

IMMINGHAM EASTERN RO-RO TERMINAL



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Appendix 6.1: Scoping Opinion
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December 2022



SCOPING OPINION:

Proposed Immingham Eastern Ro-Ro Terminal

Case Reference: TR030007

Adopted by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

October 2021

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1. INTRODUCTION

1.1 Background

- 1.1.1 On 14 September 2021, the Planning Inspectorate (the Inspectorate) on behalf of the Secretary of State (SoS) received a scoping request from Associated British Ports (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Immingham Eastern Ro-Ro Terminal (the Proposed Development).
- 1.1.2 In accordance with Regulation 10 of the EIA Regulations, an Applicant may ask the SoS to state in writing its opinion *'as to the scope, and level of detail, of the information to be provided in the environmental statement'*.
- 1.1.3 This document is the Scoping Opinion (the Opinion) provided by the Inspectorate on behalf of the SoS in respect of the Proposed Development. It is made on the basis of the information provided in the Applicant's report entitled Immingham Eastern Ro-Ro Terminal Scoping Report (dated September 2021) (the Scoping Report). This Opinion can only reflect the proposals as currently described by the Applicant. The Scoping Opinion should be read in conjunction with the Applicant's Scoping Report.
- 1.1.4 The Applicant has notified the SoS under Regulation 8(1)(b) of the EIA Regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the Proposed Development is EIA development.
- 1.1.5 Regulation 10(9) of the EIA Regulations requires that before adopting a scoping opinion the Inspectorate must take into account:
- (a) *any information provided about the proposed development;*
 - (b) *the specific characteristics of the development;*
 - (c) *the likely significant effects of the development on the environment; and*
 - (d) *in the case of a subsequent application, the environmental statement submitted with the original application.*
- 1.1.6 This Opinion has taken into account the requirements of the EIA Regulations as well as current best practice towards preparation of an ES.
- 1.1.7 The Inspectorate has consulted on the Applicant's Scoping Report and the responses received from the consultation bodies have been taken into account in adopting this Opinion (see Appendix 2).
- 1.1.8 The points addressed by the Applicant in the Scoping Report have been carefully considered and use has been made of professional judgement and experience in order to adopt this Opinion. It should be noted that when it comes to consider the ES, the Inspectorate will take account of relevant legislation and guidelines. The Inspectorate will not be precluded from requiring additional information if it is considered necessary in connection with the ES submitted with the application for a Development Consent Order (DCO).

- 1.1.9 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (e.g. on submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.
- 1.1.10 Regulation 10(3) of the EIA Regulations states that a request for a scoping opinion must include:
- (a) *a plan sufficient to identify the land;*
 - (b) *a description of the proposed development, including its location and technical capacity;*
 - (c) *an explanation of the likely significant effects of the development on the environment; and*
 - (d) *such other information or representations as the person making the request may wish to provide or make.*
- 1.1.11 The Inspectorate considers that this has been provided in the Applicant's Scoping Report. The Inspectorate is satisfied that the Scoping Report encompasses the relevant aspects identified in the EIA Regulations.
- 1.1.12 In accordance with Regulation 14(3)(a), where a scoping opinion has been issued in accordance with Regulation 10 an ES accompanying an application for an order granting development consent should be based on '*the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion)*'.
- 1.1.13 The Inspectorate notes the potential need to carry out an assessment under The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations'), as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This assessment must be co-ordinated with the EIA in accordance with Regulation 26 of the EIA Regulations.

1.2 The Planning Inspectorate's Consultation

- 1.2.1 In accordance with Regulation 10(6) of the EIA Regulations the Inspectorate has consulted the consultation bodies before adopting a scoping opinion. A list of the consultation bodies formally consulted by the Inspectorate is provided at Appendix 1. The consultation bodies have been notified under Regulation 11(1)(a) of the duty imposed on them by Regulation 11(3) of the EIA Regulations to make information available to the Applicant relevant to the preparation of the ES. The Applicant should note that whilst the list can inform their consultation, it should not be relied upon for that purpose.
- 1.2.2 The list of respondents who replied within the statutory timeframe and whose comments have been taken into account in the preparation of this Opinion is

provided, along with copies of their comments, at Appendix 2, to which the Applicant should refer in preparing their ES.

- 1.2.3 The ES submitted by the Applicant should demonstrate consideration of the points raised by the consultation bodies. It is recommended that a table is provided in the ES summarising the scoping responses from the consultation bodies and how they are, or are not, addressed in the ES.
- 1.2.4 Any consultation responses received after the statutory deadline for receipt of comments will not be taken into account within this Opinion. Late responses will be forwarded to the Applicant and will be made available on the Inspectorate's website. The Applicant should also give due consideration to those comments in preparing their ES.

2. THE PROPOSED DEVELOPMENT

2.1 Introduction

- 2.1.1 The following is a summary of the information on the Proposed Development and its site and surroundings prepared by the Applicant and included in their Scoping Report. The information has not been verified and it has been assumed that the information provided reflects the existing knowledge of the Proposed Development and the potential receptors/ resources.

2.2 Description of the Proposed Development

- 2.2.1 The Applicant's description of the Proposed Development, its location and technical capacity (where relevant) is provided in Scoping Report Chapters 2 and 3.
- 2.2.2 The Proposed Development is for additional port infrastructure at the Port of Immingham, a major port located on the east coast of England. The marine works within the Humber Estuary and landside works on the existing port estate will deliver four berths and associated infrastructure to increase the embarkation and disembarkation capacity of roll-on/roll-off (Ro-Ro) commercial and automotive traffic. Throughput is expected to be 800,000 units per year.
- 2.2.3 The Port of Immingham lies adjacent to the main deep-water shipping channel on the south bank of the Humber Estuary and is situated north of Immingham and north-west of Grimsby. Figure 1 of the Scoping Report shows the location of the Proposed Development site. The terrestrial areas within the proposed DCO boundary are located within North East Lincolnshire Council's (NELC) administrative area. The marine areas lie on the bed of the Humber Estuary, which is owned by the Crown Estate.
- 2.2.4 Figure 2 shows the location and dimensions of the structures proposed for the marine environment. These comprise an approach jetty from the shore, a linkspan (link bridge), two floating pontoons and two separate finger piers with two berths each (one on each side of the piers to create four berths). The stern ramps of the ships using the facility would rest on the two floating pontoons.
- 2.2.5 The Scoping Report states that the exact construction methods are still under development. However, it is expected that the static marine structures will rest on an open piled network of steel tubular piles. Pile driving would involve both percussive and vibro-piling techniques. The floating pontoons and linkspans would be fabricated off site and floated and/or craned into position.
- 2.2.6 A capital dredge would be required for the new berthing area with a maximum area of 90,000 m². The berthing area would be dredged to a maximum depth of 9m below chart datum (CD) and the area below the floating pontoon would be dredged to 5m below CD. An estimated 330,000 m³ of material would be removed, made up of boulder clay, sand and silt. Unless an alternative use for the dredged material is identified, the Applicant anticipates that the material would be disposed of in the Humber Estuary at the disposal sites HU056 (Holme Channel) and H060 (Clay Pits).

- 2.2.7 Figure 3 shows the location of the landside works which are located in two land parcels. The larger land parcel is bound by the Humber Estuary to the north and the various existing land uses within the Port. The smaller land parcel lies to the east of the larger parcel and is bound by the Associated Petrolia Terminals to the north, Laporte Road to the south, an unnamed track to the west and a tree line to the east.
- 2.2.8 The landside area of the Proposed Development would be used to provide trailer and container parking and storage. A number of small terminal buildings would be constructed to provide facilities for lorry drivers and passengers (the Scoping Report does not give a precise figure for the proposed number of buildings). The Scoping Report states that a small office, workshop and gatehouse may also be required. A bridge would be constructed within the port estate to cross an adjacent access road and rail track within the boundary of the Proposed Development.
- 2.2.9 The land within the proposed DCO boundary is within the Port estate; existing port infrastructure would be moved elsewhere to clear the area for parking and storage although in some areas additional works may be required to provide hard surfacing. The new terminal buildings would either have piled or ring-beam foundations and be constructed from steel portal frames with steel cladding. They would be no more than two storeys height but additional high masts would be required in some areas of the development.

2.3 The Planning Inspectorate's Comments

Description of the Proposed Development

- 2.3.1 The ES should include the following:
- a description of the Proposed Development comprising at least the information on the site, design, size and other relevant features of the development;
 - diagram(s) which provide clearly labelled locations for the various structures proposed for the marine environment which are included in the Project Description; and
 - a description of the location of the development and description of the physical characteristics of the whole development, including any requisite demolition works and the land-use requirements during construction and operation phases;
- 2.3.2 The Scoping Report provides dimensions for the structures in the marine environment but includes limited information on the location and dimensions of the landside structures. This information should be provided in the project description in the ES. If these points have not confirmed the ES should clearly explain the assumptions used to provide a robust assessment of the Proposed Development's effects on the environment. The Applicant's attention is drawn to the section on flexibility below.

- 2.3.3 The Scoping Report does not make it clear if the Proposed Development would have a fixed life and would be decommissioned at the end of its life. If the DCO makes provision for the decommissioning of the Proposed Development then the ES should provide an assessment of the effects on the environment.
- 2.3.4 The Scoping Report includes a number of technical terms which are not in general use such as 'bankseat'. The ES should include a comprehensive glossary to aid the understanding of the Examining Authority and the general reader. The Applicant may also wish to include diagrams or figures within the project description chapter of the ES where this would provide greater clarity.

Alternatives

- 2.3.5 The EIA Regulations require that the Applicant provide 'A description of the reasonable alternatives (for example in terms of development design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects'.
- 2.3.6 The Inspectorate acknowledges the Applicant's intention to consider alternatives within the ES. The Inspectorate would expect to see a discrete section in the ES that provides details of the reasonable alternatives studied and the reasoning for the selection of the chosen option(s), including a comparison of the environmental effects.

Flexibility

- 2.3.7 The Scoping Report does not explain if the dimensions of structures and site layout would be fixed at the point of the DCO application or if some degree of flexibility would be sought. In the event that some elements of the Proposed Development have not been fixed the ES must explain the parameters which have been used in the assessment and how these represent the worst case scenario that would arise during all phases of the Proposed Development. The Applicant's attention is drawn to the Inspectorate's Advice Note Nine 'Using the 'Rochdale Envelope'¹, which provides details on the recommended approach to follow when incorporating flexibility into a draft DCO (dDCO).
- 2.3.8 The Applicant should make every attempt to narrow the range of options and explain clearly in the ES which elements of the Proposed Development have yet to be finalised and provide the reasons. At the time of application, any Proposed Development parameters should not be so wide-ranging as to represent effectively different developments. The development parameters should be clearly defined in the dDCO and in the accompanying ES. It is a matter for the Applicant, in preparing an ES, to consider whether it is possible to robustly assess a range of impacts resulting from a large number of undecided parameters. The description of the Proposed Development in the ES must not

¹ Advice Note nine: Using the Rochdale Envelope. Available at:
<https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

be so wide that it is insufficiently certain to comply with the requirements of Regulation 14 of the EIA Regulations.

- 2.3.9 It should be noted that if the Proposed Development materially changes prior to submission of the DCO application, the Applicant may wish to consider requesting a new scoping opinion.

3. ES APPROACH

3.1 Introduction

- 3.1.1 This section contains the Inspectorate's specific comments on the scope and level of detail of information to be provided in the Applicant's ES. General advice on the presentation of an ES is provided in the Inspectorate's Advice Note Seven 'Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements'² and associated appendices.
- 3.1.2 Aspects/ matters (as defined in Advice Note Seven) are not scoped out unless specifically addressed and justified by the Applicant and confirmed as being scoped out by the Inspectorate. The ES should be based on the Scoping Opinion in so far as the Proposed Development remains materially the same as the Proposed Development described in the Applicant's Scoping Report.
- 3.1.3 The Inspectorate has set out in this Opinion where it has/ has not agreed to scope out certain aspects/ matters on the basis of the information available at this time. The Inspectorate is content that the receipt of a Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects/ matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 3.1.4 Where relevant, the ES should provide reference to how the delivery of measures proposed to prevent/ minimise adverse effects is secured through dDCO requirements (or other suitably robust methods) and whether relevant consultation bodies agree on the adequacy of the measures proposed.

3.2 Relevant National Policy Statements (NPSs)

- 3.2.1 Sector-specific NPSs are produced by the relevant Government Departments and set out national policy for NSIPs. They provide the framework within which the Examining Authority (ExA) will make their recommendation to the SoS and include the Government's objectives for the development of NSIPs. The NPSs may include environmental requirements for NSIPs, which Applicants should address within their ES.
- 3.2.2 The designated NPS relevant to the Proposed Development is the NPS for Ports (PNPS).

² Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements and annex. Available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

3.3 Scope of Assessment

General

- 3.3.1 The Inspectorate recommends that in order to assist the decision-making process, the Applicant uses tables:
- to demonstrate how the assessment has taken account of this Opinion;
 - to identify and collate the residual effects after mitigation for each of the aspect chapters, including the relevant interrelationships and cumulative effects;
 - to set out the proposed mitigation and/ or monitoring measures including cross-reference to the means of securing such measures (eg a dDCO requirement);
 - to describe any remedial measures that are identified as being necessary following monitoring; and
 - to identify where details are contained in the Habitats Regulations Assessment (HRA report) (where relevant), such as descriptions of National Site Network sites and their locations, together with any mitigation or compensation measures, that inform the findings of the ES.

Baseline Scenario

- 3.3.2 The ES should include a description of the baseline scenario with and without implementation of the development as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge. The descriptions in the Scoping Report include general references to factors that might affect future baselines but do not actually explain how those baselines would be defined. Future baselines used in the ES assessments should be clearly defined and justified.
- 3.3.3 The Inspectorate notes that the Scoping Report identifies initial study areas for each aspect of the environment but these study areas are expected to be refined to take into account the zone of influence of the Proposed Development. The ES should clearly explain how the zones of influence for each assessment have been defined and how they relate to the study area.
- 3.3.4 In light of the number of ongoing terrestrial and marine developments within the vicinity of the Proposed Development application site, the Applicant should clearly state which developments will be assumed to be under construction or operational as part of the future baseline.
- 3.3.5 Paragraph 5.2.23 of the Scoping Report states that the cumulative effects assessment will involve a desk-based review of relevant planning applications and marine licence applications with 2km of the Proposed Development. No clear justification is provided as to why this distance has been selected. The Applicant is referred to the advice in section 3.1 of the Inspectorate's Advice Note 17 on using the zone of influence of the Proposed Development to identify other developments which could lead to cumulative environmental effects.

Forecasting Methods or Evidence

- 3.3.6 The ES should contain the timescales upon which the surveys which underpin the technical assessments have been based. For clarity, this information should be provided either in the introductory chapters of the ES (with confirmation that these timescales apply to all chapters), or in each aspect chapter.
- 3.3.7 The Inspectorate expects the ES to include a chapter setting out the overarching methodology for the assessment, which clearly distinguishes effects that are 'significant' from 'non-significant' effects. Any departure from that methodology should be described in individual aspect assessment chapters. Each aspect chapter of the ES should explain the specific criteria used to determine the significance of effects.
- 3.3.8 The ES should include details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved.

Residues and Emissions

- 3.3.9 The EIA Regulations require an estimate, by type and quantity, of expected residues and emissions. Specific reference should be made to water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation and quantities and types of waste produced during the construction and operation phases, where relevant. This information should be provided in a clear and consistent fashion and may be integrated into the relevant aspect assessments.
- 3.3.10 Paragraphs 4.5.17 of the Scoping Report states that a Waste Hierarchy Assessment will be prepared to determine the Best Practical Environmental Option for dealing with the dredge arisings. Paragraph 4.5.17 states that the impacts of any waste arising from the landside works will also be fully evaluated in the EIA. However, waste is not included in the list of aspect chapters.
- 3.3.11 The PNPS states that applicants should set out the arrangements proposed for managing any waste produced and prepare a Site Waste Management Plan. The plan *"should include information on the proposed waste recovery and disposal system for all waste generated by the development and an assessment of the impact of the waste arising from development on the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation"* (paragraph 5.5.4 of the PNPS).
- 3.3.12 The ES should include an assessment of the types of waste to be produced by the construction and operation of the Proposed Development and the effects related to its disposal, final use or a justification as to why no Likely Significant Effects (LSE) would arise.

Mitigation and Monitoring

- 3.3.13 Any mitigation relied upon for the purposes of the assessment should be explained in detail within the ES. The likely efficacy of the mitigation proposed should be explained with reference to residual effects. The ES should also

address how any mitigation proposed is secured, with reference to specific dDCO requirements or other legally binding agreements.

- 3.3.14 The ES should identify and describe any proposed monitoring of significant adverse effects and how the results of such monitoring would be utilised to inform any necessary remedial actions.

Risks of Major Accidents and/or Disasters

- 3.3.15 The ES should include a description and assessment (where relevant) of the likely significant effects resulting from accidents and disasters applicable to the Proposed Development. The Applicant should make use of appropriate guidance (e.g. that referenced in the Health and Safety Executives (HSE) Annex to the Inspectorate's Advice Note 11) to better understand the likelihood of an occurrence and the Proposed Development's susceptibility to potential major accidents and hazards. The description and assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster and also the Proposed Development's potential to cause an accident or disaster. The assessment should specifically assess significant effects resulting from the risks to human health, cultural heritage or the environment. Any measures that will be employed to prevent and control significant effects should be presented in the ES.
- 3.3.16 Relevant information available and obtained through risk assessments pursuant to national legislation may be used for this purpose. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies.

Climate and Climate Change

- 3.3.17 The ES should include a description and assessment (where relevant) of the likely significant effects the Proposed Development has on climate (for example having regard to the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change. Where relevant, the ES should describe and assess the adaptive capacity that has been incorporated into the design of the Proposed Development. This may include, for example, alternative measures such as changes in the use of materials or construction and design techniques that will be more resilient to risks from climate change.

Transboundary Effects

- 3.3.18 Schedule 4 Part 5 of the EIA Regulations requires a description of the likely significant transboundary effects to be provided in an ES. The Scoping Report has not indicated whether the Proposed Development is likely to have significant impacts on a European Economic Area (EEA) State.
- 3.3.19 Regulation 32 of the EIA Regulations inter alia requires the Inspectorate to publicise a DCO application on behalf of the SoS if it is of the view that the proposal is likely to have significant effects on the environment of a EEA state, and where relevant, to consult with the EEA state affected.

- 3.3.20 The Inspectorate considers that where Regulation 32 applies, this is likely to have implications for the examination of a DCO application. The Inspectorate recommends that the ES should identify whether the Proposed Development has the potential for significant transboundary impacts and if so, what these are and which EEA States would be affected.

A Reference List

- 3.3.21 A reference list detailing the sources used for the descriptions and assessments must be included in the ES.

3.4 Coronavirus (COVID-19) Environmental Information and Data Collection

- 3.4.1 The Inspectorate understands that measures adopted in response to COVID-19 may have consequences for an Applicant's ability to obtain relevant environmental information for the purposes of their ES. For example, the ability to conduct specific surveys and obtain representative data may be affected by these measures. The ES should explain any such limitations and any assumptions made relating to the environmental information on which it relies.
- 3.4.2 The Inspectorate has a duty to ensure that the environmental assessments necessary to inform a robust DCO application are supported by relevant and up to date information. Working closely with consultation bodies, the Inspectorate will seek to adopt a flexible approach, balancing the requirement for suitable rigour and scientific certainty in assessments with pragmatism in order to support the preparation and determination of applications in a timely fashion.
- 3.4.3 Applicants should make effort to agree their approach to the collection and presentation of information with relevant consultation bodies. In turn the Inspectorate expects that consultation bodies will work with Applicants to find suitable approaches and points of reference to allow preparation of applications at this time. The Inspectorate is required to take into account the advice it receives from the consultation bodies and will continue to do so in this regard.

