

IMMINGHAM EASTERN RO-RO TERMINAL



Planning Statement (Incorporating Harbour Statement)

Document Reference 5.1

APFP Regulations 2009 – Regulations 5(2)(p), 5(2)(q) and 6(3)

PINS Reference – TR030007

February 2023

Document Information

Document Information		
Project	Immingham Eastern Ro-Ro Terminal	
Document Title	Planning Statement (Incorporating Harbour Statement)	
Commissioned by	Associated British Ports	
Document ref	5.1	
APFP Reg 2009	Regulations 5(2)(p), 5(2)(q) and 6(3)	
Prepared by	Adams Hendry Consulting Ltd	
Date	Version	Revision Details
02/2023	01 Submission	

Contents

1	SUMMARY	1
2	INTRODUCTION	7
	General Introduction	7
	The Applicant	8
	The Port of Immingham	9
	Why the IERRT Project is a Nationally Significant Infrastructure Project (NSIP)	9
	The basis of the Secretary of State's decision on the IERRT NSIP application	10
	Relationship of the Planning Statement with the rest of the IERRT DCO application	12
	Host local authority	13
3	THE IERRT PROJECT – THE SITE AND SURROUNDINGS	14
	The site and surroundings	14
	The IERRT marine works	15
	The IERRT capital dredge	16
	The IERRT landside works	16
	Terminal operations	18
4	THE NEED FOR AND BENEFITS OF THE IERRT	20
	Outline of the need for the IERRT Project	20
	Potential Solutions to meeting the identified need	25
	The National Policy Statement for Ports position on need	26
5	HARBOUR IMPROVEMENT SUMMARY STATEMENT	33
	The relevant harbour	33
	Why the making of the IERRT DCO is desirable in the interests of securing the improvement of the Port of Immingham Statutory Harbour in an efficient and economical manner (APFP Regulation 6(3)(a))	34
	Why the making of the IERRT DCO is desirable in the interests of facilitating the efficient and economic transport of goods and passengers by sea (APFP Regulation 6(3)(b))	35
6	THE ASSESSMENT OF THE EFFECTS OF THE IERRT PROJECT	37
	The Scope of the Environmental Statement	37
	Consultation on environmental information	38

	Summary of the assessment of environmental effects	39
	Conclusions on the environmental effects of the IERRT Project	50
7	THE ADEQUACY OF THE IERRT DCO APPLICATION	51
	Application formalities	51
	Pre-application consultation	51
	Pre-application engagement with the Planning Inspectorate	52
	Draft Development Consent Order	52
	Environmental Statement	53
	Habitats Regulations Assessment	53
	Other assessments	53
	Compulsory acquisition	54
	Statutory nuisance	54
	Harbour Improvement Statement	55
	Other consents	55
	Other matters	55
8	POLICY ANALYSIS AND ASSESSMENT	56
	National Policy – National Policy Statement for Ports (NPSfP), (2012)	56
	National Policy – National Planning Policy Framework (NPPF), (2021)	60
	National Policy – UK Marine Policy Statement (MPS), (2011)	66
	Local Policy – The East Marine Plans, (2014)	67
	Local Policy – The North East Lincolnshire Local Plan	68
	Local Policy – North East Lincolnshire Local Transport Plan 2016 – 2032	71
	Local Policy – North East Lincolnshire Economic Strategy 2021	72
	Overall policy conclusion	72
9	CONCLUSIONS AND THE OVERALL PLANNING BALANCE	74
	Section 104(2) of the PA 2008	74
	Section 104(3) to 104(8) of the PA 2008	75
	Overall Conclusions	77
10	REFERENCES	78
11	ABBREVIATIONS / ACRONYMS	79
	Figure 1 – Location of the proposed development	81
	Figure 2 – Layout of the proposed development	82

APPENDIX 1 – ACCORDANCE WITH POLICY CONTAINED WITHIN THE NATIONAL POLICY STATEMENT FOR PORTS (NPSfP) (DfT, 2012)	83
APPENDIX 2 – ACCORDANCE WITH POLICY CONTAINED WITHIN THE EAST INSHORE AND EAST OFFSHORE MARINE PLANS (DEFRA, 2014)	240
APPENDIX 3 – ACCORDANCE WITH RELEVANT POLICY CONTAINED WITHIN THE NORTH EAST LINCOLNSHIRE LOCAL PLAN 2013 – 2032 (ADOPTED 2018)	261
APPENDIX 4 – PROJECT APPRAISAL FRAMEWORK FOR PORTS AND WEBTAG	296
APPENDIX 5 – SEQUENTIAL AND EXCEPTION TEST	305

1 SUMMARY

- 1.1 Associated British Ports (subsequently referred to as 'ABP') (the Applicant) is applying for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 (the 2008 Act) to construct a new facility within the Port of Immingham to service the embarkation and disembarkation of commercial roll on / roll off (Ro-Ro) cargo and occasionally a small and limited number of passengers travelling by vehicle when capacity exists.
- 1.2 The project is known as the Immingham Eastern Ro-Ro Terminal (the IERRT Project) and qualifies as a Nationally Significant Infrastructure Project (NSIP) under section 14 of the 2008 Act.
- 1.3 The IERRT Project will provide additional appropriate Ro-Ro freight capacity within the Humber Estuary in order to meet the growing and changing nature of demand, and thereby strengthen the estuary's contribution to an effective, efficient, competitive and resilient UK Ro-Ro freight sector.
- 1.4 The marine elements of the IERRT Project will, in summary, comprise:
- an open piled approach jetty to provide access for vehicles and wheeled cargo between the shore and the berthing infrastructure;
 - a linkspan bridge carrying a roadway from the approach jetty to the berthing infrastructure;
 - two floating pontoons each with an open piled finger pier against which Ro-Ro vessels will berth;
 - possible vessel impact protection measures, and
 - a capital dredge of around 190,000m³
- 1.5 The landside works to be undertaken within the existing port estate are to upgrade existing infrastructure, and will comprise:
- provision of parking, trailer bays and container ground slots;
 - terminal building and ancillary buildings (welfare, workshop and administration);
 - internal access improvements (internal bridge, east gate improvements, pedestrian routes and port road junction works), and
 - an area of terrestrial environmental enhancement.
- 1.6 The landside elements of the IERRT Project fall within the administrative boundary of North East Lincolnshire Council (NELC).

-
- 1.7 This Planning Statement is the base document for the assessment of the IERRT Project against the relevant policy and legislative framework. Where appropriate, it references relevant chapters of the Environmental Statement (ES) and other relevant reports and assessments which together form the comprehensive and detailed evidence base produced in support of the IERRT DCO application.
- 1.8 Section 104(2) of the 2008 Act requires the decision maker (which in the case of the IERRT Project is the Secretary of State for Transport) to have regard to the following when determining NSIPs:
- a) any relevant national policy statement;
 - b) any appropriate marine policy document;
 - c) any local impact report;
 - d) any matters prescribed in relation to development of the description to which the application relates, and
 - e) any other matters which the Secretary of State thinks are both important and relevant to the decision.
- 1.9 The national policy statement against which the IERRT Project is to be determined is the National Policy Statement for Ports (NPSfP) (DfT, 2012).
- 1.10 Full details of how the Project accords with the requirements of the NPSfP are presented in this Planning Statement – in particular Sections 4 and 8, and Appendix 1. The evidence presented demonstrates that the IERRT Project is being promoted fully in accordance with policy contained within the NPSfP.
- 1.11 In respect of the IERRT Project, the relevant marine policy statements consist of the UK Marine Policy Statement and the East Inshore and East Offshore Marine Plans. As also explained within this Planning Statement – see, in particular, Section 8 and Appendix 2 – it is considered that the IERRT Project as being promoted similarly accords with relevant policy contained within these documents.
- 1.12 Whilst it is for the relevant authorities to submit their Local Impact Reports to the Secretary of State as necessary in due course, Section 8 and Appendix 3 to this Planning Statement demonstrate how it is considered that the proposed IERRT development would accord with relevant local policy.
- 1.13 In accordance with Regulation 6(3) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations), Section 5 of this Planning Statement summarises why the making of the IERRT Development Consent Order (DCO) is desirable in the interests of:

- (a) securing the improvement of the Port of Immingham Statutory Harbour in an efficient and economical manner, and
 - (b) facilitating the efficient and economic transport of goods and passengers by sea.
- 1.14 In terms of other matters which the Secretary of State may consider to be important and relevant, ABP has submitted extensive supporting information as part its application to assist in this regard.
- 1.15 From the evidence presented, it is clear that the need which the IERRT Project will meet is a compelling need, the meeting of which is strongly in the public interest. Furthermore, the need being met is one which accords with the Government's assessment of need for new port infrastructure set out within the NPSfP. This is because:
- (i) The IERRT Project will make a contribution to the need for additional Ro-Ro capacity on the Humber Estuary that has been identified in demand forecasts.
 - (ii) The IERRT Project will provide Ro-Ro capacity in a location which will effectively and efficiently serve the needs of import and export markets. In particular, it will provide for the needs of an existing established Ro-Ro freight operator – Stena Line – in the location where those needs have to be met.
 - (iii) The IERRT Project will improve the competitive position of Ro-Ro freight capacity on the Humber Estuary. It will contribute to and improve the position in respect of the Humber Estuary providing competitive Ro-Ro freight services and routes to and from existing and new markets.
 - (iv) The IERRT Project will significantly improve the resilience of Ro-Ro freight infrastructure on the Humber Estuary, which in turn will provide further resilience to the national port infrastructure position.
- 1.16 Having regard to the guidance which the NPSfP gives to the decision maker on assessing the need for additional port capacity (provided in section 3.5 of the NPSfP) the need which the IERRT Project will meet incorporates a number of the matters which, it is indicated, the decision maker should accept the need for. Furthermore, having regard to section 3.5 of the NPSfP, the Secretary of State has to start with a presumption in favour of granting consent for the IERRT Project.
- 1.17 An analysis of potential alternative solutions to meeting the need has been undertaken. This analysis first identifies and considers potential broad options, concluding that the only potential broad option available is the option of providing further capacity within the Humber Estuary.
- 1.18 The analysis reported then considers initial potential solutions that fall within the parameters of the identified broad option. The conclusion reached is that

the only potential solution to meeting the need and objectives which have been identified is the provision of Ro-Ro freight capacity within the eastern extent of the Port of Immingham.

