

IMMINGHAM EASTERN RO-RO TERMINAL



Applicant's Response to the ExA's
Third Written Questions

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1 Purpose of this document

- 1.1. The Examining Authority (ExA) issued its Third Written Questions to the Applicant and other Interested Parties on 1 December 2023 **[PD-020]** (“ExQ3”).
- 1.2. A glossary of terms and a list of acronyms can be found in Section 12 of this document.
- 1.3. Th ExA’s questions are set out using an issued-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]**.
- 1.4. 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.
- 1.5. Column 4 of the Tables below provides the Applicant’s response to each question addressed to the Applicant.
- 1.6. Where a question has been addressed through the making of a Deadline 7 submission, a cross-reference to the relevant DL7 submission is provided in the appropriate Table.

2 Broad, General and Cross-Topic

ExQ2	Question to:	Question	Applicant's Response
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>	<p>1) Consideration of vulnerability to major accidents is dealt with in detail in Chapter 18 of the ES [APP-054]. The HSE has indicated that there is no disagreement with the position as reported in Chapter 18 of the ES. The HSE has agreed that, with the agreed restrictions, the vulnerability of the IERRT to major accidents is acceptable.</p> <p>IOT have raised concerns associated with whether IERRT vessels manoeuvring in the vicinity could impact on IOT marine infrastructure, and thus perhaps be increasing a risk that already exists. The HSE has been clear that they do not regard such marine operational hazards as being part of their review of the IERRT 'development' and therefore not within their remit from the permissioning / planning perspective. The HSE has further made clear that it is the responsibility of the IOT operator to consider such hazards as part of their COMAH Safety Report, in the same way that any major hazard site operator is required under COMAH to consider any new developments in their vicinity.</p> <p>The question draws attention to the HSE's role in NSIPs as described in Advice Note Eleven Annex G which states that the Regulation:</p> <p>"...requires (where relevant) an Environmental Statement (ES) to include "a description of the expected significant adverse effects of the development on the environment deriving from the vulnerability of the development to risks of major accidents and/or disasters which are relevant to the project concerned"."</p> <p>The Advice Note then helpfully clarifies precisely what this means:</p> <p>"Two main considerations for HSE are: does the Proposed Development have the potential to cause a major accident (e.g., does the development require a hazardous substances consent, will it be within scope of the Control of Major Accident Hazards (COMAH) Regulations or could the development impact on a COMAH site); and is the Proposed Development vulnerable to potential major accidents (e.g., is it within a consultation zone around a major hazard site or pipeline)."</p> <p>Taking each consideration in turn in consideration of the HSE's stated remit and Advice Note 11:</p> <ul style="list-style-type: none"> i. Does IERRT, the Proposed Development in this case, have the potential to cause a major accident? Answer: No, and more specifically: <ul style="list-style-type: none"> a. Does the development require a hazardous substances consent? Answer: No. This is confirmed in paragraph 18.1.18 of Chapter 18 of the ES [APP-054]. b. Will it be within scope of the Control of Major Accident Hazards (COMAH) Regulations? Answer: No. This is confirmed in paragraph 18.1.18 and Table 18.1 (responses to the UK Health Security Agency and to HSE) of Chapter 18 of the ES [APP-054]. c. Could the development impact on a COMAH site? Answer: No. This is confirmed in paragraphs 18.1.18 and Table 18.1 (responses to the UK Health Security Agency and to HSE) of Chapter 18 of the ES [APP-054].

