Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

Immingham Eastern Ro-Ro Terminal DCO Application

Issue Specific Hearing 5 (ISH5) on Navigation and Shipping and Onshore Transportation

Post Hearing Submissions (including written submissions of oral case)

of

CLdN Ports Killingholme Limited

CONTENTS

1. INTRODUCTION

1.1 This document summarises the main oral submissions made by CLdN Ports Killingholme Limited (**CLdN**) at Issue Specific Hearing 5 (**ISH5**) dealing with Navigation and Shipping and Onshore Transportation held on 21 and 22 November 2023, in relation to the application for development consent for the Immingham Eastern Ro-Ro Terminal (**IERRT** or the **Proposed Development**) by Associated British Ports (the **Applicant**).

1.2 ISH5 was attended by the Examining Authority (the **ExA**), the Applicant and a number of Interested Parties (**IPs**), including CLdN.

1.3 This document does not purport to summarise the oral submissions of parties other than CLdN, and summaries of submissions made by other parties are only included where necessary in order to give context to CLdN's submissions in response.

1.4 The structure of this document generally follows the order of items as they were dealt with at ISH5 set out against the detailed agenda items published by the ExA on 14 November 2023 **[EV10-001]** (the **Agenda**). Numbered items referred to are references to the numbered items in the Agenda. Where post hearing notes have been added, those notes are prefixed with "Post Hearing Note" and set out in italics for clarity.

2. **WRITTEN SUMMARY OF CLDN'S ORAL SUBMISSIONS**

Agenda Item	Applicant's Response
Item 1	
Welcome, introductions and arrangements for the Issue Specific Hearing 5 (ISH5)	**Robbie Owen, for CLdN,** introduced the CLdN team and noted Andrew Ross' (from RHDHV, CLdN's transport consultants) presence for transportation matters.
Item 2	
Navigation and shipping The ExA will ask the Applicant and participating Interested Parties (IPs) and the Harbour Master Humber questions related to the following matters: a) The assumptions that the Applicant has made concerning the use of the parts of the Inner Dock at Immingham and Port of Killingholme that would be vacated by Stena Line, and any interpretation that other Interested Parties have made of those assumptions.	In response to the ExA's question in relation to the assumptions the Applicant has made concerning the re-use of vacated capacity at the Port of Killingholme (**Killingholme**), **James Strachan KC**, **for the Applicant,** explained that so far as navigational risk is concerned, the same number of movements for the Ports of Immingham (**Immingham**) and Killingholme would be expected to continue. **Mr Strachan KC** referred to Table 1 of the Harbour Master Humber's response to the ExA's second round of questions (**ExQ2**) **[PD-013]** which showed data for 2003, 2022 and 2023 (from the period of 1 January – 16 September 2023) in terms of movements on the Humber. In 2003, the average number of Humber commercial shipping movements was 86 per day and the maximum was 116 per day. In 2022, the average was 61 movements per day and the maximum was 80 per day. **Mr Strachan KC** explained that this showed that the actual number of movements had declined on the Humber and around Immingham over the last 20 years. **Robbie Owen, for CLdN,** stated that CLdN noted the Applicant's assumptions and confirmed that these matched CLdN's own expectations in relation to the fact that current movements would be expected to continue**. Mr Owen** referred to CLdN's Deadline 6 submissions **[REP6-036]**, which provided full details in terms of the overall capacity at Killingholme, which currently (and for the foreseeable future) well exceeds the Stena and CLdN volumes. As per CLdN's Deadline 6 submissions **[REP6-036]**, **Mr Owen** explained that if Stena were to vacate Killingholme because the application for the Proposed Development is approved, there would be even more capacity at Killingholme to be utilised in many different ways. In particular, CLdN did not agree with the Applicant's suggestion that the same number of movements for Immingham are assumed as currently take place at Killingholme – Stena has only ever had 4 movements (2 in and 2 out) on 2 berths at Killingholme, whereas IERRT would require 6 movements (3 in and 3 out) on 3 berths at Immingham. **Benjamin Dove-Seymour, Director at CLdN,** added that the broad assumption is that when Stena leaves Killingholme, the capacity that they vacate (bearing in mind that there are no dedicated compounds for Stena at Killingholme) will lead to no overall change in the operational land at Killingholme. **Mr Dove-Seymour** explained that CLdN would continue to maximise and optimise use at Killingholme and, if market growth continues, CLdN (or another shipping line customer) would be looking to capture that growth as much as it could. Overall, the position

	at Killingholme would remain as it is, with any capacity freed up by Stena's departure remaining available to the market. **Robbie Owen, for CLdN,** explained to the ExA that CLdN had not made any assumptions about Immingham in this application and **Benjamin Dove-Seymour, Director at CLdN,** agreed. ***Post Hearing Note:*** *Stena currently uses two berths at Killingholme. If Stena were to vacate, there would be up to four spare berths at Killingholme available for use. CLdN refers the ExA particularly to paragraph 4.30 of the report produced by Volterra Partners LLP (**Volterra**) appended to CLdN's Written Representations submitted at Deadline 2 **[REP2-031]**.* *Details of Stena's total Ro-Ro units at Killingholme have been set out in Volterra's second report, included in CLdN's Deadline 3 submission **[REP3-020],** which shows 9,763 total units in November 2022.* *CLdN has already provided details of Killingholme's maximum capacity in its note on Killingholme **[REP4-021]**. In summary, the maximum capacity at Killingholme is dependent on a mixture of factors such as cargo, dwell times, vessel size and scheduling. Killingholme is a highly flexible operational port that could adapt storage functions to accommodate future growth in freight volumes.* *The overall capacity at Killingholme exceeds the current Stena and CLdN volumes. As set out in Appendix 2 of CLdN's Deadline 6 submissions **[REP6-036],** the existing capacity at Killingholme is 675,764 units, projected to rise to 807,931 by 2025 (see paragraph 17).* *Future growth could, therefore, be comfortably accommodated at Killingholme.*
b) Questions to DFDS and Harbour Master Humber, in particular, on the passage of the Britannia Seaways vessel into Immingham Lock observed during the course of the Accompanied Site Inspection (26 September 2023).	**Robbie Owen, for CLdN,** did not make any submissions in relation to this agenda item.
c) Navigational Risk Assessment matters, including stakeholder engagement and the additional simulation of berthing/unberthing manoeuvres for the Proposed	On the topic of the Navigational Risk Assessment (**NRA**), **Robbie Owen, for CLdN,** explained that whilst CLdN had been invited to the recent simulation to discuss the effects on the NRA of the proposed changes to the Proposed Development, CLdN had decided not to participate as it felt that IOT and DFDS were better placed to do so, given that the principal impacts relate to the confines of Immingham (within which CLdN does not currently operate). **Mr Owen** added that CLdN's main concern was the potential for navigational accidents at Immingham to impact on CLdN's operations up river at Killingholme, by interrupting CLdN's own vessel sailings and services. **Mr Owen**

