

For the attention of Lily Robbins

National Infrastructure Planning
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Your Ref
TR030007
Our Ref
ADW/ADW/204604.0001
Date
23 January 2024

Dear Lily

Comment on the Applicant's 12 January 2024 Rule 17 request response

Please could the Examining Authority accept this late submission on behalf of DFDS commenting on the Applicant's response [[REP10-020](#)] to the ExA's 12 January 2024 Rule 17 request [[PD-029](#)].

The Applicant was asked to provide a requirement that limited the use of the Immingham Eastern Ro-Ro Terminal to vessels no larger than a Stena T-Class vessel, a key request of DFDS rather than a "throw away remark". The proposed requirement does nothing of the sort; not only does it not refer to any vessel of any size, never mind a Stena T-Class vessel, it does not limit the use of IERRT to vessels of any size provided the Statutory Conservation and Navigation Authority approves them. A requirement that would do what was requested runs as follows (dimensions taken from the Applicant's Additional Short Navigation Study [[REP6-035](#)], table 2.1):

No vessel shall be permitted to operate at the authorised development if it exceeds any of the following dimensions:

- a) 212 metres length,
- b) 26.7 metres beam, or
- c) 6.3 metres draught.

Not adding the possibility of later approval by the SCNA means that the DCO would have to be amended to permit larger vessels to use the IERRT, thus addressing interested parties' concerns about practical independence of decision-making.

Additionally, the Applicant was asked to provide a further requirement that required the impact protection to be in place before construction could start on the IERRT. The requirement does require Work No. 3 to be implemented before construction (or alternatively operation), but the specification of Work No. 3 is in very general terms – a mere 58 words with reference to a polygon on the works plan – and consultation must only be undertaken on the programme for the works, not the works themselves. To ensure that the

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impact protection is fit for purpose DFDS request that the proposed requirement is amended so that sub-paragraph (b) reads:

*(b) agree **the works and** a programme of works with the parties identified in sub-paragraph (a) above;*

Yours sincerely

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BDB Pitmans LLP

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