			<p>d. Is the IERRT vulnerable to potential major accidents (e.g., is it within a consultation zone around a major hazard site or pipeline)? Answer: Yes. This is addressed in section 18.13 of Chapter 18 of the ES [APP-054] and concludes that the assessment reported demonstrates that there will be no effects considered significant resulting from the proposed IERRT development in terms of land use planning or human health.</p> <p>2) The MSMS forms part of a wider port Safety Management System (SMS), the MSMS feeds into this SMS, and any risks identified in the wider port operations will be covered in the appropriate safety management system, whether it be marine or shore-based SMS.</p> <p>The MSMS should not include Societal Risk or be used to identify landside HSE Hazards. This said, it can inform the Societal Risk Assessment and inform COMAH risk and how the COMAH site operator can control and mitigate the risk. The NRA cannot solely provide this, and it is not intended or designed to do so, this is undertaken as laid out above, with the ongoing management of the MSMS underpinned with the formal risk assessment and wider port SMS and associated risk assessments.</p> <p>It is important to note that the HSE does not regulate the maritime, marine, or navigational functions of the port or the terminals therein. COMAH and HSE Societal risk assessment applies to landside regulation and is specific in the context of COMAH site management of the respective safety plan. The use of an NRA to make decisions on COMAH and Public Safety hazard ID and control is therefore completely inappropriate and dangerous as each risk assessment area is unique and carries its own set of requirements and receptors. This is why navigation risk only focuses on navigational matters, while marine risk covers wider marine functions, landside uses land-based assessments, and COMAH sites focus on storage of hazardous substances and impact to public (Societal), as required by law.</p> <p>In short, a risk assessment is only relevant for the area it is assessing, to assess using methods used for another area of risk assessment is inherently dangerous as this would apply incorrect assessment and could lead to neglecting to undertake the correct assessment by using data provided by the wrong process and/or methodology.</p> <p>Within the context of the UK Planning and Marine Licencing, Navigation Risk Assessment (NRA) as part of the Environmental Impact Assessment (EIA) should seek to identify, assess and if necessary, propose mitigations to ensure that the planned development does not have a significant impact on shipping and navigation receptors, in this case the already implemented MSMS and underpinning Formal Risk Assessment (FRA) as outlined in the Port Marine Safety Code (PMSC) achieves this. There is no requirement outlined in port marine guidance from the MCA/DfT or HSE in COMAH, risk assessment, PMSC or the Guide to Good Practice for Port Marine Operations.</p>
BGC.3.02	Applicant	Relationship between operating controls for vessels using the proposed berths and potential effects of congestion	Marine congestion has been assessed as part of the socio-economic assessment in Chapter 16 of the ES [APP-052]. Within this chapter it is explained that whilst there will be an increase in vessel movements on the Humber Estuary and to and from the

	<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>	<p>Port of Immingham during operation, these are not anticipated to impact business operations of other users of the estuary because of the existing well proven processes and procedures that are in place to manage vessel movements. This should also be considered against the fact that vessel movements have reduced over time and are not expected to increase to a higher level as seen in the past. The Applicant therefore refutes the suggestion that the use of tugs will result in less tug availability for other users.</p> <p>As the Statutory Harbour Authority (SHA) for both the Port of Immingham and separately for the wider Humber Estuary, ABP has a legal duty to carefully manage all marine movements to facilitate the safe and efficient functioning of the harbour areas. None of the operational controls for vessels using the proposed IERRT berths (e.g., berthing criteria, use of tugs) will increase congestion at the Port of Immingham. The operational controls identified in the NRA [APP-089] are considered to be in line with other controls already in place for other facilities at the Port.</p> <p>This is consistent with the submissions made during ISH5 by the Harbour Master Humber. The Harbour Master commented that his role is to facilitate all movements safely and efficiently, and the number of movements required with the IERRT in operation is well within previous maximums and within the capability going forwards.</p> <p>The Applicant refers to the commentary and graphic representation of the arrival and departure of vessels throughout a day with challenging met-ocean conditions that is submitted as required by ISH5 Action Point 5 (document reference 10.2.73).</p> <p>Commander Bristowe, on behalf of the Applicant, further supported this in his submissions at ISH5 where he explained that Chapter 5 of the NRA [APP-089] describes the global trend in shipping where vessels are increasing in size with similar tonnages being moved, resulting in fewer port calls. This global trend is also reflected in Immingham and the HMH's submissions to ExQ2 support this.</p> <p>Commander Bristowe explained that there are a team of five 24/7 watchkeepers within the Humber Marine Control Centre of which two are schedulers responsible for managing the planned movements of all vessels across the Humber. For each movement, there is a robust plan and this is implemented by the Vessel Traffic Service (2 VTS Officers and 1 Assistant Harbour Master) with an element of dynamism to make sure the traffic movements are completed safely and efficiently.</p> <p>Further to this, during the accompanied site visit, the Pilotage Operations Manager showed a chart of the approaches and the various stemming positions to the Port of Immingham. The team fully understand the timings of the manoeuvres and the space required. There are points where a vessel owns its space and then a commitment point at which the next vessel can start its manoeuvre. The Applicant is producing a graphical representation in response to ISH5 Action Point 5.</p> <p>To conclude, Chapter 16 of the ES [APP-052] has assessed the impacts that might arise (including in respect of the Changes accepted into Examination by the ExA as assessed in the ES Addendum [AS-070]). The conclusions of this assessment continue to be consistent with the submissions made by the Applicant and the Harbour Master at ISH5 and in its D7 responses.</p>
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3 Compulsory Acquisition, Temporary Possession and Other Land Rights Considerations