Development adjacent to the Eastern Jetty.	stated that CLdN adopted the serious concerns raised by IOT and DFDS, and remained particularly troubled in relation to the potential consequential significant effects. **Mr Owen** emphasised that if the Proposed Development were to be approved, the issue of Protective Provisions became relevant, which was of great concern to CLdN. ***Post Hearing Note:*** *CLdN also refers to its post hearing submissions for Issue Specific Hearing 6 on this matter.*
d) Risk controls and any proposed changes to the application – including progress made since 28 September 2023 for identifying proposals for the application of additional risk controls, such as the provision of impact protection measures and preparing and implementing a marine construction stakeholder liaison and plan.	Responding to **Victoria Hutton's** submissions**, for the Harbour Master Humber,** on operational controls relating to navigational risk in the Lake Lothing DCO, **Robbie Owen, for CLdN**, explained that he had promoted that DCO for the Applicant and did not recall any operational controls of the nature being contemplated in relation to the Proposed Development being included in that DCO. **Mr Owen** added that Lake Lothing was a very different project – an opening bridge crossing a harbour. **Mr Owen** requested that if the ExA were to take what had been said by Ms Hutton into account, the Harbour Master Humber should supply further details of the alleged operational controls in the Lake Lothing DCO that were relevant to this matter. This would allow all parties an opportunity to consider and respond. **Victoria Hutton, for the Harbour Master Humber,** then explained that it was article 41 in the Lake Lothing DCO that required a scheme of operation to be made, and noted that the Harbour Master Humber could provide detail on how this has been operated. **Mr Owen** commented, in response, that he was familiar with article 41 and explained that this was an article common in opening bridge orders, as it regulates the opening of the bridge. It is a very different kind of 'operational control' to the ones that were in discussion in relation to this application. **Mr Owen** emphasised that CLdN agreed with **David Elvin, for IOT's**, submissions, and that if additional authority were needed beyond what the ExA had been referred to (i.e. section 145(5)(a) of the Planning Act 2008), then it could be found in the provisions of the Planning Act 2008 saying that Requirements could be included in a DCO on matters that could have been covered by planning conditions in the context of a Town and Country Planning Act 1990 planning permission. **Mr Owen** added that although the Lake Lothing DCO would now be submitted into the examination, it was doubtful how much assistance it would provide the ExA. **Mr Owen** stated that it was important for the ExA to carefully distinguish between operational controls that are said to be needed to make the Proposed Development acceptable in principle, and operational controls that are required to bite on elements of detail in terms of how the Proposed Development should be constructed and operated in a safe manner. CLdN's position was that whilst operational controls were matters that could be contemplated for inclusion in the DCO, as a matter of law, in the former case CLdN did not think it would be appropriate to defer a judgement on the acceptability in principle of the Proposed Development to the workings of later operational controls, simply because 'they exist on the Humber and work well'.

	Mr Owen pointed out, with reference to section 145(2) of the Planning Act 2008, that this only applied to provisions proposed to be included in a DCO that would actually change the Harbour Authority's functions. The operational controls of the type being discussed would not necessarily do that.
e) The process for reviewing any revised risk assessment by the Designated Person and Harbour Authority and Safety Board, including further consideration of stakeholder representations and the cost-benefit analysis for risk controls.	**Robbie Owen, for CLdN,** did not make any submissions in relation to this agenda item.
f) Potential for marine congestion as a consequence of the construction and/or operation of the Proposed Development, including tidal constraints and any passage planning implications.	In relation to the possible congestion during the construction period of the Proposed Development, **Robbie Owen, for CLdN,** emphasised again the issue of Protective Provisions and referenced the preferred form of Protective Provisions that CLdN had put forward to the Applicant on 9 October 2023 (see Appendix 2 of **[REP4-018]**). **Mr Owen** added that these contained a number of provisions (paragraphs 4 to 7 in particular) which were intended to give protection to CLdN during the construction phase. **Benjamin Dove-Seymour, Director at CLdN,** provided detail of the protection that these provisions would afford to CLdN. CLdN currently had two services arriving in the morning at Killingholme and there was approximately a 12 hour turnaround time at the port. Vessels sailed overnight to arrive at the port in the early morning, discharge and load during the day and leave in the evening. **Mr Dove-Seymour** added that whilst there was contingency in the sailing schedule, the reason CLdN was seeking Protective Provisions was because the efficiency of its services relied on keeping to the schedules. Any interruption or delay had the potential to impact on the schedules, and any late arrival would impact on the unloading/loading process and timely departure. Any failure to leave on time would, in turn, impact on the destination arrival time. **Mr Dove-Seymour** explained that CLdN vessels sailed at a lower speed to use less fuel (reducing emissions), which was fundamental to CLdN being a sustainable operator. There were occasionally delays, due to weather and other factors but CLdN attempted to minimise those other factors which could cause delays. CLdN was looking to ensure it does not suffer any consequences relating to its scheduling of services and operational sustainability from the Proposed Development. ***Post Hearing Note:*** *CLdN also refers to its post hearing submissions for Issue Specific Hearing 6 on this matter.*
g) Any other shipping or navigation matters of concern to IPs.	In relation to the cross-over between Agenda Item 2 and Agenda Item 3(a) of ISH5, **Robbie Owen, for CLdN,** stated that vessel capacity and navigational constraints were as critical to the handling capacity of the Proposed Development as landslide storage capacity was. CLdN already considered the projected throughput of the Proposed

	Development to be unachievable. **Mr Owen** noted that the use of smaller vessels that had been modelled for the NRA made the Applicant's desired throughput even more unlikely to be achieved.
Item 3	
Onshore transportation The ExA will ask the Applicant and participating IPs questions related to the following matters: a) Salient matters on the freight handling capacity of the Proposed Development and 'dwell time' assumptions.	**Robbie Owen, for CLdN,** reiterated that there was currently considerable spare capacity at Killingholme, and CLdN's predictions were that this would remain the case for the foreseeable future. Therefore, **Mr Owen** added, the assessments undertaken by the Applicant in the Transport Assessment **[AS-008]** did not appear to have taken into account the potential for Killingholme to generate additional traffic beyond the current volumes generated by CLdN and Stena. That was a potential already consented and so would be unrestricted, should there be the demand for it. **Dwell Time Assumptions** **Mr Owen** made several comments in relation to freight handling capacity. CLdN was pleased to have agreed a Statement of Common Ground (**SoCG**) in relation to dwell times **[REP6-020]** before Deadline 6. In relation to the Applicant's desired throughput, **Mr Owen** said that it was a thoroughly unsatisfactory position that the ExA was being presented with, in terms of the number of inconsistencies in the Applicant's case and the opaqueness with which it had been presented. CLdN had fundamental misgivings about the ability of the Proposed Development to achieve the throughput the Applicant had claimed it would achieve to serve the identified market. **Mr Owen** stated that based on the figure of 1.4 days for the dwell time, that throughput was unachievable – in CLdN's view, the maths simply did not work. The 660,000 figure seemed meaningless but the Applicant continued to switch between that figure and the 525,000 figure – it was not consistently clear which number was being proposed and the status of each. CLdN's view was that the figure of 1.4 days for a dwell time only worked with a split of 28% for accompanied freight, which CLdN did not think could be achieved at the higher throughput figure (660,000), based on the vessels the Applicant had stated would be used. There were fundamental problems with what the ExA was being presented with, in terms of the Proposed Development's intended freight handling capacity, given that the numbers continued to change. Another example of the Applicant's inconsistencies that **Mr Owen** provided was the recent change in the number of trailer bays and slots that the Applicant claimed will be provided with the Proposed Development. In addition, CLdN felt this was an ironic alteration, given that the Applicant had disputed CLdN's ability to operate in this same flexible way at Killingholme. **Capacity of vessels and storage capacity** In response to the ExA's question on whether it is common practice to take the capacity of vessels as part of terminal storage capacity, **Mr Owen** explained that what **Simon Tucker, for the Applicant**, had told the ExA bore no resemblance to reality in CLdN's experience. At Killingholme, operators (including Stena) did not currently account for vessels as part of the terminal's capacity. CLdN routinely found that HGVs were waiting on the highway because the vessel had not yet started loading. The Applicant was only including vessels as part of its capacity calculations to achieve the projected throughput and nominal yard capacity. If a unit is in a terminal for even 30 minutes it is still

