

IMMINGHAM EASTERN RO-RO TERMINAL



Consultation Report Addendum (Appendices K – M)

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Appendix K	Consultation on Proposed Changes – Issues Tables
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The below table provides a summary of section 42 and section 47 consultation responses by theme

Consultee	Response Theme/Summary
Section 42 Consultation Responses	
NATS (CA 3)	No objection to the changes
Openreach (CA 5 & CA 11)	Information Requests
East Lindsey District Council (CA 8)	No comments to make on the changes
West Lindsey District Council (CA 9)	No comments or objections to the changes
Ministry of Defence (CA 13)	Land Use Planning
Anglian Water (CA 20)	Coastal protection, Flood Defence and Drainage
Environment Agency (CA 24)	Coastal protection, Flood Defence and Drainage
North Lincolnshire (CA 25)	No comments or objections to the changes
The Coal Authority (CA 26)	No comments to make on the changes
National Highways (CA 31)	Traffic and Transport
Marine Management Organisation (CA 32)	Physical Processes, Water and Sediment Quality and Nature Conservation and Marine Ecology
Natural England (CA 34)	Nature Conservation and Marine Ecology
Hull City Council (CA 36)	No comments to make on the changes
Maritime and Coastguard Agency (CA 37)	Commercial and Recreational Navigation
Immingham Dock Master (CA 38)	No comments to make on the changes
Harbour Master Humber (CA 42)	Commercial and Recreational Navigation
Section 47 Consultation Responses	
The Grimsby Cleethorpes & District Civic Society (CA 12 & CA 14)	Traffic and Transport
APT (CA 21 & CA 23)	Legal process and queries, Proposed design changes and Commercial and Recreational Navigation
UK Border Force (CA 30)	Proposed design changes
Svitzer (CA 33)	Commercial and Recreational Navigation and Socio-Economic
<u>DFDS (CA 35)</u>	Legal process and queries, Proposed design changes, Consultation matters and Commercial and Recreational Navigation
<u>CLdN (CA 39)</u>	Need and Alternatives
<u>Maritime Bunkering (CA 41)</u>	Commercial and Recreational Navigation and Socio-Economic

Appendix L	Consultation responses taken into account
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Appendix L: Consultation responses taken into account

Table 1: Change Application Consultation – Detailed Responses to Non-ES Matters

Consultee	Reference, Date	Summary of Response	How comments have been addressed
No Objections			
NATS (CA 3)	Change Application Consultation 20.10.23	No objection to the changes	N/A
East Lindsey District Council (CA 8)	Change Application Consultation 25.10.23	No comments to make on the changes	N/A
West Lindsey District Council (CA 9)	Change Application Consultation 26.10.23	No comments or objection to the changes	N/A
North Lincolnshire Council (CA 25)	Change Application Consultation 14.11.23	No comments or objections to the changes	N/A
Coal Authority (CA 26)	Change Application Consultation 14.11.23	No comments to make on the changes	N/A
Hull City Council (CA 36)	Change Application Consultation 17.11.23	No comments to make on the changes	N/A
Immingham Dock Master (CA 38)	Change Application Consultation 19.11.23	No comments to make on the changes	N/A
Further Information Requests			
Openreach Ltd (CA 5 & CA 11)	Change Application Consultation 19.10.23 & 26.10.23	Requested grid reference and postcode of site and a description and plan of the works	This information was provided along with links to relevant application documentation and further information.
Proposed Design Changes			
APT (CA 21)	Change Application	Requested the basis of the design parameters	The Applicant does not agree with a number of the points raised by the IOT Operators, however, both

	Consultation 07.11.23	(including design vessel characteristics, velocity used and associated impact design loadings) for the possible additional infrastructure in relation to changes 1 and 4.	parties have been in an ongoing dialogue. The Applicant has responded to a number of the matters raised already during the course of Examination and will be responding as necessary through further submissions to the ExA during the Examination. This includes matters in relation to: <ul style="list-style-type: none"> • The basis of design parameters in relation to Changes 1 and 4; and • Updated protective provisions.
APT (CA 23)	Change Application Consultation 13.11.23	Insufficient information has been provided to demonstrate why mitigation in the proposed form is being progressed rather than those outlined by IOT operators in their letter of 16.10.23.	During the consultation period, the Applicant invited the IOT Operators to attend navigational simulations on operations to the finger pier. APT declined to attend due to a lack of availability. The Applicant completed the simulations with the Harbour Master, Humber but has also committed to offering to repeat those simulations during the examination so that IOT Operators can attend.
UKBF (CA 30)	Change Application Consultation 14.11.23	Confirmed that the proposed changes do reflect the outcomes of recent discussions and that UKBF have no objection to them and agree in principle to the overall scheme.	UKBF's comments that: (i) the changes reflect recent discussions as between the Applicant; and (ii) they agree in principle to the overall scheme, are welcomed.
DFDS (CA 35)	Change Application Consultation 17.11.23	DFDS' assessment of the yard capacity, which already incorporates the amendments to the configuration as advised in the change proposal, identifies that the yard has insufficient	1) Yard capacity – the Applicant disagrees that the yard capacity is underestimated and would reiterate that the facility has been devised in partnership with Stena, the proposed user. The Applicant will respond on this line of questioning in more detail in due course albeit this specific matter is less relevant in the context of this

		<p>capacity to hold the import and export freight units.</p> <p>Queried whether the Applicant is unwilling to pay the cost of including adequate impact protection because the inclusion of adequate impact protection measures as part of the construction timetable would add delay to delivery of a working IERRT facility rather than because there are any navigational, environmental or practical barriers to providing such impact protection.</p>	<p>consultation, which pertains specifically to the change request.</p> <p>2) Impact Protection - the Applicant does not agree. The Applicant's NRA clearly sets out that the Impact Protection Measures will be applied as a project specific adaptive procedure if deemed necessary. Requirement 18 of the dDCO sets out the mechanism for installation of any Impact Protection Measures.</p> <p>The Applicant does not agree with the position that is being alleged by DFDS in its submission regarding Yard Capacity and Impact Protection and will be responding to the specifics in submissions at Deadline 7 of the Examination.</p>
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Legal Process and Queries

APT (CA 21)	Change Application Consultation 07.11.23	Requested an updated copy of the DCO demonstrating the protective provisions that have been agreed (ABP Letter 28.09.23) that secure the mitigation for the benefit of the IOT operators.	Discussions with the IOT Operators are ongoing in respect of their protective provisions. The Applicant will be responding as necessary through further submissions to the ExA during the Examination, including in relation to the matter of the updated draft DCO.
DFDS (CA 35)	Change Application Consultation 17.11.23	The additional height in the Jetty Structure in the bridging of the foreshore pipelines has not been reflected in the DCO works. The Impact Protection Measures as proposed in the Proposed Changes	The additional height in the Jetty Structure in the bridging of the foreshore pipelines was shown on the Engineering Sections Drawings and Plans which were subject to consultation as part of the consultation materials for the Proposed Changes Consultation. Shown on in the Drawing Number B2429400-JAC-00-ZZ-DR-ZZ-0720. As previously stated, the Applicant

		are insufficient as they remain conditional on a recommendation by the Statutory Conservancy and Navigation Authority, as detailed in Requirement 18 of the draft DCO.	has repeatedly made its case clear on the subject of the Impact Protection Measures.
		There is not enough time to examine the Proposed Changes properly before the close of the examination as it will (or at least should) involve re-running appropriate simulations, updating the NRA and allowing the opportunity for Interested Parties to comment on these.	Navigation simulations of the Proposed Marine Changes have been undertaken and are provided at application document reference 10.3.9. The outcomes of this exercise are reported in the NRA Addendum at Annex D of the ESA.
		The fact that the Applicant has chosen to advance a change process which includes revised impact protection measures even though we are already some four months into the six month application examination period, indicates that the Applicant accepts that impact protection measures are almost certainly required to mitigate the risks of the IERRT project.	The Applicant does not agree with the position that is being alleged by DFDS. The Applicant has made clear both before and during Examination that it does not accept the position that impact protection measures are required to mitigate the risks of the IERRT project. Notwithstanding this and without prejudice to its position, the Applicant has sought to take stakeholder feedback on board (including trying to reach agreement with the IOT Operators), which influenced the introduction of proposed change 4.

DFDS (CA 35)	Change Application Consultation 17.11.23	DFDS consider that insufficient time has been allowed for stakeholders to provide views on the proposed changes. DFDS aim to respond within this timeframe, but it may not be possible, and would be more realistic to expect a full response by Deadline 7 on 11 December.	DFDS was formally notified, as a consultee, prior to the commencement of the of the Proposed Changes Consultation which began on 20 October 2023. As such, DFDS had the full consultation period of 31 days within which to consider the proposals presented in the Proposed Changes Consultation and provide its views, not merely five working days as suggested in their representation. For clarity, ABP sent a letter on 10 November 2023 to DFDS (and other key stakeholders) within the Port of Immingham, as a reminder, as at that point – just five working days prior to the close of the consultation period – no comments on the Proposed Changes Consultation had been received from them. ABP would stress that those key stakeholders, including DFDS were given formal consultation prior to commencement of the consultation and, therefore, had ample time – the full 31 day consultation period – within which to comment upon the proposed changes. DFDS also had the opportunity to attend the two local in-person consultation events held. The above notwithstanding, the potential for a future changes consultation was trailed at previous Issue Specific Hearings, which DFDS attended.
DFDS (CA 35)	Change Application Consultation 17.11.23	Network Rail should be contacted in respect of the new level crossing	As explained in the Changes Notification Report, the new level crossing will be an ABP controlled level crossing which crosses over an existing ABP controlled railway line. The railway line is not part of Network Rail’s network, and Network Rail is not responsible for it – that responsibility lies with ABP.

			<p>As such, ABP does not need to contact Network Rail in respect of the new level crossing proposals. Notwithstanding this, ABP has ensured that Network Rail has been fully consulted in respect of the IERRT scheme generally, as well as consulted in respect of the Proposed Changes as a statutory consultee. No further engagement with Network Rail is however required in respect of the proposed new level crossing for the reasons given above.</p>
DFDS (CA 35)	Change Application Consultation 17.11.23	<p>Consultation was premature as the design of Impact Protection Measures was still being finalised. Should the designs change another opportunity should be given for stakeholders to comment on any differing proposal.</p>	<p>The Changes Notification Report which was subject to consultation clearly set out the options for the Impact Protection Measures under proposed change 4: 'Enhanced Management Controls and Options for the Potential Provision of Additional Impact Protection Measures'. The Applicant will be responding as necessary through further submissions to the ExA during the Examination regarding such matters as the design parameters of Impact Protection Measures.</p>

Table 2: Change Application Consultation – Detailed Responses to ES Matters

Chapter 4 – Needs and Alternatives

Consultee	Reference, Date	Summary of Response	How comments have been addressed or considered in this chapter
CLdN (CA 39)	Change Application Consultation 20.11.23	CLdN have confirmed that their response to the change application consultation is provided within the submissions it made at Deadline 6 of the examination. The response provided relates to their ongoing assertion that there is not an urgent and imperative need for the Proposed Development.	CLdN’s response relates to points on dwell times and alleged capacity. The Applicant does not agree with the position that is being alleged by CLdN in its submission and will be responding in submissions at Deadline 7 of the Examination. The Applicant has, in any event, explained to the Examination that, in summary, the need for the proposed development – including as now proposed to be changed – is established through the National Policy Statement for Ports (NPSfP) but that it has, in any event, also identified a need for the proposed development and that the need is greater than simply one of meeting demand.

Chapter 7 – Physical Processes

Consultee	Reference, Date	Summary of Response	How comments have been addressed or considered in this chapter
Environment Agency (CA24)	Change Application Consultation 17.11.23	Concern regarding further increase in wave height due to the changes, for the 50-year wave event from east and southeast directions. Although suspected to be minimal, there is the potential to impact the discharge of the Habrough Marsh Drain with any increase in sedimentation	Predicted changes to significant wave height as a result of the updated scheme are described in this chapter of the ESA and presented in Figures 7.5, 7.6 and 7.7. For each wave approach direction and return period, the results from the updated scheme remain very similar to those presented in the original ES document [APP-043] and, for the most part, indicate an overall reduction in wave height as a result of the combined marine elements of the IERRT scheme.

		<p>resulting in further maintenance being required to keep fluvial flows from the outfall discharging. However, we are satisfied that monitoring of the Habrough Marsh Drain is already secured in the draft DCO together with a requirement for remediation of any impacts/obstruction for a period of 10 years.</p>	<p>The magnitude and extent of predicted impacts on wave height as a result of the proposed changes are no larger (and in some cases impact is reduced) than the results presented in the ES document [APP-043]. Where increases to wave height are predicted, the extent is no larger and the magnitude remains less than 0.06 m.</p> <p>As noted in paragraph 7.3.14 of this chapter, <i>'the assessment of potential impact on existing features remains as described in the ES'</i>. Paragraph 7.8.80 of the ES [APP-043] notes <i>'The predicted impacts at the existing marine terminals (including IOT, HST, Immingham Eastern and Western Jetties, IOH and IGT) are (where predicted) generally small in magnitude. This is also the case for the areas fronting the North East Lindsey Internal Drainage Board (IDB) Habrough Marsh Drain and the Anglian Water Immingham Sea outfalls. With distance from the proposed development, the predicted impacts reduce further and are not predicted to occur over the far-field region.'</i> In further response to the comment, and with specific reference to the Habrough Marsh Drain Outfall, the assessment presented in this chapter includes consideration of changes to local erosion and accretion, with results presented in Figure 7.3. This assessment indicates no predicted change in bed thickness at the Habrough Marsh Drain outfall and slightly less accretion along the lower foreshore (and shallow subtidal) fronting the drain. Consequently, it</p>
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			is concluded that the likelihood of increased sedimentation resulting in further maintenance being required to keep fluvial flows from the outfall discharging is negligible.
MMO (CA 32)	Change Application Consultation 17.11.23	The wording regarding the dredging in Sections 7.2.3 and 7.2.6 of the ES addendum (submitted as part of the Proposed Change Notification) states there are no proposed changes to the extent, depth and volume of the capital dredging works. However, Section 7.2.5 states that the magnitude of change is a result of the larger proposed dredge depths. The MMO requests that this is clarified.	No changes to the extent, depth and volume of the capital dredging works associated with the IERRT project are proposed. The reference to larger dredge depths relates to that proposed under the original scheme and as reported in the original ES [APP-043]. The wording has been amended in paragraph 7.3.5 of this chapter to clarify this point.
		A table showing the changes in volume of the material to be dredged by area and actual difference in disposal volume to offshore disposal site should be provided together with an assessment of whether the receiving site can adequately accommodate any increased capital or future maintenance dredge requirement volume.	No changes to the extent, depth and volume of the capital dredging works associated with the IERRT project are proposed, nor are changes anticipated to the future maintenance dredge requirement set out in ES. As such, a table is not required.
		The MMO has noticed that Figure 7.1 (Peak Flood Baseline Flows)	The predicted changes to peak flood and ebb flow speeds are generally very similar in magnitude

		<p>appears to show a reduction in flow speed differences relative to the original Figure 7.8 in the ES while Figure 7.2 (Peak Flood Baseline Flows) suggests a much larger impact than the original Figure 7.9. It would be of value if this difference could be explained.</p>	<p>and extent between the ES and those presented in this chapter as a result of the Proposed Changes. There are slight differences between the two where changes flip into the '-0.05 to -0.15 m/s' band on the colour scale, as a result of the changes to the marine layout (pile locations). Overall, the magnitude and extent of change remains similar and the assessment conclusions are unchanged.</p>
		<p>None of the plots presented in the addendum show the impact with the vessels in place (as in Figures 7.17 and 7.18 of the original ES). Because the impacts of the new scheme (without the vessels) are of a similar magnitude to the original scheme with vessels, it would also be of value to demonstrate whether the assessed impacts would also remain unchanged in this case. Similarly, it would also be of value if it were clarified whether vessel occupancy of the berths has been accounted for in the modelling of the bed level changes over the spring neap cycle (Figure 7.3 of the addendum / Figure 7.19 of the ES).</p>	<p>Given the similarity in the results for the scheme with the Proposed Changes compared with the scheme originally submitted for the DCO application (without vessels on berth), additional modelling of the updated scheme 'with vessels' has not been conducted. Given the relative impacts of the marine elements (the dredge pocket, and the piles) and the vessels on berth, it is concluded that the impacts described in the ES, and the associated assessment conclusions, remain valid for the updated scheme with Proposed Changes.</p> <p>With inclusion of vessels on berth, the flow speeds within the berth pocket increase (in comparison to the empty berth scenario), as a result of the constricted flow beneath the vessel's hull. The sediment transport modelling is based on 'no vessels', as this provides the worst case for sediment build-up in the dredged berths.</p>

		Documents and change descriptions must be amended to clarify whether capital dredge changes are proposed, whether they are included in the modelling results. Without this clarity it is not possible to fully endorse the conclusions of the addendum to the ES in relation to coastal processes.	No changes to the extent, depth and volume of the capital dredging works associated with the IERRT project are proposed, nor are changes anticipated to the future maintenance dredge requirement set out in ES. The wording set out in this chapter of the ESA has been amended to clarify this point.
		No changes to the extent, depth and volume of the capital dredging works associated with the IERRT project are proposed, nor are changes anticipated to the future maintenance dredge requirement set out in ES. The wording set out in this chapter of the ESA has been amended to clarify this point.	The documents and change descriptions must be amended to clarify whether capital dredge changes are proposed, whether they are included in the modelling results. Without this clarity it is not possible to fully endorse the conclusions of the addendum to the ES in relation to coastal processes.

Chapter 8 – Water and Sediment Quality

Consultee	Reference, Date	Summary of Response	How comments have been addressed or considered in this chapter
MMO (CA 32)	Change Application Consultation 17.11.23	Previous comments made by the MMO during the course of the examination relating to concentrations of contaminants in dredge sediment were referenced. No specific comments were raised	The MMO's comments are noted. The comments raised have been addressed and resolved in other Examination documents where the MMO confirm that no outstanding issues remain related to water and sediment quality and dredge and disposal activities [REP5-044]. This is reflected in the final and agreed Statement of Common Ground

		pertaining to effects to water and sediment quality as a result of the Proposed Changes.	(SoCG) between the Applicant and the MMO [REP6-009].
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Chapter 9 – Nature Conservation and Marine Ecology

Consultee	Reference, Date	Summary of Response	How comments have been addressed or considered in this chapter
MMO (CA 32)	Change Application Consultation 17.11.23	The MMO does not have any concerns regarding the proposed changes with regards to benthic ecology. The impact of the proposed development on benthic ecology receptors following the proposed changes will be approximately equivalent to what was originally assessed in the ES, and therefore the MMO has no further comments to make on this topic.	The MMO's comments are noted.
		The MMO does not have any concerns relating to fisheries from the proposed changes to the project. We are content that the significance of impacts arising from direct loss or changes to fish populations, loss of habitat, and changes in water and sediment quality as a result of dredging	The MMO's comments are noted.

