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Our Ref
BG/10276966

Your Ref

Date
23 May 2024

Dear Sir/Madam

Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by Associated British Ports (“the Applicant”) Seeking Development Consent for the Proposed Immingham Eastern Ro-Ro Terminal Project (“the Proposed Development”)

We write on behalf of our client, Associated British Ports, (the “Applicant”) in response to the Secretary of State’s letter dated 9 May 2024 in which he posed a number of questions regarding our client’s Proposed Development – as noted above.

Responding to the questions in order -

1 Habitats Regulations Assessment (“HRA”)

- 1.1 In light of the questions raised by the Secretary of State and the part played by Natural England during the course of the Immingham Eastern Ro-Ro Terminal (“IERRT”) examination, it is relevant to summarise the position reached at the end of the examination. In providing this context the Applicant would, for ease of reference, draw the Secretary of State’s attention to the closing submissions (“CS”) made by the Applicant on 22 January 2024 [AS-083].
- 1.2 Paragraph 2.29 of the CS identifies that the Applicant’s Environmental Statement (“ES”) – *“results in the conclusion that the Proposed Development will not result in any significant adverse environmental effects”*
- 1.3 Paragraph 2.30 of the CS identified: *“That conclusion includes the absence of any adverse effects on the integrity (“AEOI”) of relevant European sites as confirmed by the shadow HRA and its updated assessment [REP8-012]”*.

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- 1.4 As recorded at paragraph 2.31 of the CS, that conclusion was agreed by the Marine Management Organisation (the “MMO”), but also by Natural England “*save only in respect of two residual points of disagreement which are very limited, as set out in [REP 10-018].*” The first point of disagreement by Natural England simply related to the wording of a condition in the draft Deemed Marine Licence. As further noted in paragraph 2.31 of the CS, the second point of disagreement was limited to “*whether there would be any potential in-combination effect with the Immingham Green Energy terminal (“IGET”) project that has been submitted for examination – but in circumstances where Natural England agree that the Proposed Development itself would not have such an effect.*”
- 1.5 That paragraph of the CS then explained - *The Applicant disagrees that there is any such in-combination effect (as summarised below) and considers Natural England appears to have misunderstood the nature of the intertidal habitat in issue for these purposes; and, in any event, Natural England has not identified any credible evidence to explain its position. It should be noted, however, that the Applicant has already agreed in principle with the IGET project (which post-dates the IERRT Proposed Development but which is also being promoted by ABP) that even if there were to be any in-combination effects, the IGET project would address those. So neither point of disagreement involves any in principle or sustainable objection to the proposed Development in any event*’.
- 1.6 Paragraph 2.32 of the CS then identified - “*As requested by the Examining Authority, a without prejudice derogation Report has been provided to the Secretary of State [REP8-033] to deal with the situation even if a contrary conclusion were reached on AEOI. This proves the absence of alternatives and demonstrates imperative reasons of overriding public interest for allowing the Scheme (not least as a nationally significant infrastructure project), but also the compensation measures which can be provided which Natural England agree would be acceptable if any derogation were required*”.
- 1.7 Given the question now asked, the Applicant is concerned if there is any potential confusion as to that second limited area of disagreement. Natural England’s position only related to a potential in-combination effect arising with the IGET project, rather than the IERRT project itself.
- 1.8 The Applicant responded disputing that any such in-combination effect would arise, but even if it were concluded that it might arise, it had been agreed that it would be addressed by the IGET project (as such an in-combination effect could only arise if the IGET project were to proceed). It is without prejudice to all of that that the Applicant identified that compensatory habitat could be provided by the IERRT project in any event.
- 1.9 It is in that latter context that Natural England has provided confirmation that the “*compensatory habitat proposed by the Applicant is likely appropriate in nature, scale and deliverability to address adverse impacts on the Humber SAC.*”
- 1.10 It is noted that Natural England had expressed the view that “*it had been given limited opportunity to review the proposed compensatory habitat*”. This was simply a consequence of the fact that the ExA belatedly (16 days before the close of the examination) asked the Applicant to provide a Derogation Report which addresses the potential provision of compensatory habitat in a Derogation Report notwithstanding the parties’ respective positions.
- 1.11 We hope it is clear that throughout the application and examination process the Applicant’s expert ecologists have maintained that any habitat losses (intertidal and