	taking up space and if it is not loaded immediately then it was not clear from the Applicant's assessment where it would then go if there was no space on the terminal. **1,800 Daily Limit** **Mr Owen** welcomed the statement that the Applicant would consider a daily cap of 1,800. **Andrew Ross, from RHDHV and on behalf of CLdN**, added that CLdN would be interested in the mechanisms for how that would be delivered, noting that it would be typical (in a port environment) for something akin to a freight management plan (**FMP**) to contain the necessary controls, monitoring measures and ultimately enforcement provisions (if that cap was exceeded). In relation to Mr Tucker's reference to the 80% maximum practical capacity, **Mr Owen** added that it was not immediately clear why, in the context of a daily practical maximum of 1,440, the annual limit should nevertheless be as high as 660,000. The ExA was in essence being told that the annual figure of 525,000 (achieved by using a practical maximum daily figure of 1,440), not 660,000, was the practical maximum. **Mr Owen** said that it seemed to CLdN, given the agreed peaking factor of 1.25 (as per the Transport SoCG **[REP6-011]**) leading to a figure of 1,800 per day, which clearly would not be reached every day of the year, that there was no logic behind the Applicant's continued use of an annual figure of 660,000. ***Post Hearing Note:*** *The freight handling capacity of the Proposed Development essentially relies on two separate matters: (i) vessel capacity; and (ii) landside storage capacity (which is determined by storage bays and dwell times).* ***Appendix 1*** *of these post hearing submissions, as well as CLdN's Deadline 6 submissions* ***[REP6-036]*** *relating to landside storage capacity and dwell times, set out the full and updated calculations by Volterra as to why CLdN is of the view that the Applicant cannot realistically achieve its stated throughput when accounting for what it has stated on both vessel and landside storage capacity. CLdN strongly encourages the ExA to consider both of these submissions (particularly* ***Appendix 1*** *of these post hearing submissions, which contains new material and calculations to demonstrate inconsistencies in the Applicant's case) in detail to understand how CLdN has arrived at this view. For ease of reference the key findings of these submissions are summarised below.* *The discussion on Day 1 of ISH5 regarding navigational safety made it clear that Stena anticipates there to be 3 vessels per day in and out of the Proposed Development. Stena therefore anticipates six sailings in total with all three berths fully utilised. Compared to Stena's existing operations on the Humber this would require either a new route or the doubling of capacity on an existing route. CLdN does not believe that either of these outcomes is feasible, with no explanation provided by Stena on where it anticipates this additional volume or route coming from.* *During ISH5, DFDS stated that the DCO must have controls limiting the powers contained within it (in relation to the operation of IERRT and the type/size of vessels) to the vessels simulated by the Applicant in relation to the NRA (i.e. the Jinling and Transit vessels). The Applicant has been asked by the ExA to produce a note by Deadline 7 setting out the effects on IERRT if such limitations were to be in place. Whilst CLdN accepts that the Applicant could*

	*in principle use other vessels at IERRT (and simulate these prior to their usage) it is completely unclear what vessels the Applicant would be using at IERRT to achieve its desired throughput given the Applicant's lack of transparency on this. CLdN assumes that the Applicant and Stena will be using the existing Europoort and Hoek vessels, rather than larger vessels. Whilst a 'design vessel' is very briefly mentioned in Chapter 4 of the Environmental Statement **[APP-040]**, at paragraph 4.3.29, Stena has not indicated that it intends to order larger vessels nor does it currently have any under construction. Therefore, the 'design vessel' (as discussed during ISH5) remains a concept at this stage and in any event the Applicant does not have sufficient landside storage capacity to operate larger vessels (as CLdN has repeatedly detailed throughout the examination).*
	
	The following analysis, therefore, considers both vessel and landside capacity in the context of only the Jinling and Transit vessels being used at IERRT, as these were the vessels simulated in the NRA.
	
	CLdN considers it very unlikely that the Applicant will be able to achieve their stated target throughput with the vessels they have tested in the NRA (Jinling and Transit). With the vessels tested and considering the sailing times the Applicant has stated will occur at IERRT (morning arrival and evening departure), a number of unrealistic assumptions around vessel utilisation and the split of cargo would need to occur for IERRT to be able to achieve its maximum throughput. To achieve even 528,000 units per year IERRT would need to:
	
	• *have six sailings a day (three arrivals and three departures) across the three berths, comprising:*
	  ○ *two sailings on a 3,700 lane metre RoPax Transit vessel, assumed to carry 100% accompanied cargo in order to maximise accompanied traffic; and*
	  ○ *four sailings on vessels the size of the 6,700 lane metre Jinling, which would require Stena to shift from their two existing 3,700 lane metre vessels to 6,700 lane metre capacity vessels;*
	• *sail the Transit seven days a week, 52 weeks a year;*
	• *sail the larger Jinling vessels six days a week, 51 weeks a year;*
	• *achieve an average utilisation rate of 75% across all vessels at a much larger volume of throughput. For context, CLdN's real data of the Hoek van Holland service, which operates at Killingholme, suggests that the service achieves approximately 61% utilisation rates on average (including weekends, where utilisation is typically lower). Similarly, historic data from 2021 (when the Europoort service was based at Killingholme) suggests that Europoort carryings achieved an average utilisation rate of 57% in that year. Achieving the 75% utilisation rate at a higher number of sailings than Stena's existing operations will, therefore, be very challenging, particularly when considering existing utilisation rates for Stena's routes; and*
	• *have an accompanied RoRo proportion of approximately 25% (130,000 units in total), amounting to a near doubling in accompanied RoRo throughput at a time when the accompanied RoRo market is in decline, as stated by the Applicant in their Market Study **[APP-079]** (for example, at paragraph 169(a)).*
	