3.5 Confidential and Sensitive Information

- 3.5.1 In some circumstances it will be appropriate for information to be kept confidential. In particular, this may relate to personal information specifying the names and qualifications of those undertaking the assessments and / or the presence and locations of rare or sensitive species such as badgers, rare birds and plants where disturbance, damage, persecution or commercial exploitation may result from publication of the information.
- 3.5.2 Where documents are intended to remain confidential the Applicant should provide these as separate documents with their confidential nature clearly indicated in the title and watermarked as such on each page. The information should not be incorporated within other documents that are intended for publication or which the Inspectorate would be required to disclose under the Environmental Information Regulations 2004.

3.5.3 The Inspectorate adheres to the data protection protocols set down by the Information Commissioners Office³ . Please refer to the Inspectorate’s National Infrastructure privacy notice⁴ for further information on how personal data is managed during the Planning Act 2008 process.

3

[REDACTED]

4 <https://www.gov.uk/government/publications/planning-inspectorate-privacy-notice>

4. ASPECT BASED SCOPING TABLES

4.1 Physical processes

(Scoping Report Section 6.2)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.1.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment

ID	Ref	Other points	Inspectorate's comments
4.1.2	6.2.41	Identification of receptors	The Scoping Report refers to physical environmental receptors " <i>such as the local coastline and the nearshore sandbank and channel system, along with existing berth and jetty infrastructure</i> ". The ES must clearly describe the receptors to be considered in the assessment and explain how/why they were identified. The assessment should consider effects on the existing jetties near the Proposed Development site, the existing Immingham tidal level gauge and any other telemetry devices in the area of Immingham Docks. The Applicant's attention is drawn to the Environment Agency comments in this regard (see Appendix 2 of this report).
4.1.3	6.2.35	Impact pathways	The impact pathways listed in the Scoping Report do not include potential effects on hydrodynamics and sediment movement as a result of vessel movements. The Marine Management Organisation (MMO) have advised (see Appendix 2 of this report) that the proposed new jetty appears to be in a confined location landward of a second jetty. The assessments in the ES should address the potential effects on physical processes as a result of vessel movement and vessel wash in the shallow nearshore area.

ID	Ref	Other points	Inspectorate's comments
4.1.4	6.2.42	Approach to modelling effects on physical processes	The Applicant should seek to agree the methodology used to assess changes in coastal processes, suspended sediment concentrations (SSC) and erosion and accretion patterns and waves with the MMO and other relevant stakeholders as far as possible. The Applicant's attention is drawn to the advice from the MMO (see Appendix 2 of this report) relating to the assessment of sediment disposal.
4.1.5	6.2.43 & 6.2.46	Baseline data	It is not clear from the Scoping Report if any ground investigations are planned as part of the assessment. It appears that the assessment will use existing geotechnical and ground investigation data. However, paragraph 6.2.43 refers to the use of existing ground data to inform the specifications of any project specific ground investigation data which will be required to inform the specifics of the marine infrastructure. The ES must explain how the baseline data is derived and (in the event that no further ground investigations are undertaken) provide a justification as to why the data is adequate for the assessment of effects from the Proposed Development.

4.2 Water and sediment quality

(Scoping Report Section 6.3)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.2.1	6.3.23	Changes to levels of contaminants in water during construction and operation	The Scoping Report seeks to scope this matter out of the assessment on the grounds that the Proposed Development would not directly introduce contaminants to the marine environment and good practice measures would be used to minimise and mitigate the potential for accidental spillages during dredging and disposal. The Scoping Report does not specify what these measures would be although reference is made to 'Guidance for Pollution Prevention: Works and maintenance in or near water'). However, no other detail on the likely measures has been provided. In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope these matters from the assessment. Accordingly, the ES should include an assessment of these matters or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a LSE.

ID	Ref	Other points	Inspectorate's comments
4.2.2	6.3.20	Potential impact pathways	The ES should assess the potential for chemical contamination to accumulate at the dredge disposal sites. The Applicant's attention is drawn to the MMO's consultation response in this respect (see Appendix 2 of this report).

4.3 Nature conservation and marine ecology

(Scoping Report Section 6.4)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.3.1	6.4.60	Changes to seabed habitats and species as a result of sediment deposition during piling which could affect all marine ecological receptors	The Scoping Report seeks to scope out these effects on the grounds that the amount of sediment which would settle out of suspension during piling would be negligible. The Inspectorate agrees that this matter can be scoped out of further assessment. It is noted that Natural England (NE) and the MMO also agree with the content of this paragraph (see Appendix 2 of this report).
4.3.2	6.4.60	Indirect changes to seabed habitats and species as a result of changes to hydrodynamic and sedimentary processes caused by the presence of piled structures which could affect all marine ecological receptors	The Scoping Report seeks to scope out these effects as the changes to hydrodynamic and sedimentary processes are expected to be negligible and highly localised. However, it also states that the scale of these changes will be determined by the physical processes assessment which will confirm if these effects require any additional assessment. Although it is noted NE and the MMO are supportive of scoping this matter out because the Scoping Report implies it may still require assessment in the ES, the Inspectorate is not in a position to agree to scope this matter from the assessment. Accordingly, the ES should include an assessment of this matter or information demonstrating agreement with the relevant consultation bodies and the absence of an LSE.
4.3.3	6.4.60	Changes in water and sediment quality during piling which could affect all marine ecological receptors	The Scoping Report seeks to scope out these effects as the changes in SSC and associated changes in contaminant and dissolved oxygen levels are expected to be negligible, highly localised and temporary. However, it also states that the scale of these changes will be determined by the physical processes assessment which will confirm if these effects require any additional assessment. Although it is noted NE and the MMO are supportive of scoping this matter out as the Scoping Report identifies it may still require assessment in the

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			ES, the Inspectorate is not in a position to agree to scope this matter from the assessment. Accordingly, the ES should include an assessment of this matter or information demonstrating agreement with the relevant consultation bodies and the absence of an LSE.
4.3.4	6.4.61	Changes to marine mammal foraging habitat and prey resources during dredging and dredge disposal	The Scoping Report notes the potential for impacts to marine mammals but notes that the footprint of the Proposed Development would only cover a highly localised area which is a negligible part of the known ranges of local marine mammal populations. The Inspectorate agrees that the area affected by the Proposed Development is likely to represent a small part of the foraging area for marine mammals and agrees that this matter can be scoped out of further assessment. It is noted that neither NE or the MMO have expressed any concerns on this point (see Appendix 2 of this report).
4.3.5	6.4.61	Collision risk to marine mammals during construction and operation	The Scoping Report seeks to scope this effect out on the grounds that vessels involved in construction, dredging activity or berth operations would be stationary or travelling at slow speeds. In addition, shipping traffic on the Humber Estuary is already heavy so it is likely that marine mammals present in the area are already adapted to high levels of vessel activity. The Inspectorate notes that although the Proposed Development is designed to attract a substantial volume of shipping to the Port of Immingham, the Proposed Development represents an extension of a busy port which already attracts high volumes of shipping. The Inspectorate therefore agrees that the additional traffic is likely to substantially increase collision risk. It is noted that neither NE or the MMO have expressed any concerns on this point (see Appendix 2 of this report).
4.3.6	6.4.61	Water quality impacts during dredging/dredge disposal and	The Scoping Report states that the sediment plumes from dredging are expected to have a limited and local effect on SSC. As marine mammals in the Humber Estuary are adapted to highly turbid

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		operational berth vessel movements on marine mammals	conditions, the scale of effects expected during dredging are not expected to affect water quality in a way which would lead to lethal or sub-lethal effects. However, the Scoping Report also states that the scale of these changes will be determined by the physical processes assessment which will confirm if these effects require any additional assessment. Although it is noted the NE is supportive of scoping this matter out because the scoping report identifies it may still require assessment in the ES, the Inspectorate is not in a position to agree to scope this matter from the assessment. Accordingly, the ES should include an assessment of this matter or information demonstrating agreement with the relevant consultation bodies and the absence of an LSE.

ID	Ref	Other points	Inspectorate's comments
4.3.7	6.4.20	European smelt	The Scoping Report notes that smelt are a Marine Conservation Zone Feature of Conservation Importance but does not explain the relevance of this to the assessments to be carried out in the ES. If smelt are a feature of an MCZ likely to be affected by the Proposed Development then this should be assessed in the ES. If this is a more general statement about the status of the species then it should be made clear in the assessment what protections are given by law and policy for Features of Conservation Importance.
4.3.8	6.4.4 – 6.4.6	Study area	The Inspectorate notes that the study area is the area which will experience direct and indirect effects from the Proposed Development. The Applicant's attention is drawn to the comments from NE in Appendix 2 of this report, where they highlight the potential for effects on North Killingholme Haven Pits Site of Special Scientific Interest (SSSI), The Lagoons SSSI and the Greater Wash Special Protection Area (SPA). The ES should clearly present and

ID	Ref	Other points	Inspectorate's comments
			justify the zones of influence of the Proposed Development. Evidence should be presented of agreement wherever possible with relevant stakeholders, particularly NE.
4.3.9	6.4.57	Impact pathways for benthic habitats and species	NE has identified the potential for the new piers to lead to changes in foraging and roosting habitat which could affect the ecological function of the mudflats (See Appendix 2 of this report). The ES should either include an assessment of these effects or a justification (supported by evidence) that no LSE would arise as a result of this effect pathway.
4.3.10	6.4.57	Impact pathways for coastal waterbirds	NE has identified the potential for direct changes to benthic habitats and species beneath the pier structures to affect the ecological function of the mudflats (See Appendix 2 of this report). The ES should either include an assessment of these effects or a justification (supported by evidence) that no LSE would arise as a result of this effect pathway.
4.3.11	6.4.59	Impact pathways for marine mammals	The Scoping Report does not identify underwater noise and vibration disturbance during operation of the Proposed Development. The ES should either include an assessment of effects of noise and vibration associated with the additional vessel movements in and out of the port or a justification as to why significant effects are unlikely, supported by evidence of agreement to this approach from Natural England (NE) and the MMO.
4.3.12	6.4.74 – 6.4.77	Underwater noise modelling	The Inspectorate notes that the MMO is generally in agreement with using a simple modelling approach, although it has identified some limitations with this approach (see Appendix 2 of this report). The ES should provide full details of the modelling used and a justification as to why the approach is considered to be robust.

ID	Ref	Other points	Inspectorate's comments
4.3.13	6.4.65	Site specific surveys – fish and shellfish	The Scoping Report states that site-specific surveys for fish, marine mammals and waterbirds are not considered necessary as existing data sources will provide adequate information. The Inspectorate notes that while the MMO are content with this approach (subject to the limitations of the data sources being acknowledged) in relation to fish, it does not agree that the data sources identified in the Scoping Report are adequate to provide accurate abundance information on any shellfish species. To ensure the assessments in the ES are robust, the Inspectorate requires that they should either be based on a presence/absence approach or additional baseline data should be collected through desk studies or through field surveys. The Applicant is advised to agree the approach to collecting baseline data and undertaking the assessment of effects on shellfish with the MMO and other relevant stakeholders.
4.3.14	6.4.65	Site specific surveys - birds	The Applicant's attention is drawn to the comments from NE (see Appendix 2 of this report) about the adequacy of existing ornithological datasets, particularly in relation to the need to cover the autumn passage period, low tide as well as high tide and information on the way birds are using the area. The ES must provide a robust assessment of the effects of the Proposed Development on bird populations, particularly those species associated with designated sites. Failure to include baseline data which fully covers the periods when significant numbers of birds are using the area affected by the Proposed Development may bring the adequacy of the ES into question.
4.3.15	6.4.66 – 6.4.73	Benthic habitat surveys	The Inspectorate notes that the Applicant intends to undertake subtidal and intertidal benthic habitat surveys using the sampling methodology presented in the Scoping Report. The Applicant is advised to agree the methodology and the number of samples to be collected with NE and the MMO.

4.4 Terrestrial ecology

(Scoping Report Section 6.5)

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
4.4.1	6.5.2	Terrestrial ecology	<p>The Scoping Report states that a Phase 1 habitat survey and preliminary ecological appraisal (PEA) of the Proposed Development site carried out in July 2021 has established that the area is of low ecological value. The survey and PEA would be provided as supporting documents in the DCO application but terrestrial ecology would be scoped out of the ES.</p> <p>The Inspectorate notes that the results of the PEA as summarised in the Scoping Report support the conclusion that the site of the Proposed Development is of low ecological value. However, the Scoping Report does not consider the potential for indirect effects on ecological receptors within the Proposed Development's zone of influence. Paragraphs 6.9.15 – 6.9.16 of the Scoping Report state that potential air quality impacts on ecological receptors from both construction and operational activities will be assessed, which contradicts the statement that terrestrial ecology will be scoped out of the ES. In the absence of information such as evidence demonstrating clear agreement from relevant statutory bodies to this approach, the Inspectorate is not in a position to agree to scope this aspect from the assessment. Accordingly, the ES should include an assessment of these matters or information demonstrating agreement with the relevant consultation bodies and the absence of an LSE.</p>

ID	Ref	Other points	Inspectorate's comments
4.4.2	n/a	n/a	No other comments on this section

4.5 Commercial and recreational navigation

(Scoping Report Section 6.6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.5.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment

ID	Ref	Other points	Inspectorate's comments
4.5.2	6.6.31	Assessment of effects	The Scoping Report states that effects will be assessed using a combination of analytical methods and expert judgement. The ES must clearly justify the choice of methods and explain why they provided a robust assessment of effects. Where expert judgement is being relied on, the ES should explain the reasoning and evidence used to support that judgement.
4.5.3	6.6.31	Mitigation measures	The Applicant's attention is drawn to the comments from the Maritime and Coast Guard Agency (MCGA) in Appendix 2 of this report. The ES should describe how the Port Marine Safety Code and its Guide to Good Practice have been taken into account in the development of the mitigation measures.

4.6 Coast protection, flood defence and drainage

(Scoping Report Section 6.7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.6.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment

ID	Ref	Other points	Inspectorate's comments
4.6.2	6.7.23	Proposed flood risk assessment (FRA)	It is noted that the FRA will be provided as an appendix to the coastal defence, flood risk and drainage assessment in the ES. The FRA should as a minimum, address the requirements listed in paragraph 5.2.5 of the PNPS.

4.7 Ground conditions including land quality

(Scoping Report Section 6.8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.7.1	6.8.38	'Best and most versatile' agricultural soils.	Based on the Provisional Agricultural Land Classification Grade map, the Applicant has scoped out assessing best and most versatile agricultural soils. The Inspectorate agrees with this justification and recognises that the Proposed Development will be located on previously developed land.

ID	Ref	Other points	Inspectorate's comments
4.7.2	6.8.39	Methodology for assessing ground contamination	The Inspectorate notes that the assessment of potential ground contamination will be desk-based with no further ground investigations. If the desk-based assessment results indicate that ground investigations are required, then these should be undertaken to give the Examining Authority confidence that the assessment is robust and any mitigation measures are adequate.

4.8 Air quality

(Scoping Report Section 6.9)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.8.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
4.8.2	6.9.8	Identification of ecological receptors	The Scoping Report states that the study area will cover all roads in the affected road network (ARN) within 200m of the Humber Estuary Special Area of Conservation (SAC)/SPA/Ramsar and SSSI. The Inspectorate considers that the ES should assess effects on Local Wildlife Sites and habitats of principal importance within 200m of the ARN as well.
4.8.3	6.9.22	Assessment of non-mobile machinery emissions during construction	Unless it has already been determined which plant would be used during construction, the ES should describe any assumptions made about the plant to be used and explain why these represent the worst-case scenario which could arise under the dDCO.
4.8.4	n/a	Baseline conditions	The Scoping Report does not describe whether there are any Air Quality Management Areas (AQMAs) within the proposed ARN that may be affected by the Proposed Development. The ES should confirm whether there are any relevant AQMAs likely to experience impacts from the Proposed Development and, if so, identify their location on a figure.
4.8.5	n/a	Consideration of PM _{2.5}	The Scoping Report does not explain if PM _{2.5} will be considered in the air quality assessments. The Applicant is advised to seek agreement

ID	Ref	Other points	Inspectorate's comments
			with NELC on the range of pollutants to be included in the assessments.
4.8.6	n/a	Figures	The ES should include a figure / figures to identify the final study area for air quality and the human and ecological receptors that have been considered in the assessment.

4.9 Airborne noise and vibration

(Scoping Report Section 6.10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.9.1	6.10.6	Vibration emissions during construction and operation	The Scoping Report seeks to scope out these matters on the grounds that the closest noise sensitive receptor is at least 270m from the site of the Proposed Development. The Inspectorate accepts that this distance is sufficient to avoid significant effects on human receptors but is not convinced that this also applies to ecological receptors. In the absence of information such as evidence demonstrating clear agreement with relevant stakeholders, the Inspectorate is not in a position to agree to scope this aspect from the assessment. Accordingly, the ES should include an assessment of these matters or information demonstrating agreement with the relevant consultation bodies and the absence of an LSE.

ID	Ref	Other points	Inspectorate's comments
4.9.2	6.10.5	Study area	The initial study area described in paragraph 6.10.5 is based on a series of set distances but does not explain why these distances are expected to capture the zone of influence of the Proposed Development in relation to noise and vibration emissions. The Inspectorate notes that the study area will be subject to further refinement. The ES should explain how the final study area has been defined to reflect the zone of influence of the Proposed Development.
4.9.3	6.10.5 to 6.10.8	Ecological receptors	Section 6.10 of the Scoping Report refers to human noise sensitive receptors but does not refer to any ecological receptors despite airborne noise during operation being identified as a potential impact on seabirds in section 6.5. The ES should address effects from

ID	Ref	Other points	Inspectorate's comments
			airborne noise and vibration on ecological receptors or provide a justification as to why LSE would not arise.
4.9.4	6.10.32	Consultation with local authority Environmental Health department	The Inspectorate welcomes the intention to consult NELC's Environmental Health department to inform the noise and vibration assessment and the choice of sensitive receptors. The Applicant is advised to seek specific agreement around the approach to collecting baseline data and the selection of receptors. The Applicant is advised to seek advice from NE and NELC on the ecological receptors which should be included in the assessment.

4.10 Marine archaeology

(Scoping Report Section 6.11)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.10.1	6.11.19	Setting of marine archaeological and cultural heritage receptors	The Applicant's attention is drawn to the comments from Historic England in Appendix 2 of this report on the requirement to consider the contribution of setting to the overall significance of heritage assets, including those which are buried or submerged. In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope this aspect from the assessment. Accordingly, the ES should include an assessment of these matters or information demonstrating agreement with the relevant consultation bodies and the absence of an LSE.