- 1.19 Having identified this as the only solution, this potential solution was then worked up into a detailed scheme, the proposal that is the subject of the IERRT DCO application.
- 1.20 During the design and evolution of the IERRT Project ABP has undertaken extensive engagement with statutory bodies, key stakeholders and local communities. The process of consultation on the Project has not been limited to the formal statutory consultations but has been ongoing throughout the pre-application process. This comprehensive process has resulted in refinements to the IERRT Project design where they have been shown to be feasible and beneficial.
- 1.21 In addition to the clear and compelling need identified, the delivery of the IERRT Project will result in substantial benefits which include:
 - employment benefits during construction and operation;
 - wider economic benefits with a significant contribution to the economy during both construction and operation;
 - the strengthening of the 'Ports and Logistics' sector (identified as a key sector within the North East Lincolnshire Local Plan), and
 - environmental enhancements to terrestrial and intertidal habitats.
- 1.22 The IERRT Project has been the subject of a full detailed environmental assessment the results of which are reported in a comprehensive Environmental Statement (ES). The ES concludes that the IERRT development will not generate any significant adverse environmental effects.
- 1.23 The IERRT DCO application also includes, amongst other documents and assessments, a Habitats Regulations Assessment as required by Regulation 5(2)(g) of the APFP Regulations. This concludes that the IERRT Project will not have an '*adverse effect on the integrity*' of relevant European sites.
- 1.24 As section 104(3) of the PA 2008 explains, an application for a DCO must be decided in accordance with any relevant National Policy Statement except to the extent that one or more of subsections (4) to (8) apply.
- 1.25 As indicated above, the relevant national policy statement in respect of the IERRT Project is the National Policy Statement for Ports (NPSfP) and it is considered that the IERRT Project and accompanying application comply fully with the policies and objectives of the NPSfP.

1.26 In respect of section 104(4) to (8) of the PA 2008, the Planning Statement demonstrates the following:

- (i) deciding the IERRT application in accordance with the NPSfP would not lead to the United Kingdom being in breach of any of its international obligations (section 104(4));
- (ii) deciding the IERRT application in accordance with the NPSfP would not lead to the Secretary of State being in breach of any duty imposed on them (section 104(5));
- (iii) deciding the IERRT application in accordance with the NPSfP would not be unlawful by virtue of any enactment (section 104(6));
- (iv) the benefits of the proposed IERRT Project very clearly outweigh its adverse impacts (section 104(7)), and
- (v) there is no evidence that any condition prescribed for deciding an application otherwise than in accordance with the NPSfP is met (section 104(8)).

1.27 The following overall conclusions can be drawn from the information presented in this Planning Statement which, in turn, draws upon the wider body of evidential information provided in support of ABP's IERRT DCO application.

- (i) The IERRT Project is clearly an appropriate use of land within ABP's statutory port estate and water within the Port of Immingham's Statutory Harbour Authority (SHA) area.
- (ii) The provision of the IERRT will meet a very clear and compelling need the meeting of which is strongly in the public interest.
- (iii) The location of the proposed IERRT development has been identified as the only location available to meet the identified need.
- (iv) The NPSfP - the national policy statement that is central to the decision maker's consideration of the application, cites a clear presumption in favour of approving the IERRT proposal – provided it is in accordance with NPSfP policy – which it is considered to be the case.
- (v) It has been demonstrated that the IERRT development proposal, if approved, will have been approved in the context of clear compliance with wider policy contained within the NPSfP, other relevant national policy such as the National Planning Policy Framework and the UK Marine Policy Statement and local policy contained within the East Inshore and East Offshore Marine Plan as well as the Local Development Plan.

- (vi) The IERRT Project will, of itself, lead to the provision of a number of significant benefits – as detailed in the comprehensive topic specific assessments undertaken as part of the application and as summarised above – and will not generate any significant adverse environmental effects.
 - (vii) In light of what is considered to be the satisfaction of the requirements prescribed in section 104 of the PA 2008 there is no reason why consent for the IERRT application should not be granted.
- 1.28 In light of all of the above, it is ABP's view that there is a clear, overriding and compelling case in the public interest for the IERRT Project. The policy presumption in favour of the Project and the overall planning balance lie very strongly in favour of the grant of development consent.

2 INTRODUCTION

General Introduction

- 2.1 Associated British Ports (ABP) is applying to the Secretary of State for Transport for a Development Consent Order (DCO), which, if approved will authorise the construction and consequent operation of a new roll-on/roll-off (Ro-Ro) facility within the Port of Immingham. The application site lies partly within and partly adjacent to the Humber Estuary, as shown on Figure 1 and is located on the south bank of the Humber Estuary.
- 2.2 The majority of the marine infrastructure will be constructed on the bed of the Humber Estuary which is owned by The Crown Estate and over which ABP, in its capacity as Humber Conservancy Commissioners (also known as Humber Estuary Services) enjoys a 999 year lease. The land side elements of the terminal proposal fall within the administrative area of North East Lincolnshire Council.
- 2.3 An illustrative plan of the Project – known as the Immingham Eastern Ro-Ro Terminal (subsequently referred to as the IERRT) - is provided at Figure 2.
- 2.4 In summary, the IERRT consists of:
- (i) the construction of new Ro-Ro marine infrastructure comprising an approach jetty and three new berths;
 - (ii) a capital dredge of the new berth pocket area;
 - (iii) provision of landside areas for Ro-Ro cargo and unit load storage;
 - (iv) a new terminal building, welfare facilities, workshop and UK Border Force facility; and
 - (v) supporting and associated infrastructure and services.
- 2.5 Full details of the proposed development for which approval is being sought are provided in Chapters 2 and 3 of the Environmental Statement (ES) (Application Documents 8.2.2 and 8.2.3) submitted in support of the IERRT Development Consent Order (DCO) application. A further summary description is also provided in Section 3 of this Statement.
- 2.6 This document is the Planning Statement for the IERRT Project, and forms Application Document 5.1. Following this introductory section, the document is structured in the following way:
- *Section 3* – This section provides a description of the proposed IERRT Project and the site of the proposed development.
 - *Section 4* - This section explains why the IERRT Project is needed and its benefits.

- *Section 5* – This section summarises how the IERRT Project will improve the Port of Immingham and thereby provides the information required to be provided by Regulation 6(3) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations) in terms of what is in the context of this Planning Statement referred to as the “Harbour Statement”.
- *Section 6* – This section sets out how the effects of the IERRT Project have been assessed and how any resultant impacts will be managed.
- *Section 7* – This section explains how the IERRT application conforms with the relevant requirements of legislation.
- *Section 8* – This section discusses the policy context for the Project and identifies the key national and local policy relevant to the determination of the IERRT. It explains how the IERRT Project accords with policy having regard to the conclusions of the assessments that have been undertaken. This section draws upon detailed information contained within:
 - *Appendix 1* – National Policy Statement for Ports (NPSfP) accordancy table,
 - *Appendix 2* – East Inshore and East Offshore Marine Plan accordancy table,
 - *Appendix 3* – North East Lincolnshire Local Plan accordancy table.
 - *Appendix 4* – Information relating to the Project Appraisal Framework for Ports and WebTAG.
 - *Appendix 5* – Information relating to the sequential and exception test.
- *Section 9* – This section draws together the preceding information to provide the overall planning balance and conclusions.

The Applicant

- 2.7 The application for the IERRT Project is being made by Associated British Ports (ABP), the owner and operator of the Port of Immingham.
- 2.8 ABP is a statutory body corporate constituted by the Transport Act (1981) after the privatisation of the British Transport Docks Board (BTDB). The BTDB, and its predecessor the British Transport Commission, operated various transport undertakings in the UK, including many docks, following nationalisation in 1948.
- 2.9 The principal activities of ABP include the ownership, operation and development of port facilities and the provision of related port and transport

services in the United Kingdom (UK). The company owns and operates 21 ports across England, Wales and Scotland.

- 2.10 One of the ports owned and operated by ABP is the Port of Immingham.

The Port of Immingham

- 2.11 The history of the Port of Immingham dates back to the early 1900s and since that time the maintenance, redevelopment and expansion of existing port infrastructure and the development of new marine facilities have together seen the original Port increase both in size and capacity thereby enabling it to move with the times and, by maintaining a strong competitive position, meet the needs of an ever-changing market.
- 2.12 Today the Port of Immingham is the UK's largest port by tonnage, generally handling around 46 million tonnes of cargo per year. The Port - together with the other ports on the Humber Estuary, including the Ports of Hull, Grimsby and Goole which are owned and operated by ABP – serves as one of the UK's critical port complexes, providing unparalleled connections between the UK and Europe and the rest of the world.
- 2.13 The Port of Immingham handles significant volumes of a variety of cargoes and products critical to the UK economy, including Ro-Ro and lift on / lift off (Lo-Lo) cargoes, dry and liquid bulk cargoes, forest products, steel and other metals and energy products.
- 2.14 The Port and its activities are estimated to contribute over £700 million to the economy every year and support 10,500 jobs nationally. The Port is clearly a key UK Gateway that is significant to the nation in both economic and transport terms.

Why the IERRT Project is a Nationally Significant Infrastructure Project (NSIP)

- 2.15 The objective of seeking authorisation for the IERRT is to secure the provision of an additional facility at the Port of Immingham which is able to handle the embarkation and disembarkation of Ro-Ro cargo – effectively cargo which is rolled onto and then rolled off a vessel.
- 2.16 The Port of Immingham is an existing “harbour facility” and the IERRT Project will be an alteration to that existing harbour facility.
- 2.17 Section 14(1)(j) of the Planning Act 2008 (PA 2008) provides that - “*the ... alteration of harbour facilities*” is an NSIP if, as provided by section 24(2) of the PA 2008, the “*harbour facilities are*” -

(i) “*wholly or partly in England or in waters adjacent to England up to the seaward limits of the territorial sea,*” – (section 24(2)(a)); and

(b) *“the effect of the alteration is expected to be to increase by at least the relevant quantity per year the quantity of material the embarkation or disembarkation of which the facilities are capable of handling”* – (section 24(2)(b)); where

“the relevant quantity is ... in the case of ro-ro ships, 250,000 units” – (section 24(3)(b)).

- 2.18 Through its three berths and associated landside infrastructure the IERRT facility will be capable of handling considerably in excess of the threshold 250,000 units set by the PA 2008 as the relevant NSIP quantity for a Ro-Ro facility. It should be noted, however, that the IERRT unit throughput will in fact be capped at 660,000 Ro-Ro units per year – and the Project has been assessed on that basis.
- 2.19 To complete the legal tests as prescribed by the PA 2008 it should also be recorded that the IERRT Project is located wholly in England or waters adjacent to England.
- 2.20 On the basis of the above, the IERRT Project meets the criteria set down in the PA 2008 - as summarised above - and is, therefore, being taken forward for approval as a Nationally Significant Infrastructure Project (NSIP).
- 2.21 **Ro-Ro Facility** – In the context of the legal tests and requirements, it should finally be noted that whilst the PA 2008 identifies a number of categories of NSIP “harbour facility” – namely containers, ro-ro and ‘general’ cargo - each with its own throughput threshold, the IERRT facility has been designed and will be constructed in a form that will mean that it will only be capable of handling Ro-Ro traffic. One of the fundamental differences between Ro-Ro cargo and other types of cargo, e.g., containers, being that as Ro-Ro cargo is effectively wheeled on and off the vessel there is no need for berth-side crane infrastructure and as such, the IERRT would be unable by reason of the design of its marine infrastructure to handle any other form of cargo.

The basis of the Secretary of State’s decision on the IERRT NSIP application

- 2.22 As the proposed IERRT development constitutes an NSIP it can only be authorised by the granting of a Development Consent Order (DCO) under section 37 of the PA 2008.
- 2.23 Section 37 further makes it clear that the DCO application must be made to the Secretary of State. The relevant Secretary of State is the minister with responsibility for the area of Government business to which a given application relates. In the case of the IERRT Project the relevant Secretary of State is the Secretary of State for Transport.
- 2.24 By virtue of the Localism Act 2011, the Planning Inspectorate (PINS) became the government agency responsible for co-ordinating the planning process for NSIPs.