ExQ2	Question to:	Question	Applicant's Response
CA.3.01	Applicant	Provide an update on negotiations between Volkswagen Group United Kingdom Limited and the Applicant following Compulsory Acquisition Hearing 1 held on 28 September 2023.	The Applicant can confirm that it is progressing the commercial negotiations with Volkswagen Group United Kingdom Limited (VW) and the parties are making progress towards agreeing alternative arrangements for Volkswagen to take a lease at the Port of Grimsby and therefore vacating their site at the Port of Immingham, in order to facilitate the delivery of IERRT. Heads of Terms are circulation in respect of the proposals which are subject to review by VW's board, at Head Office in Germany. Given the importance of the site to VW it is seeking assurances in respect of the requirements for, and suitability of, the alternative arrangements, which ABP is negotiating with them.
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.	<p>Negotiations with these parties are progressing well. A meeting was held in November to discuss the proposals and their requirements, which included details related to amendments to the proposals brought forward under the changes application request. The parties indicated that they did not envision any issues with the proposed changes, and provided positive feedback on the scheme.</p> <p>Negotiations relating to the necessary property agreements relating to the surrender and grant of rights for the parties is being progressed between the Applicant's solicitors and the respective solicitors for these parties. Heads of Terms have been circulated, as well as drafts of the related proposed agreements for review.</p> <p>The parties have agreed in principle to providing letters of comfort to the ExA confirming the position.</p>
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.	<p>The Applicant can confirm that it is liaising with The Crown Estate Commissioners in relation to obtaining Crown's consent to the inclusion of powers in the DCO relating to Crown land under section 135(2) of the Planning Act 2008. It is understood that The Crown Estate Commissioners should be in a position to issue a consent letter shortly.</p> <p>The Applicant can further confirm that consent under section 135(1) of the Planning Act 2008 is no longer required as the Applicant is no longer seeking to powers to compulsory acquire any interest or rights in/over land owned by the Crown Estate, relating to the interest of Exolum Immingham LTD in former plot number 7 (access track adjacent to pipeline). The Applicant confirms that this will be reflected in updated versions of the Book of Reference [APP-016] and Land Plans Including Crown Land [APP-006] which will be submitted with the updated dDCO [APP-013] at Deadline 8.</p>

