

IMMINGHAM EASTERN RO-RO TERMINAL



Protective Provisions Tracker

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12/2023	07 Deadline 7	Submitted at Deadline 7

Contents

1. Introduction.....	4
2. Protective Provision Position.....	5

1. Introduction

- 1.1 This tracker document is being provided pursuant to Question DCO1.23 from the Examining Authority (the 'ExA') for the Immingham Eastern Ro-Ro Terminal ('IERRT') Development Consent Order ('DCO') examination ('the Examination'). The ExA requires Associated British Ports as the applicant ('the Applicant') to prepare and submit an update as to the negotiation status of the Protective Provisions in the draft DCO at every deadline in the Examination timetable.
- 1.2 This document is intended to capture the progress in a single table which can then be used to track the completion of the Protective Provisions. This is intended as a live document which will be updated when updates or revisions to the Protective Provisions are made, and submitted at each Examination deadline as requested by the ExA.

2. Protective Provision Position

- 2.1 Table 1 below captures the Applicant's position on each party's Protective Provision, indicating whether a draft has been submitted to the Interested Party or is awaiting a response and providing an update as to whether any progress has been made in finalising the draft.

Table 1 – Status of Protective Provisions in draft DCO

Interested Party	Position at Deadline 1	Position at Deadline 2	Position at Deadline 3	Position at Deadline 4	Position at Deadline 5
Statutory Conservancy and Navigation Authority for the River Humber	Positive discussions with late stage draft to be shared with the Statutory Conservancy and Navigation Authority.	Positive discussions with late stage draft to be shared with the Statutory Conservancy and Navigation Authority.	Protective Provision agreed.		Further amendments have been made at the request of the Statutory Conservancy and Navigation Authority, to which the Applicant has agreed. These appear in the latest version of the dDCO submitted at Deadline 5.
Environment Agency	Positive discussions with late stage draft to be shared with the Environment Agency.	Positive discussions with late stage draft to be shared with the Environment Agency.	Positive discussions ongoing with late stage draft in circulation between the parties.	Positive discussions ongoing with late stage draft in circulation between the parties.	The Applicant has agreed what it believes is the EA's last requested amendment and believes that the PP is now agreed. The dDCO submitted at

					Deadline 5 includes the latest wording.
Exolum	Draft Protective Provisions issued to Exolum. At the time of writing, the Applicant is awaiting a response.	Draft Protective Provisions issued to Exolum. At the time of writing, the Applicant is awaiting a response.	The Applicant is in receipt of an updated draft from Exolum, which the Applicant is reviewing.	Positive discussions ongoing with late stage draft in circulation between the parties.	Protective Provision agreed. The dDCO submitted at Deadline 5 includes the latest wording.
Humber Oil Terminal Trustees Limited	Applicant is in receipt of an updated draft from HOTT. Significant differences between the parties to be discussed when HOTT's full case has been submitted to the Examination.	Applicant is in receipt of an updated draft from HOTT. Significant differences between the parties to be discussed when HOTT's full case has been submitted to the Examination.	The Applicant is in receipt of an updated draft from HOTT. There are significant differences between the parties' positions. The Applicant is reviewing the draft protection provisions in light of HOTT's full case submitted at D2.	The Applicant is reviewing the draft protective provisions in light of the ongoing without prejudice negotiations with HOTT.	The Applicant is reviewing the draft protective provisions in light of the ongoing without prejudice negotiations with HOTT. The dDCO will be updated to reflect the agreed position following the conclusion of negotiations.
Northern Powergrid	Applicant is in receipt of an updated draft from Northern Powergrid, which the Applicant is reviewing.	Applicant is in receipt of an updated draft from Northern Powergrid, which the Applicant is reviewing.	The Applicant is in receipt of an updated late stage draft from Northern Powergrid, which the Applicant is reviewing.	Positive discussions ongoing with late stage draft in circulation between the parties.	Positive discussions ongoing with late stage draft in circulation between the parties. The dDCO submitted at Deadline 5 includes the latest wording.