	Operating IERRT at these parameters is unrealistic. It assumes that the terminal would operate at maximum capacity/throughput every day of the year without taking into account seasonal reductions in freight demand as well as weekly fluctuations in that demand – in particular, low demand at weekends means that operators (including Stena and CLdN) currently schedule fewer vessels and record lower utilisation rates at weekends. It is not based

	on historic experience of the RoRo freight industry and no evidence has been provided as to why IERRT would operate any differently to the rest of the industry. *It is also considered unrealistic that Stena will be able to achieve this stated throughput with the vessels tested in a sustainable manner i.e. with enough landside storage capacity to realistically accommodate unaccompanied throughput. It is almost certain that Stena will not be able to achieve anywhere near its stated proportion of accompanied cargo (28%). This proportion is only achievable with current volumes rather than the future larger stated throughput. In reality, the Transit vessel (used for the current Hoek service) carries approximately 50% accompanied and 50% unaccompanied cargo. To achieve otherwise, Stena would have to increase the volumes of accompanied freight being carried. However, the Applicant states in its Market Study* ***[APP-079]*** *that the trend for accompanied freight will be the opposite (i.e. volumes of accompanied freight will decrease, as unaccompanied freight takes a larger market share). If current unaccompanied/accompanied splits on Stena's existing operations were to continue into the future, which is considered the most likely scenario (including by the Applicant), it is estimated that IERRT would only achieve around 13% accompanied RoRo as a proportion of total throughput. In summary, the throughput stated by the Applicant relies on a level of accompanied freight that is not achievable – and which the Applicant acknowledges is not likely to occur in its own Market Study* ***[APP-079]****.* *Furthermore, the landside storage capacity of IERRT is not sufficient to pick up this discrepancy with higher volumes of unaccompanied freight. CLdN refers the ExA to its Deadline 6 submissions* ***[REP6-036]*** *for a detailed explanation of the limitations of landside storage at IERRT. In summary, the volumes stated for IERRT are very unlikely to be operationally deliverable. This is because the 380,000 unaccompanied RoRo units, stated by the Applicant, are estimated based on the current split of accompanied (28%) and unaccompanied RoRo (72%) cargo. It is clear, however, from the vessel capacity analysis presented above that for IERRT to deliver on its stated throughput it would most likely only achieve an accompanied RoRo proportion of 13% (69,000 units). 459,000 units would therefore be unaccompanied RoRo. To be able to achieve this level of unaccompanied RoRo units within the revised landside storage space at IERRT, a dwell time of around 1.16 days would need to be achieved, substantially below Stena's assumed dwell time of 1.4 days.* *CLdN acknowledges that the Applicant has previously referred to a 'design vessel' with some limited parameters set out in Chapter 4 of the Environmental Statement* ***[APP-040]*** *at paragraph 4.3.29. Whilst CLdN does not consider this to be a tangible and realistic proposition it should also be clear that this design vessel does not assist the Applicant in overcoming the issues (set out above) with achieving its unaccompanied throughput within IERRT's stated landside storage capacity. Even if this larger (assumed) unaccompanied vessel was theoretically brought into operation it is assumed that (like CLdN's largest G9 vessels and the DFDS Jinling) it would still be limited to carrying a maximum of 12 accompanied units per sailing. As a result, whilst this vessel could theoretically help to overcome the utilisation rate inconsistency in the Applicant's case it would still mean that the stated throughput is not deliverable, due to a lack of ability to store unaccompanied cargo using the Applicant's revised stated dwell time (1.4 days).* *This comparison of both stated vessel and landside storage capacity (see* ***Appendix 1*** *of these post hearing submissions) shows, once again, that the Applicant's calculations, and broad case for the Proposed Development,*

	are inconsistent, unrealistic and unachievable. When scrutinised, it is clear that the Applicant's assumptions, mathematical calculations and figures presented simply do not add up. This supports CLdN's view that IERRT should be seen as the relocation of an existing operation, rather than the creation of new capacity, and certainly not new capacity of the scale claimed by the Applicant.
b) Distribution of vehicular traffic entering and exiting the Port of Immingham in association with the operation of the Proposed Development, including wayfinding and the location of facilities for HGV drivers in the vicinity of Immingham.	**Robbie Owen, for CLdN,** confirmed that there was agreement between the parties on the GHD plan appended to the Transport SoCG **[REP6-011]**. In respect of the FMP, discussed above, **Andrew Ross, for RHDHV,** added that the FMP could be a mechanism for controlling and enforcing strategic HGV movements, i.e. those which are moving out to the wider network, rather than local facilities. ***Post Hearing Note:*** *CLdN welcomes the suggestion of there being a requirement for an FMP in the DCO, particularly given that Stena has no relationship with the drivers of these HGVs (despite the assertions of the Applicant's transport consultant during ISH5) and notes that simply booking a passage does not guarantee that a driver will travel in a particular direction.*
c) Inputs to the Transport Assessment, including assumptions regarding the reuse of facilities currently used by Stena Line at the Ports of Immingham and Killingholme and the PCU conversion factor. Sensitivity testing and modelling updates, including solo tractor movement ratios.	**Robbie Owen, for CLdN,** raised a point in relation to the now agreed dwell time of 1.4 days and the effect of that on the Transport Assessment, i.e. whether it had any implications, given that it could change the arrival and departure profiles of traffic. **Mr Owen** noted that the ExA had been informed that the Applicant was undertaking a sensitivity test, to be provided as an addendum to the revised Transport Assessment at Deadline 7, which would deal with the matters that the Transport SoCG **[REP6-011]** had now agreed on (tractor ratio, gate assignments and PCU factor). Given that the figure of 1.4 days for the average dwell time had been agreed only at Deadline 6, CLdN had not had an explanation from the Applicant about what it was planning to do, in terms of the sensitivity test, in the light of this now agreed dwell time. **Andrew Ross, for RHDHV**, stated that CLdN would confirm, when the Applicant revisited the arrival profiles for HGVs, that the reduction in dwell time was not inducing a material change to those HGV arrival and departure profiles. **Mr Owen** then referred to the lack of agreement of the transport mitigation thresholds, per the Transport SoCG **[REP6-011]**. **Mr Owen** stated that the Applicant's position was that the magnitude of impact was not severe, and therefore no mitigation was required, whereas CLdN's position remained that five junctions were modelled to be over their capacity thresholds (even before the application of sensitivity). Therefore, mitigation was required. **Mr Ross** added that the primary policy test was the National Policy Statement for Ports (**NPSfP**), paragraph 5.4.24, which stated that "*where development will worsen accessibility, such impacts should be mitigated so far as reasonably possible*". CLdN's concern with the modelling that the ExA had seen during the examination, which was prior to any sensitivity test, was that it gave rise to concerns that delays could increase significantly when that