4 Climate Change

ExQ2	Question to:	Question	Applicant's Response
		No questions at this time	

5 Draft Development Consent Order (dDCO) [REP5-004/005]

ExQ2	Question to:	Question	Applicant's Response
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>	<p>The two disposal sites in the Humber are already existing licenced disposal sites (HU056 and HU060). The Applicant is only seeking consent in the deemed marine licence to deposit the arisings at those two existing disposal sites, and for the avoidance of any doubt, is not seeking powers for new as yet unlicensed areas to become licenced disposal sites. The two sites are identifiable by the coordinates which were provided to the Applicant for the disposal sites by the MMO. Given that the locations of the already existing licenced disposal sites are established and recognised by the MMO, the Applicant is of the view that reliance on coordinates rather than a plan to identify the sites is sufficiently precise, and should be accepted as it was for the made Port of Tilbury Expansion DCO 2019.</p> <p>Other projects seeking consent for offshore wind farm DCOs involved establishing new dredge disposal sites as part of the overall project for which consent was sought, and therefore identified the location of the proposed sites on the Location Plans and Land Plans (Thanet Extension Offshore Wind Farm, Hornsea Offshore Wind Farm (projects 1 to 4) and East Anglia Offshore Wind Farm (One to Three)). By contrast, in this case, the Application is not establishing new dredge disposal sites but seeking to instead make use of pre-existing, licenced sites. This follows the approach that was taken in respect of the Port of Tilbury Expansion DCO 2019, which also used a pre-existing dredge disposal site (which had been in use since 1984).</p> <p>In the light of the above the Applicant has not included the locations for the dredging disposal sites that are proposed to be used on the Location Plan and in the Land Plans.</p> <p>For the avoidance of any doubt, the Disposal sites are, for reference, shown on the Nature Conservation Plans (Application Document Reference 2.4) on two plans entitled:</p> <ul style="list-style-type: none"> - Marine Designated Conservation Sites; and - WFD Water Bodies.
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>	<p>Following ISH6, the Applicant has agreed to subdividing the CEMP into marine and onshore oCEMPs (see response to ISH6 Action Points 4,5 and 6 provided at (document reference 10.2.63). The marine oCEMP will be submitted by the Applicant no later than 15 December 2023 and further clarification will be given in Table 3.4.</p> <p>The note prepared jointly by the Applicant and HMH provided in response to ISH5 Action Point 6 (document reference 10.2.62) (which is submitted on behalf of HMH) provides a further explanation of the responsibilities of the SCNA and the SHA for the Port of Immingham.</p>

