

# IMMINGHAM EASTERN RO-RO TERMINAL



Consultation Report – Appendices

Document Reference 6.2

**APPENDIX I – SECTION 46**

<b>APPENDIX I</b>	<b>SECTION 46</b>
I.1	SECTION 46 LETTER AND ACKNOWLEDGMENT FOR ORIGINAL STATUTORY CONSULTATION
I.2	SECTION 46 LETTER AND ACKNOWLEDGMENT FOR SUPPLEMENTARY STATUTORY CONSULTATION

I.1

SECTION 46 LETTER AND ACKNOWLEDGMENT FOR  
ORIGINAL STATUTORY CONSULTATION

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National Infrastructure Planning  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

## By Email -

ImminghamEasternRoRoTerminal@planninginspectorate.gov.uk

Our Ref  
BG/10276966

Your Ref  
TR030007-000044

Date  
18 January 2022

Dear Sirs

## IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT SECTION 46 OF THE PLANNING ACT 2008 STATUTORY CONSULTATION ON A PROPOSED APPLICATION FOR DEVELOPMENT CONSENT

We write on behalf of our client, Associated British Ports ("ABP").

ABP is proposing to submit an application under the provisions of section 37 of the Planning Act 2008 ("the 2008 Act") for a Development Consent Order ("DCO") for the construction and operation of the Immingham Eastern Ro-Ro Terminal Development ("IERRT Development"). We would be grateful if you would take this letter as formal notification to the Secretary of State for Transport under section 46(1) of the 2008 Act as to our client's intention.

### THE APPLICATION

If constructed, the IERRT Development will consist of:

#### *Marine works*

- An approach jetty from the shore
- A linkspan with bankseat
- Two floating pontoons appropriately secured in position
- Two separate finger piers to provide up to four berths, one either side thereby enabling the vessels to berth alongside with their stern ramps resting upon two floating pontoons
- A capital dredge of the new berth pocket
- Disposal of dredged material at sea if no beneficial alternative can be identified

#### *Landside*

- Demolition and removal of a number of existing commercial buildings within the site

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- Improvement of the existing cargo storage areas, including resurfacing and provision of new pavements and associated infrastructure
- A terminal building and a small welfare building to provide appropriate facilities for terminal operational and administration staff, lorry drivers and passengers
- A small workshop, a UK Border Force building and a gatehouse may also be required
- An internal bridge within the site to cross over Robinson Road and the ABP managed transit sidings
- Related utilities, operational infrastructure and possible soft landscaping etc.

## **STATUTORY CONSULTATION**

ABP will be undertaking statutory consultation in accordance with sections 42, 47 and 48 of the 2008 Act for the proposed IERRT Development from Wednesday 19 January 2022 until 23:59pm on Wednesday 23 February 2022, providing a consultation period of 5 weeks.

The first publication date was Thursday 13 January 2022, and the last publication date will be on Thursday 20 January 2022.

We confirm that the period between the publication dates and the close of the consultation provides consultees with more than the minimum 28 day period within which to comment on the application in accordance with Regulation 4(3)(i) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ("2009 Regulations").

The section 48 notice is being published, in accordance with Regulation 4(3) of the 2009 Regulations as follows:

- Two successive weeks in two local newspapers (on 13 and 20 January 2022);
- Once in a national newspaper (20 January 2022);
- Once in:
  - (i) The London Gazette (19 January 2022);
  - (ii) Lloyd's List (20 January 2022); and
  - (iii) Fishing News (fishing trade journal) (20 January 2022).

We confirm that the community consultation is being undertaken in accordance with the Statement of Community Consultation ("the SoCC") prepared by ABP in connection with the IERRT Development. A digital copy of the SoCC is enclosed with this letter.

We confirm that ABP consulted with the relevant local authority within which the development site falls, namely North East Lincolnshire Council, as to the contents of the SoCC and the consultation methodology to be adopted for this statutory consultation, as required by section 47(2) of the 2008 Act. ABP also consulted the neighbouring local authorities of Lincolnshire County Council, North Lincolnshire Council, East Riding of Yorkshire Council, the City of Kingston Upon Hull, West Lindsey District Council and East Lindsey District Council so as to ensure that the consultation was comprehensive.