- subtidal) are not of a scale that would result in an adverse effect on integrity (AEOI) on any of the European Sites either alone or in combination with other plans and projects.
- 1.12 Paragraphs 8.13 to 8.16 of the CS deal further with Natural England's position as to whether AEOI might occur in connection with the intertidal loss in relation to the Humber Estuary SAC together with the in-combination effects arising from the IERRT and the IGET scheme.
 - 1.13 As required by the ExA, the Applicant provided a Derogation Report without prejudice to its position on AEOI under which the ability to provide compensatory habitat was identified at the Outstrays to Skeffling Managed Realignment Scheme (Skeffling) to meet any such requirement.
 - 1.14 The provision of an area of land at Skeffling has always been part of the IERRT Proposed Development, the objective being for it to act as environmental enhancement and it did form part of the original application. It has, therefore, always been the Applicant's intention to assign one hectare of the Skeffling managed realignment scheme to the proposed Development, which the Secretary of State is aware is a joint venture between the Environment Agency and the Applicant, as "environmental enhancement". The Applicant identified in the Derogations Report that if (contrary to its case) any compensatory habitat were in fact required, a proportion of the one hectare of environmental enhancement already proposed at Skeffling could be provided as compensatory habitat. This is the position that has been confirmed in the without prejudice Derogation Report [REP8-033].
 - 1.15 As a consequence, whilst the Applicant welcomes Natural England's acceptance that *"it considers the compensatory habitat proposed by the Applicant (if required) is likely appropriate in nature, scale and deliverability to address adverse impacts on the Humber Estuary SAC"*, such compensatory habitat is not actually required in relation to the Proposed Development alone. Indeed, in this context, the Applicant also notes Natural England confirmation that an AEOI can be excluded both alone and in-combination in relation to the *"sandbanks which are slightly covered by sea water all the time"* feature of the Humber Estuary SAC (i.e., subtidal habitat) [Appendix 2 of REP9-018].
 - 1.16 In short, the position of the Applicant and Natural England is that compensatory habitat in accordance with the terms of the Habitats Regulations is not required to address the Proposed IERRT Development alone.
 - 1.17 The 'without prejudice Derogation Report' deals with the position if habitat loss associated with the IERRT Proposed Development in-combination with the Immingham Green Energy Terminal (IGET) project - which is currently in examination were considered to arise. In such a case, should the IGET proposals be approved and should it be determined that the implementation of the IGET development will, with the implementation of the IERRT scheme lead to an in-combination adverse effect, any compensatory habitat required will be provided by the IGET scheme.
 - 1.18 The Applicant, therefore, is concerned as to why the draft Requirement currently proposed in the letter of 9 May 2024 for inclusion in the IERRT DCO is being suggested.
 - 1.19 Without prejudice to any of that, however, the Secretary of State should be aware that the Applicant remains in discussions with East Riding of Yorkshire Council, whose administrative area includes the Skeffling managed realignment scheme, with a view to agreeing the terms of a Unilateral Undertaking to be made under the provisions of section 106 of the Town and County Planning Act. By this Undertaking, the Applicant is proposing to undertake to allocate one hectare of the Skeffling site to act as either

environmental enhancement or environmental enhancement and compensatory habitat for the IERRT Proposed Development if any were found to be needed. The terms of the proposed Unilateral Undertaking have not yet been finalised.

