

IMMINGHAM EASTERN RO-RO TERMINAL DCO APPLICATION

PINS REFERENCE TR030007

DFDS COMMENTS ON EXA SCHEDULE OF CHANGES TO dDCO

Introduction

1. This document contains DFDS' comments on the ExA's schedule of changes to the dDCO [\[PD-019\]](#).
2. Article 2: support change.
3. Article 7(b)(i): support change; alternatively refer to building schedule [\[APP-078\]](#).
4. Article 21: support both changes.
5. Requirement 4: support changes, except SI drafting guidance discourages the use of 'shall', perhaps leave as 'are to'.
6. Requirement 5: support change.
7. Requirement 7: support change.
8. Requirement 8: support change, although noting that there is overlapping jurisdiction between high and low water mark, which may need deciding who prevails. DFDS would wish to be added to the consultees for the offshore CEMP.
9. Requirement 9: support changes.
10. Requirement 10: support proposal; DFDS has consistently been arguing for this.
11. Requirement 11: support changes, although each sentence should be a separate numbered paragraph.
12. Requirement 12: suggest reinstating that the Council must be satisfied that the works are complete, otherwise it is at the discretion of the Applicant.
13. Requirement 14: neutral – it is for Network Rail to decide if they should only be concerned with the onshore works.
14. Requirement 15: support change, noting that the mitigation contained in the Navigation Risk Assessment, once more precisely specified, should be required to be delivered by the DCO.
15. Requirement 16: support change, save for use of 'shall' and more than one sentence in a paragraph. Perhaps alter (3) to refer to the authorised development rather than just remediation as the strategy may extend beyond just remediation itself.

16. Requirement 18A (this would normally be put after Requirement 18): DFDS is concerned about some aspects of this drafting:
- a. Judicial review would only be available for challenging an error of law rather than that the controls were unduly light, for example. Instead, the appeal process available to the Applicant under requirement 22 could be extended to other parties (for this particular provision), which would provide some independent scrutiny of what was being proposed.
 - b. Interested parties such as DFDS and IOTT should be consulted upon the first set of proposed controls and their responses taken into account. Subsequent controls can follow the standard process.
 - c. Paragraph (2) does not really add anything as this could happen anyway. DFDS would prefer that operational trials were required to be conducted.
 - d. The suggestion in the accompanying text that the facility could later be used by larger vessels is concerning as that would effectively be a 'tailpiece' to what had been assessed in the Environmental Statement. DFDS considers that the vessel size should be limited to what has been assessed and modelled and the DCO should have to be amended to increase it.
17. Requirement 18: DFDS still wish to see the impact protection implemented before the main works are constructed, or if the ExA is of the view that the risk of allision from construction vessels is sufficiently lower than during operation, before the main works are brought into operation, rather than being at the discretion of either the Applicant, the Harbour Master or Dock Master. This is not novel, it is already proposed in relation to the East Gate works. DFDS would wish to be consulted on the detailed design of the works and their comments taken into account.
18. Requirement 19: it is not clear if (c) refers to the initial set of controls only, or subsequent ones as well.
19. Schedule 4, PPs for IOTT: DFDS defer to IOTT on such drafting.
20. Schedule 4, PPs for DFDS: strongly support, including the text subsequently provided for paragraph 125.
21. Schedule 4, PPs for CLdN: DFDS defer to CLdN on such drafting.