



# IMMINGHAM EASTERN RO-RO TERMINAL



**Document Information**

Document Information		
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## 1 **Executive Summary**

1.1 This document provides the Applicant's response to the information submitted by DFDS at Deadline 6. These submissions in turn draw upon information submitted by DFDS prior to that deadline. The DFDS submissions to which responses are now being provided are:–

- Deadline 6 Submission – Cover Letter **[REP6-037]**;
- Comments on Deadline 5 Submissions **[REP6-038]**;
- Response to Examining Authority's Rule 17 dated 27 October 2023 – DFDS Summary of Navigational Simulations **[REP6-039]**.

## 2 Introduction

2.1 This document provides the Applicant's response to the information submitted by DFDS at Deadline 6. These submissions in turn draw upon information submitted by DFDS prior to that deadline. The DFDS submissions to which responses are now being provided are:–

- Deadline 6 Submission – Cover Letter **[REP6-037]**;
- Comments on Deadline 5 Submissions **[REP6-038]**;
- Response to Examining Authority's Rule 17 dated 27 October 2023 – DFDS Summary of Navigational Simulations **[REP6-039]**.

## 3 Comments made in DFDS D5 Cover Letter **[REP6-037]**

3.1 An updated Statement of Common Ground Tracker (document reference 10.2.9) and Protective Provisions Tracker (document reference 10.2.11) are submitted at Deadline 7, as well as commentary regarding the status of the Protective Provisions, which is provided in the Appendix to the Applicant's Response to the Schedule of Changes to the DCO (document reference 10.2.71).

## 4 Comments on the revised draft DCO **[REP5-002]**

4.1 At paragraphs 2 and 128 – 137, DFDS make additional comments in respect of the draft DCO ("dDCO"). The Applicant provided a full response to DFDS' comments on the dDCO at **[REP5-034]**.

4.2 The dDCO was the subject of a further issue specific hearing – ISH6 – held on Thursday 23 November 2023 where, amongst other things, DFDS' Deadline 6 comments on the dDCO were discussed. A summary of the Applicant's oral submissions made at ISH6 are provided at document reference 10.2.63 submitted by the Applicant at Deadline 7. Any further revisions required to the dDCO will be made to the updated version to be submitted by the Applicant at Deadline 8.

4.3 However, on some of the specific points raised by DFDS, the Applicant notes the following:

- (a) the Applicant – as confirmed at ISH6 – will amend Article 21 of the dDCO to provide a daily cap of 1,800 units rather than a 660,000 annual cap. The updated dDCO to be submitted at Deadline 8 will reflect the changes proposed by the ExA to this Article **[PD-019]**.
- (b) Again, the Applicant confirmed at ISH6 that amendments will be made to the CEMP and, therefore, the drafting in the dDCO will be reviewed and updated, as necessary. The updates will be provided in the updated dDCO to be submitted by the Applicant at Deadline 8.
- (c) In respect of the protective provisions, the Applicant confirms that the updated dDCO to be submitted at Deadline 8 will provide protective provisions in favour of DFDS, reflecting the draft protective provisions supplied to DFDS on 22 November 2023. The Applicant's response to the protective provisions provided by DFDS are provided in the

Appendix to the Applicant's Response to the ExA's Proposed Schedule of Changes to the dDCO (document reference 10.2.71) submitted by the Applicant at Deadline 7.

5 **Comments on Statement of Common Ground between ABP and National Highways [REP5-010]**

- 5.1 Paragraphs 3-4, 47 and 71) – As discussed at ISH5, National Highways are aware of the changes that been undertaken and have been provided with copies of the assessment, which are also submitted formally at Deadline 7 as part of the Transport Assessment Addendum (document reference 8.4.17(a).1). National Highways have confirmed they intend to respond in time for Deadline 7A.