- 1.20 If contrary to everything above, the Secretary of State were in consultation with Natural England, to conclude compensatory habitat is required as a result of any “in combination” effect with the IGET scheme if that scheme were to be implemented, then the obligation to fulfil that requirement would be addressed by the IGET scheme as has been agreed with the promoters of the IGET scheme.
- 1.21 The Applicant therefore suggests that it follows that there are a number potential scenarios available.
- 1.22 **Scenario 1** - If it is accepted that the IERRT Proposed Development does not give rise to the need to provide compensatory habitat, then there is no need for a Requirement regarding compensatory habitat to be included in the IERRT DCO.
- 1.23 **Scenario 2** - If, contrary to the Applicant’s position, it concluded that compensatory is required on the basis of an in-combination effect with the IGET scheme, then there would be no need to include any reference to compensatory habitat in the IERRT DCO as the IGET DCO would have to include a Requirement placed on the Applicant for the IGET scheme to provide compensatory habitat at the agree ratio, as noted below.
- 1.24 **Scenario 3** - If, contrary to the above position, however, the Secretary of State were to determine that compensatory habitat was required as a result of the IERRT scheme which could not be secured through the IGET scheme (for whatever reason), then the Requirement the Secretary of State has raised arises for consideration, then without prejudice to the Applicant’s position set out above, in that Scenario 3, the Applicant has no objection in principle to the wording of the first part of the Requirement as proposed to the effect that -
- “Construction of Works Nos. 1 to 3 of the authorised development must not commence until an Environmental Monitoring and Maintenance Plan (the EMMP) for the Outstrays to Skeffling Managed Realignment Scheme (the OtSMRS), has been submitted to and approved in writing by the Secretary of State (following consultation with Natural England)”.*
- 1.25 The second part of the proposed Requirement suggested by the Secretary of State, however, currently provides as follows -
- “The EMMP for the OtSMRS must include no less than 1 hectare of intertidal compensatory habitat at the OtSMRS site, identify the location of the compensatory habitat, explain how the compensatory habitat is secured, provide for the ongoing monitoring and management of the compensatory habitat and otherwise reflect the compensatory measures included in the derogation report.”*
- 1.26 The ‘without prejudice Derogation Report’ [REP8-033], however, identified that if compensatory habitat were required any permanent loss of habitat can be compensated through habitat creation at a 3:1 ratio which, it is understood, is the ratio approved by Natural England for the IERRT Proposed Development.
- 1.27 If compensatory habitat were therefore to be required in connection with the IERRT Proposed Development, then that compensation can be delivered within the one hectare of intertidal habitat being proposed and which is currently being committed by the Applicant as an environmental enhancement in connection with the IERRT project.

- 1.28 In light of the established 3:1 ratio, it would only be a proportion of the one hectare of enhancement that would need to be secured as compensatory habitat, not the full hectare. As a consequence, the Applicant would suggest that the Secretary of State's proposed new Requirement would need to be amended as follows -

'The EMMP for the OtSMRS must include ~~no less than 1 hectare of~~ an area three times the size of the loss of intertidal habitat as agreed by the Secretary of State in consultation with Natural England as intertidal compensatory habitat at the OtSMRS site, identify the location of the compensatory habitat, explain how the compensatory habitat is secured, provide for the ongoing monitoring and management of the compensatory habitat and otherwise reflect the compensatory measures included in the derogation report.'

- 1.29 Reference to "an area three times the size of the of the loss of intertidal habitat" is considered appropriate given that even if it is determined that the IERRT Proposed Development alone requires the provision of an area of compensatory habitat - which it is stressed the Applicant firmly believes not to be the case – the actual size of any compensatory habitat, for reasons that will be self-evident, has not been discussed with Natural England.

