

Mr Robert Upton
Ex.A Lead Member
The Planning Inspectorate
3/18 Eagle Wing
Temple Quay House
2 The Square
Bristol
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Our reference BJK/0956072/O15560816.1/SAMF

Your reference TR030001

2 October 2012

Dear Mr Upton

**Application for Proposed Development Consent by Able UK for a New Port and Marine Energy Park
Strategic Environmental Assessment and Port Master Plans**

During the hearings last month, certain questions were raised by counsel for the Applicant in relation to my client's draft Port of Immingham Master Plan in the context of strategic environmental assessment. Since that time, we have also received your own Rule 17 request for further information, by letter dated 20 September.

In the light of the questions that had been raised, we thought it might be of assistance for the Panel if we clarified the position with regard to Port Master Plans and strategic environmental assessment.

The draft Port of Immingham Master Plan has been prepared in accordance with Government guidance as set out in the Department for Transport's "*Guidance on the Preparation of Port Master Plans*" published in November 2008.

The purpose of such a Plan is *inter alia* to inform the process of preparation of statutory development plans. It is not itself a statutory plan nor is it a development plan. It is not required by law nor by current Government guidance.

Government guidance does not suggest that a Port Master Plan should be subject to SEA (paragraphs 108-109). As such, Port Master Plans are neither required to be, nor are they, regulated by law. Indeed the effect of the CJEU decision in [C567/10 InterEnvironment Brussel ASBL](#) is that the SEA regime does not apply to them.

Further, the approach of the UK courts in [Central Craigavon v DoEni \[2011\] NICA 17](#) and [Cala Homes No.2 \[2011\] EWHC 97](#) does not suggest that they are likely to seek to apply the SEA regime to such plans.

ABP is nonetheless conscious of the importance of the environment and the need for EIA of projects which are likely to have significant environmental effects both for its own sake and because of the effects of protective requirements on its own activities.

I trust the above is of assistance.

Yours sincerely



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