

# IMMINGHAM EASTERN RO-RO TERMINAL



Statement of Reasons

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## Executive Summary

This Statement of Reasons (“Statement”) relates to an application submitted to the Secretary for State for Transport by Associated British Ports (“ABP”) under the provisions of section 37 of the Planning Act 2008 (“PA 2008”) for a Development Consent Order (“DCO”). ABP is seeking approval for the construction and operation of the Immingham Eastern Ro-Ro Terminal (“IERRT”).

The IERRT development will comprise the construction and consequent operation of a new roll-on/roll-off (Ro-Ro) facility with three berths together with landside storage capacity within the Port of Immingham, North East Lincolnshire. The IERRT Project constitutes a Nationally Significant Infrastructure Project (“NSIP”) as defined by section 14(1)(j) and section 24(2) of the PA 2008.

This Statement has been prepared in accordance with the provisions of Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the “APFP Regulations”).

ABP owns the freehold of the landside element of the Project, all of which falls within the statutory port estate with the exception of an area of environmental enhancement, as noted below, and a small area of land within the public highway relating to the proposed East Gate improvement works which falls within the ownership of North East Lincolnshire Council.

In terms of the marine element, ABP owns that part of the foreshore closest to the Port, but the majority of the marine infrastructure, will be constructed on the bed of the River Humber, which is owned by The Crown Estate and over which ABP enjoys a long leasehold interest, namely 999 years from 1 January 1869. A number of parties, however, enjoy interests in land within the proposed development site, which have been granted over the years by ABP.

If the IERRT development is to be constructed as proposed, therefore, it will be necessary for ABP to extinguish those interests and rights so as to enable the unimpeded delivery of the Project. The provisions of the PA 2008, which is the principal enabling legislation in terms of major infrastructure projects such as the IERRT development, however, enables an applicant to include within its draft DCO powers of compulsory acquisition.

That said, powers of compulsory acquisition are not granted lightly and the PA 2008, together with related secondary legislation in the form of Regulations, prescribes certain tests that must be satisfied and certain procedures, compliance with which is mandatory.

Whilst ABP’s application for the IERRT DCO contains a large number of supporting documents, as identified in the Application Index (Application Document Reference number 1.5), in terms of seeking powers of compulsory acquisition in a DCO, an applicant is required to provide the following four documents.

The first of these is the **Book of Reference**, (Application Document Reference number 4.1). This document identifies the land that will be subject to compulsory acquisition

and the persons/bodies who have an interest in the relevant land or enjoy rights over the land.

The second is what is known as the **Funding Statement**, (Application Document Reference number 4.3). The Funding Statement, submitted by ABP, provides details as to first, how the cost of the Project itself and second, how the cost of any proposed compulsory acquisition as detailed in the DCO, (with specific reference to the payment of compensation), will be funded.

The third document is this Statement, known as the **Statement of Reasons**, (Application Document Reference number 4.3). The purpose of the Statement of Reasons is to set out the rationale for and explain why the applicant, in this case ABP, considers it necessary to seek powers of compulsory acquisition.

The fourth and final document comprises the **Land Plans (including Crown Land)**, (Application Document Reference number 2.2). These Plans identify the areas of land that are subject to the proposed powers of compulsory acquisition, and any Crown Land within the IERRT project boundary.

This Statement should also be read in conjunction with the following DCO application documents:

- (a) The draft DCO (Application Document Reference number 3.1);
- (b) The Explanatory Memorandum (Application Document Reference number 3.2);
- (c) The Works Plans (Application Document Reference number 2.3);
- (d) The Planning Statement (incorporating the Harbour Statement) (Application Document Reference number 5.1);
- (e) The Needs and Alternatives Chapter (Chapter 4) of the Environmental Statement (“ES”) (Application Document Reference number 8.2.4); and
- (f) The ES Volumes 1-3 (Application Document Reference number 8.2 – 8.4).

It is not sufficient, however, simply to state that the powers of compulsory acquisition are sought because the grant of such powers would be “convenient” so as to enable the proposed development to proceed. As is discussed in more detail in the following sections, the applicant is required to explain why it considers that there is a “*compelling need in the public interest*” for the powers of compulsory acquisition being sought to be granted – a legal test set down in the PA 2008.

The following sections of this Statement, therefore, provide the following –

- a) A description of the proposed IERRT development – the subject of the DCO application;

- b) An explanation of the rationale for the development and the consequent need to secure powers of compulsory acquisition;
- c) A description of the land and rights that would be subject to compulsory acquisition if the DCO is made; together with
- d) A discussion of the legal tests that will have to be met by the applicant, referencing also the policy support for the IERRT; and finally
- e) A consideration of the proposals within the overriding need to protect the interests of affected persons and bodies in the context of Human Rights.

This Statement explains in Appendix 1 how the proposals, if authorised, would affect each parcel of land or rights over the land and explains why the land or rights in question are required for the purposes of the development.

ABP considers that there is a clear and compelling case in the public interest for the inclusion of powers of compulsory acquisition within the DCO so as to enable it to secure the land and interests which are required for the IERRT development.

ABP also considers that the public benefit of allowing the DCO to proceed outweighs any infringement of private rights which might arise should powers of compulsory acquisition be exercised.

# 1 Section 1 – Introduction

## 1.1 The Statement of Reasons and its Purpose

- 1.1.1 This Statement of Reasons relates to an application for development consent submitted by Associated British Ports (“ABP”) to the Secretary State of Transport (“SoS”) under section 37 of the Planning Act 2008 (as amended) (“the PA 2008”).
- 1.1.2 ABP is seeking approval, by means of a Development Consent Order (“DCO”) for the construction of the Immingham Eastern Ro-Ro Terminal (“the IERRT”).
- 1.1.3 This Statement of Reasons explains why it is necessary for the DCO, if made by the Secretary of State, to include powers which will enable ABP to acquire compulsorily land and rights over land so as to facilitate the construction of the IERRT. As such, this Statement also explains why there is a compelling case in the public interest for the land and rights to be acquired compulsorily.
- 1.1.4 The Statement has been prepared in accordance with the requirements of section 37(3)(d) of the PA 2008 and regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (“the APFP Regulations”).
- 1.1.5 In this context, it should be noted that guidance issued by the Department for Communities and Local Government entitled Planning Act: Guidance related to procedures for the compulsory acquisition of land (2013) provides, at paragraphs 31 and 32 –

*“31 The Applications Regulations require applicants to submit with their application a statement of reasons relating to the compulsory acquisition.*

*32 The Statement of Reasons should seek to justify the compulsory acquisition sought and explain in particular why in the applicant’s opinion there is a compelling case in the public interest for it. This includes reasons for the creation of new rights.”*

## 1.2 The IERRT development - summary

- 1.2.1 In summary, the IERRT development comprises two principal elements –
- (a) On the marine side, the new harbour facility which comprises the construction of the marine infrastructure necessary to serve a new three berth Roll-on-Roll-off (“Ro-Ro”) harbour facility; and
  - (b) On the landside, the provision of a suitably surfaced area to accommodate a terminal building and ancillary buildings together with storage and waiting space for the embarkation and disembarkation of the vessel borne wheeled cargo.



1.2.2 It should be noted that the landside development will also include, within the Order Limits – i.e., within the boundary of the development site, facilities for use by the UK Border.

### 1.3 **Powers of compulsory acquisition sought in the DCO**

1.3.1 The draft DCO submitted with ABP's application to the Secretary of State seeks powers to:

- (a) acquire land or rights over/in land compulsorily; and
- (b) vary, extinguish, suspend, interfere with, or override existing rights over land,

so as to enable the construction and delivery of the IERRT development.

1.3.2 The powers which authorise the compulsory acquisition of the land and rights over land are principally contained in articles 10 to 20 of the draft DCO although there are other articles in the DCO which may also be of relevance.

1.3.3 If the powers of compulsory acquisition have to be exercised, the owners of the interests in land and/or rights may be entitled to compensation under the Compensation Code, subject to the making of a valid claim. Should there be a dispute with regard to the amount of compensation payable, the dispute would be referred to and determined by the Land Chamber (Upper Tribunal).

### 1.4 **Structure of this Statement of Reasons**

1.4.1 Following this Introduction, this Statement is structured as follows -

- (a) Section 2 – describes the proposed development.
- (b) Section 3 – provides a description of the development site, its location and the Order Land which is subject to the proposed compulsory acquisition.
- (c) Section 4 – explains the scope of the compulsory powers sought, cross-referencing the relevant articles contained in the draft DCO.
- (d) Section 5 – sets out the justification for the compulsory acquisition powers sought by ABP in accordance with the legislative tests imposed by the PA 2008 and DCLG Guidance in respect of compulsory acquisition.
- (e) Section 6 – outlines the policy support for the proposed development.
- (f) Section 7 – provides information about ABP's communications and negotiations with those bodies with interests in land or rights over land and which are the subject of the powers of compulsory acquisition sought in the draft DCO.
- (g) Section 8 – provides a justification of the powers of compulsory acquisition in the context of a potential interference with Human Rights.
- (h) Section 9 – addresses other consents and licences that will or may be required in addition to the powers sought in the DCO.

- (i) Section 10 – sets out the conclusion to this Statement of Reasons.
- (j) Appendix 1 – explains the purposes of compulsory powers sought in the context of each individual parcel of land sought.

## 1.5 Relationship with Other Application Documents

1.5.1 The Statement of Reasons forms part of a suite of documents which have been submitted to the Secretary of State in support of ABP's application for the IERRT DCO. All of these documents have been submitted in compliance with section 55 of the PA 2008 and Regulation 5 of the APFP Regulations, but a number relate specifically to the powers of compulsory acquisition sought in the DCO, namely:–

- (a) this **Statement of Reasons** (Application Document Reference number 4.2);
- (b) the **Funding Statement** which explains that ABP is able to fund both the construction of the IERRT development and, if required, any costs that may arise in terms of the payment of compensation should it be necessary to exercise the powers of compulsory acquisition sought within the draft DCO (Application Document Reference 4.3);
- (c) the **Book of Reference** which identifies the parties with an interest in land affected by the proposed IERRT development, (Application Document Reference 4.1). The form of the Book of Reference is specifically prescribed by Regulation 7 of the APFP Regulations. It comprises five parts identifying the specific categories of interested parties affected by the exercise of the powers of compulsory acquisition;
- (d) the **Land Plans (including Crown Land)** identify the land and the rights over land within the Order Limits as well as any Crown Land within the IERRT project boundary ("the Order Land") (Application Document Reference number 2.2);
- (e) the **draft Development Consent Order** which incorporates the consents, authorisations and powers required by ABP to enable it to deliver the IERRT development. It also contains provisions designed to protect the interests and operations of undertakers and operators affected by the development proposals whilst also imposing certain restrictions on the consenting process (Application Document Reference number 3.1);
- (f) the **Explanatory Memorandum** which explains the purpose and effect of the DCO in deliberately non-legal language (Application Document Reference number 3.2);
- (g) the **Environmental Statement** – which assesses the environmental impacts of the IERRT development (Application Document Reference number 8.2), notably chapter 4 (Needs and Alternatives) (Application Document Reference number 8.2.4) of which discusses the case and need for the IERRT project and the lack of alternatives;

- (h) the **Planning Statement (incorporating the Harbour Statement)** which, together with chapter 5 (Legislation, Policy and Consenting Framework) (Application Document Reference number 8.2.5) of the ES, places the proposed IERRT development in the context of national and local planning policy. The Planning Statement also, as required by Regulation 6(3) of the APFP Regulations, explains why the making of the DCO is desirable in the interests of –
- “a) securing the improvement, maintenance or management of the harbour in an efficient and economical manner; or*
- b) facilitating the efficient and economic transport of goods or passengers by sea .....”*
- (Application Document Reference number 5.1); and
- (i) the **Works Plans** which show where the works – as described in detail in Schedule 1 of the draft DCO (Application Document Reference number 3.1) – required for the delivery of the IERRT will be undertaken (Application Document Reference number 2.3).

## 1.6 Summary

- 1.6.1 This Statement of Reasons has been prepared and submitted as part of the IERRT application documents in compliance with the provisions of the PA 2008 and the APFP Regulations because the DCO, if made, will authorise the compulsory acquisition of land and rights over land as described in Section 3 and Appendix 1 to this Statement.
- 1.6.2 The Statement explains that there is a compelling need in the public interest for the DCO, the subject of this application, to include powers of compulsory acquisition of land and the rights over land to enable ABP to construct the IERRT development.
- 1.6.3 ABP considers the use of powers of compulsory acquisition, should it be necessary to exercise those powers, to be legitimate and proportionate and any interference with the human rights of those interests in the land to be justified.