ID	Ref	Other points	Inspectorate's comments
4.10.2	6.11.5 – 6.11.6	Study area	<p>The Scoping Report states that the study area for marine archaeology will be the footprint of the Proposed Development plus the wider area affected by changes in the estuary flow and sedimentary regime. However, paragraph 6.11.6 states that the study area comprises the marine works plus a 500m buffer zone. The Inspectorate notes that the study area will be further refined; the ES should explain how the final study area reflects the full zone of influence of the Proposed Development.</p> <p>The Inspectorate notes that the Scoping Report does not refer to terrestrial archaeology while the advice from Historic England (see Appendix 2 of this report) is that impacts on terrestrial archaeological features should also be considered, in order to properly understand the marine archaeological environment. The study area in the ES</p>

ID	Ref	Other points	Inspectorate's comments
			must be defined in a way which allows the Examining Authority to fully understand the nature and significance of the archaeological features affected by the Proposed Development.
4.10.3	Paragraph 6.11.8 and Table 17	Receptor terminology and sensitivity	Paragraph 6.11.8 refers to marine archaeological and cultural heritage <i>receptors</i> which are located within the marine works, however Table 17 refers to marine heritage <i>features</i> . The Applicant should ensure that consistent terminology is used throughout the marine archaeology ES chapter.
4.10.4	6.11.20	Further assessment work	The Inspectorate notes that a desk-based assessment will be used to assess the effects on archaeological assets. The Applicant should seek to agree the baseline data required for the assessment with relevant stakeholders (including the requirement for site-specific survey data).

4.11 Socio-economic receptors

(Scoping Report Section 6.12)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.11.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Other points	Inspectorate's comments
4.11.2	6.12.3	Census data	The Applicant refers to 2011 Census data and the Inspectorate notes that the provisional release date for the 2021 Census data is between March and April 2022. If the DCO application is submitted after the release of the 2021 Census data, and it is reasonably practical, this data should be used to inform the Socio-economic assessment.
4.11.3	6.12.17 – 6.12.18	Impact pathways	The list of impact pathways during construction and operation does not explicitly refer to effects on housing availability although it is noted that effects on social cohesion are included. The assessment in the ES should consider if any LSE would arise from the influx of construction workers on the local housing and rental market.
4.11.4	n/a	Figures	The ES should include a figure / figures to identify the final study area including the relevant Lower Super Output Areas (LSOAs), and the Grimsby travel to work area (TTWA) in relation to the Proposed Development.

4.12 Traffic and transport

(Scoping Report Section 6.13)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.12.1	6.13.18	Routes or roads where the increase in flows would be less than 30%	The Inspectorate notes that the ARN will be defined based on the 'Note 1: Guidelines for the Environmental Assessment of Road Traffic' (Institute of Environmental Assessment). This advises that the ARN should be defined by identifying the road links (1) where traffic flows will increase by more than 30% or where the number of heavy goods vehicles (HGVs) would increase by more than 30% or (2) where any other specifically sensitive areas where traffic flows have increased by 10% or more. The Inspectorate agrees that roads where the increase in traffic flows would be less than 30% can be scoped out of further assessment, provided that the increase in HGVs would also be less than 30% and the increase in traffic flows in sensitive areas would be less than 10%.

ID	Ref	Other points	Inspectorate's comments
4.12.2	6.13.17	Impact pathways – accident and safety	The assessment of accidents and safety should include a collision data assessment covering the most recently available complete five year period. The Applicant's attention is drawn to comments from National Highways in this respect (see Appendix 2 of this report).
4.12.3	n/a	Traffic flows	The ES should describe any assumptions made about the operation of the Proposed Development in calculating the traffic flows. The ES should ensure that the following points are clearly addressed: <ul style="list-style-type: none"> If the operation of the Proposed Development includes a small volume of passenger use (as suggested by paragraph 2.1.1 of the Scoping Report) then it should be explained how traffic

ID	Ref	Other points	Inspectorate's comments
			<p>associated with passengers has been accounted for in the assessment.</p> <ul style="list-style-type: none"> • The expected modal split between road and rail for freight coming into and out of the Proposed Development. • The expected extent of trans-shipment associated with the Proposed Development. • How the use of private vehicles by staff during the construction and operation phases has been assessed. • How the traffic flows for the Proposed Development take into account the transport of materials to and waste from the site during construction. • How the traffic flows for the Proposed Development take into account the removal of waste from the site during operation.
4.12.4	n/a	Impacts on the operational rail network	The Scoping Report does not make any reference to potential effects on rail operations resulting from the Proposed Development. The ES should either include an assessment of these effects or a justification as to why no LSE would arise.
4.12.5	n/a	Mitigation	The Scoping Report does not include any reference to mitigation for transport-related effects. The Applicant's attention is drawn to paragraphs 5.4.11 – 5.4.25 of the PNPS which outline mitigation measures which port developers are expected to consider. The ES should explain how these requirements have been addressed, particularly in relation to demand management and modal share. Where plans are relied on to deliver mitigation such as travel plans or construction traffic management plans, versions of these plans should be included in the DCO application.

4.13 Landscape/seascape and visual impact

(Scoping Report Section 6.14)

ID	Ref	Applicant's proposed aspect to scope out	Inspectorate's comments
4.13.1	6.14.13	Impacts on landscape/seascape character and visual amenity	<p>The Scoping Report seeks to scope out this aspect on the grounds that the Proposed Development would be part of the operational Port of Immingham. The site has been in use for storage of bulk cargo, steel sections, lorry and automotive storage. The new structures which would be added by the Proposed Development would be within the existing port area and would be similar to the existing port structures.</p> <p>The Inspectorate agrees that this matter can be scoped of further assessment but advises the Applicant to provide a comprehensive project description in the ES including the maximum dimensions of all structures associated with the Proposed Development and visual representations to give the Examining Authority confidence that no significant environmental effects would arise.</p>

ID	Ref	Other points	Inspectorate's comments
4.13.2	n/a	n/a	No further comments

4.14 Land use planning and human health

(Scoping Report Section 6.15)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.14.1	6.15.24	Risk of activities and impact of operations on neighbouring major hazard sites or pipelines	<p>The Scoping Report seeks to scope out this matter on the grounds that the Proposed Development would not handle significant quantities of hazardous substances or involve any activities that could lead to a major accident at a neighbouring major hazard site or pipeline. A risk assessment is not therefore required. Some hazardous substances are expected to be handled in transit but would not be stored within the Proposed Development. In the Applicant's view this matter falls outside the planning system and becomes a matter for the Port of Immingham to review under the Dangerous Goods in Harbour Areas Regulations.</p> <p>The Inspectorate notes that the Health and Safety Executive (HSE) consultation identifies that the Proposed Development lies within multiple consultation zones of major accident hazard sites and major accident hazard pipelines. If this matter is not included in the ES, the Inspectorate is concerned that it will limit the Examining Authority's ability to understand the risks to neighbouring sites and users of the Proposed Development. In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope these matters from the assessment. Accordingly, the ES should include an assessment of these matters or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of an LSE.</p>
4.14.2	6.15.24	Risks to workers during construction of the proposed development.	The Scoping Report seeks to scope out these effects on the grounds that the risks to workers during construction will be managed by the requirements of the Health and Safety at Work Act and Construction

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			(Design and Management) Regulations. This is expected to ensure that any temporary construction buildings are located in low risk areas. The Inspectorate is content to scope out this matter on this basis.
4.14.3	6.15.25	Consideration of other risks to human health other than those arising from major accidents etc	The Scoping Report seeks to scope out these effects from this chapter of the ES on the grounds that other risks to human health will be considered elsewhere in the ES. The Inspectorate agrees with this approach but advises that the other relevant sections of the ES should be clearly signposted in this chapter.

ID	Ref	Other points	Inspectorate's comments
4.14.4	n/a	n/a	n/a

4.15 Climate change

(Scoping Report Section 6.16)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.15.1	6.16.18	Greenhouse gas (GHG) emissions from pre-construction activities	The Scoping Report seeks to scope out this matter on the grounds that no demolition or land clearance activities are expected to take place. The Inspectorate agrees that this matter can be scoped out of further assessment; if the situation changes or if the dDCO would allow pre-construction activities then the ES should include the emissions from these activities.
4.15.2	6.6.18	GHG emissions from maintenance works	The Scoping Report seeks to scope out this matter on the grounds that emissions from maintenance works are likely to be minimal in relation to the overall GHG emissions from the Proposed Development. However, the Scoping Report does not provide any supporting evidence for this statement. In the absence of such evidence, the Inspectorate is not in a position to agree to scope these matters from the assessment. Accordingly, the ES should include an assessment of these matters or further justification that the works are likely to give rise to minimal GHG emissions.
4.15.3	6.6.18	GHG emissions from decommissioning	The Scoping Report seeks to scope out this matter on the grounds that the Proposed Development would be in use beyond the design life of the infrastructure. Any decommissioning works would require a separate planning submission. As noted in paragraph 2.3.3 of this report, it is not clear to the Inspectorate if the Proposed Development would have a fixed life and would be decommissioned at the end of its life. If the DCO makes provision for the decommissioning of the Proposed Development then the ES should provide an assessment of the associated GHG emissions.

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
4.15.4	6.16.19	Impacts of precipitation and wind from Climate Change Risk review	The Scoping Report proposes to scope out these matters on the grounds that the impacts of precipitation and wind on the Proposed Development are likely to be no worse relative to baseline conditions. The Scoping Report does not provide any evidence to support this statement or explain how extreme weather events (which will be included in the assessment) would be distinguished from normal events. In light of the duration of operation and predicted increases in future storm frequency, intensity and precipitation, the Inspectorate considers that this matter should be addressed in the ES.
4.15.5	6.16.19	Exclusion of temperature and wind parameters from the in-combination climate change impact (ICCI) assessment	The Scoping Report proposes to scope out these matters on the grounds that the Proposed Development will not contribute to an urban heat island or generate heat. The impact of wind on receptors around the development site are not likely to be scoped into the wind microclimate assessment so would not require further analysis in the ICCI assessment. This is the only reference to the Scoping Report to the wind microclimate assessment so the Inspectorate is unable to determine what it is intended to achieve or where in the ES it would be reported. As the information provided in the Scoping Report is limited the Inspectorate is not in a position to agree to scope out these parameters. In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope these matters from the assessment. Accordingly, the ES should include an assessment of these matters or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a LSE.
4.15.6	6.16.21	ICCI assessment	The Scoping Report states that ICCI assessment has been scoped out of the climate change chapter on the grounds that any identified ICCIs would be addressed in the coast protection, flood defence and drainage chapter. The Inspectorate agrees with this approach but

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			advises that the other relevant sections of the ES should be signposted in this chapter.

ID	Ref	Other points	Inspectorate's comments
4.15.7	6.16.13	Sources of GHG emissions	The Scoping Report does not refer to GHG emissions from HGV or rail movements to and from the Proposed Development site although it does include vessel emissions. It is unclear why an obvious source of GHG emissions from the Proposed Development has been excluded from assessment. The ES should consider these emissions or provide a justification as to why LSE would not arise. The Inspectorate recognises that definition of the study area may be problematic but suggests that the assessment should consider the number of new or lengthened movements on the road and rail networks which can be attributed to the Proposed Development.

5. INFORMATION SOURCES

5.0.1 The Inspectorate's National Infrastructure Planning website includes links to a range of advice regarding the making of applications and environmental procedures, these include:

- Pre-application prospectus⁵
- Planning Inspectorate advice notes⁶:
 - Advice Note Three: EIA Notification and Consultation;
 - Advice Note Four: Section 52: Obtaining information about interests in land (Planning Act 2008);
 - Advice Note Five: Section 53: Rights of Entry (Planning Act 2008);
 - Advice Note Seven: Environmental Impact Assessment: Process, Preliminary Environmental Information and Environmental Statements;
 - Advice Note Nine: Using the 'Rochdale Envelope';
 - Advice Note Ten: Habitats Regulations Assessment relevant to nationally significant infrastructure projects (includes discussion of Evidence Plan process);
 - Advice Note Twelve: Transboundary Impacts;
 - Advice Note Seventeen: Cumulative Effects Assessment; and
 - Advice Note Eighteen: The Water Framework Directive.

5.0.2 Applicants are also advised to review the list of information required to be submitted within an application for Development as set out in The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009.

⁵ The Planning Inspectorate's pre-application services for applicants. Available from: <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>

⁶ The Planning Inspectorate's series of advice notes in relation to the Planning Act 2008 process. Available from: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES⁷

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Clinical Commissioning Group	NHS North East Lincolnshire CCG
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England
The relevant fire and rescue authority	Humberside Fire and Rescue Service
The relevant police and crime commissioner	Humberside Police and Crime Commissioner
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	Immingham Town Council
The Environment Agency	The Environment Agency - Lincolnshire and Northamptonshire
The Maritime and Coastguard Agency	Maritime & Coastguard Agency
The Maritime and Coastguard Agency - Regional Office	The Maritime and Coastguard Agency - Hull marine office
The Marine Management Organisation	Marine Management Organisation (MMO)
The Relevant Highways Authority	North East Lincolnshire Council
The relevant strategic highways company	Highways England – Midlands
The Coal Authority	The Coal Authority

⁷ Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

SCHEDULE 1 DESCRIPTION	ORGANISATION
The relevant internal drainage board	North East Lindsey Drainage Board
Trinity House	Trinity House
Public Health England, an executive agency of the Department of Health	Public Health England
The Crown Estate Commissioners	The Crown Estate
The Secretary of State for Defence	Ministry of Defence

TABLE A2: RELEVANT STATUTORY UNDERTAKERS⁸

STATUTORY UNDERTAKER	ORGANISATION
The relevant Clinical Commissioning Group	NHS North East Lincolnshire CCG
The National Health Service Commissioning Board	NHS England
The relevant NHS Trust	Yorkshire Ambulance Service NHS Trust
The relevant NHS Foundation Trust	Northern Lincolnshire and Goole NHS Foundation Trust
Railways	Network Rail Infrastructure Ltd
Railways	Highways England Historical Railways Estate
Road Transport	The Humber Bridge Board
Dock and Harbour authority	Port of Grimsby - Associated British Ports
Dock and Harbour authority	Port of Immingham - Associated British Ports
Dock and Harbour authority	Humber Sea Terminal
Lighthouse	Trinity House

⁸ 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The relevant Environment Agency	The Environment Agency - Lincolnshire and Northamptonshire
The relevant water and sewage undertaker	Anglian Water
The relevant public gas transporter	Cadent Gas Limited
The relevant public gas transporter	Last Mile Gas Ltd
The relevant public gas transporter	Energy Assets Pipelines Limited
The relevant public gas transporter	ES Pipelines Ltd
The relevant public gas transporter	ESP Networks Ltd
The relevant public gas transporter	ESP Pipelines Ltd
The relevant public gas transporter	ESP Connections Ltd
The relevant public gas transporter	Fulcrum Pipelines Limited
The relevant public gas transporter	Harlaxton Gas Networks Limited
The relevant public gas transporter	GTC Pipelines Limited
The relevant public gas transporter	Independent Pipelines Limited
The relevant public gas transporter	Indigo Pipelines Limited
The relevant public gas transporter	Leep Gas Networks Limited
The relevant public gas transporter	Murphy Gas Networks limited
The relevant public gas transporter	Quadrant Pipelines Limited
The relevant public gas transporter	National Grid Gas Plc
The relevant public gas transporter	Scotland Gas Networks Plc
The relevant public gas transporter	Southern Gas Networks Plc

STATUTORY UNDERTAKER	ORGANISATION
The relevant electricity distributor with CPO Powers	Eclipse Power Network Limited
The relevant electricity distributor with CPO Powers	Last Mile Electricity Ltd
The relevant electricity distributor with CPO Powers	Energy Assets Networks Limited
The relevant electricity distributor with CPO Powers	ESP Electricity Limited
The relevant electricity distributor with CPO Powers	Forbury Assets Limited
The relevant electricity distributor with CPO Powers	Fulcrum Electricity Assets Limited
The relevant electricity distributor with CPO Powers	Harlaxton Energy Networks Limited
The relevant electricity distributor with CPO Powers	Independent Power Networks Limited
The relevant electricity distributor with CPO Powers	Indigo Power Limited
The relevant electricity distributor with CPO Powers	Leep Electricity Networks Limited
The relevant electricity distributor with CPO Powers	Murphy Power Distribution Limited
The relevant electricity distributor with CPO Powers	The Electricity Network Company Limited
The relevant electricity distributor with CPO Powers	UK Power Distribution Limited
The relevant electricity distributor with CPO Powers	Utility Assets Limited
The relevant electricity distributor with CPO Powers	Vattenfall Networks Limited
The relevant electricity distributor with CPO Powers	Northern Powergrid (Northeast) Limited

STATUTORY UNDERTAKER	ORGANISATION
The relevant electricity transmitter with CPO Powers	National Grid Electricity Transmission Plc

TABLE A3: SECTION 43 LOCAL AUTHORITIES (FOR THE PURPOSES OF SECTION 42(1)(B))⁹

LOCAL AUTHORITY ¹⁰
West Lindsey District Council
East Lindsey District Council
North Lincolnshire Council
Lincolnshire County Council
North East Lincolnshire Council

TABLE A4: NON-PREScribed CONSULTATION BODIES

ORGANISATION
East Riding of Yorkshire Council
Royal National Lifeboat Institution

⁹ Sections 43 and 42(B) of the PA2008

¹⁰ As defined in Section 43(3) of the PA2008

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
Anglian Water Services Limited
East Lindsey District Council
Environment Agency - Lincolnshire & Northamptonshire Area
ES Pipelines Ltd
Health and Safety Executive
Historic England
Marine Management Organisation
Maritime and Coastguard Agency
National Grid
National Highways (formerly Highways England)
NATS En-Route Safeguarding
Natural England
Network Rail
Royal Mail
The Coal Authority
Trinity House
West Lindsey District Council



Anglian Water Services
Thorpe Wood House
Thorpe Wood
Peterborough
PE3 6WT

Helen Lancaster
Senior EIA Advisor
Environmental Services
The Planning Inspectorate

Our ref ScpR.IERR.NSIP.21.ds

ImminghamEasternRoRoTerminal@planninginspectorate.gov.uk

23 September 2021

Dear Helen

Immingham Eastern Ro-Ro Terminal Scoping consultation

Thank you for the opportunity to comment on the scoping report for the above project.

Anglian Water is the appointed water and sewerage undertaker for the above site. The following response is submitted on behalf of Anglian Water in its statutory capacity and relates to potable water and water assets along with wastewater and water recycling assets. We would consider that Anglian Water should be included on the list of consultees included in the report at paragraph 5.3.1.

Engagement, the draft DCO Order and assisting the applicant

Anglian Water would welcome the instigation of discussions with Associated British Ports (ABP) prior to the project layout and initial design fix for the onshore infrastructure and to assist the applicant before the submission of the Draft DCO for examination. We would recommend discussion on the following issues:

1. The Draft DCO Order including protective provisions specifically to ensure Anglian Water's services are maintained during construction
 2. Requirement for potable and raw water supplies
 3. Requirement for wastewater services
 4. Impact of development on Anglian Water's assets and the need for mitigation
 5. Pre-construction surveys
- General comments

There are several existing Anglian Water assets including water mains within the site and water and wastewater infrastructure near the site or within roads which serve the site and the

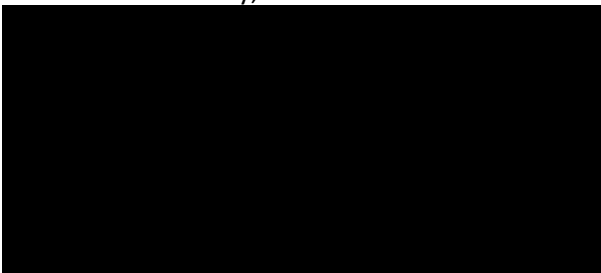
Registered Office
Anglian Water Services Ltd
Lancaster House, Lancaster Way,
Ermine Business Park,
Huntingdon,
Cambridgeshire. PE29 6XU
Registered in England

appropriately can provide opportunities for biodiversity gain including offsite ecology network enhancements (paragraph 6.5.41) and assist in reducing the project's climate change impacts. Further advice can be sought from developerservices@anglianwater.co.uk.


