



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

The Examining Authority's further written questions and requests for information (ExQ4)

Issued on 22 December 2023

The following table sets out the Examining Authority's (ExA's) further written questions and requests for information – ExQ4.

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 4 (indicating that it is from ExQ4) and then a question number. For example, the first question on Navigation and Shipping issues is identified as NS.4.01. 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.



Responses are due by Deadline 8, 8 January 2024

Abbreviations used:

ABP	Associated British Ports
ABPMer	ABP Marine Environmental Research Ltd
AEoI	Adverse Effect on Integrity
CA	Compulsory Acquisition
CEMP	Construction Environmental Management Plan
CLdN	CLdN Ports Killingholme Limited
COMAH	Control of Major Accident Hazard
CTMP	Construction Traffic Management Plan
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
FMP	Freight Management Plan
HASB	Harbour Authority and Safety Board
HOTT	Humber Oil Terminals Trustees Limited
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
PPs	Protective Provisions
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
VTS	Humber Vessel Traffic Service
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.4.01' refers to Broad, General and Cross-topic in ExQ4, question 1 in this table.



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	Question to:	Question
BGC Broad, General and Cross-topic+ questions		
BGC.4.01	Harbour Master Humber	<p>Submission of legislation etc</p> <p>Submit copies of:</p> <p>a) The British Transport Docks Act 1972 (the 1972 Act); and</p> <p>b) Immingham Dock Bye-laws 1929.</p>
BGC.4.02	IOT Operators	<p>Part 12 of the Energy Act 2023</p> <p>Submit a copy of Part 12 of the Energy Act 2023, as referred to by you in [REP7-069].</p>
BGC.4.03	Applicant	<p>Part 12 of the Energy Act 2023</p> <p>Comment on IOT Operators' submissions in [REP7-069] with respect to the provisions of Part 12 of the Energy Act 2023, notwithstanding that part of the Act is not currently in force.</p>
BGC.4.04	Applicant and Stena Line	<p>Meaning of 80% efficient throughput for the Proposed Development</p> <p>Explain what 80% efficient throughput, as referred to by the Applicant in for example in [REP2-009] and [REP2-010], would mean in practical terms by reference to the number of daily sailings and the number of units conveyed per sailing.</p> <p>(The Applicant and Stena Line should answer this question independently of one another)</p>
BGC.4.05	Applicant and Stena Line	<p>Daily unit handling capacity for the proposed berths</p> <p>Further to the submission of Stena Line's response to Action Point 8 arising from Issue Specific Hearing (ISH) 5, as included in Appendix 1 to the Applicant's post ISH5 submissions [REP7-020], clarify what the daily unit handling capacity would be for the proposed berths. The clarification(s) provided by the Applicant and/or Stena Line should include any worked calculations, as necessary, and identify how the 80% efficient throughput factor, referred to by the Applicant for example in [REP2-009 and REP2-010] has been applied.</p> <p>In seeking clarification about this matter, the ExA notes that Stena Line in responding to ISH5 Action Point 8 has advised that the Stena T Class vessel has a lane length of 3,700 metres and a maximum unit capacity of 237 units (based on a unit occupying 15.6 metres), while a Design Vessel accommodating 6,000 lane metres would have a maximum capacity of 428 units (based on a unit occupying 14 metres). It appears that with three daily arrivals and departures if Design Vessels were used exclusively the daily</p>