## 2 Section 2 – Description of the Proposed IERRT

### 2.1 The legislative framework

2.1.1 The proposed IERRT development is being promoted as a Nationally Significant Infrastructure Project (“NSIP”) under the provisions of the PA 2008.

2.1.2 Section 14 of the PA 2008 headed - “Nationally significant infrastructure projects: general” - prescribes the categories of development which constitute an NSIP. Section 14(1)(j) references –

(j) the construction of harbour facilities”.

2.1.3 Section 24 of the PA 2008 sets out the requirements and thresholds that a proposed “harbour facility” must meet if it is to be viewed by the Secretary of State as an NSIP. The section, insofar as is relevant to the proposed IERRT development, provides as follows –

#### **“24 Harbour facilities**

(1) .....

(2) *The alteration of harbour facilities is within section 14(1)(j) only if -*

(a) *the harbour facilities are –*

(i) *wholly or partly in England .....*

(ii) *..... and*

(b) *the effect of the alteration is expected to be to increase by at least the relevant quantity per year the quantity of material the embarkation or disembarkation of which the facilities are capable of handling.*

(3) *“The relevant quantity” is –*

(a) *.....*

(b) *in the case of facilities for Ro-Ro ships, 250,000 units;*

(c) *.....*

(4) to (5) *.....*

(6) *In this section –*

*.....*

*“Ro-Ro ship” means a ship which is used for carrying wheeled cargo;*

*.....*

*“unit” in relation to a Ro-Ro ship means any item of wheeled cargo (whether or not self-propelled).*

## 2.2 **Promotion of the IERRT as an NSIP**

2.2.1 In summary, and in the context of the legislative requirements of the PA 2008 set out above, the proposed IERRT development –

- (a) is a “harbour facility”; that is -
- (b) wholly in England or in waters adjacent to England up to the seaward limits of the territorial sea; and which
- (c) comprises the alteration of an existing harbour facility;
- (d) by means of the construction of a Ro-Ro facility.

2.2.2 A detailed description of the principal works to be undertaken in order to deliver the proposed development is set out in Schedule 1 of the draft DCO (Application Document Reference Number 3.1).

2.2.3 The Schedule 1 description is supplemented by reference to the DCO plans – being –

- (a) the Land Plans (including Crown Land) (Application Document Reference number 2.2);
- (b) the Works Plans (Application Document Reference number 2.3);
- (c) the General Arrangement Plans including Rights of Way and Access Plans (Application Document Reference number 2.5); and
- (d) the Engineering Sections, Drawings and Plans (Application Document Reference number 2.6).

2.2.4 A comprehensive description of the proposed IERRT development is provided in the ES (Application Document Reference number 8.2), most particularly in chapter 2 (Proposed Development) (Application Document Reference number 8.2.2) which describes the development itself and chapter 3 (Details of Project Construction and Operation) (Application Document Reference number 8.2.3) which describes the works to be undertaken and the proposed construction methodology.

## 2.3 **The IERRT – location**

2.3.1 The proposed new Ro-Ro facility is located, in terms of its marine infrastructure, on the bed of the River Humber, a small part of which falls with the ownership of ABP – the majority of which, comprising the bed of the Humber, is in the freehold ownership of The Crown Estate and over which ABP (in its capacity as the Humber Conservancy Commissioners – also known as Humber Estuary Services) enjoys a 999 year lease.

- 2.3.2 On the landside – apart from the proposed site access improvements on public highway at the Port’s East Gate – the works required for the new Ro-Ro facility will be undertaken entirely within the statutory port estate of the Port of Immingham, which is owned and operated by ABP or, in the context of the proposed environmental enhancement, on other land also owned by ABP, the applicant
- 2.3.3 The Port of Immingham is located in the north east of England on the south bank of the River Humber/Humber Estuary. Immediately adjacent to the Port, on its southern perimeter, is the town of Immingham. The Port of Grimsby lies some 8 miles to the east and the town of Scunthorpe, some 22 miles to the west.
- 2.3.4 The Humber is a very busy commercial vessel thoroughfare. It accommodates a large number of commercial ports which, as well as the Port of Immingham, include the Port of Hull (on the north bank of the river), the Port of Goole, the Port of Grimsby (all of which are owned and operated by ABP) and Killingholme Port which is owned and operated by CLdN, whilst immediately to the west of Immingham lies the site of the proposed Able Marine Energy Park which, when constructed, will operate as an off-shore wind energy manufacturing hub.
- 2.3.5 As detailed in chapter 4 (Need and Alternatives) of the ES (Application Document Reference number 8.2.4) which discusses and explains the need for the IERRT development, the Humber Estuary is geographically and strategically well located so as to be able to serve a wide area across the UK in terms of both the import and export of cargo, particularly Ro-Ro freight.
- 2.3.6 In addition, due to its north-eastern location, it is ideally placed to service the western sea-board of mainland Europe.
- 2.3.7 In light of the above, taking into consideration both the Port’s location in terms of servicing the UK economy and its position in relation to the northern and mid European ports, the following should be noted -
- (a) The natural deep channels of the Humber Estuary offer the ability for the largest Ro-Ro vessels in operation today to arrive and depart on all states of the tide due to the availability of a deep-water navigable channel. This means that – subject to there being appropriate available facilities – Ro-Ro services can operate to their own defined timetable ensuring that customers have certainty over sailing times and the length of time it takes to deliver or receive goods;
  - (b) The Estuary is located on the eastern sea-board of the UK within an overnight sailing time of key European ports on the western sea-board of mainland Europe that in turn provide good access to key European markets, thereby enabling the operation of daily timetabled Ro-Ro liner services to operate together with journey time reliability and certainty;
  - (c) The Estuary’s location enables it to serve a large inland area of the UK. It is particularly well located to serve large distribution centres and centres of populations in the Midlands and in the North. The location of the Estuary is such that it provides a number of logistics cost and related

benefits in comparison to other UK Ro-Ro port locations. For example, the south bank of the Humber Estuary is located such that a round trip to these distribution centres and main urban areas is possible within an HGV driver's daily driving hours, enabling return loads to be handled. By way of illustration, Figure 4.1 to the ES (Application Document Reference 8.3.4(a)) shows the area of the country that can be accessed by an HGV within a 2, 3 and 4 hour drive from Immingham on the Humber Estuary south bank;

- (d) Also of relevance is the fact that the Estuary benefits, in general terms, from good inland road transport connections that have capacity. This is especially the case for the south bank of the Humber Estuary, where direct strategic access is provided by the motorway network and dual carriageway A roads; and
- (e) In addition, as a consequence of these strategic road links, and its geographical location, the Humber Estuary forms a key part of the 'land bridge' that links Northern Ireland and Ireland with the rest of Europe.

## 2.4 The IERRT development - description

- 2.4.1 A detailed description of the IERRT development is provided in Chapter 2 (Proposed Development) of the ES (Application Document Reference number 8.2.2) which as noted above, describes the IERRT development itself and Chapter 3 (Details of Project Construction and Operation) (Application Document Reference number 8.2.3) of the ES which provides a description of the works that will be required to deliver the Project and the proposed construction methodology. The ES accompanies ABP's application for a DCO.
- 2.4.2 For the purposes of this Statement of Reasons, the proposed works fall essentially into two parts, namely –
  - (a) the construction of the marine infrastructure and capital dredge within the River Humber, the works for which effectively constitute the "harbour facility"; and
  - (b) the construction and development of the landside elements within the statutory port estate which will support the new harbour facility and which are categorised as "associated development".
- 2.4.3 It should be noted, however, that there are in addition two elements of the IERRT project which, are not wholly within the Port estate, namely –
  - (a) the provision of an area of woodland as environmental enhancement located to the east of the port, known as "Long Wood" and which is owned by ABP; and
  - (b) highway works comprising the creation of a second entrance lane at the Port's East Gate.

## 2.5 The "harbour facility"

- 2.5.1 The “harbour facility” in terms of the PA 2008, comprises the Port of Immingham within which is located the IERRT proposed development, namely the construction of three new berths, serviced by floating pontoons and an approach jetty, across the bed of River Humber. This marine infrastructure is designed to accommodate the embarkation and disembarkation from berthed Ro-Ro vessels of wheeled cargo. The wheeled cargo will either be accompanied by drivers who will be travelling with their cargo or will be unaccompanied and which will be embarked at the port of sailing and disembarked at the port of delivery, by tractor. The disembarked wheeled cargo will then be collected for onward delivery.
- 2.5.2 **The new berths** - The three new berths will be located either side of two newly constructed finger piers. The northernmost finger pier will service two berths whilst the southern finger pier, closest to the landside, will service only one berth on its northern side.
- 2.5.3 **The approach jetty** - This marine infrastructure will be connected to the landside port estate by an approach jetty which will be constructed to accommodate two-way traffic for both embarking and disembarking wheeled cargo. The approach jetty will be constructed so as to cross over – without touching - the Port’s existing flood defences as well as port tenants’ infrastructure before coming to ground level within the port estate.
- 2.5.4 As far as the marine construction is concerned, the approach jetty will extend from the landside port estate across the river and will be supported by piles located on the bed of the river which, as noted, is owned by The Crown Estate, but over which ABP has a long lease.
- 2.5.5 **Capital dredge** - In addition to the built marine infrastructure described above, if the new harbour facility is to be able to service the Ro-Ro vessels likely to berth alongside the new infrastructure, it will be necessary for ABP to undertake a capital dredge. The dredged arisings will then be deposited in a recognised deposit ground – on the assumption that an alternative beneficial use for the arisings has not been identified.
- 2.5.6 **Possible impact protection measures** - The final element of the marine infrastructure is the possible inclusion of vessel impact protection measures to provide protection in the unlikely event of an errant vessel contacting the Immingham Oil Terminal (“IOT”) jetty/trunk way. ABP does not believe that such measures will actually be required, but it has been decided to make provision for them in the application so as to ensure that the infrastructure is consented as part of the IERRT DCO should it be determined at some future date that they are required. The impact protection measures will only be installed if required, whereupon they will be positioned adjacent to the IOT approach jetty to south of the IOT finger pier.
- 2.5.7 **Crown Land** - Whilst the bed of the River Humber is in the ownership of the Crown Estate, ABP has the benefit of a long lease (999 years from 1 January 1869) and the necessary approvals from the Crown Estate required for the construction of the marine infrastructure in the bed of the Humber are currently being negotiated.



- 2.6 **The Landside development – the ‘Associated Development’**
- 2.6.1 Apart from the proposed site access improvements on the public highway at the Port’s East Gate, the commercial development on the landside is located in its entirety within the Port of Immingham itself, or on land, which is in the freehold ownership of ABP. This element of the IERRT falls within the administrative boundary of North East Lincolnshire Council. That Council has administrative responsibility for the eastern part of the port, whilst the western part falls within the administrative boundary of North Lincolnshire Council.
- 2.6.2 The landside development, which in the draft DCO is categorised as “associated development” will comprise the provision of dedicated areas for wheeled cargo awaiting embarkation and wheeled cargo that has been disembarked and placed in temporary storage prior to collection.
- 2.6.3 **The Storage Areas** - On the landside, the storage, collection and waiting areas fall into four distinct areas. These will be known as the Northern Storage Area, the Central Storage Area, the Southern Storage Area, and the Western Storage Area.
- 2.6.4 The Northern Storage Area, which will receive the marine approach jetty, will be linked to the Central Storage Area by a new vehicular bridge. A new level crossing across an ABP controlled railway will also be provided to join the Southern Storage Area and the Central Storage Area.
- 2.6.5 **Buildings** – The new Terminal building, a passenger welfare building, various ancillary buildings will be constructed in the southern storage area.
- 2.6.6 **UK Border Force** – Provision will also be made for the construction of facilities within the Order Limits i.e., within the boundary of the development, for use by the UK Border Force. That part of the development site will also include an area for wheeled cargo awaiting Border Force.
- 2.6.7 **Internal Port roads** – The development will also require minor improvement to the Port’s internal roads – none of those roads being public and all within the control and ownership of ABP.
- 2.6.8 **East Gate improvement** – In addition, to avoid any traffic congestion, a second access to the port will be constructed at the Port’s East Gate.
- 2.6.9 **Environmental enhancement** – As noted above, whilst the environmental impact of the IERRT development is not considered to be significant, as assessed in the ES which accompanies the application for the DCO, ABP has nevertheless determined to take an environmentally positive and constructive approach to the development and has, therefore, included within its development proposals an area of ecological enhancement of land located on the eastern side of the port. This area of woodland – known as Long Wood – is within the freehold ownership of ABP and protected by a Tree Preservation Order made by North East Lincolnshire Council. The Council has, however, agreed that the area will benefit from a degree of ecological management, effectively ground clearance and general management.
- 2.7 **Powers of Compulsory Acquisition**

- 2.7.1 As is discussed in more detail in Section 3 below the powers of compulsory acquisition being sought in the DCO all relate to interests within the statutory port estate and within the Order Limits of the proposed IERRT development.
- 2.7.2 In brief, and as discussed in more detail below, these direct powers of acquisition and the extinguishment/interference with rights are required to enable the delivery of the IERRT development which will go some way in meeting the growing need for additional Ro-Ro berths on the Humber.