6 **Comments on Statement of Common Ground between ABP and North Lincolnshire Council [REP5-010]**

- 6.1 Paragraphs 5-6, 47, 71 and 74 ) – As discussed at ISH5, North Lincolnshire Council ("NLC") are aware of the changes that been undertaken and have been provided with copies of the assessment, which are also submitted formally at Deadline 7 as part of the Transport Assessment Addendum (document reference 8.4.17(a).1). Their response is awaited and will be communicated to the Examination in due course. **Comments on Applicant's ISH3 Action Points for Deadline 5 – Appendix 2 – DTA Report 23325-27 Including Annex A-C [REP5-027]**
- 6.2 Paragraph 11 - The scenarios set out in **[REP5-027]** do not reflect the totality of the sensitivity test (see below) but rather are presented to show that different scenarios have minimal impact on total flows and therefore on the traffic impact assessment.
- 6.3 Paragraphs 12 – 14 - The Applicant agreed in SoCG (points 12-14) that they would run a sensitivity test with 60% of traffic using to West Gate with 36% solo tractor movements. This has been undertaken and is submitted at Deadline 7. It has been confirmed that a daily cap of 1,800 will be introduced into the DCO. An assessment of 2,250 units per day is therefore not necessary.
- 6.4 Paragraph 15 – As has been clearly set out by the Applicant, no mitigation is proposed or considered necessary.
- 6.5 Paragraph 16 - All of the comments received by DFDS have been considered and dealt with in a timely manner. The sensitivity tests could not commence until DFDS had confirmed they were content with the base modelling. This was confirmed on 22 November 2023 and the sensitivity tests provided on 30 November 2023.
- 6.6 Paragraph 17-22 - These consider the robustness of Transport Assessment **[AS-008]** and it is noted that the majority of the points made at **[REP5-027]** Section 6.2 are not disputed. The implications of existing Stena operations in the port have not been discounted from the baseline.
- 6.7 Paragraph 23 – 24 – These relate to sensitivity testing which has been undertaken and provided to DFDS. Their response is awaited.



- 6.8 Paragraph 25 – 40 – These relate to policy interpretation in respect of transport mitigation. The Applicants position on this is clearly set out in **[REP6-034]** and was discussed in detail at ISH5. Paragraph 30 – 31 – These specifically relate to the views of North East Lincolnshire Council (“NELC”). NELC have reviewed the updated modelling and sensitivity tests and have reconfirmed their view that no mitigation is required as a result of the proposals.
- 6.9 Paragraph 41 – 42 – These relate to modelling issues which are now agreed with DFDS and confirmed as such on their behalf by email of 22 November 2023.
- 6.10 Paragraph 48 – 52 – These relate to Gatehouse Capacity. The assessment was updated to reflect all these comments and agreed by exchange of email on behalf of the Applicant 17 November 2023. This has required minor changes to the version submitted in **[REP5-027]** and a final (agreed) version is included in the Transport Assessment Addendum (document reference 8.4.17(a).1).
- 6.11 Paragraph 53 – 70 – This relates to wayfinding. The Applicants position on this is as set out in **[REP5-207]** and it is considered that it remains robust. Notwithstanding this it has agreed to prepare a sensitivity test using agreed input parameters and these are provided in the Transport Assessment Addendum (document reference 8.4.17(a).1). That sensitivity test does not alter the overall outcomes or conclusions of the Transport Assessment **[AS-008]**. Measures to improve wayfinding are included in the Operational Freight Management Plan (document reference 10.2.76) submitted at Deadline 7.
- 7 Comments on Applicant’s ISH3 Action Points for Deadline 5 – Appendix 2 – DTA Report 23325-27 Annex D [REP5-028]**
- 7.1 Paragraph 71 – This comment is a repetition of paragraphs 41 and 42 and have been resolved.
- 7.2 Paragraph 74 – As discussed at ISH5, all three highway authorities are aware of the changes that been undertaken and have been provided with copies of the assessment, which are also submitted formally at Deadline 7 as part of the Transport Assessment Addendum (document reference 8.4.17(a).1).
- 7.3 Paragraphs 75-76 – It has been confirmed that a daily cap of 1,800 will be introduced into the DCO. An assessment of 2,250 units per day is therefore not necessary. An updated dDCO reflecting the changes will be submitted at Deadline 8.
- 7.4 Paragraphs 78-92 – These refer to DFDS’s views on the outputs of the junction models. As set out in ISH5, **[REP6-036]** and **[REP5-027]**, **[REP5-028]** that interpretation of the outputs is clearly disputed. NELC have confirmed they have no objection nor any requirement for mitigation as a result of the latest modelling results.

