would be happy to review any justifying data should it be provided.</p>		
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		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.				
Noise: Insulation	DFDS relevant representations (RR – 008) DFDS Principal Areas of Disagreement (PDA – 007)	As set out in Paragraph 14.9.14-14.9.15 of Chapter 14 [APP-050] and Requirement 10 of the 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	Schedule 2, Requirement 10 (noise insulation) of the draft DCO potentially provides no protection at all – what is offered by the Applicant should be required to reach a specified standard of protection.	Requirement 10 in the draft DCO has been updated at Deadline 5 [REP5-004].		Matter ongoing

		acoustic environment in sensitive/habitable rooms such as bedrooms and living rooms.	DFDS awaits a revised version of the draft DCO to be submitted at Deadline 5 and will review accordingly.			
Noise: Construction Hours and plant	DFDS relevant representations (RR – 008) DFDS Principal Areas of Disagreement (PDA – 007)	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	Construction working hours and ventilation as mitigation measures are not secured anywhere in the draft DCO. DFDS awaits a revised version of the draft DCO to be submitted at Deadline 5 and will review accordingly.	The draft DCO has been updated at Deadline 5 [REP5-004].		Matter ongoing

		powered plant and vehicles as a worst case scenario.				
Air quality	DFDS relevant representations (RR – 008) DFDS Principal Areas of Disagreement (PDA – 007)	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. 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	No comment			Agreed

		<p>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 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>				
Draft Development Consent Order	<p>DFDS relevant representations (RR – 008)</p> <p>DFDS Principal Areas of</p>	The draft Development Consent Order will be subject to extensive review by all parties during the	DFDS provided detailed comments regarding the draft DCO at Deadline 2	The draft DCO and Explanatory Memorandum have been updated at Deadline 5.		<p>Matter ongoing</p>

	<p>Disagreement (PDA – 007)</p> <p>Draft Development Consent Order (APP – 013)</p> <p>Explanatory Memorandum to Draft DCO (APP – 014)</p>	<p>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>[REP2-039], most of these comments have not been addressed in the latest version of the draft DCO submitted at Deadline 3 [REP3-002]. DFDS maintains its view that there are a number of further changes to the draft DCO required, including the inclusion of protective provisions in favour of DFDS.</p> <p>DFDS awaits a revised version of the draft DCO to be submitted at Deadline 5 and will review accordingly.</p>	<p>ABP has agreed, in principle, with the inclusion of Protective provisions in favour of DFDS in the draft DCO. The wording of these protections is under negotiation between the Parties.</p>		
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<p>Ecological concerns</p>	<p>DFDS relevant representations (RR – 008)</p> <p>ES – Volume 1 – Chapter 9 – Nature Conservation and Marine Ecology (APP – 045)</p>	<p>The assessment on Nature Conservation and Marine Ecology (APP-045) has considered the potential impact of the Proposed Development on marine ecology, 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</p>	<p>DFDS is of the opinion that the revised Impact Protection Measures will require a new assessment to be made with a particular view of the reliance on waterbirds on invertebrate resource for foraging waterbirds.</p> <p>DFDS has not yet had the opportunity to fully consider the Applicant’s ES addendum which form part of Applicant’s change request, published on 19 October 2023.</p>	<p>Environmental Impacts of the proposed changes to the Impact Protection have been assessed in the ES Addendum [AS-028].</p>	<p>Matter ongoing</p>
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		the Proposed Development.				
Impacts on intertidal habitat	DFDS Principal Areas of Disagreement (PDA – 007)	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 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.	With the revised Impact Protection Measures DFDS is of the view that the impacts on intertidal habitat will need to be reassessed. DFDS has not yet had the opportunity to fully consider the Applicant's ES addendum which form part of Applicant's change request, published on 19 October 2023.	Environmental Impacts of the proposed changes to the Impact Protection have been assessed in the ES Addendum [AS-028].		Matter ongoing

<p>Ornithology impacts and mitigation</p>	<p>DFDS Principal Areas of Disagreement (PDA – 007)</p>	<p>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-</p>	<p>With the revised Impact Protection Measures DFDS is of the view that ornithological impacts and mitigation will need to be reassessed.</p> <p>DFDS has not yet had the opportunity to fully consider the Applicant’s ES addendum which form part of Applicant’s change request, published on 19 October 2023.</p>	<p>Environmental Impacts of the proposed changes to the Impact Protection have been assessed in the ES Addendum [AS-028].</p> <p>ABP assumes that the concerns expressed by DFDS will be supported by appropriate evidence which ABP will be happy to review as and when it is provided.</p>		<p>Matter ongoing</p>
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		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 provision in favour of DFDS are not required.	DFDS submitted draft protective provisions at Deadline 2 [REP2-042]. Subsequently DFDS have been informed by the Applicant that protective provisions in favour of DFDS can be provided and a draft will be provided.	ABP has agreed, in principle, with the inclusion of Protective provisions in favour of DFDS in the draft DCO. The wording of these protections is under negotiation between the Parties.		Matter ongoing

			According to the Protective Provisions Tracker [REP4-007] submitted at Deadline 4, the Applicant is still considering DFDS' draft. DFDS awaits a revised draft from the Applicant.			
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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:

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Glossary

Abbreviation / Acronym	Definition
ABP	Associated British Ports
ALARP	As Low As Reasonably Practicable
AWAC Buoy	Acoustic Wave and Current Buoy
CHA	Competent Harbour Authority
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