## 3 Section 3 – Description of the Order Land

### 3.1 Introduction

- 3.1.1 This section of the Statement of Reasons describes the land and the rights over land which will be subject to the powers of acquisition included in the DCO if the DCO is made by the SoS.
- 3.1.2 **The Land Plans** - In the draft DCO, in this Statement of Reasons and on the relevant 'Land Plans' these separate areas or "plots" are together described as the "Order Land". The powers of compulsory acquisition sought will only be exercised by the applicant, ABP, should it not prove possible to negotiate terms with the interested parties. The current state of discussions with the affected holders of interests within the Order Limits are summarised in Section 7 of this Statement.
- 3.1.3 The Order Land is shown on the Land Plans (including Crown Land) (Application Document Reference number 2.2) where the land to be acquired is shaded pink and the rights over land to be extinguished, suspended or interfered with is shaded blue.
- 3.1.4 Land in the ownership of ABP over which no other rights exist is shaded yellow.
- 3.1.5 In addition, the Land Plans also show a parcel of land which is not proposed to be subject to powers of compulsory acquisition, but which is included in Part 1 of the Book of Reference, namely land which is existing adopted public highway over which the Applicant proposes only to carry out highway works. It is included in Part 1 of the Book of Reference because there are interests in the land and, therefore, in strict accordance with the wording of the PA 2008 and the APFP Regulations, these persons are "interested in the land" and the land will be subject to "rights to use the land". This parcel does not have any delineation on the Land Plans other than a plot number and interests in this plot will not be affected. Accordingly, this plot is not listed in Appendix 1 of this Statement.
- 3.1.6 Each separate Land Plan – five in number – carries a descriptive key.
- 3.1.7 Descriptions and ownership information for each plot shown on the Land Plans are set out in the Book of Reference (Application Document Reference number 4.1).
- 3.1.8 The location of the proposed works for which the Order Land is required is represented on the Works Plans (Application Document Reference number 2.2).
- 3.1.9 Further details of ABP's site selection process is set out in detail in Chapter 4 (Need and Alternatives) of the ES (Application Document Reference number 8.2.4).

### 3.2 Location Overview

- 3.2.1 As noted at paragraph 2.3.3 the Port of Immingham lies on the south bank of the river Humber. Immediately adjacent to the Port, on its southern perimeter,

- is the town of Immingham. The Port of Grimsby lies some 8 miles to the east and the town of Scunthorpe, some 22 miles to the west.
- 3.2.2 The Order Land falls entirely within the administrative boundary of North East Lincolnshire Council and mostly within the statutory port estate of the Port of Immingham.
- 3.2.3 A description of the IERRT development site is provided in more detail in Chapter 2 (Proposed Development) of the ES (Application Document Reference number 8.2.2).
- 3.2.4 The land included within the proposed Order Limits comprises:
- (a) An area of the Humber Estuary immediately adjacent to the Port of Immingham required for the construction of the marine infrastructure – including the harbour facility – and associated dredging;
  - (b) The landside element of the new port facility, lying within the Port of Immingham’s statutory port estate, which is divided into four distinct areas, namely the Northern Storage Area, the Central Storage Area, the Western Storage Area, and the Southern Storage Area;
  - (c) East Gate improvements;
  - (d) Environmental enhancement (Long Wood); and
  - (e) Land included to enable ABP to carry out ancillary works, for example internal road improvements to facilitate access to the IERRT.
- 3.2.5 The area of land within which the construction and consequential operation of the IERRT will be undertaken is shown on the Land Plans including Crown Land (Application Document Reference number 2.2).
- 3.3 **Marine Infrastructure – Humber Estuary**
- 3.3.1 The marine elements of the proposed IERRT project are situated to the east of the existing Eastern Jetty and to the west of the IOT.
- 3.3.2 Part of the shore side of the IERRT immediately adjacent to the Port falls within the administrative boundary of NELC and is owned by ABP. The bed of the Humber Estuary, however, as noted, is owned by the Crown Estate and over which ABP has a long lease (999 years from 1 January 1869).
- 3.3.3 This part of the Order Land is comprised of land owned by ABP – or over which it has a long leasehold – and the following plots identified in the ‘Land Plans including Crown Land’ (Application Document Reference number: 2.2): plots 7, 12 and 14.
- 3.3.4 Plot 12, in which interests are proposed to be acquired, is owned by the King’s Most Excellent Majesty in the right of his Crown, managed by the Crown Estate Commissioners.
- 3.3.5 Pursuant to section 135 of the PA 2008, ABP is unable, and indeed, does not wish, to compulsorily acquire Crown Land and such land cannot be included within the DCO (such that all other interests in it can be compulsorily acquired

and that the DCO's works powers can be exercised over the land) unless the appropriate Crown authority (in this case the Crown Estate) consents to its inclusion.

- 3.3.6 The Crown Estate Commissioners' formal consent has not yet been obtained by ABP, although it is anticipated that it will be received before the end of the examination. As such, the land has been included within the DCO application. Further explicit protection for the Crown has been included within the draft DCO at article 42 (Application Document Reference number 3.1).

### 3.4 **Northern Storage Area**

- 3.4.1 The Northern Storage Area is approximately 4 hectares in size and will provide trailer bays and ground slots together with a new substation and an area for the siting of a frequency converter station. The Northern Storage Area falls within the administrative area of NELC and is entirely within the Port of Immingham.

- 3.4.2 This part of the Order Land is comprised of land owned by ABP and the following plots identified in the 'Land Plans including Crown Land' (Application Document Reference number: 2.2): plots 1, 2a, 2b, 3, 4, 5a, 5b and 6.

### 3.5 **Central Storage Area**

- 3.5.1 The Central Storage Area will cover approximately 3.56 hectares and provide trailer bays, staff parking spaces and equipment parking spaces. A small workshop with fuel station will also be provided. A new level crossing across an ABP controlled railway will be provided to join the Southern Storage Area and Central Storage Area. A new internal bridge will link the Central and Northern Storage Areas.

- 3.5.2 The Central Storage Area falls within the administrative area of NELC and is entirely within the Port of Immingham.

- 3.5.3 This part of the Order Land is comprised of land owned by ABP.

### 3.6 **Southern Storage Area**

- 3.6.1 The Southern Storage Area will cover approximately 11 hectares and will include provision for trailer bays, pre-gate parking spaces, staff parking spaces, 4 passenger parking spaces, large passenger parking spaces, tugmaster parking spaces, and marshalling/holding lanes for accompanied freight and passenger vehicles.

- 3.6.2 The main terminal building will be constructed within the Southern Storage Area together with a number of ancillary buildings including a welfare building for HGV drivers and passengers awaiting embarkation and various inspection and administrative buildings as required for the UK Border Force. The terminal's 'in and out' gates will also be located in the Southern Storage Area.

- 3.6.3 The Southern Storage Area falls within the administrative area of NELC and is entirely within the Port of Immingham.

3.6.4 This part of the Order Land comprises land owned by ABP and the following plots identified in the 'Land Plans including Crown Land' (Application Document Reference number: 2.2): plot 10.

### 3.7 **Western Storage Area**

3.7.1 The Western Storage Area will be approximately 9.6 ha in size and provide trailer bays. In and out gates will also be provided to access the Western Storage Area.

3.7.2 The Western Storage Area falls within the administrative area of NELC and is entirely within the Port of Immingham.

3.7.3 This part of the Order Land comprises land owned by ABP and the following plots identified in the 'Land Plans including Crown Land' (Application Document Reference number: 2.2): plot 9.

### 3.8 **East Gate Improvements**

3.8.1 Improvements will also be made to the East Gate entrance to the Port to facilitate the movement of vehicles through the East Gate from the public highway. The existing gate house will be demolished, and the existing entrance road will be widened by approximately 4m to accommodate an extra inbound lane with a newly constructed security gate house. As part of the East Gate improvements, new emergency traffic management signals will be installed together with box junction line marking at the junction of Robinson Road and the IOT access road – all within the port estate. On the adjacent public highway, the bus stop will be repositioned and the existing layby, which is occasionally used by HGVs for parking, will be removed. A footway between East Gate and the bus stop will be provided alongside the East Gate improvements. Further detail is provided in Chapter 2 (Proposed Development) of the ES (Application Document Reference number 8.2.2).

3.8.2 The East Gate works falls within the administrative area of NELC.

3.8.3 This part of the Order Land is owned by ABP and NELC, the latter being identified on the following plot identified in the 'Land Plans including Crown Land' (Application Document Reference number: 2.2): plot 13.

### 3.9 **Long Wood**

3.9.1 Terrestrial enhancements will involve the improvement of an existing area of woodland south of Laporte Road measuring approximately 1.17 ha.

3.9.2 Long Wood falls within the administrative area of NELC.

3.9.3 Long Wood is owned by ABP.

### 3.10 **Other landside works, including to facilitate access**

#### ***Internal Bridge***

3.10.1 As noted above, a two-lane bridge with a deck length of approximately 120m and a width of 12m will be constructed to provide contiguous terminal operations between the Northern Storage Area and Central Storage

Area. The internal bridge will span Robinson Road – an existing internal dock road – and an ABP controlled railway line. The area required for the construction of the bridge falls within the administrative area of NELC and is entirely within the Port of Immingham. This part of the Order Land is comprised of land owned by ABP and the following plots identified in the ‘Land Plans including Crown Land’ (Application Document Reference number: 2.2): plots 1, 2a, 2b, 3, 4, 5a, 5b and 6.

***Other landside works***

- 3.10.2 Improvements are proposed within the Port estate at the junction of Robinson Road and East Dock Road, to Gresley Way as well as alterations to improve the approach to the entrance and exit to Shed 26. A new junction off Robinson Road to connect with Gresley Way will also be provided. Vehicle circulatory and access routes will be provided within the IERRT Terminal itself.
- 3.10.3 A new footway from Robinson Road to the Workshop in the Central Storage Area, and then on to the storage areas including pedestrian crossings of both the new connecting road and the exit road from Shed 26 will also be provided.
- 3.10.4 The area required for these works falls within the administrative area of NELC and is entirely within the Port of Immingham and comprises land owned by ABP and the following plots identified in the ‘Land Plans including Crown Land’ (Application Document Reference number: 2.2): plots 8a, 8b, 10 and 11.

## 4 **Section 4 – The scope of the powers of compulsory acquisition sought and the legal tests**

### 4.1 **Introduction**

4.1.1 The compulsory acquisition powers that can be granted by way of a DCO for an NSIP made under the provisions the PA 2008 are wide. They are likely to be sufficient for the needs of promoters in most, if not all, cases, but they are subject to a critical statutory pre-condition, namely that the tests set out in the PA 2008 must be met and fully satisfied.

4.1.2 Section 120 of the PA 2008 sets out what may be included within a DCO and provides that such Orders may include provisions dealing with matters ancillary to the development consented. Those ancillary matters may include the acquisition of land and the creation, suspension and extinguishment of interests in or rights over land as set out in Schedule 5 to the PA 2008.

4.1.3 If the powers of compulsory acquisition sought by ABP are approved, the exercise of those powers will result in an interference with property rights held and private rights enjoyed in land. The draft DCO provides that if it proves necessary to exercise the powers provided in the Order – and negotiations with the parties concerned are ongoing – then an owner of a land or right affected may be entitled to compensation under the Compensation Code. If a dispute as to the compensation payable arises, then provision is made for that dispute to be referred to the Lands Chamber of the Upper Tribunal.

### 4.2 **Powers sought within the DCO**

4.2.1 The powers of compulsory acquisition required to deliver the IERRT project are set out in the following articles 10 to 20 of the draft DCO.

4.2.2 Article 10 (Compulsory acquisition of rights) – gives ABP the basic powers to acquire existing rights and restrictions or create new rights and restrictions over the Order Land.

4.2.3 Article 11 (Time limit for exercise of powers of compulsory acquisition) – gives ABP 5 years from the date the DCO (if granted) comes into force within which to issue ‘notices to treat’ or to execute a general vesting declaration (“GVD”) to acquire the land that is subject to compulsory purchase.

