



Mr Robert Upton
ExA Lead Member
The Planning Inspectorate
3/18 Eagle House
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2 The Square
Bristol
BS1 6PN

Our reference BJK/0956072/O15923120.1/SAMF

Your reference

19 November 2012

Dear Mr Upton

**Able - Proposed MEP
Local Impact Reports**

We write on behalf of our client, Associated British Ports.

This letter addresses the 'Written Statement' ("Statement") of Mr Marcus Walker of North Lincolnshire Council, which purports to address 'Local Impact Report and Road Transport Matters', as considered at the Issue Specific Hearing on 22nd October 2013.

Mr Walker's Statement was supplied to the Examination in the context of the Panel's request that parties provide a summary of their evidence given at the Hearing.

We take issue with two matters, namely:

- (i) the assertions made by Mr Walker in section 6 about the Killingholme Loop; and
- (ii) the approach of NLC to Policy IN4A of their Local Plan.

Killingholme Loop

On the morning of the Hearing, counsel for ABP drew Mr Walker's attention to a reference to the Killingholme Loop which appears on page 17 of the Council's Local Impact Report ("LIR"):

"Killingholme Rail Loop: This is a proposed scheme in its early stages (long term – post 2015) that will change the rail access into Immingham Dock and the South Humber Bank employment area from a rail cul-de-sac to a one way rail loop system. Several early options have been looked at by Network Rail in 2008/2009. This will achieve continuous rail access and egress, negate the need to reverse/shunt trains and potentially double rail paths. Although this will benefit the AMEP it is not essential for the Killingholme Rail Loop to be in place for the AMEP proposal to be constructed. North Lincolnshire Council will continue to support this scheme in negotiation with South Humber Bank industrial users and Network Rail."

Counsel for ABP asked Mr Walker whether or not the position of NLC remained as stated in the LIR. The transcript of the Hearing records the following exchange:-

Mr McCracken *".....can I then turn to the next point which is the Local Impact Report at page 17? You refer to the Killingholme Rail Loop and you say in the penultimate bullet point on that page - "North Lincolnshire Council will continue to support this scheme in negotiation with South Humber Bank industrial users and Network Rail." Is that right?"*

Marcus Walker *That's correct*

Mr McCracken *Yes, thank you."*

Accordingly, the Panel will note that counsel for ABP expressly raised the issue of the Killingholme Loop with Mr Walker, who confirmed that NLC continued to support provision of the Killingholme Loop. No indication was given by Mr Walker that he or his Council had any reservations about the project – either in terms of the need for its delivery, or in terms of the benefits which it would secure.

In these circumstances, we find it surprising that Mr Walker should assert in his Statement that NLC is effectively 'opposed' to the Killingholme Loop. If this was in fact the position of NLC, then counsel for ABP would have put further questions to Mr Walker about this. It is extremely unsatisfactory that Mr Walker should say one thing at the Hearing, and then subsequently another in writing – and in so doing 'duck' any questions which would have been put to him at the Hearing, had his intentions been known. ABP does not accept a number of assertions in the Statement, which are unjustified. These include the following assertions:

- (i) The purpose of the Killingholme Loop, when previously considered by Network Rail and others, was "*primarily aimed at providing rail access to...AMEP and the neighbouring Able Logistics Park*";
- (ii) The Killingholme Loop is "*not required to support the South Humber Bank development*";
- (iii) There will be a "*fall in demand for coal through the Port of Immingham*"; and
- (iv) That alleged fall in demand for coal, combined with the cancellation of two biomass projects, means that 'the need for the Killingholme Loop is no longer justified'.

The correct position is that the Killingholme Loop is required to meet the needs of the Port of Immingham as well as other South Bank users such as C.Ro and potentially Able UK's Logistics Park. The volume of cargo – principally coal and biomass – leaving the Port of Immingham by rail is forecast to increase as power stations in the region increasingly switch to co-firing and the burning of biomass. It should be noted that two biomass trains are required to replace one coal train. The cancellation of two local biomass projects is unlikely to have any effect on biomass volumes handled at the Port of Immingham as port capacity is likely to be taken up by existing regional power stations switching to biomass. In addition, the reassessment of rail track-access charging arrangements has resulted in a drive to eliminate the long-distance haulage of coal and will promote those ports, such as the Port of Immingham, which are closest to existing power stations. The Killingholme Loop is essential if this element of the Government's low-carbon economy is to be delivered.

ABP would also have wished to question Mr Walker about his assertion as to the Humber LEP's priorities. Mr Walker's account of how matters have evolved at the Humber LEP is misleading. The following should be noted:

- (i) Mr Walker attended a meeting on 29 June 2012, at which he proposed without notice to ABP, that the Killingholme Loop should be deleted from the list of LEP priorities. No representative of ABP, which is a member of the LEP, was present at the meeting.
- (ii) At the subsequent meeting of the LEP on 27 July 2012, Mr Matt Jukes of ABP raised the issue of the Killingholme Loop and objected to the removal of the Loop's priority status.

- (iii) In consequence, the LEP decided to defer consideration of Mr Walker's initiative to remove the Loop from the list of LEP priorities, pending reconsideration of the freight traffic strategy on the South Bank of the Humber by a sub-committee of the LEP Board, with input from Network Rail, which would produce a set of recommendations and priorities and report back to the main LEP Board.

It is disturbing that the representative of NLC should first seek to remove the prioritisation of Killingholme Loop at the meeting of the LEP in this fashion, and then seek to change his evidence to the Examination in respect of it.

Policy IN4A Local Plan

As Mr Rowell pointed out on behalf of ABP in his further representations of 2 August, the LIR failed to make any reference to Policy IN4A (even though it quotes IN4 and IN5) of the Local Plan, entitled '**Port Related Development – ABP**', notwithstanding that the Proposals Map expressly identifies the 'ABP Triangle' as being subject to that policy.

Policy IN4A expressly identifies the ABP Triangle as being –"**Port Related Development**", the policy providing that - "**Port related development within the port area designated on the Proposals Map will be supported**".

Paragraph 5.37 of the text supporting Policy IN4A continues –

"The local, regional and national economic and functional importance of the Port of Immingham is acknowledged. The further development of the port area will be supported and encouraged. Most of the available land in the port area is likely to be developed for port related activities. The port area is within the control of Associated British Ports (ABP) which is a 'statutory undertaker'"

Somewhat surprisingly (given his position as Head of Economic Development) Mr Walker claimed not to be aware whether the policy comprised part of the Development Plan. Mr Walker undertook to confirm the status of the policy as part of the development plan. He has failed to do this.

Mr Walker's attempt to change his evidence in respect of the Killingholme Loop and also his treatment of Policy IN4A is disturbing. His support for the application is understood - but his manner of promoting the scheme is underhand and limits the weight which should be attached to his observations.

I trust the Panel will take fully into account the serious concerns that we have unfortunately had to draw to your attention.

Yours sincerely

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