

C.RO Ports Killingholme Limited

The Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

The Able Marine Energy Park Development Consent Order

Planning Inspectorate Reference: TR030001

Written summary of the oral representations of C.RO Ports Killingholme Limited at the Issue Specific Hearing on land access and transport

Interested Party reference: 10015532

INTRODUCTION

1. This written summary ("WS3") has been prepared on behalf of C.RO Ports Killingholme Limited ("C.RO"). It relates to the oral submissions made by C.RO at the Issue Specific Hearing ("ISH") on land access and transport issues arising from the Application for the Able Marine Energy Park ("AMEP") Development Consent Order held on Friday 14 September 2012.
2. C.RO is the statutory harbour authority for, and operator of, C.RO Ports Killingholme ("CPK"). This document summarises the submissions made by C.RO at the ISH in relation to land access and transport, using the agenda of the ISH as a framework. The relevant issues are set out in the order in which they were discussed at the ISH.

ISSUES

3. **Issue 1: Network Rail's freight development strategy for the north-east Lincolnshire area**
 - 3.1 At the ISH Network Rail outlined the extra demand on the rail network that is being created by shifts in UK electricity policy towards biomass. C.GEN submitted at the ISH that it is also important to recognise the substantial role of coal, and in particular clean coal technologies, in meeting the UK's future electricity demands. C.GEN's proposed facility is an example. As previously submitted in its written representations, CPK may handle fuel and/or other materials for the C.GEN facility and thus C.RO may require use of the Killingholme Branch Line (the "Railway") for this purpose.
4. **Issue 2: The possible Killingholme Loop and its requirements**
 - 4.1 During discussions regarding the possible Killingholme Loop and Network Rail's options for managing future demand in the area, C.RO confirmed to the Panel that it has connection agreements with Network Rail. As confirmed by Network Rail at the ISH, pursuant to the terms of its licence Network Rail cannot change the status of any part of its Network without obtaining the agreement of those to whom it has a contractual responsibility to provide a connection.
 - 4.2 As submitted at the ISH C.RO has been trying to obtain further detail regarding Able's proposals for the Railway and the assessment that has been carried out. It is endeavouring to engage with Able in relation to its proposals but needs to see - and understand - Able's

detailed plans before it can do so effectively. C.RO notes that Able confirmed at the ISH that its proposals for AMEP do not include rail access to the Able Logistics Park.

4.3 C.RO also expressed its concern that Able and Network Rail have progressed sale discussions to the extent described by Network Rail at the ISH, given that C.RO was not consulted in relation to those discussions. C.RO welcomes Network Rail's confirmation at the ISH that any arrangement must be approved by C.RO. While any sale agreement may have been subject to C.RO's agreement, the point remains that C.RO has not been given any information in relation to Able's proposals. C.RO has repeatedly requested clarification of what Able is proposing, particularly in relation to the parallel loop that is now being promoted and the question of the nature of the crossings. C.RO submits that there are no drawings or assessment that deal with Able's proposals for the Railway and there has been no consultation.

4.4 As made clear at the ISH, C.RO's ability - and right - to connect to and use the Railway is not hypothetical. It has connection agreements, which are of the utmost importance to its port business.

5. **Issue 4: ORR's safety regime requirements for any Network Rail line through private ports or port-related activity**

5.1 C.RO submits that the issue of the operation of Network Rail line through private ports or port-related activity is wider than safety alone. The ORR is not an arbiter of the efficiency and C.RO has serious concerns regarding the operational implications of AMEP on the Railway, which were detailed at the ISH and at paragraph 16.39 of C.RO's first written representation (WR1). C.RO has seen no assessment as to whether AMEP could operate viably and safely in conjunction with third party train movements on the Railway in the way Able proposes.

5.2 In response to a question from the Panel C.RO confirmed that it has connection agreements that would allow it to accept and dispatch from/to the Railway immediately. Its ability to respond to customer demand is very important. C.RO submits that it has a very real interest in ensuring the operational efficiency of the Railway is protected. As stated at the ISH a bipartite agreement between Network Rail and Able will not suffice in this respect. C.RO has a right to connect to the Network and must be adequately consulted, and protected, regarding any proposals and/or arrangements between Network Rail and Able.