- 2.25 A core fundamental aspect central to the NSIP consenting process is that of ensuring compliance with the National Policy Statement relevant to the given category of project. National Policy Statements are produced pursuant to the PA 2008 by the Government to set out policy and relevant objectives for the development of nationally significant infrastructure in a particular sector and to provide the framework for decisions on such infrastructure. The PA 2008 sets out the process for the relevant Secretary of State to designate such a statement.
- 2.26 In respect of 'Harbour Facility' NSIPs, the relevant national policy statement is the 'National Policy Statement for Ports' (NPSfP) published by the Department for Transport in January 2012. The NPSfP remains extant national policy, compliance with which is essential in terms of the consenting process for Harbour Facility NSIPs.
- 2.27 Section 104 of the PA 2008 specifies the matters to be taken into account by the Secretary of State for Transport in reaching a decision on a Harbour Facility NSIP in circumstances where a national policy statement – the NPSfP – *“has effect in relation to development of the description to which the application relates”*.
- 2.28 In deciding the application, section 104(2) makes clear that the Secretary of State must have regard to:
- “(a) any national policy statement which has effect in relation to development of the description to which the application relates (“a relevant national policy statement”),*
 - (aa) the appropriate marine policy documents (if any), determined in accordance with section 59 of the Marine and Coastal Access Act 2009,*
 - (b) any local impact report ... submitted to the Secretary of State before the deadline specified,*
 - (c) any matters prescribed in relation to development of the description to which the application relates, and*
 - (d) any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State’s decision.”*
- 2.29 Section 104(3) goes on to make clear that –
- “The Secretary of State must decide the application in accordance with any relevant national policy statement, except to the extent that one or more of subsections (4) to (8) applies.”*

2.30 In summary, the matters listed in subsections (4) to (8) are:

- (i) circumstances where deciding the application in accordance with any relevant national policy statement *“would lead to the United Kingdom being in breach of any of its international obligations”* (ss 4);
- (ii) circumstances where deciding the application in accordance with any relevant national policy statement *“would lead to the Secretary of State being in breach of any duty imposed on the Secretary of State by or under any enactment”* (ss 5);
- (iii) circumstances where deciding the application in accordance with any relevant national policy statement *“would be unlawful”* (ss 6);
- (iv) circumstances where *“the Secretary of State is satisfied that the adverse impact of the proposed development would outweigh its benefits”* (ss 7);
- (v) circumstances where the Secretary of State *“is satisfied that any condition prescribed for deciding an application otherwise than in accordance with a national policy statement is met”* (ss 8).

2.31 As can be seen from the above summary, the content of any relevant national policy statement is of central importance in the process of determining a NSIP application.

2.32 For the IERRT application the NPSfP is the key relevant national policy statement, a matter confirmed by PINS in its ES Scoping Opinion at paragraph 3.2.2 (ES Appendix 6.1 - Application Document 8.4.6 (a)).

Relationship of the Planning Statement with the rest of the IERRT DCO application

2.33 In assessing the Project against relevant policy and demonstrating the overall planning case for the IERRT Project, this Planning Statement draws upon the conclusions of a number of documents and reports accompanying the application, interpreting them as necessary within the context of relevant policy and planning considerations. This Planning Statement, therefore, draws upon and should be read alongside:

- (a) the draft DCO and Explanatory Memorandum (Application Documents 3.1 and 3.2);
- (b) the Book of Reference (Application Document 4.1), Statement of Reasons (Application Document 4.2) and Funding Statement (Application Document 4.3);
- (c) the Consultation Report (Application Document 6.1) and Appendices (Application Document 6.2);

- (d) the Environmental Statement and Appendices (Application Documents 8.1 to 8.4.17 (b), and
- (e) the Habitats Regulations Assessment (Application Document 9.6).

Host local authority

- 2.34 The Planning Act 2008 confers specific duties in respect of host local authorities and those authorities in adjacent areas in relation to pre-application consultation as well as in relation to the application and its examination.
- 2.35 The IERRT Project falls within the administrative area of North East Lincolnshire Council save that part of the marine infrastructure that extends from the landside port estate onto the bed of the Humber Estuary, which is owned by The Crown Estate.

3 THE IERRT PROJECT - THE SITE AND SURROUNDINGS

- 3.1 This section of the Planning Statement provides a summary description of the site and surroundings of the proposed IERRT Project, and a summary description of the Project itself.
- 3.2 Further details are provided within Chapters 2 and 3 of the Environmental Statement (Application Documents 8.2.2 and 8.2.3). The full description of the proposed IERRT development is provided in ES Chapter 2 (Application Document 8.2.2) and ES Figures 1.2 and 1.3 (Application Documents 8.3.1(b) and (c)), whilst Chapter 3 describes the proposed construction of the Project and the construction methodology to be employed. A similar overview plan showing the proposals is provided at Figure 2.

The site and surroundings

- 3.3 The site of the proposed IERRT is located within the Port of Immingham. The Port lies immediately adjacent to the Humber Estuary's main deep-water shipping channel which means that it is able to accommodate and service some of the largest vessels afloat today.
- 3.4 The Port is also well located for the transport of goods to and from the Port by road. It benefits from two entry points – the east and west gates – both of which are easily accessible from the A180 (via the A160 for the West Gate, and via A1173 and Queens Road for the East Gate). The A180 becomes the M180 Motorway at Barnetby Top. The M180 in turn provides good access to the M1 or the A1 via the M18 to the south, and the M62, also via the M18, to the north. The Port also has the added benefit of its own rail terminal.
- 3.5 The Port consists of a number of discrete operational areas. Bulk commodities such as liquid fuels, solid fuels and ores, as well as roll-on/roll-off (Ro-Ro) freight, are handled from in-river jetties. These include the Eastern and Western Jetties, the Immingham Oil Terminal (IOT), the Immingham Gas Terminal, the Immingham Outer Harbour (IOH), the Humber International Terminal (HIT) and the Immingham Bulk Terminal (IBT).
- 3.6 Other traffic, cargoes and commodities – including Lift-on/Lift-off (Lo-Lo) freight, animal feed and grain – are handled mainly at berths within the Port's internal dock and are then moved to an array of storage compounds within the port estate for onward distribution. The internal dock complex is accessed via a lock entrance located between the eastern and western jetties.
- 3.7 The landside areas of the proposed development site – which will be used as waiting areas for embarking cargo or storage areas for disembarked cargo – all fall within the eastern and south eastern part of the statutory port estate. These areas are all effectively 'brownfield' land in that they are already in, or have been in, port operational use. At the date of this application, the two parts of the development site that comprise the North and the Central Storage Areas are currently largely used for the open-air storage and handling of bulk cargoes.

The South and West Storage Areas are used to store trade cars, break-bulk cargo (timber and steel, for example), and for occasional dock use parking.

- 3.8 As well as the businesses currently occupying the development site, various port related businesses and activities are carried on within the wider Port immediately adjacent to the site. These are detailed within ES Chapters 2 and 16 (Application Documents 8.2.2 and 8.2.16).
- 3.9 The marine elements of the proposed IERRT Project are situated to the east of the existing Eastern Jetty and to the west of the Immingham Oil Terminal (IOT).

The IERRT marine works

- 3.10 An open piled approach jetty will be constructed to provide for the embarkation and disembarkation of “*ro-ro units*” (as defined in the draft DCO). This will cross over the Port’s sea defence and existing operational pipelines.
- 3.11 The jetty will terminate at a bankseat which will form the foundation for a linkspan bridge. A roadway, a separate footway, utilities and environmental screens to minimise bird disturbance will be constructed on the surface of the approach jetty.
- 3.12 A linkspan bridge will be located on the approach jetty’s bankseat with its free end resting upon the edge of a floating pontoon. The linkspan will extend in a generally northerly direction acting as a link between the approach jetty and the floating pontoons allowing vehicles and cargo to embark and disembark.
- 3.13 Two floating pontoons will be located so as to be able to receive the loading and unloading ramps of berthed Ro-Ro vessels. Each floating pontoon will be constructed from steel and/or concrete and equipped with lighting, power and a small crew shelter. They will be linked together by a short linking bridge. Each pontoon will be secured in place by reinforced concrete restraint dolphins. These will ensure the pontoons can range up and down freely with the tide.
- 3.14 Positioned perpendicular to each floating pontoon and extending away in a north westerly direction, two open piled finger piers will be constructed against which the Ro-Ro vessels will berth. Each pier will include navigation markers, lighting, shore power infrastructure, cable management and connections for berthed vessels and water bunkering facilities.
- 3.15 The northern finger pier will be constructed with berthing faces on both its northern and southern elevations. The southern finger pier will be constructed with a berthing face to its northern elevation only. As a consequence, vessels will be able to berth on either side of the northernmost pier (i.e., providing two berths) and one vessel will be able to berth on the northern side of the southernmost pier (i.e., providing one berth) – three berths in total.
- 3.16 The final element of the marine infrastructure is the possible inclusion of vessel impact protection measures to provide protection in the unlikely event of an errant vessel contacting the IOT jetty/trunk way. ABP does not believe that

such measures will actually be required, but it has been decided to make provision for them in the application so as to ensure that the infrastructure is consented as part of the IERRT DCO should it be determined at some future date that they are required.

- 3.17 The impact protection measures will be installed, if required, adjacent to the IOT approach jetty to south of the IOT finger pier.

The IERRT capital dredge

- 3.18 The proposed development will require a capital dredge of the new berthing area. It is estimated that a maximum of 190,000m³ of material in total will be removed as a result of the dredge. It is anticipated that this will consist of approximately 40,000m³ of boulder clay together with 150,000m³ of sand/silt (alluvium) *in situ*.
- 3.19 As it has not been possible to identify alternative beneficial use for the dredged material, it is considered that disposal within the estuary is the best available option. The disposal of the dredge material in this manner will have the benefit of ensuring that the sediment is retained within the estuary system, thereby maintaining the existing sediment budget for the wider Humber Estuary.

The IERRT landside works

- 3.20 Landside works are primarily required to improve the relevant part of the Project application site's surface so as to provide suitable areas to accommodate wheeled cargo, containers and heavy goods vehicles (HGVs) either awaiting embarkation or awaiting collection following disembarkation, together with essential storage.
- 3.21 Being part of the statutory and operational port estate, the vast majority of the landside area will only require a simple upgrade. This will be achieved through the provision of new pavements and associated infrastructure.

Northern Storage Area

- 3.22 This storage will comprise an area of just over 4 hectares in size and will include the provision of trailer bays and container (40 ft) ground slots. The bays and parking spaces will consist of paved areas with spaces marked out with painted lines. A new substation will also be constructed in this area.

Central Storage Area

- 3.23 The Central Storage Area will cover approximately 3.56 hectares and will provide trailer bays, staff parking spaces, and equipment parking spaces. The parking spaces and bays will consist of paved areas with spaces marked out with painted lines.