	sensitivity was applied. **Mr Ross** noted that mitigation should be considered at these junctions. **Mr Owen** noted that this paragraph of the NPSfP had been quoted by DFDS in **[REP6-038]**, at paragraphs 27-30, and CLdN endorsed those paragraphs of DFDS' submission. **Revised Transport Assessment** **Mr Owen** added that he agreed with Mr Strachan KC's summary of the case law in relation to the role of Environmental Statements in DCO applications. However, **Mr Owen** noted that the Applicant should allow the ExA to understand whether the additions to the Transport Assessment would have any Environmental Impact Assessment implications, particularly relating to noise and air quality. If so, additional information may need to be provided in those respects, which may constitute 'further environmental information' and trigger the corresponding procedural obligations under the applicable Regulations **Junction Capacity** **Mr Owen** noted that CLdN deferred to DFDS in terms of the detail of the mitigation required. **Mr Owen** also noted that the NPSfP had primacy in this area, rather than the National Planning Policy Framework. **Mr Owen** confirmed that CLdN would make further submissions relating to **Simon Tucker, for the Applicant's,** point that the agreement of the figure of 1.4 days for dwell time did not alter the assessment as it had always been assumed. ***Post Hearing Note:*** ***Assumptions taken into account and relied on for the passenger car unit (PCU) conversion factor*** *The Transport SoCG **[REP6-011]** confirms the agreement of a ratio of one HGV to 2.3 PCUs (matter ID 3, on page 6, and also at paragraph 32 of the meeting note dated 15 September 2023, on page 23). CLdN asserts that this factor is entirely appropriate, as the majority of HGVs accessing the Proposed Development will be articulated vehicles of 16.5m in length.* ***Sensitivity testing and what this is based on / any modelling updates*** *The Transport SoCG **[REP6-011]** confirms the agreement of the unaccompanied and accompanied trailer ratio, baseline traffic data, and PCU factor. The application of cumulative development traffic flows is still under consideration by DFDS, in their role as the traffic model lead.* *The Applicant has committed to consider an East / West gate assignment of up to 40/60% (matter ID 13, on page 8) and a solo tractor ratio of up to 36% (matter ID 14, on page 8). CLdN requests that the upper band be adopted for the purpose of a sensitivity test. The key parameter of maximum daily throughput is not agreed (matter ID 16, on page 8).*

	Notwithstanding this, CLdN has consistently called for a different approach to sensitivity testing, and this can be seen in its responses to Deadline 5 submissions ***[REP6-036]****, at paragraph 3.21, and the Applicant's agreement to this is found in matter ID 11 of the Transport SoCG, on page 8.* ***Maximum operational land and facilities available*** *Further to CLdN's Deadline 6 submissions* ***[REP6-036]****, CLdN re-emphasises that it supports DFDS' submission that it does not feel the number of trailer bays / ground slots can feasibly serve the stated throughput, given that the Applicant will struggle to achieve 28% Ro-Ro with the additional demand, according to market trends (see paragraph 24 of Appendix 2 to CLdN's Deadline 6 submissions* ***[REP6-036]****).* ***Sensitivity to the type of movements and access points*** *CLdN's position on this matter is captured in the Transport SoCG* ***[REP6-011]*** *at matter ID 11. The Applicant has agreed to provide an assessment of the key junction capacities, so that the various scenarios can be compared with these capabilities to define the materiality of impact and level of concern.* *The Transport Assessment* ***[AS-008]*** *and the subsequent transport technical notes (Applicant's ISH3 Action Points for Deadline 5 – Appendix 2 – DTA Report 23325-27 including Annexes A-C* ***[REP5-027],*** *Annexes D* ***[REP5-028],*** *Annexes E* ***[REP5-029]****) rely on historic, unsubstantiated assumptions on landside capacity and, therefore, daily throughput.* *Despite numerous submissions by CLdN, no clear 'audit trail' has been provided on how the original base assumption of an average 2.25 days' dwell time per unit informs landside capacity and the adopted Transport Assessment (and Environmental Statement) parameters. It is noted that Mr Tucker, for the Applicant, submitted in ISH5 that the change to 1.4 days' dwell time per unit will not change the transport assumptions. However, without a clear audit trail, CLdN questions how such a notable change would not influence key transport parameters. CLdN therefore requests a clear set of calculations from the Applicant, including both the historic and now-changed dwell times figures, to validate the assumptions being utilised for landside capacity, daily throughput and HGV arrival and departure times.* *Regarding access points, it is noted from the Applicant's ISH3 Action Points for Deadline 5 – Appendix 2 - DTA Report 23325-27, including Annexes A-C* ***[REP5-027]*** *that:* - *The Applicant is introducing additional capacity to the East Gate with the addition of an additional inbound lane, which it claims should mitigate any blocking back for Laporte Road bound traffic. However, CLdN submits that this arrangement should be subject to an independent RSA before it can be considered appropriate mitigation.*

	- *DTA has tested 100% development traffic assigned to the West Gate and demonstrated adequate capacity. However, CLdN notes that this sensitivity is not extended to the critical junctions on the highway network.* *CLdN continues to recommend that a sensitivity test is undertaken to establish the maximum parameters that would cause significant impacts on the highway network for a further review by IPs. The Applicant's agreement to this request is captured in the Transport SoCG **[REP6-011]**. The Applicant's sensitivity tests must be cognisant of the spare capacity at Killingholme (and the associated additional traffic demand) when reviewing the Proposed Development's impacts on junction capacity and delays.*
d) Any other onshore transportation matters of concern to IPs.	**Robbie Owen, for CLdN,** did not make any submissions in relation to this agenda item.
Item 4	
Any Other Business The ExA may extend an opportunity for the Applicant and IPs to raise matters relevant to topics raised ISH5 that they consider should be examined.	**Robbie Owen, for CLdN,** noted that CLdN welcomed the ExA's request for the Applicant to review its market forecast study as CLdN has been concerned throughout the examination that this was based on fundamental errors, having been compiled from sources such as Google Maps rather than real data obtained from CLdN. **Mr Owen** noted that the Killingholme Note contained a clear description of matters at Killingholme, which gave a full and accurate picture for the ExA. **Mr Owen** added that CLdN remained unsure as to why the Applicant has difficulty accepting CLdN's description of its own operations at its own port. **Vessel Comparison** In response to the ExA's question on the vessels used at Killingholme and the risks associated with these, **Mr Owen** referred to page 16 of the Killingholme Note **[REP4-021]** where CLdN noted that the largest vessels operated by CLdN at Killingholme are known as the G9s (the *MV Celine* and the *MV Delphine*). These are restricted to Berth 3 at Killingholme, and their capacity is 8,000 lane metres / 234m length overall. Vessels of this size are unique to CLdN, as these are the only two such vessels in the world. CLdN has two more G9 vessels under construction, which were ordered in February 2022 and are due for delivery in the first half of 2025. **Mr Owen** went on to make further comment in relation to how these vessels currently berth at Killingholme. Regarding the ExA's question of the two highest risks for vessels at Killingholme, **Mr Owen** stated that this question was, with respect, considered to be moot, given the different circumstances at Killingholme compared with Immingham. Berths 1 and 3 are unrestricted river berths i.e. the vessel moves on/off the berth directly from the River, rather than around or between other vessels, structures and berths. Tugs are not required on these berths. The IERRT berths are closer in character to Killingholme berths 2 and 5, which have restrictions.