		<p>and dredge disposal will remain broadly the same as those assessed in the ES.</p>	
		<p>Concerning the impacts to fish from underwater noise and vibration during piling, the MMO notes that the number of piles to be installed has changed, with a decrease in the number required for the approach jetty, but an increase in the number of piles required for the dolphins, plus a change in pile diameter is required in some instances. Overall, the MMO considers the changes are not of concern, however, the MMO, in consultation with Cefas fisheries and underwater noise advisors, are in consultation with the Applicant regarding appropriate mitigation measures for underwater noise impacts to fish. A meeting between the MMO, Cefas and the Applicant was held on 7 November 2023 and a separate consultation is expected to be held regarding this shortly.</p>	<p>The MMO's comments are noted. Discussions between the Applicant and the MMO are ongoing regarding appropriate mitigation measures for underwater noise impacts to fish. However, as noted by the MMO, underwater noise effects on migratory fish and the mitigation measures for underwater noise are not affected by the Proposed Changes.</p>

		<p>The MMO has no concerns relating to shellfisheries caused by the proposed changes to the project and therefore has no further comments to make regarding this.</p>	<p>The MMO's comments are noted.</p>
		<p>The MMO does not have any major concerns regarding the proposed changes with regards to underwater noise. Given that the additional piling (if approved) will be undertaken with the original footprint of the project, the MMO believes that the conclusions of the original underwater noise assessment are valid.</p>	<p>The MMO's comments are noted.</p>
		<p>The MMO presumes 180 minutes of impact piling and 20 minutes of vibro-piling each working day is also applicable to the additional piling that is required as a result of the proposed changes, but it would be helpful if this could please be confirmed.</p>	<p>The MMO's presumption is correct.</p>

Natural England (CA 34)	Change Application Consultation 17.11.23	With regard to the Proposed Change 1 (realignment of the approach jetty and related works) and Proposed Change 2 (realignment of the internal link bridge and consequential works), Natural England confirms that these elements will not result in a change to the assessment of impact significance compared to the documents originally submitted into Examination. As regards to Proposed Change 3 (realignment of the UKBF facilities) and Proposed Change 4 (enhanced management controls and options for the potential provision of additional impact protection measures), Natural England has no comment to make.	Natural England's comments are noted. The Applicant's dialogue with Natural England continues regarding matters related to the main application.
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Chapter 10 – Commercial and Recreational Navigation

Consultee	Reference, Date	Summary of Response	How comments have been addressed or considered in this chapter
Associated Petroleum Terminals (APT) (CA 21)	Change Application Consultation 07.11.23	Queried what assessments have been undertaken to address impacts on IOT operations at the IOT Finger Pier brought	A review of navigational risks associated with the IERRT project in light of the Proposed Changes is provided in the NRA Addendum at Annex C of this ESA.

		<p>about by the additional protection barrier both in relation to its construction and operation (noting that the existing finger pier has a roller fender to aid berthing of coastal tankers which will likely be more needed due to amended tidal flow resulting from the blocking effect of the IERRT pontoons).</p>	<p>Proposed Change 4 includes provision for roller fenders to aid berthing of coastal tankers.</p>
		<p>Request confirmation that an assessment of residual navigation risk has been undertaken with proposed measures in place.</p>	<p>An assessment of residual navigational risk including the Proposed Changes is provided in the NRA Addendum at Annex C of this ESA.</p>
		<p>Queries whether assessments have been undertaken in relation to the IERRT construction and construction/operation phases, and whether it is intended that the additional infrastructure will be constructed prior to the IERRT becoming operational.</p>	<p>A review of navigational risks associated with the IERRT project in light of the Proposed Changes is provided in the NRA Addendum at Annex C of this ESA.</p> <p>It remains the case that the possible provision of impact protection measures will only be implemented if subsequently considered to be required by the SHA. The relevant risks are considered to be tolerable and ALARP with the controls that are anticipated without those impact protection measures. They would in any event not be implemented prior to the IERRT becoming operational.</p>
<p>APT (CA 23)</p>	<p>Change Application Consultation 13.11.23</p>	<p>The proposed measures appear insufficient to adequately address the risks identified in the IOT operators sNRA.</p>	<p>A review of navigational risks associated with the IERRT project in light of the Proposed Changes is provided in the NRA Addendum at Annex C of this ESA.</p> <p>The outcomes of this assessment remain the same as set out in the</p>

			original NRA, in that all risks are considered tolerable and ALARP with Embedded and Applied Controls in place.
Svitzer (CA 33)	Change Application Consultation 17.11.23	<p>Reference the construction phase of the project and the terminal itself we have no issues. The movement of barges and other craft associated with the project will be controlled by the VTS team as anywhere else on the river. Effective the 1st of January 2024 SMS will take over control of the East tug barge. Any issues we may have had will no longer apply as we won't be operating from that area.</p> <p>We would like for some of our master's to attend simulation berthing trials if possible before the project is finished so they can get up to speed on what may be required for a berthing/ sailing. They may find that some of our tugs are not suitable due to their size etc.</p>	<p>The comments from Svitzer are noted.</p> <p>The Applicant recognises the importance of the towage operators on the Humber and the fact that early engagement should assist them with responding to any potential upsurges in demand for their services.</p>
DFDS (CA 35)	Change Application Consultation 17.11.23	The impact protection added to the end of the IOT Finger Pier may itself have an impact on navigation as it effectively makes the pier longer, not only on vessels using the IERRT	Navigation simulations of the Proposed Changes have been undertaken and are provided at Application Document Reference number 10.3.9. The outcomes of this exercise indicate that tankers and barges arriving or departing at IOT finger pier berths, as well as

		but also the south side of the finger pier, and further navigational simulations of such movements should be carried out with the proposed impact protection in place.	vessels arriving at IERRT, can be done safely with Proposed Change 4 in place (see NRA Addendum).
DFDS (CA 35)	Change Application Consultation 17.11.23	<p>With respect to Proposed Change 4, DFDS understand that the Applicant will, in lieu of installing adequate impact protection, require vessels arriving at Berth 1 on the ebb tide to have a mandatory bow tug to protect the IOT Finger Pier in the event of an issue.</p> <p>It is DFDS' opinion that such a measure is not a suitable replacement for, nor as reliable as, physical protection measures. Physical impact protection does not suffer machinery breakdown, lack of availability, towline issues such as parting or fouling of the towline, are not affected by wind nor tide, nor are reliant on any human input.</p>	<p>The comments from DFDS are noted.</p> <p>The risks have been re-assessed in light of Proposed Change 4 in the NRA Addendum at Annex C of this ESA.</p> <p>The outcomes of this assessment remain the same as concluded in the original NRA, in that impact protection measures have been considered as an Applied Control and will only be provided as part of the 'project specific adaptive procedures' if required.</p> <p>The need for physical impact protection will be determined by the SHA and may be introduced in the future. The effect of installing the impact protection measures as now covered by Change 4 have also been assessed.</p>
		<p>The proposal of these enhanced navigation controls appears to be a cost saving measure which is indicative of a lack of proper cost benefit analysis on the part of the Applicant in their NRA production</p>	<p>The Applicant does not agree with the assertion made by DFDS that the enhanced navigation controls are a "cost saving measure". The Applicant has clearly explained why Proposed Change 4 differs from that provided at ISH3 in sections 3.20 – 3.42 of the</p>

		<p>since had they carried out this crucial analysis, they would not have proposed impact protection measures at ISH3 and then decided against that proposal at this late stage.</p>	<p>Proposed Change Notification Report [AS-027].</p> <p>The Applicant's position on impact protection remains the same as at ISH3, in that impact protection measures will only be provided as part of the project specific adaptive controls if required by either of the SHAs. The Applicant provided an update at ISH5 on the discussions that had taken place with the IOT Operators since ISH3.</p>
		<p>DFDS would however support enhanced navigational controls in respect of the Immingham Eastern Jetty. Since the establishment of physical impact protection in this area would be impossible to achieve whilst keeping the Eastern Jetty operational, DFDS, as part of our NRA suggested the implementation of enhanced navigational controls requiring the presence of a standby tug (in addition to ordinary towage requirements) to prevent a vessel bound for IERRT Berths 2 or 3 alliding with a vessel berthed at Eastern Jetty.</p>	<p>The comments made by DFDS are noted. The provision of tugs (which would depend on tidal/wind conditions, as directed by the SHA) is already identified as an Applied Control for Risk ID O9 (Ro-Ro arriving/departing Immingham Eastern Ro-Ro terminal Berths 2-3 with a tanker berthed on Eastern Jetty) in the original NRA [APP-089].</p>
		<p>If the Applicant thinks the enhanced management controls are necessary, DFDS suggests the Application should implement this system</p>	<p>The Applicant's NRA concludes that the risks are tolerable and ALARP with the Embedded and Applied Controls in place. While, therefore, the enhanced management controls are not considered necessary, the</p>

		<p>for the controls already proposed in the NRA, which the Applicant has previously said they cannot do as it interferes with the independence of the Harbour Master.</p>	<p>Applicant is proposing these as an additional measure to further reduce the likelihood and consequence of the risk to the IOT infrastructure in light of the examination submissions received.</p> <p>The proposed implementation is described in Section 3.3 of this ESA. This aligns with current operational practices so as not to interfere with the statutory remit of the Harbour Master.</p>
		<p>DFDS supports the position of IOT Operators that adequate impact protection measures should be required to be installed by the Applicant prior to the start of any construction activities or operation of IERRT, as recommended by DFDS' own NRA [REP2-043]. It is DFDS view that such measures are needed to mitigate the risks which have been clearly identified to the IOT facility. These measures should be designed to protect the IOT trunkway, the IOT finger pier and any vessels berthed on the IOT finger pier.</p> <p>Accordingly, the Impact Protection Measures as proposed in the Proposed Changes are insufficient as they remain conditional on a recommendation by</p>	<p>The risks have been reassessed in consideration of Proposed Change 4 the NRA Addendum at Annex C of the ESA.</p> <p>The outcomes of this assessment remain the same as concluded in the original NRA, in that all risks are considered tolerable and ALARP by the SHA with Embedded and Applied Controls in place.</p>

		<p>the Statutory Conservancy and Navigation Authority, as detailed in Requirement 18 of the draft DCO. DFDS has already set out in its Relevant Representation (RR-008, paragraphs 3.48 and 7.17) and Written Representation (REP2-040, paragraph 195) why conditional measures are insufficient and remain of this view – the measures should be required to be implemented before the main works are permitted to commence. DFDS, therefore considers the Proposed Changes to offer little reassurance in respect of navigational safety concerns and the potential impact on users of the Port of Immingham and the Humber Estuary.</p>	
<p>Maritime and Coastguard Agency (CA 37)</p>	<p>Change Application Consultation 19.11.23</p>	<p>The MCA has noted the four proposed changes to the IERRT project, and that the NRA is to be reviewed in light of these ensuring that the worst-case scenarios for shipping and navigation remains as per original assessment. The MCA welcomes further stakeholder consultation on the</p>	<p>The risks identified in the original NRA have been reviewed in light of the Proposed Changes, taking into account the views of stakeholders on how the risks may have changed.</p>

		<p>impact of the proposed changes. The MCA would expect every attempt to be undertaken by the applicant to resolve any concerns raised by the interested parties, with more detailed justification where consensus cannot be achieved and that the proposals are carried out in accordance with the Port Marine Safety Code (PMSC) and its Guide to Good Practice.</p>	
		<p>The MCA have also confirmed the position of the Statutory Harbour Authority (SHA) - ABP Humber, who have relevant powers under the Harbour Act 1964 (or other) and therefore have jurisdiction. The management of safe navigation and risk within the harbour remains solely with the SHA.</p>	<p>THE MCA's comment is noted.</p>
<p>Maritime Bunkering Ltd (CA 41)</p>	<p>Change Application Consultation 17.11.23</p>	<p>Maritime Bunkering Ltd as charterers of the Rix Shipping barges object to the proposed construction of the IERRT as the structure will limit our opportunities of loading at all berths of the Finger Pier. The structure causes us both safety and commercial concerns and therefore please</p>	<p>With respect to matters relating to navigation safety, navigation simulations of the Proposed Changes have been undertaken and are provided at Application Document Reference number 10.3.9. The outcomes of this exercise indicate that tankers and barges arriving or departing at IOT finger pier berths can be done safely with Proposed Change 4 in place.</p>

		take this communication as an objection to the application.	Matters relating to socio-economics are dealt with in Chapter 16 of this ESA. Matters relating to socio-economics are dealt with in Chapter 16 of the ESA.
Harbour Master Humber (CA 42)	Change Application Consultation 17.11.23	In relation to Proposed Change 1, HMH has the following comments on each section of the change as relates to navigational safety: HMH considers that the proposed realignment of the jetty approach should have no adverse effect on the safety of navigation or the ability of vessels to berth at the proposed IERRT or IOT Finger Pier facilities. HMH considers that the change in number and location of piles should have no adverse effect on the safety of navigation or the ability of vessels to berth at the proposed IERRT or IOT Finger Pier facilities. The effect of the restraint dolphins on the overall infrastructure would need to be considered when assessing the residual risks associated with berthing at IERRT and establishing operating parameters and controls.	The comments from the Harbour Master, Humber noted and have been considered when reviewing how the Proposed Changes may affect the risks identified in the NRA. Proposed Change 1 is not considered to affect navigational risks which is in accordance with the view of the Harbour Master, Humber.

		<p>The Harbour Master, Humber notes that Proposed Change 4 includes an option for the delivery of an additional impact protection barrier at the western end of the IOT finger pier. He is in broad agreement with the effect on risks identified but would reiterate the need for simulations to ensure that there is no adverse effect on navigational safety relating to tankers and barges arriving or departing at IOT finger pier berths 8 and 9.</p>	<p>The Harbour Master, Humber comments are noted. Navigation simulations of the Proposed Changes have been undertaken and are provided at Application Document Reference number 10.3.9. The outcomes of this exercise indicate that tankers and barges arriving or departing at IOT finger pier berths can be done safely with Proposed Change 4 in place.</p>
		<p>The Harbour Master, Humber is satisfied that the methods of enforcing the operational controls described in paragraph 3.3.4 and 3.3.5 of the ESA through directions and operations manuals would be effective as this is how such requirements are generally promulgated and obeyed by vessel operators. He remains convinced that it would not be appropriate for the use of enhanced controls of this kind (tugs, pilots, speed limits etc.) to be prescribed in the DCO, given that Parliament has already determined where the statutory powers to</p>	<p>The Harbour Master, Humber comments are noted.</p>

		make these operational decisions should lie.	
CLdN	Application Consultation 28.11.23	<p>At this stage CLdN does not intend to comment in detail on the scope of further NRA relating to the change request. The change request relates to navigation issues specific to the locality around the port of Immingham.</p> <p>Although we note your comments that the impact protection measures will have no impact on navigation, there still appears to be disagreement between ABP and IOT on the scope/design of the works incorporated in the change request and also the process for providing the impact protection measures in future. In addition, DFDS and IOT remain concerned about the NRA conducted to date. CLdN's position, as set out previously, is that for so long as the local operators (IOT and DFDS) have concerns about navigation impacts in the vicinity of Immingham, CLdN remains concerned about the potential for interruptions to general river traffic – including CLdN / other vessels passing</p>	CLdN's comments are noted. A review of navigational risks associated with the IERRT project in light of the Proposed Changes is provided in the NRA Addendum at Annex C of this ESA. There is continued dialogue between the Applicant, IOT Operators and DFDS regarding navigation.

		up/downstream to/from Killingholme.	
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Chapter 11 – Coastal protection, Flood Defence and Drainage

Consultee	Reference, Date	Summary of Response	How comments have been addressed or considered in this chapter
Anglian Water (CA 20)	Change Application Consultation 07.11.23	<p>Anglian Water have commented</p> <p>1) in relation to the updated drainage strategy (11.2.2). AW observe that there is no explicit request to connect to the Anglian Water waste water network and as such changes to the drainage of the site would not impact AW.</p> <p>2) In relation to the potential for increased water use on the site and are in response to the scarcity of water resources in the region. AW suggest a Water Resources Assessment be undertaken. The suggested WR Assessment would look at the predicted potable water demand from the development and seek to reduce the water demand from the site - this could be through use of surface water (rainwater falling on the site) for non potable uses for example. This assessment is requested for both the construction and operation of the site. Following this AW suggest the GGHG assessment in section 19.8 should be</p>	<p>1) ABP can confirm that there will be no discharge of waste water to the Anglian Water network from this development.</p> <p>2) Water use is not part of the scope of the water assessment within the ES [APP-047], and not explicitly reviewed in the original ES or this ESA. The proposed new terminal will not represent a significant intensification of water use within the port estate - the general trend has been downward particularly as water is used much less now for the control of fugitive dust emissions from the storage of bulk cargo. ABP benefits from a groundwater abstraction licence and therefore services the vast majority of its freshwater demand via these boreholes and a separate distribution network. A Water Resources Risk Assessment is therefore not considered necessary, as the water use during construction and subsequent operation of the IERRT would fall within the overall general use profile within the wider port estate.</p>

		updated to account for the carbon emissions that would be associated with the treatment of any water to meet increased demand. They also comment that any increase in water use or new connections for water supply may not be possible from a water resource perspective and that AW have no obligation to meet a demand for this.	
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Chapter 16 – Socio-Economic Receptors

Consultee	Reference, Date	Summary of Response	How comments have been addressed or considered in this chapter
Maritime Bunkering Ltd (CA 41)	Change Application Consultation 17.11.23	Maritime Bunkering Ltd as charterers of the Rix Shipping barges object to the proposed construction of the IERRT as the structure will limit our opportunities of loading at all berths of the Finger Pier. The structure causes us both safety and commercial concerns and therefore please take this communication as objection to the application.	Chapter 16 of the ES [APP-052] on socio-economics provides an assessment of effects on businesses due to IERRT. It is recognised that Rix currently uses Berths 8 and 9 of the IOT Finger Pier. Navigation simulations of the Proposed Changes have been undertaken and are provided at Application Document Reference number 10.3.9. The outcomes of this exercise indicate that tankers and barges arriving or departing at IOT finger pier berths, as well as vessels arriving at IERRT, can be done safely with Proposed Change 4 in place (see NRA Addendum at Annex C of this ESA). On this basis, the Proposed Changes do not introduce new commercial effects relating to the ability of Rix to use the IOT finger pier berths. Therefore, the assessment provided in Chapter 16 still applies, concluding that there would be no impact on the ability of Rix to

			operate the berths they need access to during construction and operation of IERRT.
Svitzer (CA 33)	Change Application Consultation 17.11.23	In the long term if the project goes ahead, if any constraints are placed on vessels due to arrive and depart berths in the area and a Stena ship is arriving/ departing at the same time we need to be mindful of tug ordering times. We can't be in a position that our tugs must wait prolonged periods as this causes issues with crew's hours and our ability to serve other customers. As the ferries operate to a schedule it should be relatively easy to devise a process for the occasions there is a clash.	The applicant notes the importance of clear and early communication when it comes to tug ordering times. As Svitzer note, the IERRT will service Ro-Ro vessels which operate to a schedule. This will assist with ensuring that tug allocations and vessel arrival and departure slots can be equitably managed.