2 **In-combination schemes assessed**

- 2.1 The Secretary of State also asked the Applicant to confirm which other projects were assessed in its in-combination assessment. The list of developments which have been assessed is set out in Section 4.14 and Table 36 of the Applicant's HRA Report [REP8-014]. For ease of reference, this is also provided at **Appendix 1** of this response. Consideration of the in-combination effects of all of these projects acting in-combination is provided at Table 37, Table 38 and Table 39 of the HRA Report [REP8-014].
- 2.2 The Secretary of State should be aware that the Marine Management Organisation (MMO) and the Environment Agency confirmed that the list of projects assessed was comprehensive and reasonable [RR-014 and RR-009].

3 **Compulsory Acquisition**

Volkswagen Group United Kingdom Limited ("VWG")

- 3.1 At paragraph 5 of his letter, the Secretary of State queries the position with regard to VWG and the powers of compulsory acquisition sought by the Applicant in the IERRT DCO. As the Applicant indicated at the close of the examination, negotiations with VWG were ongoing at that time and in answer to the question raised, the Secretary of State should be aware that those negotiations are still ongoing. That said, the Applicant can confirm that the continuing negotiations are being conducted by the parties both positively and amicably.
- 3.2 As the ExA were informed during the examination, VWG wish to relocate that part of their vehicle storage area currently in the Port of Immingham to the adjacent Port of Grimsby where it can be operated in tandem with a VWG storage facility already in place at that Port. The draft heads of Terms for an Agreement for Lease are in an advanced stage and the design and specification for the new site in Grimsby is currently being finalised. The target date for completion of the Agreement for Lease is Quarter 3, 2024. The Applicant will use reasonable endeavours to ensure that the new premises for VWG in the Port of Grimsby will be ready for occupation so as to enable VWG's relocation at the beginning of 2026 in the event that the Applicant and VWG are able to agree mutually acceptable terms for VWG's occupation.

3.3 In this context, the Secretary of State should be aware that as far as the IERRT project is concerned, that timescale will not impede nor obstruct the commencement of the IERRT development in that the land in question currently occupied by VWG is identified in the Works Plans – and as Plot 9 in the Book of Reference - as the “Western Storage Area” and the Applicant’s construction programme for IERRT looks to the commencement of works in the Northern, Central and Southern Storage Areas well in advance of the need actually to bring the Western Storage Area into use. Nevertheless, whilst the Applicant remains confident that the current negotiations will be successfully concluded and VWG relocated in advance of the Applicant’s need to commence works in the Western Storage Area, so as to be able to ensure certainty of delivery of the IERRT scheme, the Applicant believes that it has no choice but to continue retain the powers of compulsory acquisition as sought in the draft DCO.

3.4 The Secretary of State should be aware, incidentally, that the Applicant did share the above response with VWG in advance and subject to anything that VWG itself may separately wish to add, can be viewed as an agreed joint response.

4 Protective Provisions

4.1 At paragraph 6 of his letter, the Secretary of State queries the position regarding the progress made with regard to the Protective Provision offered by the Applicant to Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminal Trustees Limited (“IOT Operators”). The Secretary of State is correct in his understanding that it did not, unfortunately, prove possible for the Applicant to agree the terms of the protections that it was offering to the IOT Operators by the close of the examination – despite the best efforts of the Applicant. This remains the case and the fact that the Secretary of State has raised a question (as point 7) regarding proposed Requirement 18 and the Impact Protection Measures underlines the continued differences between the two parties.

4.2 As the Applicant indicated in its closing submissions at paragraph 3.10 –

“Unfortunately, but again unsurprisingly given that the IOT operators are commercial operators, the IOT Operators have pursued an objection that would give them betterment of their facilities, rather what is required to ensure such safe and continued operation. Through this process the IOT Operators have demanded ABP deliver changes to the IOT existing infrastructure (in relation to the finger pier and trunkway) which are not required, nor justified on an objective assessment of all the evidence and controls over navigational safety that will apply both to the construction and operation of the IERRT.”

4.3 The Applicant believes that the terms of the Protective Provision – together with the proposed Requirement 18 - that it has offered to the IOT Operators is entirely reasonable and provides all of the necessary protections sought.