- 3.24 A small workshop with fuel station will also be provided in the Central Storage Area. A new level crossing across an ABP controlled railway will also be provided to join the Southern Storage Area and Central Storage Area and a new internal bridge will be provided to link the Central and Northern storage areas - see below.

Southern Storage Area

- 3.25 The Southern Storage Area will cover just over 11 hectares and will include provision for trailer bays, pre-gate parking spaces, staff parking spaces, passenger parking spaces, large passenger parking spaces, tugmaster (small HGV tractor like units designed to move wheeled trailers) parking spaces, and marshalling/holding lanes for accompanied freight and passenger vehicles. The parking spaces and bays will consist of paved areas with spaces marked out with painted lines.
- 3.26 The main terminal building will be constructed within the Southern Storage Area together with a number of ancillary buildings including a welfare building for HGV drivers and passengers awaiting embarkation and inspection and administrative buildings as required for the UK Border Force.
- 3.27 The Terminal's 'in and out' gates will also be located in the Southern Storage Area.

Western Storage Area

- 3.28 The Western Storage Area will be approximately 9.6 ha in size and provide further trailer bays. The trailer bays will consist of paved areas with spaces marked out with painted lines. In and out gates will also be provided to access the West Storage Area.

Internal bridge

- 3.29 As noted above, a two-lane bridge will be constructed to provide contiguous vehicular terminal operations between the Northern Storage Area and Central Storage Area. It will be a two-span bridge that will span Robinson Road – an existing internal dock road – and an ABP controlled railway line.

East Gate improvement works

- 3.30 As part of the IERRT Project, improvements will also be made to the East Gate entrance to the Port to facilitate the movement of vehicles through the East Gate from the public highway. The existing gate house will be demolished, and the existing entrance road will be widened to accommodate an extra inbound lane with a newly constructed security gate house.
- 3.31 As part of the East Gate improvements, new emergency traffic management signals will be installed together with box junction line marking at the junction of Robinson Road and the IOT access road – all within the port estate.

- 3.32 On the adjacent public highway, a bus stop will be repositioned and an existing layby, which is occasionally used by HGVs for parking, will be removed. A footway between East Gate and the bus stop will be provided alongside the East Gate improvements.

Other landside works

- 3.33 The Project's landside works will also include improvements within the Port estate at the junction of Robinson Road and East Dock Road, to Gresley Way as well as alterations to improve the approach to the entrance and exit to Shed 26. A new junction off Robinson Road to connect with Gresley Way will also be provided. Other vehicle circulatory and access routes will be provided within the IERRT Terminal itself.
- 3.34 In addition, the IERRT application includes the provision of a new footway from Robinson Road to the Workshop in the Central Storage Area and then on to the storage areas, including pedestrian crossings of both the new connecting road and the exit road from Shed 26 (which is occupied by Origin UK Operations Limited).
- 3.35 The Terminal will be fully fenced to comply with International Ship and Port Facility Security (ISPS) Code criteria and will also be provided with adequate lighting and security provision.
- 3.36 Electrical power will be provided to the various storage areas, associated buildings and infrastructure from existing ABP owned substations within the port. Provision for future ship to shore power will also be incorporated. Appropriate drainage and services infrastructure will also be provided.

Environmental enhancement

- 3.37 ABP has incorporated an element of environmental enhancement as part of the IERRT project namely the improvement of an existing area of woodland, owned by ABP, south of Laporte Road named Long Wood. It covers an area of approximately 1.17ha.

Terminal operations

- 3.38 The IERRT will operate 24 hours a day, seven days a week. It is envisaged that it will generally be the case that three vessels will be handled at the IERRT per day, one per berth.
- 3.39 The berthing facilities have been designed to handle vessels with a length overall (LOA) of 240 m, a breadth of 35 m, and a draught of up to 8 m. Tugs will help to manoeuvre vessels onto the berth when required based on operational requirements (e.g., during adverse weather and/or tidal conditions).
- 3.40 ***Throughput*** - The annual throughput of the IERRT has been capped at 660,000 Ro-Ro cargo units per year within the draft DCO. It is anticipated that

of that number, approximately 72% of the embarking or disembarked units will be unaccompanied (i.e., cargo carried on the vessel without an accompanying heavy goods vehicle (HGV) and driver) with 28% of units will be accompanied (i.e., cargo which is accompanied by an HGV and driver on the crossing).

- 3.41 **Outbound unaccompanied Ro-Ro cargo** - will be brought to the Terminal over a period of time prior to the sailing which could extend to a number of days. Upon arrival at the Terminal, the drivers of the unaccompanied cargo will be directed to a single trailer bay to drop off their trailers. When due to be transported, the trailers will be manoeuvred onto the vessel by tugmasters ready for departure.
- 3.42 **Outbound accompanied Ro-Ro cargo** will arrive at the IERRT over a much shorter period of time – at most a number of hours before sailing – as the driver delivering the cargo to the Terminal also drives it onto the vessel, stays with it and drives it off at the destination port. Accompanied HGVs arriving at the Terminal will park in one of the pre-gate designated trailer parking areas. The driver will then need to report to the main terminal building on foot where paperwork will be checked and processed. The HGVs will then wait in holding lanes before they load on to the vessel ready for departure.
- 3.43 **Inbound unaccompanied cargo** that arrives at the IERRT could remain within the Terminal site for a number of days before it is picked up for inland delivery. Unaccompanied trailers will be removed from the vessel by tugmasters and dropped off in single trailers bays – most likely in the South and West Storage Areas – until they are collected.
- 3.44 **Inbound accompanied cargo** arriving at the Terminal will drive off the vessel and leave the IERRT following any necessary Border Force checks
- 3.45 **East Gate** - Both unaccompanied and accompanied cargo will arrive at the IERRT or depart by road transport, with the primary means of access to the IERRT being via the Port's East Gate.
- 3.46 **Passengers** will, in a controlled way, be allowed to use services operating from the IERRT during those periods when the demands of the Ro-Ro cargo operations permit – servicing the needs of the commercial sector taking priority.

4 THE NEED FOR AND BENEFITS OF THE IERRT

Outline of the need for the IERRT Project

- 4.1 The need which has been identified, together with an explanation as to why the IERRT Project is the only solution to meeting that need is set out in detail within Chapter 4 of the Environmental Statement (Application Document 8.2.4), which in turn is supported by a Humber Shortsea Market Study (HSMS) provided at ES Appendix 4.1 (Application Document 8.4.4 (a)). The following paragraphs provide an outline of these matters.
- 4.2 In summary, it has been identified by ABP that there is an imperative need to provide additional appropriate Ro-Ro freight capacity within the Humber Estuary in order to meet the growing and changing nature of demand, and thereby strengthen the estuary's contribution to an effective, efficient competitive and resilient UK Ro-Ro freight sector.
- 4.3 This need that has been identified derives from a number of diverse national and local imperatives, underlying objectives and matters – all of which are significant - that are summarised in the following paragraphs.

The need to ensure that the United Kingdom has sufficient Ro-Ro freight capacity

- 4.4 Trade in goods and products is of critical importance to the UK economy. UK trade relies upon the movement of goods and products through UK ports. One of the key means by which trade is handled through UK ports is in the form of Ro-Ro freight cargo, which, as is explained below, is fundamental to the UK's trade with Europe and the near continent.
- 4.5 UK Port Freight Traffic statistics predict that the growth rate for unitised Ro-Ro freight (both in terms of tonnage and units) will increase by an average of 2.5% per year between 2016 and 2050. By 2050 there is forecast to be an approximate 130% increase in both Ro-Ro tonnage and units in comparison to the position in 2016, from 99.73 million tonnes in 2016 to 229.92 million tonnes in 2050 and from 7.94 million units in 2016 to 18.2 million units in 2050 (DfT, 2019).
- 4.6 Forecasts prepared by ABP – which are further detailed in Section 8.4 of the HSMS (ES Appendix 4.1 - Application Document 8.4.4 (a)) - indicate that, overall, UK shortsea trades are expected to grow in line with Gross Domestic Product (GDP) developments in the years to come. The unaccompanied Ro-Ro freight element is, in particular, forecast to experience strong growth with a Compound Annual Growth Rate (CAGR) of 3.6% in the period 2022 to 2027, 2.0% in the period 2028 to 2032 and 1.5% in the period 2032 to 2050.
- 4.7 Having regard to various factors, which are outlined in the following paragraphs and the wider analysis undertaken in ES Chapter 4 (Application Document 8.2.4) and the HSMS (ES Appendix 4.1 - Application Document 8.4.4 (a)), the

Humber region is predicted to experience strong growth in Ro-Ro freight traffic. In terms of Ro-Ro unaccompanied units, the growth rate is forecast to be a CAGR of 4.5% between 2022 to 2027, 2.3% between 2028 to 2032 and 1.5% between 2033 to 2050. Similar CAGRs are forecast for unaccompanied Ro-Ro tonnage.

- 4.8 In terms of actual unaccompanied Ro-Ro units, the forecast growth (base case) would see an increase from 746,000 units in 2021 to 1,580,000 units in 2050 handled on the Humber – a more than doubling of the number of units handled.

The need to ensure that sufficient Ro-Ro freight capacity of the right type is in a location where it is required

- 4.9 A large share of the UK Ro-Ro freight market is moved through routes across the north-sea which are dominated by those services operating from the Humber Estuary from Hull, Immingham and Killingholme.
- 4.10 In addition, as noted above, these services to and from the Humber are dominated by unaccompanied Ro-Ro freight services, although there are some volumes – for example, those associated with fresh foods – that are moved by accompanied means.
- 4.11 Unaccompanied Ro-Ro freight requires more landside storage space than accompanied Ro-Ro cargo. In addition, it should be noted that there has been a steady increase in the size of Ro-Ro vessels operating on the north-sea routes in recent years along with a growing need for such vessels. In order to maintain reliability and certainty of sailing times such vessels need to operate from berths that are not constrained from a marine perspective – for example, inability to enter locks due to size issues, tidal regimes, depth of water. Maintaining reliability and certainty of sailing times is critical to the Ro-Ro trade which operates timetabled liner services and is highly competitive.
- 4.12 In terms of location, the Humber Estuary is well placed within the UK to handle Ro-Ro freight moved between the UK, Europe and the Baltics. This is because:
- (i) The Humber Estuary has natural deep-water channels with the capability and capacity to handle the large Ro-Ro vessels in operation.
 - (ii) The Humber Estuary is located on the eastern sea-board of the UK within an overnight sailing time of key ports on the western sea-board of mainland Europe – which is critical for journey time reliability and certainty.
 - (iii) The location of the Humber Estuary means that it is able to serve the needs of a large inland area of the UK, particularly those areas in which are located the large distribution centres and centres of population in the Midlands and the North.

- (iv) The Humber Estuary benefits from good inland road transport connections that have capacity.
 - (v) The location of the Humber Estuary enables it to form a key part of the land bridge that links Northern Ireland and Ireland with the rest of Europe.
 - (vi) The Humber Estuary already contains extensive Ro-Ro operations meaning that the area is already set up for supporting such activities and operations.
- 4.13 Analysis undertaken for the purposes of this application (HSMS - ES Appendix 4.1 - Application Document 8.4.4 (a)) demonstrates that the currently available number of Ro-Ro freight berths on the Humber Estuary are already heavily utilised with port infrastructure and facilities operating at or near their efficient capacity. There is very little, if any, spare available capacity of the right type available on the Humber.