Chapter 17 – Traffic and Transport

Consultee	Reference, Date	Summary of Response	How comments have been addressed or considered in this chapter
Grimsby, Cleethorpes and District Civic Society (CA 12& CA 14)	Change Application Consultation 30.10.23	Concern was raised regarding the level of additional road traffic the proposal will produce. Rail Freight is recognised to be more environmentally friendly than Road haulage, so it would be beneficial to the well-being of the	The Civic Society's comments are noted, however they are not specifically related to the Proposed Changes to the IERRT project. Nevertheless, the applicant will contact the Civic Society to explain the North Sea Ro-Ro traffic logistics model and how road connectivity is an intrinsic element of this logistics chain.

		area to use the rail facilities more. The Road network is already congested, with numerous road closures due to accidents involving in many cases, Heavy Goods vehicles. Rail should be considered as a prime mover of container traffic and other bulk goods.	
National Highways (CA 31)	Change Application Consultation 16.11.23	National Highways has identified that the proposed changes dated the 20th October 2023 are non-material to the impact on the SRN.	National Highways comments are noted.

Chapter 18 – Land Use Planning

Consultee	Reference, Date	Summary of Response	How comments have been addressed or considered in this chapter
MOD (CA 13)	Change Application Consultation 02.11.23	The MOD Safeguarding Team's assessment of this amendment remains as our previous submission, for offshore no objection. The onshore element has been assessed as a Site outside Safeguarding Area (SOSA) and our response remains as our previous correspondence.	The MOD's comments are noted.

Appendix M	Copies of the consultation responses received by ABP
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Subject: RE: IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT [SG32108]
Date: Friday, 20 October 2023 at 15:11:02 British Summer Time
From:
To: Immroro
CC: NATS Safeguarding
Attachments: image008.png, image007.png, image006.png, image005.png, image004.png, image003.png, image002.png

Dear Sirs,

We acknowledge receipt of the consultation detailing the proposed changes to the Application. NATS anticipates no impact from the proposal and its position of NO OBJECTION remains unchanged.

Regards

NATS Safeguarding Office

ATC Systems Safeguarding Engineer




Subject: FW:IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT
Date: Thursday, 19 October 2023 at 13:54:27 British Summer Time
From: networkalterationsuk@openreach.co.uk
To: Immroro
Attachments: 6 network alterations.pdf, 5 yedu.pdf, ABP Newsletter for Proposed Changes to the Application.pdf, ABP Newspaper Notice for Proposed Changes to the Application.pdf, image002.jpg, ~WRD0000.jpg, image001.png

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Hi,

Please kindly provide the grid reference of the site location with site location postcode.

Thanks and Regards,


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Openreach

We build and maintain the digital network that enables more than 600 providers to deliver broadband to homes, hospitals, schools and businesses large and small. Our engineers work in every community, every day, because we believe everyone deserves decent and reliable broadband.

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Openreach Limited

Registered Office: Kelvin House, 123 Judd Street, London WC1H 9NP
Registered in England and Wales no. 10690039

openreach
Connecting you to your network

Subject: Consultation on Proposed Changes
Date: Wednesday, 25 October 2023 at 12:25:46 British Summer Time
From: [Redacted]
To: Immroro
Attachments: image001.png

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello IERRT Team,

Thank you for consulting East Lindsey District Council on the proposed changes you wish to make to the Immingham Ro-Ro project. I can advise that this authority has no comments to make.

Regards

[Redacted]
[Redacted]
Deputy Development Manager

Tel: [Redacted] - Mob [Redacted]

Email: [Redacted]

Website: www.mybostonuk.com / www.e-lindsey.gov.uk

Facebook: [Boston Borough Council](#) / [East Lindsey District Council](#)

Twitter: [Boston Borough Council](#) / [East Lindsey District Council](#)

East Lindsey District Council, The Hub, Mareham Road, Horncastle, LN9 6PH



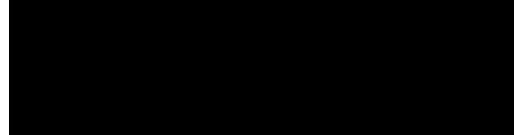
[The Council issues a regular newsletter by email to residents. It's free and keeps you informed on the Council work and that of its partners. If you'd like to subscribe to receive this please sign up at \[www.e-lindsey.gov.uk/messenger\]\(http://www.e-lindsey.gov.uk/messenger\)](#)

.....
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.....



Guildhall
Marshall's Yard
Gainsborough
Lincolnshire DN21 2NA
Telephone 01427 676676
Web www.west-lindsey.gov.uk

Your contact for this matter is:



26th October 2023

Immingham Eastern Ro-Ro Project Team
Dock Office
Immingham Dock
NE Lincolnshire
DN40 2LZ

Dear Sir/Madam

APPLICATION REFERENCE NO: 147484

PROPOSAL: Written enquiry for notice of consultation on proposed changes to the application for a Development Consent Order.

LOCATION: Immingham Eastern Ro-Ro-Terminal

Thank you for identifying West Lindsey District Council as a consultation body for the proposed changes identified below:

- **Proposed Change 1:** Realignment of the approach jetty and associated works to the marine infrastructure;
- **Proposed Change 2:** Realignment and shortening of the IERRT internal bridge and consequential works;
- **Proposed Change 3:** Rearrangement of the UK Border Force facilities; and
- **Proposed Change 4:** Options for the provision of revised marine impact protection measures and related works

West Lindsey has no observations or objections to the proposed changes to the application for a Development Consent Order.

Yours faithfully



Development Management Team Leader
On behalf of West Lindsey District Council

If you want to know more about how we use your data, what your rights are and how to contact us if you have any concerns, please read our privacy notice:

www.west-lindsey.gov.uk/planning-privacy

If you require this letter in another format e.g. large print, please contact Customer Services on 01427 676676, by email customer.services@west-lindsey.gov.uk or by asking any of the Customer Services staff.

Subject: RE: IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT
Date: Thursday, 26 October 2023 at 13:21:14 British Summer Time
From: networkalterationsuk@openreach.co.uk
To: Immroro
Attachments: image005.jpg, image004.png, image003.gif, image002.png, image001.jpg

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Thanks for your email.

We require some further information to progress with your enquiry, can you please provide the following details

- Description of the work that's taking place
- A detailed plan of the intended works (1:500 plan at least)

Please email all correspondence to: networkalterationsuk@openreach.co.uk

Thanks and Regards,


Infrastructure Solutions

Openreach

We build and maintain the digital network that enables more than 600 providers to deliver broadband to homes, hospitals, schools and businesses large and small. Our engineers work in every community, every day, because we believe everyone deserves decent and reliable broadband.

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Openreach Limited

Registered Office: Kelvin House, 123 Judd Street, London WC1H 9NP

Registered in England and Wales no. 10690039

openreach

Connecting you to your network

Subject: Use of Rail Transport in the Immingham East. RRT
Date: Monday, 30 October 2023 at 16:53:17 Greenwich Mean Time
From: [REDACTED]
To: [REDACTED]
Attachments: 9odQFxlKsoe02doU.png

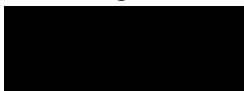
CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Afternoon,

We are in the process of responding to NELC Consultation for the IERRT project. We are concerned that it is Road haulage based, adding to dangerous traffic levels, pollution and death due to increased traffic accidents. What increase in Rail Traffic, the safer option, is envisaged when this project is completed? We need this information to make a valid response.



Kind Regards,



Chair, GC&DCS

Subject: 20231102 TR030007 Immingham Eastern Ro-Ro Terminal Development, Associated British Ports
Date: Thursday, 2 November 2023 at 14:39:28 Greenwich Mean Time
From: DIO-Safeguarding-Offshore (MULTIUSER)
To: Immroro, DIO-Safeguarding-Statutory (MULTIUSER)
Attachments: image001.png, ~WRD0003.jpg

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon

Thank you for your email below regarding the changes to the application Immingham Eastern Ro-Ro Terminal Development.

The MOD Safeguarding Team's assessment of this amendment remains as our previous submission, for offshore no objection. The onshore element has been assessed as a Site outside Safeguarding Area (SOSA) and our response remains as our previous correspondence.

Kind regards

[Redacted signature]

Assistant Safeguarding Officer

Defence Infrastructure Organisation

Estates | Safeguarding

DIO Head Office | St George's House | DMS Whittington | Lichfield | Staffordshire | WS14 9PY

Skype: [Redacted] Mobile: [Redacted] Email: [Redacted]

Subject: Consultation Response

Date: Thursday, 2 November 2023 at 14:37:13 Greenwich Mean Time

From: [REDACTED]

To: [REDACTED]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Afternoon,

The Grimsby Cleethorpes & District Civic Society would like to respond to this proposal for a Ro-Ro terminal at Immingham East.

On reading the proposals, it seems that there are no plans to increase the use of the Rail Facilities. Rail Freight is recognised to be more environmentally friendly than Road haulage, so it would be beneficial to the well-being of the area to use the rail facilities more. The Road network is already congested, with numerous road closures due to accidents involving in many cases, Heavy Goods vehicles. Rail should be considered as a prime mover of container traffic and other bulk goods.

Kind Regards

[REDACTED]
Cleethorpes & District Civic Society

Sent from [Mail](#) for Windows

Subject: RE: IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT
Date: Tuesday, 7 November 2023 at 08:48:13 Greenwich Mean Time
From: [Redacted]
To: [Redacted]
CC: [Redacted] Anglian Water DCO Support
Attachments: June 2023 Non-Domestic Demand External Briefing.pdf, image004.jpg, image003.jpg, image002.jpg, image001.png

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear ABP Immingham Ro-Ro Project Team

Thank you for consulting Anglian Water on the changes to the application.

Changes 1, 2, 3 and 4 are unlikely to materially change the impact of the project on Anglian Water’s assets.

We note that the updated Drainage Strategy (11.2.2) advises that 70% surface of surface water will be managed via an IDB drain. As there remains no reference to connecting to the Anglian Water public sewer network to manage surface water this does not change the impact on Anglian Water’s water recycling network. In view of the scarcity of water to serve the project and wider developments the option to collect rainwater and surface water for non- potable uses could though be used to reduce demand and provide potable supplies. We recommend that a Water Resources Assessment is undertaken. This should include existing private abstraction, groundwater resources including potential impacts from construction and Anglian Water supply options to ensure that an integrated water management approach is taken including options to maximise water efficiency and reduce treated wastewater requiring discharge.

We recommend that the Water Resources Assessment include an update to the Greenhouse gas emissions (GHG) assessment in Section 19.8 of Chapter 19 of the ES and specifically the GHG from water supply and demand and wastewater treatment. In the absence of that assessment, it is not possible to agree that the project changes including the demand for water during construction have not changed (19.2.1). We attach for your information Anglian Water non- domestic water demand position which sets out that in the event additional water is required for the project that this may not be available. We should add that due to regulatory constraints it is not possible to ‘reserve’ a new or significant addition in water demands this far ahead of the project commencing.



[Redacted] Sustainable Growth

Mobile: [Redacted]

Web: [Redacted]
Pronounced: [Redacted]

Anglian Water Services Limited
Lancaster House, Lancaster Way, Ermine Business Park, Huntingdon, Cambridgeshire,

PE29 6XU



QUEENS ROAD
IMMINGHAM
N E LINCOLNSHIRE
DN40 2PN

TEL.: (01469) 570300
FAX: (01469) 570321

Date: 7 November 2023

Ref: APT

Dear Associated British Ports,

IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT

This letter is an interim response to the Associated British Ports (**ABP**) communications concerning the proposed change request for the Immingham Eastern RoRo Terminal (**IERRT**), and in particular the “Proposed Changes Notifications Report” (examination reference document [AS-027]).

The **IOT Operators** have a number of queries on the change request and further information is urgently required to enable an informed response to the changes proposed within the consultation window.

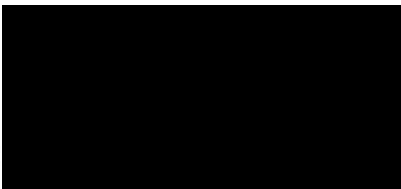
We therefore request that ABP respond as a matter of urgency to each of the issues below;

1. **In respect of Change 1:** described as “*the Realignment of the Approach Jetty and Related Works - within the submitted limits of deviation but further away from the IOT Trunkway - with an increase in the number and repositions of the locations of piles required to support marine infrastructure, together with ancillary works to the pier infrastructure*”, please provide the basis of design parameters (including design vessel characteristics / velocity used and associated impact design loadings) for the following possible additional infrastructure in relation to arresting errant IERRT vessels:
 - a. Restraint dolphins
 - b. IERRT finger pier adjustments.
2. **In respect of Change 4:** described as “*Enhanced Management Controls and Options for the Potential Provision of Additional Impact Protection Measures - in conjunction with and subject to enhanced navigational management controls for vessels entering or departing from the IERRT*”, please provide the basis of design parameters (including design vessel characteristics / velocity used and associated impact design loadings) for the following possible additional infrastructure in relation to arresting errant IERRT vessels:



- a. Enhanced Navigational Management Controls
- b. Impact Control Measures:
 - i. Linear Protection
 - ii. Additional protection barrier to IOT Finger Pier.
3. **In respect of the additional protection barrier:** please confirm what assessments have been undertaken to address impacts on IOT operations at the IOT Finger Pier brought about by the additional protection barrier both in relation to its construction and operation (noting that the existing finger pier has a roller fender to aid berthing of coastal tankers which will likely be more needed due to amended tidal flow resulting from the blocking effect of the IERRT pontoons).
4. **In respect of the ABP NRA:** the above change requests (Changes 1 and 4) have seemingly been implemented to mitigate errant IERRT vessels alliding with IOT infrastructure (and tankers alongside) and as such constitute additional risk control measures. Please confirm that an assessment of residual navigation risk has been undertaken with these measures in place (including cost benefit analysis against defined standards of acceptability), and if so when the assessment (which we assume is an update to the IERRT NRA) will be shared.
5. **In respect of the proposed additional infrastructure:** please confirm what assessments have been undertaken in relation to the IERRT construction and construction / operation phases, and whether it is intended that the additional infrastructure will be constructed prior to IERRT becoming operational.
6. **In respect of protective provisions:** ABP has agreed to incorporate protective provisions for the protection of the IOT Operators as part of its change request [REP1-039]. That agreement was recorded in the ABP letter of 28 September 2023 [AS-020]. An updated copy of the DCO demonstrating the incorporation of those protective provisions securing the benefit of the mitigation being proposed by ABP as part of its change request has not been provided. ABP is asked to urgently provide an updated draft DCO showing how it proposes to incorporate those protective provisions for the benefit of the IOT Operators.

We look forward to hearing from you on the matters outlined in this letter.



Terminal Manager

ASSOCIATED PETROLEUM TERMINALS (IMMINGHAM) LIMITED



QUEENS ROAD
IMMINGHAM
N E LINCOLNSHIRE
DN40 2PN

TEL.: (01469) 570300
FAX: (01469) 570321

Date: 13 November 2023

Ref: APT

For the attention of **immroro@abports.co.uk**

Dear Associated British Ports,

IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT

RESPONSE TO CONSULTATION ON PROPOSED CHANGES TO THE APPLICATION

Background

- 1.1 We write with reference to Associated British Ports' ("**ABP**") application for the proposed Immingham Eastern Ro-Ro Terminal Development ("**IERRT**") and to the ongoing DCO Examination. Where relevant we have referred to document references from the IERRT DCO Examination Library.
- 1.2 As you will be aware, Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustee Limited (together the "**IOT Operators**") have significant concerns regarding the potential navigation and shipping effects of the IERRT on the Immingham Oil Terminal ("**IOT**"). These have been set out in various consultation responses and correspondence to ABP [**REP2-063**] and in the Written Representation [**REP1-062**] and shadow Navigation Risk Assessment ("**sNRA**") [**REP1-064**] submitted to the Examination on behalf of the IOT Operators. These concerns primarily relate to the Navigation Risk Assessment ("**NRA**") submitted by ABP [**APP-089**] and the risk control measures proposed as part of the IERRT application.
- 1.3 Recent discussions between the IOT Operators and ABP led to a letter being submitted to the Examining Authority on 28 September 2023 [**AS-020**]. This set out that ABP intended to make a request to amend the DCO application in order to enable the delivery of mitigation measures required by the IOT Operators. The letter also stated that ABP would ensure that protective provisions substantially similar to the IOT Operators' amended protective provisions [**REP1-039**] would be included in the DCO. In light of the letter



being submitted, the IOT Operators agreed not to engage in detail with navigation and shipping matters and NRA issues during Issue Specific Hearing 3 (“**ISH3**”) on 27 and 28 September 2023 and these discussions were accordingly curtailed by the Examining Authority (“**ExA**”).

- 1.4 Since ISH3, the IOT Operators and ABP have been in ongoing discussions regarding the risk control measures which are required by the IOT Operators.

Change Request

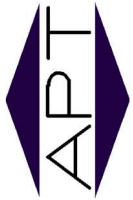
- 1.5 The IOT Operators note that the Applicant has commenced consultation on 20 October on proposed changes to its DCO application. Those include:

Change 1: The Realignment of the Approach Jetty and Related Works – within the submitted limits of deviation but further away from the IOT Trunkway – with an increase in the number and repositions of the locations of piles required to support marine infrastructure, together with ancillary works to the pier infrastructure;

Change 2: A realignment of the Internal Link Bridge and Consequential Works – between the Northern and Central Storage Areas resulting in an improvement of land holding for the Applicant’s tenant and sub-tenants as well as 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;

Change 3: The Rearrangement of the UKBF Facilities - to meet UKBF’s requirements – within the original Limits of Deviation;

Change 4: Enhanced Management Controls and Options for the Potential Provision of Additional Impact Protection Measures – in conjunction with and subject to enhanced navigational management controls for vessels entering or departing from the IERRT.