Anglian Water welcomes the intention to assess sources of flooding including sewer flooding (paragraph 6.7.23) in the FRA and that surface water flooding and drainage will be considered (paragraph 6.7.24) including on off- site receptors. We note that data to inform surface water run off impacts (paragraph 6.7.26 and 28) will be sought from the LLFA and EA. Anglian Water is responsible for management of the risks of flooding from surface water which are directed to foul water or combined water sewer systems. Anglian Water should be consulted, and data sought on historic sewer flooding, if on site design and offsite impacts from the project and cumulatively with other development potentially cause increased risk to the existing sewer network. We note at this stage (paragraph 6.7.19) that no pathways are currently scoped out.

Please do not hesitate to contact me as Anglian Water's NSIP lead should you require clarification on the above response or during the pre- application to decision stages of the project.

Yours sincerely,



Darl Sweetland MRTPI
Spatial Planning Manager

@abports.co.uk

Ms Helen Lancaster
Senior EIA Advisor
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: AN/2021/132280/01-L01
Your ref: TR030007-000011
Date: 08 October 2021

Dear Ms Lancaster

**Planning Act 2008 (as amended) and The Infrastructure Planning
(Environmental Impact Assessment) Regulations 2017(the EIA Regulations)
– Regulations 10 and 11 – Scoping Consultation
Application by Associated British Ports (the Applicant) for an Order granting
Development Consent for the Immingham Eastern Ro-Ro Terminal**

Thank you for consulting us on the Scoping Report for the above project, which we received on 15 September 2021.

We have reviewed the Scoping Report and set out our comments below, under the relevant chapter headings, for issues that fall within our remit.

Proposed development (Chapter 3.3)

Section 3.3.4 – We note that the applicant suggests there could be some beneficial use of the arisings from the capital dredge for habitat enhancement. We are supportive of this, should a suitable opportunity arise.

Section 3.3.6 sets out that the impact of the dredge disposal (likely to be at HU056/060) will be fully assessed. This should include any impact on physical processes (e.g. erosion/deposition) and any change on channel morphology, even if expected to be temporary. Any potential impacts on flood risk infrastructure should be linked to the flood risk assessment outcomes, as described in section 4.3.3. In addition, any resulting mitigation/monitoring of the impacts deemed required should be linked to the detailed approvals that would normally be considered within the Flood Risk Activities of an Environmental Permit; these may be able to be accommodated within the required Marine Licence

Physical processes (Chapter 6.2)

We are supportive of the proposed assessment methodology, and data/models to be used within that assessment. We are also pleased to see, and are in agreement with,

paragraph 6.2.38 in that “*at the current stage there is considered to be insufficient evidence to exclude any potential pathways from further assessment within the EIA*”.

Section 6.2.41 – the assessment of physical receptors will include the existing jetties near the development site. This assessment should also consider the nature and likelihood of impacts upon the existing Immingham tidal level gauge, which is situated on the eastern jetty near the dock walls, as well as any other telemetry devices in the area of Immingham docks.

Water and sediment quality (Chapter 6.3)

We are in agreement with the aspects of water and sediment quality, which are scoped in for assessment.

Nature conservation and marine ecology (Chapter 6.4)

We are pleased to see that site specific sediment quality and benthic ecology surveys are planned; this will inform the quality of the habitat to be lost, and inform the Biodiversity Net Gain metric.

We note the capital dredge location overlaps with the intertidal habitat, which will result in a loss of intertidal habitat in this location - we would expect the loss to be compensated for.

We are pleased that the potential impacts of pile driving on migratory fish species has been scoped into the assessment and that underwater noise modelling will be undertaken to inform this.

Coast protection, flood defence and drainage (Chapter 6.7)

We are in agreement with the proposal to support the application with a flood risk assessment (FRA), which follows appropriate planning policy and guidance requirements.

We note the applicant’s intention to use Environment Agency modelling data to inform the FRA for the project. The data we hold is in the form of Coastal Hazard Mapping, which covers the site. To obtain this information the applicant should make a formal enquiry to our Customers and Engagement team at LNenquiries@environment-agency.gov.uk requesting a Product 4 and 8. There is no charge for providing this.

For guidance: any new terminal buildings for ‘less vulnerable’ uses should raise finished floor levels (FFLs) as high as practicable and, if these will be below the predicted flood depth, suitable flood resistance/resilience measures identified. The applicant is advised to refer to the following document for information on flood resilience and resistance techniques to be included: ‘Improving Flood Performance of New Buildings - Flood Resilient Construction’ (DCLG 2007). This is available online at <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>

Single storey buildings should be built with FFLs above the predicted flood depth (referring to the relevant 2115 0.5% tidal breach map). If this is not practicable an area of safe refuge will need to be provided or an appropriate flood warning and evacuation plan will need to demonstrate how this risk will be managed. It is the responsibility of the Local Planning Authority to determine the adequacy of the plan.

We will be pleased to discuss the details of proposed works to determine whether an Environmental Permit for flood risk is required and if so, whether the applicant wishes to incorporate this into the Development Consent Order or Marine Licence.

Ground conditions, including land quality (Chapter 6.8)

We are satisfied that sufficient measures have been scoped in for the assessment of the risks posed to controlled waters from potential contamination.

We recommend that applicants should:

1. Follow the risk management framework provided in '[Land contamination: risk management](#)' when dealing with land affected by contamination;
2. Refer to our [Guiding principles for land contamination](#) for the type of information that we require in order to assess risks to controlled waters from the site – the local authority can advise on risk to other receptors, such as human health;
3. Consider using the [National Quality Mark Scheme for Land Contamination Management](#) which involves the use of competent persons to ensure that land contamination risks are appropriately managed;
4. Refer to the [contaminated land](#) pages on gov.uk for more information.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

Annette Hewitson
Principal Planning Adviser

Direct dial [REDACTED]

Direct e-mail [REDACTED]@environment-agency.gov.uk

From: [REDACTED]
To: [Immingham Eastern Ro-Ro Terminal](#)
Subject: TRO300007-000011 - Immingham Ro-Ro Terminal
Date: 07 October 2021 16:07:26
Attachments: [image003.jpg](#)

Dear Ms Lancaster,

Thank you for consulting East Lindsey District Council on the EIA Scoping Opinion for the proposed Immingham Ro-Ro Terminal.

Having read the information provided on your website in connection with this project I can advise that this authority has no comments to make.

Regards
Michelle

Miss M. Walker
Deputy Development Manager

Tel: [REDACTED]
Email: [REDACTED]@e-lindsey.gov.uk

Website: [REDACTED] www.e-lindsey.gov.uk
Facebook: [Boston Borough Council](#) / [East Lindsey District Council](#)
Twitter: [Boston Borough Council](#) / [East Lindsey District Council](#)

East Lindsey District Council, Tedder Hall, Manby Park, Louth, LN11 8UP



[The Council issues a regular newsletter by email to residents. It's free and keeps you informed on the Council work and that of its partners. If you'd like to subscribe to receive this please sign up at \[www.e-lindsey.gov.uk/messenger\]\(http://www.e-lindsey.gov.uk/messenger\)](#)

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From: [REDACTED]
To: [Immingham Eastern Ro-Ro Terminal](#)
Subject: Thank you for your enquiry
Date: 13 October 2021 09:28:32

Thank you for your enquiry. This email confirms receipt of your request.

We will aim to process your request and provide a response within 10 working days.

For plant location enquiries, did you know ESP Utilities group keep an up to date record of our asset location on Line Search [REDACTED]
Searches are free.

Regards,

ES Pipelines Ltd



Bluebird House
Mole Business Park
Leatherhead
KT22 7BA



[REDACTED]

The information in this email is confidential and may be legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful.

CEMHD Policy - Land Use Planning,
NSIP Consultations,
Building 1.2,
Redgrave Court,
Merton Road,
Bootle, Merseyside
L20 7HS.

HSE email: NSIP.applications@hse.gov.uk

FAO Katie Norris
Environmental Services
Central Operations
The Planning Inspectorate
Temple Quay House, Temple Quay
Bristol
BS1 6PN
By email only

Dear Ms Norris

29 September 2021

**PROPOSED Immingham Eastern Ro-Ro Terminal (the project)
PROPOSAL BY Associated British Ports (the applicant)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017 (as
amended) REGULATIONS 10 and 11**

Thank you for your letter of the 15 September 2021 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's land use planning advice

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records the proposed DCO application boundary for this Nationally Significant Infrastructure Project is within multiple consultation zones of major accident hazard sites and major accident hazard pipelines.

This is based on the current configuration as illustrated in, for example, figure 1 'Location of Immingham Eastern Ro-Ro Terminal' within the document 'Associated British Ports Immingham Eastern Ro-Ro Terminal Scoping Report – Request for Scoping Opinion September 2021'

HSE's Land Use Planning advice would be dependent on the location of areas where people may be present. When we are consulted by the Applicant with further information under Section 42 of the Planning Act 2008, we can provide full advice.

Hazardous Substance Consent

The presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) will probably require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended. The substances, alone or when aggregated with others for which HSC is required, and the associated Controlled Quantities, are set out in The Planning (Hazardous Substances) Regulations 2015 as amended.

HSC would be required to store or use any of the Named Hazardous Substances or Categories of Substances at or above the controlled quantities set out in Schedule 1 of these Regulations.

Further information on HSC should be sought from the relevant Hazardous Substances Authority.

Consideration of risk assessments

Regulation 5(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE's role on NSIPs is summarised in the following Advice Note 11 Annex on the Planning Inspectorate's website - [Annex G – The Health and Safety Executive](#). This document includes consideration of risk assessments on page 3.

Explosives sites

HSE has no comment to make as there are no licensed explosives sites in the vicinity.

Electrical Safety

No comment from a planning perspective.

At this time, please send any further communication on this project directly to the HSE's designated e-mail account for NSIP applications at nsip.applications@hse.gov.uk. We are currently unable to accept hard copies, as our offices have limited access.

Yours sincerely,

Monica

Monica Langton
CEMHD4 NSIP Consultation Team



Ms Helen Lancaster
The Planning Inspectorate
Environmental Services
2 The Square
Bristol
BS1 6PN

Direct Dial: [REDACTED]

Our ref: PL00756423

13 October 2021

Dear Ms Lancaster

Planning Act 2008 (as amended) and The Infrastructure Planning
(Environmental Impact Assessment) Regulations 2017 (the EIA
Regulations)

- Regulations 10 and 11

Application by Associated British Ports (the Applicant) for an Order
granting

Development Consent for the Immingham Eastern Ro-Ro Terminal (the
Proposed Development)

Historic England Advice

Terrestrial Impacts

Whilst the works proposed land-side are limited in extent and set within a landscape already characterised by the port terminal structures, the area of proposed land-side works should be seen as in origin part of one land-sea-cape with the marine. Historically, the boundary between the Humber and the land was porous and mobile, characterised by marsh, creeks and inlets, periods of silt deposition and episodes of erosion. Terrestrial archaeological impacts should we advise be scoped-in at least insofar as the holistic understanding of the sediments and process investigated in a marine context (as discussed below) should be related to the material on land. This work could encompass the analysis of recent and historic cartographic, topographic and borehole data, Historic Environment Record Data, targeted new archaeological boreholes and observations previously made in the course of port construction. This focused land-side work would supplement the studies and survey to be conducted wet-side whilst the opportunity to access these areas is available between clearance and new construction such that an holistic understanding and mitigation of impacts is facilitated. In these respects we refer you to the advice of the Local Authority Archaeologist and our published advice on deposit modelling.

[REDACTED]



THE FOUNDRY 82 GRANVILLE STREET BIRMINGHAM B1 2LH

Telephone [REDACTED]
[REDACTED]



Marine Impacts

Introduction

We are aware that this EIA Scoping exercise is conducted in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and that the proposed works are considered to represent a Nationally Significant Infrastructure Project, as notified by the Planning Inspectorate, letter dated 15th September 2021.

We offer the following comments on the marine aspects of the EIA Scoping Report for the proposed Immingham Eastern Ro-Ro Terminal.

Summary of key matters arising from the EIA Scoping Report

- We agree with the Scoping Report that marine archaeology will be scoped into the EIA exercise for all phases of this proposed development;
- we do not agree that a particular aspect of the proposed assessment appears to exclude consideration of the setting for a receptor (marine archaeology), which as a topic is scoped into the EIA; and
- it is not clear if a marine survey campaign will be conducted to acquire data for analysis and interpretation in any Environmental Statement produced for this proposed project.

We understand that this EIA Scoping Report was produced by Associated British Ports, the owner and operator of the Port of Immingham, for a project to construct a new roll-on/roll-off (Ro-Ro) facility within the existing port. The new terminal will be designed primarily to service the embarkation and disembarkation of commercial and automotive traffic.

The information provided explains that proposed works within the Humber estuary will comprise the following components:

- an approach jetty from the shore;
- a linkspan with bankseat;
- two floating pontoons with guide piles or articulated restraint arms;
- two separate finger piers with two berths each, one either side with the stern ramps of the ships resting upon two floating pontoons;
- a capital dredge of the new berth pocket; and
- disposal of dredged material at sea.

3.3 Proposed development

We note that the proposed capital dredge is to deliver a required depth of 9 m -CD (below Chart Datum) such that across the marine development area there could be a maximum deepening of 11.5 m with an average lowering of 4 m (as illustrated by Figure 4). Paragraph 3.3.3. mentions that determination of dredging volumes will be



THE FOUNDRY 82 GRANVILLE STREET BIRMINGHAM B1 2LH

Telephone [REDACTED]
[REDACTED]



confirmed from further geotechnical data. Paragraph 3.3.6 describes use of disposal sites HU056 (Holme Channel) and HU060 (Clay Huts). Regarding the use of these areas for disposal of capital dredge material we have no further comment to offer.

6.2 Physical process

Paragraph 6.2.30 described the seabed sediments in the general study area to be a mixture of muds and sands with potential for chalk outcrops at depth. We are also aware that in paragraph 6.2.43 the text alludes to Ground Investigation works required to inform the engineering design of the proposed marine infrastructure such as the diameter, number and driven depth of piles.

6.11 Marine archaeology

We concur with the statement made in paragraph 6.11.3 that a desk-based study is to be undertaken to produce baseline characterisation using information held by the UK Hydrographic Office, North East Lincolnshire Historic Environment Records and the National Record of the Historic Environment (as maintained by Historic England). We note the use of a spatial study area and buffer zone in order to determine any potential direct and indirect effects of the proposed Immingham Eastern Ro-Ro Terminal.

We note the list of identified 'marine heritage receptors' as illustrated by Figure 14. We also note the detail regarding the construction of the Port of Immingham in the early 20th century and that navigation dredging will have occurred during and post construction (paragraph 6.11.10). However, we concur with paragraph 6.11.15 that the proposed development has the potential to affect, perhaps older archaeology materials or sedimentary deposits of archaeological importance. For example, presently unknown buried archaeological materials as might be encountered by the proposed capital dredge within the new berth pocket. Furthermore, we appreciate that for engineering purposes the Applicant will want to ensure that the proposed piling operations can be conducted efficiently and safely. We therefore anticipate that the Applicant will want to ascertain the presence of any buried anomalies and to be able to differentiate between contemporary debris, unexploded ordnance or archaeological materials.

However, in paragraph 6.11.19 it is proposed that the "setting of marine archaeological and cultural heritage receptors" as a pathway is scoped out of the EIA. It is therefore important that careful consideration is given to the interpretation used here of the term "setting" when used in connection with heritage assets. For example, in the National Planning Policy Framework, the setting of heritage assets is described as including the surroundings in which a heritage asset is experienced and that elements of a setting may make a positive or negative contribution to the significance of an asset. We therefore do not accept that due to the existing industrial character of the site, this negates consideration of setting on both known or presently unknown heritage



THE FOUNDRY 82 GRANVILLE STREET BIRMINGHAM B1 2LH

Telephone [REDACTED]
H [REDACTED]



receptors as may be identifiable as heritage assets. Consequently, removing consideration of setting could undermine the assessment exercise required for marine archaeology, as a receptor, which we accept is scoped into the EIA exercise.

We add that matters here might be confused in reference to what 'setting' is considered to represent and the proposal that "Landscape/seascape and visual impact" (Section 6.14), as a topic, is scoped out of the EIA. We therefore offer the clarification that consideration of visual impact as relevant to people, i.e. an EIA receptor, appreciating or otherwise experiencing a landscape and/or seascape is not a matter that falls within the remit of Historic England. We appreciate that consideration of the contribution made by setting to the significance of heritage assets and how setting can enable that significance to be appreciated, does include the consideration of views. However, for buried and/or submerged heritage assets (in the marine environment or terrestrially) the concept of setting is still applicable and does represent an important matter requiring attention. For further guidance on setting, please see *The Setting of Heritage Assets. Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)*, December 2017).

We agree that any Environmental Statement prepared for this proposed project should be supported by a Desk-Based Assessment prepared in accordance with professional archaeological criteria, standards and relevant published guidance. However, paragraph 6.11.21 includes *Our Seas - A shared resource: High level marine objectives*, which is a policy document as relevant to marine planning in general and therefore should be considered for inclusion elsewhere.

Paragraphs 6.11.24 and 6.11.25 both state that existing geotechnical, geophysical and geoarchaeological data will be used. While we appreciate the use of existing data in a desk-based assessment, we consider it important that corroboration with specifically acquired survey data for the proposed development area should be conducted as part of the EIA exercise for this proposed project. Clarification is therefore required in reference to the statement made in paragraph 3.3.3 and 6.2.43 which seem to imply that further geotechnical data will be obtained. It would also be helpful to know if geophysical data will also be commissioned and interpreted for use within any Environmental Statement subsequently produced.

We hope the advice above is of assistance in considering the scope of EIA, we would encourage the applicants to contact us directly to discuss our pre-application advice services.

[REDACTED]

Yours sincerely,



THE FOUNDRY 82 GRANVILLE STREET BIRMINGHAM B1 2LH

Telephone [REDACTED]
[REDACTED]





Historic England

Tim Allen

Tim Allen
Team Leader (Development Advice)
[REDACTED]@HistoricEngland.org.uk

cc:



THE FOUNDRY 82 GRANVILLE STREET BIRMINGHAM B1 2LH
[REDACTED]



Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.



Maritime &
Coastguard
Agency

Helen Croxson
Maritime and Coastguard Agency
Bay 2/24
Spring Place
105 Commercial Road
Southampton
SO15 1EG

www.gov.uk/mca

Your Ref: TR030007-000011

13 October 2021

Via email:

ImminghamEasternRoRoTerminal@planninginspectorate.gov.uk

Dear Sir / Madam

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) - Regulations 10 and 11

Application by Associated British Ports (the Applicant) for an Order granting Development Consent for the Immingham Eastern Ro-Ro Terminal (the Proposed Development)

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Thank you for your letter dated 15 September 2021 inviting the Maritime and Coastguard Agency (MCA) to comment on the Scoping Opinion from Associated British Ports (ABP) for the proposed Immingham Eastern Ro-Ro Terminal.