4.2.4 Article 12 (Private rights over land) – enables ABP to compulsorily acquire any private rights over the development site which may have accrued to certain third parties.

4.2.5 Article 13 (Power to override easements and other rights) – gives ABP and its contractors the ability to override easements or rights enjoyed by third parties but only in relation to an “authorised activity” – effectively the construction of the development.

4.2.6 Article 14 (Modification of Part 1 of the 1965 Act) – modifies the Compulsory Purchase Act 1965 (“CPA 1965”) so as to ensure consistency between the DCO and the CPA 1965.



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- 4.2.7 Article 15 (Application of the 1981 Act) – applies the provisions of the Acquisition of Land Act 1981 (“ALA 1981”) to compulsory acquisition under the DCO such that ABP may acquire the necessary Order Land by GVD.
- 4.2.8 Articles 16 (Statutory undertakers and operators of the electronic communications code network) – allows for the compulsory acquisition of land or rights as belongs to statutory undertakers and the extinguishment, removal or repositioning of apparatus belonging to statutory undertakers over or within the Order land.
- 4.2.9 Article 17 (Recovery of costs of new connection) – provides for compensation where apparatus of a public utility undertaker or of a public communications provider is removed.
- 4.2.10 The draft DCO also contains the following additional powers which supplement the general rules for the payment of compensation:
- (a) Article 18 (Disregard of certain interests and improvements);
  - (b) Article 19 (Set-off for enhancement in value of retained land); and
  - (c) Article 20 (No double recovery) supplement the general rules for the payment of compensation.
- 4.2.11 These articles are supported by the Land Plans (Application Document Reference number 2.2) which identify the parcels of land and rights over which powers of compulsory acquisition are sought as listed in the Book of Reference (Application Document Reference number 2.3).
- 4.2.12 An explanation as the effect and purpose of these articles is provided in the Explanatory Memorandum (Application Document Reference number 3.2).

## 5 Section 5 – Justification for Powers of Compulsory Acquisition

### 5.1 Introduction

5.1.1 The purpose and rationale for seeking powers of compulsory acquisition in the IERRT DCO is to enable ABP to construct, operate and maintain the IERRT development. The need for the IERRT is discussed and explained in Chapter 4 (Need and Alternatives) of the ES (Application Document Reference number 8.2.4).

5.1.2 Without the powers to acquire rights and interests in land compulsorily (required as explained on a plot by plot basis in Appendix 1 to this Statement) there would be no certainty as to ABP's ability to deliver the IERRT in its operational totality and within the necessary timescales. Accordingly, ABP requires powers of compulsory acquisition to be included in the DCO. Notwithstanding this, ABP has and is continuing to negotiate the acquisition of the relevant interests in land and any interference with rights by agreement.

### 5.2 Conditions for the exercise of compulsory purchase powers

5.2.1 Powers of compulsory acquisition, however, can only be granted if the Secretary of State is satisfied that the three sets of pre-conditions to the inclusion of compulsory acquisition powers in a DCO – as provided in sections 122 and 123 of the PA 2008 - are met. These are as follows -

5.2.2 **Test 1 – Section 122(2) of the PA 2008** - If a DCO is to authorise powers of compulsory acquisition, it is a condition that the land in question:

“(a) *is required for the development to which the development consent relates; or*

(b) *is required to facilitate or is incidental to that proposed development, or is*

(c) *is replacement land which is to be given in exchange for the order land to be acquired compulsorily.”*

5.2.3 **Test 2 – Section 122(3) of the PA 2008** – In addition, there must be -

*“a compelling case in the public interest for the land to be acquired compulsorily”.*

5.2.4 **Test 3 – Section 123 of the PA 2008** – This third test looks to the procedural requirements which must be met before a DCO can grant powers of compulsory acquisition. It provides that the DCO can only authorise the compulsory acquisition of land if one of the three following pre-conditions is met, namely in summary, that:

(a) the application for the DCO included a request for compulsory acquisition of the land (Section 123(2)); or

(b) all persons with an interest in the land consent to the inclusion of the provision (Section 123(3)); or

- (c) the prescribed procedure required has been followed in relation to the land (i.e., the procedure set out in the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (Section 123(4)).

5.2.5 It is, therefore, necessary to assess in relation to every application for a DCO whether the tests set out above have been met.

5.2.6 These tests are discussed in more detail below.

### 5.3 **Meaning of "required for the development" - section 122(2)(a) of the PA 2008**

5.3.1 The Secretary of State as the decision maker, must be satisfied that the land in question is "*required*" for the proposed development if the DCO is to be made including powers of compulsory acquisition.

5.3.2 The meaning of "required" in the context of compulsory acquisition was considered by the Courts in the case of *Sharkey and Another v Secretary of State for the Environment and South Buckinghamshire District Council* [1991] 10 WLUK 169 in which the leading judgement of Lord Justice McCowan provided the following helpful guidance:

*"I agree with Mr. Justice Roch that the local authority do not have to go so far as to show that the compulsory purchase is indispensable to the carrying out of the activity or the achieving of the purpose; or, to use another similar expression, that it is essential. On the other hand, I do not find the word 'desirable' satisfactory, because it could be mistaken for 'convenient', which clearly, in my judgment, is not sufficient. I believe the word 'required' here means 'necessary' in the circumstances of the case."*

5.3.3 This indicates that, when assessing whether the land is "*required*" for the proposed development (for the purpose of compliance with Section 122(2) of the PA 2008), the land must be **necessary** in the circumstance of that particular proposed development.

5.3.4 Further guidance is provided by the note published by the Department of Communities and Local Government (as it then was) ("DCLG") - '*Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land*' (September 2013) ("DCLG Guidance Note"). Paragraph 11 of the DCLG Guidance Note clarifies that the land:

- (i) must be needed for the proposed development; and

- (ii) must be no more than is "*reasonably required*".

– the Guidance continuing:

*"...section 122(2):*

- (i) the land is required for the development to which the development consent relates.*

*For this to be met, the applicant should be able to demonstrate to the satisfaction of the Secretary of State that the land in question is needed for the development for which consent is sought. The Secretary of State will need to be satisfied that the land to be acquired is no more than is reasonably required for the purposes of the development."*

#### 5.4 **Meaning of "required to facilitate or is incidental to" - section 122(2)(b) of the 2009 Act**

5.4.1 The DCLG Guidance Note in respect of meeting this pre-condition states:

*"...section 122(2):*

*...*

*(ii) the land is required to facilitate or is incidental to the proposed development.*

*An example might be the acquisition of land for the purposes of landscaping the project. In such a case the Secretary of State will need to be satisfied that the development could only be landscaped to a satisfactory standard if the land in question were to be compulsorily acquired, and that the land to be taken is no more than is reasonably necessary for that purpose, and that is proportionate."*

5.4.2 Meeting this pre-commencement condition, therefore, requires that –

- (a) the land to be taken is the "only" land which will achieve the required purpose for the development,
- (b) no more land is taken that is "reasonably necessary", and
- (c) that it is "proportionate".

#### 5.5 **"Compelling case in the public interest" - section 122 (3)**

5.5.1 There must be a *compelling case in the public interest for the land to be acquired compulsorily*. The Secretary of State will need to be persuaded that there is compelling evidence that the public benefits which would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by the owners of the land. The DCLG Guidance Note at paragraph 13 emphasises this:

*"Parliament has always taken the view that land should only be taken compulsorily where there is clear evidence that the public benefit will outweigh the private loss."*

5.5.2 The Secretary of State, therefore, has to undertake a balancing exercise, and in determining where the balance of public interest lies the Secretary of State will weigh up the public benefits that the proposed scheme will bring against any private loss which would be suffered by the landowners whose land will be acquired.

5.5.3 The DCLG Guidance Note acknowledges that there will often be an overlap between the factors to which the Secretary of State must have regard in deciding whether to make the DCO and those factors to be taken into account in considering whether to authorise any compulsory acquisition powers.

5.5.4 The need for the development and the public benefits that the delivery of the IERRT scheme will produce are discussed below.

## 5.6 DCLG Guidance Note

5.6.1 As well as satisfying the statutory pre-conditions in Sections 122 and 123 of the PA 2008, the DCLG Guidance Note also sets down additional requirements which must be satisfied if the applicant is to be able to demonstrate that the proposed compulsory acquisition is justified.

5.6.2 The DCLG Guidance Note gives an explanation of the factors to which the decision-maker must have regard when determining whether the inclusion of compulsory acquisition powers in a DCO are justified. These are as follows:

- (a) all reasonable alternatives to compulsory acquisition (including modifications to the proposed development) have been explored;
- (b) the proposed interference with the rights of those with an interest in the land is for a legitimate purpose and is necessary and proportionate;
- (c) the applicant must have a clear idea of how it intends to use the land to be acquired;
- (d) there is a reasonable prospect of the requisite funds becoming available;
- (e) the purposes for which the DCO authorises the compulsory acquisition of land are legitimate and sufficiently justify interfering with the human rights of those with an interest in the land affected;
- (f) the land to be acquired is no more than is reasonably required for the purposes of the proposed development; and
- (g) there is compelling evidence that the public benefits derived from the compulsory acquisition will outweigh the private loss suffered by those whose land is to be acquired.

5.6.3 In light of the above, therefore, as well as satisfactorily demonstrating the purpose for which compulsory acquisition is being sought, section 122(3) of the PA 2008 requires the Secretary of State to be satisfied that *“there is a compelling case in the public interest for the land to be acquired compulsorily”*.

5.6.4 The ‘Planning Act 2008 – Guidance related to procedures for the compulsory acquisition of land (DCLG, 2013)’ explains that for this condition to be met -

*“the Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired.”*

5.6.5 The reference to land in the above quotation should be taken to mean both land and/or rights over land.

## 5.7 **Justification for the exercise of compulsory purchase powers**

### ***Test 1 – The land is required for the IERRT – Section 122(2) of the PA 2008***

5.7.1 The land over which ABP is seeking powers of compulsory acquisition is required for the development of the IERRT or is required to facilitate or is incidental to it. Section 3 of this Statement describes the land required for the IERRT and its location.

5.7.2 Both Chapter 4 (Need and Alternatives) of Environment Statement (Application Document Reference number 8.2.4 - including its Appendix 4.1 (Application Document Reference number 8.4.4(a)) and the Planning Statement (incorporating Harbour Statement) (Application Document Reference number 5.1) explain that there is a need for additional Ro-Ro freight capacity, particularly within the Humber Estuary, in order to meet the growing and evolving nature of demand in the UK's marine freight sector.

5.7.3 Appendix 1 to this Statement provides on a plot-by-plot basis the rationale and justification for the need to acquire compulsorily or interfere with a specific interest or right by reference to the proposed works to be undertaken as part of the development as described in Schedule 1 to the draft DCO (Application Document Reference number 3.1) and shown on the Works Plans (Application Document Reference number 2.3).

5.7.4 The extent of the land to be affected by IERRT is entirely proportionate and no more than is reasonably necessary for the construction, operation and maintenance of the IERRT.

5.7.5 It is clear, therefore, that the land over which compulsory acquisition powers are being sought is required for the proposed development to which the DCO relates. In addition, the inclusion of powers of compulsory acquisition in the DCO will enable ABP to secure the timely acquisition of the necessary rights so as to facilitate the construction of the IERRT development.

### ***Test 2 – Compelling Case in the Public Interest – Section 122(3) of the PA 2008***

5.7.6 The need for the IERRT project and the reasons why there are no alternative ways of meeting the need that have been identified and are set out within Chapter 4 (Need and Alternatives) of the Environment Statement (Application Document Reference number 8.2.4) and its Appendix 4.1 (Application Document Reference number 8.4.4(a)) and the Planning Statement (incorporating Harbour Statement) (Application Document Reference number 5.1).

5.7.7 In summary, there is an imperative need to provide additional appropriate Ro-Ro freight capacity within the Humber estuary. In so doing, the Project, when delivered, will assist in retaining and strengthening the Humber's contribution to an effective, efficient, competitive and resilient UK Ro-Ro freight sector.