ASSOCIATED PETROLEUM TERMINALS (IMMINGHAM) LIMITED

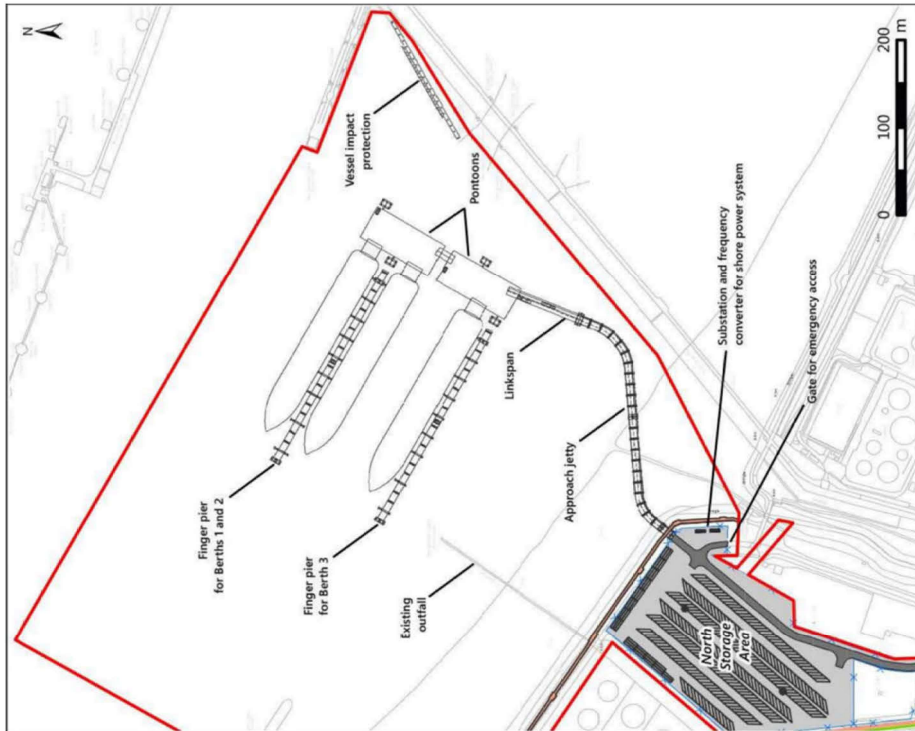
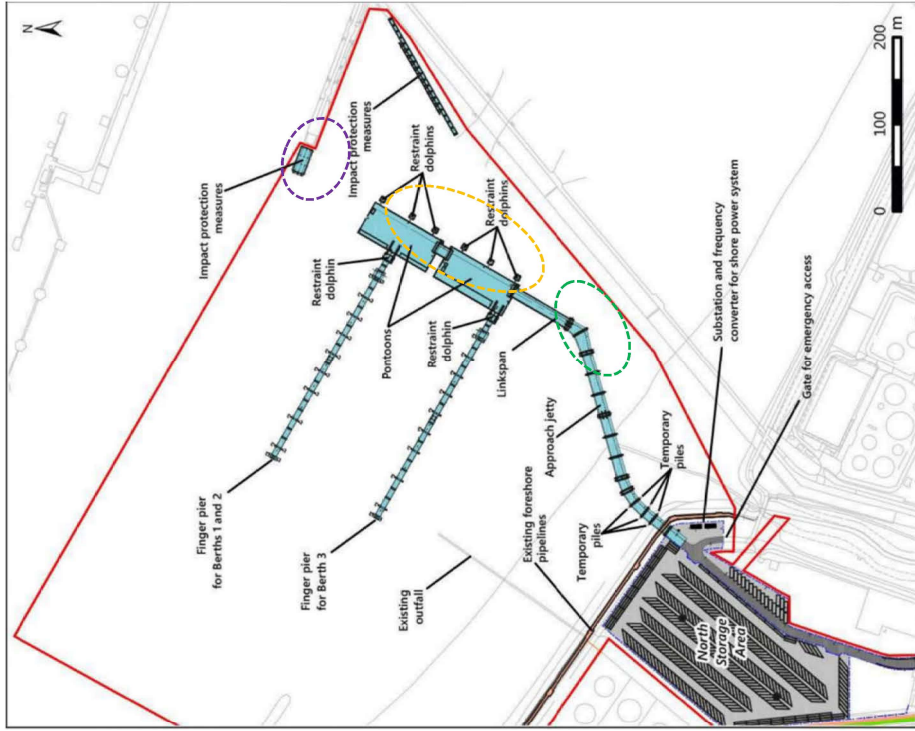


Figure 2 – Proposed realignment of the Approach Jetty and related works



- 1.6 The IOT Operators wish to note their surprise and disappointment that the Applicant has made the proposed change request without:
- (a) providing the IOT Operators with a copy of the proposed changes prior to the materials being submitted and consulted on, given that they differ significantly from those attached to the letter of 27 September 2023 [AS-020] and are completely different to changes proposed and discussed in detail in the series of design meetings attended by the IOT Operators;
 - (b) seeking the IOT Operators' agreement to (or even comments on) those proposed changes; or
 - (c) providing any details of the "enhanced management control" measures that the Applicant now intends to rely on.
- 1.7 In its letter of 27 September 2023 [AS-020] the Applicant accepted the need for a change to be made to accommodate impact protection capable of mitigating (to an acceptable level) the risks identified by the IOT Operators' sNRA. The IOT Operators have expended considerable efforts to help the Applicant identify the standard to which those mitigation measures should be designed, including providing details of that standard to the Applicant in a letter on 16 October, which appears as **Appendix 1** to this document. That of course is work that the Applicant ought to have undertaken following the Statutory Consultation for the scheme in early 2022, and sought to agree with the IOT Operators at that time and well in advance of the DCO submission.
- 1.8 The IOT Operators are very disappointed to note that the Applicant has proposed a series of measures which fail to meet the standards identified by the IOT Operators as necessary to provide adequate protection to their significant interests. As the Applicant again appears to accept (through its actions if not its language) that further impact protection measures are required, it is not clear to the IOT Operators why measures of a standard which they have identified (and justified) have not been provided. An explanation why it is said to be difficult for the project to accommodate those standards is provided (at 3.27 of the change notification document), but that is very different to an explanation of why the level of protection reflected in the IOT Operators' standards should not be provided. If it is ABP's case that the provision of adequate measures is too expensive, then the proper response may be simply to conclude that ABP is unable to provide the necessary protective measures for the important IOT facilities and to accommodate the genuine risks created by its proposal with the consequential effects of that on the acceptability and grant of the DCO.



- 1.9 The IOT Operators also note that, in its letter submitted during ISH3 [AS-020], the Applicant accepted that protective provisions substantially in the form advanced by the IOT Operators [REP1-039] would be included in any change request. There is no reference to those protective provisions in the notification of the proposed change. The Applicant has to date not provided the IOT Operators with an updated SoCG or PADS, despite the indication that such matters would be addressed alongside its change request.
- 1.10 Given the uncertainty around many aspects of the Applicant's change request, the IOT Operators wrote to the Applicant on 7 November seeking clarity on matters which are fundamental to the proposals. No response has been received to that letter, which appears at **Appendix 2** to these submissions.

2 IOT OPERATORS RESPONSE TO CHANGE REQUESTS

Change 1: The Realignment of the Approach Jetty and Related Works – within the submitted limits of deviation but further away from the IOT Trunkway – with an increase in the number and repositions of the locations of piles required to support marine infrastructure, together with ancillary works to the pier infrastructure

Restraint dolphins

- 2.1 At para. 2.13 of the change request **Restraint dolphins** are included, which the Applicant ABP notes include up to two additional restraint dolphins for each of the landing pontoons to improve stability. These are identified in "*Figure 2 – Proposed realignment of the Approach Jetty and related works*" – see figure above with restraint dolphins identified by orange pecked line. At Section 3.1 of the Change Request, which describes the "Rationale and Need for the Changes", restraint dolphins are conspicuous by their absence and as such no details are provided by the Applicant justifying the need for restraint dolphins.
- 2.2 The IOT Operator's sNRA identified the need and position of additional restraint dolphins within the sNRA – see Appendix D Para. 3.1.3 particularly bullet 2: "*proposed dolphins to stabilise on the pontoon are not in the optimum positions to resist such an impact. We would expect the dolphins to be on the opposite side to the berthed vessels to restrain the pontoons against the impact forces. The dolphins on the berthing face will be inefficient to resist these forces as essentially the load will be resisted by the connections between the dolphin and pontoon only.*"
- 2.3 The IOT Operators welcome the inclusion of restraint dolphins in the change request, and the implicit acceptance that the IOT Operators sNRA findings in this regard is correct.
- 2.4 However, the IOT Operators' are not able to understand:
- (a) The calculations which have informed the design details which are being used in the Applicant's change request; or



(b) Where any updated NRA has been carried out to understand the effectiveness of the proposed restraint dolphins to mitigate allision risk.

- 2.5 In its change request the Applicant does not explain the purpose of the additional restraint dolphins. The IOT Operators have repeatedly requested information and detail (from first engagement on the project in Feb 2022 through to Examination Deadline 5) on the design of the IERRT and its ability to withstand the allision of an errant IERRT vessel. Most recently, the IOT Operators have requested such detail during the three design workshops. During these design meetings, Ben Hodgkins (ABP Group Head of Projects) noted that details would be provided on the ability of the IERRT infrastructure to withstand an errant vessel in due course, however no details have yet been provided.
- 2.6 Without the justification behind the design basis for the change to include additional restraint dolphins to the pontoons, the IOT Operators assume that the inclusion of the restraint dolphins, if constructed, would be to provide additional “implicit” impact protection to the IERRT structure, and as such provide additional protection to the IOT Trunkway. Therefore, IOT Operators require both the engineering design and impact loading parameters to be provided showing what the effect the restraint dolphins have on mitigating allision of an IERRT vessel with the IOT Trunkway, and separately mitigate the risk of the pontoons from becoming detached such that they may collide with the IOT Trunkway. It is also noted that para. 2.210 of Appendix 1 notes that the pile size of the restraint dolphins is proposed to be increased from 1,422mm to 1,520mm.
- 2.7 Further, as this is an additional risk control measure (not included in the ES or NRA), then an update to the Applicant’s NRA should be undertaken to confirm the effectiveness and justification for this additional risk control measure and subsequently issued for consultation. It is imperative that the IOT Operators are provided with this information in order to make an informed judgement on the effectiveness of the restraint dolphins as a risk control measure.
- 2.8 In the event the Applicant accepts that these restraint dolphins are necessary, it is critical that controls are imposed on the dDCO which require their delivery prior to commissioning of the first berth. The Applicant notes in this regard that in **[AS-020]** the Applicant has accepted that protective provisions “substantially in the form” included in the IOT Operators’ submissions REP1-039 would be included as part of any change request. The Applicant has provided a dDCO which includes such provisions, and should confirm that appropriate protective provisions will be included in the dDCO.

IERRT Finger pier adjustments

- 2.9 At para. 2.14 the Applicant notes that two additional piles to support mooring bollards have been added to improve mooring performance. The IOT Operators note that, as with the restraint dolphins, no details are provided by the Applicant to justify the inclusion of these additional piles. To date, no details other



than the length, breadth and draught of the IERRT design vessels have been provided by the Applicant, despite the multiple requests by the IOT Operators. The exception to this is the displacement, which was provided in Design Meeting 1, which at 48,431 tonnes is more than twice the displacement of current Stena T-Class vessels and considerably larger than the DFDS vessel used in simulations. The IOT Operators note that there is an intrinsic relationship between design vessels and mooring requirements for a berth, and in specifying greater mooring infrastructure the Applicant must be rectifying a deficiency in the current IERRT design and must have conducted studies to support the need for additional piles – none of which has been provided to the IOT Operators or the Examination.

- 2.10 The IOT Operators therefore seek that the Applicant provides, or is required to provide, evidence to support this change and, if it relates to navigation safety, then a commensurate update in the Applicant's NRA to address the change.

Change 4: Enhanced Management Controls and Options for the Potential Provision of Additional Impact Protection Measures – in conjunction with and subject to enhanced navigational management controls for vessels entering or departing from the IERRT.

Need for further Impact Protection and Relocation of the Finger Pier

- 2.11 The IOT Operators identified a need for additional impact protection, and the possibility that the IOT Finger Pier would need to be relocated, in its response to the statutory consultation to the IERRT proposals in early 2022. In light of the Applicant's failure to acknowledge the need for those mitigation measures, the IOT Operators have been put to the very considerable expense of submitting their own sNRA in response to the Applicant's proposals [REP2-064].
- 2.12 Whilst the Applicant has included the potential for some impact protection in its DCO Application, at no stage prior to the second set of hearings (in September 2023) has it acknowledged that such impact protection is necessary.
- 2.13 During those hearings, and as explained in the introduction to this further consultation response on the Applicant's change request, it has now belatedly accepted that further impact protection measures are necessary and has undertaken to submit a change request to provide those measures. Whilst the Applicant maintains that such measures are not required, the reality of the situation is that it would not be promoting the change request if it did not accept that it was necessary.
- 2.14 The Applicant at paras 2.27 to 2.34 of the change notification [AS-027] maintains that there is no need for impact protection measures as part of its scheme.
- 2.15 In response, the IOT Operators maintain the position advanced from the outset of their engagement with the Applicant and consistently maintained from that time. That is, that its sNRA clearly identifies the



need for a comprehensive package of further mitigation measures to adequately address otherwise unacceptable safety concerns associated with the Applicant's proposals. That is explained at length in the IOT Operators' Written Representation [REP2-062] at Part 5.

The Beckett Rankine design

- 2.16 The Applicant has made repeated references to the Beckett Rankine impact protection designs in paragraphs 2.35 to 2.37. Those designs were developed by the IOT Operators' consultants Beckett Rankine as an early, indicative, design for the package of mitigation proposals identified as necessary by the IOT Operators in their Written Representation (and previous consultation responses), in the absence of any design work by the Applicant. That design work was provided at very short notice in the lead up to the Applicant's letter of 28 September 2023 [AS-020] and acknowledged that further impact protection was required. The design work was carried out with only the high-level information provided in the ES (which does not include details such as the IERRT Design Vessel's displacement).
- 2.17 The Applicant now appears to indicate, at paragraph 2.38 that "specific requirements" have been provided by the IOT Operators which go beyond those proposed by Beckett Rankine (and adopted by the Applicant in its letter of 28 September 2023). This is simply incorrect.
- 2.18 It is for the Applicant to design and promote its own scheme. That should include the design of accommodation or mitigation works required to protect existing infrastructure. The Applicant has failed to do so, but (very late in the day) has indicated that such measures are necessary. In the spirit of cooperation, the IOT Operators provided an indicative design to the Applicant in September. The Applicant's letter [AS-020] by which it undertook to submit a change request recognised that as an indicative it was design subject to future design work between the relevant parties. The IOT operators then outlined what they considered necessary following a series of design meetings in their letter of 16 October, to assist the Applicant. The Applicant however has decided (without explaining why) that such specifications cannot be met, and is therefore now proposing an alternative design.

Applicant's rationale and need for the changes

- 2.19 In the context of the position outlined above, the IOT Operators make the following comments on the content of part 3 of the change notification relating to Change 4.
- 2.20 At Para. 3.21 the Applicant seems to remain of the view that, based on a flawed NRA, impact protection measures are not required. However, in meetings with the Applicant and its Harbour Authority (Humber Estuary Services), the consensus was that impact protection was required.
- 2.21 In reviewing both the NRA and the HASB meetings minutes of 12 December 2022 it is evident to the IOT Operators that a cost benefit analysis of the IOT Operators' proposed mitigation measures was not



undertaken and that the justification for not including impact protection was based on the results of HR Wallingford Simulations.

- 2.22 At Para. 3.24 the Applicant states that the “high level” schematic does not meet the requirements of the IOT Operators. The purpose was to put forward an indicative approach that could address the unacceptable risk posed by the Applicant in proposing the IERRT development. The schematic is noted as “indicative” and specifically states that “*Number and spacing of impact protection islands to be designed to meet minimum beam of existing / future IERRT vessels*” [AS-020]. Additionally, as noted above, the schematic issued was a proactive attempt by the IOT Operators (and its consultants) to address the complex issues of impact protection and relocation of the IOT Finger pier requirements, in the absence of design work which ought to have been carried out by the Applicant.
- 2.23 The Applicant asserts that the requirement of the IOT Operators has somehow changed, by stating “*that the IOT Operators are now stating as being required*”. This is not correct: the IOT Operators’ requirements have not changed since February 2022. It is for the Applicant to ensure that the potential impacts of the scheme are adequately mitigated. It is not for those parties potentially affected by the proposals (with potentially catastrophic impacts) to design their own mitigation measures.
- 2.24 At Para. 3.25 the Applicant summarises their understanding of the IOT Operators’ requirements in subparagraphs (a) to (g). The IOT Operators correct and/or clarify each subparagraph in the table below:

ABP Comment	IOT Operators’ response
(a) 2 x "impact protection islands with a maximum gap of 25m (no greater than the beam of the smallest IERRT design vessel)	This requirement is consistent with indicative schematic appended to the Applicant’s own letter issued at ISH 3 [AS-020]
(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	The requirement is not that there is sufficient clearance, but that the impact protection if struck should adequately protect the IOT Finger Pier and Trunkway. Should the Applicant wish to provide sacrificial impact protection (which is cheaper and which IOT Operators have accepted as an approach in principle), then it should meet the original requirements of protection of the IOT infrastructure
(c) Design vessel speed - 4 knots (the maximum current velocity which occurs <1 % of the time)	This requirement has been repeatedly referenced to the Applicant and is specifically noted within the IOT Operators sNRA at Section 11.2.2 Para. 349 and Appendix D at Para. 3.1.3



(d) Design vessel size - all IERRTvessels including Future Vessel;	This requirement has also been repeatedly referenced to the Application and is also specifically noted within the IOT Operators sNRA at Section 11.2.2 Para. 349 and Appendix D Para. 3.1.3
(e) 2 x barge berths on south face of finger pier;	This requirement is recorded accurately
(f) 2 x coaster vessel berths on northern face, requiring an extension of the finger pier of approximately 1 00m; and	At Section 11.2.1 of the sNRA, relocation of the IOT Finger Pier is provided as a risk control measure (that is confirmed as required through a rigorous and transparent Quantitative Risk Assessment and Cost Benefit Analysis). IOT Operators have been pragmatic in developing a cost optimised design (the extension of the IOT Finger Pier) as the Applicant has been unable to provide any options in this regard. This has been provided as an optimised requirement, to the benefit of the Applicant, rather than a new requirement
(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.	This is clearly a requirement for relocation or reconfiguring of the IOT Finger Pier to accommodate the changes needed to address the unacceptable risks brought about by the Applicant's IERRT development

2.25 In relation to Para. 3.26 the IOT Operators require the results of the feasibility study to be shared. It is a continuing concern that to date no feasibility reports have been provided to justify the Applicant's position.

2.26 Para. 3.27 seems to provide a summary of the feasibility assessment results. However, as this study has not been provided the efficacy and rigour of the assessment cannot be determined based on a summary of the key issues. This is not the first time that the Applicant has failed to share its data but has only revealed its own interpretation which cannot be accepted without verification. The IOT Operators have been clear that it is up to the Applicant to define and provide appropriate mitigation. Nevertheless, the IOT Operators note that there are issues with this summary:

- (a) Without substantiation of the future vessel sizes proposed for the IERRT and no details for the impact protection design calculations that have been undertaken to determine the required impact size it is difficult to comment on the conclusion regarding impact protection structure size. However, it is understood that the Applicant considers that an open structure is the only suitable impact protection type, and given this position it will result in large structural footprint. The IOT Operators consider that a closed cellular structure should be considered which is backfilled with



gravel, as indicatively shown on the sketch produced by the IOT team, as this will have a smaller structural footprint than an open structure.

It is not clear if any dampening effects have been considered due to vessel hull failure upon impact, however this would act to reduce the overall impact force if considered. Further to this, it is not clear if fendering systems have been considered to reduce the design impact force for the structure. The updated design proposals indicate an allowance for fenders, but there is no clarity or detail on what these fenders are, what forces they resist, and how these are incorporated into the impact protection design.

