

# IMMINGHAM EASTERN RO-RO TERMINAL



Proposed Change Request Report

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## Immingham Eastern Ro-Ro Terminal Proposed Changes Application Report

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## Executive Summary

This Report provides the information required to support a request for the Examining Authority (“the ExA”) –

- a) To consider four changes that Associated British Ports, the Applicant, wishes to make to its application, accepted for examination by the Secretary of State for Transport on 6<sup>th</sup> March 2023 for a Development Consent Order, (“DCO”) which, if approved, will authorise the construction and operation of the Immingham Eastern Ro-Ro Terminal (known as “the IERRT”); and
- b) Following its consideration, to accept the proposed changes as amendments to the Applicant’s DCO application for review as part of the Examination process.

In preparing this Report, the Applicant has taken fully into account relevant Departmental Guidance and the recently amended PINS Advice Note Sixteen (“Advice Note 16”) – *Requests to change applications after they have been accepted for examination* (Published March 2023).

This last, Advice Note 16, at Figure 1, offers guidance on the steps to be taken as part of a Change Application. This Report to the ExA, together with the accompanying submitted documentation (a full schedule of which is provided at Appendix 1), constitutes Step 4 in the changes process, namely –

*“Applicant makes formal request to the ExA to change the application (the Change Application) by providing the relevant information...”*

This Report, therefore, together with its Appendices, is designed to assist the ExA in its consideration of the Applicant’s Change Request. As a consequence, in accordance with Advice Note 16, the Report contains, or is accompanied by, in brief, the following information –

- i) A confirmed description of the proposed changes;
- ii) An updated statement setting out the rationale and pressing need for making the changes application;
- iii) A full schedule of all Change Request documents and plans;
- iv) Clean and track changes versions of the draft DCO and revised Explanatory Memorandum;
- v) Confirmation as to the position regarding the Order land and confirmation that the Compulsory Acquisition Regulations are not engaged as a result of the Request;
- vi) Confirmation as to the position regarding environmental effects as a result of the proposed changes and the results of relevant consultations; and
- vii) A Consultation Report.

## 1 Introduction – Purpose of this Report

1.1 This Proposed Change Request Report, together with the accompanying documentation, as listed in Appendix 1, provides the information required to support a Request for the Examining Authority (“the ExA”) –

- a) To consider four minor changes that Associated British Ports, the Applicant, wishes to make to its application for a Development Consent Order, which if approved, will authorise the construction and operation of the Immingham Easter Ro-Ro Terminal; and
- b) Following its consideration, to accept the proposed changes as amendments to the Applicant’s DCO application for review as part of the ongoing examination process.

1.2 The application for the DCO was submitted to the Secretary of State for Transport, through the Planning Inspectorate, on 10 February and was accepted for examination on 6<sup>th</sup> March 2023.

1.3 The Preliminary Meeting was held on 25<sup>th</sup> July 2023 with the examination commencing on the same day. The examination is required to close no later than 25<sup>th</sup> January 2024.

1.4 **Advice Note 16 – Procedural steps** – In light of the short time remaining for the examination, rather than follow the steps set out in Advice Note 16, for making a Change Request, the Applicant submitted its Change Notification as recommended by Step 1 below –

*“Step 1 – Applicant decides to request a change to an application which has already been accepted for examination and informs the ExA in writing (the Change Notification), including the relevant information ....”*

- but then in view of time constraints as discussed below and as indicated in the Change Request, did not pursue Step 2, namely -

*“Step 2 – ExA provides advice to the Applicant about the procedural implications of the proposed change and about the need, scale and nature of consultation that the Applicant may need to undertake.”*

- but instead, adopted the alternative approach, as recognised by the ExA in its Advice Note, namely moving immediately to Step 3, which provides as follows –

*“Step 3 – To the appropriate extent, the Applicant carries out consultation about the proposed change. This step may be initiated earlier in order to potentially save time and inform the Applicant’s approach.”*

1.5 **Notification** – The Applicant informed the ExA by formal written Notification, on 19<sup>th</sup> October 2023 of its intention to request that four changes be made to the Proposed Development as it was described in its originally submitted DCO application.

- 1.6 **Consultation** – The Applicant then commenced, on 20<sup>th</sup> October 2023, a comprehensive non-statutory public consultation exercise over a period of 31 days. The consultation undertaken reflected entirely, in terms of area and consultees, the two rounds of statutory consultation undertaken as part of the pre-application process. The non-statutory consultation closed at 23:59 pm on Sunday 19<sup>th</sup> November 2023.
- 1.7 Following the close of the consultation exercise, the Applicant has moved to Step 4 as provided by Advice Note 16, which provides as follows –
- “Step 4 – Applicant makes formal request to the ExA to change the application (the Change Application) by providing the relevant information set out in Figure 2 [of Advice Note 16].”**
- 1.8 **Materiality of the Proposed Changes** – In its Change Notification dated 19<sup>th</sup> October 2023, the Applicant stated that –
- “..... the Applicant is of the view that the changes proposed as described in this Notification are limited, are all contained within the environs of a busy operational port and none of them, either alone or in combination fundamentally change nor materially affect the nature or substance of the Proposed Development as originally submitted in the DCO application”. (para. 1.17).*
- 1.9 The Applicant can confirm that following a comprehensive consultation exercise on the proposed changes and a careful assessment of the responses submitted, the position outlined above by the Applicant at the time of the Change Notification still remains the case in terms of this Change Request.
- 1.10 **The Change Request**
- 1.11 In preparing this Report, the Applicant has regard to the advice provided in:
- a) Paragraphs 109 to 115 of the Department of Communities and Local Government’s (“DCLG”) Guidance – *Planning Act 2008: Guidance for the examination of applications for development consent*, (the “Guidance”); and
  - b) The Planning Inspectorate’s *Advice Note Sixteen: Requests to change applications after they have been accepted for examination*, (the “Advice Note 16”).
- 1.12 Whilst most of the paragraphs cited above in the DCLG’s Guidance relate to the making of a “material” change” which is not the case in this instance, the Applicant is very conscious of the advice offered in paragraph 113, which whilst referring to a material change, is nonetheless pertinent in the context of this change request, namely –
- “In considering a proposed material change to an application and before making a procedural decision about whether and how to examine the changed application, the Examining Authority will need to ensure it is able to act reasonably and fairly, in accordance with the principles of*

*natural justice and in doing so, there will be a number of factors to consider such as:*

- *whether the application (as changed) is still of a sufficient standard for examination;*
- *whether sufficient consultation on the changed application can be undertaken to allow for the examination to be completed within the statutory timetable of 6 months; and*
- *whether any other procedural requirement can still be met.”*

1.13 The current version of Advice Note 16 was published in March 2023 and it, amongst other things, removed the distinction between a “material” and a “non-material” change.

1.14 On this basis and as far as this Change Request is concerned, the Applicant has endeavoured to avoid the use of the term “non-material” – but it is of the view that all four changes are minor and limited in their extent and are all contained within the environs of a busy operational port. As will be referenced below, the changes do not create any significant additional environmental effects, do not require a change to the Order limits as detailed in the originally submitted DCO application and do not introduce the need for powers of compulsory acquisition. None of the proposed changes, either alone or in combination change or materially affect the nature or substance of the Proposed Development as originally submitted in the DCO application.

1.15 Nonetheless, the Applicant is also conscious of the Advice offered in Advice Note 16 at paragraph 1.3, namely that –

*“The justification for making a change after an application has been accepted for examination must be robust and there should be good reasons as to why the matters driving the change were not identified and dealt with pro-actively at the Pre-application stage. Before an applicant requests a change to an application it should carefully consider how, if it is accepted, it will impact upon other Interested Parties and the Examination Timetable.”*

1.16 Fully acknowledging the advice and guidance provided, the Applicant, having undertaken a wide ranging non-statutory consultation and having considered and assessed the consultation responses received, now requests the ExA to accept the changes to the submitted DCO application, as outlined in its Proposed Changes Notification Report dated 19<sup>th</sup> October 2023 (“the Proposed Changes”), namely –

1.17 **Change 1: The Realignment of the Approach Jetty and Related Works to the Marine Infrastructure;**

1.18 **Change 2: A Realignment and Shortening of the Length of the Internal Link Bridge and Consequential Works;**

1.19 **Change 3: The Re-arrangement of the UK Border Force Facilities; and**

1.20 **Change 4: The Possible Provision of an Additional Impact Protection Measure – in Conjunction with Enhanced Operational Marine Management Controls for Vessels Arriving at Berth 1 of the IERRT.**

1.21 As is explained below, the Proposed Changes are designed to improve the performance and efficiency of the Proposed Development and all are being presented as a result of ongoing discussions with stakeholders and Interested Parties since the submission of the DCO application.

**Information required with a Change Request**

1.22 To assist the ExA in making the Procedural Decision as to whether or not to accept the Applicant's Change Request, Advice Note 16 advises that applicants should provide the following information, as set out in Figure 2b of the Advice Note –

1. *A confirmed/updated description of the proposed change. (See section 2 below).*
2. *A confirmed/updated statement setting out the rationale and pressing need for making the change. (See section 3 below).*
3. *A full schedule of all application documents and plans listing consequential revisions to each document and plan or a 'no change' annotation. The schedule should contain an update of any consents/licences required and whether (given the proposed change to the application) there will be any impediment to securing the consents/licences before the Examination is concluded. (See Appendix 1 to this Report).*
4. *Clean and track changed versions of the draft DCO showing each proposed change, and a revised draft Explanatory Memorandum. If drafting changes have been made to the draft DCO during the course of the Examination, applicants should check with the ExA which version of the draft DCO and draft Explanatory Memorandum should be used for this purpose. (See the draft DCO and revised draft Explanatory Memorandum – document reference 3.1 and 3.2 – submitted in support of this Change Request).*
5. *If the proposed change involves changes to the Order land .... [not applicable for the Proposed Changes which are the subject of this Report].*
6. *If the proposed change results in any new or different likely significant environmental effects, provision of other environmental information and confirmation that:*

*A. the effects have been adequately assessed and that the environmental information has been subject to publicity. Whilst not statutorily required, the publicity should reflect the requirements of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 the (EIA Regulations) and*



*applicants should also submit copies of any representations received in response to this publicity with the change request.*

*B. any consultation bodies who might have an interest in the proposed changes have been consulted (reflected the requirements of the EIA Regulations. Applicants should submit copies of any responses received from consultation bodies with the Change Application. Applicants should identify those consultation bodies who were consulted on the proposed changes but not on the original application. (See the Environmental Statement Addendum – document reference 10.3.8 and the Consultation Report Addendum - document reference 6.1.1, both prepared in support of this Change Request).*

7. *Where consultation has been carried out (either voluntarily, at the direction of the ExA or pursuant to the requirements of the CA Regulations) a Consultation Report must be provided. The Consultation Report must confirm who has been consulted in relation to the proposed change, explain why they have been consulted, and include the Applicant's consideration of the content of the consultation responses received. (See section 6 below, as well as the Consultation Report Addendum – document reference 6.1.1, prepared in support of this Change Request).*

## **2 Description of the Proposed Changes**

2.1 This section is intended to provide a description of each of the four Proposed Changes.

2.2 *In summary* the Proposed Changes comprise –

- ***Change 1: The Realignment of the Approach Jetty and Related Works to the Marine Infrastructure*** – the realigned approach jetty remains within the submitted limits of deviation but is moved further away from the IOT trunkway. As far as the construction of the jetty is concerned, there will be a reduction in the number of piles used which assists the sustainability of the Project and also the relocation of the piles which in terms of increased spacing will, to a small extent, assist roosting birds. In addition, certain works will be undertaken to strengthen the berthing infrastructure.
- ***Change 2: A Realignment and Shortening of the Length of the Internal Link Bridge and Consequential Works*** – between the Northern and Central Storage Areas. This will enable the optimisation of land in the Northern Storage Area for both the Applicant's tenant and sub-tenants as well as enabling a rationalisation and consequent increase in space within the Central Storage Area, albeit leading to a consequential amendment to the originally defined Limits of Deviation. The shortening in the length of the bridge will reduce the amount of construction materials required.

