

Dear Examining Authority,

I write on behalf of Stena Line BV at this late stage in the Examination process because as we simply cannot allow the misleading and inaccurate statement submitted by DFDS at Deadline 10 regarding the Port of Rotterdam to pass unanswered. As we stated at Deadline 9, we find it both extraordinary and disappointing that it is possible for such incorrect and generalised statements to be made during what we view as a critically important legal process.

DFDS respond to Stena Line's position statement (REP9-029) in item 15 as follows:

Stena Line cites Rotterdam as an example of equivalent proximities between Ro-Ro terminals and sensitive liquid bulk/oil and chemical facilities. There are many reasons why Rotterdam is not a suitable comparator, not least by being more than 20 times the size of Immingham it has been able to create and isolate different facilities in a much more structured way than is possible at Immingham, which is now very constrained for any new riverside berths. Rotterdam also has a much more limited tidal range than Immingham and consequently a much less challenging navigational environment. Rotterdam does not have Ro-Ro jetties in close proximity to liquid bulk berths. Instead, terminals at Rotterdam are generally built behind solid quay walls which therefore act as a solid barrier providing impact protection against uncontrolled or stray vessels and avoiding the presence of liquid bulk pipelines running along unprotected and vulnerable jetty structures in close proximity to berthing vessels such as would be the case with IERRT and IOT at the Port of Immingham. As with the Applicant's examples, a vessel merely passing a liquid bulk facility is no comparison with it trying to berth and unberth very close to such a facility. Comparing Immingham with Rotterdam is not credible; the development layout and navigational environment of Immingham are unique and DFDS maintains its position that constructing a Ro-Ro facility within a hundred metres of the IOT and behind a number of its operational berths would be unprecedented in the UK port industry.

This is simply not correct.

DFDS state that the Port of Rotterdam does not have Ro-Ro jetties in close proximity to liquid bulk berths. Instead, terminals at Rotterdam are generally built behind solid quay walls which therefore act as a solid barrier providing impact protection against uncontrolled or stray vessels and avoiding the presence of liquid bulk pipelines running along unprotected and vulnerable jetty structures in close proximity to berthing vessels.

This is an extraordinary statement and we are bound to ask whether the author of the statement has any real knowledge of the Port of Rotterdam. If we take for example the Vulcaan haven in Vlaardingen located on the busy river New Waterway we find the DFDS terminal immediately adjacent to the Vopak terminal with jetties positioned in the New Waterway, see figure 1.

Royal Vopak N.V. is the world's largest independent tank storage service provider, specialising in the storage and handling of liquid bulk chemicals, gases and oil products. This their undertaken today and we really cannot understand how, in the light of this, DFDS could submit such a misleading and incorrect statement. That it is the DFDS operations as exist today at their Vlaardingen river terminal makes the DFDS statement even more extraordinary.

Another example where RoRo berths are in close proximity to liquid bulk berths is the Benelux haven where both P&O Ferries and Stena Line (Europoort are located), see figure 2.

Furthermore, the Examining Authority can see on Maasvlakte 2 large container vessels having to navigate in close proximity of liquid bulk jetty structures as can be seen at figure 3.

These are just a few of the examples where such varied operations work in close proximity of each other, in harmony, operating under the conditions set by the respective authorities.

