

Our ref:
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Dear Sir

EXAMINING AUTHORITY'S FIRST WRITTEN QUESTIONS - PROPOSED ABLE MARINE ENERGY PARK ON THE SOUTH BANK OF THE RIVER HUMBER AT IMMINGHAM, NORTH LINCOLNSHIRE

Thank you for informing the Highways Agency of our status as Rule 8 participants.

Responses to questions raised in the Rule 8 Letter, 31 May 2012

Please see below responses to the questions raised in the Rule 8 Letter sent to participants on 31 May 2012.

Question 71: Does the announcement on 8 May that development work will proceed on the A160/180 improvements to enable the scheme to be considered for approval in the early years of the next spending review (post 2015) have any implications for the application?

No. The A160/A180 improvements will be subject to consideration at the appropriate time by the National Infrastructure Planning Unit as a major infrastructure project, where all consented developments will be fully taken into account. Furthermore, the work undertaken prior to the last spending review took into account the potential for development in this location. The improvements to five junctions along the A160, of which are four are already committed improvements associated with the Able East Halton application, have been checked to ensure they are not incompatible with the A160/A180 improvements.

***Question 72: The Highways Agency's Relevant Representation states that –
While without the A160 upgrade scheme the impacts of the development cannot be mitigated such that the road operates at a level no worse than if the development were not to take place, we are satisfied that the proposed mitigation is the best that can be achieved within the existing highway.***

Does the Highways Agency agree with the applicant's assessment of the proposed mitigation measures in Annex 15.1 that –

(a) in the case of the Rosper Road/Humber Road junction the proposed mitigation measures would result in the junction operating at a similar level to the 'base + committed developments' scenario?

The Rosper Road/Humber Road junction is not part of the strategic road network, and therefore it will be the responsibility of the Local Highway Authority (North Lincolnshire Council) to answer this question.

(b) in the case of the A160/A1173/Manby Road the proposed mitigation measures would also result in the junction operating at a similar level to the 'base + committed developments' scenario?

The junction of the A160/A1173/Humber Road junction, also known as the Manby Road Roundabout would be expected to result in the junction operating at a similar level to the 'base + committed developments' scenario, albeit with a slight increase in the level of queuing on the A160 arm of the junction.

(c) in the case of the A1173/North Moss Lane/Kiln Lane the proposed mitigation measures would result in the junction operating within capacity?

The A1173/North Moss Lane/Kiln Lane junction is not part of the strategic road network, and therefore it will be the responsibility of the Local Highway Authority (North Lincolnshire Council) to answer this question.

Question 73: Do the Councils consider the Framework Travel Plan in Annex 15.2 of the Environmental Statement to be an adequate foundation for agreeing the final plan; and if not what deficiencies need to be corrected?

The following response has been agreed by the Highways Agency, North Lincolnshire Council and North East Lincolnshire Council:

It is considered that the submitted Framework Travel Plan is a good foundation to work from. However, we have some concerns that the plan places a very high level of responsibility upon end occupiers rather than the the developer to implement the plan. The following specific concerns have been identified:

1) There is a need to ensure that the proposed actions and measures for achieving objectives are identified within the Travel Plan and that these are reflected in the occupier travel plans and that measures identified are implemented in full.

2) There is a need to ensure that targets are set from the first occupation of the development, set using the SMART principles. Occupier travel plan targets should be set in relation to the framework travel plan and include measures for monitoring and reporting on success against targets.

3) It is important to identify how Able will monitor the effectiveness of the Travel Plan, what will be monitored, how monitoring will be carried out (surveys) and who will be responsible for monitoring. As part of this we would like to see a revised Travel Plan being submitted to the relevant local authority either annually or every three years with any future Travel Plans to include a site audit of available infrastructure and future requirements.

4) The Travel Plan identifies that accessing the site by public transport (mainly bus), walking and cycling will be challenging and we would expect Able to support the development and implementation of the 'International Gateways: Area wide Travel Plan.' This includes a variety of sustainable travel methods including upgrading infrastructure so as to provide adequate cycle links into the Gateway area and area-wide commitments to encouraging sustainable travel modes.

5) The developer is passing a lot of responsibility onto the end users and in particular to delivering their own private bus services (which of course, the Councils would want to see the emphasis, in time, shift from private bus services for this development to public bus services for the wider area). As such it is imperative that this provision of dedicated bus services is 'forever' (or certainly for a long period of time) conditioned and/or secured via the s.106 agreement.

Question 74: Do any of the Councils envisage a need for s.106 obligations attaching to a consent, and if so –

(a) what would these cover, and why are they necessary?

(b) what is the current state of negotiations with the applicant?

Current statute does not permit the Highways Agency acting on behalf of the Secretary of State for Transport to enter into a s.106 agreement. Our concern is to ensure that the outcomes of the travel plan are secured in such a way as to ensure their effective implementation using the most appropriate method, which may include s.106 obligations. Our views in respect of measures which may need to be covered by the s.106 agreement is set out in the response to Q73 above.

Responses to relevant representations

Other than our own representation, there are several representations which mention issues of traffic. These are:

- Brian Greenwood on behalf of Associated British Ports Ltd (representation no. 47)
- Benjamin Dove-Seymour on behalf of C.GEN Killingholme Ltd (representation no. 53)
- Paul Forshaw on behalf of Centrica PLC (representation no. 72)

Given that the traffic and transportation information related to the A160 and A180 trunk roads has been discussed and agreed with the applicant, we expect that these relevant representations will be addressed by them with reference to the information submitted in support of the application. We have no further comments to these representations at this stage, though we will be happy to attend the relevant hearings and answer questions where in the inspector's view it is necessary.

Statement of common ground

A statement of common ground between Able UK and the Highways Agency is currently in preparation and once complete will be submitted by the date requested in the Rule 8 letter.

If you have any queries or require clarification about any of the points raised in this letter, please contact me by email on the details below and I will be happy to provide additional advice.

Yours faithfully



Daniel Gaunt
Asset Development Team (Yorkshire and North East)

Email: 