The need to ensure that the UK has resilient and competitive Ro-Ro freight capacity

- 4.14 Competition within the ports sector drives efficiency and lowers costs, thereby contributing to the competitiveness of the UK economy. The Ro-Ro sector is highly competitive with the result being that cost differentiation for customers between different shipping lines and services is limited. In order to remain competitive, therefore, Ro-Ro shipping lines need to ensure that they offer a quality, efficient and reliable service.
- 4.15 Where those matters which influence the quality, efficiency and reliability of services are in the control of others this can lead to a competitive disadvantage for the Ro-Ro shipping line in question and the sector as a whole. For these reasons, Ro-Ro shipping lines seek to operate a dedicated facility where they can control matters such as vessel berthing and the loading and unloading of a vessel themselves without having to rely on other parties and, thereby, having the ability to respond to the needs of customers on a flexible and efficient basis.
- 4.16 Recent supply chain events within the UK – in particular, the supply chain vulnerabilities exposed by Brexit and COVID – have highlighted the need for the UK to have resilient and competitive trading options. In addition, the increasing size of Ro-Ro vessels is, in effect, likely to reduce the resilience of currently available Ro-Ro infrastructure.
- 4.17 As far as Ro-Ro operations on the Humber Estuary are concerned, there is currently considered to be little contingency and resilience in the event that existing Ro-Ro infrastructure is damaged, blocked or otherwise becomes temporarily unusable.

The lack of suitable Ro-Ro facilities on the Humber Estuary to meet the current and future needs of an existing operator

- 4.18 Stena Line, one of Europe's leading Ro-Ro and ferry operators, currently operates two heavily utilised existing Ro-Ro services from the Humber Estuary to mainland Europe.
- 4.19 At present, one of these services – a daily service between the Port of Immingham and the Europort facility in Rotterdam – operates from a temporary facility within the enclosed dock complex at the Port of Immingham. This is, however, only a 'stop gap' home for this service in that by being located in an enclosed locked dock area it has marine access constraints that requires the use of a smaller vessel than has historically been used on this service. There is also limited landside storage space and infrastructure, with no possibility of improvement. Furthermore, the site of this temporary facility will be needed for the expansion of other trades within the Port of Immingham.
- 4.20 The second service being operated by Stena Line is a daily service between the CLdN Ports facility at Killingholme and the Hook of Holland. Stena Line has, however, for a number of reasons come to the commercial conclusion that the Killingholme facility does not represent the long term location for this service. This is largely to do with an inability to grow the service at this location and the fact that the facility is, in effect, controlled and operated by an independent third party who are one of Stena Line's main competitors.
- 4.21 Furthermore, in addition to its existing services, Stena Line are also of the view that demand for Ro-Ro capacity on the Humber will continue to grow and need to be in a position to be able to meet new opportunities as they arise.
- 4.22 On this basis, there is a clear and urgent need for the provision of a new Ro-Ro facility of the appropriate kind on the Humber Estuary to meet both the current and future needs of Stena Line. Namely, an appropriately located facility with the ability to accommodate large Ro-Ro vessels in a suitably unconstrained way, with sufficient storage / cargo handling areas in close proximity to the berths and where the necessary control in terms of operations can be achieved.
- 4.23 None of the existing Ro-Ro infrastructure on the Humber Estuary has the necessary suitable capacity or characteristics to meet the needs of Stena Line.

The implementation of the Government's levelling up agenda and the achievement of local objectives

- 4.24 As a result of the levelling up of the UK economy it is considered that there will be an increased demand for the facilities and infrastructure which enable the UK to trade with the rest of the world to be located within the north of the country. In addition, at the local level there are different strategies and policies in place which seek to further develop the port and logistics sector on the Humber Estuary, matters which are discussed further in the following sections of this statement.

A move away from reliance upon the short straits for the handling of Ro-Ro freight

- 4.25 It is considered that there will be a continuing move away from some Ro-Ro freight which is currently being transported across the English Channel via the short straits corridor to that freight instead using the available North Sea routes. The reasons for this shift in transit routes include:
- (i) Resilience issues at the short straits facilities resulting from the UK's exit from the European Union (EU).
 - (ii) An increasing recognition that the short straits corridor requires additional HGV miles and driver time for freight to be moved to and from the North and the Midlands in comparison to North Sea routes.
 - (iii) An increasing recognition that the road routes to and from the short straits corridor are highly susceptible to disruption and congestion.
 - (iv) A move to a supply chain model post the pandemic which incorporates a more robust degree of contingency and accepts relatively longer, but potentially more reliable, transport and distribution times.
 - (v) The recognition of the need to reduce road travel from an emissions perspective.
 - (vi) The continuing development of trade with Eastern Europe, which does not necessarily require the short access connection to North-West mainland Europe provided by the short straits corridor.
 - (vii) The continued development of the 'land bridge' system from Europe to Northern Ireland and Ireland, which is appropriately served by facilities within the Humber area.

The Statement of Need and related objectives

- 4.26 Against the contextual background provided by the analysis which has been summarised above, the following statement of need has been defined by ABP:

'There is an imperative need to provide additional appropriate Ro-Ro freight capacity within the Humber Estuary in order to meet the growing and changing nature of demand, and thereby strengthen the estuary's contribution to an effective, efficient, competitive and resilient UK Ro-Ro freight sector.'

- 4.27 To assist in identifying the appropriate solution to meeting the need identified, a number of specific primary objectives – which arise out of the above statement of need and the background context to it – have been identified. These objectives are to provide the Humber Estuary with the ability to:

- (i) meet the urgent needs of an existing Ro-Ro freight operator, Stena Line, with an established customer base;
- (ii) provide for, at least, a proportion of the future growth in demand for Ro-Ro freight capacity predicted within the estuary;
- (iii) continue to contribute effectively to UK Ro-Ro freight port infrastructure flexibility and resilience;
- (iv) continue to provide competitive Ro-Ro freight services and routes to and from existing markets, and provide opportunities for routes to new markets, and
- (v) make efficient and effective use of existing established land and water transport connections and infrastructure.

Potential solutions to meeting the identified need

- 4.28 As outlined in detail in Chapter 4 of the ES (Application Document 8.2.4), a detailed analysis of potential alternative solutions to meeting the need has been undertaken.
- 4.29 The analysis reported first identifies and considers potential broad options, concluding that the only potential broad option available is the option of providing further capacity within the Humber Estuary.
- 4.30 The analysis reported then considers initial potential solutions that fall within the parameters of the identified broad option. Having regard to the principal requirements that any potential solution would have to provide, three locations were identified for consideration as potential initial solutions. Those locations being:
- (a) a location along the river frontage at the Port of Grimsby;
 - (b) a location along the river frontage at the Port of Hull, and
 - (c) a location along the river frontage from Killingholme to Immingham.
- 4.31 From the analysis undertaken, the conclusion reached is that the only potential solution to meeting the need and objectives which have been identified is the provision of Ro-Ro freight capacity within the eastern extent of the Port of Immingham, which it was concluded could accommodate the required new infrastructure.
- 4.32 Having identified this as the only potential solution, the next stage in the process consisted of the working up and ongoing iteration of that solution into a detailed scheme. This process has resulted in the definition of the proposal that is the subject of the IERRT DCO application.

The National Policy Statement for Ports position on need

- 4.33 As already explained in section 2 of this report, the content of the National Policy Statement for Ports (NPSfP) is key to the consideration of the IERRT DCO application.
- 4.34 Section 3.4 of the NPSfP sets out - '*The Government's assessment of the need for new [port] infrastructure*'. At paragraph 3.4.1 a helpful summary of the Government's assessment is set out. This paragraph states:
- "The total need for port infrastructure depends not only on overall demand for port capacity but also on the need to retain the flexibility that ensures that port capacity is located where it is required, including in response to any changes in inland distribution networks and ship call patterns that may occur, and on the need to ensure effective competition and resilience in port operations. ..."*
- 4.35 These various aspects of the total need identified in policy are then expanded upon within the NPSfP.
- 4.36 **Overall Demand** - This element of the total need for new port infrastructure is considered further in the NPSfP at paragraphs 3.4.2 to 3.4.10. These paragraphs largely deal with the forecast position as it existed in January 2012 when the NPSfP came into effect.
- 4.37 However, at paragraph 3.4.6, the Policy states that the Government may from time-to-time commission new port freight forecasts to be published on its behalf, confirming that such new forecasts would then replace the forecasts detailed in this section of the NPSfP which date from 2006 – 2007.
- 4.38 The latest updated forecasts published by the Government in this regard are contained within the 'UK Port Freight Traffic 2019 Forecasts' produced by the Department for Transport in January 2019. Paragraph 1 of the forecast document confirms that they "*supersede the previous set of forecasts that were produced by MDS Transmodal for DfT in May 2006*" - those 2006 forecasts, as noted above, being the ones referred to in the NPSfP (DfT, 2019).
- 4.39 The 2019 published forecasts cover the period 2017 to 2050. As has already been highlighted in the earlier part of this section, in respect of Ro-Ro freight the 2019 UK Port freight statistics forecast that the growth rate for unitised Ro-Ro freight (both in terms of tonnage and units) will increase by an average of 2.5% per year between 2016 and 2050. By 2050 there is forecast to be an approximate 130% increase in both Ro-Ro tonnage and units in comparison to the position in 2016 (UK Port Freight Traffic Forecasts, 2019). The national forecasts, therefore, indicate that there will be strong demand for Ro-Ro freight capacity in the period to 2050 at the national level.
- 4.40 Paragraph 3.4.7 of the NPSfP, however, makes clear that the purpose of national forecasts - "*will, unless expressly stated otherwise as part of a review of the NPS under section 6 of the Act, remain as only to help set the context of*

overall national capacity need, alongside competition and resilience considerations ...”.