- 5.7.8 As part of the exercise to find the solution which will meet the identified need, a series of objectives have been identified, which arise out of the considered need and the background context to that need. Having regard to these objectives and the consideration of potential alternative solutions to meeting that need, ABP is of the view that it has been demonstrated that there is no alternative to the IERRT project in terms of meeting the need identified.
- 5.7.9 Having regard to the Government's assessment of the need for new port infrastructure (set out in section 3.4 of the NPSfP), the need that has been identified in relation to the IERRT Project meets the three strands that the policy indicates make up the total need for port infrastructure, namely-
- (a) **Demand for port capacity** – the evidence presented by ABP in its IERRT DCO application documentation clearly shows that there is demand for the port Ro-Ro capacity that would be provided by the development of the IERRT project.
  - (b) **Ensuring port capacity is located where it is required** – Having regard to the fact that national policy makes clear that the ports industry is market led, the evidence presented by ABP in its IERRT DCO application clearly demonstrates that the Port of Immingham on the Humber Estuary is a location where capacity is required and where the market wants capacity to be located.
  - (c) **Ensuring effective competition and resilience in port operations** - The information presented by ABP in its IERRT DCO application documentation demonstrates how the project will contribute to effective competition and resilience, notably in Chapter 4 (Need and Alternatives) of the ES (Application Document Reference 8.2.4).
- 5.7.10 Having regard to the guidance given by the NPSfP to the decision maker when assessing the need for additional port capacity (section 3.5), for the reasons detailed in the IERRT DCO application supporting evidential information, ABP is of the view that there clearly is a need for additional Ro-Ro capacity on the Humber Estuary and that the overall need identified would be met by the IERRT project.
- 5.7.11 In this context it is relevant to note the conclusions of the assessment of the need for new port infrastructure contained within the NPSfP at paragraph 3.4.16, namely, to exclude –
- “the possibility of providing additional capacity for the movement of goods and commodities through new port development would be to accept limits on economic growth and on the price, choice and availability of goods imported into the UK and available to consumers. It would also limit the local and regional economic benefits that new development might bring. Such an outcome would be strongly against the public interest.”*
- 5.7.12 In terms of employment, the IERRT proposals are expected to generate some 788 FTE net additional construction jobs, of which around 591 are expected to be from the Grimsby Travel to Work Area (TTWA), with 197 outside the

- Grimsby TTWA. The impact on GVA as a result of the construction activity is estimated to be around £41.2 million per annum to the national economy.
- 5.7.13 During the operational stage the IERRT project is predicted to generate in the order of 196 FTE net additional jobs, with 176 of these being filled by residents of the Grimsby TTWA. The impact on GVA as a result of the operation of the project is estimated to be £2.9 million per annum to the national economy.
- 5.7.14 Furthermore, the environmental impact assessment undertaken and as set out in the ES (Volumes 1-3) (Application Document Reference number 8.2 – 8.4) demonstrates that the project will not have significant adverse implications for existing economic activity either locally or within the wider area – see notably Chapter 16 (Socio-economic) of the ES (Application Document Reference number 8.2.16).
- 5.7.15 On the basis of the information presented by ABP in its IERRT application documentation and summarised above, it is the view of ABP that the benefits of the IERRT project would clearly be in the public interest, delivering substantial national, regional and local benefits.
- 5.7.16 Further, it is considered that these benefits are of national significance and would be of a scale outweighing the individual private loss suffered by parties whose interests in land will be interfered with in order to enable the delivery of the proposals. In addition, should it be required bearing in mind ABP's ongoing negotiations with the affected parties, appropriate compensation would be available to those entitled to claim it under the relevant provisions of the Compensation Code.
- 5.7.17 All reasonable alternatives to compulsory acquisition have been explored. As noted above, there has been and continues to be ongoing engagement directly with all affected parties since the launch of the project in order to avoid the need for compulsory acquisition. ABP will continue to seek an agreed position with the affected parties through voluntary agreements in the first instance. Notwithstanding this, ABP seeks compulsory acquisition powers so that if the DCO is confirmed it can ensure delivery of the IERRT in the event that voluntary agreements with the relevant parties are not reached.
- 5.7.18 The proposed interference with the rights identified of those with an interest in the land is for legitimate purpose and is necessary and proportionate as set out above - notably for the purpose of delivering the IERRT project.

#### ***DCLG Guidance Note Conditions***

- 5.7.19 Furthermore, ABP as the applicant has a clear and defined intention as to how and why it will use the unencumbered land, the rights over which it proposes to acquire as set out in Section 3 and Appendix 1 of this Statement.
- 5.7.20 The Funding Statement (Application Document Reference number 4.3) which accompanies the DCO application, sets out how the IERRT will be funded and demonstrates that the requisite funds will be available to pay any compensation arising from the exercise of the compulsory purchase powers.



- 5.7.21 The purposes for which the DCO authorises compulsory acquisition of land are legitimate and sufficiently justify interfering with the human rights of those with an interest in the land affected as set out in further detail in Section 8 of this Statement.
- 5.7.22 The requisite funds for the acquisition will be available and the purposes for which compulsory acquisition of land powers are included in the DCO are legitimate and are sufficient to justify interfering with the human rights of those with an interest in the land affected.

## 6 Section 6 – Policy Support for The Project

### 6.1 Policy Support

6.1.1 The following provides a summary of the policy support for the principle of the IERRT development. A more detailed analysis of the conformity of the development with relevant policy is contained within the Planning Statement (incorporating Harbour Statement) (Application Document Reference number 5.1), which demonstrates that the proposed IERRT proposal accords with the key policies that are of relevance to the development.

### 6.2 National Policy – National Policy Statement for Ports

6.2.1 The primary policy document of relevance for the IERRT development is the National Policy Statement for Ports (NPSfP, DfT 2012).

6.2.2 Section 3 of the NPSfP sets out ‘Government policy and the need for new infrastructure’. Paragraph 3.3.1 indicates that, in summary, the Government policy for ports – which paragraph 3.3.2 describes as fundamental – is one where the Government seeks to:

“

- *encourage sustainable port development to cater for long-term forecast growth in volumes of imports and exports by sea with a competitive and efficient port industry capable of meeting the needs of importers and exporters cost effectively and in a timely manner, thus contributing to long-term economic growth and prosperity;*
- *allow judgements about when and where new developments might be proposed to be made on the basis of commercial factors by the port industry or port developers operating within a free market environment; and*
- *ensure all proposed developments satisfy the relevant legal, environmental and social constraints and objectives, including those in the relevant European Directives and corresponding national regulations.”*

6.2.3 As evidenced through the detailed assessment work provided within the ES, the IERRT development is a sustainable development. Furthermore, as detailed within Chapter 4 (Need and Alternatives) (Application Document Reference number 8.2.4) and Appendix 4.1 (Humber Shortsea Market Study) (Application Document Reference Number 8.4.4(a)) of the ES, the proposed development will cater for long-term forecast growth in volumes of Ro-Ro freight imports and exports. It will enhance competition, efficiency and resilience within the Ro-Ro freight sector and thereby meet the needs of importers and exporters in a timely manner.

6.2.4 In addition, the IERRT development will provide port capacity in a location where the industry, operating within a free market environment, urgently needs additional capacity to be provided.

- 6.2.5 Finally in this regard, the IERRT development – as evidenced through the DCO application documentation – satisfies all necessary and relevant legal, environmental and social constraints and objectives.
- 6.2.6 In addition to setting out the NPSfP’s fundamental policy, it also provides, in paragraph 3.3.3, a series of aims which new port infrastructure should seek to achieve, in order to help meet the requirements of the Government’s policies on sustainable development. The IERRT will generate significant benefits in this regard because it:
- (a) will contribute to local employment and development;
  - (b) will benefit competition and security of supply within the Ro-Ro freight sector;
  - (c) preserves, protects and where possible improves marine and terrestrial biodiversity;
  - (d) seeks to minimise emissions of greenhouse gases as far as practicable;
  - (e) is well designed, both functionally and environmentally;
  - (f) has been designed, as far as is necessary, to take account of the impacts of climate change;
  - (g) is being developed on brownfield land and, therefore, minimises the use of greenfield land;
  - (h) provides high standards of protection for the natural environment;
  - (i) will, where as far as is relevant and necessary, maintain access to and condition of heritage assets, and
  - (j) enhance access to the Port of Immingham and the jobs services and social networks that the Port has created and sustains.
- 6.2.7 Having regard to those attributes which paragraph 3.3.5 of the NPSfP indicates Government wishes to see from port development, it is also highlighted that the IERRT development will make a contribution to economic growth and thereby further enhance the engine for economic growth that is the Port of Immingham. In addition, it will support sustainable transport by providing new and making use of existing efficient transport links for the movement of Ro-Ro freight into and out of the country.
- 6.2.8 On the basis of the evidential supporting information presented in the DCO application, ABP is of the view that the IERRT development fully accords with the Government’s fundamental policy for ports set out within the NPSfP.
- 6.2.9 ABP is also of the view that the IERRT development will achieve the aims which the NPSfP specifically identifies for new port development and will have a number of the attributes which Government wish to see from port development.

***The assessment of the need for new infrastructure***

- 6.2.10 Section 3.4 of the NPSfP sets out the Government's assessment of the need for new port infrastructure. In summary, as set out in paragraph 3.4.1, it is made clear that the – “*total need for port infrastructure*” depends upon:
- (a) overall demand for port capacity;
  - (b) the need to retain the flexibility that ensures that port capacity is located where it is required; and
  - (c) the need to ensure effective competition and resilience in port operations.
- 6.2.11 As explained in Chapter 4 (Need and Alternatives) (Application Document Reference number 8.2.4), Appendix 4.1 (Humber Shortsea Market Study) (Application Document Reference Number 8.4.4(a)) of the ES and the Planning Statement (incorporating Harbour Statement) (Application Document Reference number 5.1):
- (a) there is a very clear and strong demand for the type of port capacity that would be generated by the IERRT development (as explained, the demand is actually greater than the additional capacity to be created by the development);
  - (b) it is also clear that the location of the IERRT development – on the south bank of the Humber Estuary within the Port of Immingham – is a location where such capacity is required by the market; and
  - (c) finally, it has also been demonstrated that the capacity to be provided by the development is needed to ensure effective competition and resilience within the Ro-Ro freight sector.
- 6.2.12 Having regard to these matters and the conclusions reached within the NPSfP on the need for new infrastructure (paragraph 3.4.16) it can be said to be the case that excluding the possibility of providing the additional capacity proposed through the IERRT development for the movement of Ro-Ro cargo would be to create adverse implications for economic growth and on the price, choice and availability of goods imported into the UK and available to consumers. It would also mean that the local and regional economic benefits that the development would bring would not occur. To quote NPSfP paragraph 3.4.16 - “*Such an outcome would be strongly against the public interest.*”
- 6.2.13 Section 3.5 of the NPSfP provides guidance to the decision maker on assessing the need for additional capacity. It is clear from this section of the NPSfP and the evidence presented in the IERRT DCO application documentation that the decision maker should accept the need for the capacity being generated by the IERRT development and should commence consideration of the application on the basis of a presumption in favour of granting consent.

### ***The impacts of port development***

- 6.2.14 Section 4 of the NPSfP sets out a series of assessment principles to be taken into account by both applicants in their preparation of a Harbour Facility DCO application and by the decision maker. ABP has taken account of these principles in drawing together its IERRT DCO application documentation.
- 6.2.15 Section 5 of the NPSfP then provides policy and advice, under a series of different environmental and related topics, on those potential effects of a harbour facility development that should be considered and how. Further advice is given to the decision maker on how to consider such matters.
- 6.2.16 The ES reports the findings of a comprehensive assessment that has been undertaken of the proposed development. That assessment demonstrates that, with the imposition of suitable mitigation measures in certain instances, the proposed development will not generate any unacceptable environmental impacts.
- 6.2.17 Furthermore, the ES demonstrates how the requirements of Section 5 of the NPSfP have been taken into account and addressed within the assessment undertaken.

### 6.3 **Marine Policy**

- 6.3.1 The UK Marine Policy Statement (MPS) (March 2011) sets out the UK vision for the marine environment as being “*clean, healthy, safe, productive and biologically diverse oceans and seas*” (paragraph 2.1.1).
- 6.3.2 In respect of decision making the MPS highlights that the decision maker should weigh the potential benefits and adverse effects of each proposal, drawing on different, identifiable lines of evidence (paragraph 2.3.2.1). The EIA process is identified as an appropriate way in which such evidence is made available in respect of specific projects.
- 6.3.3 The key activity of Ports and Shipping is dealt with in section 3.4 of the MPS. This highlights that ports and shipping are an essential part of the UK economy, providing the major conduit for the country’s imports and exports. It is further recognised that ports provide key transport infrastructure between land and sea, and that ports and shipping are critical to the effective movement of cargo and people, both within the UK and in the context of the global economy (paragraph 3.4.1).
- 6.3.4 In respect of port development specifically, the MPS highlights in a general sense potential positive and negative impacts associated with port development (paragraph 3.4.9). Potential positive impacts are identified as including job creation as well as wider benefits to national, regional or local economies, whereas potential adverse impacts are identified as including those arising from the construction phase and those arising from an increase in shipping (paragraph 3.4.10). In setting out ‘issues for consideration’ the MPS indicates that decision makers should take into account the contribution that the development will make to the national, regional or local need for the infrastructure, against expected adverse effects including cumulative effects (paragraph 3.4.11). The assessment of the IERRT – contained within the ES and supporting documentation – demonstrates how the matters highlighted

in the MPS have been considered and the conclusions reached that there are no unacceptable implications that will result.