- 7.5 Paragraph 93 – This requests an additional junction assessment not required by NLC or National Highways. For completeness this has been provided as part of the Transport Assessment Addendum (document reference 8.4.17(a).1). The development will have no material impact on the junction in either the base case or the sensitivity test.
- 8 **Comments on Applicant's ISH3 Action Points for Deadline 5 – Appendix 2 – DTA Report 23325-27 Annex R [REP5-029]**
- 8.1 Paragraphs 94-98 – This relates to the need to carry forward the sensitivity test assumptions to the internal junctions. This has been undertaken and provided to DFDS. It will be formally submitted as part of the Transport Assessment Addendum (document reference 8.4.17(a).1).
- 9 **Comments on Applicant's Response to CLdN's Deadline 4 Submission [REP5-032]**
- 9.1 Paragraphs 99 – 115 – As set out in ISH5 (and reported in the Applicants written summary of oral submissions (document reference 10.2.62) the Applicant considers the approach to terminal capacity as described in **[REP5-032]** Section 6 is robust and appropriate.
- 9.2 It is pertinent to note that the only commentary on that assessment from DFDS relates to the capacity for inbound (import) units to be stored on site. There is no commentary or objection in terms of gate / check in capacity or indeed outbound (export) unit capacity. Those matters are therefore assumed to be agreed.
- 9.3 As agreed at ISH5 the Applicant and DFDS have been liaising to agree a corrected set of input data into the DFDS assessment to allow a more appropriate model output to be considered. That work is ongoing but at present appears to show a claimed peak slot requirement of 1,672 slots for import units. The scheme has 1,666 slots shown and for the reasons explained at ISH5 there are various other options for managing this. The statement provided by Stena at Deadline 7 in response to ISH5 Action Point 23 provides further detail on this. The Applicant therefore considers the revised modelling supports and corroborates their own assessment.
- 10 **Comments on Applicant's Response to ExQ2 Submissions by Interested Parties [REP5-031]**
- 10.1 Paragraphs 116 – 118 – This relates to the Solo Tractor ratio. The Applicants refers DFDS to response ExQ3.01 of the Applicant's Response to ExQ3 (document reference 10.2.64).
- 11 **Comments on Applicant's Response to DFDS' D4 Submissions [REP5-034]**
- 11.1 Paragraph 119 – East Marine Plan Policy PS2 is concerned with static sea surface infrastructure that will encroach upon important navigation routes as identified in Figure 18 of the Plan.
- 11.2 Whilst paragraph 393 of the East Inshore Plan does highlight that there are other areas not indicated on Figure 18 that are important, this would appear to be a statement made in the context of a consideration of the emerging