	Question to:	Question
		number of units handled by the Proposed Development could significantly exceed a daily limit of 1,800 units, with or without the application of an 80% efficient throughput factor.
BGC.4.06	Applicant	<p>Risk assessment related to potential impact <u>for</u> adjacent Control of Major Accident Hazards (COMAH) site</p> <p>Justify the answer given to BGC.3.01 [REP7-022] “<i>Could the development impact on a COMAH site?</i>” in which the Applicant states: <i>Answer: No. This is confirmed in paragraphs 18.1.18 and Table 18.1 ... of Chapter 18 of the ES [APP-054]</i>”, having regard to evidence presented to the Examination that operation of the Proposed Development could impact on the safety of <u>marine operations</u> of an adjacent COMAH site, and that it appears to the ExA that paragraph 18.18 of [APP-054] does not assess the impact to a COMAH site and while Table 18.1 asserts “<i>There is no requirement to undertake risk assessments based on Advice Note Eleven, Annex G ...</i>”, that Annex G refers to the “<i>...Health and Safety at Work Regulations requirement to prepare a suitable and sufficient risk assessment for proposed activities</i>”.</p>
BGC.4.07	Applicant	<p>Technical Authority Marine role title</p> <p>The Supplementary Navigation Information Report [REP7-030] references “Group Technical Marine Advisor” whereas [REP1-014 para 10.30] and [REP3-017 section 1.5] both reference “Group Technical Authority Marine”. Confirm if this is the same role and if so, what is the office holder title that the ExA should use in its recommendation report.</p>
BGC.4.08	Applicant	<p>Tug availability</p> <p>In responding to ExQ3 BGC.3.02 [REP7-022] you have commented in the context of reducing vessel movements on the Humber that you refute “<i>... the suggestion that the use of tugs will result in less tug availability for other users</i>”. If the trend towards reducing vessels movements was to continue what certainty can be provided that the tug operators would not reduce their fleets to reflect a falling level of demand for their services?</p>
CA Compulsory Acquisition, Temporary Possession and other Land Rights Considerations (CA etc)		
CA.4.01	Applicant	<p>Updates with respect to any outstanding CA etc negotiations</p> <p>The Applicant must provide updates at Deadline 8 relating to any outstanding compulsory acquisition etc negotiations. In providing those updates the Applicant must confirm when any heads of terms and/or letters of comfort from affected persons will be submitted as Examination documents given that the Examination will close no later than 25 January 2024.</p>

	Question to:	Question
CA.4.02	Applicant	<p>Update with respect to the negotiations with the Crown Estate</p> <p>Further the Applicant's response to ExQ CA.3.03 [REP7-022] the Applicant must provide an update at Deadline 8 as to when the Crown Estate Commissioner's written consent pursuant to section 135(2) of the PA2008 is expected to be issued. The Applicant is reminded that for the ExA to be in the position to take account of any written consent that may be issued by the Crown Estate Commissioners that notification must be submitted prior to the close of the Examination, which will be no later than 25 January 2024.</p>
CC Climate Change		
		No questions at this time.
DCO Draft Development Consent Order (dDCO)		
DCO.4.01	Applicant	<p>Article 33, Requirement 15(a) and Schedule 3 Paragraph 11 Outline Offshore Construction Environment Management Plan (CEMP)</p> <p>Why is an Archaeological Written Scheme of Investigation (WSI) not included in Table 1.1 of the Outline Offshore CEMP [AS-077] as a plan to be developed and discharged? Why is the draft WSI not Appended to the outline Offshore CEMP and why is there no reference to overlapping responsibilities for the intertidal zone between the Marine Management Organisation and the Council, for example in [paragraph 1.1.3 of AS-077]?</p>
DCO.4.02	Applicant	<p>Requirement 10 noise insulation</p> <p>With respect to the intended operation of Requirement 10, the ExA notes the Applicant's response to the ExA's enquiry [PD-019] about this requirement provided in [REP7-029], most notably that noise insulation measures have already been offered to residents of Queens Road. To assist the ExA's understanding of the intended operation of Requirement 10, the Applicant should confirm what noise levels the insulation measures have been designed to attain within the interiors of the affected residential properties during the daytime and night-time periods.</p>

	Question to:	Question
DCO.4.03	Applicant	Requirement 12 (East Gate Improvements) In responding to the ExA's schedule of proposed changes to the dDCO [REP7-029] the Applicant has queried the ExA's deletion of "... <i>to the satisfaction of the Council</i> " in sub-paragraph (b). The ExA considers that phrase to be imprecise and unnecessary given that the design and implementation of the works affecting the public highway would be subject to the approval mechanism appertaining to section 278 of the Highways Act 1980. The ExA remains of the view that the above-mentioned phrase should be deleted from sub-paragraph (b). Should the Applicant not agree to making that deletion it should provide its reasoning.