- **Change 3: The Re-arrangement of the UK Border Force (“UKBF”) Facilities** - to meet UKBF’s preferences and requirements – within the original Limits of Deviation;
- **Change 4: The Possible Provision of an Additional Impact Protection Measure in conjunction with enhanced operational marine management controls for vessels arriving at Berth 1 of the IERRT** – the possible addition of an additional impact protection measure in front of the finger pier operated by the IOT Operators in conjunction with certain proposed navigational control for vessels arriving at berth 1 of the IERRT.

### **Change 1 – The Realignment of the Approach Jetty and Related Works**

- 2.3 Proposed Change 1 involves works within the marine environment across and within the Humber Estuary SAC, SPA and Ramsar site. The works principally involve the realignment, effectively a straightening, of the approach jetty, within the submitted Order limits of deviation.
- 2.4 In so doing, the opportunity has also been taken to reposition the supporting piles, albeit with a slight decrease in the number of piles. This will improve both project efficiency and, to a lesser extent, environmental impact.
- 2.5 Viewed holistically, bearing in mind the sensitivity of the designated tidal and intertidal mudflat within the Order limits and in the context of the designated Humber Estuary as a whole, none of the changes proposed to the approach jetty, IERRT berths and related marine infrastructure increase significantly the already assessed environmental impact of the approach jetty and berths as originally set out in Chapter 2 of the ES [APP-038].
- 2.6 The function of the approach jetty is described in Chapter 2 (Proposed Development) of the ES [APP-038], namely, to transport vehicles and cargo between ship and shore. The changes to the jetty alignment have not changed the function of the approach jetty.
- 2.7 The details of the Proposed Changes are set out in Chapter 2 of the Environmental Statement Addendum (“ES Addendum”) (document reference 10.3.8), and are also captured in a revised version of Chapter 2 that has been submitted in support of this Change Request (application document 8.2.2) and identified in the substitute amended General Arrangement Plans and the Engineering Sections Drawings and Plans submitted in support of the Change Request (application documents 2.5 and 2.6). For ease of reference, however, relevant descriptive paragraphs from Chapter 2 as revised are provided below – paragraphs 2.3.12 to 2.3.17.

*“An open piled approach jetty with abutments will be constructed to provide access for vehicles and wheeled cargo between the shore and the berthing infrastructure. The approach jetty will rise from ground level on the landside and cross over the existing sea defence wall and pipelines. It will then extend from the shore across the intertidal area to the pontoons and berthing infrastructure in a roughly north easterly direction. To span the sea defence and pipelines, two abutment*

structures will be constructed. On the landside of the pipelines, the abutment structure will consist of three vertical continuous flight auger piles. On the foreshore side of the pipelines, the abutment structure will consist of three steel tubular piles, with a maximum diameter of 1,422 mm. Across these abutment structures, a 22-m long half-trough steel bridge section will be constructed over the pipelines. A clearance of 2.1 m will be allowed to facilitate inspection of the pipelines. The approach jetty itself will be a maximum of 250 m in length, 12.5 m in width (though wider, up to 13 m, at the positions of the piles and up to 17 m at the last set of piles before the linkspan to accommodate the swept path of heavy goods vehicles (HGVs)), and 13.5 m in height above chart datum (CD). The rest of the deck will be supported by a maximum of 46 piles with a maximum diameter of 1,422 mm. A series of multi piled transverse rigid frames and a concrete and/or steel deck will be used to form the jetty. Due to the minimal draught available along the approximately 60 m-long section of the approach jetty closest to land, the initial section of the approach jetty is proposed to be built using the 'end-over-end' construction technique (see Chapter 3 of this ES). This requires the spans to be slightly closer together, 12.5 m, to favour this method of construction. The spans between each set of piled frames for the remaining section of the approach jetty will be a minimum of 25 m, though this may increase if detailed design reveals that fewer piles can be used.

"The jetty will terminate at a bankseat consisting of up to six piles which will form the foundation for the linkspan bridge – see below. A roadway, a separate footway, utilities including cable management for the shore power systems, power and lighting, and environmental screens up to 4 m in height to minimise bird disturbance during operation (see the Nature Conservation and Marine Ecology chapter (Chapter 9) of this ES for further details) will be constructed on the surface of the approach jetty. In total, including the abutment structure on the foreshore and the linkspan bankseat, the maximum number of piles for the approach jetty is 55.

"A linkspan bridge carrying a roadway, a separate footway, lighting, utilities and environmental screens will be located on the approach jetty's bankseat with its free end resting upon the edge of the innermost floating pontoon. The linkspan will extend in a generally northerly direction acting as a link between the approach jetty and the floating pontoons allowing vehicles and cargo to embark and disembark. The linkspan will be a maximum of 90 m in length and 10 m wide. Its length has been optimised to ensure that vehicular accessibility from the approach jetty to the berthed Ro-Ro vessels via the two floating pontoons, as noted below, can be maintained at all states of the tide.

"The floating pontoons will be located adjacent to a finger pier (see below) so as to be able to receive the loading and unloading ramps of berthed Ro-Ro vessels. Each floating pontoon will be constructed from steel and/or concrete and equipped with lighting, power and a small crew shelter. The dimensions of the pontoons will be a maximum of 40 m x

90 m x 9.35 m. They will be linked together by a short linking bridge up to 20 m in length. Both floating pontoons will provide the resting point for the moored vessels' stern ramp and the linkspan bridges. Each pontoon will be secured in place by four reinforced concrete restraint dolphins with maximum dimensions of 12 m x 8 m. Three dolphins will consist of four piles plus a guiding pile, and the fourth will consist of six piles plus a guiding pile. The maximum diameter of these piles will be 1,520 mm. These will ensure the pontoons can range up and down freely with the tide.

“Positioned perpendicular to each floating pontoon and extending away in a north westerly direction, two open piled finger piers with concrete decks will be constructed against which the Ro-Ro vessels will berth. Each finger pier will be a maximum of 270 m in length, 6 m in width (though wider, up to 13 m, at the positions of the piles), and 10.9 m above CD and will consist of up to 56 piles with a maximum diameter of 1,422 mm. Each pier will include navigation markers, lighting, shore power infrastructure, cable management and connections for berthed vessels and water bunkering facilities.

“The northern finger pier will be constructed with berthing faces (lined with fender panels and equipped with mooring infrastructure such as fixed bollards and/or quick-release hooks) on both its northern and southern elevations. The southern finger pier will be constructed with a berthing face to its northern elevation only (it will also be lined with fender panels and equipped with mooring infrastructure such as fixed bollards and/or quick-release hooks). As a consequence, vessels will be able to berth on either side of the northernmost pier (i.e., providing two berths) and one vessel will be able to berth on the northern side of the southernmost pier (i.e., providing one berth) – three berths in total.”

- 2.8 Whilst the paragraphs above describe the marine elements of the scheme, should the Change Request be accepted by the ExA, the changes actually to be effected are minor in nature, comprising a number of distinct elements, as follows.
- 2.9 **Approach jetty** – the approach jetty has been straightened for operational efficiency from the alignment originally submitted, thereby accommodating an improved swept path for vehicular movement whilst at the same time moving the approach jetty away from IOT marine infrastructure. The realignment has also facilitated a repositioning of some of the piles leading to a slight reduction in the number of piles used.
- 2.10 **Bridging of foreshore pipelines** – at the interface between the landside and the approach jetty, the jetty structure has been raised from the design originally submitted to enable ease of access/inspection of the pipes running under the new jetty.
- 2.11 **Restraint dolphins** – up to two additional restraint dolphins are proposed for each of the landing pontoons to improve stability. The environmental effect of the increase in the number of piles required for the restraint dolphins has been

assessed as minimal – as set out in the ES Addendum (document reference 10.3.8) at paragraphs 7.3.3 - 7.3.8 and 9.3.6 - 9.3.9.

- 2.12 ***Finger pier adjustments*** – two additional piles to support bollards above, have been added to the Proposed Development's finger piers to improve mooring performance. The additional piling required has been assessed to identify whether there is likely to be a change to the conclusions on environmental impact set out in the ES. The conclusion is that any additional impact will be minimal – as detailed in the ES Addendum (document reference 10.3.8) at paragraphs 9.3.6 - 9.3.9.
- 2.13 ***Height of the Approach jetty*** – A further change which is being proposed is as a result of a need to raise the height of the approach jetty. This change in height is required for two reasons, namely –
- As part of ongoing stakeholder discussions, it has been agreed that the height of the approach jetty as it crosses onto the port estate should be raised so as to increase the jetty's clearance over the pipelines that run along the frontage of the Port, thereby facilitating the inspection and maintenance of the pipelines when required.
  - In addition, as part of the approach jetty's design evolution, it is also necessary in engineering terms to raise the jetty with a view to reducing the lateral loading of wave energy on the jetty itself. This will lead to an improvement in the construction methodology to be employed as a result of a reduction in the number of raking piles, thereby improving construction sequencing and programme.
- 2.14 Figures 1 and 2 below show how the originally submitted scheme would be amended if this Proposed Change 1 is accepted.