	Mr Owen noted that the berthing requirements for vessels at Killingholme were specific to the type of vessels and berths at Killingholme. A G9-sized vessel berthing at another facility (IERRT or elsewhere) would have different and specific restrictions/berthing protocols for that berth. **Mr Owen** noted that the key difference between Killingholme and IERRT was that vessels at Killingholme were not berthing or manoeuvring in the vicinity of other traffic, and were not moving on or off the berth within an area of other high volumes of river traffic, other berths and docks, or structures. ***Post Hearing Note:*** *CLdN has set out, at the ExA's request, a more detailed treatment of these matters, including a comparison of the key differences in main characteristics between the G9 vessels and the Jinling vessels, alongside CLdN's H5 vessels and Stena's transit vessels, in* ***Appendix 2****.* *In relation to the lifecycle of new vessels, the lifecycle from concept to delivery is a minimum of 5 years. CLdN purports that any operator intending to bring in a new vessel within the next 7 years would: (1) already know that it would be doing so; (2) be in the process of design; (3) have made the initial investment decision (if not the final investment decision); and (4) be considering tendering. The alternative to this is chartering a vessel if it is required more quickly – however, the available vessels for charter are all smaller vessels because they come from other operators' spare tonnage. There are not, so far as CLdN is aware, any available charter vessels of the G9 or Jinling size.*
Item 5	
Review of matters and actions arising The ExA will discuss how any actions arising from the discussion during ISH5 are to be addressed by the Applicant, IPs or Other Persons following this hearing and whether there is any need for procedural decisions about additional information or any other matters arising. A written action list will be published if required.	**Robbie Owen, for CLdN,** did not make any submissions in relation to this agenda item. ***Post Hearing Note:*** *CLdN has reviewed the Applicant's draft actions list and provided comments.*
Close	

APPENDIX 1

UPDATED VOLTERRA CALCULATIONS

Introduction

1. The freight handling capacity of IERRT essentially relies on two separate matters: (i) vessel capacity; and (ii) landside storage capacity (which is determined by storage bays and dwell times). Analysis of both of these types of capacity, based on assumptions provided by the Applicant, shows that IERRT is very unlikely to be able to achieve its stated annual throughput. This appendix demonstrates the issues and inconsistencies which arise in the Applicant's case for the Proposed Development with respect to both types of capacity, and how the inconsistencies combine across the two.

Vessel Capacity

2. The discussion on Day 1 of ISH5 regarding navigational safety made it clear that Stena anticipates there to be 3 vessels per day in and out of the Proposed Development. Stena therefore anticipates six sailings in total, with all three berths fully utilised during the peak and preferred slots of the day for North Sea cargo. Compared to Stena's existing operations on the Humber, this would require either a new route, or the doubling of capacity on an existing route. CLdN does not believe that either of these outcomes are feasible, with no explanation provided by Stena on where it anticipates this additional volume or route coming from.

3. More importantly, however, CLdN considers it very unlikely that the Applicant will be able to achieve their stated target throughput with the vessels they have tested in the NRA. With the vessels tested, known as the Transit[1] or Transporter (4,056 lane metres)[2] and the DFDS Jinling (6,700 lane metres), this appendix demonstrates the unlikelihood that the Applicant will be able to reach its stated throughput, in part owing to the sailing times it has stated will occur at IERRT (morning arrival and evening departure).

4. For transparency, the following vessel capacities are assumed for this analysis, based on real-world operator knowledge that CLdN possesses, as outlined in the table below.

[1] Stena Transit – StenaLine.com – the Stena Transit and Stena Transporter are sister vessels, operating the Hoek van Holland to Killingholme service, and are identical.
[2] From CLdN's experience of Stena operating at Killingholme, these vessels are understood to have an actual maximum loading capacity of 3,700 lane metres, below the naval architects' measurement of the vessel size (4,056 lane metres). This 3,700 lane metre figure is what Stena have set in their booking system at Killingholme and represents the maximum that these ships can actually load. This is a common occurrence; all ships (not just Stena's) in reality have a 10-15% lower than theoretical loading capacity for a variety of reasons, such as parts of the deck plan being difficult to realistically access because of the angle of access or obstructions.

Table 1.1 Capacity of vessels assumed to operate at IERRT

Class of vessel	Lane metres	Accompanied units	Unaccompanied units
RoPax Transit / Transporter (maximum use of accompanied cargo)	4,056 (3,700 loading)	218	0
Transit / Transporter (realistic use of vessel, based on existing patterns)	4,056 (3,700 loading)	109	132
DFDS Jinling[3]	6,700	12	435

5. Two scenarios are considered where the Applicant is able to achieve the stated throughput of 528,000 units (80% of 660,000, a 'practical maximum') each year, based on their stated vessel and berth usage. Within both scenarios, the Applicant would need to:

5.1 Have six sailings a day across the three berths in total (i.e. three arrivals and three departures throughout the day);

5.2 Have two sailings (using one berth) of which would be on a 3,700 lane metre Transit/Transporter vessel;

5.3 Sail the Transit/Transporter vessel seven days a week, 52 weeks a year;

5.4 Have four sailings (using two berths), which would be on vessels the size of the 6,700 lane metre DFDS Jinling, which would require Stena to shift from their two existing 3,700 lane metre vessels to 6,700 lane metre capacity vessels; and

5.5 Sail the larger DFDS Jinling sized vessels six days a week, 51 weeks a year.

6. Operating IERRT at these parameters is unrealistic. It assumes that the terminal would operate at maximum capacity/throughput every day of the year, without taking into account seasonal reductions in freight demand, as well as weekly fluctuations in that demand – in particular, low demand at weekends means that operators (including Stena and CLdN) currently schedule fewer vessels and record lower utilisation rates at weekends. It is not based on historic experience of the RoRo freight industry and no evidence has been provided as to why IERRT would operate any differently to the rest of the industry.

Scenario 1 – Maximum stated throughput, morning arrival / evening departure, maximum accompanied RoRo cargo

7. This scenario sets out the mathematical calculation on how the Applicant can, in theory, achieve its practical maximum level of throughput (528,000 units) whilst maximising the proportion of accompanied RoRo cargo at IERRT. Table 1.2 sets out this calculation for achieving the practical maximum throughput.

8. As Table 1.2 shows, the Applicant would need to achieve a utilisation rate of around 75% on average across their vessels under the assumed shipping schedule, a schedule which was outlined by the Applicant during ISH5. For context, CLdN's real data of the Hoek van Holland service,

[3] DFDS takes delivery of its largest freight ferry ever | DFDS (INT) – note here that it states the maximum number of passengers is capped at 12; this figure is therefore the maximum possible accompanied units allowed per shipping. Only Stena's Hoek ships can carry more than 12 drivers as they are RoPax, where vessel design is more complex/expensive, and capacity is determined primarily by cabins and lifesaving equipment.

which operates at Killingholme, suggests that the service achieves approximately 61% utilisation rates on average (including weekends, where utilisation is typically lower). Similarly, historic data from 2021 (when the Europoort service was based at Killingholme) suggests that Europoort carryings achieved an average utilisation rate of 57% in that year. Achieving the 75% utilisation rate at a higher number of sailings than Stena's existing operations will, therefore, be very challenging, particularly when considering existing utilisation rates for Stena's routes.