<p>DCO.4.04</p>	<p>Applicant and the Harbour Master Humber (HMH)</p>	<p>ExA’s suggested Requirement 18A or incorporation of the Revised Navigational Risk Assessment (NRA) and NRA Addendum into the dDCO</p> <p>The ExA is mindful of the HMH’s ‘in principle’ objection stated in [REP7-061] to the suggested Grampian Requirement 18A and notes HMH’s alternative wording for Requirement 18A should the Secretary of State conclude such a requirement should be included in any made DCO. The ExA also notes the Applicant’s support for HMH’s position, as expressed in [REP7-029].</p> <p>Notwithstanding the submissions made by the HMH and the Applicant, the ExA remains of the view that in the interests of navigational safety any made DCO for the Proposed Development should secure initial operational limits for the proposed berths and that need not be incompatible with the exercising of the HMH’s statutory duties. That said, the ExA recognises that a requirement based on the HMH’s alternative wording may be more appropriate, albeit whichever form of wording might be used would engage the provisions of section 145 (Harbours) of the Planning Act 2008 (PA2008). The ExA considers that the only appropriate alternative to the inclusion of a requirement along the lines of R18A would be the incorporation of the updated NRA [REP7-011] and Supplementary Navigation Information Report [REP7-030], as a means of setting a baseline for the operation of the proposed berths, via a specific requirement within any made DCO. Such an incorporation of the NRA via a specific requirement would be something which the Applicant appeared to support when it originally submitted its application, and for which there is precedent, for example Requirement 11 of each of the made Tilbury 2 DCO [AS-039] and Lake Lothing DCO [AS-040].</p> <p>The Applicant and the HMH are therefore requested to:</p> <p>a) Comment on the following revised wording for recommended additional Requirement 18A:</p> <p><i>(1) The undertaker may must not commence marine commercial operations until the Statutory Conservancy and Navigation Authority has published guidance setting out a written statement of safe operating procedures for arrival at and departure from the authorised development for particular vessels and/or classes of vessels.</i></p> <p><i>(2) The Statutory Conservancy and Harbour Authority must not publish the guidance written statement referred to in sub-paragraph (1) unless it has first consulted with the dockmaster dock master for the Port of Immingham and the IOT Operators, as defined in Part 4 of Schedule 4, and</i></p>
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	Question to:	Question
		<p><i>has had due regard to their representations.</i></p> <p><i>(3) The undertaker must operate the authorised development only in accordance with the guidance written statement referred to in sub-paragraph (1) as may be amended and re-published from time to time.</i></p> <p>b) Clarify whether publication of “safe operating procedures” as referenced in the wording above would be by the Statutory Conservancy and Navigation Authority (SCNA) alone or by SCNA <u>and</u> the Statutory Harbour Authority (SHA) for the Port of Immingham.</p> <p>c) Advise whether the SHA Humber and/or SHA Port of Immingham would be prepared to give written consent to Requirement 18A being included in any made DCO for the Proposed Development.</p> <p>d) Comment, as an alternative to Requirement 18A being included in any made DCO for the Proposed Development, on the incorporation of the updated NRA and Supplementary Navigation Information Report into any made DCO, via the following recommended wording for an additional requirement (named by the ExA at this stage as 18B simply for identification purposes), as follows:</p> <p>Requirement 18B</p> <p><i>The authorised development must be constructed and operated in accordance with the “applied controls” described in the Updated Navigation Risk Assessment and the Supplementary Navigation Information Report listed in Schedule 6.</i></p>

