



Application by Associated British Ports for the Immingham Eastern Ro-Ro Terminal

The Examining Authority's further written questions and requests for information (ExQ3)

Issued on 01 December 2023

The following table sets out the Examining Authority's (ExA's) further written questions and requests for information – ExQ3.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of 20 June 2023 [PD-006]. Questions have been added to the framework of issues as arising from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique topic prefix identifier (capital letters), a reference number which starts with 3 (indicating that it is from ExQ3) and then a question number. For example, the first question on Navigation and Shipping issues is identified as NS.3.01. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact imminghameasternroroterminal@planninginspectorate.gov.uk and include Immingham Eastern Ro-Ro Terminal in the subject line of your email.

Although the Applicant submitted a Change Request on 29 November 2023, the ExA's decision as to whether or not that Change Request should be accepted will not be made until the week commencing 4 December. Accordingly, the ExA's questions in this ExQ3 document do not take into account anything contained in the Applicant's Change request.

The extant Examination Timetable, included in PD-009 and as amended by PD-016, does not make provision for a further round of ExQs. The ExA intends to formally alter the Examination Timetable under Rule 8(3) during the course of the week commencing 4 December 2023 to enable comments about the ExA's recommended changes to the draft Development Consent Order to be submitted. Depending on the ExA's decision on acceptance of the Applicant's Change Request, this may include a further round of written questions (ExQ4) before the close of the Examination.



Responses are due by Deadline 7, 11 December 2023

Abbreviations used:

ABP	Associated British Ports
ABPMer	ABP Marine Environmental Research Ltd
CA	Compulsory Acquisition
CEMP	Construction Environmental Management Plan
CLdN	CLdN Ports Killingholme Limited
COMAH	Control of Major Accident Hazard
dDCO	Draft Development Consent Order
DFDS	DFDS Seaways plc
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
EM	Explanatory Memorandum
ES	Environmental Statement
ExA	Examining Authority
HASB	Harbour Authority and Safety Board
HOTT	Humber Oil Terminals Trustee Ltd
HRA	Habitats Regulations Assessment
HRAr	Applicant's Habitats Regulation Assessment report
IERRT	Immingham Eastern Ro-Ro Terminal (the Proposed Development)



IOT	Immingham Oil Terminal
IOT Operators	Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustee Limited
IP	Interested Party
ISH	Issue Specific Hearing
LHA	Local highway authorities (North East Lincolnshire Council and North Lincolnshire Council)
LPA	Local Planning Authority
MarNIS/MARNIS	Maritime Navigation and Information Services
MCA	Maritime and Coastguard Agency
MMO	Marine Management Organisation
(M)SMS	(Marine) Safety Management System
NH	National Highways
NE	Natural England
NELC	North East Lincolnshire Council
NLC	North Lincolnshire Council
NPPF	The National Planning Policy Framework
NPSfP	National Policy Statement for Ports
NR	Network Rail
NRA	Navigation Risk Assessment
NSIP	Nationally Significant Infrastructure Project
PA2008	The Planning Act 2008
PEC	Pilotage Exemption Certificate



PINS	Planning Inspectorate
PMSC	Port Marine Safety Code
PP	Protective Provision
Ro-Ro	Roll on Roll off
RR	Relevant Representation
SAC	Humber Estuary Special Area of Conservation
SHA	Statutory Harbour Authority
SCNA	Statutory Conservancy and Navigation Authority (Harbour Master Humber)
SoCG	Statement of Common Ground
SoST	Secretary of State for Transport
SPA	Humber Estuary Special Protection Area
SSSI	Site of Special Scientific Interest
TP	Temporary Possession
WR	Written Representation

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[TR030007-000415-Examination Library.pdf \(planninginspectorate.gov.uk\)](https://www.planninginspectorate.gov.uk/tr030007-000415-Examination%20Library.pdf)

It will be updated as the Examination progresses.



Citation of Questions

Questions in this table should be cited with the full question number. For example, 'BGC.3.01' refers to Broad, General and Cross-topic in ExQ3, question 1 in this table.



