



BNP PARIBAS REAL ESTATE

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Your ref:
Our ref: PBF L121025

25 October 2012

Dear Sirs

ABLE MARINE ENERGY PARK – PROPOSED AMENDMENTS TO THE DRAFT DEVELOPMENT CONSENT ORDER (DCO)

ROYAL MAIL GROUP LTD (UNIQUE REFERENCE NUMBER: ABLE-0027)

I refer to representations submitted on behalf of Royal Mail to the Planning Inspectorate on 12 September 2012 in respect of the potential impacts of the proposed development on the Immingham Delivery Office (DO) and the oral representations presented at the Transport Hearing on Monday 22 October 2012 by Mr John Vernon of Northern Transport Planning (NTP) on behalf of Royal Mail.

Under Section 4 of the Postal Services Act 2000, Royal Mail has a statutory duty to maintain a continuous, effective and efficient postal service. It is therefore vital that Royal Mail's operations at the Immingham DO are protected, not only to allow Royal Mail to carry out its statutory functions, but also to ensure that it continues to operate an important service to businesses and residents of Immingham and the surrounding areas.

Royal Mail's written representations highlighted Royal Mail's concerns over the potential impact of the proposed development on the operation of the local highway network and in particular, the potential impact on Royal Mail's operations out of the Immingham DO. These representations identified that it was likely that the level of traffic generated by the proposed development would exceed the capacity of the A1173 / Middleplatt Road junction and the A1173 / Pelham Road junction and requested that Able undertakes a detailed junction assessment of these junctions to confirm this and agrees to undertake appropriate mitigation measures to ensure that these junctions continue to operate within capacity.

Following further assessment work and discussions with Able's transport consultants, JMP, it has been agreed that improvements to the A1173 / Pelham Road junction would be required to mitigate the effects of the proposed AMEP development. JMP has tabled an indicative proposed improvement to the existing roundabout at this junction which consisted of a realigned roundabout and dedicated right hand turn lanes at each of the arms of the roundabout. However, it is not considered that this proposed alignment is acceptable. It is therefore considered that revised proposals for improvements of this junction should be required in the Development Consent Order (DCO). In particular, Able should be required by the DCO to submit to the local highways authority proposals for improving this junction to ensure that the effects of the proposed AMEP development on this junction are mitigated.

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As currently drafted, the draft Development Consent Order (DCO) (dated 9 October 2012) does not contain any requirement for improvements to this junction. This is of real concern to Royal Mail as without improving this junction to mitigate the impacts of the proposed development, significant delays are likely to be caused to Royal Mail delivery vehicles travelling along the A1173 and into Immingham. This would have a detrimental impact on Royal Mail's ability to undertake its statutory function.

We have therefore set out below a proposed Protective Provision that it is requested is included within the final version of the DCO. This protective provision would secure improvements to this junction and would reduce potential impacts on Royal Mail's operations out of the Immingham DO.

In addition, in order to ensure that the proposed development does not negatively impact on Royal Mail's ability to undertake its statutory functions, it is requested that further amendments are made to the DCO to require that the undertaker consults Royal Mail on any details of traffic movements, road works, access arrangements and the Travel Plan to be submitted for approval to the relevant planning authority or Highways Agency following the grant of a DCO. This would ensure that that any delays to Royal Mail vehicles in the wider area as a result of traffic movements from the proposed development or temporary works to highways are kept to a minimum. Requested amendments to the DCO are detailed below.

Protective Provision

As stated above, it is requested that a Protective Provision is included within the DCO which requires the undertaker to implement mitigation measures at the junction of the A1173 with Pelham Road before development commences. Following further assessment and discussions with NTP, Able and its consultants JMP have acknowledged that improvements to this junction would be necessary. However, the indicative revised junction layout proposed by JMP is not considered to be suitable. Royal Mail therefore requests that in order to ensure that the operation of this junction following implementation of the proposed development does not negatively impact on its operations, a protective provisions is included within the DCO that requires that proposals for improving this junction are submitted to the local highways authority for approval, following consultation with Royal Mail, and subsequently implemented prior to the proposed AMEP development becoming operational.

Suggested wording for this Protective Provision is as follows:

PART 13

FOR THE PROTECTION OF ROYAL MAIL GROUP

88. – For the protection of Royal Mail Group the following provisions shall, unless otherwise agreed in writing between the undertaker and Royal Mail Group, have effect.

89. – In this Part:

“Royal Mail Group” means Royal Mail Group Limited, all of its subsidiaries, and Group companies, transferees, assignees, etc, including but not limited to Parcel Force Worldwide, and its “sister company” Post Office Limited.

90. – (1) No part of the authorised development shall be occupied until improvements to the following junctions (or alternative mitigation measures to be approved in writing by the relevant local planning authority, following consultation with Royal Mail Group) have been implemented in accordance with details approved by the local planning authority in consultation with Royal Mail Group:

(a) A1173 / Pelham Road



(2) Such improvements should mitigate the effects of the proposed development on the operation of this junction and should be designed in accordance with normal standards

(3) The undertaker must have due regard to any consultation response received from Royal Mail Group.

91. –Any dispute arising between the undertaker and Royal Mail Group under this Schedule shall be determined by arbitration as provided in article 58 (arbitration).

In addition to the above, in order to allow for the necessary improvements to be made to this junction, “works to the junction of the A1173 and Pelham Road” may need to be added to the list of associated development in Schedule 1 of the DCO.

Requirements

As stated above, it is also requested that the Royal Mail is consulted on those documents required under the Requirements in Schedule 11 of the DCO that relate to highways issues, including Travel Plans and any details of alterations or works to highways. This would ensure that any delays to Royal Mail vehicles in the wider area as a result of traffic movements from the proposed development or temporary works to highways are kept to a minimum and there is therefore no detrimental impact on Royal Mail’s statutory functions. Requested amendments to Schedule 11 are detailed below.