- (b) We agree with the Applicant that a closed structural form, such as a cofferdam backfilled with gravel, would provide more strength against impact than an open piled structural solution. However, we disagree that a cofferdam structure would necessitate the need for 10m dredging depth of the silts. Alternative options such as silt treatment within the cofferdam should be explored. It should also be noted that settlement of backfill placed on silts would not be a main design concern.
- (c) The question of the likely significant environmental effects of a change proposal are a matter for the Applicant to ensure are adequately assessed as part of any change request. In this subparagraph, the Applicant indicates that the catastrophic effects of an allision with the IOT Trunkway should not be adequately mitigated due to the envelope of the mitigation works required being materially different to those previously assessed. The IOT Operators' would observe that ensuring effective mitigation is secured, and subsequently assessing the likely significant effects of that mitigation, are different matters. The short point is that the Applicant simply has not carried out the necessary assessment work in good time, as it would have had the chance to do had it engaged with the mitigation proposals when first identified in early 2022.

The fact that the Applicant has not carried out the necessary environmental assessment work is not a defensible justification for necessary mitigation measures to be omitted from its proposals.

- (d) It is for the Applicant to propose adequate mitigation for its scheme. The Applicant suggests that extending the IOT Finger Pier might accommodate the necessary mitigation, but then discounts it as impacting on the IERRT's navigational area. The Applicant appears to indicate that the design of its own scheme is inconsistent with the mitigation necessary to offset its (otherwise unacceptable) impacts. That is not a good reason for such mitigation not to be required. Rather, it is a reason for development consent not to be granted for the IERRT.



Again, it is for the Applicant to adequately mitigate the impacts of its own design proposals. If that requires strengthening of the IOT Finger Pier and modifications to the pipework, that is not a justification for failure to provide those mitigation works.

The Applicant's alternative scheme

- 2.27 At Para.3.28 & 3.29 the Applicant states that it has proposed an alternative scheme to the IOT Operators but in fact it has yet to provide any detail as to how the parameters of the alternative design have been justified. The IOT Operators raised a series of queries on these matters with the Applicant on 7 November 2023, and are yet to have a response. In the absence of a response to those queries, the following comments are made.
- 2.28 The Applicant has taken an arbitrary approach to defining maximum design velocity of 2.9 knots. It is not clear where this has come from and no details of the "statistical analysis" is understood or agreed by the IOT Operators. The IOT Operators understand that this analysis relates to a vessel of less than the half the displacement of those proposed by the Applicant and at a velocity 35% lower than could be experienced (maximum tidal speed is 4.5knots). It is evident from the change request that the Applicant provides a resultant impact force for the IOT Operators requirements of 80MN, but doesn't provide the same figures for the design they are actually proposing.
- 2.29 The Applicant must adequately assess risk to an accepted standard and provide clear justification for ALARP judgements, including the detail of the proposed design and the parameters of any additional risk control measures, such as impact protection - the Agent of Change principle is central and very clear to this requirement.
- 2.30 Any additional control measures must be clearly defined and evidenced. To this end the IOT Operators have made the (obvious) point that impact protection must be sufficient to arrest an errant IERRT design vessel, thereby preventing allision of IERRT vessels with the IOT Trunkway, IOT Finger Pier and vessels alongside the IOT Finger Pier.
- 2.31 In the context of the need to arrest an errant IERRT design vessel, the Applicant indicated at ISH3 that procedural controls would not be sought within the DCO and that the ABP statutory harbour authorities of either Humber Estuary Services or the Port of Immingham would be responsible for their management and imposition (noting the Applicant has not been consistent about which of its own authorities has control over the proposed IERRT development and vessel berthing). Since there is a lack of independence and independent scrutiny, as noted in the IOT Operators Deadline 5 submissions, the IOT Operators do not consider the reliance on the Applicant's own statutory authorities and employees acceptable to mandate or devise the necessary procedural controls. In this regard it should be noted



that the Applicant's NRA only requires procedural controls for the operational phase of the IERRT to address the un-acceptably high-risk hazards brought about by the IERRT development.

Enhanced Navigational Management Controls

2.32 The Applicant states at Para 2.42 that "Enhanced navigational management controls" will be developed with the IOT Operators but documents the "*vehicle for these enhanced controls will be either by the issue of a General Direction/Notice to Mariners or a revision to the Immingham Marine Operations Manual*" which are to be provided by the Statutory Harbour Authority – Humber Estuary Services or Port of Immingham. However, there appears to be no provision for these controls to be secured in the DCO to reassure the IOT Operators that they will be implemented. The only "Enhanced navigational management controls" seems to be related to the provision of tug assistance for IERRT vessels arriving to Berth 1 during an ebb tide. No details have been provided to the ExA to date by the Applicant on how this will work, or how any towage requirement would impact the available towage in the Humber Estuary and not result in a knock-on impact to tug availability for IOT vessels. No public consultation has been carried out by the Applicant on this element of its change request.

2.33 Elsewhere in the change document (e.g. at Para 3.29) the Applicant notes that "*operational limit for the deployment of tugs on the Humber, namely 2.5 knots*". From that statement it appears that the towage control is no more than the current provision on the Humber Estuary for other terminals located in less navigationally onerous locations, with less sensitive receptors in the immediate vicinity. It is also notable that such towage was included when scoring hazard risk during stakeholder workshops. For the Applicant to then rely on this as an additional measure makes no sense, especially when the IERRT berths have been acknowledged to be challenging and it is accepted that the location is amongst the most difficult and challenging area of the Humber Estuary in the context of RoRo operations at all states of the tidal cycle.

Impact Control Measures: Linear Protection

2.34 Regarding Para. 3.31 the IOT Operators have not passed any comment on the Linear protection to the IOT Trunkway and so do not understand the Applicant's statement that it is a requirement of the IOT Operators to increase the number of piles from 20 to 25.

2.35 In terms of the design of the linear protection, then to date no further details have been provided by the Applicant regarding its ability to withstand impact by an IERRT vessel and as such the IOT Operators remain in the dark as to what effect implementing this measure will do to reduce risk to the IOT Trunkway. As noted in the sNRA, the adequacy of the linear protection is at best questionable and at worst pointless.

2.36 It is also noted that Para. 2.5.2 of Appendix 1 indicates that the pile sizes of the linear impact protection measures is proposed to be increased from 1,422mm to 1,520mm. However, there is no detail or basis



provided for this design change and therefore the IOT Operators assume it is due to the Applicant's consideration of the need to provide sufficient impact protection measures to the IOT Trunkway which accounts for all vessel types, including future vessels. It is noted that the protection structure length has been proposed to be increased, but the fendering extent along the impact protection structure has not been altered. We therefore assume that the fenders do not act to limit or control impact protection forces.

- 2.37 It is not clear in the proposals why the Applicant proposes to protect the IOT Trunkway but does not consider the protection of the southern berths of the finger pier to be necessary. There is no documentation provided to justify why the IOT Trunkway is considered to be at greater risk.

Impact Control Measures: Additional protection barrier to IOT Finger Pier

- 2.38 The additional protection barrier proposed for the IOT Finger Pier is highlighted by purple pecked line in the figure above. It appears to be a sacrificial impact protection system that is not connected to the IOT Finger pier. Once again, the Applicant has failed to provide any details or characteristics of their proposal.
- 2.39 The IOT Operators require that impacts on operations at the IOT Finger Pier brought about by the Additional protection barrier to IOT Finger Pier is assessed in full.

Simulations

- 2.40 The IOT Operators note that the simulations proposed by the Applicant as requested by the ExA Action Point 17, do not include any provision to interrogate the effects of the change requests on the IOT Operators or confirm that the change requests meet the intended requirements.

3 CONCLUSIONS

- 3.1 The IOT Operators' views on the proposed change request are outlined in this letter and its appendices.
- 3.2 The IOT Operators are disappointed to note that, despite the Applicant's commitment in its letter of 28 September 2023 [AS-020] to deliver the mitigation measures identified by the IOT Operators:
- (a) Insufficient information has been provided by the Applicant to demonstrate why it is advancing mitigation measures in the form proposed, rather than those outlined clearly by the IOT Operators in their letter of 16 October 2023 (**Appendix 1**); and
 - (b) The mitigation measures which are being proposed by the Applicant appear (on the limited information provided) to be insufficient to adequately address the very serious risks identified in the IOT Operators' sNRA [REP1-064].



3.3 In the absence of acceptable mitigation being provided, and the nature of the risks created, the IOT Operators reluctantly suggest that the DCO should not be confirmed.



Terminal Manager

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Date: 16 October 2023

Ref: APT

Dear Associated British Ports,

IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT

Background

- 1.1 We write with reference to Associated British Ports' ("**ABP**") application for the proposed Immingham Eastern Ro-Ro Terminal Development ("**IERRT**") and to the ongoing DCO Examination. Where relevant we have referred to document references from the IERRT DCO Examination Library.
- 1.2 As you will be aware, Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustee Limited (together the "**IOT Operators**") have significant concerns regarding the potential navigation and shipping effects of the IERRT on the Immingham Oil Terminal ("**IOT**"). These have been set out in various consultation responses and correspondence to ABP [REP2-063] and in the Written Representation [REP1-062] and shadow Navigation Risk Assessment ("**sNRA**") [REP1-064] submitted to the Examination on behalf of the IOT Operators. These concerns primarily relate to the Navigation Risk Assessment ("**NRA**") submitted by ABP [APP-089] and the risk control measures proposed as part of the IERRT application.
- 1.3 Recent discussions between the IOT Operators and ABP led to a letter being submitted to the Examining Authority on 28 September 2023 [AS-020]. This set out that (while each party notional retained its position on the NRA) ABP intended to make a request to amend the DCO application in order to enable the delivery of mitigation measures required by the IOT Operators. The letter also stated that ABP would ensure that protective provisions substantially similar to the IOT Operators' amended protective provisions [REP1-039] would be included in the DCO. In light of the letter being submitted, the IOT Operators agreed not to engage in detail with navigation and shipping matters and NRA issues during



Issue Specific Hearing 3 (“ISH3”) on 27 and 28 September 2023 and these discussions were accordingly curtailed by the ExA.

- 1.4 Since ISH3, the IOT Operators and ABP have been in ongoing discussions regarding the risk control measures which are required by the IOT Operators. The purpose of this letter is to set out what is required by the IOT Operators along with a clear justification for why such measures are needed.

Risk Control Measures

- 1.5 As set out in previous submissions (including the Written Representation and sNRA) and in the letter submitted on 28 September 2023, the IOT Operators require the following to ensure that the IOT can continue to operate safely in the event that the IERRT is constructed:

- (a) The IOT finger pier must be amended to accommodate two Coastal tankers to berth on the northern side of the finger pier and two barges to berth on the southern side of the finger pier.

This will need to provide for two Coastal tankers of up to 105m in length with an additional 25m for bow / stern lines and 50m for bow and stern lines together on the northern face of the Finger Pier. On the southern face of the finger there will need to be two barge berths of up to 60m in length and 10m for bow and stern lines. As part of these measures, the accommodation works identified in the Appendix are also expected to be required to enable the revised IOT finger pier arrangement to operate.

- (b) Adequate impact protection should be delivered by ABP to protect the IOT from vessels using the IERRT.

The IOT Operators require vessel impact protection islands to be provided to arrest errant vessels using the IERRT in order to protect the IOT finger pier and trunkway. The vessel impact protection should include a barge passageway with 25m navigable width. There should be no connection between the impact protection and the IOT finger pier to ensure that the finger pier remains operable if an impact occurs. The impact protection should be able to withstand the maximum vessels that will visit IERRT (which is understood to be vessels with a displacement of 48,431 tonnes) travelling at impact speeds of up to 4 knots speed over the ground which correlates to the assumed maximum tidal velocity experienced in the vicinity of the IERRT. In addition, there should be roller fendering on the north east corner of the IOT finger pier and fendering to the impact protection itself for barges.

- (c) The IERRT itself should be constructed with adequate impact protection and will be sufficiently resilient to ensure that any vessel impacting the IERRT will not impact the IOT. The IERRT



should therefore be able to withstand the same specification of vessel displacement and speed as identified above at 1.5(b).

- 1.6 ABP will need to make a request to amend the DCO application in order to enable the delivery of these mitigation measures to the standard required by the IOT Operators. As set out in ABP's letter of 28 September 2023, the final design of the amended finger pier, impact protection and the offshore aspects of the IERRT will require the prior approval of the IOT Operators. Similar provisions are included in paragraph 5 of the protective provisions as amended by the IOT Operators [REP1-039] and is essential to ensure the measures adequately protect the IOT.
- 1.7 Should any of these measures result in any additional environmental effects to those assessed in ABP's Environmental Statement submitted with the IERRT application, ABP will need to submit additional environmental information to the Examination to confirm that such measures will not lead to any additional significant environmental effects (as the ExA itself highlighted during ISH3).
- 1.8 In addition to these measures, the IOT Operators require a Marine and Liaison Plan to be developed by ABP in conjunction with the IOT Operators and other applicable stakeholders to cover the construction and operational phase of the IERRT.
- 1.9 The need for a Marine and Liaison Plan for the construction phase is included in paragraph 5(2)(a) of the protective provisions as amended by the IOT Operators [REP1-039]. This confirms that the plan should be developed by ABP in consultation with the IOT Operators to set out details of the construction methodology and schedule of works for the IERRT. This should be delivered prior to commencement of the offshore works.
- 1.10 The IOT Operators also consider that a Marine and Liaison Plan should be developed for the operational phase of the IERRT to develop and manage procedural controls related to the IERRT development. It is envisaged that this control measure will bring together several procedural controls, for the operational phase of the IERRT identified during the hazard workshops including berth limits, towage requirements and operational deconfliction. These procedural controls are necessary to ensure that the eventual use of the IERRT during the operational phase is consistent with the design parameters used to inform the measures set out in paragraph 1.5 of this letter. The required procedural controls are set out in further detail in paragraph 1.34 of Section F of the IOT Operators' Deadline 4 submission [REP4-025]. The IOT Operators therefore consider that the protective provisions should be amended further to include the productions of a Marine and Liaison Plan to cover the operational phase of the IERRT. A draft plan should be delivered and submitted prior to the end of Examination, to ensure that any procedural controls relied on by ABP are agreed prior to the end of the Examination process. A final plan should be agreed by APT prior to commissioning of any berth of the IERRT development.



1.11 In order to deliver these risk control measures it will be necessary for ABP and the IOT Operators to agree consequential changes to the existing licence to use the IOT, which would also need to be agreed and secured as part of any change request.

Other measures

1.12 The letter submitted by ABP to the Examining Authority on 28 September 2023 [AS-020] confirms that ABP will update the draft DCO to include protective provisions for the benefit of the IOT Operators substantially in the form included in REP1-039. Being in 'substantially' the same form as REP1-039 provides flexibility and enables appropriate amendments to be made to the protective provisions to take into account recent discussions and the measures set out in the letter.

1.13 The protective provisions will include an obligation to deliver the measures listed above in consultation with and to the reasonable satisfaction of the IOT Operators with the final design of the measures being subject to the approval of the IOT Operators (see paragraph 5 of [REP1-039]). In addition, the protective provisions include the following measures which are required by the IOT Operators to ensure that the IOT and the refineries which rely on the IOT are not prejudiced by the IERRT development:

- (a) Vessels using the IOT should be given priority over vessels using the IERRT due to tidal constraints on vessels arriving and departing from the IOT. In addition to the Marine and Liaison Plan for the operational phase of the IERRT, the IOT Operators wish to reserve the right to make any approval of IERRT offshore works subject to requirements to ensure the IOT Operators do not suffer more interference than is reasonably practicable and to guarantee that vessels using the IOT are given priority over IERRT vessels. This is set out in paragraph 6 of the protective provisions as amended by the IOT Operators [REP1-039].
- (b) All offshore works forming part of the IERRT should only take place in accordance with the agreement of the IOT Operators (see paragraph 5(1) of [REP1-039]). In addition, details of any works to be undertaken in the vicinity of the IOT or that might otherwise adversely impact the IOT will need to be submitted to the IOT Operators for approval in advance of undertaking such works (see paragraph 4 of [REP1-039]).
- (c) The IOT Operators will need to be indemnified for any costs incurred or business losses suffered as a result of the IERRT development (see paragraphs 7 and 9 of [REP1-039]).

1.14 Furthermore, the IOT Operators have requested that all costs incurred to date and all future costs in relation to the IERRT application should be paid by ABP. This is on the basis that concerns on the navigation and shipping effects of the IERRT have been consistently raised since the IOT Operators' first consultation response dated 22 February 2022 and the mitigation measures now being offered by ABP are based on what was included in the OIT Operators' letter dated 25 July 2022. There has been no



ASSOCIATED PETROLEUM TERMINALS (IMMINGHAM) LIMITED

material change in circumstances in the intervening period. Significant costs would have been saved had ABP engaged with the IOT Operators and offered the requested mitigation measures as part of the original IERRT DCO application and so avoided the need for the IOT Operators to participate in detail in the Examination.

Conclusion

- 1.15 For the reasons set out in this letter, and consistently with the letter ABP presented to the Examination during ISH3, the IOT Operators invite ABP to confirm that they will make a request to amend the DCO application which will enable the delivery of the measures outlined above to the required standard. The IOT Operators should continue to be consulted on whether proposals are capable of meeting that required standard as the change request is prepared.
- 1.16 Should ABP consider that any of the measures are to be delivered in a way that departs from the standards set out above, ABP will need to provide a clear justification for why a different approach has been taken.

We look forward to hearing from you on the matters outlined in this letter.



Terminal Manager

ASSOCIATED PETROLEUM TERMINALS (IMMINGHAM) LIMITED



Appendix

The following accommodation works are expected to be required to enable the revised IOT finger pier arrangement to operate, to include without limitation:

- Installation of 3 new 8" Marine Loading arms on the new Berth 6 and removal of the old loading arms from the existing Berth 6 on completion (removal needed due to obstructing revised operation). Arms control systems and hydraulic packs to be suitable for operating in ATEX hazardous areas.
- Installation of 2 new 8" Marine Loading arms on the new Berth 8 and removal of the old loading arms from the existing Berth 7 on completion (removal needed due to obstructing revised operation). Arms control systems and hydraulic packs to be suitable for operating in ATEX hazardous areas.
- Fire system and foam monitor additions / modifications.
- Berth communication hut repositioning to be compliant with ATEX hazardous area zone and Occupied Building Risk Assessment requirements.
- Modifications to gas oil and kero dye marker injection systems.
- Slops tanks addition and removal of old
- Product sampling (DOPAK) system
- Nitrogen purging piping modifications
- Bunkering hose modifications
- Rainwater sump collection modifications
- 16" firewater line modifications
- Berth 6 piping modifications / replacements for the following lines ranging from 8" to 12" in diameter, Fuel oil line 1, fuel oil line 2, CFO, Gasoil 1(G102), Gasoil 2 (kero), Gasoil 3 (AD10), Gasoil 4 (G102) Gasoil 5 (bunkers),Gasoil direct, Ballast slops, Motorspirit 1, Motorspirit 2, Motorspirit direct, noting all Gasoil lines are interchangeable.
- Berth 8 piping modifications / replacements for the following lines ranging from 8" to 12" in diameter, Gasoil 1(G102), Gasoil 2 (kero), Gasoil 3 (AD10), Gasoil 4 (G102) Gasoil 5 (bunkers),Gasoil direct, Ballast slops, Motorspirit 1, Motorspirit 2, Motorspirit direct, noting all Gasoil lines are interchangeable.
- All piping to be designed to ASME B31.3
- All instrumentation and dye pump skids to be designed for appropriate ATEX hazardous area zoning.
- Design temperatures, pressures, flowrates and materials of construction will be provided for each system (loading arm, piping, injection skid etc etc) in due course.