4.4 In light of the Secretary of State’s proposed amendment to Requirement 18, discussed below, and the Applicant’s comments on the proposed amendment, however, it is hoped that a more constructive dialogue with the IOT Operators can now take place. Moves will be put in place in this respect and the Secretary of State will be kept fully informed as to any progress made.

5 Impact Protection Measures

5.1 **Generally** - With regard to the Secretary of State’s proposed amendments to Requirement 18 and the addition of a new Requirement 19, the Applicant has made it clear throughout the examination that it does not oppose the installation of impact

protection measures – it would not have included provision for them in the draft DCO if that were the case – but that for the reasons that were rehearsed on a number of occasions before the ExA, ABP’s experts and the relevant navigation authorities have concluded that impact protection measures are not required.

- 5.2 It was in that context that to give extra comfort to the IOT operators that the Applicant not only included the ability for impact protection measures to be provided as part of the IERRT project by the authorisation in principle of both Work No. 3(a) (the IOT trunkway) and Work No. 3(b) (the IOT finger pier), but the Applicant had also by its proposed Requirement 18 accepted that it –

“must give due consideration to any recommendation received from the Statutory Conservancy and Navigation Authority or the dock master that impact protection measures are required in the interest of navigational safety in the River Humber.”

- 5.3 Based on the Secretary of State’s suggested amendment to Requirement 18, as far as the IOT trunkway is concerned, the question has been raised as to whether the obligation placed upon the Applicant to *“give due consideration”* to any recommendation received should in fact be strengthened to the effect that if the *“Statutory Conservancy and Navigation Authority or the dock master determine”* that the impact protection measures should be installed, then the Applicant must install the requisite impact protection measures.

- 5.4 The Applicant has no objection to the strengthening of the Requirement as suggested by the Secretary of State.

Requirement 18 – Impact protection measures for the IOT trunkway

- 5.5 In agreeing in principle to the Secretary of State’s proposed amendment to Requirement 18, however, the Applicant would request a caveat to proposed Requirement 19 as set out below.

Requirement 19 – Impact Protection Measures for the IOT finger pier

- 5.6 In his letter of 9 May, the Secretary of State has proposed a new Requirement 19. Such a Requirement was not included in the final draft version of the DCO as submitted by the Applicant at the close of the examination. It was drafted by the Applicant at the request of the ExA in response to the ExA’s Rule 17 Letter dated 12 January 2024.

- 5.7 That wording was offered *“entirely without prejudice to its position that such a requirement is not necessary or appropriate.”*

- 5.8 The Applicant’s response to the ExA’s Rule 17 letter explained why it was not considered necessary or appropriate based on expert advice, the views of the relevant navigation authorities including the HMH and the conclusions of detailed modelling work.

- 5.9 The proposed Requirement 19 which is specific only to Work No. 3(b), namely the provision of a *“piled dolphin structure with capping slab and fendering units”* would place a mandatory obligation upon the Applicant to install such a protective measure prior to the commencement of commercial operations at berth 1 – regardless of the view of the Statutory Conservancy and Navigation Authority (i.e., the Statutory Harbour Authority for the Humber) or the dock master (i.e., the Statutory Harbour Authority for the Port of Immingham) as to whether such a protection is actually necessary – effectively fettering the discretion – and indeed statutory powers and duties - of both Statutory Harbour Authorities.