- 4.41 In this context, the NPSfP paragraph 3.4.7 earlier also makes it clear that - *“it is for each port to take its own commercial view and its own particular risks on its particular traffic forecasts”*. Having regard to this policy advice, ABP commissioned its own forecasts. These forecasts and accompanying analysis are contained within the HSMS provided at Appendix 4.1 of the IERRT ES (Application Document 8.4.4 (a)).
- 4.42 As also explained in the earlier part of this section, those forecasts predict that the Humber region will experience strong growth in Ro-Ro freight traffic. In terms of Ro-Ro unaccompanied units the growth rate is forecast to be a CAGR of 4.5% between 2022 to 2027, 2.3% between 2028 to 2031 and 1.5% between 2033 to 2050.
- 4.43 In addition, therefore, to the predicted strong demand at national level, the available evidence indicates that there will be strong demand for Ro-Ro freight capacity on the Humber Estuary in the period to 2050.
- 4.44 **Location of development** – This element of the total need for new port infrastructure is considered further within the NPSfP at paragraphs 3.4.11 and 3.4.12.
- 4.45 This section of the NPSfP begins (paragraph 3.4.11) by making it clear that - *“Capacity must be in the right place if it is to effectively and efficiently serve the needs of import and export markets.”* It is then highlighted that, in this regard, it is not possible to anticipate future commercial opportunities, that future shipping routes and technologies may emerge and that the needs of trading partners may change as their economic circumstances develop. As a result, the policy makes clear that - *“capacity needs to be provided at a wide range of facilities and locations, to provide the flexibility to match the changing demands of the market, possibly with traffic moving from existing ports to new facilities generating surplus capacity.”*
- 4.46 Paragraph 3.4.12 highlights that the forecasts which are produced on behalf of the DfT do not attempt to predict the locations where demand would manifest. It is made clear that this is partly because this is dependent on changes in the market. It is then made clear that for this reason - *“the Government does not wish to dictate where port development should occur.”* Recognising that port development must be responsive to changing commercial demands, it is also made clear that in terms of the location of port development - *“the Government considers that the market is the best mechanism for getting this right, with developers bringing forward applications for port developments where they consider them to be commercially viable.”*
- 4.47 As explained in the summary provided in the earlier part of this section, the IERRT development is being provided in a location that will effectively and

efficiently serve the needs of import and export markets. The IERRT is, fundamentally, providing capacity in the right place.

- 4.48 Furthermore, the provision of capacity through the IERRT Project at the Port of Immingham takes account of the changing needs of trade arising from the development and changing nature of economic circumstances. The changing demands of the market – in particular the increasing move toward unaccompanied Ro-Ro cargo and the movement away from the use of the short straits corridor – contribute toward the need for additional capacity to be provided within the Humber Estuary.
- 4.49 **Competition** - This element of the total need for new port infrastructure is considered further within the NPSfP at paragraph 3.4.13.
- 4.50 The NPSfP highlights that UK ports not only compete with each other but also compete with neighbouring ports in continental Europe. It explicitly states that - *“The Government welcomes and encourages such competition”*. This is because competition is seen as driving efficiency and lowering cost for industry and consumers, thereby contributing to the competitiveness of the UK economy.
- 4.51 The NPSfP makes clear that effective competition requires *“sufficient spare capacity to ensure real choices for port users”*, before then also making it clear that effective competition also - *“requires ports to operate at efficient levels, which is not the same as operating at full physical capacity”*.
- 4.52 It is then highlighted that, as a result of a number of factors, the - *“total port capacity in any sector will need to exceed forecast overall demand if the ports sector is to remain competitive.”* The policy then goes on to make it clear that *“The Government believes the port industry and port developers are best placed to assess their ability to obtain new business and the level of any new capacity that will be commercially viable, ...”*.
- 4.53 The IERRT Project will further improve the competitive position in respect of Ro-Ro freight capacity on the Humber Estuary. The available evidence (see for example the HSMS provided at ES Appendix 4.1) suggests that current facilities on the Humber Estuary are operating at or above an efficient level, with limited ability to expand or grow. There is considered to be no significant level of spare capacity available at the existing facilities, and certainly not a level of capacity that exceeds forecast overall demand.
- 4.54 **Resilience** – This element of the total need for new port infrastructure is considered further within the NPSfP at paragraph 3.4.15.
- 4.55 Following on from its consideration of competition matters, the NPSfP highlights that - *“Spare capacity also helps to assure the resilience of the national infrastructure”*. It is then made clear that - *“Port capacity is needed at a variety of locations and covering a range of cargo and handling facilities, to enable the sector to meet short-term peaks in demand, the impact of adverse weather*

conditions, accidents, deliberate disruptive acts and other operational difficulties without causing economic disruption through impediments to the flow of imports and exports.

4.56 Given the large number of factors involved, the policy concludes by stating that - *“the Government believes that resilience is provided most effectively as a by-product of a competitive ports sector”*.

4.57 As noted above, on the Humber Estuary it is considered that there is currently little contingency and resilience should existing Ro-Ro infrastructure be damaged, blocked or otherwise become unusable. Any difficulties experienced in the context of a lack of Ro-Ro berths able to service and accommodate the needs of the Ro-Ro operators, for any of the reasons cited above, could lead to significant economic disruption. The IERRT Project will provide significant benefits in this regard.

4.58 ***NPSfP Conclusions on the assessment of the need for new port infrastructure*** – In concluding the analysis on the assessment of the need for new port infrastructure, the NPSfP (at paragraph 3.4.16) states that:

“..the Government believes that there is a compelling need for substantial additional port capacity over the next 20 – 30 years, to be met by a combination of development already consented and development for which applications have yet to be received. Excluding the possibility of providing additional capacity for the movement of goods and commodities through new port development would be to accept limits on economic growth and on the price, choice and availability of goods imported into the UK and available to customers. It would also limit the local and regional economic benefits that new developments might bring. Such an outcome would be strongly against the public interest.”

4.59 It can be concluded from the analysis of need matters provided within the IERRT DCO application – see for example Chapter 4 of the Environmental Statement (Application Document 8.2.4) – that the IERRT Project will meet a need which accords with the Government’s assessment of need for new port infrastructure set out within the NPSfP. This is because:

(i) The IERRT Project will contribute to the need for additional Ro-Ro capacity on the Humber Estuary that has been identified in demand forecasts.

(ii) The IERRT Project will provide Ro-Ro capacity in a location which will effectively and efficiently serve the needs of import and export markets. In particular, it will provide for the needs of an existing established Ro-Ro freight operator – Stena Line – in the location where those needs have to be met.

(iii) The IERRT Project will improve the competitive position of Ro-Ro freight capacity on the Humber Estuary. It will contribute to and improve the

position in respect of the Humber Estuary providing competitive Ro-Ro freight services and routes to and from existing and new markets.

- (iv) The IERRT Project will significantly improve the resilience of Ro-Ro freight infrastructure on the Humber Estuary, which in turn will provide further resilience to the national port infrastructure position.
- 4.60 In light of this, it is clear that the need which the IERRT project will meet is a compelling need the meeting of which is strongly in the public interest.
- 4.61 **Guidance to the decision-maker on assessing the need for additional capacity** – In addition to setting out the Government’s assessment of the need for new port infrastructure, the NPSfP provides, at section 3.5, guidance to the decision-maker on assessing the need for additional infrastructure.
- 4.62 Paragraph 3.5.1 states that, having regard to the analysis contained within section 3.4 of the NPSfP, - *“when determining an application for an order granting development consent in relation to ports, the decision-maker should accept the need for future capacity to:*
- *cater for long-term forecast growth in volumes of imports and exports by sea for all commodities indicated by the demand forecast figures ...*
 - *support the development of offshore sources of renewable energy;*
 - *offer a sufficiently wide range of facilities at a variety of locations to match existing and expected trade, ship call and inland distribution patterns and to facilitate and encourage coastal shipping;*
 - *ensure effective competition among ports and provide resilience in the national infrastructure; and*
 - *take full account of both the potential contribution port developments might make to regional and local economies.”*
- 4.63 From the analysis provided in the preceding paragraphs it is clear that the need which the IERRT Project will meet incorporates a number of the matters identified in NPSfP paragraph 3.5.1 as matters the decision maker should accept the need for future capacity for – specifically bullet points 1, 3, 4 and 5.
- 4.64 In terms of economic benefits, it is further highlighted – as detailed in ES Chapter 16: Socio economic receptors (Application Document 8.2.16) - that the Project will generate significant employment benefits. During its construction it is estimated that the IERRT development will generate some 788 net construction jobs (591 of which are expected to be within the Grimsby Travel to Work Area (the relevant TTWA for the Project) and 197 from outside of this TTWA). The 591 estimate would account for around 10% of the existing construction workforce within the Grimsby TTWA. The employment

opportunities created by the construction of the IERRT Project are considered to have a significant beneficial effect on the Grimsby TTWA economy.

- 4.65 In terms of Gross Value Added (GVA) it is estimated that the construction of the IERRT Project will contribute approximately £41.2 million per annum to the national economy, of which £30.9 million would be generated within the Grimsby TTWA. Again, this is considered to be a significant beneficial effect.
- 4.66 During the operational phase it is anticipated that the Project will create 196 net jobs, with 176 of those being filled by residents of the Grimsby TTWA. In terms of GVA it is estimated that the operational jobs will contribute approximately £2.9 million per annum to the national economy, of which £2.7m would be generated within the TTWA. Again, both of these matters are considered to be significant beneficial effects of the IERRT Project
- 4.67 As is explained within this Planning Statement, the local development plan for the area in which the IERRT Project is proposed – the North East Lincolnshire Local Plan - highlights that one of the important sectors for the area is the ‘Ports and Logistics’ sector. The strengthening of such key economic sectors and capturing economic benefits from such sectors and their growth are key elements of the overall strategy as set out in the plan.
- 4.68 The IERRT Project will make a significant contribution in this regard – a point that has already been identified by the local authority itself in its response in early 2022 to the IERRT pre-application consultation where it was stated by the Council that, amongst other things:
- “This development [i.e., ABP’s proposed project] also ties in closely with the recent announcement of Humber Freeport Status and add[s] to the wider economic growth of the Humber Region. It is this growth that the NELLP [North East Lincolnshire Local Plan] is based upon and the principle of such development is therefore supported.”*
- 4.69 Having regard to the above matters, which are of necessity a summary of the position, the need for the future Ro-Ro capacity that will be provided by the IERRT Project should, therefore, in accordance with NPSfP paragraph 3.5.1 be accepted by the decision maker.
- 4.70 Continuing, paragraph 3.5.2 of the NPSfP makes clear that:
- “Given the level and urgency of need for infrastructure of the types covered as set out above, the [decision maker] should start with a presumption in favour of granting consent to applications for port development. That presumption applies unless any more specific and relevant policies set out in this or another NPS clearly indicate that consent should be refused. The presumption is also subject to the provisions of the Planning Act 2008.”*
- 4.71 On the basis of the above, which in turn is based upon the wider body of evidence presented by ABP in its application documentation, it is concluded

that the Secretary of State for Transport has to start with a presumption in favour of granting consent for the IERRT Project.

- 4.72 Furthermore, drawing on the information contained within the wider IERRT DCO application documentation, this Planning Statement demonstrates that there is no aspect of the NPSfP which would suggest that consent for the IERRT Project should be refused – quite the contrary.
- 4.73 In addition, as brought together in the concluding section of this Planning Statement, there is no provision within the PA 2008 which would suggest that the application for the IERRT DCO should be refused consent.

5 HARBOUR IMPROVEMENT SUMMARY STATEMENT

5.1 Regulation 6 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations) sets out certain matters which specific types of Nationally Significant Infrastructure Projects need to provide in addition to the general application requirements that are provided within Regulation 5.

5.2 Regulation 6(3) relates to Harbour Facility NSIPs and states that:

“(3) If the application is for the construction or alteration of harbour facilities, it must be accompanied by a statement setting out why the making of the order is desirable in the interests of—

(a) securing the improvement, maintenance or management of the harbour in an efficient and economical manner; or

(b) facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships.”