QUEENS ROAD
IMMINGHAM
N E LINCOLNSHIRE
DN40 2PN

TEL.: (01469) 570300
FAX: (01469) 570321

Date: 7 November 2023

Ref: APT

Dear Associated British Ports,

IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT

This letter is an interim response to the Associated British Ports (**ABP**) communications concerning the proposed change request for the Immingham Eastern RoRo Terminal (**IERRT**), and in particular the “Proposed Changes Notifications Report” (examination reference document [AS-027]).

The **IOT Operators** have a number of queries on the change request and further information is urgently required to enable an informed response to the changes proposed within the consultation window.

We therefore request that ABP respond as a matter of urgency to each of the issues below;

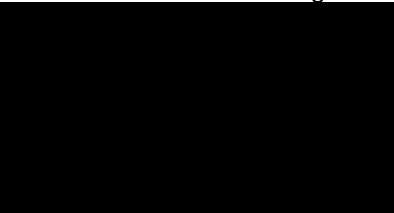
1. **In respect of Change 1:** described as “*the Realignment of the Approach Jetty and Related Works - within the submitted limits of deviation but further away from the IOT Trunkway - with an increase in the number and repositions of the locations of piles required to support marine infrastructure, together with ancillary works to the pier infrastructure*”, please provide the basis of design parameters (including design vessel characteristics / velocity used and associated impact design loadings) for the following possible additional infrastructure in relation to arresting errant IERRT vessels:
 - a. Restraint dolphins
 - b. IERRT finger pier adjustments.

2. **In respect of Change 4:** described as “*Enhanced Management Controls and Options for the Potential Provision of Additional Impact Protection Measures - in conjunction with and subject to enhanced navigational management controls for vessels entering or departing from the IERRT*”, please provide the basis of design parameters (including design vessel characteristics / velocity used and associated impact design loadings) for the following possible additional infrastructure in relation to arresting errant IERRT vessels:



- a. Enhanced Navigational Management Controls
- b. Impact Control Measures:
 - i. Linear Protection
 - ii. Additional protection barrier to IOT Finger Pier.
3. **In respect of the additional protection barrier:** please confirm what assessments have been undertaken to address impacts on IOT operations at the IOT Finger Pier brought about by the additional protection barrier both in relation to its construction and operation (noting that the existing finger pier has a roller fender to aid berthing of coastal tankers which will likely be more needed due to amended tidal flow resulting from the blocking effect of the IERRT pontoons).
4. **In respect of the ABP NRA:** the above change requests (Changes 1 and 4) have seemingly been implemented to mitigate errant IERRT vessels alliding with IOT infrastructure (and tankers alongside) and as such constitute additional risk control measures. Please confirm that an assessment of residual navigation risk has been undertaken with these measures in place (including cost benefit analysis against defined standards of acceptability), and if so when the assessment (which we assume is an update to the IERRT NRA) will be shared.
5. **In respect of the proposed additional infrastructure:** please confirm what assessments have been undertaken in relation to the IERRT construction and construction / operation phases, and whether it is intended that the additional infrastructure will be constructed prior to IERRT becoming operational.
6. **In respect of protective provisions:** ABP has agreed to incorporate protective provisions for the protection of the IOT Operators as part of its change request [REP1-039]. That agreement was recorded in the ABP letter of 28 September 2023 [AS-020]. An updated copy of the DCO demonstrating the incorporation of those protective provisions securing the benefit of the mitigation being proposed by ABP as part of its change request has not been provided. ABP is asked to urgently provide an updated draft DCO showing how it proposes to incorporate those protective provisions for the benefit of the IOT Operators.

We look forward to hearing from you on the matters outlined in this letter.



Terminal Manager

ASSOCIATED PETROLEUM TERMINALS (IMMINGHAM) LIMITED



Associated British Ports

*(submitted via email only to
immrora@abports.co.uk)*

Our ref: AN/2022/132694/06-L01

Your ref: TR030007-000011

Date: 14 November 2023

Dear Sir/Madam

Construction of a Roll-On/Roll-Off facility: Consultation on proposed change application to be submitted into the Examination of the Immingham Eastern Ro-Ro Terminal, Immingham Dock, North East Lincolnshire, DN40 2LZ

Thank you for consulting us on your intention to submit a change request for your Development Consent Order (DCO) application.

We have considered the changes proposed and reviewed the consultation material on your website. Our main concern is the further increase in wave height due to the changes, for the 50-year wave event from east and southeast directions (as outlined in Appendix 1 – Environmental Statement Addendum, Chapter 7). Although suspected to be minimal, there is the potential to impact the discharge of the Habrough Marsh Drain with any increase in sedimentation resulting in further maintenance being required to keep fluvial flows from the outfall discharging. It would be helpful if this could be specifically acknowledged. However, we are satisfied that monitoring of the Habrough Marsh Drain is already secured in the draft DCO together with a requirement for you to remediate any impacts/obstruction for a period of 10 years.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me at the number below.

Yours faithfully

[Redacted signature block]

Direct dial [Redacted]
Direct e-mail [Redacted]

Subject: Consultation on Proposed Changes to Application

Date: Tuesday, 14 November 2023 at 10:23:53 Greenwich Mean Time

From: [Redacted]

To: Immroro

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning,

Thank you for giving North Lincolnshire Council the opportunity to comment on the proposed changes to the Immingham Eastern Ro-Ro Terminal Development.

Having reviewed the proposed changes, these appear to relate to marine elements of the scheme and internal changes to the terminal and will not result in any new or materially different impact relevant to North Lincolnshire. As such, I can confirm that North Lincolnshire Council has no comments or objections to raise in respect of the proposed changes.

Do not hesitate to contact me should you wish to discuss this matter further.

Kind Regards

[Redacted Signature]

Development Management Specialist | Development Management | Economy and Environment

@ [Redacted Email Address]
[Redacted Phone Number]

✉ North Lincolnshire Council, Church Square House, 30 – 40 High Street, Scunthorpe, DN15 6NL

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Consultation ID CA 26

**The Coal
Authority**

Resolving the **impacts** of mining

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T: 01623 637 119

E: planningconsultation@coal.gov.uk
www.gov.uk/coalauthority

For the attention of The IERRT Development Project Team

[By email: immroro@abports.co.uk]

14 November 2023

Dear Sir/Madam

**IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT
Notice of consultation on proposed changes to the application**

Thank you for your notification of 19 October 2023 seeking the views of the Coal Authority on the above.

I have checked the site location plan against our coal mining information and can confirm that, whilst the proposed development site falls within the coalfield, it is located outside the Development High Risk Area as defined by the Coal Authority.

On this basis, the Planning team at the Coal Authority have no comments to make.

Please do not hesitate to contact us if you would like to discuss this matter further.

Yours faithfully,

The Coal Authority Planning Team

[Disclaimer](#)

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic

consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

From: [REDACTED]

Sent: 14 November 2023 14:40

To: [REDACTED]

Cc: [REDACTED]

Subject: [REDACTED] - DCO changes - UK Border Force

To: [REDACTED]

By Email Only

Dear [REDACTED] [REDACTED]

As discussed with you and [REDACTED] today, I would like to provide an update on the development consent order (DCO) process for the Immingham Eastern Ro-Ro Terminal (IERRT) project and proposed changes to the UK Border Force (UKBF) facilities, as agreed after our meeting on Tuesday 19th September 2023 (minutes enclosed).

Associated British Ports (ABP) intend to submit a formal request to the Planning Inspectorate to make changes to the submitted application for a development consent order to construct and operate the Immingham Eastern Ro-Ro Terminal ("IERRT") within the Port of Immingham.

In summary, the Change Request will comprise –

1. The Realignment of the Approach Jetty and Related Works;
2. A Realignment of the Internal Link Bridge and Consequential Works;
3. The Rearrangement of the UK Border Force (UKBF) Facilities; and
4. The Potential Provision of Additional Impact Protection Measures.

Comprehensive consultation (non-statutory) is being undertaken by ABP on the Proposed Changes (summarised above) from Friday 20 October 2023 until 23:59pm on Sunday 19 November 2023. A series

of consultation documents have been placed on the IERRT project website, which can be found here:

[REDACTED] This includes the Proposed Changes Notification Report which provides further information on the Proposed Changes.

ABP request that your views are submitted in writing by 23:59 on Sunday 19 November 2023 to align with the close of the consultation period for the Proposed Changes Consultation.

Proposed Change 3 - Rearrangement of the UK Border Force facilities relate directly to the changes discussed with UKBF in the September meeting.

Following our discussions with regard to the UK Border Force facilities, it is suggested that the Customs Building (originally proposed at 20m x 15m) and Holding Facility Building (originally proposed at 55m x 25m) be merged into a singular, larger structure. This modification is aimed at enhancing the efficiency of customs operations. The footprint of this combined facility is estimated to fall within the range of 17m to 25.5m in width and 79m in length.

Furthermore, the proposed upgrades to the UKBF customs car search bays and Vehicle X-ray scanning involve the introduction of an X-Ray HGV's Building (33m x 8.5m) and a Car Search Facility (41m x 10.5m).

Consequently, there will be corresponding adjustments to the location of certain UKBF buildings, all of which will remain within the maximum footprint detailed in Appendix 2.3 [APP-078] and in Chapter 2 of the ES, and within the specified limit of deviation in Works Order no. 5. These adjustments are as follows:

- Cyclamen Search Building: A minor relocation within the limits of deviation, with no change in size.
- Cyclamen Portal: A minor relocation closer to the UKBF buildings for improved operational efficiency, within the limits of deviation, with no change in size. The addition of one Cyclamen Portal to the Unaccompanied HGV exit route (bypass lane).
- Passport Control Booth: A minor relocation within the limits of deviation, with no change in size.

In addition to these physical modifications, alterations to the operational layout have been proposed in consultation with UKBF. Notably, the inbound road and associated passport control booth have been moved to the southern boundary, necessitating a slight shift of the marshalling lanes northwards. A new unaccompanied lane has been established between the passport control booth and the marshalling lanes, allowing for the continuous transit of unaccompanied freight and augmenting customs operations. To provide you with a timeline of the ongoing DCO process:

- The second set of hearings took place during the final week of September.
- The next hearings are scheduled for 21st – 23rd November at Stallingborough Grange.
- All examination submissions are published on the Planning Inspectorate website available at the following link: <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/immingham-eastern-ro-ro-terminal/?ipcsection=overview>
- The examination will close on 25th January 2024.

We hope the proposed changes reflect the outcomes of our recent discussions and I would be grateful if you could confirm this by 23:59 on Sunday 19th November. Otherwise, we would appreciate your prompt feedback on the proposed changes.

Kind Regards

[REDACTED]
ABP IERRT Design Manager
[REDACTED] (Clyde & Co)
[REDACTED] (ABP)

[REDACTED]
Senior Project M

Mace | Athelstan House, St Clement Street, Winchester, SO23 9DR
[REDACTED] macegroup.com

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Classification - Public

Subject: TR030007 Immingham Eastern Terminal

Date: Thursday, 16 November 2023 at 15:38:43 Greenwich Mean Time

From: [REDACTED]

To: Immroro

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Dear Sir or Madam

National Highways has identified that the proposed changes dated the 20th October 2023 are non-material to the impact on the SRN:

- Proposed Change 1: Realignment of the approach jetty and associated works to the marine infrastructure.
- Proposed Change 2: Realignment and shortening of the IERRT internal bridge and consequential works.
- Proposed Change 3: Rearrangement of the UK Border Force facilities.
- Proposed Change 4: Options for the provision of revised marine impact protection measures and related works.

This does not preclude our previous assessment response.

Many thanks

[REDACTED] Planning & Development
[REDACTED] Leeds | LS11 9AR
Mob [REDACTED]
Web: www.nationalhighways.co.uk

Note: Upcoming absence 30th October – 2nd November and the 9th November
For information about our engagement with the planning system please visit
<https://highwaysengland.co.uk/our-work/planning-and-the-strategic-road-network-in-england/>

Please note I work Monday to Thursday

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National Highways Limited | General enquiries: 0300 123 5000 | National Traffic Operations Centre, 3 Ridgeway, Quinton Business Park, Birmingham B32 1AF | <https://nationalhighways.co.uk> | info@nationalhighways.co.uk

Registered in England and Wales no 9346363 | Registered Office: Bridge House, 1 Walnut Tree Close, Guildford, Surrey GU1 4LZ



[REDACTED]
Associated British Ports
[REDACTED]

MMO Reference: DCO/2021/00004
Planning Inspectorate Reference: TR030007

17 September 2023

Dear [REDACTED]

Immingham Eastern Ro-Ro Terminal (IERRT) Proposed Changes to Notification Report

The MMO was made aware on 24 October 2023 that Associated British Ports (ABP) are seeking to impose several changes to the proposed IERRT development that is currently in Examination with the Planning Inspectorate. The four changes to the originally submitted application include:

1. Realignment of the approach jetty and related works
2. Realignment of the internal bridge and consequential works
3. Rearrangement of UK Border Force facilities
4. Enhanced management controls and options for the potential provision of additional impact protection measures

The MMO has liaised with its scientific advisors at the Centre for Environment, Fisheries and Aquaculture Science on these proposed changes. The MMO's comments are below:

Comments

Dredge and Disposal

The MMO notes that Section 7.2.3 of the IEERT Environmental Statement (ES) addendum states; *"There are no proposed changes to the extent, depth and volume of the capital dredging works, but that the proposed changes to the pile locations (associated with Proposed Change 1 and Proposed Change 4) could result in changes to the predicted*



impact of the scheme on the local hydrodynamic regime. However, following the updated impact assessment, the applicants state that the conclusion reached in the ES still holds true. In summary, marginal changes to hydrodynamics (local flow speeds) are likely to result from the IERRT within, and adjacent to, the proposed berth pocket. Slight changes in flow speed are predicted to extend up-estuary to Immingham Outer Harbour (IOH) and down-estuary past the IOT jetty.”

Additionally, the MMO notes that Section 7.2.5 includes the comment “*The largest predicted magnitude of change is anticipated within the berth pocket itself (particularly towards the landward edge, as a result of the **larger proposed dredge depths**). Overall, the probability of occurrence is considered high, although the magnitude of change is assessed as small, giving rise to an overall **low** exposure to change.*”

The wording regarding the dredging in Sections 7.2.3 and 7.2.6 of the addendum states there are no proposed changes to the extent, depth and volume of the capital dredging works. However, Section 7.2.5 states that the magnitude of change is a result of the larger proposed dredge depths. The MMO requests that this is clarified.

Furthermore, Section 7.2.10 states that the hydrodynamic and wave forcing within (and adjacent to) the proposed IERRT will only be marginally altered and, therefore, changes in the sediment pathways will be small. Predicted changes to future sediment transport are greatest within the proposed dredge pocket itself, which will require future maintenance dredging to ensure sufficient under keel clearance for vessels on berth. The rate of infill is likely to be similar to that already experienced within the existing Immingham berths. Outside the proposed berth pocket, the proposed scheme generally has limited impact on the baseline sedimentation and erosion rates.

Additionally, a table showing the changes in volume of the material to be dredged by area and actual difference in disposal volume to an offshore disposal site should be provided together with an assessment of whether the receiving site can adequately accommodate any increase in capital or future maintenance dredge requirement volume.

Furthermore, Section 8 states that the impact as a result of chemical changes to water quality due to potential contaminants in the seabed sediment being released during maintenance and capital dredging and disposal activities, or redistribution of sediment-bound contaminants, are likely to be insignificant. This is no change to the predicted impact in the ES. Previous MMO comments indicated levels of contaminants with the exception of excluded areas 1, 5 and 6 were acceptable for disposal to sea apart from the area around sample site 9 from surface to 2m depth, that showed what is considered to be high levels of brominated flame retardants (PBDEs). The MMO’s comments pertaining to PBDEs are advisory only given that the criteria used for assessment comprise proposed Action Levels only, rather than officially agreed criteria. Further useful information on potential release of contaminants into the water column were provided at a meeting with ABP on 21 September 2023.



Benthic Ecology

The MMO does not have any concerns regarding the proposed changes with regards to benthic ecology. The impact of the proposed development on benthic ecology receptors following the proposed changes will be approximately equivalent to what was originally assessed in the ES, and therefore the MMO has not further comments to make on this topic.

Coastal Processes

The MMO has noticed that Figure 7.1 (Peak Flood Baseline Flows) appears to show a reduction in flow speed differences relative to the original Figure 7.8 in the ES while Figure 7.2 (Peak Flood Baseline Flows) suggests a much larger impact than the original Figure 7.9. It would be of value if this difference could be explained.

Additionally, none of the plots presented in the addendum show the impact with the vessels in place (as in Figures 7.17 and 7.18 of the original ES). Because the impacts of the new scheme (without the vessels) are of a similar magnitude to the original scheme with vessels, it would also be of value to demonstrate whether the assessed impacts would also remain unchanged in this case. Similarly, it would also be of value if it were clarified whether vessel occupancy of the berths has been accounted for in the modelling of the bed level changes over the spring neap cycle (Figure 7.3 of the addendum / Figure 7.19 of the ES).

Furthermore, paragraphs 7.2.3 and 7.2.6 each begin with the phrase *“Whilst there are no proposed changes to the extent, depth and volume of the capital dredging works...”*. However, paragraph 7.2.5 notes that the *“...largest predicted magnitude of change is anticipated within the berth pocket itself (particularly towards the landward edge, as a result of the larger proposed dredge depths)”* (emphasis added). There is no mention throughout the project changes description (Sections 1-3) of any change to dredging (first appearance of the word ‘dredg-’ is in paragraph 7.1.1). However, the engineering drawings supplied with the change notification include the file ENGINEERING SECTIONS & PLANS EXTENT AND DEPTH OF DREDGING REGULATION 5(2)(o) (drawing no. B2429400-JAC-00-ZZ-DR-ZZ-0711), which suggests that changes to dredge depths may be proposed. The documents and change descriptions must be amended to clarify whether capital dredge changes are proposed, whether they are included in the modelling results. Without this clarity it is not possible to fully endorse the conclusions of the addendum to the ES in relation to coastal processes.

Fisheries and Fish Ecology

The MMO does not have any concerns relating to fisheries from the proposed changes to the project. We are content that the significance of impacts arising from direct loss or changes to fish populations, loss of habitat, and changes in water and sediment quality as a result of dredging and dredge disposal will remain broadly the same as those assessed in the ES.