	Question to:	Question
DCO.4.05	Applicant and HMH	<p>Requirement 18 Impact Protection Measures (IPM) and right of appeal under paragraphs 19 and 22</p> <p>In relation to the concerns about the ExA's recommended changes to Requirement 18 voiced by the HMH and the Applicant, the parties are reminded that one of the purposes of the Nationally Significant Infrastructure Projects' regime is to reduce the need to obtain several separate consents prior to an infrastructure project's delivery.</p> <p>a) For the Applicant - The ExA is mindful of the HMH's in-principle objection to the inclusion of a power of direction, as opposed to recommendation, within Requirement 18 [REP7-061], a position that the Applicant has expressed support for in [REP7-029], but in the event of the ExA being minded to recommend to the Secretary of State that a power of direction be included in Requirement 18, would the Applicant be content if no right of appeal to the Secretary of State were made available to the undertaker?</p> <p>b) For the Applicant and HMH – In the event of a power of direction being included in Requirement 18 without right of appeal, would the inclusion of a power of direction engage section 145 of the PA2008?</p> <p>c) For the Applicant – Justify the inclusion of the dock master in Requirement 18 in the version of the dDCO that accompanied the Applicant's Change Request [AS-053].</p>
DCO.4.06	Applicant, HMH and IOT	<p>Requirement 18: potential amendment to construct Finger Pier IPM prior to commencement of construction of the proposed berths</p> <p>As a prerequisite to minimising impedance to IOT operations and/or safety risks related to construction activity, if a DCO were to be made, should Requirement 18 be amended to require IPM for the Immingham Oil Terminal Finger Pier be constructed prior to the capital dredge and commencement of construction of the proposed IERRT berths?</p>
DCO.4.07	Applicant and HMH	<p>Need for Protective Protections (PPs) in favour of the Statutory Conservancy and Navigation Authority (SCNA)</p> <p>Paragraph 32 of the <i>“Joint Note – Separation of functions”</i> (the functions note) [REP7-066], states:</p> <p><i>“Historically, Harbour Orders do not treat an applicant's harbour masters as separate bodies requiring protective provisions in legislation authorising further port infrastructure, and there is no reason for this DCO to do so. On the other hand, the protective provisions in the DCO provide a streamlined approvals process for works in the Humber that would – but for the disapplication of Section 9 of the</i></p>

	Question to:	Question
		<p><i>1899 Act - be subject to licensing by the SCNA.”</i></p> <p>Explain the rationale for the inclusion of PPs in favour of the SCNA in the dDCO [REP6-003]. In the light of what has been stated at paragraph 32 of the joint note [REP7-066] and the HMH’s view that a made DCO should not include powers routinely available to the HMH (in the capacity of the SCNA), is there an inconsistency of approach with Part 1 of Schedule 4 of the dDCO having been included as a means of disapplying/streamlining the licensing of works by the SCNA?</p>
DCO.4.08	Applicant	<p>Protective Provisions (PPs) in favour of the Humber Oil Terminals Trustees Limited (HOTT)</p> <p>a) Would IOT vessels be prioritised over Proposed Development traffic, and if not, why not?</p> <p>b) Would a protective provision requiring impact protection measures for either or both of the IOT Finger Pier and the Trunkway be compatible with Requirement 18?</p>
DCO.4.09	Applicant and DFDS	<p>PPs in favour of DFDS</p> <p>In light of the submissions made by the Applicant about PPs in favour of DFDS, as included in [REP7-029]:</p> <p>a) For the Applicant – In summary form, identify the existing licence/lease arrangements that you consider would safeguard DFDS’ interests when any of the proposed berths became operational, in the event of a DCO being made.</p> <p>b) For DFDS – Explain why it is considered PPs relating to the operational phase for the Proposed Development would be necessary rather than relying on the provisions of any existing licence/lease arrangements.</p>

	Question to:	Question
DCO.4.10	Applicant and CLdN	<p>PPs in favour of CLdN</p> <p>The ExA notes that the Applicant considers that the PPs sought by CLdN, most particularly paragraph 127 “<i>Application</i>” should not apply to the operational phase of the Proposed Development, with the movement of vessels being under the control of the Humber Vessel Traffic Service (VTS) [AS-078]. It appears to the ExA that what CLdN is seeking to achieve via the inclusion of the Proposed Development’s operational phase within paragraph 127 would be the maintenance of the status quo for (non-interference with) the movement of shipping to and from the Port of Killingholme rather than seek to gain a competitive advantage over operations at the Port of Immingham.</p> <p>a) For CLdN – Is the ExA correctly characterising your representation that the operational phase for the Proposed Development should be included in the PPs? If not, explain why not.</p> <p>b) For the Applicant – if the proposition is correct that VTS would be able to manage the passage of vessels so that there would be no interference with the movement of shipping to and from the Port of Killingholme, what disadvantage to the undertaker would there be if the PPs sought by CLdN were to apply to the operational phase (ie the use of any of the Proposed Development’s berths)?</p>
DCO.4.11	Applicant	<p>Other Protective Provisions</p> <p>The Applicant at Deadline 8 should provide an update on the position with respect to negotiations concerning any other Protective Provisions not subject to questions above.</p>
LHE Historic Environment including Marine Archaeology		
		No questions at this time; see question in DCO section regarding the WSI and the Offshore CEMP.
BNE Biodiversity, Ecology and Natural Environment		
BNE4.01	Natural England (NE)	<p>In-combination assessment in the Applicant’s updated Habitats Regulation Assessment (HRA) report</p> <p>Following the changes to Tables 3, 4 and 5 in the HRA Report [REP7-014] to incorporate an in-combination assessment, does NE consider that sufficient information has been provided by the Applicant to conclude no likely significant effects in-combination? If NE considers insufficient information has been provided explain why that is the case.</p>