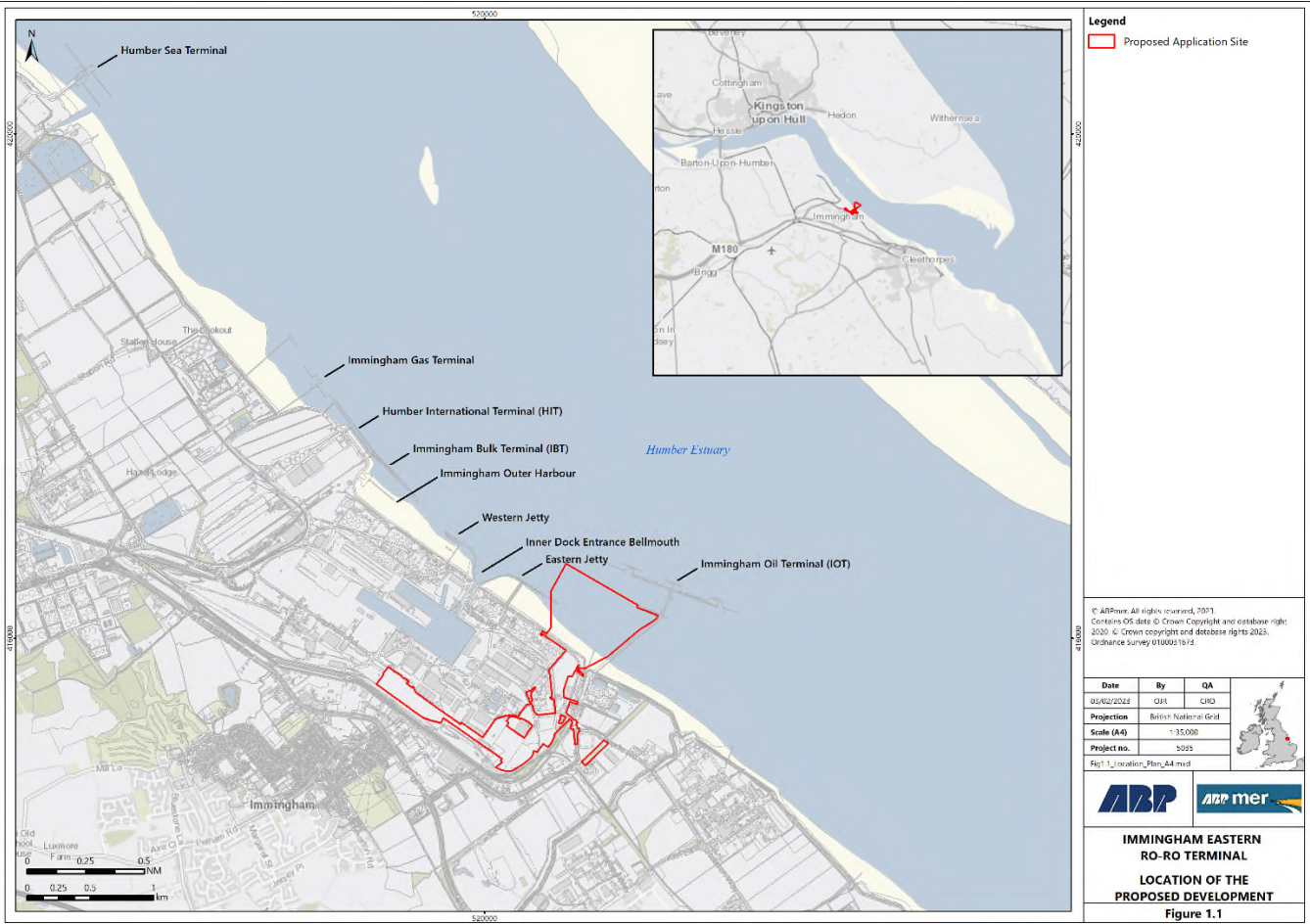
DCO.3.03	Applicant	<p>Schedule 2 Part 2 Paragraph 22 (Procedure for the discharge of requirements)</p> <p>1) Provide a full answer to ExQ2 DCO.2.06 [PD-013].</p> <p>2) Confirm response to DFDS [RR-008, para 7.20] regarding claim that Schedule 2, Part 2, should allow for documents relating to appeals to be required to be disclosed to “interested parties” as well as to the discharging authority.</p>	<p>1) In respect of DCO.2.06:</p> <p>a) In respect of a), the Applicant confirms that paragraph 19(b) in its entirety will be deleted from the updated DCO to be submitted at Deadline 8;</p> <p>b) In respect of (b), the Applicant confirms that paragraph 20(3) will be amended to only refer to the onshore works in the updated DCO to be submitted at Deadline 8; and</p> <p>c) In respect of (c), the Applicant confirms that paragraph 22(1)(b) will be deleted in the updated DCO to be submitted at Deadline 8.</p> <p>2) The Applicant's does not consider it is necessary to appropriate for documents relating to appeals to be disclosed to “interested parties” as well as to the discharging authority. The appeal process detailed in paragraph 22 of Schedule 2 of the dDCO is fairly standard and the Applicant is not aware of any precedent where “interested parties” are required to be served with appeal documents.</p>
DCO.3.04	Applicant	<p>Schedule 3 – Part 1 General, Interpretation</p> <p>Confirm that all coordinates given have been verified.</p>	All coordinates in Schedule 3 – Part 2 General, Interpretation have been verified.
DCO.3.05	Applicant	<p>Schedule 3 – Deemed Marine Licence (dML) and written scheme of archaeological investigation</p> <p>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?</p> <p>2) Should Conditions 10 and 13 be combined, given that the latter is the implementation clause for the former?</p>	<p>1) The Applicant confirms that the marine written scheme of investigation submitted with the application [APP-107] is a draft WSI and that a final version will need to be submitted in due course. The Applicant will amend the drafting of the DML to reflect this in the dDCO to be submitted at Deadline 8.</p> <p>2) The Applicant confirms that it will combine conditions 10 and 13 to: (i) refer to a final version of the marine WSI to be submitted and approved by the MMO; and (ii) to require implementation of the licensed activities in accordance with such approved details, in the updated version of the dDCO to be submitted at Deadline 8.</p>
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>	<p>Following ISH6, the Applicant has agreed to subdividing the CEMP into marine and onshore oCEMPs.</p> <p>The Applicant notes that the revised Examination Timetable [PD-021] now requires the final version of the DCO to be submitted by Deadline 8 (8 January 2023). Accordingly, the Applicant will review the wording of Condition 11 and any other relevant parts of the DML and will update them, as necessary, in the final version of the DCO to be submitted at Deadline 8.</p>
DCO.3.07	Applicant and MMO	<p>Schedule 3 – DML Condition 12 (piling)</p> <p>1) With respect to sub-paragraph (5), should the wording be revised so that it less discursive and more prescriptive?</p> <p>2) With respect to sub-paragraph (8)(a) is there any missing text or a need for a sense check?</p>	<p>With respect to sub-paragraph (5), vibro-piling will be used to drive the piles until the pile cannot be driven further into the ground using this technique (i.e., until the point of refusal). At that point, percussive piling will need to be used to complete the pile driving to the required depth. The amount of vibro-piling that will take place during the piling activities is dependant on pile size and depth, as well as the ground conditions the piles will be driven into. On that basis, more prescriptive wording cannot be used.</p> <p>However, in any case, vibro-piling techniques will be used as much as is feasibly possible during construction (not only to reduce underwater noise, but also because it is a simpler and more practical method of piling from an engineering perspective in loose to medium-dense soils).</p>