Figure 1

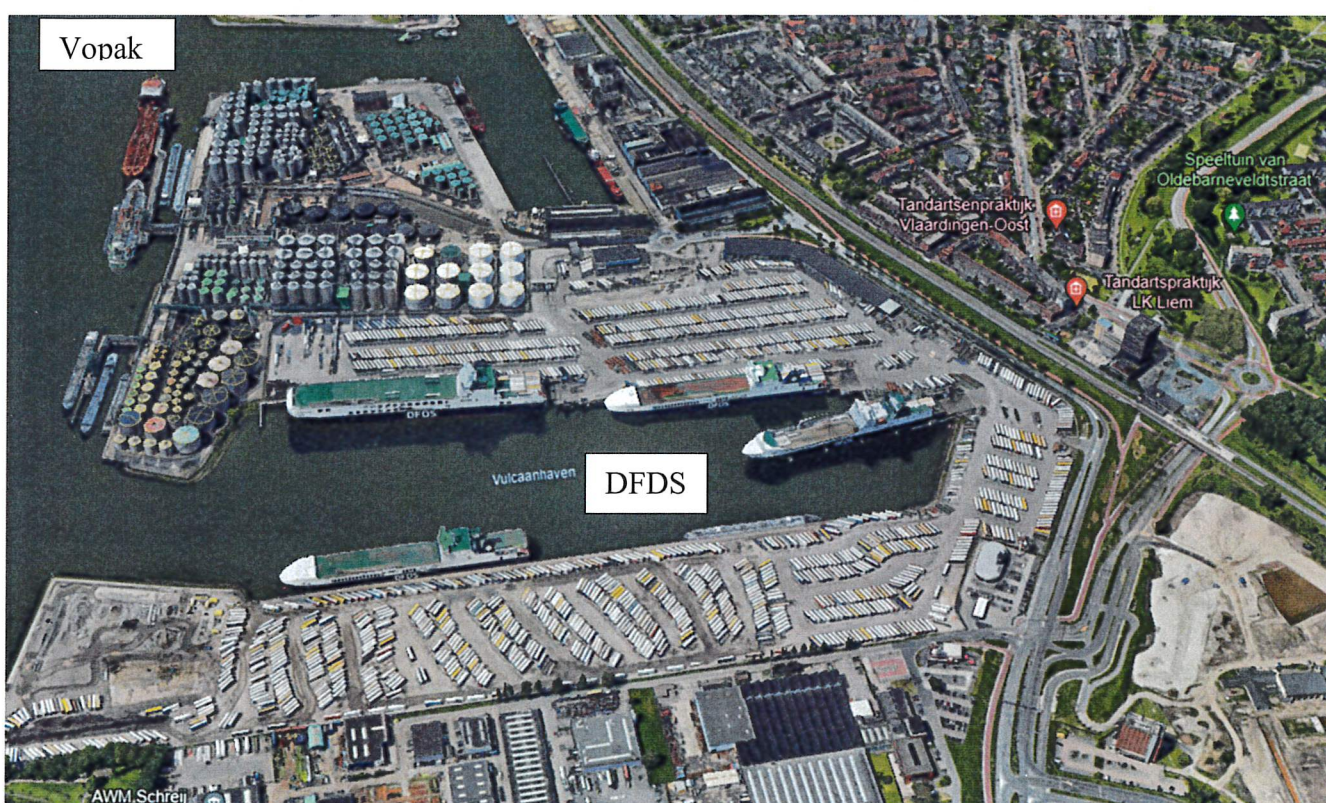


Figure 2

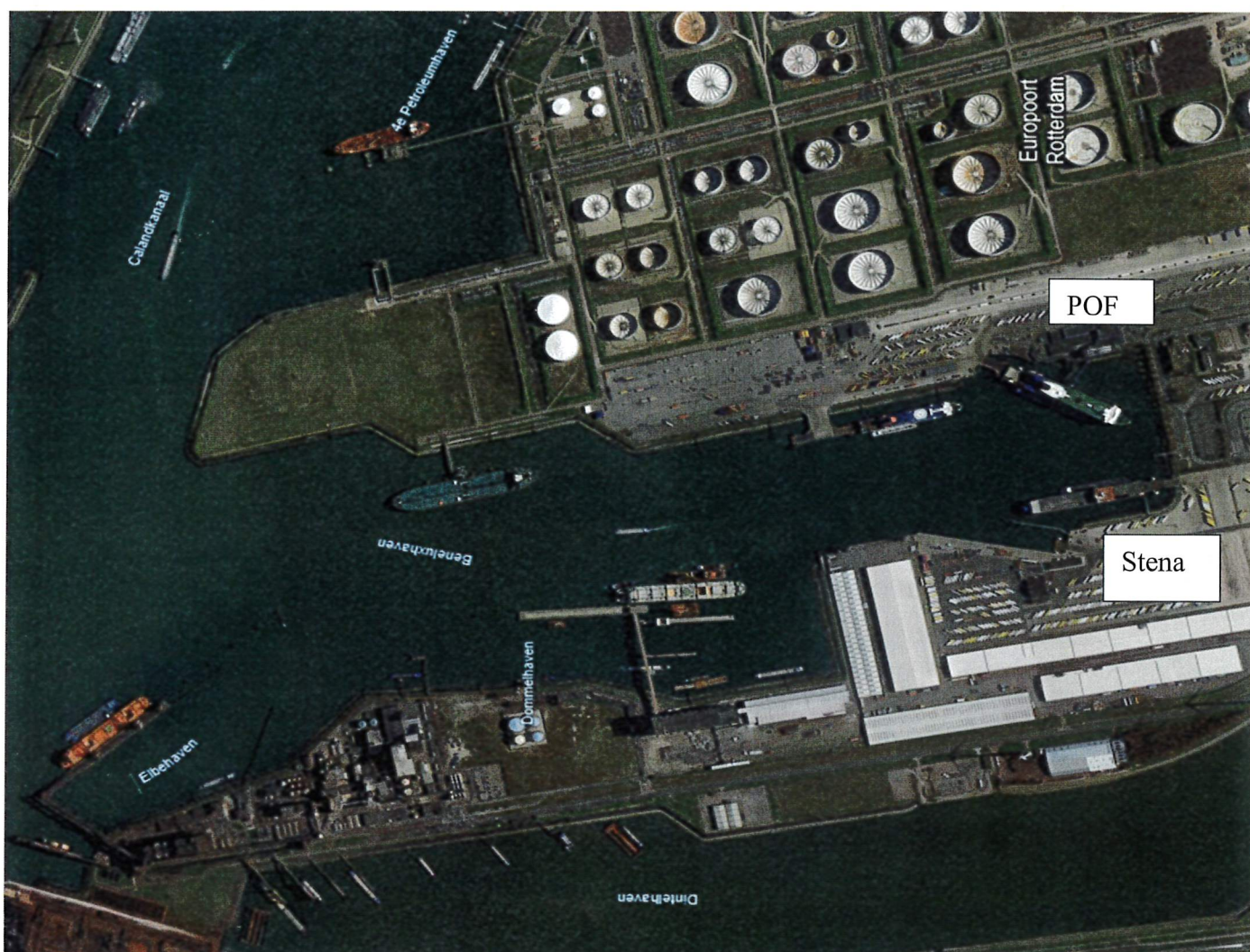
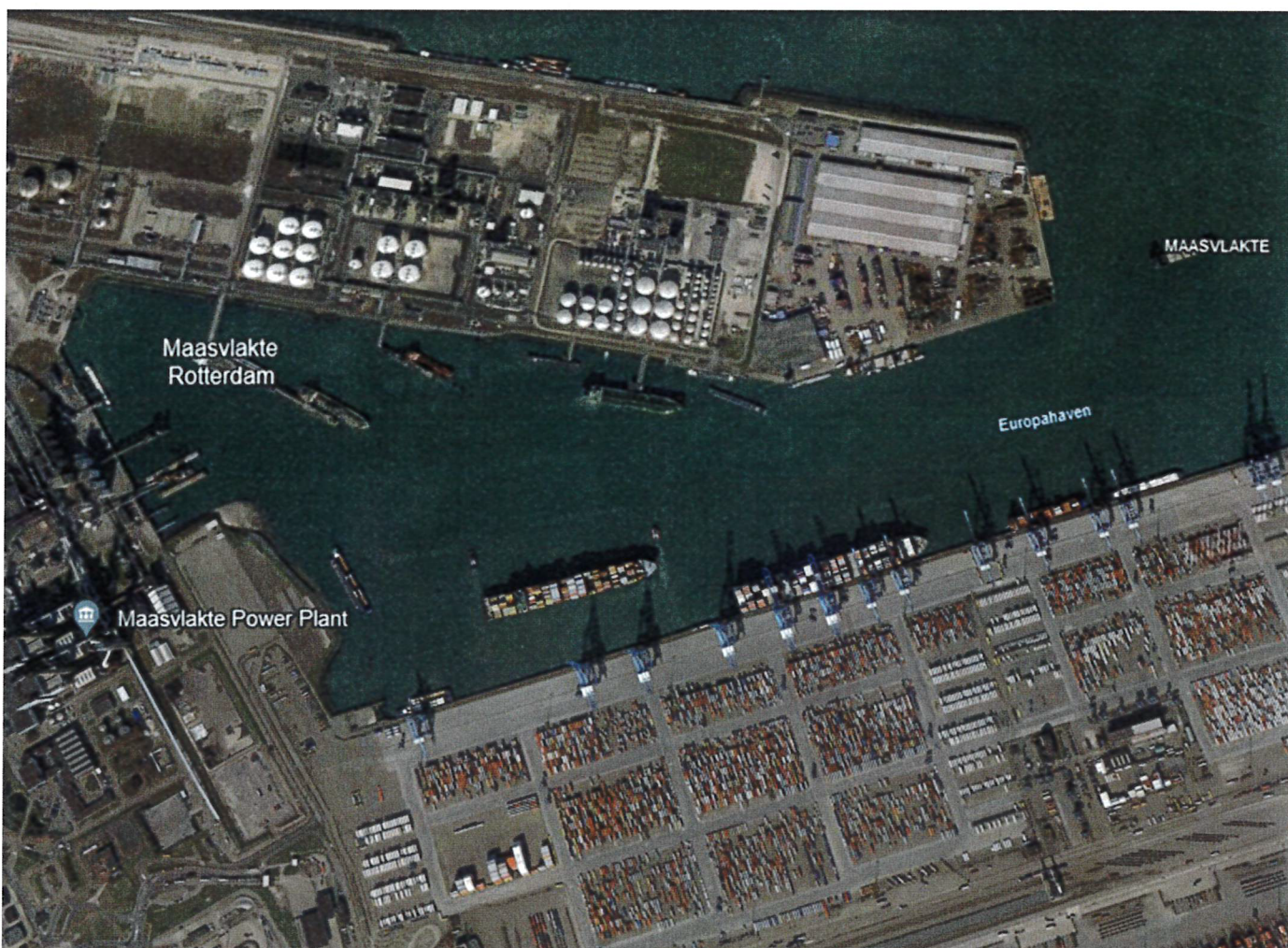


Figure 3



I hope the letter is of assistance. I must apologise for expressing in such strong terms the Company's concern that such misleading statements are being made at this late stage in the examination – but Stena Line could not allow such incorrect statements to be made without pointing to their worrying inaccuracy.

Yours sincerely,

[Redacted signature]
Stena Line BV

S.M. van der Vlugt.
Senior Manager Port Development & Deputy Trade Director,
Business region North Sea

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