- detail of Round 3 wind farm zones. The paragraph concludes by making clear that as development plans for Round 3 wind farm zones become clearer, mapping supporting PS2 will be updated.
- 11.3 Irrespective of these matters, the IERRT facility will not result in the provision of sea surface infrastructure that will encroach upon important navigation routes. In any event, the Applicant's assessment of the IEERT facility demonstrates its acceptability in respect of the matters detailed in policy PS2.
- 11.4 Paragraphs 120 – 127 - This is a repetition of the points made at paragraphs 53 – 70 and are covered above.
- 11.5 Paragraph 134 – As previously explained, the Applicant confirms that both simultaneous and sequential construction and operation were considered and that the worst case has been assessed. The Applicant refers to the full explanation as to the scenarios considered which is provided in the Applicant's Response to ISH5 Action Point 24 (document reference 10.2.62).
- 11.6 Paragraph 138 – DFDS assert that the Applicant has "opted out" of responding on Navigational issues. This broad brush assertion fails to reflect that the Applicant has not only responded on Navigation issues at each stage of the process but has also worked proactively with this Stakeholder to try and resolve issues if possible. This is evidenced by the Applicant's responses to Interested Parties navigational risk assessments **[REP6-030]** and **[REP6-031]**, the further navigational simulations undertaken in direct response to Action Points from the hearings, and also the extensive without prejudice discussions with IOT.
- 11.7 Paragraph 139 – The Applicant provided revised draft protective provisions to DFDS on 22 November 2023, and is submitting commentary in support of its suggested amendments at Deadline 7, provided in the Appendix to the Applicant's Response to the Schedule of Changes to the DCO (document reference 10.2.71).
- 12 **Comments on Applicant's Response to IOT's D4 Submissions [REP5-033] and IOT Response to D4 Submissions [REP5-035]**
- 12.1 Paragraph 144 – The Applicant confirms that since ISH3 the Applicant and the IOT Operators have continued to engage in ongoing discussions regarding the risk control measures through a series of meetings in order to establish further the requirements of the IOT Operators. The Applicant has engaged continuously with IOT Operators in an attempt to resolve IOT Operators' outstanding concerns and discuss the proposals. The Applicant has provided responses to IOT Operators comments at Deadline 7 (see the Applicant's Response to IOT Operators' Deadline 6 Submissions (document reference 10.2.66) and the Applicant's Reply to IOT Operators' Letters (document reference 10.2.67)).
- 13 **Response to Examining Authority's Rule 17 dated 27 October 2023 – DFDS Summary of Navigational Simulations [REP6-039]**
- 13.1 The run plan and overall determination of the success of the runs aligns with the Applicant's record. The Applicant's record is provided in **[REP6-035]**. The Applicant however notes the following comments with regard to the summary

provided by DFDS – points 2.6, 9.1, 9.2 & 9.3.2 are all regarding the design vessel. The Applicant's response in relation to the design vessel can be found in the Applicants Written Oral Summary of ISH5 (document reference 10.6.62).

- 13.2 Point 2.8 notes the difference in pontoon arrangement – the Applicant's response to this can be found in ISH5 Action Point 16 (document reference 10.6.62). Point 2.9 with regards to the sensitivity of the Delphine and Jinling was discussed at ISH5 and the Applicant's response can be found in Applicants Written Oral Summary of ISH5 Point 25 (document reference 10.6.62). Point 9.1 notes DFDS' position with regards to not agreeing the tidal data. The Applicant has sought to get the best tidal data possible to ensure robust understanding and model to be developed. The Applicant has gathered data from deployed buoys, local knowledge and has employed expert consultants to achieve this and, therefore, has high confidence in the tidal data. Point 9.3.1 relates to DFDS' position on the independence of the Harbour Master, the response to this can be found in **[REP5-040]**.

## Glossary

Abbreviation / Acronym	Definition
ABP	Associated British Ports
ALARP	As Low As Reasonably Practicable
CHA	Competent Harbour Authority
DCO	Development Consent Order
DFDS	DFDS Seaways Plc
EIA	Environmental Impact Assessment
EMS	European Marine Site
ES	Environmental Statement
Hazid	Hazard Identification
Hazlog	Hazard Log
HES	Humber Estuary Services
HMH	Harbour Master Humber
IERRT	Immingham Eastern Ro-Ro Terminal
IGET	Immingham Green Energy Terminal
Nav Sim	Navigational Simulation
NRA	Navigational Risk Assessment
NSIP	Nationally Significant Infrastructure Project
PA 2008	Planning Act 2008
PINS	Planning Inspectorate
Ro-Ro	Roll-on/roll-off
SHA	Statutory Harbour Authority
SoCG	Statement of Common Ground
SoS	Secretary of State for Transport
UK	United Kingdom