The Scoping Report has been considered by representatives of UK Technical Services Navigation. We note that the regeneration scheme includes (but not limited to) a new approach jetty from the shore, a linkspan with bankseat, two floating pontoons, two separate finger piers with two berths each, a capital dredge of the new berth pocket and the disposal of dredged material at sea. There are also extensive landside works.

The MCA has an interest in the works associated with the marine environment, and the potential impact on the safety of navigation, access to ports, harbours and marinas and any impact on our search and rescue obligations. We would therefore like to comment as follows on the Scoping Report:

- 1) The MCA would expect any works in the marine environment to be subject to the appropriate consents under the Marine and Coastal Access Act (2009) before carrying out any marine licensable works. We note that the project will be promoted as a Nationally Significant Infrastructure Project (NSIP) under the provisions of the Planning Act 2008. As such, ABP intend to submit to the Secretary of State for Transport an application for a Development Consent Order (DCO) for authority to develop the proposed development. We note that ABP will also be applying to the marine licensing authority (the Marine Management Organisation (MMO)) for a deemed marine licence, to be included as part of the DCO, under the provisions of the Marine and Coastal Access Act 2009, to undertake certain parts of the development which will fall below mean low water springs (MLWS).
- 2) The MCA will expect the project to carry out a Navigation Risk Assessment (NRA) on the impact of the works on shipping and navigation. We note the applicant's commitment in para 4.5.19 to carry out an NRA, which will be provided to support the DCO application for the project. This must be considered and agreed by ABP in its role as the Statutory Harbour Authority (SHA) and in accordance with the Port Marine Safety Code and its Guide to Good Practice. We note a hazard workshop will be held to bring together relevant navigational stakeholders for the area to discuss the potential impacts on navigational safety associated with the proposed development, which the MCA fully supports. The NRA will establish how the phases of the project are managed to a point where risk is reduced and considered to be 'as low as reasonably practicable' (ALARP). The NRA will be provided as an appendix to the Environmental Statement (ES) and the outputs will inform the Project's ES chapter for the commercial and recreational navigation topic.
- 3) The MCA would expect no effects to be scoped out of the assessment with regards to shipping and navigation, pending the outcome of the Navigation Risk Assessment and further stakeholder consultation. Section 6.6.26 confirms that at this stage, no impact pathways are proposed to be scoped out.
- 4) We note that the site falls within the jurisdiction of ABP, as the Statutory Harbour Authority (SHA) for the Port of Immingham and the River Humber. ABP is also the Competent Harbour Authority (CHA) with respect to pilotage for the Port of Immingham and the River Humber.

To address the ongoing safe operation of the marine interface for this project, we would like to point the developers in the direction of the Port Marine Safety Code (PMSC) and its Guide to Good Practice. They will need to liaise and consult with the SHA and develop a robust Safety Management System (SMS) for the project under this code.

The sections that we feel cover navigational safety under the PMSC and its Guide to Good Practice are as follows:

From the Guide to Good Practice, section 7 Conservancy, a Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port. The harbour authority also has a duty of reasonable care to see that the harbour is in a fit condition for a vessel to be able to use it safely. Section 7.8 Regulating harbour works covers this in more detail and have copied the extract below from the Guide to Good Practice.

7.8 Regulating harbour works

7.8.1 Some harbour authorities have the powers to license works where they extend below the high watermark, and are thus liable to have an effect on navigation. Such powers do not, however, usually extend to developments on the foreshore.

7.8.2 Some harbour authorities are statutory consultees for planning applications, as a function of owning the seabed, and thus being the adjacent landowner. Where this is not the case, harbour authorities should be alert to developments on shore that could adversely affect the safety of navigation. In any case harbour authorities should ensure that the MMO or appropriate licensing authority consults them with regard to any applications for works or developments in or adjacent to the harbour area. Where necessary, consideration should be given to requiring the planning applicants to conduct a risk assessment in order to establish that the safety of navigation is not about to be put at risk. Examples of where navigation could be so affected include:

- high constructions, which inhibit line of sight of microwave transmissions, or the performance of port radar, or interfere with the line of sight of aids to navigation;
- high constructions, which potentially affect wind patterns; and
- lighting of a shore development in such a manner that the night vision of mariners is impeded, or that navigation lights, either ashore and onboard vessels are masked, or made less conspicuous.

7.8.3 There is a British Standards Institution publication on Road Lighting, BS5489. Part 8 relates to a code of practice for lighting which may affect the safe use of aerodromes, railways, harbours and navigable Inland waterways.

I hope you find this information useful at Scoping Stage.

Yours sincerely,



Helen Croxson
Marine Licensing and Space Launch lead
UK Technical Services Navigation

cc'd: James Hannon – Ports and VTS Policy Manager
Kalvin Baugh – Ports and VTS Advisor
Hull (Beverly) Marine Office



Marine
Management
Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

www.gov.uk/mmo

Your reference: TR030007-000011
Our reference: DCO/2021/00004

Helen Lancaster
Senior EIA Advisor
Immingham Eastern Ro-Ro Terminal Case Team
Planning Inspectorate

Email: imminghameasternroroterminal@planninginspectorate.gov.uk

By email only

12th October 2021

Dear Helen Lancaster,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017(the EIA Regulations) – Regulations 10 and 11

MMO scoping consultation response on the application by Associated British Ports (the Applicant) for an Order granting Development Consent for the Immingham Eastern Ro-Ro Terminal (the Proposed Development)

Thank you for your scoping consultation dated 15th September 2021 and for providing the Marine Management Organisation (MMO) with the opportunity to share our comments with you on the Immingham Eastern Ro-Ro Terminal Scoping Report.

The MMO's role in Nationally Significant Infrastructure Projects

The MMO was established by the Marine and Coastal Access Act 2009 (the "2009 Act") to contribute to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas. The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and for Welsh and Northern Ireland offshore waters by way of a marine licence¹. Inshore waters include any area which is submerged at mean high water spring ("MHWS") tide. They also include the waters of every estuary, river or channel where the tide flows at MHWS tide. Waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area. In the case of Nationally Significant Infrastructure Projects ("NSIPs"), the 2008 Act enables Development Consent Order's ("DCO") for projects which affect the marine environment to include provisions which deem marine licences².

As a prescribed consultee under the 2008 Act, the MMO advises developers during preapplication on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health,

¹ Under Part 4 of the 2009 Act

² Section 149A of the 2008 Act



INVESTORS
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other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works. Where a marine licence is deemed within a DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence (“dML”) enable the MMO to fulfil these obligations. Further information on licensable activities can be found on the MMO’s website³. Further information on the interaction between the Planning Inspectorate and the MMO can be found in our joint advice note⁴.

Please find attached the scoping opinion of the MMO. In providing these comments, the MMO has sought the views of our technical advisors at the Centre for Environment, Fisheries and Aquaculture Science (Cefas) and the MMO North East Coastal Office.

The MMO reserves the right to make further comments on the project throughout the preapplication process and may modify its present advice or opinion in view of any additional information that may come to our attention. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

If you require any further information, please do not hesitate to contact me using the details provided below.

Yours Sincerely



Emma Shore
Marine Licensing Case Officer

D 
E @marinemanagement.org.uk

³ <https://www.gov.uk/planning-development/marine-licences>

⁴ <http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-11-v2.pdf>

Scoping consultation response

Title: Immingham Eastern Ro-Ro Terminal

Applicant: Associated British Ports (ABP)

MMO Reference: DCO/2021/00004

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1. Proposal

1.1 Project background

Associated British Ports (ABP), the owner and operator of the Port of Immingham, are proposing to construct a new roll-on/roll-off (Ro-Ro) facility within the port of Immingham. It is designed to service the embarkation and disembarkation of principally commercial and automotive traffic, possibly with provision for a small element of passenger use during quiet periods. The proposed development will involve marine works within the Humber Estuary and landside works on the existing port estate.

On the marine side, the proposed development will comprise the construction of a new four-berth Ro-Ro jetty whilst on the landside, within the statutory port estate, ABP will make provision for an area of unit load/vehicle storage together with a number of terminal buildings and an internal site bridge which will cross over existing port infrastructure, including an ABP controlled railway track.

1.2 Proposed development

The proposed development, which will be taken forward as a Nationally Significant Infrastructure Project (NSIP), is located within the eastern sector of the Port. It is anticipated the marine works will comprise:

- An approach jetty from the shore;
- A linkspan with bankseat;
- Two floating pontoons with guide piles or articulated restraint arms;
- Two separate finger piers with two berths each, one each either side with the stern ramps of the ships resting upon two floating pontoons;
- A capital dredge of the new berth pocket; and
- Disposal of dredged material at sea if no beneficial alternative can be identified.

It is anticipated that the landside works will consist of the following:

- The utilisation of existing cargo storage areas within ABP's port estate immediately adjacent to where the finger pier is attached to the land. These areas will be required to accommodate the throughput of the Ro-Ro cargo as it is either waiting to be embarked or awaiting pick-up after being disembarked;
- A number of terminal buildings will be constructed to provide appropriate facilities for lorry drivers and passengers. A small office, workshop and gatehouse may also be required; and
- An internal bridge will need to be constructed within the port estate to cross over an adjacent access road and ABP managed rail track.

2. Location

The Immingham Eastern Ro-Ro Terminal lies immediately adjacent to the main deep-water shipping channel which serves the Humber Estuary. The landside works fall within the administrative boundary of North East Lincolnshire Council.

Figure 1: The Scoping Boundary of Immingham Eastern Ro-Ro Terminal



3. Scoping consultation response

ABP has asked the Planning Inspectorate on behalf of the Secretary of State for its opinion (a Scoping Opinion) as to the information to be provided in an Environmental Statement (ES) relating to the Proposed Development. The Planning Inspectorate has consulted the MMO on the Scoping Report titled 'Immingham Eastern Ro-Ro Terminal' and asked that the MMO identifies the information that should be provided in the ES.

The MMO has reviewed the Scoping Report and agrees with the topics outlined, however has the following comments that should be considered before the Planning Inspectorate issues its Scoping Opinion.

3.1 Nature Conservation

The MMO defers to Natural England as the Statutory Nature Conservation Body (SNCB) on the suitability of the scope of the assessment with regards to Marine Protected Areas (MPAs).

3.2 Benthic Ecology

The MMO agrees with the impact pathways that have been scoped in for benthic ecology receptors and outlined on pages 74 and 75 of the Scoping Report.

The MMO notes that the impact pathways that are proposed to be scoped out for benthic ecology receptors are outlined on pages 75 and 76 of the Scoping Report. The MMO agrees it is likely to be appropriate to scope out these pathways, which mainly relate to activities associated with piling that are expected to be highly localised. The MMO supports the intended approach of using the results of the relevant physical processes assessments to confirm whether it is appropriate to screen out these impact pathways.

The MMO note that specific cumulative and in-combination impacts have not been identified with respect to benthic ecology receptors, but this is appropriate at this stage.

Additional surveys will be conducted to characterise the benthic ecology baseline and to inform the EIA. It is proposed that macrofauna, particle size analysis (PSA) and total organic carbon (TOC) samples are collected from the subtidal area within the vicinity of the proposed development and the proposed Clay Huts disposal site (Pages 78 and 79 of the Scoping Report). No additional subtidal benthic data collection is proposed for the Holme Channel, as data from 2017 is available for this site. In the intertidal zone, it is proposed that macrofauna, PSA and TOC samples will be collected within the vicinity of the proposed works. The MMO agree with the above proposals regarding the collection of new, site-specific benthic ecology data.

The MMO note that one of the impact pathways identified is '*Indirect changes to benthic habitats and species as a result of changes to hydrodynamic and sedimentary processes during capital and dredging and dredge disposal*'. The MMO presume that the sedimentary processes include increases in suspended sediment concentration (SSC) and subsequent sediment deposition, as these are not identified separately for benthic ecology receptors. The MMO would expect the effects of changes to SSC and sediment deposition on benthic ecology receptors to be assessed in the ES.

3.3 Coastal Processes

The scoping does not identify marine traffic impacts during construction and operation, other than a brief mention of barge traffic when considering collision risk. Vessel operations for construction purposes and the marine traffic generated and using the Ro-Ro terminal throughout its life would have an effect on local hydrodynamics and potentially also on direct sediment movement due to vessel wash in the shallow nearshore. The proposed new jetty is in a seemingly confined location landward of a second jetty and close to a nearshore 'ledge' (partly dredged during construction). The MMO would expect the scoping to address the potential for changes due to the presence and movement of vessels relative to other potential impacts.

It is important that the assessment of sediment disposal is framed in terms of sediment budget and temporal variation in sediment flux i.e., not just a blanket annual figure. The MMO consider this important in light of the potential for a significant increase in disposal at licensed locations from this and other developments identified in the scoping. In general, the MMO view disposal within the sediment system of the estuary an acceptable measure in the absence of other forms of beneficial reuse. It would be useful however to illustrate the temporal variability of this relative to the licensed disposal volumes and past quantities, i.e., whether the cycling of dredge and disposal is a significant contribution to short or long-term sediment flux.

In Section 6.2.39, the Scoping Report states that the assessment will be conducted on the assumption that physical processes in themselves are not 'receptors'. The MMO consider that the definition of processes as a receptor is possible if the assessor simply chooses to define it as one. The MMO consider this a good idea in cases where the overall importance of a physical process in affecting the state of another receptor is not fully understood i.e., where the effect of a change in the process cannot be quantified. If the opposite approach is taken, the MMO would expect the ES to demonstrate that the effect of process changes is well understood which is likely to be possible in the present case.

Section 6.2.5 gives extensive verbal description of the setting and zone of interest but lacks reference to any image or mapping of the named features which would greatly aid interpretation.

3.4 Fish Ecology and Fisheries

In general, the Scoping Report has sufficiently considered the possible impacts to fish receptors inhabiting the Humber Estuary.

The MMO note that cumulative impacts will be scoped in for further assessment which is appropriate. The MMO recommend that a summary table should be included, including relevant developments' current stage, location and timing of the proposed works. This will help to identify potential overlaps between activities that could lead to cumulative impacts on fish receptors.

The MMO note that site-specific surveys are not considered necessary given that the existing available data sources are appropriate to characterise fish receptors on the study

area. The MMO agree with this approach, however, would expect that the limitations of data sources used (e.g., gear selectivity and the timing of surveys) are acknowledged.

3.5 Shellfish

The MMO are content that the topics identified to be scoped in are in line with what would be expected for this kind of work. There are no other topics that the MMO consider should be scoped in in relation to shellfish species.

The data sources currently identified for use will not produce a sufficient baseline for shellfish species. Data sources currently identified for use to inform the marine ecology baseline characteristics are heavily based on finfish, limited data sources have been presented that will represent shellfish species. Survey data presented for use is collected using methods not designed for shellfish (e.g., beam trawl/seine netting) therefore the MMO consider that these will not provide accurate abundance of any shellfish species recorded and should only be used as presence/absence data.

3.6 Marine Mammals

The MMO has provided comments on impacts on marine mammals from underwater noise below. The MMO defers to Natural England as the SNCB in relation to all other potential impacts to marine mammals.

3.7 Underwater noise

The MMO is content that all appropriate impacts have been scoped in and the following potential impact pathways during the construction phase have been identified:

- Benthic habitats and species
 - Underwater noise and vibration disturbance during piling, capital dredging and dredge disposal;
 - Underwater noise and vibration disturbance during operation.
- Fish and marine mammals:
 - Underwater noise and vibration disturbance during construction;
 - Underwater noise and vibration disturbance during operation.

The MMO note that the potential effects of underwater noise during the construction phase on marine species will be considered and appropriately scoped into the ES. However, the MMO would expect an assessment on the potential effects of underwater noise during the operational phase (in terms of increased vessel movements and increased dredging). The MMO would expect the ES to provide evidence or justification that noise during the operational phase is not likely to have a detrimental effect on marine life.

The Scoping Report indicates that as the proposed works will be undertaken in very shallow water, the propagation of noise will be limited and therefore a simple logarithmic spreading model is considered proportionate and appropriate to use for the underwater noise assessment. The MMO agree that a simple modelling approach in this instance is appropriate. Full details of this modelling should be provided in the ES.

It should be noted however that there are some limitations with using a simple modelling approach. For example, a range of available published criteria will be used to assess the

potential physiological and behavioural effects of underwater noise on key sensitive receptors in the study area (or zone of influence), including fish and marine mammals (e.g., Popper et al., 2014; Southall et al., 2007; 2019). The noise criteria for marine mammals (and fish) are based on the peak sound pressure level, and the cumulative sound exposure level (SELcum). The SELcum is complex and may require consideration and application of auditory weightings and a fleeing animal model. Thus, a simple model which neglects these aspects will not be sufficient for predicting the cumulative sound exposure level, as it will produce unrealistically conservative estimates. Furthermore, simple models may not be sufficient for predicted peak pressure.

3.8 Seascape / Landscape

The MMO defers to Historic England, Natural England (as the SNCB) and relevant local planning authorities on the suitability of the scope of the assessment with regards to Seascape and Landscape.

3.9 Archaeology / Cultural Heritage

The MMO defers to Historic England on the suitability of the scope of the assessment with regards to Archaeology and Cultural Heritage impacts.

3.10 Navigation / Other Users of the Sea

The MMO note that the works may cause disruption i.e., access to the marine environment, during works for users of the sea and there may be potential impacts to navigation as the amount of dredged material may affect local routes.

The MMO defers to the Maritime Coastguard Agency (MCA) and Trinity House on the suitability of the scope of the assessment with regards to navigation of vessels.

3.11 Water Quality

The MMO defers to The Environment Agency on the suitability of the scope of the assessment with regards to water quality.

3.12 Dredging and Disposal

The MMO is content that all potential impact pathways, relevant to physical processes, have been scoped in. The MMO welcome the use of the results from the ongoing sampling regime and the use of historical sample results. However, to aid in the review and assessment, it would be useful to include the results in the MMO Results Template, which is available here: <https://www.gov.uk/guidance/marine-licensing-sediment-analysis-and-sample-plans>. These will also be required for the UK's reporting obligations to OSPAR and London Convention/ London Protocol.

As per section 6.3.6 of the Scoping Report, the MMO welcome the inclusion to further refine the study area based on numerical modelling.

The MMO agree with the potential impact pathways identified, however we would expect the potential for chemical contamination accumulation at the disposal site to also be considered.

3.13 Population and Human Health

The MMO defers to the Local Authority and Public Health England on the suitability of the scope of the assessment with regards to population and human health impacts.

3.14 Cumulative Impacts & In-Combination Impacts

Section 5.2.22 of the Scoping Report identifies the projects that should be considered in the cumulative and in-combination assessment. The MMO is content with the proposal for cumulative impacts and in-combination impacts and has no further projects to add at this time.

3.15 Other

On page 6 of the Scoping Report it states that *'ABP will also be applying to the marine licensing authority (the Marine Management Organisation (MMO)) for a deemed marine licence, to be included as part of the DCO, under the provisions of the Marine and Coastal Access Act 2009, to undertake certain parts of the development which will fall below mean low water springs (MLWS).'* This should refer to MHWS.