## **DOCUMENTS**

In accordance with section 46 of the 2008 Act, we enclose copies of the following consultation documents:

- SoCC;
- Section 47 notice (as published on 6 January 2022);
- Section 48 notice;

- Letters to consultees identified under section 42 (1) (a) – (b) (email version);
- Letters to consultees identified under section 42 (1) (d) (email version);
- Letters to non-prescribed consultees (email version);
- Newsletter to the local community within the consultation zone; and
- Feedback Questionnaire.

In addition, the following documents are provided by file transfer link due to their size and number:

- Preliminary Environmental Information Report (“PEIR”) – including Technical Appendices and Figures; and
- Non-Technical Summary of the PEIR (“Non-Technical Summary”).

Please use the following transfer link to download the documents:

[REDACTED]

Copies of the PEIR, Non-Technical Summary, SoCC, Section 48 notice, Newsletter and Feedback Questionnaire will all be published and available to view and download on the IERRT Development consultation website from Wednesday 19 January 2022 and throughout the consultation period at: [REDACTED]

## **IN CONCLUSION**

Should you have any queries in relation to the above please do not hesitate to contact Brian Greenwood at [REDACTED] [@clydeco.com](mailto:[REDACTED]@clydeco.com).

Yours faithfully

[REDACTED]

Clyde & Co LLP



National Infrastructure Planning  
Temple Quay House  
2 The Square  
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By email only

Your Ref:

Our Ref: TR030007

Date: 19 January 2022

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Dear Mr Brian Greenwood

## **Planning Act 2008 (as amended) – Section 46**

### **Proposed application by Associated British Ports for an Order Granting Development Consent for the Immingham Eastern Ro-Ro Terminal**

#### **Acknowledgement of receipt of information concerning proposed application**

Thank you for your letter of 18 January 2022 and the following documentation:

- Letters to consultees identified under section 42;
- newsletter to the local community;
- feedback questionnaire;
- section 48 notice; and
- a link to the Preliminary Environmental Information and Non-technical summary.

I acknowledge that you have notified the Planning Inspectorate of the proposed application for an order granting development consent for the purposes of section 46 of the PA2008 and supplied the information for consultation under section 42. The following reference number has been given to the proposed application, which I would be grateful if you would use in subsequent communications:

TR030007

The role of the Planning Inspectorate in the application process is to provide independent and impartial advice about the procedures involved and to have open discussions with potential applicants, statutory bodies and others about the processes and requirements of the new regime. It is important that you keep us accurately informed of your timetable and any changes that occur.

We will publish advice we give to you or other interested parties on our website and, if relevant, direct parties to you as the applicant. We are happy to meet at key milestones and/or provide advice as the case progresses through the pre-application stage.

Once you have prepared draft documents we are able to provide technical advice, in particular on the draft development consent order, explanatory memorandum, the consultation report and any draft HRA. You may therefore wish to build this into your timetables.

In the meantime, you may wish to have regard to the guidance and legislation material provided on our website including the Infrastructure Planning (Fees) Regulations 2010 (as amended) and associated guidance, which you will need to observe closely in establishing the correct fee to be submitted at the successive stages of the application process.

When seeking to meet your pre-application obligations you should also be aware of your obligation under the current data protection legislation to process personal data fairly and lawfully.

If you have any further queries, please do not hesitate to contact me.

Yours faithfully

*Liam Fedden*

**Liam Fedden**  
**Case Manager**

This decision was made by officials on behalf of the Secretary of State under delegated powers.

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.



I.2

SECTION 46 LETTER AND ACKNOWLEDGMENT FOR  
SUPPLEMENTARY STATUTORY CONSULTATION

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**By Email:**  
**ImminghamEasternRoRoTerminal@planninginsp**  
**ectorate.gov.uk**

Our Ref  
BG/10276966

Your Ref  
TR030007

Date  
27 October 2022

Dear Sirs

**IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT  
SECTION 46 OF THE PLANNING ACT 2008  
STATUTORY CONSULTATION ON A PROPOSED APPLICATION FOR DEVELOPMENT  
CONSENT**

We write on behalf of our client, Associated British Ports ("ABP").

ABP is proposing to submit an application under the provisions of section 37 of the Planning Act 2008 ("the 2008 Act") for a Development Consent Order ("DCO") authorising the construction and operation of the Immingham Eastern Ro-Ro Terminal project ("IERRT"). We would be grateful if you would take this letter as formal notification to the Secretary of State for Transport under section 46(1) of the 2008 Act as to our client's intention.