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	Question to:	Question
BGC Broad, General and Cross-topic+ questions		
BGC.3.01	Applicant	<p>Risk assessment related to major accidents and disasters</p> <p>1) How does the Applicant's Environmental Statement (ES) assess "vulnerability ...to major accidents" as referenced in the Health and Safety Executive's (HSE) note on consideration of risk assessments?</p> <p>2) Even if HSE assessment ratings are not suitable for a Navigational Risk Assessment (NRA), does undertaking a societal risk assessment form part of the implementation of the Marine Safety Management System for a port?</p> <p>[Note that the PMSC [REP1-015] Section 2.7 statement that "<i>risks associated with marine operations need to be assessed and a means of controlling them needs to be deployed</i>" and the Applicant's review of the IOT's NRA states 2.1.4 "<i>risk assessments within a Marine Safety Management System ("MSMS") may cover a number of navigational risks, whilst also considering other risks to which a port might be subject that concern port and/or marine safety.</i>"]</p>
BGC.3.02	Applicant	<p>Relationship between operating controls for vessels using the proposed berths and potential effects of congestion</p> <p>Provide an assessment of the economic effects for the wider Port of Immingham that might arise from the implementation of navigational controls for the proposed berths leading to marine congestion within the port's waters.</p>
CA Compulsory Acquisition, Temporary Possession and other Land Rights Considerations		
CA.3.01	Applicant and VW Group UK Ltd	Provide an update on negotiations between Volkswagen Group United Kingdom Limited and the Applicant following Compulsory Acquisition Hearing 1 held on 28 September 2023.
CA.3.02	Applicant	Provide an update on negotiations with Drury Engineering Services Limited, P.K. Construction (Lincs) Limited, and Malcolm West Fork Lifts Limited.
CA.3.03	Applicant	Provide an update on discussions with the Crown Estate with respect to obtaining the Crown's consent to powers being included in any made DCO relating to Crown land.
CC Climate Change		
		No questions at this time

		Question to:	Question
DCO Draft Development Consent Order (dDCO) [REP3-002/003]			
DCO.3.01	Applicant		<p>Identification of dredging disposal sites</p> <p>Provide a response to fourth paragraph on page 2 of the Planning Inspectorate’s section 51 advice issued on 6 March 2023 [PD-003] following the acceptance of the application for Examination. In that regard the advice stated:</p> <p><i>“The dDCO’s Article 25 (Powers to dredge) would give powers, amongst other things, to dispose of the arisings from dredging in the UK marine area pursuant to a deemed marine licence. Schedule 3 of the draft DCO includes a draft deemed marine licence, which amongst other things, states the co-ordinates for two disposal sites in the Humber. Although the locations for the dredging disposal sites are shown in Figure 2.2 of Volume 2 of the Environmental Statement (Doc 8.3.2) those locations have not been shown on the Location Plan (Doc 2.1) or amongst the Land Plans (Doc 2.2). While reliance on coordinates rather than a plan has been accepted in the made Port of Tilbury Expansion DCO 2019, that approach has not been followed when DCO applications have been submitted for a number of off-shore wind DCOs seeking dredging disposal powers and which have also included deemed marine licences. The Applicant is therefore requested to give consideration to including the locations for the proposed dredging disposal sites on the Location Plan and in the Land Plans. Should the Applicant be minded to make such a change, the Book of Reference would also needed to be revised. Should the Applicant decide not to make this change to the Location and Land Plans then it should provide justification for that decision.”</i></p>

	Question to:	Question
DCO.3.02	Applicant	<p>Requirement 8: Clarify marine safety responsibilities and duties in the outline Construction and Environmental Management Plan (oCEMP)</p> <p>In providing a marine oCEMP, further to Action Point 24 arising from Issue Specific Hearing 3 provide a further clarification of marine safety responsibilities in Table 3.4 in the oCEMP [REP5-018] either by subdividing tasks and duties into a greater number of rows or by providing an additional plan or appendix accompany the oCEMP.</p>
DCO.3.03	Applicant	<p>Schedule 2 Part 2 Paragraph 22 (Procedure for the discharge of requirements)</p> <ol style="list-style-type: none"> 1) Provide a full answer to ExQ2 DCO.2.06 [PD-013]. 2) Confirm response to DFDS [RR-008, para 7.20] regarding claim that Schedule 2, Part 2, should allow for documents relating to appeals to be required to be disclosed to “interested parties” as well as to the discharging authority.
DCO.3.04	Applicant	<p>Schedule 3 – Part 1 General, Interpretation</p> <p>Confirm that all coordinates given have been verified.</p>
DCO.3.05	Applicant	<p>Schedule 3 – Deemed Marine Licence (dML) and written scheme of archaeological investigation</p> <ol style="list-style-type: none"> 1) Should the references to “marine written scheme of investigation” be “draft marine written scheme of investigation” given that the submitted document [APP-107] is identified as being a draft? Or should the submitted draft marine written scheme of investigation be reissued as a final version document? 2) Should Conditions 10 and 13 be combined, given that the latter is the implementation clause for the former?
DCO.3.06	Applicant	<p>Schedule 3 – DML Condition 11 (CEMP)</p> <p>In the event of the oCEMP being subdivided into marine and onshore oCEMPs, then the wording for Condition 11 and any other relevant parts of the dML will need to be checked and amended, as necessary, to reflect that change.</p>
DCO.3.07	Applicant and Marine Management Organisation	<p>Schedule 3 – DML Condition 12 (piling)</p> <ol style="list-style-type: none"> 1) With respect to sub-paragraph (5), should the wording be revised so that it less discursive and more prescriptive? 2) With respect to sub-paragraph (8)(a) is there any missing text or a need for a sense check?