The applicant has correctly identified that the proposed development is within the East Marine Plan area and the MMO welcomes the applicant's commitment to produce a marine plan conformance assessment. It should be corrected that this will be produced to support the Development Consent Order application as it is the Secretary of State that must use the East Marine Plan when making planning decisions for the sea, coast, estuaries and tidal waters, as well as developments that impact these areas, such as infrastructure.




East Marine Plan policies can be accessed using Explore Marine Plans:
<https://www.gov.uk/guidance/explore-marine-plans>

4. Conclusion

The MMO has reviewed the Scoping Report and has provided both advice for the applicant, noted corrections to be made, but also included comments that the MMO would expect to be addressed in the ES.

This consultation response, however, should not necessarily be seen as a definitive list of all EIA requirements. Given the scale and programme of the proposed development, other work may prove necessary.

Yours Sincerely


Emma Shore
Marine Licensing Case Officer
D + 
E @marinemanagement.org.uk

5. References

Popper, A. N. Hawkins, A. D. Fay, R. R. Mann, D. Bartol, S. Carlson, Th. Coombs, S. Ellison, W. T. Gentry, R. Halvorsen, M. B. Lokkeborg, S. Rogers, P. Southall, B. L. Zedler, D. G. and Tavolga, W. N. (2014). Sound Exposure Guidelines for Fishes and Sea Turtles: A Technical Report prepared by ANSI-Accredited Standards Committee S3/SC1 and registered with ANSI. Springer and ASA Press, Cham, Switzerland.

Southall, B., Bowles, A., Ellison, W., Finneran, J.J., Gentry, R., Greene, C.R.J., Kastak, D., Ketten, D., Miller, J., Nachtigall, P., Richardson, W.J., Thomas, J. & Tyack, P. (2007). Marine mammal noise-exposure criteria: initial scientific recommendations. *Aquatic Mammals*, 33, 411–521.

Southall, B., J. J. Finneran, C. Reichmuth, P. E. Nachtigall, D. R. Ketten, A. E. Bowles, W. T. Ellison, D. Nowacek, and P. Tyack. (2019). Marine Mammal Noise Exposure Criteria: Updated Scientific Recommendations for Residual Hearing Effects. *Aquatic Mammals* 45:125-232

Land and Acquisitions

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SUBMITTED ELECTRONICALLY:
ImminghamEasternRoRoTerminal@planninginspectorate.gov.uk

20th September 2021

Dear Sir / Madam

Ref: Application by Associated British Ports (the Applicant) for an Order granting Development Consent for the Immingham Eastern Ro-Ro Terminal (the Proposed Development) Scoping consultation

This is a response on behalf of National Grid Electricity Transmission PLC (NGET) and National Grid Gas PLC (NGG).

I refer to your letter dated 15th September 2021 regarding the Proposed Development.

Electricity Transmission

National Grid Electricity Transmission has no apparatus within or in close proximity to the proposed site boundary.

Gas Transmission

National Grid Gas has no apparatus within or in close proximity to the proposed site boundary.

If you require any further information, please do not hesitate to contact me.

[REDACTED]

Anne Holdsworth
DCO Liaison Officer, Land and Acquisitions

From: [REDACTED]
To: [Immingham Eastern Ro-Ro Terminal](#)
Cc: [Planning - IGE \(ENGIE\)](#); [Spatial Planning](#); transportplanning@dft.gov.uk
Subject: TR030007 - Immingham Eastern RoRo Terminal - EIA Scoping
Date: 07 October 2021 14:30:27
Attachments: [PINS - TR030007 - AA_21_13_01 Immingham Eastern Terminal Scoping review.pdf](#)

Katie Norris

We have been considering the Application by Associated British Ports (the Applicant) for an Order granting Development Consent for the Immingham Eastern Ro-Ro Terminal (the Proposed Development), at the level of an EIA Scoping.

Our review is attached, and we have concluded that further information is required ahead of the full application.

This review has highlighted the need for a Transport Assessment and Travel Plan to be produced in support of this planning application, to be included within the Traffic and Transport Chapter of the ES. A summary of our comments for the preparation of these documents is detailed below:

- The TA should reference dredging, including the resultant transport impact, especially if the SRN is used as a route for disposal vehicles;
- JSJV require details of the disposal area and [if decided], confirmation that the waste would be loaded directly into the estuary without impacting the SRN;
- To make an assessment, JSJV require full details of the proposed development, including the 'area to accommodate trailer and container parking and storage' and full details of 'a number of small terminal buildings' as proposed. In addition, JSJV request that the amount of parking proposed is provided;
- JSJV acknowledge that at this stage, the final details of the proposal are yet to be confirmed;
- The baseline section of the TA should:
 - Describe the site background, including the site's location, history and existing use;
 - Describe the existing highway network in the area and the existing level of accessibility;
 - Provide a collision data assessment should be undertaken covering the most recently available complete five-year period for the SRN; and
 - Outline any relevant outline planning consents and Local Plan allocations.
- The impact of the development should be assessed based on relevant regional and national planning policy;
- JSJV understand that ABP will submit a separate scoping document to agree the scope of the TA with National Highways, however, items raised within this review provide an outline of the details that JSJV would require within any assessment submitted;
- It is also noted that there is no reference to a Travel Plan [TP] within the submitted SR.

We will be happy to work directly with the applicant to achieve the correct level of information required for the DCO application.

(I have copied in North East Lincs Planning Office for completeness)

Best Wishes

During the Coronavirus Pandemic in common with many of my colleagues I am working from home and no messages should be left on the Lateral Phone Number.

My **personal** mobile number is given below but this should only be given out to direct stakeholders with a business need.

Simon GP Geoghegan, Planning and Development

National Highways | 2 City Walk | Leeds | LS11 9AR

Mobile: [REDACTED]

Web: [REDACTED]

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[england](https://www.gov.uk/government/organisations/highways-england) | info@highwaysengland.co.uk

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AA.21.13.01: Immingham Eastern Terminal

Prepared for: Simon Geoghegan
 Prepared by: Harry Mann [SYSTRA]
 Date: 6th October 2021
 Case Reference: DevHU0075
 Document Reference: AA.21.05.25 Technical Memorandum
 Reviewed/approved by: James Finch [SYSTRA]

Limitation: This document has been prepared on behalf of, and for the exclusive use of National Highways, and is subject to, and issued in accordance with, the provisions of the National Spatial Planning Contract. JSJV accept no liability or responsibility whatsoever for, or in respect of, any use of, or reliance upon, this document by any third party.

Introduction

In September 2021, Associated British Ports [ABP] submitted a scoping request for the proposed development of a new roll-on/roll-off [Ro-Ro] facility within Immingham Port. The site is situated on the south bank of the Humber Estuary, 9km northwest of Grimsby and approximately 1km northeast of the town of Immingham.

The consultant responsible for the submitted Scoping Report [SR] is ABPmer [ABP] and the site is within the administrative boundary of North East Lincolnshire Council. The SR has been submitted to National Infrastructure Planning [NIP] as a Nationally Significant Infrastructure Project [NSIP].

The proposed development site's location, in relation to the Strategic Road Network [SRN], is presented in **Figure 1**.

Figure 1: Site location in relation to the Strategic Road Network



Source: Openstreetmap

The proposed development is located approximately 2.4km southeast of the A160 and approximately 2.7km north of the A180. Both the A160 and A180 highway routes are managed by National Highways.

Humber Road becomes the A160 to the west of the priority junction, via a 5-arm roundabout junction. The A160 Humber Road links with the A180 via a grade separated junction.

The A180 is a dual carriageway providing access to Grimsby to the south-west and the M180 at Junction 5 to the west.

For reference, the SRN within the Northeast Lincolnshire region, including the A160, A180 and M180, with further links to the M18, [50km west of the site] is shown in Figure 2.

Figure 2: Wider Strategic Road Network



Jacobs SYSTRA Joint Venture [JSJV] has reviewed the following sections of the Environmental Statement [ES] SR as these sections are deemed relevant to National Highway infrastructure:

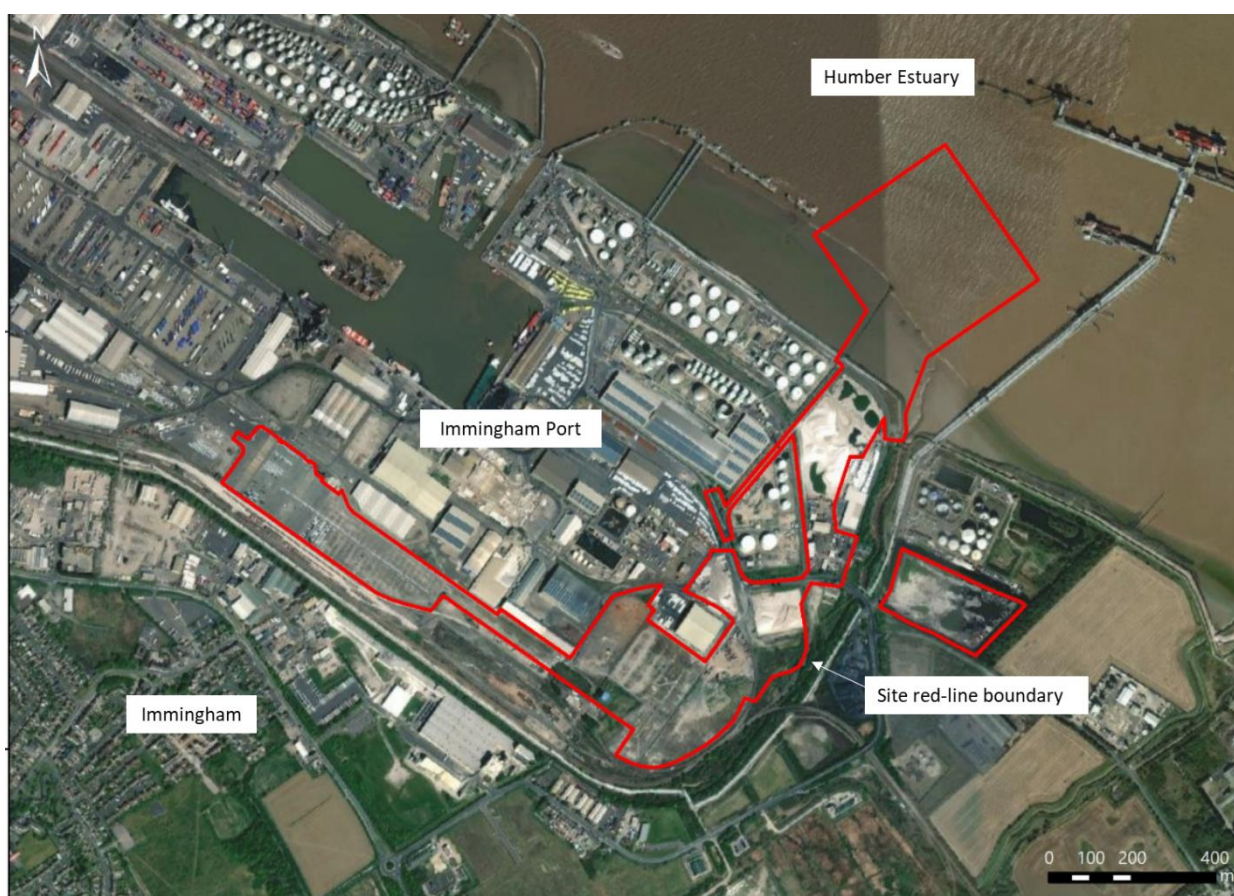
- 3.1-3.3 Project description;
- 4.6 Policy context;
- 5.1-5.4 Proposed EIA methodology; and
- 6.13 Traffic and transport scoping review.

Within the SR, ABP provides an initial review of the baseline conditions relating to traffic and transport, presents several initial potential impacts of construction and operational phases of the proposed development and outlines the further work that will be required to determine the significance of any potential impacts, to include a Transport Assessment [TA].

Existing site facility

The existing Immingham Port facility is shown in **Figure 3**.

Figure 3: Site Context



JSJV recognises that the existing port provides a significant number of separate operational areas, with bulk commodities including liquid fuels, solid fuels and ores, as well as Ro-Ro freight are handled from the following facilities:

- The Eastern and Western Jetties;
- the Immingham Oil Terminal [IOT];
- the Immingham Gas Terminal;
- Immingham Outer Harbour [IOH]; and
- the Humber International Terminal [HIT].

Proposed development

The Port of Immingham is currently served by two principal access points, Humber Road to the west and Queens Road to the east.

JSJV understands that ABP as the owner and operator of the Port of Immingham is proposing to construct a new roll-on/roll-off [Ro-Ro] facility within the port. The development is proposed to service the embarkation and disembarkation of mostly commercial and automotive traffic freight.

The site lies within the eastern sector of the existing Immingham Port. In brief, the proposed development would comprise:

- The construction of a new four-berth Ro-Ro jetty;
- An existing cargo storage area designated for unit load/vehicle storage;
- A number of terminal buildings to provide appropriate facilities for lorry drivers and passengers, to include:
 - A small office;
 - Workshop; and
 - Gatehouse.
- An internal site bridge to cross over existing port infrastructure, including a new railway track.

JSJV notes that the applicant has stated within the description '*possibly with provision for a small element of passenger use during quiet periods*'.

To facilitate the proposals, it is understood that the estuary will require a '*capital dredge*' of the new berthing area, totalling 90,000 m². ABP estimates that about 330,000m³ of material in total will be removed. ABP states that it is not considered that the dredge material will be of a quality suitable for alternative beneficial use so will be disposed at sea. Within the ES and associated TA, JSJV will require details of the disposal area and confirmation that the waste would be loaded directly into the estuary without impacting the SRN.

ABP states "*The identified sites, and indeed any other disposal options, will be fully assessed as part of the consenting process*". Notwithstanding this, JSJV have an interest in the outcome of these discussions and ABP should reference dredging, including the resultant transport impact within the ES and associated TA, especially if the SRN is used as a route for disposal vehicles.

JSJV understand that the area immediately south of proposed jetty would be used as an area to accommodate trailer and container parking and storage. ABP note that the area will '*only require a simple upgrade, relocating existing port infrastructure, to provide open parking/storage space, although some peripheral areas of softer ground may require additional ground works in terms of hard surfacing.*' To undertake an assessment, JSJV require full details of this proposed use, including the amount of parking proposed.

ABP also propose a number of small terminal buildings will be provided. To undertake an assessment, JSJV require full details of this proposed use, including the amount of parking proposed.

JSJV acknowledge that the current estimated construction timescales would commence in Summer 2023 and will have been largely completed by mid-2025.

JSJV understand the project description provided and acknowledge that at this stage, the final details of the proposal are yet to be confirmed.

Existing situation

The Traffic and Transport Chapter of the EIA should describe the site background, including the site's location, history and existing use.

The chapter should also thoroughly describe the existing highway network in the area and the existing level of accessibility.

In addition to this, a collision data assessment should be undertaken covering the most recently available complete five-year period for the SRN, preferably using official data derived from the Local Highway Authority / National Highways.

A summary of any relevant outline planning consents and Local Plan allocations should also be provided.

Policy and guidance

Within the Traffic and Transport Chapter of the ES, the impact of the development should be assessed based on relevant regional and national planning policy. JSJV acknowledge that the following policies are highlighted within the SR:

- National Planning Policy Framework [2021];
- North East Lincolnshire Council Local Plan 2013 to 2032 [Adopted 2018];
- Institute of Environmental Assessment Guidance Note No 1 “Guidelines for the Environmental Assessment of Road Traffic” [Institute of Environmental Assessment, 1993] [the ‘IEA Guidelines’]; and
- Travel Plans, Transport Assessment and Statements in decision-taking- Planning Practice Guidance [DCLG, 2014].

In terms of the impact on the SRN, JSJV request that the applicant assesses the proposal, considering the following policies:

- DfT Circular 02/2013 The SRN and the delivery of sustainable development. JSJV emphasises paragraph 48 of the DfT Circular 02/2013 which states the following:
 - “48. Transport assessment undertaken by the promoter of the development should be comprehensive enough to establish the likely environmental impacts, including air quality, light pollution and noise, and to identify the measures to mitigate these impacts.”
- National Highways’s guidance document ‘The Strategic Road Network: Planning for The Future’ [2015]. The following paragraphs from this guidance are relevant to the scoping stage:
 - Paragraph 37. “Transport assessments should generally be carried out in line with prevailing government guidance in agreement with us, through preapplication and scoping, such as a road safety audit [stage 1]”.
 - Paragraphs 87 and 88. “If the development is in an approved local plan, and has had an appropriate level of assessment of the impact of the development undertaken, JSJV do not anticipate the need to repeat the full assessment process at the planning application stage. If, however, the development proposed has not been subject to an appropriate level of assessment, or is not included or consistent with an approved local plan, then JSJV anticipate agreeing the scope of work required to make a full assessment. For those sites that have been considered at local plan stage, JSJV will take into account any assessment already undertaken.
 - Paragraph 94. “Formal pre-application discussions are an effective means of gaining a good, early understanding of the development, its benefits, its likely impacts and its infrastructure needs. By consulting with us pre-application, you will ensure that the transport assessment you prepare is appropriately scoped and is based on the most relevant and up-to-date data. It will also ensure that you are made aware of, and can take account of, any SRN issues that might

have a bearing on the way in which the development is planned and/or delivered. This, in turn, helps avoid delays and difficulties further into the application process”.

- Paragraph 98. “If a SR is to be prepared, JSJV advise this includes:
 - details of the development, such as location, access arrangements, use class, size or number of units, likely phasing, maximum number of parking spaces and any other relevant information;
 - proposed methodology for estimating the vehicular trip generation and distribution on the SRN, and resulting trip generation figures;
 - proposed methodology for assessing the impact of this trip generation on the SRN; and
 - proposed methodology for assessing the environmental consequences of the transport impacts of the development”
- JSJV recommends the following two paragraphs of the National Highways document ‘The Strategic Road Network planning for the future’ [2015]:
 - “49. JSJV will expect to see measures implemented that fully mitigate any and all environmental impacts arising from and relating to the interaction between developments and the SRN. There are three aspects to this:
 - the environmental impacts arising from the temporary construction works;
 - the environmental impacts of the permanent transport solution associated with the development; and
 - the environmental impact of the road network upon the development itself.”
 - “52. To avoid potential delay or challenge, transport assessments/statements and environmental statements/impact assessments should be mutually consistent and pay due regard to each other.”
- The DfT document ‘Road Investment Strategy 2: 2020-2025’.

Proposed EIA methodology

The Traffic Chapter of the EIA would be composed by David Tucker Associates [DTA] as the appointed Highway Consultant for the scheme. JSJV consider the EIA methodology presented within Section 5 of the SR to be structured and comprehensive and acknowledge ABPs reference to the Institute of Environmental Assessment [IEA] Guidance Note No 1 “Guidelines for the Environmental Assessment of Road Traffic” [IEA,1993].

Cumulative impact

ABP proposes the assessment of cumulative impact and in-combination assessment ‘*in accordance with the EIA Regulations*’. ABP note that they will consider the effects of the Immingham Eastern Ro-Ro Terminal alongside those arising from other plans, projects and activities within the region, including:

- Able Marine Energy Park;
- Adaptation to Humber International Berth 2 to accommodate car carriers;
- Existing maintenance dredge and disposal practices;
- Cherry Cobbs Sands Regulated Tidal Exchange Project;

- Skeffling Managed Realignment Site;
- Keadby 3 – Low Carbon Gas Power Station Project; and
- The North Lincolnshire Green Energy Park Scheme at Flixborough Wharf.