	Question to:	Question
BNE4.02	Marine Management Organisation (MMO)	<p>Responding to the Report on the Implications for European sites (RIES)</p> <p>The MMO must respond to questions 4, 14, 20 and 27 of the RIES [PD-018]. The ExA note that the MMO has addressed issues relating to the vibro piling campaign in REP7-037, however confirmation is required in relation to whether the information and mitigation set out in the HRA Report is sufficiently robust to support the Applicant's conclusion that there will be no adverse effects on integrity (AEol).</p>
BNE4.03	Applicant	<p>Mitigation outlined under key issue 7 of NE's written representation</p> <p>The Applicant is requested to consider the mitigation outlined in the points under key issue 7 of NE's submission [REP6-048] and advise if it intends to deliver the mitigation. If not, explain why that is the case.</p>
BNE4.04	Applicant	<p>Information to assess potential derogations under the Habitats Regulations</p> <p>In the event that the Competent Authority does not agree with the Applicant's conclusions that the Proposed Development would have no AEol on the Humber Estuary Special Area for Conservation (SAC), Special Protection Area (SPA) and Ramsar site, arising from:</p> <ol style="list-style-type: none"> the loss of intertidal habitat, in combination with other plans and projects; the loss of subtidal habitat, in combination with other plans and projects; and changes to qualifying habitats as result of the removal of seabed material during capital dredging, in combination with other plans and projects, <p>the Applicant is requested to provide (on a without prejudice basis) such information as may reasonably be required to assess potential derogations under the Habitats Regulations.</p>
BNE4.05	NE	<p>Updated in-combination assessment in the Applicant's HRA report</p> <p>Following the updates to the in-combination assessment (Tables 37, 38, 39) of the HRA Report [REP7-014] is NE content with the Applicant's conclusions of no AEol for the following impact pathways in combination with other plans and projects:</p> <ol style="list-style-type: none"> direct intertidal habitat loss direct subtidal habitat loss subtidal habitat change as result of the removal of seabed material during capital dredging?

	Question to:	Question
		Should NE not be content with any of the Applications conclusions of no AEoI for the above listed pathways, it should explain why that is the case.
BNE4.06	Applicant	<p>Quantifying the in-combination noise levels from the Proposed Development and the proposed Immingham Green Energy Terminal (IGET)</p> <p>Quantify the in-combination noise levels for the Proposed Development and the proposed IGET to justify your conclusions in Tables 37 and 39 of the HRA Report [REP7-014].</p>
BNE4.07	Applicant	<p>In-combination assessment for all relevant pathways on The Wash and North Norfolk Coast SAC</p> <p>The HRA Report [REP7-014] does not include an in-combination assessment for all relevant pathways on the qualifying feature of The Wash and North Norfolk Coast SAC. The applicant should provide this.</p>
BNE4.08	NE	<p>Justification for proposed 300 metre disturbance distance in relation to SPA and Ramsar birds</p> <p>At paragraph 1 of key issue 7 in REP7-038, it is stated that NE is not content with the assessment of noise and visual disturbance effects on SPA and Ramsar birds during construction and it has been suggested that a 200 metre disturbance distance would not sufficient. Instead a precautionary distance of 300 metres from the noise source has be recommended. Given the justification of 200 metres provided by the Applicant in section 4.10 and Table 28 of the HRA Report [REP7-014], NE should provide a rationale as to why 300 metres has specifically been recommended?</p>
BNE4.09	NE	<p>Construction-related airborne noise and visual disturbance for birds roosting on structures in the intertidal zone</p> <p>NE should confirm whether the HRA Report [REP7-014] adequately considers airborne noise and visual disturbance impacts from construction on birds roosting on structures in the intertidal zone? If not, NE should identify any further mitigation measures that would be required to safeguard roosting birds during the construction phase.</p>
BNE4.10	Applicant	<p>Agreement for a piling reporting protocol</p> <p>Paragraph 5.1.13 of the MMOs response [REP7-037] requests the identification action of what action would be taken following any instances where the Undertaker had carried out prolonged periods of piling over multiple days during the restricted time periods. The Applicant should identify what action the Undertaker would take following prolonged periods of piling during the restricted time period.</p>