5.3 The entirety of this Planning Statement, drawing upon the wider body of evidence presented in the IERRT DCO application, could be said to be a statement that provides the evidence to demonstrate why the making of the IERRT DCO is desirable in the interests of the matters set out in both regulation 6(3)(a) and 6(3)(b).

5.4 For ease of reference, however, this part of the Planning Statement seeks to provide a concise summary statement of how the proposed IERRT Project meets the requirements of both regulation 6(3)(a) and 6(3)(b). In doing so, it does not, however, repeat the detailed evidence on the matters raised that is provided elsewhere within both this statement and other application documentation such as the Environmental Statement.

The relevant harbour

5.5 For the purposes of the IERRT Project, the relevant harbour to be considered in respect of Regulation 6(3) is the Port of Immingham Statutory Harbour Authority (SHA) area.

5.6 There is no fixed boundary delineating the extent of the SHA area. This is because, as the Port has grown with the construction of new in-river berths and jetties as authorised by Local Acts and Statutory Orders, the boundary of the Port of Immingham SHA area has had to have been extended to encompass the new in-river infrastructure so as to ensure that ABP, as the SHA for the Port of Immingham (as opposed to the SHA for the Humber Estuary) has full regulatory control over vessel movements and navigational safety with the waters adjacent to the Port. Section 47 of the 1904 Act which is referred to below provides that the Port of Immingham SHA area effectively consists of -

“the works and conveniences constructed and a distance of 200 yards riverwards from every or any part thereof”.

- 5.7 The Port of Immingham SHA area, therefore, covers, in general terms, that part of the Humber Estuary that immediately fronts the port estate and encompasses all of the Port marine infrastructure. The proposed IERRT Project will be located within the Port of Immingham SHA boundary.
- 5.8 As noted in the general introduction, the Port of Immingham can trace its origins back to the Humber Commercial Railway and Dock Act 1904, which authorised the construction of a dock near the settlement of Immingham where the deep water channel moves close into the south bank of the Humber Estuary. Over the following decades various other Orders and Acts have resulted in the expansion of the Port and in Associated British Ports becoming the SHA.

Why the making of the IERRT DCO is desirable in the interests of securing the improvement of the Port of Immingham Statutory Harbour in an efficient and economical manner (APFP Regulation 6(3)(a)).

- 5.9 The IERRT Project will improve the Port of Immingham by providing it with new additional purpose built modern infrastructure that is able to service the growing and changing nature of the Ro-Ro freight sector.
- 5.10 As explained elsewhere within this Statement and also within Chapter 4 of the ES (Application Document 8.2.4) and the HSMS (ES Appendix 4.1 - Application Document 8.4.4 (a)), there is a very clear and urgent need for the type of infrastructure that the IERRT Project will provide.
- 5.11 In summary, the information presented in support of the IERRT DCO application demonstrates that the improvements to the Port of Immingham generated by the IERRT infrastructure will meet the requirements of regulation 6(3)(a) because it will:
- (i) provide additional berths at the Port of Immingham in an unconstrained marine location able to accommodate the large Ro-Ro vessels that are increasingly operating on the North-Sea trade routes;
 - (ii) provide necessary landside storage and supporting infrastructure entirely on existing previously developed port land in a form and layout which will be able to service the new berths in an efficient, effective and economic manner;
 - (iii) provide for the current and future needs of an existing customer that operates from the Port of Immingham - thereby overcoming current constraints and inefficiencies experienced by that customer;
 - (iv) improve the resilience of the infrastructure available at the Port of Immingham by providing additional in river berthing capacity and improved storage areas;

- (v) improve the competitiveness of the Port of Immingham – a location where the market wants Ro-Ro capacity to be located – in terms of providing for the needs of the Ro-Ro market;
- (vi) contribute to the achievement of objectives for the local area as set out by the local authority within relevant policy, and
- (vii) be able to make use of existing established road and marine connections.

5.12 The improvements that will be delivered by the IERRT Project will not require external funding and it should be noted in addition, will be delivered in a way that does not generate any significant adverse environmental effects.

Why the making of the IERRT DCO is desirable in the interests of facilitating the efficient and economic transport of goods and passengers by sea (APFP Regulation 6(3)(b)).

5.13 The fundamental purpose of the IERRT Project is to facilitate the transport of goods and, on occasion, passengers by sea. The annual throughput of the IERRT has been capped at 660,000 Ro-Ro units per year. In addition, passengers will be allowed to use services operating from the IERRT during those periods when the demands of the Ro-Ro cargo operations permit. Passenger use of the IERRT will be limited to 100 members of the public departing on any one day.

5.14 The infrastructure to be developed will be new, purpose built infrastructure designed to meet the specific requirements of handling commercial Ro-Ro cargo. An essential objective of the design is to ensure that it can operate efficiently and effectively.

5.15 The IERRT Project, in summary, therefore, will lead to a number of positive outcomes in terms of the efficient, economic and resilient transport of goods, including:

- (i) the provision of needed additional capacity that will meet, at least in part, the forecast demand for future Ro-Ro freight capacity at both a national and local Humber Estuary level;
- (ii) the provision of new Ro-Ro freight capacity of the right type – namely,
 - unconstrained in-river berths able to handle large Ro-Ro vessels;
 - supported by suitable landside storage areas and supporting infrastructure in a form and layout able to serve the new berths in an efficient, effective and economic manner; and
 - in a location where it is required;

- (iii) the improvement of the resilience of Ro-Ro port infrastructure at both a national and local Humber Estuary level;
 - (iv) the improvement of the competitiveness of the Ro-Ro freight market at both a national and local level;
 - (v) the provision of appropriate facilities to meet the current and future needs of an existing Ro-Ro operator, and
 - (vi) a contribution to the achievement of objectives set out in national and local policy.
- 5.16 By enabling, on occasion, the transport of passengers, the IERRT project will similarly lead to positive outcomes in terms of the efficient and economic transport of passengers.

6 THE ASSESSMENT OF THE EFFECTS OF THE IERRT PROJECT

- 6.1 The IERRT Project is a form of development which the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) makes clear has to be the subject of an Environmental Impact Assessment. This is because the IERRT Project falls within the description of development identified in Schedule 1, paragraph 8(2) of the Regulations, namely development consisting of:

“Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes.”

- 6.2 As a result, the IERRT Project has been the subject of a comprehensive environmental assessment the results of which are reported in the Environmental Statement (ES) provided as application documents 8.1 to 8.4.17 (b).

The Scope of the Environmental Statement

- 6.3 At the outset of the EIA process undertaken for the IERRT Project, a formal opinion as to the scope of the ES was obtained from the Secretary of State for Transport via the Planning Inspectorate (PINS) – see Application Document 8.4.6 (a). Following due process, it was determined that the scope of the ES should consider the potential for likely significant effects in respect of:

- (i) Physical processes within the marine environment;
- (ii) Water and sediment quality within the Humber Estuary;
- (iii) Nature conservation and marine ecology;
- (iv) Commercial and recreational navigation;
- (v) Coastal protection, flood defence and drainage;
- (vi) Ground conditions, including land quality;
- (vii) Air quality;
- (viii) Airborne noise and vibration;
- (ix) Cultural heritage and marine archaeology;
- (x) Socio-economic matters;
- (xi) Traffic and transport;

- (xii) Land use planning matters;
- (xiii) Climate change, and
- (xiv) Cumulative and in-combination effects.

6.4 The outcomes of the assessment in respect of the above matters are considered further in the paragraphs that follow. The process of determining the scope of the IERRT ES is further explained in Chapter 6 of the ES (Application Document 8.2.6).

Consultation on environmental information

- 6.5 **Statutory Consultation** - In determining its opinion on the formal scope of the ES, PINS undertook consultation with key stakeholders and bodies. In addition ABP - as required by sections 42 and 47 of the Planning Act 2008 – put in place a statutory consultation on the IERRT Project in January and February 2022 – that public consultation including the provision of preliminary environmental information about the Project and its potential effects, contained in a Preliminary Environmental Information Report.
- 6.6 **Supplementary Statutory Consultation** - A Supplementary Statutory Consultation exercise was undertaken by ABP in October and November 2022. This consultation provided information on a number of refinements that had been made to the scheme since the formal consultation undertaken at the beginning of 2022. The information consulted upon identified refinements made to the scheme and the implications for the preliminary environmental information published as part of that earlier consultation. Further detail regarding this Supplementary Consultation is provided in Appendix 4.2 of the ES – Application Document 8.4.4 (b).
- 6.7 Alongside these formal consultation processes, ABP has undertaken an extensive programme of ongoing consultation with relevant bodies and organisations throughout the pre-application process – those consultations including the contents and conclusions of the continuing work of assessment undertaken as part of the pre-application process.
- 6.8 All of the relevant consultation responses have been taken into account by ABP and its expert consultant team as appropriate in undertaking the assessment and drawing together the ES. This part of the pre-application exercise is detailed in each chapter of the ES as appropriate and in the formal Consultation Report – Application Documents 6.1 and 6.2.
- 6.9 **Consultation Report** - The Consultation Report describes the consultation and engagement process that has been carried out by ABP. It has been prepared

in accordance with section 37(7)(c) of the PA 2008, and relevant guidance, and demonstrates how ABP has complied with the pre-application consultation requirements set down in sections 42, 47, 48 and 49 of the PA 2008.

6.10 In accordance with PINS Advice Note Fourteen: 'Compiling the Consultation Report' - this Report records:

- How and when the project was publicised;
- Who was consulted and how the consultation was undertaken; and
- How responses to consultation were taken into account.

6.11 In addition, it also records the non-statutory consultations which have taken place with numerous bodies and parties outside the formal consultation process as prescribed by the PA 2008 so as to provide an understanding of all the consultation activity relevant to the Project which has taken place.

Summary of the assessment of environmental effects

6.12 All of the assessments undertaken (provided in chapters 7 to 19 of the ES) have been based upon a common understanding of the proposed development, which is detailed in chapters 2 and 3 of the ES (Application Document 8.2.2 and 8.2.3).

6.13 For some disciplines, specific guidance on the approach to be taken to the assessment of that particular discipline is available. Such guidance has been taken into account as appropriate. For other topics the approach to the assessment relies upon best practice. Each assessment chapter – which has been written by an expert in that particular field – explains in appropriate detail the assessment methodology which has been followed.

6.14 For ease of reference, each topic assessment chapter of the ES has been written to include a series of general common elements, for example each chapter provides a description of the methodology used, the baseline environment and likely environmental effects. The assessments which have been undertaken provide the relevant information which an ES has to provide as prescribed in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended).

6.15 The following paragraphs provide a summary of the conclusions reached in the assessments undertaken. For a full understanding of the assessments undertaken, the conclusions reached and the basis for those conclusions, reference should be made to the relevant ES chapters themselves.

Physical Processes (ES Chapter 7 – Application Document 8.2.7)

- 6.16 The assessment that has been undertaken considers the exposure to change in physical processes in the marine environment as a result of various impact pathways both during construction and operation of the IERRT Project.
- 6.17 The assessment concludes that in all respects the exposure to change is either low or negligible. As none of the impact pathways identified are assessed to give rise to a measurable exposure to change, no specific mitigation is determined to be needed to make the IERRT Project acceptable in this regard.