**Figure 1 – Line of the Approach Jetty as originally submitted**

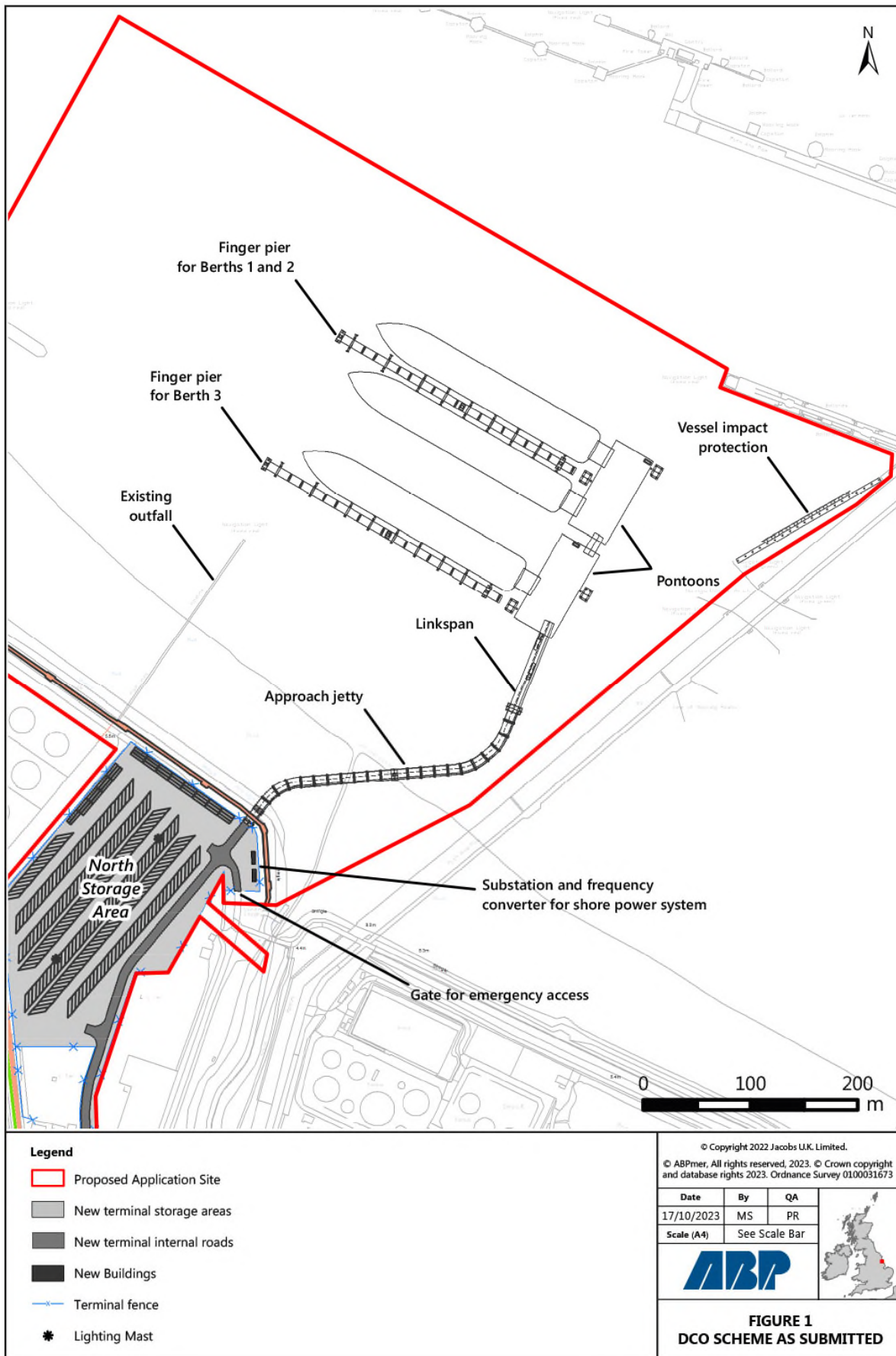
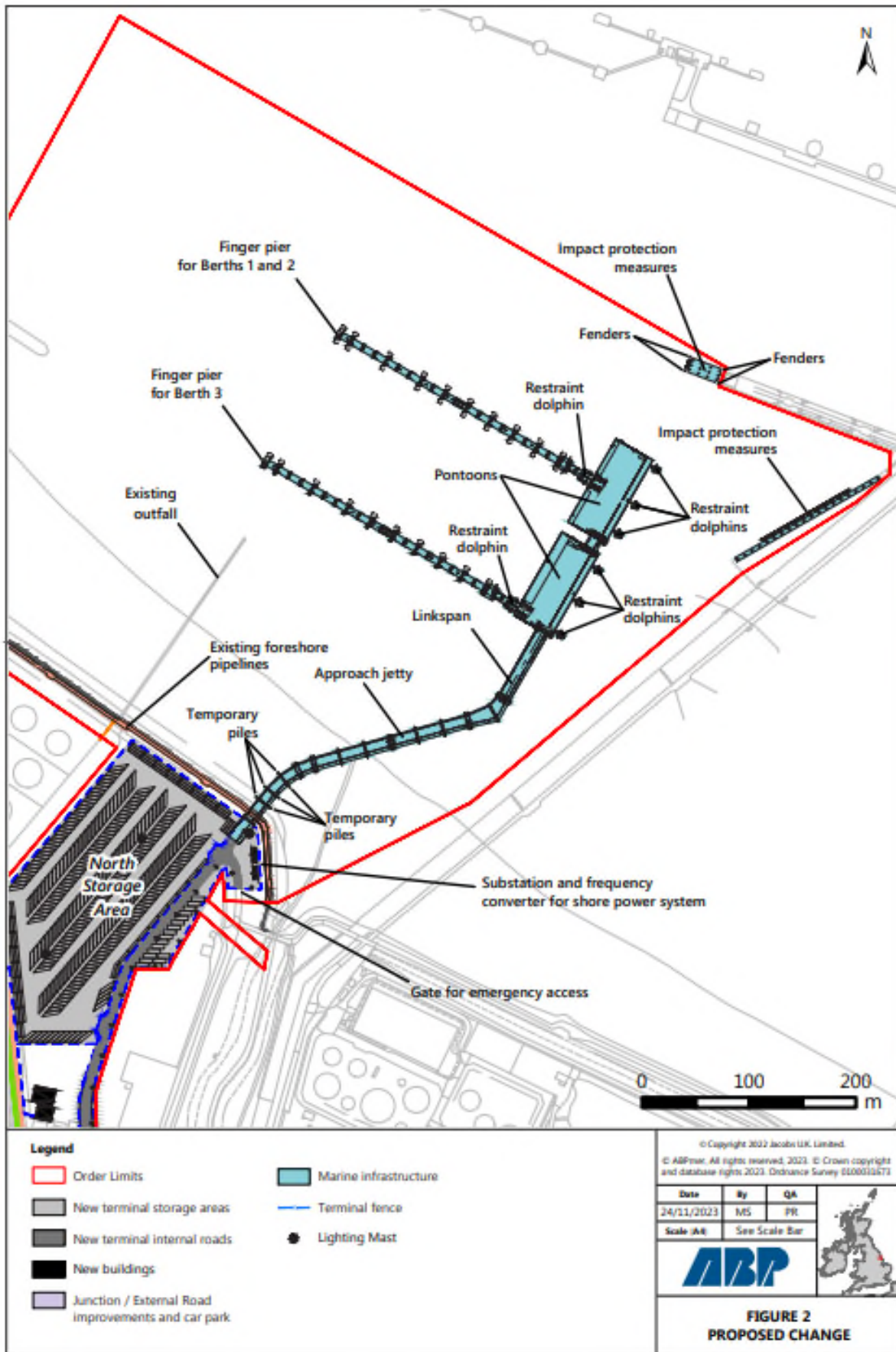


Figure 2 – Proposed realignment of the Approach Jetty and related works



## **Change 2 – A Re-alignment and Shortening of the Length of the Internal Link Bridge and Consequential Works**

- 2.15 With a view to improving the operational efficiency of the Proposed Development's storage areas, the Applicant wishes to realign and shorten the internal bridge linking the Northern Storage Area with the Central Storage Area.
- 2.16 Chapter 2 of the ES has been amended to incorporate Proposed Change 2, and for ease of reference now provides the following description at paragraphs 2.3.41 to 2.3.42.

*“As noted above, a two-lane bridge and new level crossing will be constructed to provide contiguous terminal operations between the Northern Storage Area and Central Storage Area. It will be a two-span bridge with a maximum deck length of 86 m and a maximum width of 12 m and will span Robinson Road – an existing internal dock road. The bridge will land before joining into an at-grade level crossing over an ABP controlled railway. The bridge will, at its highest point, be a maximum of 11 m above the surrounding ground. The bridge has been designed to British Standards and will also include lighting and utilities.*

*“To facilitate the construction of this internal link bridge, it will be necessary to demolish four existing buildings, as well as an extension of a further building and a welding shop, a workshop, and a temporary structure – all of which are located in the southern part of the Northern Storage Area (see Figure 3.1 to this ES (superseded by Figure 3.1 of the ES Addendum (Application Document Reference number 10.3.8))). The facilities provided by two of these buildings and the extension, which are used by Drury Engineering Services Limited, will be moved to another existing adjacent building. One building and one workshop, currently used by Malcolm West Fork Lifts, will be replaced with new structures to the east of their current location. These buildings will measure a maximum of 12.5 m x 12.5 m x 12.2 m and 20 m x 5 m x 10 m respectively, largely replicating the existing buildings. The facilities provided by an existing building extension and welding shop used by Drury Engineering Services Limited that are to be demolished will be replaced with two new structures to the north of their current location, listed below. Figure 3.1 to the ES (superseded by Figure 3.1 of the ES Addendum (Application Document Reference number 10.3.8)) respectively shows the location and dimensions of the existing buildings that will be demolished. The further ancillary buildings to be constructed are noted in the Building Schedule at Appendix 2.3 to the ES (superseded by Annex B of the ES Addendum (Application Document Reference number 10.3.8)).”*

- 2.17 This Proposed Change has a twofold advantage. First, it improves the functionality of land available in the Northern Storage Area, both in terms of space and access, for four of the Applicant's tenants/sub-tenants – namely Mr Philip John Drury, Drury Engineering Services Limited, Malcolm West Fork Lifts (Immingham) Limited and P.K. Construction (Lincs) Limited – following the bridge's construction. In brief, the realignment will reduce disruption for



the Applicant's existing tenants who will remain on site following construction and will enable pedestrian access under the new link bridge.

- 2.18 Secondly, the shortening of the link bridge increases the area of land available in the Central Storage Area, thereby optimising its use. As such, there is a reduction in materials which enhances the sustainability of the proposed development.
- 2.19 The proposals as submitted as part of the February 2023 DCO application would have taken the southern line of the bridge across the ABP internal railway line and some distance into the Central Storage Area. By shortening the length of the bridge an area of land within the Central Storage Area previously not available for use can be brought into use. The Applicant has operational control over the internal railway line and as such will manage operations by ensuring that it is manned by operational banksmen on the ground. The railway line goes into sidings which are not heavily used.
- 2.20 This Change does, however, enable the Applicant to introduce positive changes to the construction of the bridge, as described in Chapter 3 of the ES at paragraphs 3.1.48 to 3.1.51 as follows.

*“The vehicle access bridge linking the North and Central Storage Areas will be made of two single span structures supported by piers. The maximum deck length will be 86 m, with the deck formed from structural steel or composite (steel and concrete) sections at a maximum height of 11 m above the surrounding ground. It is envisaged that the majority of the deck will be fabricated off site and installed in place using a heavy lift crane.*

*“The bridge will be supported on two reinforced concrete abutments and intermediate pier structures, splitting the spans accordingly. The foundations of the abutments will be CFA piles, followed by reinforced concrete supporting structures creating the bearing points for the bridge deck. Typical plant used to complete these sections of the bridge will be excavators, cranes, and concrete pumps.*

*“Following installation of the bridge deck, the approach ramps will be installed utilising sheet piled walls or similar earth retained structures infilled with engineered fill material. Typical plant used will include piling equipment, cranes, excavators, and concrete pumps.*

*“Lastly the surfacing works including pavements will be completed, and the traffic collision system, comprising parapet walls with barriers, installed. It is envisaged that the bridge will have an asphalt surface utilising specialist paving equipment as described for the paving/hardstanding installation above.”*

- 2.21 The change affects the originally submitted plans in that to bring the bridge down safely before ABP's internal railway line, it will be necessary to amend the originally identified limits of deviation, as shown on the substitute amended Works Plans (application document 2.3) submitted in support of the Changes Application.

2.22 Figures 3 and 4 below show how the originally submitted scheme would be amended if this Proposed Change 2 is accepted.