**THE APPLICATION**

The proposed IERRT Development consists of:

***Marine works***

- An approach jetty from the shore linked to two floating pontoons appropriately secured in position
- Two separate finger piers to provide three berths thereby enabling the vessels to berth alongside with their stern ramps resting upon two floating pontoons
- A capital dredge of the new berth pocket
- Disposal of dredged material at sea if no beneficial alternative can be identified
- Possible impact protection measures if required

***Landside***

- Demolition and redevelopment of a number of existing commercial buildings within the site

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- Improvement of the existing cargo storage areas, including resurfacing and provision of new pavements and associated infrastructure
- A terminal building and a small welfare building to provide appropriate facilities for terminal operational and administration staff, lorry drivers and passengers
- A small workshop with fuel station and a UK Border Force building
- An internal bridge within the site to cross over Robinson Road and the ABP managed transit sidings
- Related utilities and operational infrastructure
- Creation of a second entrance lane at the Port's East Gate
- Offsite environmental enhancement

## STATUTORY CONSULTATION

ABP will be undertaking statutory consultation in accordance with sections 42 and 48 of the 2008 Act for the proposed IERRT development from Friday 28 October 2022 until 23:59pm on Sunday 27 November 2022.

The first publication date was Saturday 22 October 2022, and the last publication date is today, Thursday 27 October 2022.

We confirm that the period between the publication dates and the close of the consultation provides consultees with more than the minimum 28 day period within which to comment on the application in accordance with Regulation 4(3)(i) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 ("2009 Regulations").

The section 48 notice has been published, in accordance with Regulation 4(3) of the 2009 Regulations as follows:

- Two successive weeks in one or more local newspapers - 22 and 27 October 2022;
- Once in a national newspaper - The Guardian - 27 October 2022;
- Once in:
  - (i) The London Gazette - 27 October 2022;
  - (ii) Lloyd's List - 27 October 2022; and
  - (iii) Fishing News (fishing trade journal) - 27 October 2022.

We confirm that the Supplementary Statutory Consultation is being undertaken in accordance with the methods and principles set out in the Statement of Community Consultation ("the SoCC") which was prepared by ABP in connection with the IERRT Development. It was agreed with North East Lincolnshire Council, the relevant local authority for the project area, in January 2022 before the commencement of the original statutory consultation and was advertised and publicised in January 2022 in accordance with Section 47 of the Planning Act 2008. A digital copy of the SoCC is enclosed with this letter (by means of file transfer link).

The SoCC provides in section 8 – "Next Steps" - the following:

*"8.4 If as a result from this statutory consultation, the Project proposals change to the extent that it is necessary to undertake further geographically targeted consultation, this would be undertaken in accordance with the principles and methods set out in this SoCC."*

ABP is, therefore, now undertaking the Supplementary Statutory Consultation in line with the methods outlined in the SoCC, adapted as necessary - such adaptations are explained in section 18 of the enclosed Supplementary Consultation Report (SCR).

ABP has consulted with the North East Lincolnshire Council, the responsible local authority within which the IERRT development site falls, in respect of the above proposals – to which no concerns have been raised - as well as informing all the neighbouring local authorities of Lincolnshire County Council, North Lincolnshire Council, East Riding of Yorkshire Council, the City of Kingston Upon Hull, West Lindsey District Council and East Lindsey District Council.

We also confirm that a copy of the SoCC has remained on the IERRT project website since its adoption and will continue to be made available on it throughout the Supplementary Statutory Consultation period.

A copy of our letter to North East Lincolnshire Council (dated 25 October 2022) is enclosed for your reference.

## DOCUMENTS

In accordance with section 46 of the 2008 Act, we enclose (by way of file transfer link) copies of the following consultation documents:

- SoCC and letter to North East Lincolnshire Council consulting and confirming that the Supplementary Statutory Consultation will be held in accordance with the principles in the SoCC (dated 25 October 2022);
- Section 47 notice (as originally published on 6 January 2022);
- Section 48 notice
- Copy Section 48 notice as first published on 22 October 2022;
- Letters to consultees identified under section 42 (1) (a) – (b) (email version);
- Letters to consultees identified under section 42 (1) (d) (email version);
- Text of email to non-prescribed consultees;
- Newsletter to the local community within the consultation zone;
- Questionnaire; and
- Supplementary Consultation Report (SCR).