- 5.10 In light of the evidence provided by the Applicant during the course of the examination both in terms of navigational risk assessment and the comprehensive navigational simulations undertaken by the independent consultants HR Wallingford at sessions attended by the IOT Operators, the Applicant maintains that Requirement 19 is not needed and potentially encroaches on the statutory duties and powers of the statutory harbour authorities.
- 5.11 Without prejudice to that position, if the Secretary of State is nonetheless minded to impose something like Requirement 19, the Applicant considers that it would be more consistent for any residual concerns to be addressed by not including the new Requirement 19, but rather the proposed amended Requirement 18 should be further amended so that it applies to both Work No. 3(a) (the IOT trunkway) and Work No. 3(b) (the IOT finger pier).
- 5.12 Such an amendment would mean the Applicant would be required to install the Impact Protection Measures if either the Statutory Conservancy and Navigation Authority or the dock master “determine” them to be necessary.
- 5.13 On that basis, we have suggested in **Appendix 2** to this letter an amended version of Requirement 18 which accepts all of the amendments proposed by the Secretary of State but is simply amended to incorporate both sets of impact protective measures if they are considered to required. The Applicant’s proposed amendment to the Secretary of State’s amended version is shown in red.

Yours faithfully

B. J. Greenwood

Clyde & Co LLP

Appendix 1

Table A.1. Identification of projects and impact pathways relevant to the in-combination assessment for Immingham Eastern Ro-Ro Terminal (IERRT)

ID	Project	Distance From IERRT Project	Impact Pathways Relevant to the HRA In-combination Assessment
1.	Maintenance dredge disposal at Grimsby, Immingham and Sunk Dredged Channel	Approx. 0.1 km	<p>Habitat loss/damage</p> <ul style="list-style-type: none"> • Physical damage through disturbance and/or smothering of habitat • Physical loss of (or change to) habitat and associated species • Physical loss or damage of habitat through alterations in physical processes • Physical change to habitats resulting from the deposition of airborne pollutants <p>Contamination</p> <ul style="list-style-type: none"> • Non-toxic contamination through elevated SSC • Toxic contamination through release of toxic contaminants bound in sediments, and accidental oil, fuel or chemical releases <p>Disturbance</p> <ul style="list-style-type: none"> • Disturbance through underwater noise and vibration • Airborne noise and visual disturbance
2.	Humber International Terminal (HIT) berth 2: adaptation for car carriers	Approx. 2.5 km	<p>Habitat loss/damage</p> <ul style="list-style-type: none"> • Physical damage through disturbance and/or smothering of habitat • Physical loss of (or change to) habitat and associated species • Physical loss or damage of habitat through alterations in physical processes • Physical change to habitats resulting from the deposition of airborne pollutants <p>Contamination</p> <ul style="list-style-type: none"> • Non-toxic contamination through elevated SSC • Toxic contamination through release of toxic contaminants bound in sediments, and accidental oil, fuel or chemical releases

ID	Project	Distance From IERRT Project	Impact Pathways Relevant to the HRA In-combination Assessment
			<p>Disturbance</p> <ul style="list-style-type: none"> • Disturbance through underwater noise and vibration • Airborne noise and visual disturbance
3.	Outstrays to Skeffling Managed Realignment Scheme (OtSMRS)	Approx.10 km	<p>Habitat loss/damage</p> <ul style="list-style-type: none"> • Physical damage through disturbance and/or smothering of habitat • Physical loss of (or change to) habitat and associated species • Physical loss or damage of habitat through alterations in physical processes • Physical change to habitats resulting from the deposition of airborne pollutants <p>Contamination</p> <ul style="list-style-type: none"> • Non-toxic contamination through elevated SSC • Toxic contamination through release of toxic contaminants bound in sediments, and accidental oil, fuel or chemical releases <p>Disturbance</p> <ul style="list-style-type: none"> • Airborne noise and visual disturbance
21.	Development of a sustainable transport fuels facility Two discharge of conditions applications in 2022. Land at Hobson Way, Stallingborough (DM/0664/19/FUL)	Approx. 2.2 km	<p>Habitat loss/damage</p> <ul style="list-style-type: none"> • Physical change to habitats resulting from the deposition of airborne pollutants
35.	Construction of an Energy Recovery Facility with an electricity export capacity of up to 49.5MW and associated infrastructure including a stack	Approx. 177 m	<p>Habitat loss/damage</p> <ul style="list-style-type: none"> • Physical change to habitats resulting from the deposition of airborne pollutants <p>Disturbance</p> <ul style="list-style-type: none"> • Airborne noise and visual disturbance