**Figure 3 - Line of the Internal Link Bridge as originally submitted**

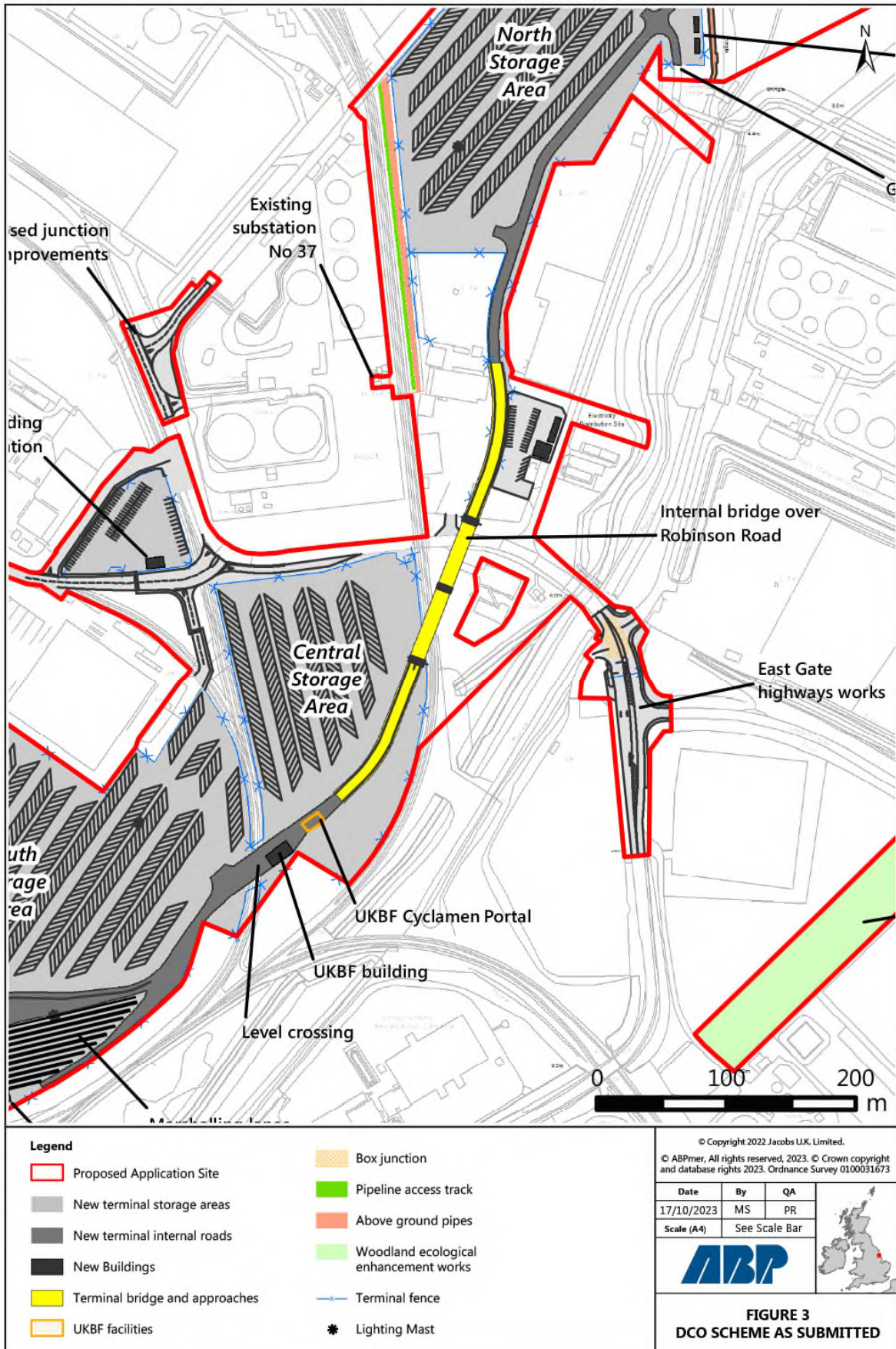
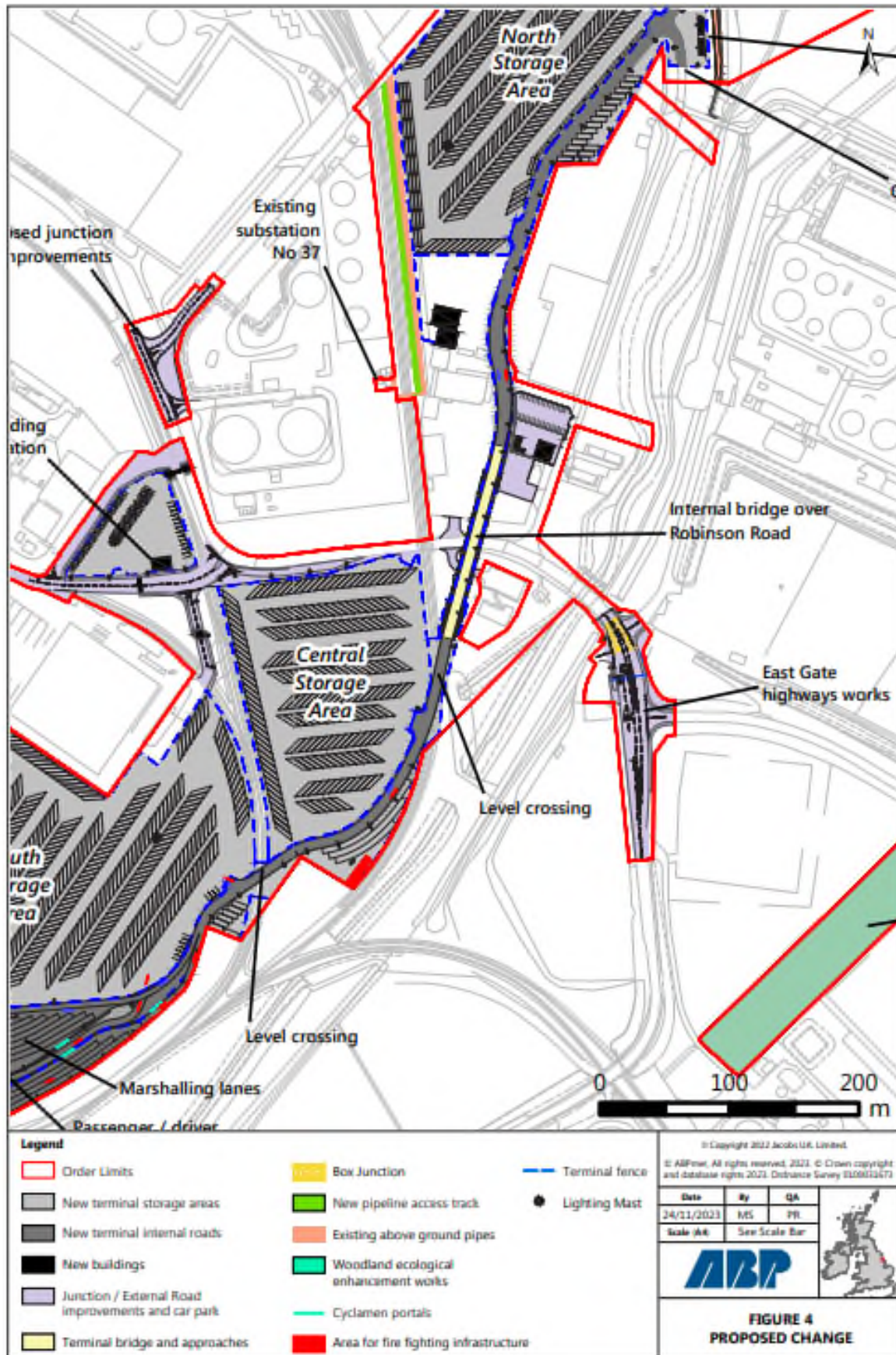


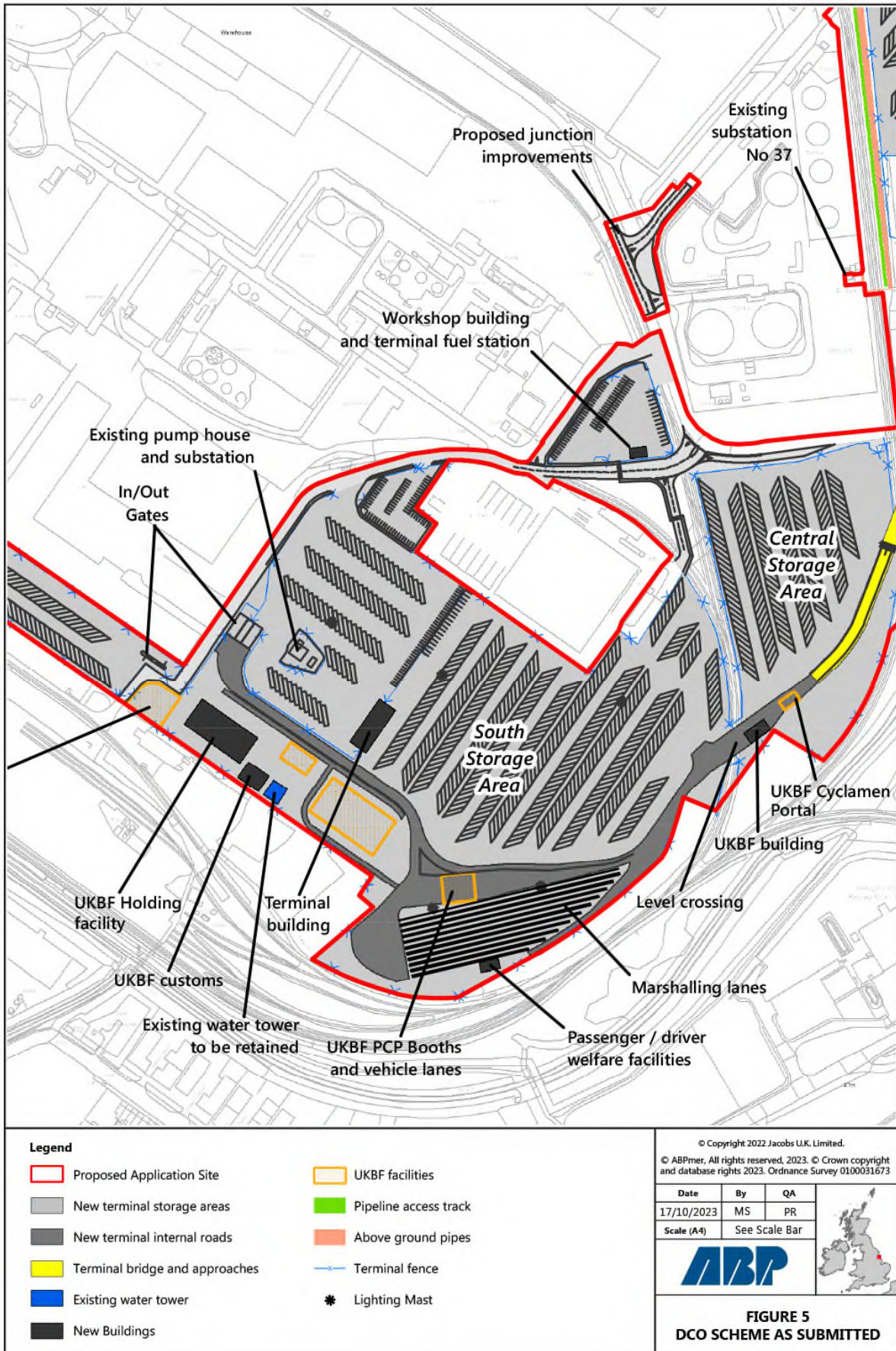
Figure 4 – Line of the proposed realigned and shortened Internal Link Bridge