- 6.3.5 Relevant policy contained within the East Inshore Marine Plan area recognises Immingham as forming part of the United Kingdom's busiest port cluster. It is recognised that the ports within the East Inshore area rely heavily on trade with Europe, servicing vessels that ply 'short-sea' routes (paragraph 343). The Plan further reiterates the position set out in the Marine Policy Statement that marine plan authorities and decision makers should take into account and seek to minimise any negative impact on shipping activity (paragraph 353), and in this regard the level of shipping levels within the East marine plan areas is identified as being nationally significant (paragraph 358).
- 6.3.6 To reflect this, Policy PS3 of the East Inshore Marine Plan makes clear that there should be no interference with current activities and future opportunity for the expansion of ports and harbours, and if interference is unavoidable, appropriate mitigation should be put in place to minimise such interference.

#### 6.4 **Local Policy**

- 6.4.1 The site of the proposed IERRT facility is located within North East Lincolnshire
- 6.4.2 The North East Lincolnshire Local Plan (2013 – 2032) recognises the national importance of the Port of Immingham, acknowledging that the port and the major concentration of port related and energy related infrastructure and commerce that have grown up around the port are the main influences on the character, appearance and form of that part of the Borough (para 5.4).
- 6.4.3 Elsewhere, the Local Plan indicates that the Port is of 'international trading significance' providing a regional and national economic gateway and linking to European and other trading markets (para 6.6). The growth in the ports and logistics sector is an identified element of the Spatial Vision for the area defined in the plan.
- 6.4.4 The Port of Immingham and its surroundings is identified as being within a defined Estuary Zone. The land in this area is noted as being a valuable economic resource that will be used to strengthen key economic sectors (para 9.8).
- 6.4.5 Policy 7 of the Plan – which considers employment allocations – states, amongst other things, that:

*“Within the operation port areas identified on the Policies Map development proposals for port related uses will be supported and, where appropriate, approved by the Council if the submitted scheme accords with the development plan as a whole and subject to the ability to satisfy the requirements of the Habitats Regulations” (policy 7, part 3).*

- 6.4.6 The site of the IERRT development falls within an identified operational port area. As evidenced in the IERRT DCO application documentation – see in particular the Planning Statement (incorporating Harbour Statement)

(Application Document Reference number 5.1) – the IERRT development does accord with the development plan as a whole and is acceptable in respect of the requirements of the Habitats Regulations.

## 6.5 **Conclusions**

6.5.1 The preceding summary analysis demonstrates clear support for the development of new port infrastructure and through that policy theme, support for the proposed IERRT development.

6.5.2 Furthermore, from the evidence provided elsewhere within the IERRT application documentation, in particular the ES, it can be concluded that the proposed development is in general accordance with all aspects of policy and that there are no unacceptable policy implications.

## 7 **Section 7 – Communications And Negotiations With Owners And Occupiers With An Interest In Land Or Rights Over Land**

### 7.1 **Introduction**

7.1.1 As noted in the Consultation Report (Application Document Reference number 6.1), all parties with an interest in land consulted pursuant to section 42 of the PA 2008 were identified through diligent inquiry, as detailed below. They included all owners, occupiers and other persons with an interest in any land affected by the Scheme.

### 7.2 **“Diligent inquiry” to identify persons with an interest in land**

7.2.1 Sections 44 and 57 of the PA 2008 require “diligent inquiry” to be made to identify any parties falling within Categories 1, 2 and 3 as defined by the PA 2008. These include lessees, tenants and occupiers of the land within the Order limits.

7.2.2 As required in accordance with section 44 of the PA 2008, persons with an interest in the land within the Order limits (i.e. the redline boundary) are required under section 42 of the PA 2008 to be identified through diligent inquiry and consulted on a proposed application for development consent. This includes undertaking “diligent inquiry” to identify parties falling within Categories 1, 2 and 3, as defined within section 44 of the PA 2008, which are summarised as follows.

- (a) Category 1 includes owners, lessees, tenants (whatever the tenancy period) and occupiers of the land within the Order limits.
- (b) Category 2 includes parties that are interested in the land or have the power to sell, convey or release the land within the Order limit
- (c) Category 3 includes parties whom ABP thinks would or might, if the Order sought by the application were made and fully implemented, be entitled to make a relevant claim for compensation under section 10 of the Compulsory Purchase Act 1965 and/or Part 1 of the Land Compensation Act 1973 and/or section 152(3) of the PA 2008.

7.2.3 The Port of Immingham, including the application site on the land side within the Order Limits, is in the freehold ownership of ABP.

7.2.4 On the marine side, the bed of the River Humber, apart from a section closest to the shore as identified on the Land Plans including Crown Land (Application Document Reference number 2.2) which is owned by ABP, is in the ownership of The Crown Estate, over which ABP has a long lease (999 years from 1 January 1869).

7.2.5 The landside element of the development is, however, subject to a number of other interests in land which were identified by undertaking a diligent inquiry process.



7.2.6 Those persons and organisations who were identified through diligent inquiry undertaken for the land referencing are listed in the Book of Reference (Application Document Reference number 4.1).

7.2.7 The diligent inquiry process included the following methods:

- (a) **Title information:** A search of the Index Map held by the Land Registry was undertaken, and relevant title documents (Official Copy Registers and Title Plans) were obtained and reviewed. Documents and records held by ABP (digital copies of leases, licence or other agreements) affecting land within the Order limits were reviewed. In addition, internet-based research of the Land Registry's Free Map Search was also undertaken to verify details or identify interests where land was unregistered or it was not possible to identify land interests from other sources.
- (b) **Land Interest Questionnaires:** Letters were sent to persons and organisations identified through the process of reviewing the land interests - titles/other documents described at (a) above – and requested confirmation of known land interests and for other relevant information to be provided. Email addresses were provided in the letters, in order to enable the parties to make contact regarding the proposals, as well as enclosed stamped addressed envelopes for the parties to return hard copy responses by post.
- (c) **Environmental Impact Assessment information:** This was used to identify whether there were any people within 'Category 3' for the purposes of section 44(4) of the PA 2008 who might have a 'relevant claim' as defined by section 44(6) of the PA 2008.
- (d) **Utilities searches:** A search was undertaken to identify whether there were any Statutory undertakers, and other similar bodies having or possibly having a right to keep equipment on, in or over the land within the Order limits.
- (e) **Other land referencing activities:** Consultation with those persons and organisations with interests in land affected by the Scheme proposals has been ongoing throughout the development of the proposals. The identification of potentially affected parties has been an ongoing process, above and beyond the searches explained above. This included checking all company addresses at Companies House to ensure the correct address was being used. The registered address was used unless advised differently by the affected party.
- (f) **Consequent actions:** The combination of the above land referencing activities undertaken for the diligent inquiry process produced a list of interests for the statutory consultation under the PA 2008, which commenced on 19 January 2022. A further supplementary statutory consultation was also undertaken, which commenced on 27 October 2022. For both rounds of statutory consultation, the persons and organisations were provided with a copy of the section 48 notice, a

newsletter related to the scheme (which included a plan), and details of how to put forward comments in writing and submit feedback questionnaires in relation to the proposed IERRT, with a response period of at least 28 days.

- 7.2.8 Any information or stakeholder data gained by ABP as a result of the Section 42 consultation or property negotiations was used to inform the Book of Reference.

### 7.3 **Utility providers**

- 7.3.1 Utility providers and other similar bodies having or possibly having a right to keep equipment on, in or over the land within the Order limits, were identified. Such parties that were believed to have a possible interest in the Order limits were consulted and contacted, as appropriate, in order to identify their interests and any necessary raise further enquiries to address any changes, anomalies or gaps.
- 7.3.2 The interest held by each utility provider and other similar bodies whose services may be affected by the Scheme proposals are identified in the Book of Reference (Application Document Reference number 4.1).
- 7.3.3 There are no plots owned by utility providers, or other similar bodies, which are the subject of proposed compulsory acquisition in connection with the IERRT project. Accordingly, it is considered that section 127 of the PA 2008 is not engaged.
- 7.3.4 Various statutory undertakers and owners of apparatus have a right to keep equipment (in connection with their undertaking) on, in or over the Order Land. Statutory undertakers and other apparatus owners that are known to have equipment on, in or over the Order Land are included in the Book of Reference (Application Document Reference Number 4.1). Section 138 of the PA 2008 applies if a DCO authorises the acquisition of land (compulsorily or by agreement) and there subsists over the land a 'relevant right', or there is 'relevant apparatus on, under or over the land.
- 7.3.5 The draft DCO (Application Document Reference number 3.1) includes provisions to authorise the extinguishment of a relevant right, or the removal of relevant apparatus belonging to statutory undertakers, in connection with the delivery of the IERRT.
- 7.3.6 The exercise of such powers will be carried out only in compliance with the protective provisions contained in Schedule 4 of the draft DCO (Application Document Reference number 3.1). The protective provisions have been, or are in the process of being, agreed with the relevant statutory undertakers and other similar bodies, and will accordingly set out constraints on the exercise of the powers in the draft DCO (Application Document Reference number 3.1) with a view to safeguarding the statutory undertakers' and other similar bodies' interests, whilst enabling the IERRT to proceed. ABP, therefore, considers that the test set out in section 138 of the PA 2008 is satisfied.

7.3.7 The draft DCO for the project does, however, include provisions to authorise necessary interference by ABP with the rights/apparatus of utility providers or other similar bodies within the Order limits, in connection with the delivery of the Project for the following:

(a) **Statutory undertakers -**

(i) Network Rail;

(b) **Utility providers and other similar bodies -**

(i) Exolum Pipeline System Ltd;

(ii) Exolum Immingham LTD;

(iii) Northern Powergrid (Yorkshire) PLC;

(iv) Openreach Limited;

(v) Anglian Water Services Limited;

(vi) Cadent Gas Limited; and

(vii) operators of electronic communication code networks, relating to utilities such as telecommunications cables.

#### 7.4 **Special category land**

7.4.1 The proposed Order Limits do not include any special category land within the meaning of sections 130, 131 and 132 of the PA 2008 (open space, commons, fuel and field garden allotments). As a consequence, no compulsory acquisition or temporary possession is required of such land.

#### 7.5 **Current position in relation to engagement and negotiations**

7.5.1 The current position in relation to ABP's engagement and negotiations with each of the persons and organisations with interests in land affected by the Scheme proposals is explained in Table 1 below.

7.5.2 Negotiations are continuing with persons and organisations with interests in land affected by the Scheme proposals with a view to ensuring that their concerns are taken into account and accommodated wherever reasonably possible.

7.5.3 ABP is aware of the requirement to seek to acquire land by negotiation wherever practicable, and recognises that as a general rule, authority to acquire land compulsorily, should only be sought if reasonable attempts to acquire the land by agreement fail (as noted in the 2013 DCLG 'Planning Act 2008 Guidance related to procedures for the compulsory acquisition of land', at paragraph 25). It does however also recognise that in some cases it may be unavoidable but to acquire land compulsorily rather than by agreement.

7.5.4 ABP has informed all those with an interest in the land of its willingness to negotiate to acquire the land by agreement, and to invite dialogue along those lines. As a result, ABP is in the process of engaging with persons and organisations with interests in land affected by the IERRT development

proposals with regard to the acquisition of their land interests by agreement. Negotiations with this objective will be continuing throughout the DCO examination process.

- 7.5.5 Powers of compulsory acquisition are however required to ensure that the Scheme can be delivered in the event that it does not prove possible to acquire the necessary land interests by agreement.