9. If the RoPax Transit/Transporter vessel was used only to carry accompanied RoRo cargo, then the maximum proportion of accompanied throughput that the Applicant could achieve would be 25%. This 25% maximum possible accompanied RoRo proportion is below the 28% figure stated by the Applicant, supporting CLdN's earlier assertions that the 28% assumption only works with existing levels of Stena throughput, rather than future and higher levels of targeted throughput.

Table 1.2 Scenario 1 throughput

IERRT	Vessel	Sailings/Day (B)	Days/Week (C)	Weeks/Year (D)	Accompanied (E)	Unaccompanied (F)	Total
Berth 1	Transit / Transporter	2	7	52	118,869	-	118,869
Berth 2	DFDS Jinling	2	6	51	5,501	199,246	204,747
Berth 3	DFDS Jinling	2	6	51	5,501	199,246	204,747
Vessel Utilisation (A)	**74.9%**				129,871	398,492	**528,363**
Split					**25%**	**75%**	**100%**

*N.B. Example calculation: accompanied units per year on the Transit/Transporter service = accompanied units per vessel*A*B*C*D*
*Or, 218*74.9%*2*7*52 = 118,869 accompanied units on the Transit/Transporter service.*

10. Whilst this scenario shows that up to 25% accompanied RoRo can be achieved in theory, this is considered highly unlikely based on both real data and the Applicant's own assertions in their Market Study **[APP-079]**, such as paragraph 169(a) where it is stated that at the UK level "*the share of accompanied Ro-Ro traffic is set to further decline as problems with truck driver shortages and border controls are set to continue*" – in fact, CLdN submits that these problems have been largely overcome. As set out in CLdN's Deadline 6 submissions **[REP6-036]**, at paragraph 24.1 of Appendix 2, Stena's estimated throughput of accompanied RoRo units in the year of 2022 across the Hoek and Europoort services was approximately 77,000 units. This shows that there would need to be a near doubling of accompanied RoRo demand to accommodate this split at IERRT's higher levels of throughput. This is at odds with the findings of the Applicant's Market Study **[APP-079]**, which shows in paragraph 177(b) that accompanied RoRo traffic in the Humber has declined by an average of 1.6% per year over the period 2012 to 2021, with the category forecast to lose market share.

Scenario 2 – Maximum stated throughput, morning arrival / evening departure, realistic accompanied RoRo cargo split

11. Scenario 2 provides a more realistic assessment of the units likely to be carried by each type of vessel, based on real world data and trends. In reality, the Transit/Transporter vessels (used for the current Hoek van Holland service) carry approximately 50% accompanied RoRo and 50% unaccompanied RoRo. CLdN's data for this service at Killingholme across the months of January-June 2023 suggests that the exact split was 51% accompanied and 49% unaccompanied for this timeframe, a slight shift from the 55% accompanied and 45% unaccompanied split recorded across the whole of 2022.

12. If this trend towards unaccompanied freight were to continue in the future – this scenario assumes 45% accompanied and 55% unaccompanied due to unaccompanied units requiring slightly less space on the vessel – which is considered the most likely and more realistic scenario, it is estimated that IERRT would only achieve around 13% accompanied RoRo as a proportion of total throughput. This calculation is demonstrated in Table 1.3.

Table 1.3 Scenario 2 throughput

IERRT	Vessel	Sailings/Day (B)	Days/Week (C)	Weeks/Year (D)	Accompanied (E)	Unaccompanied (F)	Total
Berth 1	Transit / Transporter	2	7	52	58,006	70,246	128,252
Berth 2	DFDS Jinling	2	6	51	5,368	194,458	199,826
Berth 3	DFDS Jinling	2	6	51	5,368	194,458	199,826
Vessel Utilisation (A)	**73.1%**				68,743	459,162	**527,905**
Split					**13%**	**87%**	**100%**

*N.B. Example calculation: accompanied units per year on the Transit/Transporter service = accompanied units per vessel*A*B*C*D*
*Or, 109*73.1%*2*7*52 = 58,006 accompanied units on the Transit/Transporter service.*

Landside Storage Capacity

13. The SoCG in relation to dwell times **[REP6-020]** shows unequivocally that the Applicant's original dwell time assumptions were factually incorrect and misleading. The Applicant's revised dwell time assumption for IERRT (provided by Stena and amounting to 1.4 days), when combined with the revised amount of landside storage space, now conveniently allows the Applicant to reach its stated unaccompanied RoRo (380,000) throughput, in theory.

14. However, in reality IERRT is still very unlikely to be operationally deliverable at the levels of throughput claimed by the Applicant. This is because the 380,000 unaccompanied RoRo units are estimated based on the current split of accompanied (28%) and unaccompanied RoRo (72%) cargo. It has been shown through the vessel capacity analysis presented above that for IERRT to deliver on its stated throughput, it would most likely only achieve an accompanied RoRo proportion of 13% (69,000 units). 459,000 units would, therefore, be unaccompanied RoRo. To be able to achieve this level of unaccompanied RoRo units within the revised landside storage space at IERRT, a dwell time of around 1.16 days would need to be achieved, substantially below Stena's assumed dwell time of 1.4 days.

15. Table 1.4 below sets out the calculation to achieve 459,000 unaccompanied RoRo units (scenario 2 of vessel capacity), using the revised figure of 1.16 days for dwell time and updating Stena's calculations presented in Appendix 4 of the Applicant's Deadline 5 submissions **[REP5-032]**.

Table 1.4 Revised dwell time calculation to achieve throughput of 459,000 unaccompanied RoRo units at IERRT

Unaccompanied storage at IERRT	Westbound	Eastbound	Total
Trailer bays	1,446	228	1,674
Container ground slots	65	0	65
Stack height	195	0	195
Stack efficiency	0.8	0	N/A
Stack capacity	156	0	156
Static capacity	1,602	228	1,830
Multiply per year	584,730	83,220	667,950
Average dwell time	2.037	0.290	**1.16**
Peak multiplier	1.25	1.25	1.25
Practical throughput unaccompanied trailers / containers	229,644	229,572	**459,216**

NB: To achieve the throughput outlined in scenario 1 of vessel capacity, a dwell time of 1.34 days would need to be achieved, still below the figure of 1.4 days outlined by Stena.

16. Finally, CLdN acknowledges that the Applicant has previously referred to a 'design vessel', with some limited parameters set out in Chapter 4 of the Environmental Statement **[APP-040]** at paragraph 4.3.29. Whilst CLdN does not consider this design vessel to be a tangible and realistic proposition, it should also be clear that this design vessel does not assist the Applicant in overcoming the issues (set out above) with achieving its unaccompanied throughput within IERRT's stated landside storage capacity. Even if this larger vessel was theoretically brought into operation, it is assumed that (like CLdN's largest G9 vessels and the DFDS Jinling) it would still be limited to carrying a maximum of 12 accompanied units per sailing. As a result, whilst this vessel could theoretically help to overcome the utilisation rate inconsistency in the Applicant's case, it would still mean that the stated throughput is not deliverable, due to a lack of ability to store unaccompanied cargo using the Applicant's revised stated dwell time (1.4 days).