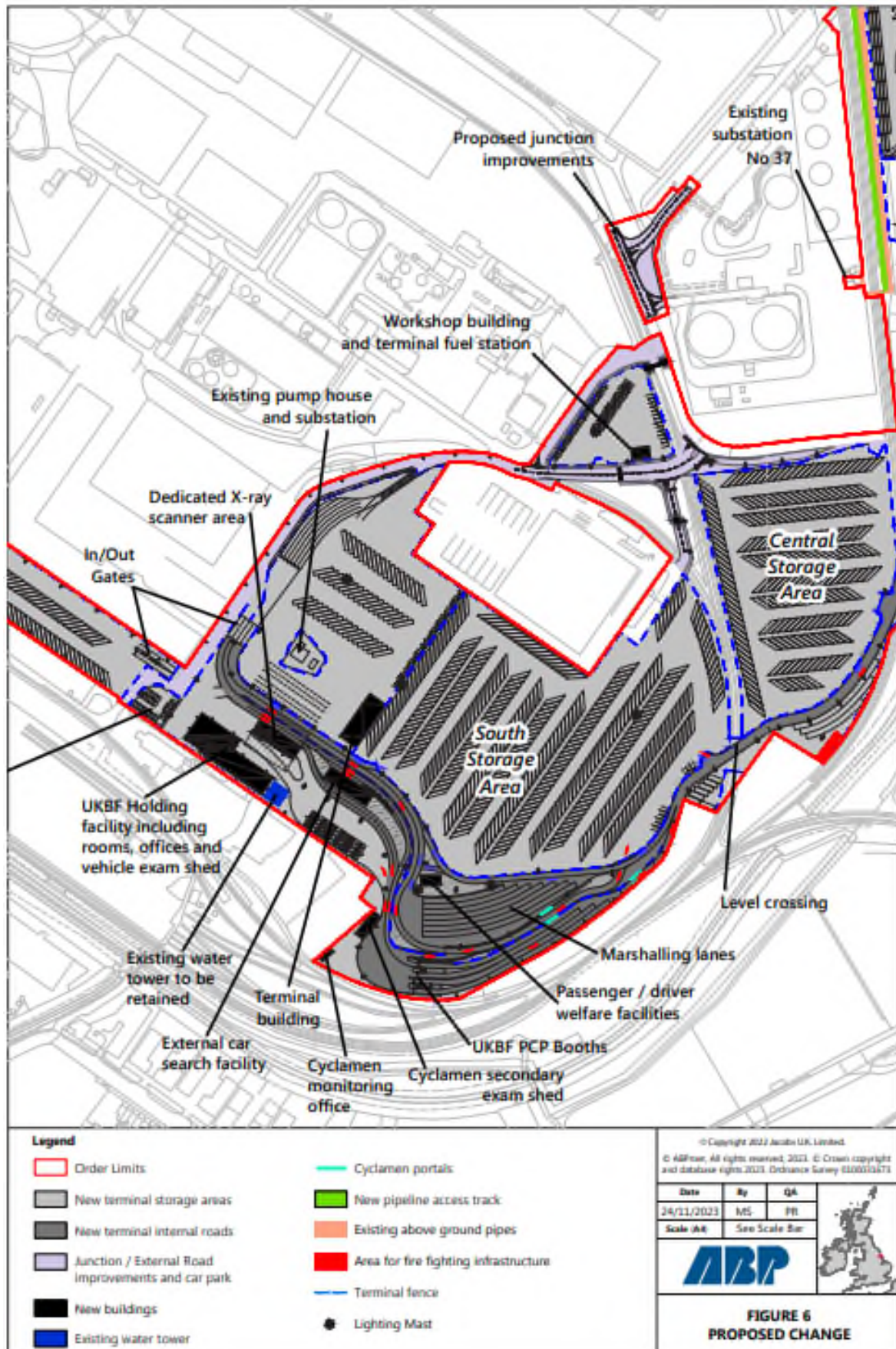
### **Change 3 – The Rearrangement of the UK Border Force Facilities**

- 2.23 Discussions with UK Border Force as to their specific requirements, the location of certain buildings, for example the car search bays, passport control and Vehicle X-ray scanning facilities, have been ongoing since before the submission of the DCO application.
- 2.24 If Proposed Change 3 is accepted into the examination, the area within which the UKBF facilities will be located, i.e., the Southern Storage area, will not change in terms of the area required. What will change is the general layout, location and precise of the facilities required by UK Border Force to enable them to undertake their duties in terms of both cargo entering and leaving the Port.
- 2.25 The following is an extract from the amended Chapter 2, paragraph 2.3.38
- “The buildings and facilities listed below will also be provided for use by the UK Border Force. The buildings will rest upon either a shallow foundation (strip/pad) or a piled foundation depending upon the ground conditions present. None of the buildings will exceed two storeys in height and will generally resemble the style of buildings that already exist within the port estate (see Appendix 2.3 to the ES (superseded by Annex B of the ES Addendum (Application Document Reference number 10.3.8))):*
- *A customs and holding facility building (maximum dimensions of 25.5 m x 79 m x 10.5 m);*
  - *Customs car search bays (41 m x 10.5 m);*
  - *Vehicle X-ray scanner building (38 m x 8.5 m);*
  - *Cyclamen secondary exam building (20 m x 10 m);*
  - *Cyclamen monitoring office building (12 m x 4 m);*
  - *Cyclamen Portals; and*
  - *Passport control booths.”*
- 2.26 Figures 5 and 6 below show how the originally submitted scheme would be amended if this Proposed Change 3 is accepted.

**Figure 5 – Arrangements for UK Border Force facilities as originally submitted**



2.27 **Figure 6 – Proposed rearrangement of UK Border Force facilities**



**Change 4 – The Possible Provision of an Additional Impact Protection Measure – in conjunction with enhanced operational marine management controls for vessels arriving at Berth 1 of the IERRT.**

- 2.28 ***The Applicant’s Navigational Risk Assessment*** – The DCO application for the Proposed Development was accepted for examination by the Secretary of State on 6 March 2023. One of the documents supporting the Applicant’s application was a Navigational Risk Assessment (“NRA”) – **[APP-089]**.
- 2.29 Following a comprehensive assessment of the potential navigational risks arising either during the construction or operation of the IERRT which included a number of HAZID Workshops with stakeholders, navigation simulations conducted by HR Wallingford and the strict application of accepted NRA methodology, the conclusions reached following completion of the assessment were that the navigation risks were tolerable and “As Low As Reasonably Practicable” (“ALARP”) and that any additional Impact Protection Measures to act as barrier to protect existing marine infrastructure were not required.
- 2.30 The conclusions reached in the NRA were endorsed by both the Port of Immingham and the Humber Statutory Harbour Authorities (“SHA”).
- 2.31 The draft NRA was then presented to the Applicant’s Health and Safety Board (“HASB”) in December 2022 and following a formal presentation to the Board, and detailed discussion and consideration, the Applicant’s “Duty Holder” approved the conclusions reached.
- 2.32 Whilst that remains the position of the Applicant, it is also recognised that two of the objectors to the Proposed Development, namely the IOT Operators and DFDS have produced their own alternative NRAs which, as the ExA is aware, come to contrary conclusions to that of the Applicant’s NRA, namely that impact protection measures should be included.
- 2.33 It is not the intention of the Applicant in this Change Request to rehearse arguments that have already been aired during the examination to date, but as the ExA is aware, notwithstanding and without prejudice to the conclusions reached in its NRA and the determination of the Duty Holder (in light of the expert advice that has been received) that additional impact protection measures are not required for either the construction or operation of the Proposed Development, the Applicant has endeavoured to continue to engage with the IOT Operators, who occupy the IOT trunkway and finger pier on licence from ABP, to address the concerns that have been raised.
- 2.34 As a consequence, considerable time and attention has been given, in conjunction with the IOT Operators, to developing what was presented as a “high level” potential design for additional impact protection measures. This design was proposed by Beckett Rankine on behalf of the IOT Operators, as attached to the letter dated 28<sup>th</sup> September 2023 from the Applicant’s solicitors to the Examining Authority **[AS-020]**.



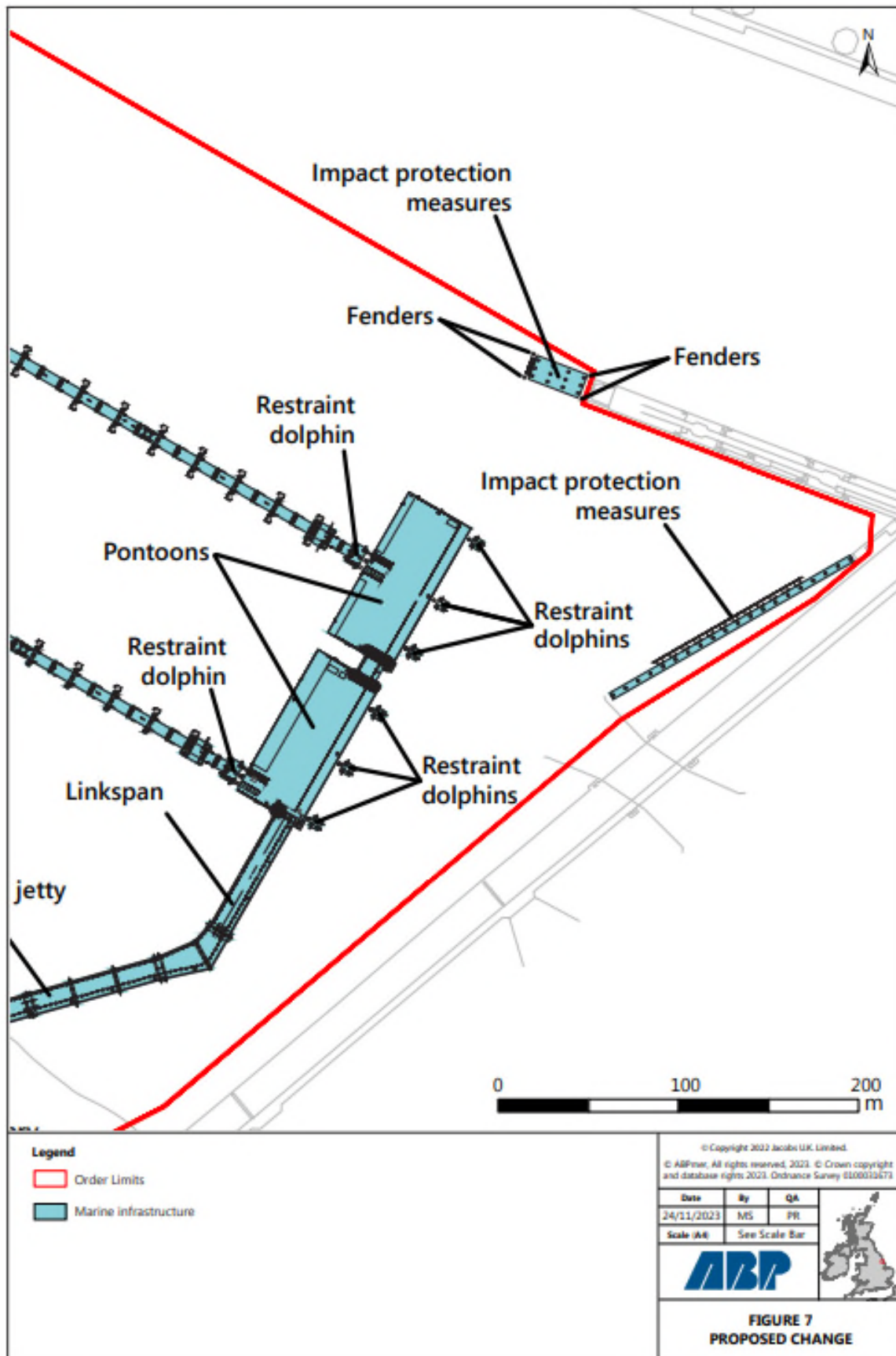
- 2.35 As the ExA is aware, in that letter, the Applicant – “*agreed to work with the IOT Operators with a view to developing a scheme of marine infrastructure protection for the IOT based generally on the Beckett Rankine high level proposals, albeit with possible refinements suggested by the IOT Operators’ maritime advisors NASH Maritime, as they referenced at a recent meeting between [the Applicant] and APT.*”
- 2.36 As also set out in that letter of 28<sup>th</sup> September 2023, ABP indicated, without prejudice to the respective positions of the Applicant and the IOT Operators, that it would be prepared to commit to the delivery of impact protection measures based on the Beckett Rankine scheme on the basis that (amongst other things) the revised layout for the IOT finger pier would enable a second coastal tanker to berth on the northern side of the finger pier. In addition, the relocated impact protection measures, constructed to a standard that would retain a vessel drifting towards the IOT trunkway or the IOT finger pier, would be located so as to enable APT’s barges still to berth on the southern side of the IOT finger pier and the IERRT infrastructure would be sufficiently resilient to arrest a vessel drifting in a southerly direction towards the IOT trunkway.
- 2.37 As anticipated in that letter, the Applicant and the IOT Operators have continued to engage with regard to those high-level proposals through a series of meetings which have included the Applicant’s marine architects and engineers.
- 2.38 As noted in Section 3 below, however, (at paragraph 3.20 et seq.), those further discussions have recently culminated in the emergence of specific additional requirements from the IOT Operators which the Applicant considers go beyond those originally proposed in the Beckett Rankine scheme as contemplated in the letter of 28<sup>th</sup> September 2023. The Applicant and its experts do not consider the scheme now required by the IOT Operators to be feasible for a number of reasons – including navigational, engineering practicability, environmental impact and scheme viability. In certain areas, the scheme now being promulgated by the IOT Operators extends to betterment.
- 2.39 As a consequence and as part of its continuing engagement, the Applicant has sought to identify alternative options which could address the concerns expressed by the IOT Operators whilst still being without prejudice to the Applicant’s position as stated above.
- 2.40 In so doing, however, the Applicant has reviewed the Proposed Changes in the context of the original NRA submitted in support of the DCO application.
- 2.41 ***NRA Addendum*** – In summary, this Addendum provides a review of the originally submitted NRA in the context specifically of Proposed Changes 1 and 4. It considers the responses received during the public consultation exercise on the changes, the additional vessel simulations undertaken on 14<sup>th</sup> and 15<sup>th</sup> November 2023 and then assesses navigational risks. The conclusion reached after undertaking this review is that – “*Overall there is no change to any of the risk outcomes as a result of the Proposed Changes. As such, all risks remain tolerable in accordance with the tolerability criteria set*