Anglian Water	Positive discussions, with late stage draft circulated to Anglian Water.	Positive discussions, with late stage draft circulated to Anglian Water.	Positive discussions, with late stage draft circulated to Anglian Water.	Positive discussions ongoing with late stage draft (which reflects the outcomes of a call between the parties) now in circulation.	Positive discussions ongoing with the Applicant awaiting comments on a late stage draft (which reflects the outcomes of a call between the parties). The dDCO submitted at Deadline 5 includes the latest wording.
DB Cargo (UK) Limited	Awaiting completion of an alternative access agreement, following which the Applicant considers that these protective provisions will no longer be needed.	Awaiting completion of an alternative access agreement, following which the Applicant considers that these protective provisions will no longer be needed.	Awaiting completion of an alternative access agreement, following which the Applicant considers that these protective provisions will no longer be needed.	Alternative access agreement completed. Applicant awaiting confirmation that protective provisions are no longer required.	As a result of the alternative access agreement having been completed, the Applicant has removed this protective provision from the latest version of the dDCO submitted at Deadline 5. The Applicant has contacted DB Cargo twice for confirmation of their agreement to this and is awaiting a response.
Network Rail	Awaiting (i) completion of an	Awaiting (i) completion of an	Awaiting (i) completion of an	Network Rail solicitors seeking	Applicant is in receipt of an

	alternative access agreement with Network Rail and DB Cargo, and (ii) publication of scheme changes in order to progress draft further.	alternative access agreement with Network Rail and DB Cargo, and (ii) publication of scheme changes in order to progress draft further. Network Rail have provided an updated draft which the Applicant is reviewing.	alternative access agreement with Network Rail and DB Cargo, and (ii) publication of scheme changes in order to progress draft further. Network Rail have provided an updated draft which the Applicant is reviewing. Parties intend to meet in order to discuss matters prior to D4.	instructions following call.	updated draft from Network Rail, which the Applicant is reviewing. The draft received is reflected in the latest version of the dDCO submitted at Deadline 5.
North East Lincolnshire Council as Lead Local Flood Authority	Positive discussions with late stage draft to be shared with the Council.	Positive discussions with late-stage draft to be shared with the Council.	Positive discussions with late-stage draft issued to the Council.	Positive discussions with late-stage draft issued to the Council.	Positive discussions with late-stage draft issued to the Council.
Cadent Gas Limited	Cadent returned the draft to the Applicant with further comments immediately prior to Deadline 1.	Applicant is in receipt of an updated draft from Cadent Gas Limited, which the Applicant is reviewing. The parties intend to meet in order to discuss outstanding areas of difference.	The Applicant is in receipt of an updated draft from Cadent Gas Limited, which the Applicant is reviewing. The parties intend to meet in order to discuss outstanding areas of difference.	Call between parties 25.09.23. Differences remain and a further call is proposed.	A further call between the parties is being arranged in order to discuss the draft further. The dDCO will be updated to reflect the agreed position following the conclusion of negotiations.

Operators of Electronic Communications Code Networks	Positive discussions with late stage draft to be shared with the Operators.	Positive discussions with late stage draft to be shared with the Operators.	Positive discussions with late stage draft issued to the Operators.	Positive discussions with late stage draft issued to the Operators.	Positive discussions with late stage draft issued to the Operators.
CLdN	Applicant awaiting a first draft from CLdN.	Applicant is reviewing the list of topics which CLdN consider should be subject to protective provisions.	The Applicant has reviewed CLdN's comments on the scope of any protective provisions in CLdN's favour and the Applicant does not consider that such – or any – protective provisions are necessary. The Applicant has written to CLdN to this effect and awaits a response.	Applicant awaiting a response from CLdN.	The Applicant is considering CLdN's letter dated 9 October 2023 discussing protective provisions and will respond in due course.
DFDS	Applicant awaiting a first draft from DFDS.	Applicant awaiting a first draft from DFDS.	The Applicant received a first draft from DFDS at D2, which it is reviewing.	The Applicant received a first draft from DFDS, which it is reviewing.	The Applicant received a first draft from DFDS, which it is reviewing.