**Table 1 – Communications/Negotiations with Persons and Organisations with Interests in Land Affected by the IERRT**

No.	Persons with an interest in the land	Plots
1.	<b>P.K. Construction (Lincs) Limited</b> – Sub-tenant/Occupier – Right holder	<b>1, 2a, 2b</b>  <b>5a, 5b</b>
<b>Status of Negotiations</b>		
<p>P.K. Construction (Lincs) Limited was consulted as part of the statutory consultation process and the supplementary statutory consultation process.</p> <p>Prior to that, in November 2021, P.K. Construction (Lincs) Limited was sent written notification that, in order to facilitate the construction of the IERRT, ABP would need to acquire land and rights over the land in which they had an interest, which it hoped could be secured by negotiation, but should that not prove possible, powers of compulsory acquisition would be included in the draft DCO.</p> <p>P.K. Construction (Lincs) Limited is a sub-tenant of part of the land leased to ABP's tenant (Philip John Drury). ABP has been engaging with its tenant in respect of negotiating the surrender and re-grant of their lease, including P.K. Construction (Lincs) Limited's interest.</p> <p>P.K. Construction (Lincs) Limited's occupancy of this land has been considered as part of the wider discussions set out under no.3 in this Table 1 – related to negotiations with Philip John Drury.</p>		
2.	<b>Malcolm West Fork Lifts Limited</b> – Sub-tenant/Occupier – Right Holder	<b>3</b>  <b>2a, 5a, 5b</b>
<b>Status of Negotiations</b>		
<p>Malcolm West Fork Lifts Limited was consulted as part of the statutory consultation process and the supplementary statutory consultation process.</p> <p>Prior to that, in November 2021, Malcolm West Fork Lifts Limited was sent written notification that, in order to facilitate the construction of the IERRT, ABP would need to acquire land and rights over the land in which they had an interest, which it hoped could be secured by negotiation, but should that not prove possible, powers of compulsory acquisition would be included in the draft DCO.</p> <p>Malcolm West Fork Lifts Limited is a sub-tenant of part of the land leased to ABP's tenant (Philip John Drury). ABP has been engaging with its tenant in</p>		

<p>respect of negotiating the surrender and re-grant of its lease, including Malcolm West Fork Lifts Limited's interest.</p> <p>Malcolm West Fork Lifts Limited's occupancy of this land has been considered as part of the wider discussions set out under no.3 in this Table 1 – related to negotiations with Philip John Drury.</p>		
<b>3.</b>	<b>Philip John Drury Leaseholder</b>	<b>1, 2a, 2b, 3, 4, 5a, 5b, 6</b>
<b>Status of Negotiations</b>		
<p>Mr Philip John Drury was consulted as part of the statutory consultation process and the supplementary statutory consultation process.</p> <p>Prior to that, early engagement with Mr Drury commenced at a meeting in July 2021 regarding the IERRT and the need for the permanent acquisition of the land in order to facilitate the construction of the IERRT.</p> <p>In November 2021, Mr Drury was sent written notification that, in order to facilitate the construction of the IERRT, ABP would need to acquire land and rights over the land in which they had an interest, which it hoped could be secured by negotiation, but should that not prove possible, powers of compulsory acquisition would be included in the draft DCO.</p> <p>Since that time, ABP has continued to engage with Mr Drury, through telephone calls and meetings which have taken place, in order to negotiate a solution, as well as negotiating with his three sub-tenants: (i) P.K. Construction (Lincs) Limited; (ii) Malcolm West Fork Lifts Limited; and (iii) Drury Engineering Services Limited.</p> <p>Negotiations have been progressing. Solicitors have been instructed and heads of terms have been prepared for the surrender and re-grant of all land interests and rights in these plots (as well as the interests of the sub-tenants in plots 1, 2a, 2b, 3, 4, 5a and 5b).</p> <p>ABP anticipates completing the necessary agreements before the close of the Examination process, and will continue to try to move this forward, but at this time, will be reserving compulsory acquisition powers within the DCO to ensure the IERRT can be delivered.</p>		
<b>4.</b>	<b>Drury Engineering Services Limited – Sub-tenant/Occupier – Right holder</b>	<b>4, 5a, 5b, 6  2a</b>
<b>Status of Negotiations</b>		
<p>Drury Engineering Services Limited was consulted as part of the statutory consultation process and the supplementary statutory consultation process.</p> <p>Prior to that, in November 2021, Drury Engineering Services Limited was sent written notification that, in order to facilitate the construction of the IERRT, ABP would need to acquire land and rights over the land in which they had an interest, which it hoped could be secured by negotiation, but should that not</p>		

<p>prove possible, powers of compulsory acquisition would be included in the draft DCO.</p> <p>Drury Engineering Services Limited is a sub-tenant of part of the land leased to ABP's tenant (Philip John Drury). ABP has been engaging with its tenant in respect of negotiating the surrender of its lease, including Drury Engineering Services Limited's interest.</p> <p>Drury Engineering Services Limited's occupancy of this land has been considered as part of the wider discussions set out under no.3 in this Table – related to negotiations with Philip John Drury.</p>		
<b>5.</b>	<b>Volkswagen Group United Kingdom Limited ("VW")</b>  <b>Tenant/Occupier</b>	<b>9</b>
<b>Status of Negotiations</b>		
<p>VW was consulted as part of the statutory consultation process and the supplementary statutory consultation process.</p> <p>In November 2022, VW was sent written notification that, in order to facilitate the construction of the IERRT, ABP would need to acquire land and rights over the land in which they had an interest, which it hoped could be secured by negotiation, but should that not prove possible, powers of compulsory acquisition would be included in the draft DCO.</p> <p>ABP undertook some early engagement with VW, including the offer of meetings.</p> <p>Volkswagen Group United Kingdom Limited currently occupy the land on the basis of an implied protected monthly periodic tenancy. Ongoing commercial negotiations are taking place between ABP and VW regarding the relocation of the latter's commercial operations to the Port of Grimsby.</p> <p>ABP will continue to try to move this forward, but at this time, will be reserving compulsory acquisition powers in respect of this interest within the DCO to ensure the IERRT can be delivered.</p>		
<b>6.</b>	<b>Humber Oil Terminals Trustee Limited ("HOTT")</b> <b>– Leaseholder</b>	<b>12</b>
<b>Status of Negotiations</b>		
<p>HOTT was consulted as part of the statutory consultation process and the supplementary statutory consultation process.</p> <p>In December 2022, HOTT was sent written notification that, in order to facilitate the construction of the IERRT, ABP would need to acquire land and rights over the land in which they had an interest, which it hoped could be secured by negotiation, but should that not prove possible, powers of compulsory acquisition would be included in the draft DCO.</p>		

<p>ABP has engaged with HOTT in respect of the relocation of its mooring buoy. Solicitors have been instructed and a draft licence has been prepared.</p> <p>ABP will continue to try to move this forward, but at this time, will be reserving compulsory acquisition powers in respect of this interest within the DCO to ensure the IERRT can be delivered.</p>		
<b>7.</b>	<b>Northern Powergrid (Yorkshire) PLC – Right holder</b>	<b>3, 5a, 5b</b>
<b>Status of Negotiations</b>		
<p>Northern Powergrid (Yorkshire) PLC is part of the Northern Powergrid family of companies which was consulted as part of the statutory consultation process and the supplementary statutory consultation process as rights holder, and as well as Northern Powergrid (Northeast) PLC which was consulted as rights owner and also pursuant to their role as a statutory undertaker for the area.</p> <p>Since then, ABP has sought to engage with Northern Powergrid in respect of their apparatus on site, re-routing of their apparatus, and rights necessary to protect the apparatus (including requesting any standard protective provisions from Northern Powergrid).</p> <p>A meeting has taken place and dialogue is ongoing but not concluded at this time. Draft protective provisions have been incorporated within the DCO for Northern Powergrid's benefit, such that they will not be a detriment to their undertaking and solicitors have been instructed in respect of these.</p> <p>ABP anticipates that these can be agreed before the close of the Examination process, and will continue to try to move this forward, but at this time, will be reserving powers for the interference of this right within the DCO to ensure the IERRT can be delivered.</p>		
<b>8.</b>	<b>Exolum Immingham LTD ("Exolum") – Right holder</b>	<b>7, 11</b>
<b>Status of Negotiations</b>		
<p>Exolum was consulted as part of the statutory consultation and the supplementary statutory consultation process as a rights holder.</p> <p>Since then, ABP has continued to engage with Exolum in respect of amending their right of access to its apparatus within this land, which Exolum has indicated it is happy with. Accordingly, Solicitors have been instructed and a variation to the lease in respect of plot 11 has been drafted.</p> <p>In addition, a draft set of protective provisions have been incorporated within the draft DCO for Exolum's benefit, such that they will there not be a detriment to their undertaking.</p>		
<b>9.</b>	<b>Origin UK Operations Limited – Right holder</b>	<b>8a, 8b</b>
<b>Status of Negotiations</b>		

<p>Origin UK Operations Limited was consulted as part of the statutory consultation process and the supplementary statutory consultation process as rights holder.</p> <p>Prior to that, early engagement with Origin UK Operations Limited commenced in July 2021, with an initial meeting taking place in early August 2021 discussing the Project.</p> <p>Since that time, ABP has continued to engage with Origin UK Operations Limited, and as the IERRT has developed ABP has been discussing and negotiating amending their route of access.</p> <p>At present ABP is in negotiations with Origin UK Operations Limited in respect of agreeing a new lease of the land, a part of which relates to agreeing proposals for amended routes of access and egress to its site.</p> <p>ABP anticipates completing the new lease (incorporating the amended access) before the close of the Examination process, and will continue to try to move this forward, but at this time, will be reserving powers for the interference/extinguishment of Origin UK Operations Limited's current right of access within the DCO to ensure the IERRT can be delivered.</p>		
<b>10.</b>	<b>Cadent Gas Limited – Right holder</b>	<b>9</b>
<b>Status of Negotiations</b>		
<p>Cadent Gas Limited was consulted as part of the statutory consultation process and the supplementary statutory consultation process as a rights holder.</p> <p>Cadent Gas Limited has apparatus under this land.</p> <p>ABP has and continues to engage with Cadent Gas Limited in respect of its apparatus and has attending meetings and exchanged correspondence in this respect.</p> <p>ABP is also engaging with Cadent Gas Limited in agreeing a draft set of protective provisions for incorporation within the DCO for Cadent Gas Limited's benefit, such that they will there not be a detriment to their undertaking.</p>		
<b>11.</b>	<b>DB Cargo (UK) Limited – Right holder</b>	<b>10</b>
<b>Status of Negotiations</b>		
<p>DB Cargo (UK) Limited was consulted as part of the statutory consultation process and the supplementary statutory consultation process as a rights holder.</p> <p>Prior to that, in November 2021, DB Cargo (UK) Limited was sent written notification that, in order to facilitate the construction of the Project, ABP would need to alter DB Cargo (UK) Limited's access into its site which is over this</p>		



plot of land. It explained that it hoped it could be agreed by negotiation, but should that not prove possible, the right of access would be included in the draft DCO.

Since then, negotiations have progressed well, and the parties have agreed Heads of Terms for the variation of the right of access by agreement, and a proposed alternative route for the access has been agreed in principle.

Network Rail Infrastructure Limited also has a right of access over this plot (using DB Cargo (UK) Limited's existing access way). Network Rail Infrastructure Limited has also in principle agreed to the alternative route.

Solicitors for the parties have been instructed and are progressing with preparing the necessary agreements.

ABP anticipates completing the necessary agreements before the close of the Examination process, and will continue to try to move this forward, but at this time, will be reserving powers for the interference/extinguishment of the right of access within the DCO to ensure the proposals can be delivered.

<b>12.</b>	<b>Network Rail Infrastructure Limited</b>  <b>– Right holder</b>	<b>10</b>
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#### **Status of Negotiations**

Network Rail Infrastructure Limited was consulted as part of the statutory consultation process and the supplementary statutory consultation process as a rights holder.

Network Rail Infrastructure Limited rights in respect of this land has been considered as part of the wider discussions set out under no.11 in this Table 1 – related to negotiations with DB Cargo (UK) Limited.

In addition, ABP is engaging with Network Rail Infrastructure Limited in agreeing a draft set of protective provisions for incorporation within the DCO for Network Rail Infrastructure Limited's benefit, such that they will there not be a detriment to their undertaking.

<b>13.</b>	<b>Openreach Limited</b> <b>– Right holder</b>	<b>1, 2a, 2b, 3, 4, 5a, 5b, 6, 7, 8a, 8b 9, 10, 11</b>
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#### **Status of Negotiations**

Openreach Limited was consulted as part of the statutory consultation process and the supplementary statutory consultation process as a rights holder.

Openreach Limited has the benefit of a general wayleave in respect of its apparatus over ABP's freehold title, which affects these plots of land.

ABP is therefore engaging with Openreach Limited in agreeing a draft set of protective provisions for incorporation within the DCO for Openreach Limited's benefit, such that there will not be a detriment to their undertaking.

## 8 Section 8 – Compulsory acquisition in the context of Human Rights

8.1.1 As the very nature of compulsory acquisition involves depriving a legal entity of its interest in land, it is necessary that an applicant (commonly referred to as the acquiring authority in other contexts outside of the DCO regime) seeking compulsory acquisition powers requires consideration of the impact on human rights of those affected. This applies to both individuals and other legal entities including companies.