Implications and Conclusions

17. From a vessel capacity perspective it is considered very unrealistic that the Applicant will be able to achieve its stated throughput with the vessels tested in the NRA. Even if it could (although it is not clear how), it is almost certain that the Applicant will not be able to achieve an accompanied RoRo cargo proportion of 28%. Failing to achieve this proportion has clear implications for landside storage capacity, in that the dwell time required to achieve the maximum throughput would have to fall below the anticipated 1.4 days provided by Stena, in circumstances where the Applicant has claimed in its Market Study **[APP-079]** that dwell times will increase, as per paragraph 183(b) which states that "*capacity constraints on the Humber may occur sooner than in the next five years if dwell times continue their upward trend*". In fact, the inability of IERRT's landside storage capacity to meet its stated throughput fundamentally contradicts the need case set out by the Applicant in Chapter 4 of the Environmental Statement **[APP-040]**, at paragraph 4.2.67, where it is stated that "*there is a clear and urgent need for a new facility of the appropriate kind somewhere on the Humber Estuary – namely an appropriately located facility with the ability to accommodate large Ro-Ro*

vessels in a suitably unconstrained way, with sufficient storage / cargo handling areas in close proximity to the berths". Clearly, IERRT does not have the ability to accommodate large RoRo vessels, due to its lack of landside storage capacity.

18. The transparent presentation and comparison of both stated vessel and landside storage capacity presented above shows, once again, that the Applicant's calculations and broad case for the Proposed Development are inconsistent, unrealistic and unachievable. It appears that different approaches have been used, depending on the case the Applicant seeks to make (for example, the original use of a 2.25 day dwell time to diminish the calculation of capacity at Killingholme, whilst now using a 1.4 day dwell time to drive up the presentation of capacity at IERRT). It is telling that the ExA has raised whether the Applicant would like to reconsider its assessment of need against capacity, originally set out in the Market Study **[APP-079]**, ahead of Deadline 7. This inconsistency stretches across different elements of the Application, with one example being the fact that vessels tested by the Applicant in an attempt to satisfy navigational safety requirements do not, in turn, allow the Applicant to achieve its stated throughput and expected dwell times. When scrutinised, it can easily be demonstrated that the Applicant's assumptions, mathematical calculations and numbers presented do not add up and are undermined by a lack of consistency.

APPENDIX 2

VESSEL COMPARISONS

Introduction

1. As requested by the Examining Authority at Issue Specific Hearing 5 (**ISH5**), this Appendix sets out a comparison of the key characteristics of certain RoRo vessels currently operating on the river Humber. These are:

   1.1 CLdN's G9 and H5 vessels (CLdN has six H5 vessels in operation);

   1.2 DFDS's Jinling vessels; and

   1.3 Stena's Transit vessels.

Item	CLdN G9[1]	DFDS Jinling	CLdN H5	Stena Transit[2]
Length overall	234m	237.4m	217m	212m
Beam	35.33m	33m	32.26m	26.7m
Draught	8.11m	7.4m	8.2m	6.3m
Gross weight tonnage	74,273t	60,465t	50,443t	33,690t
Propulsion – total output	21,060kw	23,600kw	12,460kw	21,600kw
Thrusters	Bow: 2 x2,500kw Stern: 2x1,500kw & 1x2,000kw	Bow: 2 x 2,350kw	Bow: 2x2,000kw Stern 2x1,500kw	N/A
Capacity	8,000 lane metres	6,700 lane metres	5,000 lane metres	4,000 lane metres (300 passengers)
Deadweight (Tonnes)[3]	27687	18790	20615	8420
Displacement (summer)[4]	51235 MT	37000 MT	35690 MT	N/A

[1] CLdN's G9 vessels are currently the largest Short Sea RoRo vessels in operation in the world. CLdN operates two G9s (the MVs Delphine and Celine) with two further G9s under construction (scheduled for delivery in early 2025).
[2] https://stenaline.com/about-us/our-ships/stena-transit/
[3] Deadweight (or DWT) is the weight of everything a ship is carrying, equal to the entire displacement minus the weight of the ship itself.
[4] Summer displacement is the total weight of the vessel when loaded to the summer draft, including the sum of vessel and cargo given in metric tonnes.

Berthing requirements at CLdN Ports Killingholme

2. The ExA is referred to the Killingholme Note **[REP4-021]** for general information regarding the berthing arrangements at Killingholme.

3. Berths 1 and 3 at Killingholme are in-river berths, with no tide or wind berthing restrictions. The remaining berths (Berths 2, 4, 5 and 6) are subject to the requirements for at least one tug for berthing where: (1) tidal stream is > 2.5kts; and (2) wind force is BF5 or above from a beam direction. This is to prevent allision with the berths.

4. CLdN's G9 vessels are currently restricted to Berth 1, which is the only berth currently long enough to accept the G9. As set out in the Killingholme Note, however, the addition of one extra pile to Berth 3 would enable berthing of a G9 on Berth 3.

5. Berthing requirements at Killingholme should not be seen as direct comparables for IERRT – they are specific to the vessels and berths at Killingholme. Berthing on and off the river berths (Berths 1 and 3) at Killingholme is not restricted and manoeuvres at all berths at Killingholme are not carried out in the vicinity/obstruction of other moving vessels or other operators' berths, in the way that would be the case at IERRT. Further, Stena's Transit vessels are RoPax vessels, carrying up to 300 passengers, whilst CLdN's vessels can carry a maximum of 12 non-crew passengers. Carrying higher numbers of passengers presents different and distinct safety considerations.

6. However, CLdN's experience of berthing vessels on adjacent berths (Berths 2 and 5) at Killingholme illustrates a point made by IOT during ISH5 in relation to Berths 2 and 3 of IERRT. There are restrictions on the size of vessel that can be manoeuvred onto CLdN's Berth 2 or 5 when either is already in use. Vessels with a larger beam occupy more of the space between the berths, reducing the available space for a tug to operate effectively between the towed vessel and the vessel already in situ on the opposite berth. In CLdN's experience, if the only way to accommodate a tug is for it to lay alongside the vessel, this renders it ineffective for the purposes of assisting berthing. For this reason, it would not be possible to accommodate two vessels of the size of the H5 or G9 vessels on Berths 2 and 5 at Killingholme at the same time, or a combination of those (although smaller vessels can be). The same issue would arise if using a DFDS Jinling vessel or the IERRT design vessel, given their similar beam to CLdN's H5 and G9 vessels.

7. The same considerations will apply to the use of Berths 2 and 3 at IERRT. CLdN therefore questions whether it would practically be possible to berth large vessels (either the Jinling Class, H5 or G9 types, or the design vessel) safely, if at all, adjacently at both Berths 2 and 3 of IERRT. This calls into question, again, whether IERRT can achieve its stated throughput.