Concerning the impacts to fish from underwater noise and vibration during piling, the MMO notes that the number of piles to be installed has changed, with a decrease in the number required for the approach jetty, but an increase in the number of piles required for the dolphins, plus a change in pile diameter is required in some instances. Overall, the MMO considers the changes are not of concern, however, the MMO, in consultation with Cefas fisheries and underwater noise advisors, are in consultation with the Applicant regarding appropriate mitigation measures for underwater noise impacts to fish. A meeting between the MMO, Cefas and the Applicant was held on 7 November 2023 and a separate consultation is expected to be held regarding this shortly.

Shellfisheries

The MMO has no concerns relating to shellfisheries caused by the proposed changes to the project and therefore has no further comments to make regarding this.

Underwater Noise

The MMO does not have any major concerns regarding the proposed changes with regards to underwater noise. Given that the additional piling (if approved) will be undertaken with the original footprint of the project, the MMO believes that the conclusions of the original underwater noise assessment are valid. It has previously been highlighted that the simple modelling approach presented can only provide approximations (i.e., an indication of the order of magnitude) of the potential effects, rather than definitive ranges and percentages. The MMO largely agreed with the ES conclusions that there is a risk of behavioural response or acoustic barrier potentially across all of part of the estuary width during piling operations, especially percussive piling. Thus, the focus was on discussing and agreeing the mitigation measures that should be adopted in order to minimise the risk of potential impact.

The MMO would add that during the most recent discussion with the MMO, Cefas, the Applicant and ABPmer (as per the meeting on the 21 September 2023), it was highlighted by the Applicant that there would be 180 minutes of impact piling and 20 minutes of vibro-piling each working day. The MMO presumes that this is also applicable to the additional piling that is required as a result of the proposed changes, but it would be helpful if this could please be confirmed.

Conclusion

The MMO has no major concerns regarding the proposed changes to the application at this time, however we request that the above comments are addressed by the Applicant to satisfy initial concerns.

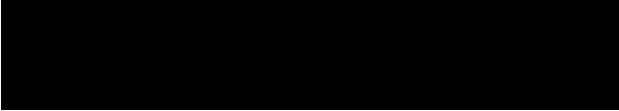
Yours sincerely,





Marine Licensing Case Officer

D
E



Subject: FW: IERRT Change Consultation - Navigation (Svitzer)
Date: Friday, 10 November 2023 at 14:12:54 Greenwich Mean Time
From: [Redacted]
To: [Redacted]
Attachments: image017.jpg, image016.png, image015.png, image014.png, image013.png, image012.png, image011.png, image010.png, image009.png, image008.png, image007.png, image006.png, image005.png, image004.png, image003.png, image002.png

For info

From: [Redacted]
Sent: 10 November 2023 15:57
[Redacted]
Subject: RE: IERRT Change Consultation - Navigation (Svitzer)

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon [Redacted]

Thank you for your Email.

Reference the construction phase of the project and the terminal itself we have no issues. The movement of barges and other craft associated with the project will be controlled by the VTS team as anywhere else on the river. Effective the 1st of January 2024 SMS will take over control of the East tug barge. Any issues we may have had will no longer apply as we won't be operating from that area.

We would like for some of our master's to attend simulation berthing trials if possible before the project is finished so they can get up to speed on what may be required for a berthing/ sailing. They may find that some of our tugs are not suitable due to their size etc.

In the long term if the project goes ahead, if any constraints are placed on vessels due to arrive and depart berths in the area and a Stena ship is arriving/ departing at the same time we need to be mindful of tug ordering times. We can't be in a position that our tugs must wait prolonged periods as this causes issues with crew's hours and our ability to serve other customers. As the ferries operate to a schedule it should be relatively easy to devise a process for the occasions there is a clash.

Hope answers your questions

[Redacted]
Marine Superintendent

From: [Redacted]

Consultation ID CA 34

Date: 17 November 2023
Our ref: 454225
Your ref: TR030007



Associated British Ports
Port of Immingham
Immingham
DN40 2LZ

Foss House
Kings Pool 1-2
Peasholme Green
York
YO17PX

VIA EMAIL ONLY

T 0300 060 3900

Dear Associated British Ports,

Immingham Eastern Ro-Ro Terminal Development: Proposed changes to application consultation

Thank you for your consultation dated 19 October 2023. This consultation relates to the Immingham Eastern Ro-Ro Terminal NSIP development (Reference: TR030007). Natural England has reviewed the following documents related to this consultation:

- Appendix 1 to Proposed Changes Notification Report – Environmental Statement Addendum;
- Appendix 2 to Proposed Changes Notification Report – General Arrangement Plans;
- Appendix 3 to Proposed Changes Notification Report – Engineering Sections Drawings and Plans;
- Appendix 4 to Proposed Changes Notification Report – Works Plans; and
- Appendix 5 to Proposed Changes Notification Report – Lighting Plan

Natural England notes that the Applicant (ABP) intends to make some design changes to the Immingham Eastern Ro-Ro Terminal NSIP development. In summary, the changes comprise of the following:

1. The realignment of the approach jetty and related works;
2. A realignment of the internal link bridge and consequential works;
3. The realignment of the UK Border Force facilities; and
4. Enhanced management controls and options for the potential provision of additional impact protection measures.

Our comments on each of the proposed design changes are provided below.

Comments on proposed changes

1. Realignment of the approach jetty and related works

Natural England notes the changes made to the marine infrastructure and associated works and agree that the proposed changes will not result in a change to the assessment of impact significance compared to the documents originally submitted into Examination.

2. Realignment of the internal link bridge and consequential works

Natural England considers the realignment and shortening of the IERRT internal bridge will not result

in a change to the assessment of impact significance compared to the documents originally submitted into Examination.

3. Realignment of the UK Border Force facilities

Natural England has no comment to make.

4. Enhanced management controls and options for the potential provision of additional impact protection measures

Natural England has no comment to make.

The advice provided within this letter is the professional advice of the Natural England adviser named below. It is the best advice that can be given based on the information provided so far. Its quality and detail is dependent upon the quality and depth of the information which has been provided. It does not constitute a statutory response or decision, which will be made by Natural England acting corporately in its role as statutory consultee to the competent authority after an application has been submitted. The advice given is therefore not binding in any way and is provided without prejudice to the consideration of any statutory consultation response or decision which may be made by Natural England in due course. Natural England will not accept any liability for the accuracy, adequacy or completeness of, nor will any express or implied warranty be given for, the advice. This exclusion does not extend to any fraudulent misrepresentation made by or on behalf of Natural England.

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,


Natural England
Sustainable Development
Yorkshire & Northern Lincolnshire Area

Via email only 

PROPOSED IMMINGHAM EASTERN RO-RO TERMINAL

PINS REFERENCE TR030007

RESPONSE TO PROPOSED CHANGES CONSULTATION FROM DFDS SEAWAYS UK PLC

1.1 This is a formal response from DFDS Seaways UK PLC (DFDS) to the consultation on the proposed changes to the Immingham Eastern Ro-Ro Terminal (IERRT) DCO application made by Associated British Ports (the Applicant) on 19 October 2023.

2 The Proposed Changes

2.1 We note the below proposed changes (together comprising the Proposed Changes) are set out primarily in the Proposed Changes Notification Report (the Changes Notification Report) and Appendix 1 of the Proposed Changes Notification Report - Environmental Statement Addendum (ES Addendum) and consist of:

2.1.1 Proposed Change 1: The Realignment of the Approach Jetty and Related Works;

2.1.2 Proposed Change 2: A Realignment of the Internal Link Bridge and Consequential Works;

2.1.3 Proposed Change 3: The Rearrangement of the UK Border Force Facilities; and

2.1.4 Proposed Change 4: Enhanced Management Controls and Options for the Potential Provision of Additional Impact Protection Measures.

2.2 While DFDS' main concerns continue to be around navigational safety and the insufficiency of Proposed Change 4 of the Proposed Changes, we set out our response to each of the changes suggested in the Proposed Changes in turn at paragraph 4 below.

3 Proposed Changes – Additional Request for Stakeholder Engagement

3.1 Further to the Changes Notification Report, on 10 November DFDS received a letter relating to the Proposed Changes asking for the view of key stakeholders within the Port of Immingham as to whether the Proposed Changes may have any implications for commercial and recreational navigation, which appears to be fulfilling the undertaking made in paragraph 10.2.3 of the Environmental Statement Addendum, albeit late. While DFDS appreciates the Applicant seeking the views of stakeholders, only five working days have been given to provide these views. DFDS will aim to respond within this timeframe, but it may not be possible, and would be more realistic to expect a full response by Deadline 7 on 11 December, given the hearings which are taking place in the last week of November and their subsequent follow-up actions.

3.2 The letter states that there are no new impact pathways or unique risks in relation to commercial and recreational navigation, however the impact protection added to the end of the IOT Finger

Pier may itself have an impact on navigation as it effectively makes the pier longer, not only on vessels using the IERRT but also the south side of the finger pier, and further navigational simulations of such movements should be carried out with the proposed impact protection in place.

4 Proposed Change 1: The Realignment of the Approach Jetty and Related Works

4.1 DFDS note the reduction in length of the jetty, the reduction of size but additional number or piles and additional restraint dolphins for the pontoons.

4.2 The Jetty Structure has been raised to enable ease of access with an increased clearance height of 2.1m to facilitate inspection of the pipes running underneath. The additional height in the Jetty Structure in the bridging of the foreshore pipelines has not been reflected in the DCO works.

5 Proposed Change 2: A Realignment of the Internal Link Bridge and Consequential Works

5.1 DFDS note that Proposed Change 2 includes the creation of a new level crossing and suggests the Applicant notifies Network Rail if it has not already done so.

6 Proposed Change 3: The Rearrangement of the UK Border Force Facilities

6.1 DFDS notes that Proposed Change 3 includes changes to the operational layout including the creation of a new unaccompanied lane which has been created between the passport control booth and marshalling lanes to allow continued transit of unaccompanied freight and improve customs operations.

6.2 We note the Rearrangement of the UK Border Force Facilities is part of a wider increase in trailer spaces from 1,430 to 1,699. (3.3.6 of the ES Addendum).

6.3 Whilst the changes made to the configuration of the yard, including the new unaccompanied lane and additional bays, will no doubt improve capacity, DFDS' primary concern is that the yard has insufficient capacity for the Applicant's nominated maximum throughput of 660,000 units per annum, or will exceed operating targets under nominal conditions. DFDS' assessment of the yard capacity, which already incorporates the amendments to the configuration as advised in the change proposal, is as reported in [\[REP6-038\]](#), paragraphs 99 to 115, and identifies that the yard has insufficient capacity to hold the import and export freight units.

7 Proposed Change 4: Enhanced Management Controls and Options for the Potential Provision of Additional Impact Protection Measures

7.1 Enhanced Management controls:

7.1.1 As part of Proposed Changes 4, the Applicant is suggesting an amendment to the DCO to add navigational management controls. It is understood that the proposal is that the Applicant will, in lieu of installing adequate impact protection, require vessels arriving at Berth 1 on the ebb tide to have a mandatory bow tug to protect the IOT

Finger Pier in the event of an issue. It is DFDS' opinion that such a measure is not a suitable replacement for, nor as reliable as, physical protection measures. Physical impact protection does not suffer machinery breakdown, lack of availability, towline issues such as parting or fouling of the towline, are not affected by wind nor tide, nor are reliant on any human input.

7.1.2 The proposal of these enhanced navigation controls appears to be a cost saving measure which is indicative of a lack of proper cost benefit analysis on the part of the Applicant in their NRA production since had they carried out this crucial analysis, they would not have proposed impact protection measures at ISH3 and then decided against that proposal at this late stage.

7.1.3 DFDS would however support enhanced navigational controls in respect of the Immingham Eastern Jetty. Since the establishment of physical impact protection in this area would be impossible to achieve whilst keeping the Eastern Jetty operational, DFDS, as part of our NRA suggested the implementation of enhanced navigational controls requiring the presence of a standby tug (in addition to ordinary towage requirements) to prevent a vessel bound for IERRT Berths 2 or 3 alliding with a vessel berthed at Eastern Jetty.

7.1.4 If the Applicant thinks the enhanced management controls are necessary, DFDS suggests the Application should implement this system for the controls already proposed in the NRA, which the Applicant has previously said they cannot do as it interferes with the independence of the Harbour Master.

7.2 Options for Potential Provision of Additional Impact Protection Measures:

7.2.1 DFDS remains concerned about the approach the Applicant is taking to Impact Protection Measures, and nothing in this Proposed Changes allays those concerns. DFDS does not think Proposed Change 4 satisfactory for the following reasons:

7.2.2 DFDS does not understand the rationale for promoting a change that no party appears to support. The Applicant does not think any additional Impact Protection Measures are required (2.29 of the Notification Report), the IOT Operators say (in their comments [REP5-035](#) paragraph 2) that:

“the IOT Operators wish to note their surprise and disappointment that the Applicant has made that proposed change request without (a) providing the IOT Operators with a copy of the proposed changes prior to the materials being submitted and consulted on, given that they differ significantly from those attached to the letter of 27 September 2023 [AS-020] (b) seeking the IOT Operators’ agreement to (or even comments on) those proposed changes or (c) providing any details of the “enhanced management control” measures that the Applicant now intends to rely on.”

The Applicant does not consider ‘the scheme required by the IOT Operators to be feasible for a number of reasons – including navigational, engineering practicability, environmental impact and scheme viability.’ (2.38 of the Notification Report). DFDS

queries why the Applicant is promoting Proposed Change 4 of the Proposed Changes which satisfies neither the Applicant nor the IOT Operators.

- 7.2.3 DFDS wonders whether the reason the Applicant does not consider the scheme required by IOT Operators to protect the IOT jetty and vessels berthing at it to be feasible is simply that the Applicant is unwilling to pay the cost of including adequate impact protection and/or because the inclusion of adequate impact protection measures as part of the construction timetable would add delay to delivery of a working IERRT facility rather than because there are any navigational, environmental or practical barriers to providing such impact protection. If this is the case, then neither is a good or indeed reasonable reason for refusing to implement such important risk mitigation measures to protect a vital UK infrastructure asset and reduce the risk of construction and operation of the IERRT to the Port of Immingham's existing operations as a whole.
- 7.2.4 The design of Impact Protection Measures 'is still being finalised' (2.5.3 of the ES Addendum) so this consultation is premature. Should the designs change either through further development by the Applicant or following agreement with the IOT Operators, another opportunity should be given for stakeholders to comment on any differing proposal.
- 7.2.5 It is also not clear if the measures are 'sacrificial', i.e., they would only survive one collision and would have to be replaced. If that is the case, the Applicant should indicate whether and in what circumstances they would be replaced and what is intended for IERRT operations whilst waiting for replacement; DFDS would wish them to be replaced immediately and to restrict IERRT vessel movements until replaced.
- 7.2.6 There is not enough time to examine the Proposed Changes properly before the close of the examination as it will (or at least should) involve re-running appropriate simulations, updating the NRA and allowing the opportunity for Interested Parties to comment on these. DFDS has already attended additional simulations on 7 and 8 November which did not include these proposed Impact Protection Measures nor a vessel of appropriate dimensions; if this change is to go ahead those simulations would seem to be redundant.
- 7.2.7 DFDS supports the position of IOT Operators that adequate impact protection measures should be required to be installed by the Applicant prior to the start of any construction activities or operation of IERRT, as recommended by DFDS' own NRA [\[REP2-043\]](#). It is DFDS view that such measures are needed to mitigate the risks which have been clearly identified to the IOT facility. These measures should be designed to protect the IOT trunkway, the IOT finger pier and any vessels berthed on the IOT finger pier.
- 7.2.8 Although the Applicant maintains its position that such impact protection measures are not needed and should, if required, be recommended unilaterally by the Statutory Conservancy and Navigation Authority (i.e. the Applicant), the fact that the Applicant avoided discussion of this issue at the last hearings by indicating it was intensively

engaged with the IOT Operators in agreeing what impact protection is needed, the fact that DFDS understand that several weeks later the Applicant remains in discussions with IOT Operators about what might be acceptable to IOT Operators and the fact that the Applicant has chosen to advance a change process which includes revised impact protection measures even though we are already some four months into the six month application examination period, indicates that the Applicant accepts that impact protection measures are almost certainly required to mitigate the risks of the IERRT project. If that were not the case, it is hard to see why so much time and effort has been spent by the Applicant in seeking to agree impact protection measures which it states in its view are not needed.

7.2.9 Accordingly, the Impact Protection Measures as proposed in the Proposed Changes are insufficient as they remain conditional on a recommendation by the Statutory Conservancy and Navigation Authority, as detailed in Requirement 18 of the draft DCO. DFDS has already set out in its Relevant Representation ([RR-008](#), paragraphs 3.48 and 7.17) and Written Representation ([REP2-040](#), paragraph 195) why conditional measures are insufficient and remain of this view – the measures should be required to be implemented before the main works are permitted to commence. DFDS, therefore considers the Proposed Changes to offer little reassurance in respect of navigational safety concerns and the potential impact on users of the Port of Immingham and the Humber Estuary.

7.3 In summary DFDS does not think the proposals at Proposed Change 4 are satisfactory as there is uncertainty as to:

7.3.1 Whether the Applicant considers Impact Protection Measures are needed or not, and in what circumstances their implementation would be triggered (which should not be left to the Humber Harbour Master to decide),

7.3.2 their acceptability to the owner of the infrastructure they are designed to protect,

7.3.3 what the final design for any Impact Protection Measures will be and when they will be produced,

7.3.4 whether they would be able to withstand a vessel the size of the design vessel,

7.3.5 whether they would be replaced in the event of a collision,

7.3.6 what event or circumstance would trigger their conditional implementation, and

7.3.7 whether there will be sufficient time for these changes to be properly examined.

7.4 None of this reduces the safety concerns which DFDS, and the IOT Operators, have raised with the Applicant long before the application for this DCO was submitted.



The IERRT Development Project Team
ABP
Dock Office
Immingham Dock
NE Lincolnshire
DN40 2LZ

Your Ref:
My Ref: CP/JPC/sf/SM
Tel: [REDACTED]
Website: www.hullcc.gov.uk
Email: [REDACTED]
Date: 17 November 2023

Dear Sir/Madam,

IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT

NOTICE OF CONSULTATION ON PROPOSED CHANGES TO THE APPLICATION

I write in response to your notification of proposed changes to application TR30007 for a Development Consent Order in connection with the above proposed development, dated 17th October 2023, for Hull City Council's consideration as a local authority consultee under Section 55 of the Planning Act 2008 (as amended). Having reviewed all available consultation materials relating to the four proposed changes, I can advise that the local planning authority has no comments to make in connection with those changes and their identified potential impacts.

Yours faithfully,

[REDACTED]

Hull City Council
2nd Floor, Guildhall
Alfred Gelder Street
Hull
HU1 2AA



Maritime and Coastguard Agency
UK Technical Services Navigation
105 Commercial Road
Southampton
SO15 1EG

www.gov.uk/mca

Your Ref: Immingham Eastern Ro Ro Terminal

The IERRT Development Project Team
ABP Humber

19th November 2023

By email : immroro@abports.co.uk

Dear Project Team,

IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT NOTICE OF CONSULTATION ON PROPOSED CHANGES TO THE APPLICATION

Thank you for your letter dated 17th October 2023 notifying the Maritime and Coastguard Agency (MCA) that Associated British Ports (ABP) is carrying out a consultation on four proposed changes to the Immingham Eastern Ro-Ro Terminal Development (IERRT). Representatives of the UK Technical Services Navigation team have considered the proposals and supporting documentation and would like to respond as follows.