- out by the SHA Duty Holder.”* This is included as Annex D to the Environmental Statement Addendum (document reference 10.3.8).
- 2.42 The Applicant is currently discussing with the IOT Operators potential options which include the following elements –
- 2.43 **Enhanced operational marine management controls** – In summary, whilst not constituting or requiring any “change” to the Proposed Development in engineering/construction terms, the Applicant is proposing that the Port of Immingham SHA could publish a General Direction together with an amendment to the Immingham Marine Operations Manual, designed to regulate the management of vessels arriving at the IERRT berths, in particular IERRT Berth 1.
- 2.44 These additional towage requirements would be imposed over and above the normal towage requirements for such infrastructure and will be a fixed operational commitment. A failure to observe a General Direction constitutes a criminal offence.
- 2.45 Table 3.2 of the ESA shows, with commentary, possible IERRT towage requirements, based on the experience of similar vessels and similar operations, which may be applied for IERRT depending on certain defined circumstances – with specifically enhanced measures in terms of additional tugs on Berth 1 to address the concerns of the IOT Operators.
- 2.46 **Impact Control Measures** – The draft DCO will, if the Application is accepted, also be amended in two further respects –
- a) **Linear protection** – Whilst the Applicant will retain the conditional provision of the linear protection barrier for the IOT trunkway as already identified in Schedule 1 of the submitted DCO application, (Work No. 3 as shown on the General Arrangement Plans) albeit with an important change, namely that the pile diameter will be increased from 1,422 mm to 1,520 mm;
- b) **Additional protection barrier** – The Applicant, in addition, proposes, again conditionally, to include within current Work No.3, provision of a second impact protection measure, to be located at the western end of the IOT finger pier should circumstances so require in the future.
- 2.47 The second change is that whilst the provision of impact protection measures remains conditional on a recommendation by the Statutory Conservancy and Navigation Authority (“SCNA”), as detailed in Requirement 18 of the draft DCO, it is also proposed to amend Requirement 18 to include the Port of Immingham Dock Master as well as the SCNA.
- 2.48 As far as the additional impact protection barrier is concerned, the Applicant’s proposals are described in the Chapter 2 at paragraph 2.3.19 as follows –
- “The IOT finger pier impact protection will be a piled dolphin structure consisting of a maximum of 12 piles of 1,520 mm diameter spread over an overall footprint of 14 m x 30 m. The piles will be connected by a capping slab at the top of the piles. A 5 m gap will be allowed between*

*the end of the IOT finger pier and the new impact protection measures. In addition, four piles of 1,422 mm diameter will be installed at each corner of the piled dolphin structure. These will be located 1 m away from the structure in line with the berthing face of the IOT finger pier. These will act as fenders for vessels approaching and departing from berths on the IOT finger pier. Donut roller fenders will be placed on the piles to assist the safe manoeuvring of vessels moving along the finger pier. The exact layout and form of these measures is still being finalised; however, the above parameters are considered to be the worst case.”*

- 2.49 The rationale and need for these Proposed Changes/amendments are discussed in more detail in section 3.
- 2.50 The proposed conditional scheme changes in relation to the provision of impact protection measures are illustrated at Figure 7.

Figure 7 – Change to the Conditional Proposed Impact Protection Measures



### **3 Section 3 – Rationale and Need for the Changes**

#### **Proposed Change 1: Rationale and Need – The Realignment of the Approach Jetty and Related Works**

- 3.1 Through a process of design refinement, the alignment of the approach jetty has been optimised so as to provide a more direct route between the landside and the Proposed Development's berthing/landing pontoons.
- 3.2 The amended design will move the approach jetty some 31 metres further away from the Immingham Oil Terminal trunkway at its closest point. In other words, the distance between the two structures will now be 69 metres as opposed to the originally proposed 38 metres.
- 3.3 This amendment is being made in response to some of the concerns raised by the IOT Operators in terms of distance and separation.
- 3.4 The change does, however, have an added benefit in that it will improve the construction sequencing of the jetty in terms of –
- (i) the grouping of the piled rigid frames;
  - (ii) the reduction in jetty length; and
  - (iii) the increased length of the deck sections (25 metres in length as opposed to sections of 12.5 metres as originally proposed) –
- all of which will help to reduce the construction programme by approximately two months.
- 3.5 As such, the reduction in materials enhances the sustainability of the proposed development in that the straightening of the structure and reduction in piles.
- 3.6 Further engineering design has also allowed, in some cases, a reduction in pile diameter, thereby ensuring that there is no additional marine habitat loss as a result of any of the marine changes (see Chapter 9 of the ES Addendum (document reference 10.3 .8)).
- 3.7 This together with the increased spacing of the piles will act as a positive for roosting birds close to or indeed under the marine infrastructure at low tide.
- 3.8 Further, mooring improvements as a result of the additional bollards will increase the operational windows and further enhance safety during adverse weather conditions.
- 3.9 These changes have, therefore, been introduced to enhance safety, ease of access and maintenance provisions for other stakeholders in the Port and as a result of further refinement to the marine elements of the design.

## **Proposed Change 2: Rationale and Need – Realignment of the Internal Link Bridge and Consequential Works**

- 3.10 This Proposed Change involves a significant reduction in the length of the internal bridge, within the statutory port estate, which links the Northern Storage Area with the Central Storage Area.
- 3.11 The reasoning for proposing this change arises from a need to rationalise and optimise the use of available space within the site of the Proposed Development whilst also improving the position of the Applicant's tenant and sub-tenants currently occupying land immediately adjacent to the site of the Proposed Development and who will remain in position once operations at the new Ro-Ro Terminal have commenced.
- 3.12 The shortened bridge will still cross over the internal Port road, Robinson Road, but will then cross the ABP controlled railway line at ground level by means of an ABP controlled level crossing – although it should be noted that this railway line is in fact rarely used by ABP or its tenants – beyond which access will be gained to the Central Storage Area.
- 3.13 In order to bring the roadway to ground level before reaching the level crossing, it has been necessary to refine the ramp length without imposing excessive gradients that might compromise safety.
- 3.14 In addition, the shortening of the bridge has led to a need to make a slight adjustment to the line of the bridge which has led to the need to alter the originally defined limits of deviation to that shown on the substitute amended Works Plans (application document 2.3) submitted in support of the Changes Application.
- 3.15 The rationale supporting this particular change is twofold –
- a) **Northern Storage Area** – To the northern side of Robinson Road, the Proposed Change will minimise disruption to existing tenants during construction and reduce visual impact during operation.

In addition, once works of construction have been completed and the Terminal is operational, due to the fact that the bridge will now be an open structure, the occupiers of the land will actually enjoy enhanced works facilities including pedestrian access to their car parking areas underneath the bridge – away from the footpath alongside Robinson Road which would not have been the case if the bridge were to be constructed as designed in the submitted DCO application which contemplated solid supporting banks for the bridge.

The new alignment also reduces the impact on wider port operations as the revised building alignment means that a series of important HV cables will not have to be diverted.

This change has, however, as far as the Northern Storage Area is concerned, been introduced to meet the concerns of the stakeholders, namely the Applicant's tenants and subtenants – all of whom support the amended proposals.

- b) **Central Storage Area** – On the southern side of the link bridge, the reduction in the length of the bridge means that the bridge will effectively “land” in the area between the Northern and Central Storage Areas. Whilst that means that the Applicant will have to introduce a level crossing for access to the Central Storage Area, the railway line that it will be crossing is under the control of the Applicant and is rarely used.

In terms of the optimisation of space access, however, if this change is accepted it will mean that the internal road will be at ground level throughout the entirety of the Central Storage Area – whereas previously it was raised and descending.

This change will clearly enhance the functionality of the storage area by improving the location of the access between the internal trunk road and the parking area itself. It also reduces the need for a wider level crossing on the southern side of the Central Storage Area, in that the realignment and shortening of the internal bridge will enable the Applicant to adjust the angle of the internal approach road, not previously possible and at the same time, maximises the use of the adjacent land.

The realignment of the bridge, taking the line of the bridge beyond the identified limits of deviation as detailed in the originally submitted DCO application, is unavoidable due to site and design constraints, including fitting a bridge between the level crossing to the south, accommodating the building constraints to the north in the context of the Applicant’s tenants and subtenants, meeting the headroom requirement over Robinson Road, and adhering to the maximum design bridge gradient.

**Sustainability** – The proposed change does, also have a sustainable environmental benefit, in that the proposed change reduces the length of the bridge from 116 metres to 86 metres leading to a reduction in the concrete deck, and consequently the materials required, by 400m<sup>3</sup> tonnes of concrete and 60 tonnes of reinforcement.