ID	Project	Distance From IERRT Project	Impact Pathways Relevant to the HRA In-combination Assessment
	to 90m high (DM/0026/18/FUL)		
44.	New access road from existing public highway on Queens Road, Immingham (DM/0294/21/FUL)	Approx. 0.25 km	Disturbance <ul style="list-style-type: none"> Airborne noise and visual disturbance
51.	Erection of 2x 24m Biomass Flues. Netherlands Way, Stallingborough	Approx. 840 m	Habitat loss/damage <ul style="list-style-type: none"> Physical change to habitats resulting from the deposition of airborne pollutants
53.	Able Marine Energy Park (AMEP) DCO as consented and Material Change 1 and 2	Approx. 2.8 km	Habitat loss/damage <ul style="list-style-type: none"> Physical damage through disturbance and/or smothering of habitat Physical loss of (or change to) habitat and associated species Physical loss or damage of habitat through alterations in physical processes Physical change to habitats resulting from the deposition of airborne pollutants Contamination <ul style="list-style-type: none"> Non-toxic contamination through elevated SSC Toxic contamination through release of toxic contaminants bound in sediments, and accidental oil, fuel or chemical releases Disturbance <ul style="list-style-type: none"> Disturbance through underwater noise and vibration Airborne noise and visual disturbance
54.	Able Marine Energy Park (AMEP) Regulated Tidal Exchange & Managed Realignment scheme at Cherry Cobb Sands	Approx. 3.5 km	Habitat loss/damage <ul style="list-style-type: none"> Physical damage through disturbance and/or smothering of habitat Physical loss or damage of habitat through alterations in physical processes Contamination <ul style="list-style-type: none"> Non-toxic contamination through elevated SSC

ID	Project	Distance From IERRT Project	Impact Pathways Relevant to the HRA In-combination Assessment
			<ul style="list-style-type: none"> • Toxic contamination through release of toxic contaminants bound in sediments, and accidental oil, fuel or chemical releases <p>Disturbance</p> <ul style="list-style-type: none"> • Airborne noise and visual disturbance
55.	Humber Low Carbon Pipelines	Current proposal within 10 km	<p>Habitat loss/damage</p> <ul style="list-style-type: none"> • Physical damage through disturbance and/or smothering of habitat • Physical loss of (or change to) habitat and associated species • Physical loss or damage of habitat through alterations in physical processes • Physical change to habitats resulting from the deposition of airborne pollutants <p>Contamination</p> <ul style="list-style-type: none"> • Non-toxic contamination through elevated SSC • Toxic contamination through release of toxic contaminants bound in sediments, and accidental oil, fuel or chemical releases <p>Disturbance</p> <ul style="list-style-type: none"> • Disturbance through underwater noise and vibration • Airborne noise and visual disturbance
56.	Viking CCS Pipeline	Current proposal within 4 km	<p>Disturbance</p> <ul style="list-style-type: none"> • Airborne noise and visual disturbance
57.	Immingham Green Energy Terminal	Approx. 0.1 km	<p>Habitat loss/damage</p> <ul style="list-style-type: none"> • Physical damage through disturbance and/or smothering of habitat • Physical loss of (or change to) habitat and associated species • Physical loss or damage of habitat through alterations in physical processes • Physical change to habitats resulting from the deposition of airborne pollutants <p>Contamination</p>