			With respect to sub-paragraph (8)(a), a sense check has been undertaken and the condition will be revised in the updated version of the dDCO to be submitted at Deadline 8.
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6 Historic Environment including Marine Archaeology

ExQ2	Question to:	Question	Applicant's Response
		No questions at this time	

7 Biodiversity, Ecology and Natural Environment

ExQ2	Question to:	Question	Applicant's Response
BNE.3.01	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.	<p>An updated version of Image NTS1 is provided below:</p>  <p>An updated version of the Environmental Statement Non-Technical Summary [APP-035] in which Figure 1.1 has been replaced with the above version of Image NTS1 is submitted at Deadline 7.</p>
		<p><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></p>	<p>The Applicant has provided a response to the questions arising from the RIES (document reference 10.2.70) at Deadline 7.</p>

8 Navigation and Shipping

ExQ2	Question to:	Question	Applicant's Response
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>	<p>The Applicant confirms that powers are delegated by the HASB, which is responsible for appointing Harbour Masters and Dock Masters across ABP ports. Under Section 51 of the Harbours Docks and Piers Clauses Act 1847, the operational responsibilities and delegated powers of the Harbour Master are assigned to properly trained people. The HASB reviews the list of those with delegated powers. The Port of Immingham MSMS explains that all ports should keep a list of those with delegated powers. In practice, in relation to the safe management and operation of the marine activities at the port such delegated powers are exercised by the appropriately trained key personnel on a day to day basis.</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>	<p>The Applicant has provided as an at Appendix 5 to the HASB paper (document reference 10.2.74) including the accompanying reports, and a copy of the minutes of the 28 November 2023 meeting.</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> <p>a) the use of simulation and on-the-water operational trials;</p> <p>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</p> <p>c) what mitigation of any adverse impact to other operators during the training and familiarisation period might be put in place.</p>	