### **Proposed Change 3: Rationale and Need – The Rearrangement of the UK Border Force Facilities**

- 3.16 As noted in section 2, discussions with UK Border Force (“UKBF”) as to their requirements, in terms of both their essential facilities and the location/layout of those facilities, has been ongoing for some time – and commenced before the submission of the DCO application. The Applicant has continued to engage with UKBF to satisfy their requirements.
- 3.17 The changes are intended to ensure that UKBF will be provided with facilities that will enable them efficiently to fulfil their legal duties and obligations. Change 3, therefore, is proposed to give effect to those preferences.
- 3.18 None of the changes proposed will require an amendment to the limits of deviation as identified in the original DCO application and indeed many of the changes could probably have been effected by means of the approvals which will in any case be required from North East Lincolnshire Council and other relevant regulatory bodies under various Requirements detailed in the draft DCO.

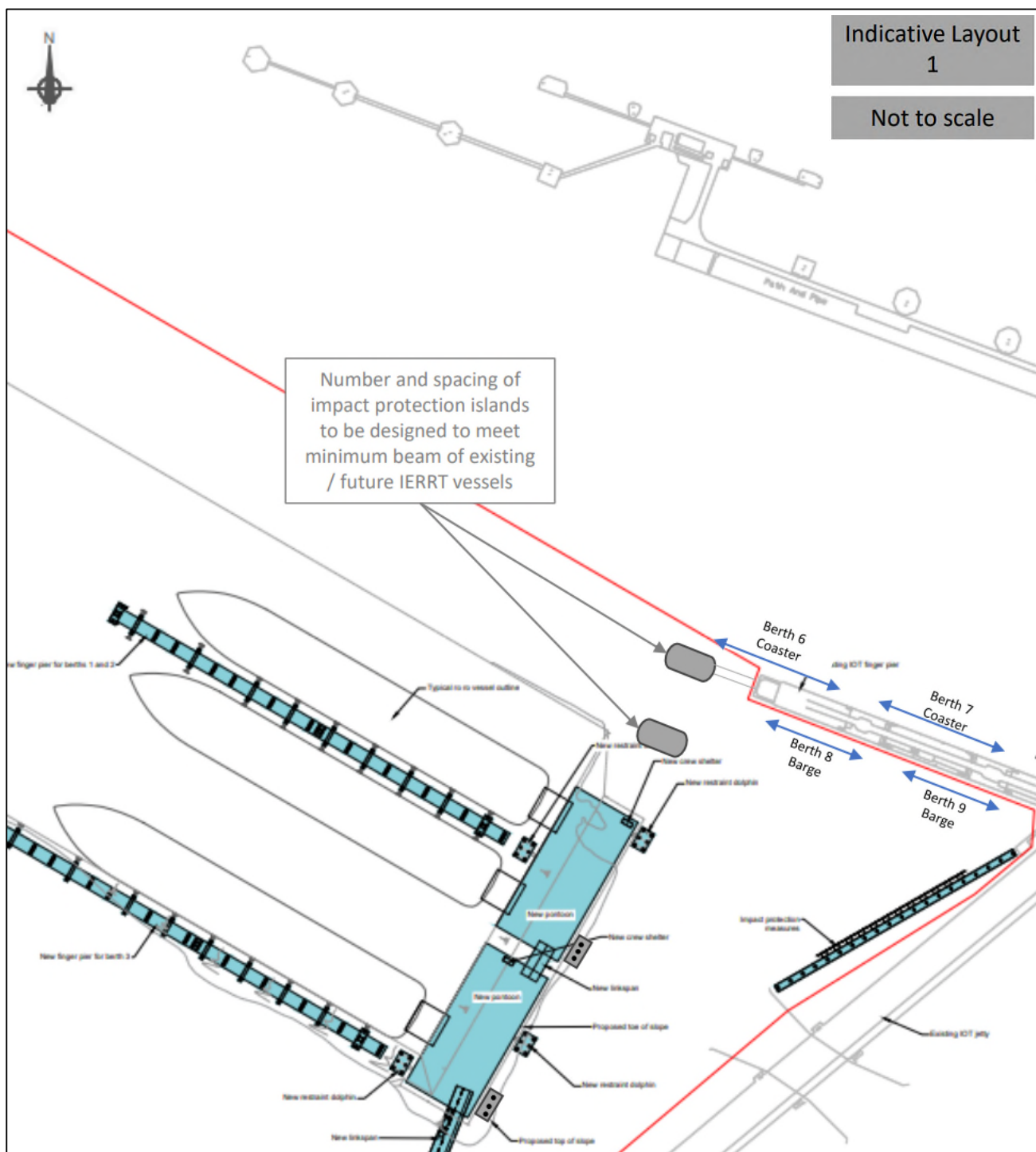
- 3.19 Nevertheless the Applicant considers it correct in terms of transparency, to provide the ExA with the clearest possible details of the Proposed Development and its various components.

**Proposed Change 4: Rationale and Need – The Possible Provision of an Additional Impact Protection Measure – in conjunction with enhanced operational marine management controls for vessels arriving at Berth 1 of the IERRT**

- 3.20 The rationale and need for this Proposed Change has been extensively rehearsed during the examination process to date – and is being proposed entirely in response to the comments of stakeholders participating in the examination process.
- 3.21 It is relevant to repeat in the context of this Proposed Change as summarised in section 2 above, that the Applicant remains of the view that, in light of the conclusion reached in its submitted Navigational Risk Assessment (“NRA”) **[APP-089]**, as endorsed by the Duty Holder, impact protection measures are not required as part of the Proposed Development – subject always to the terms of the draft DCO.
- 3.22 Without prejudice to the conclusions reached in the NRA and the determination of the Duty Holder (in light of the expert advice that has been received) that additional impact protections measures are not required for the safe construction and operation of the Proposed Development, the Applicant has, however, continued to engage with the IOT Operators with a view to agreeing a scheme of marine infrastructure protection based generally on the Beckett Rankine high level proposals (as shown on the plan attached to the letter dated 28<sup>th</sup> September 2023 **[AS-020]**).
- 3.23 A plan of the original “high level” Beckett Rankine scheme is provided at Figure 8 below.



Figure 8 - Beckett Rankine scheme



- 3.24 Since the close of the ISH3 hearings, discussions between the Applicant and the IOT Operators and their advisors have continued to take place. During these discussions, however, it has become apparent that unfortunately the 'high level' schematic of the proposed impact protection presented by the Beckett Rankine scheme during the ISH3 hearings (as shown in Figure 8) does not meet the functional requirements that the IOT Operators are now stating as being required.
- 3.25 In brief, the functional requirements that the IOT Operators now require, as referenced by them during engagement with the Applicant following the ISH3 hearings, can be summarised as follows:
- a) 2 x "impact protection islands" with a maximum gap of 25m (no greater than the beam of the smallest IERRT design vessel);
  - b) The impact protection structures should be independent of any extension of the finger pier, with sufficient clearance to ensure separation from the finger pier in case of allision;
  - c) Design vessel speed – 4 knots (the maximum current velocity which occurs <1% of the time);
  - d) Design vessel size – all IERRT vessels including Future Vessel;
  - e) 2 x barge berths on south face of finger pier;
  - f) 2 x coaster vessel berths on northern face, requiring an extension of the finger pier of approximately 100m; and
  - g) Modifications to existing, and provision of new, topside equipment including pipework and Marine Loading Arms to accommodate two coaster vessel berths on the northern face of the finger pier.
- 3.26 Following the establishment of what the IOT operators have stated to be their functional requirements (and again leaving aside the Applicant's position about them), the Applicant undertook an initial feasibility study in order to establish in principle the extent of infrastructure that would be required to meet such stated requirements.
- 3.27 This assessment concluded that there were a number of significant issues that now preclude a viable option being developed to meet the IOT Operators' stated requirements. The key issues can be summarised as follows:
- a) **The size of the impact protection structures** – the requirement to design impact protection structures to accommodate the largest design vessel travelling at a maximum current speed of 4 knots resulted in a plan area of each impact protection structure in the order of 45m long by 25m wide by 30m high. This compares to an approximate size of 20m by 10m as shown in the Beckett Rankine scheme. One impact of such a significant size increase would be the introduction of a significant additional navigational constraint, to both IOT and the proposed IERRT operations.

- b) ***The required form of construction*** – due to the energy absorption required and the resultant impact force of over 80MN in the design requirements being suggested by the IOT Operators, it is anticipated that construction of solid gravity caissons or cofferdam structures would be required, as an open piled structure would have insufficient strength. The construction of such structures would require the dredging of up to 10m depth of seabed to accommodate the founding of the structures on the competent underlying strata. This not only creates a significant challenge to construction viability, but would also have the potential effect of undermining the existing IOT finger pier sub-structure.
- c) ***The environmental impact of the impact protection structures*** – the provision of solid vessel impact protection structures of the type that have emerged from the IOT Operators' stated requirements (as compared with those illustrated in the Beckett Rankine scheme) are likely to result in material changes to the hydrodynamic regime in the vicinity of the IOT finger pier, altering current flows and consequential effects on foreshore erosion. The different direct sub-tidal habitat loss due to the footprint of the two impact protection structures would also have to be addressed.
- d) ***The navigational impact of the finger pier extension*** – whereas the Beckett Rankine scheme was intended to accommodate two coaster vessels on the northern face of the finger pier in the arrangement shown, the stated requirements of the IOT Operators which have emerged are based on providing an extension of approximately 130 metres to the finger pier. This extension, along with the provision of the large impact protection structures (identified above) result in an encroachment into the navigational area of IERRT and increase the risk of allision (in contrast to what was illustrated in the Beckett Rankine scheme).
- e) ***The modifications to the existing finger pier and topside infrastructure*** – in addition to an emerging requirement to extend the finger pier to the length indicated, the IOT Operators have also stated that they would require the installation of five new Marine Loading Arms and extensive modifications to existing pipework and ancillary systems. It is likely that this would also necessitate structural modifications and the strengthening of the existing jetty to accommodate the repositioning of the new Loading Arms.

3.28 Following the completion of the initial feasibility study, the Applicant has proposed an alternative scheme in an effort to reach an agreement in principle with the IOT Operators.

3.29 That alternative version, based on the Beckett Rankine scheme, will accommodate a maximum design velocity of 2.9 knots, derived from a statistical analysis of current velocities and which is already in excess of the current operational limit for the deployment of tugs on the Humber, namely 2.5 knots.