The MCA is a statutory consultee and/or primary advisor (depending on the relevant legislation) to the marine licensing and offshore consenting regulators, and we consider the impact of works, deposits, removals, and construction below the Mean High-Water Spring on shipping, safe navigation and emergency response arrangements.

On this occasion the IERRT development is being undertaken within a Statutory Harbour Authority (SHA) - ABP Humber, who have relevant powers under the Harbour Act 1964 (or other) and therefore have jurisdiction. The MCA will maintain its regulatory remit with regards to ships and the associated safety functions, however the management of safe navigation and risk within the harbour remains solely with the SHA.

We note the following proposed changes for the IERRT development:

- 1) Realignment of the approach jetty and associated works to the marine infrastructure;
- 2) Realignment and shortening of the IERRT internal bridge and consequential works;
- 3) Rearrangement of the UK Border Force facilities; and

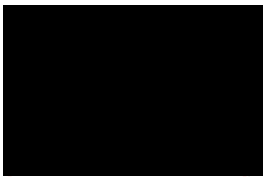
4) Options for the provision of revised marine impact protection measures and related works.

The MCA would expect the Navigation Risk Assessment (NRA) to be reviewed in light of the proposed changes to ensure that the worst-case scenario for shipping and navigation remains as per original assessment and that there are no changes in significance of environmental effects in terms of the Environmental Statement (ES).

We note that there are impact pathways/risks that have the potential to be affected by Proposed Change 4 and the ES Addendum states *'at this stage, it is not possible to reassess these risks as they will need to be reviewed through comprehensive stakeholder engagement, in the same way that the Navigational Risk Assessment (NRA) was produced'*. Although there is no intention by ABP Humber to update the Navigational Risk Assessment, Navigation Simulation Study and Navigational Simulation – Stakeholder Demonstration, there is a commitment to assess the navigational environment with respect to vessels manoeuvring to their respective berths, through further consultation, further navigation simulations, and promulgation of hazard logs following stakeholder engagement.

The MCA welcomes further stakeholder consultation on the impact of the proposed changes. The MCA would expect every attempt to be undertaken by the applicant to resolve any concerns raised by the interested parties, with more detailed justification where consensus cannot be achieved and that the proposals are carried out in accordance with the Port Marine Safety Code (PMSC) and its Guide to Good Practice.

Yours faithfully,



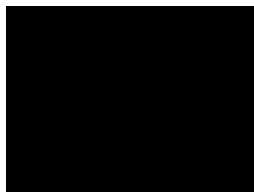
Marine Licensing Lead

From: [REDACTED]
Sent: Sunday, November 19, 2023 9:34 AM
To: [REDACTED]
Subject: FW: IERRT Proposed Changes Consultation

Good Day [REDACTED]

I have read through the IERRT document and cannot make any comments to change at the moment, the document has covered points raised from a Dock/Marine perspective.

Best Regards



Dock Master Humber | Associated British Ports

[REDACTED] use | Northern Gateway Hull | HU9 5NS

Immingham - Dock Office | Immingham Dock | Immingham | DN40 2LZ

Grimsby - Port Office | Cleethorpe Road | Grimsby | DN31 3LL

www.abports.co.uk



2.11 Lastly, to assist the Examining Authority, CLdN has produced the table below which sets out, in a clear format, the average dwell times across the relevant operators and services, as confirmed in the Dwell Times SoCG.

2023* Average dwell days

		by direction	overall
Applicant original		2.25	
Applicant revised	export	0.35	1.40
	import	2.45	
PIANC report Sep 2023**	export	0.25	1.13
	import	2.00	
CLdN KGH port	export	0.47	0.93
	import	1.38	
Stena Hoek	export	0.32	0.63
	import	0.93	
Stena Eur	export	0.33	1.33
	import	2.33	
DFDS RTM	export	0.52	1.01
	import	1.50	
DFDS Germany	export	0.82	1.42
	import	2.02	
DFDS Denmark	export	0.76	1.33
	import	1.90	
DFDS Sweden	export	1.02	1.66
	import	2.30	

Stena/ABP data
 DFDS data
 CLdN data
 * Jan-Oct
 ** recommended dwell (page 250)

Outline of the Applicant’s changes to the Application and to the case for the Proposed Development

- 2.12 As set out above, the Applicant has produced a revised estimate for landside storage capacity of IERRT, as summarised in paragraph 6.6 of the Applicant’s DL5 Response, of 1,674 trailer bays, 65 container ground slots and 25 trade bay slots.
- 2.13 The Applicant has produced, at Appendix 4 (provided by Stena) of the Applicant’s DL5 Response, a revised dwell time for IERRT amounting to 2.45 days for imports and 0.35 days for exports, which is equivalent to an average of 1.4 days across all throughputs (see Appendix 2 to this response document for an explanation of this). CLdN has commented on this revised dwell time above, which is markedly lower than the figure of 2.25 days for dwell times used in the Applicant’s original Environmental Statement Chapter 4 and Environmental Statement: Volume 3, Appendix 4.1: Market Forecast Study Report [APP-079] (Market Study), and importantly below the lowest of its sensitivity scenarios (1.75 days, per Table 8-3 of the Market Study). The revised dwell time sits within the range put forward by Volterra Partners LLP (Volterra) and supported by CLdN (1-1.5 days, per paragraph 4.8 of the report produced by Volterra appended to CLdN’s Written Representation at Deadline 2 [REP2-031] (Volterra Report)).
- 2.14 The Applicant has also revised its demand forecasts to include more recent data and present a wider range of scenarios, resulting in higher demand forecasts for the Humber.
- 2.15 The result of the implicitly accepted revised dwell time has a fundamental impact on the Applicant’s case for the Proposed Development. The capacity and demand scenarios now clearly demonstrate (per CLdN’s analysis in the section below) that the Applicant’s previous reasoning of an ‘urgent and imperative’ need is not and has never been substantiated. The Applicant now appears to be making the case in relation to ‘competition and resilience’. CLdN comments on this potential change in position in section 3 below.

Implications of these changes for the Applicant’s case

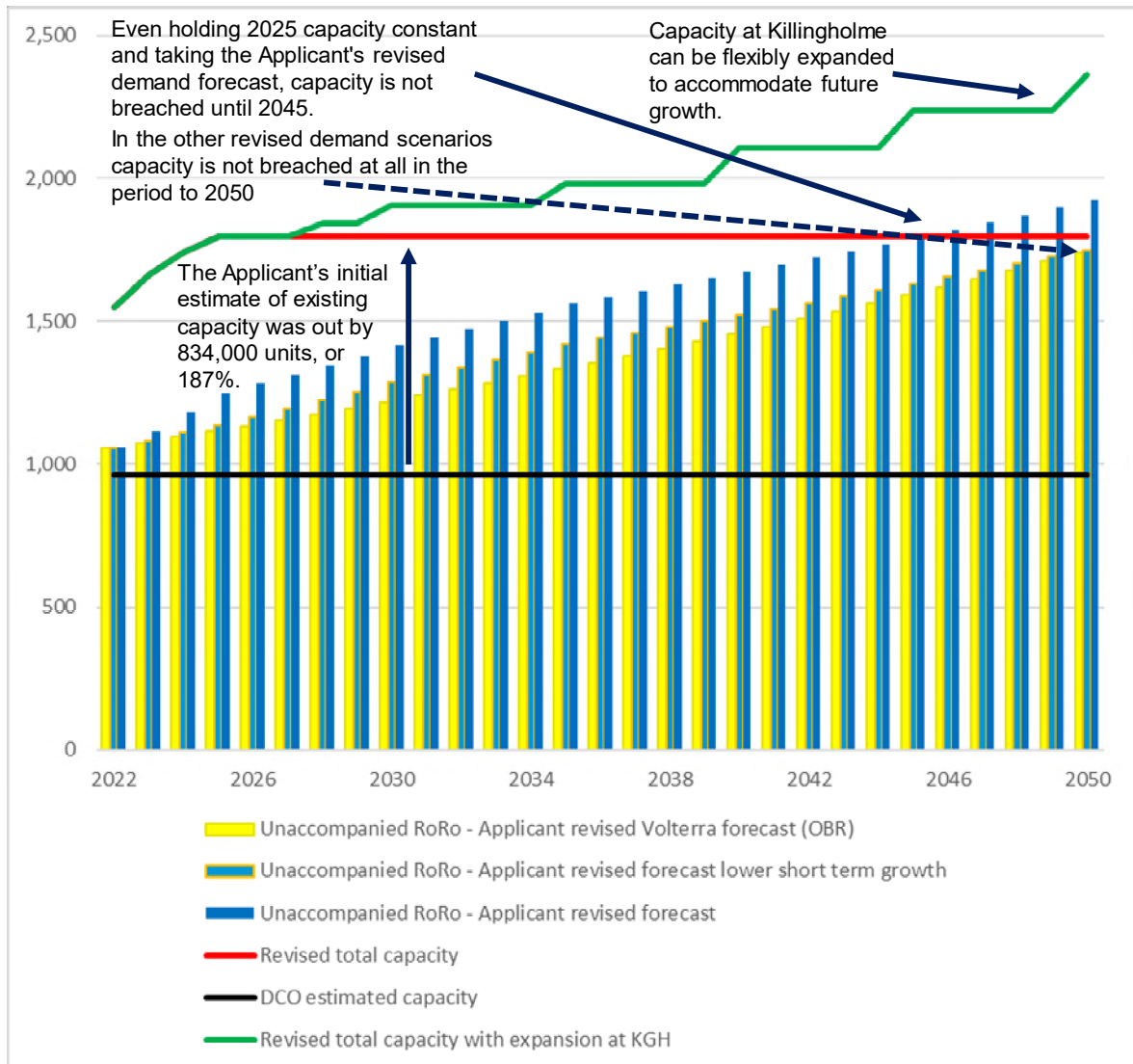
2.16 CLdN and Volterra do not believe that it would be beneficial to the Examining Authority to respond to every point that the Applicant makes in the Applicant’s DL5 Response. The Applicant has spent a lot of effort providing detailed rebuttals to minor points of challenge,

whilst not giving an adequate response to the more substantive and central issues. More detailed analysis and responses to the key issues are detailed in Appendix 2 to this response document. To aid the Examining Authority, however, the following paragraphs outline the key points and conclusions from this analysis.

- 2.17 First, Volterra did not materially challenge the Applicant's demand forecasts originally, instead querying how specific assumptions quantitatively fed into the demand model. These issues have still only been addressed qualitatively in the Applicant's response.
- 2.18 Secondly, the Applicant provides at Table 2 of the Applicant's DL5 Response its shortsea traffic growth rates for the period 2025-2050, and uses this to conclude that the figures on average across the period are not dissimilar to using the ONS's 1.8% average growth rate put forward by Volterra. The material omission here is the lack of transparency over the growth rate for the missing period 2022-2025. This is puzzling, considering the Applicant has persistently made the case that the Proposed Development is required to address an urgent need; for such a case, it seems unusual that an explanation of the short term growth rate should be omitted, given it would correspond to the most immediate and urgent need.
- 2.19 Thirdly, as set out above, despite the access to real-world data (which, at least in the case of Stena, could have been available to the Applicant from the outset) the Applicant continues not to respond to the most substantive point of challenge made by CLdN and Volterra, namely the use of a 2.25 days dwell time when calculating existing capacity. This is contrary to the data provided by CLdN, DFDS and Stena in the Dwell Times SoCG and contradicts the Applicant's own analysis in Appendix 4 to the Applicant's DL5 Response.
- 2.20 Fourthly, and most importantly, the Applicant does not show the Examining Authority what the implications of these changes are in terms of need. This is demonstrated in the text and annotated chart (Figure B) below.
- 2.20.1 First, the revised capacity on the Humber is markedly higher than the Applicant initially estimated, with the initial estimate appearing to be an underestimate of approximately 834,000 units from 2025 (an upward revision of 187%¹ to the Applicant's initial position – a very material error/revision);
- 2.20.2 Secondly, even under the Applicant's revised forecast it is estimated that the existing capacity of the Humber would not be breached until 2045, whilst under the two more conservative scenarios of demand the revised capacity is not even breached by 2050; and
- 2.20.3 Thirdly and finally, the potential expansion of capacity at Killingholme, which can be brought forward flexibly in response to future increases in demand as demonstrated in the Killingholme Note, can maintain a healthy buffer to ensure that there is resilience in the Humber market to cope with future uncertainty and variations from average or normal situations.
- 2.21 Fundamentally this shows very clearly that there is no 'urgent and imperative' need for the Proposed Development.

¹ 834 / 962 = 87%. 1,796 / 962 = 187%.


Figure B – Humber revised unaccompanied RoRo demand and capacity comparison ('000s units)



Source: Volterra calculations, November 2023, utilising all data provided by different parties up to Deadline 5

Consultation ID CA 41

My pronouns are: she / her

 Please consider the environment before printing

From: [REDACTED]

Sent: 17 November 2023 14:16

[REDACTED]

Subject: RE: IERRT Change Consultation - Navigation (Rix)

Afternoon [REDACTED]

Apologies for the late reply.

Maritime Bunkering Ltd as charterers of the Rix Shipping barges object to the proposed construction of the IERRT as the structure will limit our opportunities of loading at all berths of the Finger Pier.

The structure causes us both safety and commercial concerns and therefore please take this communication as an objection to the application.

Kind regards

By Email Only

ABP Immingham Eastern Ro-Ro Terminal Project
Development Manager
immingham@abports.co.uk

Solicitors and
Parliamentary Agents

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Switchboard 020 7593 5000
Direct Line
www.wslaw.co.uk

17 November 2023

Our Ref: JEW/10995/00083

Dear

Proposed Immingham Eastern Ro-Ro Terminal ("IERRT") Development Consent Order - TRO30007

Consultation on Change Request

1. I am writing on behalf of the Harbour Master Humber, Captain Andrew Firman, in response to your letter to him dated 10 November 2023 concerning ABP's proposed Change Request.
2. The Harbour Master, Humber has considered the following proposed changes specifically in relation to navigational safety:

Change 1. The realignment of the proposed IERRT Approach Jetty and related works;
and

Change 4. Enhanced management controls and options for the potential provision of additional Impact Protection Measures.

3. The Harbour Master Humber has read the consultation materials provided via the link in your letter.

Change 1

4. In relation to Change 1, HMH has the following comments on each section of the change as relates to navigational safety:
 - *The realignment of the jetty*
HMH considers that the proposed realignment of the jetty approach should have no adverse effect on the safety of navigation or the ability of vessels to berth at the proposed IERRT or IOT Finger Pier facilities.
 - *Increase in number and change in the location of related piles*

HMH considers that the change in number and location of piles should have no adverse effect on the safety of navigation or the ability of vessels to berth at the proposed IERRT or IOT Finger Pier facilities.

- *Restraint dolphins*

The effect of these on the overall infrastructure would need to be considered when assessing the residual risks associated with berthing at IERRT and establishing operating parameters and controls

Change 4

5. The additional information from ABP does not appear to identify, and set out, any draft amendments to the DCO that would be needed to implement the changes - in particular, how enhanced operating controls would be delivered. However, HMH notes that in the additional environmental information, paragraphs 3.3.4 and 3.3.5 (Operational Requirements for IOT), ABP provides that:

“3.3.4 The Applicant is proposing the publication of enhanced navigational management controls with a view to regulating the management of vessels arriving at or departing from the IERRT berths.

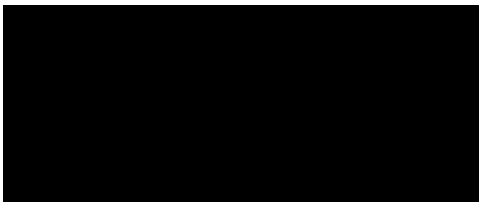
3.3.5 These enhanced controls will be imposed by either the issue of a General Direction/Notice to Mariners or a revision to the Immingham Marine Operations Manual. The Applicant will seek to agree these additional navigational management controls with the IOT Operators which will be on the basis that tug assistance will be deployed for vessel arrivals to Berth 1 during an ebb tide where circumstances so demand.”

6. The Harbour Master, Humber notes that the enhanced control measures relate to additional tug assistance for vessels using the IERRT facility which lies within the statutory harbour limits of the Port of Immingham. It would be for the port operator and its Dock Master to require and control their use, although the jurisdiction of the SCNA/CHA and Harbour Master, Humber overlaps in this area and he/HES would expect to be consulted and have input in the usual way about when such controls would be implemented, given that the Competent Harbour Authority has responsibility for pilotage and that pilots and tug operators would be working together.
7. The Harbour Master, Humber understands that the proposal would involve the Dock Master for the Port of Immingham requiring Ro-Ro vessels arriving at Berth 1 at the IERRT to use supporting tugs in conditions where, ordinarily, they might not be considered necessary. The Harbour Master, Humber considers that the proposed change is entirely consistent with the process described by the Harbour Master, Humber of applying parameters and controls for the IERRT and, in the unlikely event that the extra tugs alone are not effective in certain environmental conditions, then operational windows would be reduced to ensure effectiveness.
8. The Harbour Master, Humber is satisfied that the methods of enforcing the operational controls described at paragraph 3.3.5 through publicity, directions and the operations manuals would be effective as this is how such requirements are generally promulgated and obeyed by vessel operators. He remains convinced that it would not be appropriate for the use of enhanced controls of this kind (tugs, pilots, speed limits etc.) to be prescribed in the DCO, given that Parliament has already determined where the statutory powers to make these operational decisions should lie.
9. The Harbour Master, Humber notes that proposed change 4 includes an option for the delivery of an additional impact protection barrier at the western end of the IOT finger pier. He is in broad agreement with the effect on risks identified but would reiterate the need for simulations to ensure that there is no adverse effect on navigational safety relating to tankers and barges arriving or departing at IOT finger pier berths 8 and 9.

Conclusions

10. While the proposals for Change 1 have a limited affect on the flows in their vicinity, the HMH does not consider there to be any additional adverse impact in relation to navigational safety.
11. In relation to change 4, in the opinion of the Harbour Master, Humber, additional appropriately engineered impact protection measures would be suitable to prevent impact with the finger pier infrastructure, subject to the effect of the change of layout on navigation to and from berths 8 and 9 being assessed.
12. In relation to “Operational Requirements for IOT”, the effectiveness of the proposed measures should be tested through simulation. Should there be a situation or environmental conditions where the measures may be ineffective, then operational windows would need to be adjusted or berthings cancelled in the absence of other additional controls.

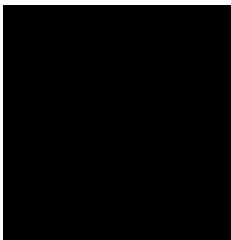
Yours sincerely



Partner

DT
DF

cc



Clyde & Co

ABP

ABP