ExQ3: 01 December 2023

Responses due by Deadline D7: 11 December 2023

	Question to:	Question
LHE Historic Environment including Marine Archaeology		
		No questions at this time.
BNE Biodiversity, Ecology and Natural Environment		
BNE3.01	Applicant	Image NTS1 of the Environmental Statement Non-Technical Summary [APP-035] needs updating, as the inset map appears to incorrectly show a red dot of the proposed application boundary on the northern bank of the River Humber.
		<i>No further questions at this time on this topic, as the Report on the Implications for European Sites questions are to be responded to by Deadline 7.</i>

ExQ3: 01 December 2023

Responses due by Deadline D7: 11 December 2023

Question to: Question		
NS Navigation & Shipping		
NS.3.01	Harbour Master Humber	<p>Comment on Applicant’s answer to ExQ NS.2.35 [PD-013] (current directions)</p> <p>Please comment on why the pilotage adaptation to changed flow direction and speed during vessel approach to the Proposed Development would be <i>“nothing like the same extent as when a vessel enters the bell mouth”</i>.</p>
NS.3.02	Applicant	<p>Head of Marine Humber – statutory powers?</p> <p>Clarify in what way the Head of Marine Humber has <i>“delegated Harbour Master’s powers”</i> as noted in an earlier submission [REP3-017, pages 19 and 20].</p>
NS.3.03	Applicant	<p>Harbour Authority and Safety Board (HASB) meeting 28th November 2023</p> <p>Submit minutes of the meeting and any recommendation report and cost-benefit analysis that were submitted to that meeting for consideration in respect of the Proposed Development.</p>
NS.3.04	Harbour Master Humber	<p>Any collateral impact on other operators during additional pilotage training/familiarisation</p> <p>Please explain the pilot and Pilot Exemption Certificate holder training regime that would be put in place for the proposed berths commenting on:</p> <ul style="list-style-type: none"> a) the use of simulation and on-the-water operational trials; b) whether that training and familiarisation could in itself cause a shortage of pilot availability, tug availability or interference on the water with the passage of any other vessels while the training is taking place; and c) what mitigation of any adverse impact to other operators during the training and familiarisation period might be put in place.
SE Socio-Economic		
		No questions at this time.

	Question to:	Question
TT Terrestrial Transport and Traffic		
TT.3.01	Applicant	<p>Solo tractor movements</p> <p>As part of the sensitivity testing that will be reported upon in either an updated Transport Assessment (TA) or an Addendum to the TA, confirm inputs into the modelling in respect of solo tractor movements. The TA [AS-008] sets out an assumption of 10% at paragraph 5.2.3. This has been questioned by DFDS and CLdN during the Examination, and they have provided evidence from their own operations at Immingham and Killingholme of 19% [REP1-030] and 36% [REP5-041] proportions respectively.</p> <p>Do you intend to model higher volumes of solo tractor movements as part of the sensitivity testing feeding into the updated TA? If not, explain why that would be the case.</p>
TT.3.02	Applicant	<p>Road safety</p> <p>In light of the identified need to update the TA to address the error in relation to Passenger Car Units (PCU) and ongoing sensitivity testing have you reassessed, or will you be reassessing your previous considerations in relation to road safety and the potential risk of accidents once committed development and the proposed development could be operating at the 2032 assessment date?</p>
TT.3.03	Applicant,	<p>Controlling daily throughput of the proposed development</p> <p>At ISH5 on 22 November, the Applicant indicated it would be willing to change from an annual cap of 660,000 RoRo units to a daily cap of 1,800 RoRo units, to ensure that the worst-case scenario tested in the TA [AS-008] of daily throughput and its impact on the road network would not be exceeded.</p> <p>How does the Applicant intend that such a daily cap would be implemented?</p>
TT.3.04	Applicant	<p>Submission of document to the Examination Library</p> <p>The ExA has noted the issues set out in [REP6-026] that you are having in submitting the PIANC Report on Design of Terminals for RoRo and RoPax Vessels report by the World Association for Waterborne Transport Infrastructure (“the PIANC Report”) as an Examination document. It is important that the evidence is submitted as an Examination document in order that the Secretary of State has access to it to assist in the decision making process. Please make arrangements for this document to be made available.</p>
WE Water Environment, Flood Risk and Drainage		
		No questions at this time.