- 3.30 Whilst this reduction in design velocity enables the impact protection structures to be constructed using an open piled form of construction, the other stated requirements of the IOT Operators that have emerged still result in the structures remaining of a significant size – each structure requiring 25 vertical steel piles, with consequential environmental impact. The plan dimensions of the structures also remained significant, with the consequential impacts as described above.
- 3.31 Further, as noted in section 2, the diameter of the piles to be provided as part of the linear protection will be increased.
- 3.32 In the light of the above and despite ongoing engagement with the IOT Operators, it has not been possible to identify a deliverable and proportionate scheme based generally on the Beckett Rankine scheme which would still meet all of what the IOT Operators have subsequently stated they require for such a physical structure.
- 3.33 The Applicant is of the view, however, that it will be possible to address the IOT Operators' stated concerns through a combination of enhanced operational marine management controls together with the option to provide impact protection measures as set out below.
- 3.34 ***The Applicant's Operational and Impact Provision Options*** – As a result of the continuing discussions with the IOT Operators, and again without prejudice to the Applicant's position on the existing proposals and the NRA that has been conducted, the Applicant is proposing a formulation in respect of operational marine management controls and impact protection options which will, it is intended, meet the substance of the concerns of the IOT Operators in any event.
- 3.35 ***Enhanced Operational Marine Management Measures*** – As described in section 2 above, discussions with the IOT Operators have been ongoing and are continuing. As a consequence of these discussions, it is proposed that the Port of Immingham Dock Master could publish a General Direction designed to regulate the management of vessels arriving at the IERRT berths with a consequent revision to the Immingham marine Operations Manual – as described in detail in paragraphs 3.3.4 to 3.3.15 of the ES Addendum (document reference 10.3.8).
- 3.36 The enhanced measures will encompass the regulation and control of vessels under different tidal and wind conditions, for example the use of tugs, in certain prescribed circumstances, on an ebb tide for a vessel arriving at Berth 1 of the IERRT.
- 3.37 Whilst not formally a "Change" to the DCO application as originally submitted, the enhanced operational marine management controls are being put forward in conjunction with the additional impact protection as discussed below and the Applicant considers that it appropriate for them to be so noted.
- 3.38 ***Impact Protection Measures*** – in addition to the enhanced operational management controls, the Applicant is also proposing to enhance further the potential impact protection measures that could be installed at some time in the future if required –

- a) The Applicant will retain the conditional provision of the linear protection barrier in front of the IOT trunkway (Work No. 3) as identified in the submitted General Arrangement Plans, **[APP-009]** although, to assist the IOT Operators in terms of confidence as to the resilience of the linear protection barrier, the pile diameter will be increased from 1,422 mm to 1,520 mm; and
  - b) The Applicant will also, however, as part of the Proposed Change, if accepted by the ExA, amend the submitted draft DCO and plans to include, again conditionally, the provision of an additional impact protection barrier to the west and in front of the IOT finger pier.
- 3.39 Work No. 3 currently comprises the linear protection barrier fronting the trunkway. The description of that Work has, however, been amended as part of the Proposed Change Request to include in a protective barrier at the western end of the IOT finger pier as noted above at paragraph 2.46(b).
- 3.40 The Applicant will continue to address observations as to the terms of Requirements 18 during the course of the examination, but the general approach set down in the draft DCO will remain. In other words, the potential provision of impact protection measures will continue to be included within the draft DCO, but will only be provided if the Applicant considers such provision to be necessary following a recommendation from either the SCNA or, as now proposed, the Port of Immingham SHA.
- 3.41 This approach remains consistent and in accordance with the conclusions of the Applicant's NRA but will enable the potential provision of an additional protection measures to the finger pier should at some time in the future such provision be considered appropriate.
- 4 Section 4 – Environmental Appraisal of the Proposed Changes**
- 4.1 The potential implications of the Proposed Changes have been considered to identify if they would result in any new or different likely significant environmental effects compared to the environmental impact assessment ("the EIA") which was reported in the technical chapters of the Environmental Statement ("ES") for the application **[APP-037]** to **[APP-057]**. The outcomes of that exercise are reported in the ES Addendum (document reference 10.3.8) which has been prepared in support this Change Request.
- 4.2 In assessing whether the Proposed Changes give rise to any new or different likely significant environmental effects and reporting the outcomes, the Applicant has had regard to the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations").
- 4.3 Whilst the environmental appraisal of the Proposed Changes has been comprehensively documented in the ES Addendum (document reference 10.3.8), in summary the position is as follows –
- 4.4 Environmental assessment conclusions**
- 4.5 The environmental effects identified in the Environmental Statement (ES) submitted with the DCO application have been reviewed in light of the

Proposed Changes. The following elements of the ES were identified as having the potential to be affected:

- a) **Physical processes** – local changes to hydrodynamic regime, wave regime and sediment transport pathways, and potential impacts on existing features;
- b) **Marine ecology** – direct and indirect losses of intertidal and subtidal habitat, and changes to coastal waterbird habitat;
- c) **Commercial and recreational navigation** – allision of vessels with marine infrastructure;
- d) **Air quality** – onsite emission sources during the operational phase;
- e) **Airborne noise and vibration** – noise and vibration impacts during construction and operation, including on an additional noise sensitive receptor (the relocated Malcolm West building);
- f) **Socio-economic** – effects on existing businesses during the construction and operational phases; and
- g) **Climate change** – greenhouse gas emissions during construction.

4.6 In relation to all of the above aspects of the environment, the assessment of effects has been reassessed to take into consideration the Proposed Changes.

4.7 The assessments have concluded there are no new or different environmental effects compared with that presented in the original ES (i.e., the level of significance for each impact pathway remains the same). Furthermore, given the Proposed Changes do not give rise to any new or materially different environmental effects, no additional mitigation (other than that which is related to vibration effects in respect of the PAM building) is considered necessary.

4.8 The Schedule of Mitigation (application document 9.7) has been revised and submitted as part of this Change Request to detail the limited additional mitigation measures that are required as a result of the Proposed Changes. The only additional required mitigation measures are in relation to Noise and Vibration. As a result of these mitigation measures, the residual environmental effect of all of the works remains the same as originally assessed in the ES.

## 5 Section 5 – Position regarding other consents and licences

5.1 The Applicant has given consideration to whether the Proposed Changes would affect any of the other consents and licences that the Applicant may be required to obtain outside of the DCO process in compliance with Advice Note 16. The Applicant confirms that it considers that the Proposed Changes would not constitute an impediment to the grant of any other consents and licences required outside of the DCO process, and no additional consents or licences would be required as a result of the Proposed Changes.

## **6 Section 6 – Consultation and Engagement**

- 6.1 The Applicant voluntarily undertook a comprehensive non-statutory consultation exercise over a period of 31 days, commencing on 20<sup>th</sup> October 2023 and closing at 23.59pm on Sunday 19<sup>th</sup> November 2023.
- 6.2 The consultation reflected the approach taken by the Applicant for the two rounds of statutory consultation undertaken as part of the pre-application process for the Proposed Development, in compliance with the Statement of Community Consultation (shown at Appendix A.5 to the Consultation Report) **[APP-022]** in respect of the consultees and scope of consultation zone.
- 6.3 The approach taken to the consultation is reported in the Consultation Report Addendum prepared by the Applicant to support this Change Request (document reference 6.1.1). The Consultation Report Addendum demonstrates that the Applicant carried out a comprehensive non-statutory consultation exercise on the Proposed Changes, explains the scope and methodology used, and details how the Applicant has taken into account the feedback received in response to the consultation in finalising the Change Request. Copies of all the relevant representations received to the consultation are provided at Appendix M to the Consultation Report (document reference 6.1.1.) in compliance with the requirements of Advice Note 16.

## **7 Section 7 – Compliance with the Infrastructure Planning (Compulsory Acquisition Powers) Regulations 2010.**

- 7.1 The Applicant confirms that the Proposed Changes do not involve changes to the Order land, and therefore that the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 are not engaged.

## **8 Section 8 – Conclusion**

- 8.1 This Report explains the Applicant's Proposed Changes to the application (including the rationale and pressing need for making the changes), provides details to support the Changes Request, and requests that the ExA considers and accepts the Proposed Changes for inclusion into the Examination of the application.
- 8.2 Further, this Report explains that the Applicant has considered and reported on the position regarding environmental effects as a result of the Proposed Changes in the Environmental Statement Addendum (document reference 10.3.8) which has been prepared in support of this Change Request.
- 8.3 The Applicant has outlined in this Report how it undertook a comprehensive non-statutory consultation with affected persons and interested parties (see section 6), which is further reported in the Consultation Report Addendum prepared by the Applicant to support this Change Request (document reference 6.1.1).
- 8.4 The Applicant is of the view that its consultation on the Proposed Changes was comprehensive and robust having been undertaken in line with the statutory consultation exercises previously undertaken by ABP, thus ensuring

that all persons who would wish to have an opportunity to comment on the Proposed Changes have had the opportunity to do so over a period of 31 days. Where feedback was received, the Consultation Report Addendum provides details of how the Applicant has taken relevant representations into account in finalising the Change Request (in particular, see Appendix L to the Consultation Report Addendum (document reference 6.1.1)).

- 8.5 The Applicant, therefore, reiterates its request for acceptance by the ExA of the four Proposed Changes to the Proposed Development, on the basis of the supporting information set out in this Change Request and the documentation prepared by the Applicant to support it (see Appendix 1).



## Appendix 1

The table below provides a full list of the documents which are submitted in support of the Changes Request.

(For the avoidance of doubt, any application document which is not listed in the table below has not been changed by virtue of the Change Request.)

<u>Application Document Reference</u>	<u>Most recent Examination Library Reference</u>	<u>Document Title</u>	<u>Changes to Document (including sheet number where relevant)</u>
1.4	REP6-001	Guide to the DCO Application V8 (Clean)	Addition of documents associated with Change Request.
1.4	REP6-002	Guide to the DCO Application V8 (Tracked)	Addition of documents associated with Change Request.
2.3	APP-007	Works plans	Consequential updates to plans
2.5	APP-009	General Arrangement plans	Consequential updates to plans
2.6	AS-007	Engineering Sections Drawings and Plans	Consequential updates to plans
2.8	APP-012	Lighting Plan	Consequential updates to plans
3.1	REP6-003	Draft Development Consent Order V6 (Clean)	Consequential amendments to the description of Works No. 3 and 7, Requirement 18 of Schedule 1 and paragraph 3 of the Deemed Marine Licence.
3.1	REP6-003	Draft Development Consent Order V6 (Tracked)	Consequential amendments to the description of Works No. 3 and 7, Requirement 18 of Schedule 1 and paragraph 3 of the Deemed Marine Licence.
3.2	REP5-006	Explanatory Memorandum V5 (Clean)	Minor consequential revisions to capture updated to the dDCO.
3.2	REP5-007	Explanatory Memorandum V5 (Tracked)	Minor consequential revisions to capture updated to the dDCO.
5.1.1	N/A (New document)	Planning Statement (incorporating Harbour Statement) Addendum	N/A – new document

6.1.1	NA (New document)	Consultation Report Addendum with Appendices	N/A – new document
8.1.1	N/A (new document)	Environmental Statement Addendum – Non-Technical Summary	N/A – new document
10.3.8	N/A (New document)	Environmental Statement Addendum with Appendices	N/A – new document
8.2.2	APP-038	Environmental Statement – Volume 1 – Chapter 2 – Proposed Development (clean)	Revised scheme description in light of the Change Request.
8.2.2	APP-038	Environmental Statement – Volume 1 – Chapter 2 – Proposed Development (tracked)	Revised scheme description in light of the Change Request.
8.2.3	APP-039	Environmental Statement – Volume 1 – Chapter 3 – Details of Project Construction and Operation (clean)	Revised details of project construction and operation in light of the change request.
8.2.3	APP-039	Environmental Statement – Volume 1 – Chapter 3 – Details of Project Construction and Operation (tracked)	Revised details of project construction and operation in light of the change request.
9.2	REP5-018	Construction Environmental Management Plan (CEMP) (clean)	Additional mitigation measures as a result of the change request and revised scheme description.
9.2	REP5-019	Construction Environmental Management Plan (CEMP) (tracked)	Additional mitigation measures as a result of the change request and revised scheme description.
9.7	APP-116	Schedule of Mitigation (clean)	Additional mitigation measures as a result of the change request.
9.7	APP-116	Schedule of Mitigation (tracked)	Additional mitigation measures as a result of the change request.
10.3.9	N/A (New document)	Change 4 – Navigational Simulations	N/A – new document
10.3.10	N/A (New document)	Cover Letter Submitting Changes Request	N/A – new document
10.3.11	N/A (New document)	Changes Request Report with Appendix	N/A – new document