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Winkworth Sherwood LLP
On behalf of
Harbour Master, Humber

Your Ref:

Our Ref: TR030007

Date: 12 January 2024

Dear Sirs

Planning Act 2008 (PA2008) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17

Application by Associated British Ports for an Order Granting Development Consent for the Immingham Eastern Ro-Ro Terminal Project

Request for further information

In connection with the above mentioned Nationally Significant Infrastructure Project (NSIP) application, we are writing under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) making the following requests for further information.

- 1) In paragraph 18 of the Immingham Oil Terminal Operators' Deadline 8 submission [\[REP8-057\]](#) it is stated that *"During the course of the simulations in December a Stena Master refused to continue with the runs as he stated that he would never operate in greater than 20 knots of wind or 2.5knots of tide ..."*. Please confirm the Harbour Master Humber's (HMH) understanding of the circumstances and reasons for this alleged refusal to continue with the simulation runs.
- 2) Please comment on Runs 6, 9, 11 and 17 of the December 2023 navigational simulations [\[REP8-029\]](#) and what lessons have been learned from them, in particular with regard to potential effects on the operation of the Immingham Oil Terminal (IOT) and the disagreement about the approach speeds, as noted in the IOT Operators' submission [\[REP8-058\]](#), Appendices page 89].
- 3) In paragraph 25 of [\[REP8-057\]](#) the IOT Operators report HMH's prior opinion that a "50 tonne" tug would be sufficient to arrest vessels approaching or departing from the proposed berths but note that this was not supported by the results of the simulations even for a Stena 'T' vessel. Please confirm if HMH has now revised his opinion and if

yes, in what conditions would users of the Proposed Development be required to use a “70 tonne” tug?

- 4) For the purpose of reporting by the ExA to the Secretary of State for Transport, does the HMH agree with the tests for acceptability of residual navigational risk after mitigation (control) being defined sequentially as follows, without there being conflict with the Port Marine Safety Code (PMSC) and the Guide to Good Practice on Port Marine Operations? If the HMH does not agree with sequence, please explain why not and provide alternative wording:
- a) navigational risk having been appropriately assessed, with due regard to representations from stakeholders; and
 - b) tolerable to the Duty Holder under the PMSC; and
 - c) reduced to ALARP after application of all reasonably practical risk controls; and
 - d) applied physical risk controls as agreed by the Duty Holder capable of being secured through an appropriately issued Statutory Instrument; and
 - e) applied operational risk controls as agreed by the Duty Holder capable of being secured through appropriately issued directions by the relevant Harbour Authority, regularly re-assessed and appropriately adjusted as necessary.
- 5) In relation to the HMH’s alternate wording for Requirement 18, suggested in the response to ExQ4 DCO.04.05 on a non-preferred basis [REP8-052], do you have any observations to make about some amendments to the text that the ExA considers should be made in the interests of aiding precision. Should the HMH not agree with the ExA’s suggested amendments, please explain why that is the case.

“18.-(1) ~~In the event that the Statutory Conservancy and Navigation Authority determines, at its discretion, that impact protection measures are required in the interests of navigational safety in the River Humber, and upon receiving notification of that decision from the Statutory Conservancy and Navigation Authority, the undertaker must construct the impact protection measures as determined by the Statutory Conservancy and Navigation Authority. ...~~

*(3) No works for the construction of the impact protection measures may commence until the undertaker has obtained the **written** consent of the Statutory Conservancy and Navigation Authority (~~such consent not to be unreasonably withheld~~).*

*(4) Upon receiving notification of the Statutory Conservancy and Navigation Authority’s determination referred to in **sub-paragraph (1)**:*

(a) the undertaker must— within 10 business days, notify the operator of the Humber Oil Terminal and the MMO of that determination; and

(b) within 30 business days, notify the operator of the Humber Oil Terminal and the MMO as to the steps it intends to take as a result of the Statutory Conservancy and Navigation Authority’s notification.

[Note: the ExA remains of the view that in sequencing terms this sub-paragraph should follow sub-paragraph (1)]

(5) *The detailed design referred to in **sub-paragraph** (2) [or sub-paragraph (3) if the running order of sub-paragraphs is altered in line with the ExA's comment above] must be:*

- (a) within the limits of deviation shown on the relevant plans of the works plans;*
- (b) in general accordance with the detail shown on the relevant engineering sections drawings and plans; and*
- (c) in general accordance with the detail shown on the relevant general arrangement plans.”*

Responses should be submitted in writing to the Planning Inspectorate no later than **23:59 on Thursday 18 January 2024 (Deadline 10)**.

With there being a limited amount of time between Deadline 9 (15 January 2024) and the issuing of this letter there is potential for some or all of the ExA's requests for further information to be addressed in any submissions you are intending to make at Deadline 9. To avoid unnecessary duplication, it will be in order to simply make a cross reference to any Deadline 9 submission that addresses any of the ExA's requests for further information included in this letter.

Yours sincerely

Grahame Gould

Grahame Gould
Lead Member of the Panel of Examining Inspectors

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