Interested Party	Position at Deadline 6	Position at Deadline 7	Position at Deadline 8
Statutory Conservancy and Navigation Authority for the River Humber	Further amendments have been made at the request of the Statutory Conservancy and Navigation Authority, to which the Applicant has agreed. These appear in the latest version of the dDCO submitted at Deadline 6.	The Applicant is engaging in positive discussions with the Harbour Master, Humber regarding amendments to the protective provisions, and will review the necessary amendments following the Harbour Master's Deadline 7 submissions.	
Environment Agency	Protective Provision Agreed.		
Exolum	Protective Provision Agreed.		
Humber Oil Terminal Trustees Limited	The Applicant is reviewing the draft protective provisions in light of the ongoing without prejudice negotiations with HOTT and the forthcoming changes application. The dDCO will be updated to reflect the agreed position following the conclusion of negotiations.	The Applicant provided a revised draft protective provisions on 29 November 2023, and is submitting a commentary of its suggested amendments with an updated version of the protective provisions at Deadline 7.	
Northern Powergrid	Positive discussions ongoing with late stage draft in circulation between the parties. Northern Powergrid have made further comments, which the Applicant is reviewing.	Positive discussions ongoing with late-stage draft in circulation between the parties. The Applicant intends to revert to Northern Powergrid following Deadline 7.	
Anglian Water	The Applicant received comments from Anglian Water on 13 November 2023. The Applicant will provide a response to these in due course.	Positive discussions ongoing with late-stage draft in circulation between the parties. The Applicant intends to revert	

		to Anglian Water following Deadline 7.	
DB Cargo (UK) Limited	As a result of the alternative access agreement having been completed, the Applicant has removed this protective provision from the latest version of the dDCO submitted at Deadline 5. The Applicant has contacted DB Cargo twice for confirmation of their agreement to this and is awaiting a response.		
Network Rail	Applicant is in receipt of an updated draft from Network Rail, which the Applicant is reviewing. The draft received is reflected in the latest version of the dDCO submitted at Deadline 5.	The Applicant is attempting to align the updated draft protective provisions received from Network Rail with Network Rail's asset protection agreement process, before reverting to Network Rail following Deadline 7.	
North East Lincolnshire Council as Lead Local Flood Authority	Positive discussions with late-stage draft issued to the Council. The Applicant is awaiting a response.	Positive discussions with late-stage draft issued to the Council. The Applicant is awaiting a response.	
Cadent Gas Limited	Following an exchange of correspondence between the parties, differences have narrowed significantly. Cadent have circulated a revised draft, which the Applicant is reviewing.	Positive discussions ongoing with late-stage draft in circulation between the parties. The Applicant intends to revert to Cadent following Deadline 7.	

Operators of Electronic Communications Code Networks	Positive discussions with late-stage draft issued to the Operators. The Applicant is awaiting a response.	Positive discussions with late-stage draft issued to the Operators. The Applicant is awaiting a response.	
CLdN	ABP does not believe that protective provisions for CLdN are required. Without prejudice to this position, ABP is considering CLdN's correspondence on this topic with a view to preparing draft protective provisions for CLdN. Such a draft will provide protections which are commensurate with CLdN's potential to be affected by the proposed development.	The Applicant received a revised draft set of protective provisions from CLdN at 6pm on Friday 8 December, immediately prior to Deadline 7. The Applicant will consider this revised draft, and provide an updated version of the protective provisions, along with commentary explaining its amendments, as soon as possible following Deadline 7.	
DFDS	The Applicant has reviewed draft protective provisions received from DFDS and hopes to revert with comments shortly after Deadline 6.	The Applicant provided a revised draft protective provisions on 22 November 2023, and is submitting a commentary of its suggested amendments with an updated version of the protective provisions at Deadline 7.	

North East Lindsey Internal Drainage Board		The Applicant has received the proposed wording for a new protective provision from the Drainage Board, which it is considering.	
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