9 Socio-Economic

ExQ2	Question to:	Question	Applicant's Response
		No questions at this time	

10 Terrestrial Transport and Traffic

ExQ2	Question to:	Question	Applicant's Response
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. 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>	<p>The Applicant does not agree the use of either 19% or 36% solo tractor ratio for the reasons set out in [REP1-009] and repeated at Section 5 of [REP5-027]. The data provided at [REP5-041] in particular is challenged by the Applicant. A particular anomaly appears in the data from 2022 and 2023, when the overall Stena throughput at Killingholme reduced significantly to the single RoPax service now in operation. This has a higher proportion of accompanied freight and therefore the solo ratio would have been expected to reduce not increase.</p> <p>That said, the sensitivity tests have been prepared (and are being submitted at Deadline 7 as part of the Applicant's Addendum to the TA (document reference 8.4.17(a)1) as required by ISH5 Action Point 26 and these adopt a 36% solo tractor ratio. The results confirm the position in [REP5-027] that this has no material impact on the outcome of the Transport Assessment.</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>	<p>The assessment of highway safety in the Transport Assessment [AS-008] considered the base-line highway safety record and confirmed there were no highway safety issues that needed to be considered as a result of the development. The updated assessments confirm there is no impact in relation to either highway or operational impacts which need mitigation as a result of the IERRT development. This position is agreed with North East Lincolnshire Council.</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. How does the Applicant intend that such a daily cap would be implemented?</p>	<p>An Operational Freight Management Plan has been prepared by the Applicant and is submitted alongside this response at Deadline 7 (document reference 10.2.76). The Plan includes the cap of 1,800 units per day and a method of monitoring throughput so that it can be reviewed and enforced as appropriate.</p>
TT.3.04	Applicant and any other IPs	<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>	<p>The PIANC Report is not a publicly available document. It is restricted due to copyright. The copyright owner has reserved all rights to the work, and as such the Applicant cannot submit a copy of the report or indeed the relevant extract from the report without their explicit consent as the limited exceptions which allow reproduction and publication without explicit consent do not apply in these circumstances.</p> <p>The Applicant has sought consent from PIANC to release relevant elements of the document into the examination. As at Deadline 7 the permission to release the relevant extracts has not formally been provided, however, the indications are that this consent will be given imminently, and when it is the Applicant will submit the information released to the ExA.</p>

11 Water Environment, Flood Risk and Drainage

ExQ3	Question to:	Question	Applicant's Response
		No questions at this time	

12 Glossary and List of Acronyms

ABP	Associated British Ports
ADM	Assistant Dock Master
AEoI	Adverse Effect on Integrity
ALARP	As Low As Reasonably Practicable
AOD	Above Ordnance Datum
BoR	Book of Reference
CA	Compulsory Acquisition
CEMP	Construction Environmental Management Plan
CLdN	CLdN Ports Killingholme Limited
COMAH	Control of Major Accident Hazard
CoPA1974	Control of Pollution Act 1974
CTMP	Construction Traffic Management Plan
dDCO	Draft Development Consent Order
DFDS	DFDS Seaways Limited
DML	Deemed Marine Licence
DP	Designated Person
EIA	Environmental Impact Assessment
EM	Explanatory Memorandum
ES	Environmental Statement
ExA	Examining Authority
FRA	Flood Risk Assessment
FSA	Formal Safety Assessment
GtGP	Guide to Good Practice on Port Marine Operations (MCA)
HASB	Harbour and Safety Board
HE	Historic England
HESMEP	Humber Estuary Serious Marine Emergency Plan
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)
IMO	International Maritime Organisation
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)
LIR	Local Impact Report
LPA	Local Planning Authority
MAIB	Marine Accident Investigation Branch
MarNIS/MARNIS	ABP's Port Assessment Toolkit for operational risk management, accident/incident reporting and data management
MCA	Maritime and Coastguard Agency
MGN	Marine Guidance Note
MHW	Mean High Water
MLW	Mean Low Water
MLWS	Mean Low Water Springs
MMO	Marine Management Organisation
MPS	Marine Policy Statement

(M)SMS	(Marine Safety) Management System
NavSim	Navigational (and Pilotage) Simulation
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
OREI	Offshore Renewable Energy Installation(s)
PA2008	The Planning Act 2008
PEC	Pilotage Exemption Certificate
PINS	Planning Inspectorate
PMSC	Port Marine Safety Code
PP	Protective Provision
PTS	Permanent Threshold Shift
Ro-Ro	Roll on Roll off
RR	Relevant Representation
SAC	Humber Estuary Special Area of Conservation
SFAIRP	So Far As Is Reasonably Practicable
SHA	Statutory Harbour Authority
SLBV	Stena Line BV
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
TH	Corporation of Trinity House of Deptford Strond
WR	Written Representation