Definition of Royal Mail Group

Similar to the requested protective provision, Schedule 11 should include a definition of “Royal Mail Group” to ensure that consultation is had with all the relevant companies within the Royal Mail Group.

1. In this Schedule.....

“Royal Mail Group” means Royal Mail Group Limited, all of its subsidiaries, and Group companies, transferees, assignees, etc, including but not limited to, Parcel Force Worldwide, and its “sister company” Post Office Limited.

Highway Access

“8.-(1) No stage of the authorised development shall commence until for that stage, written details of the siting, design and layout of any new permanent or temporary means of access to a public highway to be used by vehicular traffic, or any alteration to an existing means of access to a public highway used by vehicular traffic, has, after consultation with the relevant highway authority, Royal Mail Group and Centrica, has been submitted to and approved by the relevant planning authority.

(2) The undertaker must have due regard to any consultation responses received.

~~(2)~~***(3) The public highway access must be***

~~(3)~~***(4) No stage of the authorised development shall.....***

~~(4)~~***(5) The Access Management Scheme must.....”***



Design of Roads

*“19.-(1) No stage of the authorised development consisting of the construction or alteration of a street which is a trunk road, including any traffic management and control measures, shall commence until written details of the design of the street have been submitted to and approved by the Highways Agency, after consultation with Centrica **and Royal Mail Group**.*

(2) The undertaker must have due regard to any consultation responses received.

~~(2)~~**(3)** *The authorised development, construction or alteration.....”*

Construction Traffic

*“21.-(1) No stage of the authorised development shall commence until written details of the preferred route for that stage to be used by construction traffic on public highways, after consultation with the highway authority, ~~and~~ Centrica **and Royal Mail Group**, is submitted to and approved by the relevant planning authority.*

(2) The undertaker must have due regard to any consultation responses received.

~~(2)~~**(3)** *Notices shall be erected and maintained.....”*

Travel Plan

*“24.-(1) No stage of the authorised development shall commence until, for that stage, after consultation with the highway authority, North East Lincolnshire Council, ~~and~~ Centrica **and Royal Mail Group**, a travel plan, which must include details of the expected means of travel to and from the authorised development and any parking to be provided, has been submitted to and approved by the relevant planning authority.*

*(2) No part of the authorised development shall be brought into use until, after consultation with the highway authority **and Royal Mail Group**, a travel plan, which must include details of the expected means of travel to and from the authorised development and any parking to be provided, has been submitted to and approved by the relevant planning authority.*

(3) The undertaker must have due regard to any consultation responses received.

~~(3)~~**(4)** *The plan approved under paragraph (1) must be implemented during the construction of the authorised development and the plan approved under paragraph (2) must be implemented within one month of the authorised development being brought into use and shall continue to be implemented for as long as the authorised development is used.”*

Amendments to Approved Details

In addition to the above it is considered that, in order to safeguard the interests of consultees, including Royal Mail, any amendments to approved details submitted under the requirements in Schedule 11 should also be subject to consultation with those consultees with whom the undertaker is required to consult on the original details. This would ensure that any major amendments to the authorised development do not have an unacceptable impact on consultees and the surrounding area. As such, it is requested that Article 27 is amended as follows:



*“27.(1) With respect to any requirement which requires the authorised development to be carried out in accordance with the details approved by the relevant planning authority, the approved details shall be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority, **following re-consultation with those parties that are required to be consulted under the relevant requirements in this Schedule.***

*(2) **The undertaker must have due regard to any consultation responses received.***”

Conclusion

It is vital that the proposed development does not prejudice Royal Mail's ability to undertake its statutory functions required under Section 4 of the Postal Services Act 2000. Royal Mail's operations out of the Immingham DO should therefore not be negatively impacted through delays to its delivery vehicles. It is therefore essential that the DCO contains provisions that will ensure that Royal Mail's operations in the area are taken into consideration during the approval of further details following the grant of a DCO and during the construction and operational phases of the development.

Following further assessment and discussions between Able, JMP and NTP, Able has acknowledged that improvements to the A1173 / Pelham Road junction would be required to mitigate the effects of the proposed development. However, the indicative improvements to this junction proposed by JMP are not considered to be acceptable. It is therefore considered that Able should be required to submit details of junction improvements for this junction to the local planning authority for approval prior to the commencement of operations on the site. This should be secured through a protective provision in the DCO.

Royal Mail therefore requests that the DCO contains provisions that secure any necessary junctions improvements to the junction of the A1173 with Pelham Road prior to the occupation of the proposed development. It is also requested that the DCO contains Requirements that ensure that Royal Mail is consulted on any further highways, transport or access details that need to be submitted to the relevant local planning authority following the grant of a DCO. Royal Mail has suggested possible amendments above.

By way of copy of this letter, we request that the above amendments are made by Able prior to the submission of the final version of the DCO to the Examining Panel on 26 October 2012. However, if these amendments have not be made, it is requested that in making a recommendation to the Secretary of State as to whether consent for the proposed development is granted, the Examining Panel recommend to the Secretary of State that these amendments are made to the DCO before it is granted.

We reserve the right to amend or withdraw these representations if necessary.

Cont.....



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Finally, we trust the above is clear and satisfactory; however, if you have any queries or would like to discuss the above please do not hesitate to contact Paul Forshaw at the above office.

Yours faithfully

BNP Paribas Real Estate

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Cc Mr R Cram – Able UK Ltd
Mr A Walker – Bircham Dyson Bell
Mr D Poole – Royal Mail