	Question to:	Question
BNE4.11	Applicant	<p>Quantitative assessment of operational effects for air quality in combination with all other projects</p> <p>The HRA Report [REP7-014] should be revised to provide a quantitative assessment of operational effects for air quality in combination with all other projects. That would provide evidence to support the Table 37 conclusions in the HRA Report.</p>
BNE4.12	NE	<p>In-combination air quality effects</p> <p>NE should confirm whether it agrees to there being no AEoI arising from in-combination air quality effects presented in section 4.14 of the HRA Report [REP7-014]? If NE does not agree to there being no AEoI it should explain why that would be the case.</p>

		Question to:	Question
NS	Navigation & Shipping		
NS.4.01	Applicant		<p>Design standards for the impact protection measures (IPM) for the Immingham Oil Terminal</p> <p>Confirm the maximum impact speed and forces the IPM for the Trunkway (for piles with a diameter of 1,422 millimetres (mm) as originally proposed and piles with a diameter of 1,520mm) and the Finger Pier respectively have been designed to withstand. In responding to this question, the Applicant should identify any variations in the performance of the IPM relative to vessels of different dimensions (length, beam and displacement etc), ie the Stena T Class, the “Design Vessel” and any other pre-existing vessel type that Stena Line might utilise at the Proposed Development prior to a vessel, sharing the characteristics of the Design Vessel, becoming available for operation.</p>
NS.4.02	Applicant		<p>Displacement of the “Design Vessel”</p> <p>In the context of IOT Operators’ submissions with respect to the “Rochdale Envelope” in paragraphs 51 to 62 of [REP7-069] and paragraph 1.6 of Appendix 7 in [REP7-070], advise on (or signpost amongst the application documents or Examination submissions) what the approximate displacement for the “Design Vessel” would be compared with the “Jinling” and the Stena “T-class” vessels.</p>
NS.4.03	Applicant		<p>Vessel Displacement</p> <p>With regard to Rochdale Envelope considerations, comment on how differences in displacement can affect the windage and handling characteristics for vessels of similar length, beam and draught.</p>
NS.4.04	Applicant and IOT		<p>Likely extent of “impedance” to IOT Operations</p> <p>Provide detail of any assessment that has been carried out for the “degree of impedance” to operations at the IOT Finger Pier [paragraph 1.10 in REP7-070] that could be caused by the presence of the Proposed Development across a range of met-ocean conditions, signposting relevant parts of the application from which assumptions are drawn, and what implications any impedance might have for the shipping of oil products having regard to the Energy Act 2023 and any relevant policy or guidance. This matter should be incorporated into a final and signed Statement of Common Ground (SoCG) between the parties.</p>
NS.4.05	IOT		<p>Relevance of closure of an oil products facility in Scotland</p> <p>At the November hearings reference was made to the closure of an oil products facility in Scotland. Please provide further information of the closure of that facility and comment on any relevance that closure would have with respect to the need for and the operation of the IOT.</p>

	Question to:	Question
NS.4.06	IOT Operators	<p>Outline Offshore CEMP tanker berthing protocols and liaison</p> <p>Are you content with the drafting of the Outline Offshore CEMP pages 29 and 31 with regard to liaison and tanker berthing protocols respectively; and if not, why not?</p>
NS.4.07	Applicant	<p>Possible adverse effects to tanker operations at IOT Berth 8</p> <p>How might the IOT Operators' concerns in [paragraphs 51 to 60 and paragraphs 65 to 76 in REP7-069] relating to the reasonably likely worst-case magnitude of adverse effects for tanker operations to and from the IOT Finger Pier arising from the proximity to the Proposed Development and wind shadowing be addressed.</p>
NS.4.08	Applicant	<p>Consultees for the development of the Offshore CEMP</p> <p>Would you accept DFDS Seaways being included in the list of consultees for finalising the offshore CEMP, and if not, why not?</p>
NS.4.09	HMH	<p>Monitoring of the application of risk controls including adaptive procedures</p> <p>In what ways and with what frequency would the SCNA monitor the application of the 'applied controls' as listed in replacement Appendix 10.1 of the ES Chapter 10 [Table 32, Annexes A, B and C and Annex G, Table 2 in REP7-011], particularly those listed as '<i>project specific adaptive procedures</i>' (having regard to HMH's representation at Deadline 7A that any imposition of enhanced controls, such as obligatory additional tug assistance, would be imposed by the Dock Master following consultation with the SCNA)?</p>
SE Socio-Economic		
		No questions at this time.
TT Terrestrial Transport and Traffic		