Consultation

JSJV acknowledge ABPs commitment to liaise with National Highways and North East Lincolnshire Council and North Lincolnshire Council in their capacity as the local highway authorities within the EIA methodology.

Traffic and transport study area

An initial study area has been identified in the SR as part of the baseline review for traffic. Stated as:

- *“The study area that has been considered is the public highway network where any transport related impacts may occur, typically where there is a material change in traffic flows or characteristics of the road”.*

ABP state that the study area for each EIA topic will be refined in the PEIR and ES, within the topic-specific chapters. JSJV withhold comment on the study area until a clear description of the study area is provided. Full details of the proposed study area should be provided within the TA and ES.

Future Baseline

ABP highlight that the local network will experience growth in traffic over the ‘assessment period’. This will include growth from other port related activities and growth from other economic development in the area. ABP confirm that this will be assessed once the committed and cumulative developments are agreed, and the future year baseline will set out those changes. JSJV withhold comment on growth factors until these are presented within the forthcoming Transport Assessment [TA].

JSJV, however, accept ABPs forecasted assessment year of will be “a) year of opening and b) 10 years after year of opening” [in accordance with Circular 02/13]. JSJV note that the current estimated construction timescales commencing in Summer 2023 and will have been largely completed by mid-2025. The resultant forecasted ‘opening year’ scenarios should be informed using these anticipated timescales.

Scope of potential impact pathways

The SN proposes that the traffic and transport ES chapter will set out the assessment of the likely changes to be generated by the proposed development, both beneficial and adverse and during both the construction and operational phases. JSJV agree with the ‘Scoped In / Scoped Out’ potential impact pathways during both the construction and operational phase of the proposed development.

As mentioned previously, JSJV notes that the applicant has stated within the description ‘possibly with provision for a small element of passenger use during quiet periods’. This statement would have to be full explored within any assessment undertaken, with firm proposals submitted for review. Should the proposed development be also used as a passenger transport basis in addition to freight movement as initially proposed, this would have to be reflected in calculated trip generation and resultant junction impact assessment.

Transport Assessment

ABP confirms that a TA will be prepared alongside the DCO application for the proposed development and provided as an appendix to the ES. The EIA traffic and transport chapter will then be informed by the outcome of the TA. JSJV supports this view.

ABP state that “the detailed operational characteristics of the development are still under review. The scope of the TA will be discussed with the relevant highway authorities and this will inform ongoing progression of the EIA”. ABP confirms that “*National Highways and/or the relevant highway authorities will be consulted to agree the scope of the TA*”.

JSJV understand that ABP will submit a separate scoping document to agree the scope of the TA with National Highways. The SR submitted acknowledges that “*National Highways and/or the relevant highway authorities will be consulted to agree the scope of the TA*”. Notwithstanding this, the following section provides some indicative guidance that ABP should use during the developing of the forthcoming TA SR.

Committed developments and planned transport improvements

With reference to the following government guidance on Travel Plans, Transport Assessments and Statements [<https://www.gov.uk/guidance/travel-plans-transport-assessments-and-statements>], JSJV would suggest that ABP should engage with North Lincolnshire Council to agree which committed developments and planned transport improvements should be considered alongside the proposed development.

“It is important to give appropriate consideration to the cumulative impacts arising from other committed development [i.e. development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next 3 years]. At the decision-taking stage this may require the developer to carry out an assessment of the impact of those adopted Local Plan allocations which have the potential to impact on the same sections of transport network as well as other relevant local sites benefitting from as yet unimplemented planning approval”.

In addition to those agreed with North Lincolnshire Council, JSJV suggest that this development should consider recent development proposed by Able Marine, comprising a ‘Material Change’ to their existing DCO on application reference: TR30006. The TA should state whether there would be any relationship between the two sites.

Trip rates and trip generation

ABP should present firm, robust trip rates and trip generation for the development for each of the following proposed uses:

- A four-berth Ro-Ro jetty;
- Cargo storage area designated for unit load/vehicle storage; and
- ‘A number of terminal buildings’ to provide appropriate facilities for lorry drivers and passengers, to include:
 - A small office;

- Workshop; and
- Gatehouse.

The trip rates and resultant vehicle trip generation presented could be derived on a first principles approach or using trip rates from a different development site with a comparable level of accessibility and scale. Alternatively, the TRICS online database could be used.

Should the transport consultant use TRICS as a methodology, JSJV suggests that ABP considers the new 'TRICS Decide and Provide Guidance'. The new TRICS 'Decide and Provide Guidance' places a focus on a vision-led planning paradigm and aims to improve the resilience of planning decisions, taking into account the uncertainty of the future. At the core, its focus is on deciding on a preferred future and providing a development path best suited to achieving it. The new TRICS 'Decide and Provide' guidance is in accordance with National Highways policy, set out in 'The Strategic Road Network planning for the future' [2015], which states, at paragraph 34, that all planning evidence should:

- 1) Demonstrate how the proposals will reduce the need to travel, especially by car;
- 2) Demonstrate how the proposals will improve accessibility by all modes of travel and influence travel behaviours;
- 3) Assess the likely impact of residual trips [i.e. after measures have been considered];
- 4) Identify appropriate and proportionate mitigation measures and ensure that what is proposed promotes sustainable transport outcomes and avoids unnecessary works to the SRN.

As the proposed land use is for 'employment', JSJV request that appropriate weekday peak hours are presented, and these should be informed by appropriate traffic counts if necessary.

Due to the nature of the proposals, the TA should also estimate the amount of estimated Heavy Goods Vehicle movement that would be generated from the proposed development both during the construction and operational phases.

JSJV also expect to see detailed methodology explaining the determination of appropriate mode splits for the proposed development.

Trip distribution and assignment

JSJV suggest that the trip distribution rates for the proposed development, the trip assignment based on these rates, and the proposed traffic flows, are clearly presented on traffic flow diagrams.

Considering the proposed development's location, JSJV expect the traffic flow diagrams to extend from the proposed development to all junctions that connect to both the A160 and A180.

Assessments

Subject to the impact of the proposed development on the SRN, capacity assessments would most likely be required.

Regarding the threshold to warrant a junction capacity assessment, JSJV highlight the following guidance:

- National Planning Policy Framework [Ministry of Housing, Communities and Local Government, 2019];
- National Highways document ‘The Strategic Road Network: planning for the future’ [National Highways, 2015]; and
- The Department for Transport’s Circular 02/2013.

In particular, ‘The Strategic Road Network: planning for the future’, which states that National Highways “will look at planning applications assessed as being ‘severe’ on a case-by-case basis. This will take in account the performance and character of the relevant section of the SRN, and the predicted effects on the development on its safe operation.

The 2007 DfT guidance that describes a ‘30-vehicle threshold for discussions’ does not justify junction capacity assessments not being undertaken.

If assessments are required, JSJV offer the following comments:

- Weekday peak hours – the applicant should take into account that the peak hour periods at the SRN junctions may differ to those of the local highway network, and these should be agreed prior to the assessments being carried out.
- Assessment years – based on the Department for Transport [DfT] and National Highways guidance documents, assessments should be conducted at an appropriate opening year and subsequent horizon year. These should be agreed in scoping discussions prior to the assessments being conducted.
 - Paragraph 101 of the National Highways guidance document ‘The Strategic Road Network: Planning for The Future’:

“assessments should be carried out for the opening year, assuming full build-out and occupation, and either a date ten years after the date of registration of the associated application or the end of the Local Plan period [whichever is greater]”.
 - Paragraph 27 of DfT ‘Circular 02/2013’:

“the opening of development shall be taken to be the date at which the development first becomes available for occupation”.
- Committed development – the applicant should include any relevant committed development traffic flows in the area that are likely to affect the flows at the relevant junctions in the assessment years. Appropriate committed development flows should be agreed with North East Lincolnshire Council.
- Planned Transport Improvements – the applicant should include any relevant planned transport improvements in the area that are likely to affect the flows at the relevant junctions in the assessment years. Confirmation of these should be agreed with North East Lincolnshire Council but JSJV suggest that the following be considered:
- In addition to the inclusion of any relevant Local Plan sites as committed development, the proposed assessments should also consider background traffic growth. JSJV suggest that when factoring surveyed flows, to represent strategic traffic growth, the North East Lincolnshire Council local authority area and the trunk road type should be used to derive growth factors in TEMPro.

If the opening year assessments demonstrate that a mitigation scheme is required in order to accommodate the impact of the proposed development, this would need to

be assessed, agreed with National Highways and a Stage 1 Road Safety Audit undertaken prior to determination of the planning application.

Should the proposed development have the potential to materially impact SRN merge or diverges, JSJV request that merge/diverge assessments are undertaken for an appropriate opening year and future year, taking into account background traffic growth and committed development. If the assessments demonstrate that mitigation is required in order to safely accommodate the development traffic on the impact SRN, the potential mitigation scheme would need to be assessed, agreed with National Highways and a Stage 1 Road Safety Audit undertaken and approved prior to determination of the application.

Construction traffic management plan

Given the proposed development's scale and proximity to the Strategic Road Network, JSJV suggest that a construction traffic management plan [CTMP] should be produced and agreed with National Highways, prior to the determination of this planning application. JSJV suggest that the CTMP includes the following:

- Length of construction period;
- Hours of operation;
- Peak trip generation (including type of vehicles);
- Access routes, including consideration of abnormal loads (vehicle swept path analysis may be required) and details of proposed signage, implementation and enforcement;
- Mitigation measures – limited delivery times (and details of enforcement e.g. penalty clauses for contractor, noise reduction, wheel washing); and
- Travel plan type measures (e.g. staff recruitment policies (local staff), mini-bus for staff, number of parking spaces, car share database);

Subject to a review of the proposed peak trip generation during construction, assessments may be required to understand the potential impact on the Strategic Road Network.

JSJV note that the construction traffic of this development has the potential to cause National Highways concern. This is due to all construction traffic having to use the A160 and A180. Any additional HGV movements would also need to be clearly understood.

Travel Plan

It is noted that there is no reference to a Travel Plan [TP] within the submitted SR. JSJV support the preparation of a TP to be produced in combination with the existing 'site wide TP, with the aim to limit the amount of private vehicle trips to and from the site and to promote sustainable modes of travel. JSJV make the following recommendations to ensure a robust and effective TP:

- Quantifiable mode shift targets should be set in advance;
- A firm financial commitment should be made in the TP with regards to funding for the measures proposed in the short, medium and long term;
- Detail should be provided on the phasing of any proposed measures relative to any phasing of the development;

- The TP should clearly outline the responsibilities of the different parties involved with regards to implementing, monitoring and funding the TP; and
- The TP monitoring strategy should be designed to monitor the level of vehicle trips assumed in the TA.

According to National Highways guidance set out in '*A guide to working with National Highways on planning matters*', the TP should demonstrate how proposals aim to reduce the amount of private vehicle trips and support sustainable transport. As a result, the TP should:

- demonstrate how the proposals will reduce the need to travel, especially by car;
- demonstrate how the proposals will improve accessibility by all modes of travel and influence travel behaviours;
- assess the likely impact of residual trips [i.e. after measures have been considered], and
- identify appropriate and proportionate mitigation measures and ensure that what is proposed promotes sustainable transport outcomes and avoids unnecessary works to the SRN.

Given the proximity of the site to the A160 and A180, and the likelihood that most trips by car from the site are likely to interact with the SRN, JSJV suggest that the TP document should detail how the site design will ensure that 'public transport and active travel are the natural first choice for daily activities' as stated in DfT's 'Decarbonising Transport: Setting the Challenge' document [March 2020]. These measures should be considered alongside the trip rate derivation using TRICS Decide and Provide Guidance mentioned previously.

Summary and Conclusions

On the basis of this review, the recommendation to National Highway in relation to this development proposals is:

Pre-application / Scoping Response – comments are made on the pre-application / scoping in order to assist defining an appropriate assessment of the Strategic Road Network.

This review has highlighted the need for a Transport Assessment and Travel Plan to be produced in support of this planning application, to be included within the Traffic and Transport Chapter of the ES. A summary of our comments for the preparation of these documents is detailed below:

- The TA should reference dredging, including the resultant transport impact, especially if the SRN is used as a route for disposal vehicles;
- JSJV require details of the disposal area and [if decided], confirmation that the waste would be loaded directly into the estuary without impacting the SRN;
- To make an assessment, JSJV require full details of the proposed development, including the 'area to accommodate trailer and container parking and storage' and full details of 'a number of small terminal buildings' as proposed. In addition, JSJV request that the amount of parking proposed is provided;
- JSJV acknowledge that at this stage, the final details of the proposal are yet to be confirmed;
- The baseline section of the TA should:

- Describe the site background, including the site’s location, history and existing use;
 - Describe the existing highway network in the area and the existing level of accessibility;
 - Provide a collision data assessment should be undertaken covering the most recently available complete five-year period for the SRN; and
 - Outline any relevant outline planning consents and Local Plan allocations.
- The impact of the development should be assessed based on relevant regional and national planning policy;
 - JSJV understand that ABP will submit a separate scoping document to agree the scope of the TA with National Highways, however, items raised within this review provide an outline of the details that JSJV would require within any assessment submitted;
 - It is also noted that there is no reference to a Travel Plan [TP] within the submitted SR.

Sent: 28 September 2021 10:46
To: Immingham Eastern Ro-Ro Terminal
<ImminghamEasternRoRoTerminal@planninginspectorate.gov.uk>
Cc: NATS Safeguarding <NATSSafeguarding@nats.co.uk>
Subject: RE: TR030007 - Immingham Eastern Ro-Ro Terminal EIA - EIA Scoping Notification and Consultation (SG32108)

Our Ref: SG32108

Dear Katie

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company (NERL) has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully

NATS

NATS Safeguarding

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
[REDACTED]



From: Immroro <imroro@abports.co.uk>
Sent: 24 September 2021 17:03
To: NATS Safeguarding <NATSSafeguarding@nats.co.uk>; Immroro <imroro@abports.co.uk>
Cc: Tom Jeynes [REDACTED] <[\[REDACTED\]@abports.co.uk](mailto:[REDACTED]@abports.co.uk)>
Subject: RE: TR030007 - Immingham Eastern Ro-Ro Terminal EIA - EIA Scoping Notification and Consultation (SG32108)

Dear Emily,

Many thanks for your enquiry.

I can confirm that the maximum elevation of any buildings will be 20m which is considerably less than other examples of port infrastructure within the Ports operational envelope.

Eastings and northings:

Co-ordinates for the extremities of the site

520889.979, 416448.225

521114.964, 416124416

521141.011, 415260.766

520153.730, 414905.574

519048.590, 415617.489

519203.321, 415891.722

519960.388, 415372.634

520572.930, 416232.124

If I can be of further assistance please do not hesitate to contact me.

Kind Regards

Nicola Robinson MCIPD Msc LLM | Commercial Programme Manager | Associated British Ports

Dock Office | Immingham Dock | Immingham | DN40 2LZ

Tel: [REDACTED] | [REDACTED]



From: NATS Safeguarding <NATSSafeguarding@nats.co.uk>

Sent: 22 September 2021 15:30

To: Immrora <imrora@abports.co.uk>

Cc: NATS Safeguarding <NATSSafeguarding@nats.co.uk>

Subject: FW: TR030007 - Immingham Eastern Ro-Ro Terminal EIA - EIA Scoping Notification and Consultation (SG32108)

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good Afternoon

I would be grateful if you could help with providing the eastings and northings for the terminal and maximum elevation of any buildings please for our safeguarding assessment.

Best wishes
Emily

The logo for NATS features the word 'NATS' in a bold, blue, sans-serif font.

NATS Safeguarding

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
[REDACTED]

From: Immingham Eastern Ro-Ro Terminal
<ImminghamEasternRoRoTerminal@planninginspectorate.gov.uk>

Sent: 22 September 2021 15:01

To: NATS Safeguarding <NATSSafeguarding@nats.co.uk>; Immingham Eastern Ro-Ro Terminal
<ImminghamEasternRoRoTerminal@planninginspectorate.gov.uk>

Subject: RE: TR030007 - Immingham Eastern Ro-Ro Terminal EIA - EIA Scoping Notification and Consultation (SG32108)

Emily,

I'm afraid that the only information we have on the maximum elevations is what is in the Scoping Report published on our website. The relevant information may be available through the applicant's website or at least there should be a direct contact email if you wanted to ask them directly. The relevant page of the ABP website is here:
[REDACTED]

Helen Lancaster
Senior EIA Advisor
Environmental Services
Direct line: [REDACTED]

Email: [REDACTED]@planninginspectorate.gov.uk

Web: <https://infrastructure.planninginspectorate.gov.uk/> (National Infrastructure Planning)

Web: www.gov.uk/government/organisations/planning-inspectorate (The Planning Inspectorate)

Twitter: [REDACTED]

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

From: NATS Safeguarding <NATSSafeguarding@nats.co.uk>

Sent: 22 September 2021 14:32

To: Immingham Eastern Ro-Ro Terminal
<ImminghamEasternRoRoTerminal@planninginspectorate.gov.uk>

Cc: NATS Safeguarding <NATSSafeguarding@nats.co.uk>

Subject: RE: TR030007 - Immingham Eastern Ro-Ro Terminal EIA - EIA Scoping Notification and Consultation (SG32108)

Hi Katie

Would it be possible to have the eastings and northings for the terminal and maximum elevation of any buildings please.

Many thanks
Emily

NATS

NATS Safeguarding

E: natssafeguarding@nats.co.uk

4000 Parkway, Whiteley,
Fareham, Hants PO15 7FL
[REDACTED]

Date: 13 October 2021
Our ref: 367994
Your ref: TR030007-000011



Tom Jeynes
Environmental Services,
Temple Quay House,
Temple Quay,
Bristol,
BS1 6PN

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

Dear Tom Jeynes

Environmental Impact Assessment Scoping consultation (Regulations 10 and 11 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) / the Marine Works EIA Regulations 2007 (Schedule 4): Immingham Eastern Ro-Ro Terminal Scoping Report.

Location: Port of Immingham, East Riverside, Immingham Dock, North East Lincolnshire.

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in your consultation dated 16 September 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Case law¹ and guidance² has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us. For any queries relating to the specific advice in this letter only please contact Lisa Sheldon at [REDACTED] [@naturalengland.org.uk](mailto:[REDACTED]@naturalengland.org.uk) or on [REDACTED]. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Lisa Sheldon
Yorkshire and Northern Lincolnshire Area Team

¹ Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

² *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

Annex A – Advice related to EIA Scoping Requirements

1. General Principles

Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development.
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen.
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape and the interrelationship between the above factors.
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment.
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment.
- A non-technical summary of the information.
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EclA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EclA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework sets out guidance in S.174-177 on how to take account of biodiversity interests in planning decisions and the framework that the responsible authority should provide to assist developers.

2.2 Internationally and Nationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. European sites (e.g. designated Special Areas of Conservation and Special Protection Areas) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (as amended). In addition paragraph 176 of the National Planning Policy Framework requires that potential Special

Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites.

Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Sites of Special Scientific Interest and sites of European or international importance (Special Areas of Conservation, Special Protection Areas and Ramsar sites)

The development site is adjacent to and partially within the following designated nature conservation sites:


- Humber Estuary Site of Special Scientific Interest (SSSI);
 - Humber Estuary Special Area of Conservation (SAC);
 - Humber Estuary Special Protection Area (SPA);
 - Humber Estuary Ramsar site.
-
- Natural England broadly agrees with sections 6.4.57 – 6.4.61 and 6.9.15 - 6.9.16 of the Scoping Report which detail the potential impact pathways on the designated sites during both construction and operation phases of the proposed development.
 - In addition, in the benthic habitats and species sections, we advise that direct changes to benthic habitats and species underneath the raised pier structures should also be assessed, to determine if it could affect the ecological function of the mudflats beneath.
 - In addition, in the coastal waterbirds sections, we advise that changes to foraging and roosting habitat as a result of the raised pier structures should also be assessed, to determine if it could affect the ecological function of the mudflats beneath.
 - Section 6.4.3 of the Scoping Report details data sources on coastal waterbirds which will be used to inform the assessment. Bird survey data is required which covers the full period when significant numbers of birds are likely to be using the site, in order to inform a thorough assessment of the potential impacts of the development. As the surveys which relate to Immingham Outer Harbour cover the period October to March this will not cover the passage periods, in particular, we know that the Autumn passage period (August and September) is likely to be significant for SPA birds in this part of the estuary. In addition, bird data will be required which covers the low tide period as well as the high tide period, in order to have sufficient data to assess the construction and operational effects of the proposed development. It is not currently clear if this is the case for the data from Immingham Outer Harbour. Therefore additional bird surveys are likely to be required which cover the passage periods (particularly August and September) and potentially the low tide period.
 - The bird survey data should also provide information to demonstrate how the birds are using the area e.g., foraging, loafing, roosting etc. We note that intertidal benthic invertebrate surveys are proposed. If birds are foraging in the development area, it would be beneficial to alter the methodology, so that they could also assess bird prey availability. This could be done through extending the core depths to 30cm rather than 15cm, to replicate probing depths of larger wading bird species and record the number and biomass of benthic prey species within size classes (this would determine the proportion that are a suitable prey size, i.e. not too small, for foraging birds). Ideally these surveys would take place in late summer, prior to the passage period, to provide an assessment of the prey availability prior to its depletion from foraging passage/wintering birds.

The development site is also in close proximity to and/or could have potential impacts on the

following designated nature conservation sites;

- North Killingholme Haven Pits SSSI;
- The Lagoons SSSI;
- Greater Wash SPA.

Further information on SSSIs their special interest features can be found on Natural England's [Designated Sites View](#) and at www.magic.gov. The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the designated sites' features of special interest and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

European site conservation objectives are available on our internet site 

Marine Conservation Zones

Marine Conservation Zones (MCZs) are areas that protect a range of nationally important, rare or threatened habitats and species. The development is in proximity to the following MCZ;

- Holderness Inshore Marine Conservation Zone

You can see where MCZs are located and their special interest features on www.magic.gov.uk. Factsheets that establish the purpose of designation and conservation objectives for each of the MCZ's are available at <https://www.gov.uk/government/collections/marine-conservation-zone-designations-in-england>

The ES should consider including information on the impacts of this development on MCZ interest features, to inform the assessment of impacts on habitats and species of principle importance for this location. Further information on MCZs is available via the following link:



Further information on the special interest features, the conservation objectives, and relevant conservation advice packages for designated sites is available on our website



2.3 Regionally and Locally Important Sites

The EIA will need to consider any impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity. The Environmental Statement should therefore include an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. The assessment should include proposals for mitigation of any impacts and if appropriate, compensation measures. Contact the local wildlife trust, geoconservation group or local sites body in this area for further information.

2.4 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (as amended)

The ES should assess the impact of all phases of the proposal on terrestrial protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). The ES should also assess the impact of all phases of the proposal on marine protected species (including, for example, pinnipeds (seals), cetaceans (including dolphins, porpoises whales), fish (including seahorses, sharks and skates), marine turtles, marine invertebrates etc.). Information on the relevant legislation protecting these species can be reviewed on the following link <https://www.gov.uk/government/publications/protected-marine-species>.

Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of

protected species should be sought from appropriate local biological record centres, nature conservation organisations, [NBN Atlas](#), groups and individuals; and consideration should be given to the wider context of the site for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants. Natural England has adopted [standing advice](#) for protected species which includes links to guidance on survey and mitigation. Further information can also be found in [Advice Note 11 Annex C Natural England](#).

2.5 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here <https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity>.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration...in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

Natural England notes that a Phase 1 Habitat survey and Preliminary Ecological Appraisal have been carried out and have reported low ecological value of the habitats identified. Without the detailed results presented, Natural England advises that a habitat survey (equivalent to Phase 2) may be required, in order to identify any important habitats present. In addition, ornithological, botanical and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present. The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys);
- Additional surveys carried out as part of this proposal;
- The habitats and species present;
- The status of these habitats and species (e.g. whether priority species or habitat);
- The direct and indirect effects of the development upon those habitats and species;
- Full details of any mitigation or compensation that might be required.

The development should seek if possible to avoid adverse impact on sensitive areas for wildlife within the site, and if possible provide opportunities for overall wildlife gain.

The record centre for the relevant Local Authorities should be able to provide the relevant information on the location and type of priority habitat for the area under consideration.

2.6 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further

information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

3. Designated Landscapes and Landscape Character

Landscape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

4. Access and Recreation

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

Rights of Way, Access land, Coastal access and National Trails

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent

to the proposed site that should be maintained or enhanced.

England Coast Path

The England Coast Path (ECP) is a new National Trail that will extend around all of England's coast with an associated margin of land predominantly seawards of this, for the public to access and enjoy. Natural England takes great care in considering the interests of both land owners/occupiers and users of the England Coast Path, aiming to strike a fair balance when working to open a new stretch. We follow an approach set out in the approved Coastal Access Scheme and all proposals have to be approved by the Secretary of State. We would encourage any proposed development to include provision for the England Coast Path, where appropriate, to maximise the benefits this can bring to the area. This should not be to the detriment of nature conservation, historic environment, landscape character or affect natural coastal change. Consideration for how best this could be achieved should be made within the Environmental Statement.

As part of the development of the ECP a 'coastal margin' is being identified. The margin includes all land between the trail and the sea. It may also extend inland from the trail if:

- it's a type of coastal land identified in the Countryside and Rights of Way Act 2000 (CROW Act), such as beach, dune or cliff
- there are existing access rights under section 15 of the CROW Act
- Natural England and the landowner agree to follow a clear physical feature landward of the trail

5. Water Quality

Increases in suspended sediment concentrations (SSC) during construction and operation (e.g. future dredging works) have the potential to smother sensitive habitats. The ES should include information on the sediment quality and potential for any effects on water quality through suspension of contaminated sediments. The EIA should also consider whether increased suspended sediment concentrations resulting are likely to impact upon the interest features and supporting habitats of the designated sites as listed above.

The ES should consider whether there will be an increase in the pollution risk as a result of the construction or operation of the development.

For activities in the marine environment up to 1 nautical mile out at sea, a Water Framework Directive (WFD) assessment is required as part of any application. The ES should draw upon and report on the WFD assessment considering the impact the proposed activity may have on the immediate water body and any linked water bodies. Further guidance on WFD assessments is available here: <https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-and-coastal-waters>.

6. Air Quality

Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition ([England Biodiversity Strategy](#), Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System [REDACTED] Further information on air pollution modelling and assessment can be found on the Environment Agency website.

7. Climate Change Adaptation

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify

how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 174), which should be demonstrated through the ES.

8. Contribution to local environmental initiatives and priorities

Green Infrastructure potential

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. As such, Natural England would encourage the incorporation of GI into this development.

Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement.

GI can be designed to maximise the benefits needed for this development. We strongly encourage you to share this advice with the applicant to maximise opportunities to incorporate green infrastructure during the development of the detailed proposal.

Additional evidence and case studies on green infrastructure, including the economic benefits of GI can be found on the Natural England [Green Infrastructure web pages](#).

Biodiversity Net Gain

Biodiversity Net Gain (BNG) is an approach to development that aims to leave the natural environment in a measurably better state than beforehand, through assessing habitats to quantify the impact on biodiversity.

The Environment Bill includes measures to strengthen local government powers in relation to net gain and will mandate a minimum requirement of 10% BNG for all developments when it becomes law. The developer should follow the net gain approach and demonstrate at least a 10% measurable net gain in biodiversity within the proposal. In June Government announced their response to the Dasgupta review which introduced amendments to the Environment Bill. A key feature of this announcement is the amendment to require Nationally Significant Infrastructure Projects (NSIPs) to deliver a 10% BNG outcome. The changes to bring these projects into scope for mandatory BNG is reliant on the timing of the Environment Bill, and until amendments have been made to National Policy Statements for all scenarios net gain remains voluntary. However, Natural England considers that major infrastructure developments should set the highest environmental standards and deliver significant gains.

Paragraphs 170, 174 and 175 of the National Planning Policy Framework (NPPF) establish a requirement for measurable BNG and enhancement of the natural environment beyond simply protecting it. Recently developed National Infrastructure Commission (NIC) Design principles for national infrastructure also support BNG.

The Biodiversity Metric 3.0 (Natural England) has been developed as a tool for 'Biodiversity accounting' and should be used by the developer to assess the biodiversity impact of the development. The metric is available now and includes a user guide, calculation tool and detailed technical supplement which can all be [downloaded](#).

CIEEM, together with CIRIA and IEMA have published [good practice guidance](#) on how to deliver net gain in practice. CIEEM have also published [Biodiversity Net Gain Report and Audit Templates](#) which provides a framework for writing reports for projects that aim to achieve BNG.

9. Cumulative and in-combination effects

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;
- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

From: [redacted] on behalf of [Town Planning LNE](#)
 To: [Immingham Eastern Ro-Ro Terminal](#)
 Cc: [Sleshen, Suresh](#)
 Subject: Ref TR030007-000011 - Immingham Eastern Ro-Ro Terminal scoping consultation
 Date: 13 October 2021 15:31:32
 Attachments: [image001.png](#)

OFFICIAL

Network Rail Consultation Response

FAO	Helen Lancaster/Environment Services
Date	13 October 2021
Application reference	TR030007-000011
Proposal	Scoping consultation
Location	Immingham East Ro-Ro Terminal

Thank you for your recent correspondence relating to the above scoping opinion.

Network Rail own, operate and develop Britain's railway infrastructure. Our role is to deliver a safe and reliable railway. All consultations are assessed with the safety of the operational railway in mind and responded to on this basis.

Following assessment of the details provided to support the above scoping consultation, we would advise that the Environmental Impact Assessment will be required to consider the impact of the construction and operation of the site upon operational railway safety. The Transport Assessment section should consider the impact of construction haulage routes and road traffic associated with site operations upon railway assets (such as bridges and level crossings). This should also consider the impact of the scheme upon rail traffic and the site interaction with the wider rail network if this is to be an integral part of the development.

Conclusion

Thank you again for the opportunity to comment on the above scoping consultation. We trust that the above will be given due consideration and if you have any enquiries in relation to the above, please contact us at townplanningline@networkrail.co.uk.

Useful Network Rail contacts;

Asset Protection Eastern

For enquiries, advice and agreements relating to construction methodology, works in proximity to the railway boundary, drainage works, or schemes in proximity to railway tunnels (including tunnel shafts) please email assetprotectioneastern@networkrail.co.uk.

Land Information

For enquiries relating to land ownership enquiries, please email landinformation@networkrail.co.uk.

Property Services

For enquiries relating to agreements to use, purchase or rent Network Rail land, please email propertyserviceslineem@networkrail.co.uk.

Kind regards



Matt Leighton
 Town Planning Technician
Diversity and Inclusion Champion
 Network Rail Property - Eastern Region
 George Stephenson House, Toft Green, York, YO1 6JT

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Proposed DCO Application by Association of British Ports for Immingham Eastern Ro-Ro Terminal

Royal Mail response to EIA Scoping Consultation

Under section 35 of the Postal Services Act 2011, Royal Mail has been designated by Ofcom as a provider of the Universal Postal Service. Royal Mail is the only such provider in the United Kingdom. The Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service.

Royal Mail's performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project. Accordingly, Royal Mail seeks to take all reasonable steps to protect its assets and operational interests from any potentially adverse impacts of proposed development.

Royal Mail and its advisor BNP Paribas Real Estate have reviewed the ES Scoping report dated September 2021. This infrastructure proposal has been identified as having potential for impact on Royal Mail operational interests. However, at this time Royal Mail is not able to provide a consultation response due to insufficient information being available to adequately assess the level of risk to its operation and the available mitigations for any risk. Therefore, Royal Mail wishes to reserve its position to submit a consultation response/s at a later stage in the consenting process and to give evidence at any future Public Examination, if required.

In the meantime, any further consultation information on this infrastructure proposal and any questions of Royal Mail should be sent to:

Holly Trotman ([REDACTED]@royalmail.com), Senior Planning Lawyer, Royal Mail Group Limited

Daniel Parry Jones ([REDACTED]@realestate.bnpparibas), Director, BNP Paribas Real Estate

Please can you confirm receipt of this holding statement by Royal Mail.

End



The Coal
Authority

Resolving the **impacts** of mining

200 Lichfield Lane
Mansfield
Nottinghamshire
NG18 4RG

T: [REDACTED]

E: planningconsultation@coal.gov.uk

www.gov.uk/coalauthority

For the attention of: Helen Lancaster
Senior EIA Advisor
on behalf of the Secretary of State

[By email: ImminghamEasternRoRoTerminal@planninginspectorate.gov.uk]

21 September 2021

Dear Helen

**Planning Act 2008 (as amended) and The Infrastructure Planning
(Environmental Impact Assessment) Regulations 2017(the EIA Regulations)
– Regulations 10 and 11**

**Application by Associated British Ports (the Applicant) for an Order granting
Development Consent for the Immingham Eastern Ro-Ro Terminal (the
Proposed Development)**

**Scoping consultation and notification of the Applicant's contact details and
duty to make available information to the Applicant if requested**

Thank you for your notification of 15 September 2021 on what relevant matters should be 'Scoped In' to any forthcoming Environmental Statement for the above site.

I have reviewed the site location plan against our coal mining information and can confirm that, whilst the site falls within the coalfield, it is located outside the defined Development High Risk Area; meaning that there are no recorded coal mining legacy hazards at shallow depth that could pose a risk to land stability.

Accordingly, if you consider that the application is EIA development, there is no requirement for the applicant to consider coal mining legacy as part of their Environmental

Impact Assessment. In addition, the determining authority will not need to consult us on any subsequent planning application for this site. However, should planning permission be approved, we would request that our Standing Advice is added to the Decision Notice:

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on [REDACTED].

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

I hope that this is helpful however please do not hesitate to contact me if you require any further assistance with this matter.

Yours sincerely

D Roberts

Deb Roberts *M.Sc. MRTPI*

Planning & Development Manager

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

From: [REDACTED]
To: [Immingham Eastern Ro-Ro Terminal](#)
Cc: [REDACTED]; [REDACTED]
Subject: RE: FAO Steve Vanstone Navigation Services Officer - TR0300007 - Immingham East Ro-Ro Terminal - EIA Scoping Notification and Consultation
Date: 12 October 2021 12:58:00
Attachments: [image001.jpg](#)
[image002.jpg](#)
[IERT - Statutory consultation letter docx.pdf](#)

Good afternoon Helen,

I can confirm that Trinity House is content with this Scoping Report and note that Trinity House's remit is well documented within it.

We look forward to further consultation in due course.

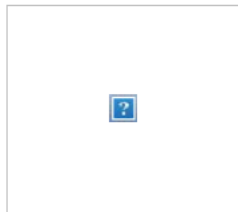
Kind regards,

Stephen Vanstone

Navigation Services Officer | Navigation Directorate | Trinity House

[REDACTED] [@trinityhouse.co.uk](mailto:[REDACTED]@trinityhouse.co.uk) | [REDACTED]

[REDACTED]



From: Immingham Eastern Ro-Ro Terminal <ImminghamEasternRoRoTerminal@planninginspectorate.gov.uk>
Sent: 15 September 2021 16:29
To: Navigation <navigation@trinityhouse.co.uk>
Cc: Thomas Arculus [REDACTED] [@trinityhouse.co.uk](mailto:[REDACTED]@trinityhouse.co.uk)
Subject: FAO Steve Vanstone Navigation Services Officer - TR0300007 - Immingham East Ro-Ro Terminal - EIA Scoping Notification and Consultation

Dear Sir/Madam

Please see attached correspondence on the proposed Immingham East Ro-Ro Terminal.

Please note the deadline for consultation responses is 13 October 2021, and is a statutory requirement that cannot be extended.

Kind regards

Helen Lancaster
Senior EIA Advisor
Environmental Services
Direct line: [REDACTED]
[REDACTED] [planninginspectorate.gov.uk](mailto:[REDACTED]@planninginspectorate.gov.uk)

Web: <https://infrastructure.planninginspectorate.gov.uk/> (National Infrastructure Planning)
Web: www.gov.uk/government/organisations/planning-inspectorate (The Planning Inspectorate)

Twitter: [REDACTED]

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DPC:76616c646f72



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7th October 2021

Dear Sir/Madam

APPLICATION REFERENCE NO: 143742

PROPOSAL: PINS consultation on behalf of SoS for proposed Immingham East Ro-Ro Terminal - Ref TR030007-000011

LOCATION: Immingham Eastern Ro-Ro-Terminal

Thank you for identifying West Lindsey District Council as a consultation body and advising that the Secretary of State will be preparing a Scoping Opinion on the information to be provided in an environmental statement (ES). As the case officer I have read through the Associated British Ports Scoping Report (SR) dated September 2021 with Section 3.3 of the SR describing the works involved in creating the new Ro-Ro Terminal. Overall I consider the SR to be well written and with good content.

Planning Policy Context

The site is a good distance outside the West Lindsey District boundary, the statutory development plan for the purposes of S38(6) of the Planning and Compulsory Purchase Act 2004 comprises the adopted plan within the The North East Lincolnshire Local Plan 2021-2032 (adopted 2018). The development plan for West Lindsey is the Central Lincolnshire Local Plan 2012-2036.

The Environmental Statement should consider National Planning Policy and Guidance as follows:

- National Planning Policy Framework (NPPF);
- National Planning Practice Guidance (to include):
 - Climate Change
 - Historic Environment
 - Environmental Impact Assessment
 - Air Quality
 - Light Pollution
 - Healthy and Safe Communities
 - Natural Environment
 - Noise
 - Renewable and Low Carbon Energy

- Travel Plans, Transport Assessments and Statements in Decision-taking
 - Water Supply, Wastewater and Water Quality
-
- National Design Guide 2019
 - UK Marine Policy Statement 2011
 - Guidance to the Marine UK Policy Guidance

Landscape and Visual Impact:

The Landscape and Visual Impact Assessment (LVIA) should follow the guidance of the Landscape Institute "Guidelines for Landscape and Visual Impact Assessment 3rd Edition (2013), as proposed. An iterative approach, which guides the layout and scheme design should be followed.

The location of the proposed Ro-Ro Terminal would be approximately 3.3 miles (5.4 kilometres) from the shared North East Lincolnshire and West Lindsey district boundary. The scale of the development in terms of height is unknown but it is considered that the development would be in context with the existing Immingham Port Structures and the large settlement of Immingham sits between Immingham Port and parts of West Lindsey. It would therefore be highly unlikely to be in view from any parts of the West Lindsey District. Therefore it is not considered that any viewpoints from West Lindsey are necessary and no residential properties in West Lindsey would be affected.

Yours faithfully

Ian Elliott
Senior Development Management Officer

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