### 8.2 Interference with Human Rights

8.2.1 The compulsory acquisition of privately owned land involves the interference with an individual's protected rights under the European Convention on Human Rights (as transposed into UK law by the Human Rights Act 1998) such as the right to peaceful enjoyment of possessions (i.e., property) (Article 1 of the ECHR) and the right to respect for private and family life (Article 8 of the ECHR).

8.2.2 Such rights may be restricted where the law authorises such justification - a public authority cannot interfere with these interests **unless** doing so is **in accordance with law** and is **necessary** in the interests of, inter alia, national security, public safety or the economic well-being of the country.

8.2.3 Any interference with property must be **proportionate**. In determining whether a particular interference is proportionate a fair balance must be struck between the public benefit sought and the interference with the rights in question.

8.2.4 The European Convention on Human Rights (the **Convention**) is an international treaty signed under the auspices of the Council of Europe. The Convention was never incorporated into United Kingdom law. The Human Rights Act 1998 (**HRA**) addresses the situation to an extent and despite the changing legislative framework resulting from Brexit, it remains the relevant act that must be observed with many of the provisions retained in United Kingdom law.

8.2.5 The HRA enables individuals to invoke Convention rights for certain purposes and for certain effects. The Convention contains Articles aimed to protect the rights of the individual (known as **Convention Rights**).

8.2.6 The DCO has the potential to infringe the human rights of persons who hold interests in the Order Land. Such infringement can be authorised by law provided that the appropriate statutory procedures for making the Order are followed and there is a compelling case in the public interest for the compulsory acquisition and the interference with the Convention Right is proportionate. The test of proportionality is satisfied if the Order strikes a fair balance between the public benefit sought and the interference with the rights in question.

8.2.7 In seeking compulsory acquisition powers in the DCO, an acquiring authority must show that the acquisition is justified in the public interest. On this basis,

the applicant – ABP – is required to have considered the human rights of those affected in detail. The decision maker, as a public body, is under a duty to consider whether the exercise of its powers engages Convention Rights. The approach to be taken to give effect to rights under the Convention is reflected in the advice in the Guidance.

8.2.8 The provisions of particular relevance to the determination as to whether the Order should include compulsory acquisition powers are Article 1 of the First Protocol to the Convention, Article 6, and Article 8. ABP's considerations and conclusions in relation to each of these articles are set out below.

### 8.3 **Article 1 of the First Protocol to the Convention**

8.3.1 This protects the right of everyone to the peaceful enjoyment of possessions. No one can be deprived of possessions except in the public interest and subject to the relevant national and international laws and principles.

8.3.2 The right to compensation is an important factor in considering the balance between the demands of the general interest of the community and the requirements of the protection of the individual's fundamental rights. Where new rights are being acquired, ABP has considered that whilst there will be an effect on those who remain in occupation for the duration of the works, this will be temporary, and they will be entitled to make a compensation claim. Those affected by compulsory acquisition may claim compensation in accordance with the Statutory Compensation Code. ABP has the resources to provide such compensation as demonstrated in the Funding Statement (Application Document Reference number 4.3). Compensation is an essential aspect of compulsory acquisition and an important component of compliance with Article 1, being in line with national law.

8.3.3 In accordance with Part 5 of the PA 2008, ABP has consulted persons set out in the categories contained in section 44 of that Act, which include owners of the Order Land and those who may be able to make claims either under section 10 of the Compulsory Purchase Act 1965 or Part 1 of the Land Compensation Act 1973. All scheduled interests are able to make representations to the Examining Body and therefore the requirements of Article 6 are met.

8.3.4 Representations can be made in response to any notice given under section 56 of the PA 2008 (notifying persons of accepted application).

8.3.5 Should the Order be made, a person aggrieved may also challenge the Order in the High Court if they consider that the grounds for doing so are made out pursuant to section 118 of the PA 2008. Affected persons have the right to apply to the Upper Tribunal (Lands Chamber) if compensation is disputed.

8.3.6 The requirements of compensation being payable for the acquisition of any interest are met. As a consequence, Article 1 of Protocol 1 is not contravened.

### 8.4 **Article 6**

8.4.1 This entitles those affected by powers sought for the Project to a fair, public hearing. If a compulsory acquisition hearing request is made by owners of

land in the Order, then the Order will not be made without a hearing before the Secretary of State being held. Article 6 is therefore adhered to in the Order making process.

## 8.5 **Article 8**

8.5.1 This article protects private and family life, home and correspondence. No public authority can interfere with these interests except if it is in accordance with the law and is necessary in the interest of national security, public safety or the economic well-being of the country.

8.5.2 A right protected by Article 8 clearly applies and would be interfered with as a result of the compulsory acquisition powers being included in the Order. It is therefore necessary for ABP to consider the possible justifications for the interference under Article 8(2), and ABP considered three questions accordingly:

### ***Is the interference in accordance with the law?***

8.5.3 There is a legal basis for the inclusion of powers of compulsory acquisition in the DCO, pursuant to promoting a NSIP under the provisions of the PA 2008.

### ***Does the interference pursue a legitimate aim?***

8.5.4 The justification for the DCO is that it seeks to achieve a particular purpose in the public interest, namely, the delivery of the Project.

### ***Is the interference necessary in a democratic society?***

8.5.5 ABP is required to make a balancing judgement between the public interest and the rights of the individual, and to ensure that the DCO is necessary and proportionate.

8.5.6 ABP has considered the need to balance the constitutional rights of ownership of property for the individuals who are affected by the DCO either through the acquisition of land or rights against the benefit of proceeding with the DCO. ABP considers that the making of the DCO with compulsory acquisition powers which would lead to an interference with the individuals' rights is justified, necessary and proportionate.

8.5.7 In considering this balance, and as is set out in this Statement of Reasons, National Government encourages port schemes for the benefit of UK trade and this need in the public benefit should be considered in the balance with any private loss.

8.5.8 In summary, ABP has weighed the potential infringement of Convention Rights in consequence of the inclusion of compulsory powers within the Order with the potential public benefits if the Order is made. ABP considers that there would be significant public benefit arising from the grant of development consent. That benefit is only likely to be realised if the DCO includes powers of compulsory acquisition. The significant public benefits on balance outweigh the effects upon persons who own property and rights within the Order Land.

8.5.9 For the above reasons, ABP considers that the inclusion of powers of compulsory acquisition in the DCO would not constitute any unlawful interference with Convention Rights and related provisions of United Kingdom law. As a consequence, it is concluded that it would be appropriate and proportionate to make the DCO, including the grant of powers of compulsory acquisition.

## 9 **Section 9 – Other Consents and Licences**

### 9.1 **Other Consents and Licences**

- 9.1.1 All of the other consents and licences required to construct and operate the IERRT Project and an explanation of how ABP proposes to deal with each is set out in the Consents and Agreements Position Statement (Application Document Reference number 9.1). ABP considers that none of these other consents or licences represents an impediment to the delivery of the IERRT Project.

## 10 Section 10 – Conclusions

- 10.1.1 For the reasons explained in this Statement, ABP is seeking the inclusion of powers of compulsory acquisition in the DCO for the IERRT and submits that such powers meet the conditions of Sections 122 and 123 of the PA 2008 and the DCLG Guidance.
- 10.1.2 **Section 2** of this Statement provides a summary of the IERRT and **Section 3** details the Order Land.
- 10.1.3 **Section 4** details the extent of the powers that ABP is seeking for the IERRT and details the compulsory acquisition powers listed within the draft DCO.
- 10.1.4 **Section 5** provides the justification and criteria to be satisfied for the authorisation of compulsory acquisition powers in a DCO. The powers sought by ABP are no more than are reasonably required to facilitate or are incidental to the IERRT. The powers sought are no more than are reasonably necessary for that purpose and are proportionate.
- 10.1.5 **Section 6** sets out the policy justification for the IERRT.
- 10.1.6 Accordingly, **Section 5** and **Section 6** of this Statement, Chapter 4 (Need and Alternatives) of the ES (Application Document Reference number 8.2.4), the Planning Statement (incorporating Harbour Statement) (Application Document Reference number 5.1) demonstrate that there is a compelling case in the public interest for the rights to be compulsorily acquired.
- 10.1.7 **Section 7** sets out ABP's approach to acquiring land and rights and sets out the negotiation process and current status of such negotiations to reach agreement with those tenants, occupiers and right holders affected by the IERRT.
- 10.1.8 The purposes for which the proposed DCO authorises the sought powers of compulsory acquisition are legitimate and justify interfering with the human rights of those with an interest in the land affected as set out in further detail in **Section 8** of this Statement.
- 10.1.9 ABP is of the view that the very substantial public benefits that would arise from the proposed compulsory acquisition of the interests within the Order Land would clearly outweigh the private loss that would be suffered by those whose land is to be acquired.
- 10.1.10 **Section 9** –addresses other consents and licences that will or may be required in addition to the powers sought in the DCO.
- 10.1.11 **Appendix 1** to this Statement identifies on a plot-by-plot basis the particular requirements for each plot of land that is proposed to be compulsorily acquired/interference with right by reference to the specific works as described in Schedule 1 to the draft DCO (Application Document Reference number 3.1) and shown on the Works Plans (Application Document Reference number 2.3).
- 10.1.12 For the reasons provided above, ABP as the applicant is of the view that it is in the interest of the public to grant compulsory acquisition powers in respect



of land and rights in land, as set out in the Book of Reference (Application Document Reference number 4.1) and shown within the Land Plans including Crown Land (Application Document Reference number 2.2).

- 10.1.13 As a consequence, ABP asks that the powers of compulsory acquisition detailed and justified in this Statement of Reasons and accompanying supporting documentation, including the draft DCO, should be granted.

## Glossary

<b>Abbreviation / Acronym</b>	<b>Definition</b>
ABP	Associated British Ports
ALA 1981	Acquisition of Land Act 1981
APFP Regulations	Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
CEMP	Construction Environmental Management Plan
Compensation Code	The collective term used to describe the legislation, regulation and case law which together regulate the process for compensation following the exercise of powers of compulsory purchase
CPA 1965	Compulsory Purchase Act 1965
DCLG	Department of Communities and Local Government (as it then was)
DCO	Development Consent Order
EA	Environment Agency
EIA	Environmental Impact Assessment
EPA	Environmental Protection Act 1990
ES	Environmental Statement
Exolum	Exolum Immingham LTD
GVD	General Vesting Declaration
HGV	Heavy Goods Vehicle
HOTT	Humber Oil Terminals Trustee Limited
HSE	Health and Safety Executive
IDB	Internal Drainage Board
IERRT	Immingham Eastern Ro-Ro Terminal
IOT	Immingham Oil Terminal
MMO	Marine Management Organisation
NE	Natural England
NELC	North East Lincolnshire Council
NLC	North Lincolnshire Council
NSIP	Nationally Significant Infrastructure Project
Order Land	the land and interests within the development site which are affected by the IERRT
PA 2008	Planning Act 2008
PINS	Planning Inspectorate
Ro-Ro	Roll-on/roll-off
SoCG	Statement of Common Ground
SoS	Secretary of State for Transport
TTRO	Temporary Traffic Regulation Order
TTWA	Travel to Work Area
UK	United Kingdom
VW	Volkswagen Group United Kingdom Limited

## Appendix 1 – Purpose for which Compulsory powers of acquisition are sought

### Notes:

1. See Schedule 1 to the draft DCO (Application Document Reference number 3.1) for descriptions of the works.
2. This Appendix should be read alongside the draft DCO (Application Document Reference number 3.1), the Book of Reference (Application Document Reference number 4.1). Land Plans including Crown Land (Application Document Reference number 2.2), and Works Plans (Application Document Reference number 2.3).

<b>Plot No.</b>	<b>Extent of Acquisition</b>	<b>Purpose for which Plots are required: (Work No.)</b>
1	Acquisition of permanent rights (including restrictive covenants) over land	4, 7
2a	Acquisition of permanent rights (including restrictive covenants) over land	4, 7
2b	Acquisition of permanent rights (including restrictive covenants) over land	4, 7
3	Acquisition of permanent rights (including restrictive covenants) over land	4, 7
4	Acquisition of permanent rights (including restrictive covenants) over land	4, 7
5a	Acquisition of permanent rights (including restrictive covenants) over land	4, 7
5b	Acquisition of permanent rights (including restrictive covenants) over land	4, 7
6	Acquisition of permanent rights (including restrictive covenants) over land	4, 7
9	Acquisition of permanent rights (including restrictive covenants) over land	6
12	Acquisition of permanent rights (including restrictive covenants) over land	1, 2, 3