	Question to:	Question
TT.4.01	North East Lincolnshire Council (NELC), National Highways (NH) and North Lincolnshire Council (NLC)	<p>Operational Freight Management Plan proposed control measures</p> <p>a) For NELC - Are you content with the monitoring and control measures proposed by the Applicant in the Operational Freight Management Plan (FMP) [REP7-036]? If not explain why that is the case.</p> <p>b) For NELC - Would you be content to receive as proposed by the Applicant at paragraph 6.12 of the FMP an annual report which monitors the progress of the FMP and discuss with the Applicant and the Undertaker any remedial actions which might be necessary during the first five years of the FMP's operation?</p> <p>c) For NH and NLC - do you have any comments to make about the submitted FMP?</p>
TT.4.02	Applicant	<p>Securing the Operational Freight Management Plan</p> <p>Confirm that the FMP [REP7-036] will be a document added to Schedule 6 of the dDCO.</p>
TT.4.03	NH, NELC, NLC and any other Interested Parties (IPs)	<p>Physical mitigation works in respect of junctions in the A160 corridor</p> <p>The Applicant has submitted a Transport Assessment Addendum (TAA) [REP7-013] in which it has undertaken a range of sensitivity tests, as agreed in the Transport SoCG [REP6-011], and maintains the previous conclusion from the Transport Assessment (TA) [AS-008] that no mitigation measures are necessary at any junctions as a result of the Proposed Development.</p> <p>DFDS has submitted evidence to the Examination [REP7-057] which concludes that certain junctions would exceed their practical capacity and has identified suggested physical mitigation works to increase the capacity of the junctions.</p> <p>In respect of the A160 corridor (A160/Humber Road/Manby Road Roundabout, A160/Habrough Road Roundabout, and A160/A180 Roundabout), in light of the difference of views between the Applicant and DFDS, comment on whether you consider the Proposed Development would create a need for the implementation of any mitigation measures at the A160 corridor junctions. If you consider that mitigation would be required, advise on what form that mitigation should take.</p>

	Question to:	Question
TT.4.04	NELC (and any other IPs)	<p>Physical mitigation works in respect of any other junctions</p> <p>The Applicant has submitted a Transport Assessment Addendum (TAA) [REP7-013] in which it has undertaken a range of sensitivity tests, as agreed in the Transport SoCG [REP6-011], and maintains the previous conclusion from the Transport Assessment (TA) [AS-008] that no mitigation measures are necessary at any junctions as a result of the Proposed Development.</p> <p>DFDS has submitted evidence to the Examination [REP7-057] which concludes that certain junctions would exceed their practical capacity and has identified suggested physical mitigation works to increase the capacity of the junctions.</p> <p>In respect of the A1173/Kiln Lane Roundabout and A1173/SHIIP Roundabout junctions, in light of the difference of views between the Applicant and DFDS, comment on whether you consider the Proposed Development would create a need for the implementation of any mitigation measures at the aforementioned junctions. If you consider that mitigation would be required, advise on what form that mitigation should take.</p>
TT.4.05	Applicant	<p>Royal Mail Group requests in respect of the Construction Traffic Management Plan</p> <p>Royal Mail Group has requested in [REP7-071] wording be included in the Construction Traffic Management Plan (CTMP) when it is produced to secure mitigation with particular regard to the operation of its Delivery Office at Immingham. The ExA notes that you intend to engage with Royal Mail in preparing the CTMP (Table 1.1 of the CEMP [AS-067]) but could you confirm in principle your broad agreement to their suggested input to the CTMP?</p>
WE Water Environment, Flood Risk and Drainage		
		No questions at this time.