Please use the following transfer link to access and download the above documents:

In addition, the following documents - which formed part of the original statutory consultation in January – February 2022 are still available to view and download on the project website at

- Preliminary Environmental Information Report (“PEIR”) (dated January 2022) – including Technical Appendices and Figures; and
- Non-Technical Summary of the Preliminary Environmental Information Report (dated January 2022) (“Non-Technical Summary”); and

Please note that the PEIR and the Non-Technical Summary form part of the Supplementary Statutory Consultation Materials for the purposes of the Consultation, as supported by the SCR. For clarity the SCR, together with the PEIR published in January of this year, form the basis of the Supplementary Statutory Consultation now taking place.

Please note that with regard to the Questionnaire – in line with comments received in response to the original statutory consultation (in January – February 2022) regarding the usefulness of the Questionnaire - we have not produced a further Questionnaire for the Supplementary Statutory Consultation. We have instead asked for views and comments to be submitted in full by email or letter. We have also indicated, however, that if individuals would prefer to submit

their comments via a Questionnaire, a copy is available to download and complete on the project consultation website or a hard copy can be requested by emailing or calling the project team. We confirm that the Questionnaire has only been updated to refer to the 'Supplementary Statutory Consultation' and the altered consultation close date of 27 November 2022. The questions remaining the same.

Copies of the Supplementary Statutory Consultation Materials will all be published and available to view and download on the IERRT Development consultation website from Friday 28 October 2022 and throughout the consultation period at: [REDACTED]

## **IN CONCLUSION**

Should you have any queries in relation to the above please do not hesitate to contact me at [REDACTED] [@clydeco.com](mailto:[REDACTED]@clydeco.com).

Yours sincerely

[REDACTED]

Brian Greenwood  
Clyde & Co LLP



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By email only

Your Ref:

Our Ref: TR030007

Date: 28 October 2022

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Dear Brian Greenwood

**Planning Act 2008 (as amended) – Section 46 and The Infrastructure Planning  
(Environmental Impact Assessment) Regulations 2017 – Regulation 8**

**Proposed application by Associated British Ports for an Order Granting  
Development Consent for the Immingham Eastern Ro-Ro Terminal project**

**Acknowledgement of receipt of information concerning proposed application**

Thank you for your letter of 27 October 2022 and the following documentation:

- SoCC and letter to North East Lincolnshire Council consulting and confirming that the Supplementary Statutory Consultation will be held in accordance with the principles in the SoCC (dated 25 October 2022);
- Section 47 notice (as originally published on 6 January 2022);
- Section 48 notice;
- Copy Section 48 notice as first published on 22 October 2022;
- Letters to consultees identified under section 42 (1) (a) – (b) (email version);
- Letters to consultees identified under section 42 (1) (d) (email version);
- Text of email to non-prescribed consultees;
- Newsletter to the local community within the consultation zone;
- Questionnaire; and
- Supplementary Consultation Report (SCR).

I acknowledge that you have notified the Planning Inspectorate of the proposed application for an order granting development consent for the purposes of section 46 of the PA2008 and supplied the information for consultation under section 42. The following reference number has been given to the proposed application, which I would be grateful if you would use in subsequent communications:

TR030007

I also acknowledge notification in accordance with Regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 that you propose to provide an environmental statement in respect of the proposed development.

I will be your point of contact for this application – contact details are at the top of this letter.

The role of the Planning Inspectorate in the application process is to provide independent and impartial advice about the procedures involved and to have open discussions with potential applicants, statutory bodies and others about the processes and requirements of the new regime. It is important that you keep us accurately informed of your timetable and any changes that occur.

We will publish advice we give to you or other interested parties on our website and, if relevant, direct parties to you as the applicant. We are happy to meet at key milestones and/or provide advice as the case progresses through the pre-application stage.

Once you have prepared draft documents we are able to provide technical advice, in particular on the draft development consent order, explanatory memorandum, the consultation report and any draft HRA. You may therefore wish to build this into your timetables.

In the meantime, you may wish to have regard to the guidance and legislation material provided on our website including the Infrastructure Planning (Fees) Regulations 2010 (as amended) and associated guidance, which you will need to observe closely in establishing the correct fee to be submitted at the successive stages of the application process.

When seeking to meet your pre-application obligations you should also be aware of your obligation under the current data protection legislation to process personal data fairly and lawfully.

If you have any further queries, please do not hesitate to contact me.

Yours sincerely

*Lily Robbins*

**Lily Robbins**  
**Case Manager**

This decision was made by officials on behalf of the Secretary of State under delegated powers.

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