ID	Project	Distance From IERRT Project	Impact Pathways Relevant to the HRA In-combination Assessment
			<ul style="list-style-type: none"> • Non-toxic contamination through elevated SSC • Toxic contamination through release of toxic contaminants bound in sediments, and accidental oil, fuel or chemical releases <p>Disturbance</p> <ul style="list-style-type: none"> • Disturbance through underwater noise and vibration • Airborne noise and visual disturbance
58.	South Humber Bank Energy Centre	Approx. 3.8 km	<p>Habitat loss/damage</p> <ul style="list-style-type: none"> • Physical change to habitats resulting from the deposition of airborne pollutants <p>Disturbance</p> <ul style="list-style-type: none"> • Airborne noise and visual disturbance
59.	VPI Immingham B OCGT	Approx. 5 km	<p>Habitat loss/damage</p> <ul style="list-style-type: none"> • Physical change to habitats resulting from the deposition of airborne pollutants
60.	North Killingholme Power Project	Approx. 8 km	<p>Habitat loss/damage</p> <ul style="list-style-type: none"> • Physical damage through disturbance and/or smothering of habitat • Physical loss of (or change to) habitat and associated species • Physical loss or damage of habitat through alterations in physical processes • Physical change to habitats resulting from the deposition of airborne pollutants <p>Contamination</p> <ul style="list-style-type: none"> • Non-toxic contamination through elevated SSC • Toxic contamination through release of toxic contaminants bound in sediments, and accidental oil, fuel or chemical releases <p>Disturbance</p> <ul style="list-style-type: none"> • Disturbance through underwater noise and vibration

ID	Project	Distance From IERRT Project	Impact Pathways Relevant to the HRA In-combination Assessment
61.	Humber Stallingborough Phase 3 Sea Defence Improvement Scheme	Approx. 2.7 km	<ul style="list-style-type: none"> • Airborne noise and visual disturbance <p>Habitat loss/damage</p> <ul style="list-style-type: none"> • Physical damage through disturbance and/or smothering of habitat • Physical loss of (or change to) habitat and associated species • Physical loss or damage of habitat through alterations in physical processes • Physical change to habitats resulting from the deposition of airborne pollutants <p>Contamination</p> <ul style="list-style-type: none"> • Non-toxic contamination through elevated SSC • Toxic contamination through release of toxic contaminants bound in sediments, and accidental oil, fuel or chemical releases <p>Disturbance</p> <ul style="list-style-type: none"> • Disturbance through underwater noise and vibration • Airborne noise and visual disturbance
62.	Immingham Onshore Wind	Approx. 2 km	<p>Disturbance (including collision risk)</p> <ul style="list-style-type: none"> • Airborne noise and visual disturbance

Appendix 2

1 Requirement 18

- 1.1 Impact Protection Measures for the IOT trunkway **and the IOT finger pier**
- 1.2 18. – (1) In the event that the Statutory Conservancy and Navigation Authority or the dock master determine that the impact protection measures comprising Work No. 3(a) **and/or Work No. 3(b)** are required, upon receiving notification of the determination from the Statutory Conservancy and Navigation Authority or the dock master the undertaker must construct the said impact protection measures **as so required**.
- 1.3 (2) Upon receiving notification of the Statutory Conservancy and Navigation Authority’s or dock master’s determination referred to in sub-paragraph (1):
- (a) The undertaker must within 10 business days notify the IOT Operators and the MMO of that determination; and
 - (b) Within 30 business days notify the IOT Operators and the MMO as to the steps it intends to take as a result of the Statutory Conservancy and Navigation Authority’s or dock master’s notification.
- 1.4 (3) The construction of Work No. 3(a) **and/or Work No. 3(b)** must not be commenced until the undertaker has consulted with the Statutory Conservancy and Navigation Authority, the dock master, the IOT Operators and the MMO as to the detailed design of Work No. 3(a) **and/or Work No. 3(b)** and has had regard to any consultative representations received by the undertaker.
- 1.5 (4) No works for the construction of Work No. 3(a) and/or Work No. 3(b) may be commenced until the undertaker has obtained the written consent of the Statutory Conservancy and Navigation Authority to construct Work No. 3(a) **and/or Work No. 3(b)**.
- 1.6 (5) The detailed design referred to in sub-paragraph (3) 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.