Water and Sediment Quality (ES Chapter 8 – Application Document 8.2.8)

- 6.18 Within the water and sediment quality assessment, the following potential impacts have been considered:
- (i) changes in dissolved oxygen concentrations as a result of increased suspended sediment concentrations during both the construction and operational phases;
 - (ii) changes in chemical water quality as a result of potential sediment bound contaminants during the construction phase and operation phases; and
 - (iii) the redistribution of sediment-bound contaminants during both the construction and operational phases.
- 6.19 The assessment undertaken explains that the effects generated by the above impacts likely to be generated by the IERRT Project will not be significant and that as a consequence measures of mitigation will not be required so as to ensure that the development will be acceptable in respect of these impact areas.

Nature Conservation and Marine Ecology (ES Chapter 9 – Application Document 8.2.9)

- 6.20 The nature conservation and marine ecology assessment considers the following potential effects of the IERRT Project.
- (i) Effects on benthic habitats and species resulting from:
 - (a) the loss of intertidal habitat as a result of capital dredging and the insertion of piles within the marine environment;
 - (b) the loss of subtidal habitat as a result of the insertion of piles within the marine environment;

-
- (c) the changes to benthic habitats and species as a result of seabed removal during capital dredge activity;
 - (d) the changes to benthic habitats and species as a result of sediment deposition associated with capital dredge activity and the related disposal of the dredged material;
 - (e) the indirect loss of or change to seabed habitats and species as a result of changes to hydrodynamic and sedimentary processes resulting from capital dredge activity, the disposal of dredged material and the insertion of piles;
 - (f) the changes in water and sediment quality as a result of the capital dredge and dredge disposal activity;
 - (g) the impacts of underwater noise and vibration during piling, capital dredging and dredge disposal;
 - (h) the changes to benthic habitats and species as a result of seabed removal during maintenance dredging activity;
 - (i) the changes to benthic habitats and species beneath the marine infrastructure due to shading;
 - (j) the changes to intertidal habitats and species as a result of the movement of Ro-Ro vessels; and
 - (k) the impacts of non-native species transferring to the area during vessel operations.
- (ii) Effects on fish resulting from:
- (a) the loss of or changes to fish populations as a direct result of dredging and dredge disposal activity;
 - (b) the changes in water and sediment quality as a result of dredging and dredge disposal activity, and
 - (c) the impacts of underwater noise and vibration during piling, capital dredging and dredge disposal activity.
- (iii) Effects on marine mammals resulting from:
- (a) the impacts of underwater noise and vibration during piling, capital dredging and dredge disposal activity.

- (iv) Effects on coastal waterbirds resulting from:
 - (a) the loss or change to coastal waterbird habitat;
 - (b) noise and visual disturbance;
 - (c) the direct changes to foraging and roosting habitat as a result of the presence of infrastructure, and
 - (d) the disturbance of waterbirds during operation.

6.21 The assessment undertaken identifies those impact pathways where mitigation is required to reduce the significance of the effects which have been identified. That mitigation, in summary, consists of:

- (i) controls over the disposal of dredged arisings;
- (ii) the use of biosecurity control measures;
- (iii) the application of soft start procedures during piling activity;
- (iv) the use of vibro piling where possible;
- (v) night-time working restrictions;
- (vi) the use of a marine mammal observer and associated protocols during percussive piling activity;
- (vii) cold weather construction restrictions;
- (viii) winter time construction restriction for certain elements of the works;
- (ix) other seasonal piling restrictions;
- (x) the use of acoustic screening for certain elements of the construction;
- (xi) the use of a noise suppression system for piling activity; and
- (xii) the use of screening on the approach jetty during operation.

6.22 With the above mitigation in place, the assessment concludes that there will be no significant – in EIA terms – effects generated by the IERRT Project in respect of nature conservation or marine ecology.

6.23 Relevant aspects of the nature conservation and marine ecology assessment that are presented in ES Chapter 9 – which concentrates essentially on the

designated marine environment as opposed to the landside port estate - have also been used to inform the Habitats Regulation Assessment information that has been provided as part of the IERRT application. This HRA information is provided in Application Document 9.6. This document provides a comprehensive analysis – taking into account PINS Advice Note 10 as appropriate - of the potential implications of the IERRT Project on relevant European Marine sites.

- 6.24 The submitted HRA concludes that the IERRT Project will not have an ‘adverse effect on the integrity’ of the designated European Marine sites.
- 6.25 In addition to informing the HRA, relevant aspects of the nature conservation and marine ecology assessment that are presented in ES Chapter 9 have also been used to inform the Water Framework Directive (WFD) Compliance Assessment (Application Document Reference 8.4.8). The WFD Compliance Assessment document concludes that the impacts of the proposed IERRT Project will be acceptable in terms of the requirements of the Water Framework Directive.

Commercial and Recreational Navigation (ES Chapter 10 – Application Document 8.2.10)

- 6.26 This chapter of the ES provides an assessment of the potential significant effects of the proposed development on commercial and recreational navigation. The chapter has been informed by a Navigational Risk Assessment (NRA) - which is provided at ES Appendix 10.1 (Application Document 8.4.10 (a)). The assessment is also informed by a series of desk based studies and real time navigation simulations – detailed in ES Appendix 10.2 and 10.3 (Application Documents 8.4.10 (b) and 8.4.10 (c)).
- 6.27 The following impact pathways have been assessed during the construction phase of the Project:
- Person overboard during dredge and construction works;
 - Allision of dredger/construction vessel with Immingham Oil Terminal (IOT) infrastructure;
 - Allision of commercial vessel with marine works;
 - Collision of two craft associated with marine works;
 - Collision/allision of commercial vessel entering construction area;
 - Collision of dredger or barge with vessel at anchorage when disposing of dredge material;

- Dredger grounding whilst engaged in operations;
- Hazardous chemical spill from construction vessels;
- Construction vessel mooring failure;
- Component (equipment, material) dropped during construction;
- Construction vessel takes on water from excessive wash; and
- Payload related incidents.

6.28 The following impact pathways have been assessed during the potential overlapping construction and operational phase of the Project:

- Collision of construction vessel with Ro-Ro vessel;
- Ro-Ro vessel mooring failure in vicinity of marine construction works;
- Component (equipment, material) dropped during construction preventing Ro-Ro operations;
- Construction vessel takes on water from excessive wash from Ro-Ro vessel;
- Allision of Ro-Ro vessel with IERRT infrastructure;
- Construction vessel mooring failure; and
- Ro-Ro vessel arriving/departing IERRT berth 2 with a tanker berthed on Eastern Jetty.

6.29 The following impact pathways have been assessed during the operational phase of the Project:

- Allision of Ro-Ro vessel arriving/departing IERRT with tanker moored at IOT finger pier;
- Allision of tanker manoeuvring on/off IOT finger pier with IERRT on flood tide;
- Allision of barge manoeuvring on/off IOT finger pier with IERRT on flood tide;
- Allision of Ro-Ro vessel with IOT trunk way;
- Allision of Ro-Ro vessel with IERRT infrastructure;

- Collision of Ro-Ro vessel on passage to/from IERRT with another vessel;
- Ro-Ro vessel grounding whilst manoeuvring to IERRT berth 3;
- Ro-Ro vessel mooring failure; and
- Allision of Ro-Ro vessel arriving/departing IERRT berth 2/3 with a tanker berthed on Eastern Jetty.

6.30 In the absence of any mitigation, some of the above impact pathways could lead to significant effects – in EIA terms. However, a series of defined mitigation measures are proposed within the chapter, relating to risk assessment matters and applied controls, which reduce the residual effects to those of an insignificant nature.

Coastal Protection, Flood Defence and Drainage (ES Chapter 11 – Application Document 8.2.11)

6.31 In addition to the specific ES chapter that considers these topics (ES Chapter 11), the IERRT application also includes a Flood Risk Assessment (FRA) (ES Appendix 11.1 - Application Document 8.4.) which includes as an annex a Drainage Strategy.

6.32 The assessment undertaken considers the coastal protection, flooding and drainage implications of the IERRT development on:

- People;
- Property (buildings and services);
- Infrastructure (such as roads, footpaths and railways);
- Flood defence assets;
- Drainage and sewer systems, and
- Waterbodies.

6.33 The assessment identifies various mitigation measures that will be put in place both during construction and operation of the IERRT. With such mitigation in place the assessment concludes that there will be no significant adverse effects as a result of the development in respect of coastal protection, flooding and drainage matters. The assessment does, however, highlight that the new drainage infrastructure to be implemented as part of the proposed development will have a significant beneficial impact.

6.34 The FRA has been undertaken having regard to relevant policy and guidance. The FRA has considered all sources of flooding that could impact the IERRT development as well as any potential off site flood risk impacts that could be generated by the IERRT development. The FRA demonstrates how the flood risk from all sources to and from the site of the proposed development can be mitigated to a level which is low and acceptable.

Ground Conditions including Land Quality (ES Chapter 12 – Application Document 8.2.12)

6.35 In considering the implications of the IERRT Project in respect of ground conditions and land quality matters – which is confined to the landside element of the Project within the statutory port estate - the assessment which has been undertaken and reported within the ES has considered the following receptors of any impacts:

- Human health;
- Ecological systems;
- Geology;
- Property – in the form of buildings and services, and
- Surface water courses and groundwater (controlled waters).

6.36 In undertaking the assessment, the existing baseline position – as for all topic assessments included within the ES – was first determined. For ground conditions this was determined through a combination of previously published information and ground investigations.

6.37 The assessment undertaken puts forward a comprehensive list of mitigation measures – both during the construction and during operation stages – that involve both general good practice measures and development specific measures.

6.38 With the mitigation measures in place – a number of which will be secured through a Construction Environmental Management Plan (CEMP) (Application Document 9.2) - the assessment concludes that the ground condition / land quality related effects on all of the receptors listed above both during construction and operation will be in the range neutral to slight adverse. In the environmental assessment process undertaken, such impacts are not considered to be significant.

Air Quality (ES Chapter 13 – Application Document 8.2.13)

6.39 Chapter 13 of the IERRT ES reports the finding of a detailed air quality assessment of the proposed development. Having regard to appropriate guidance, the assessment considers the likely effects upon:

- Dust sensitive receptors within 350m of demolition and construction activities;
- Dust sensitive receptors within 50m of public roads that will be used by construction traffic which are within 500m of a construction site entrance, and
- Air quality sensitive receptors – including designated habitats and residential properties – with the potential to be significantly affected by the IERRT developments emission sources such as those generated by vehicles and docked vessels.

6.40 In line with appropriate and relevant guidance, the assessment identifies a series of mitigation measures that will be put in place so as to ensure that the residual air quality effects of the proposed IERRT Project are not significant. For the IERRT Project a number of the mitigation measures proposed are those which are standard practice – for example, standard practice dust mitigation measures for the construction phase as recommended by the Institute of Air Quality Management - although these are supplemented by further project specific mitigation measures.

6.41 As a result of the imposition of such mitigation measures the assessment concludes, with a high degree of confidence, that no significant air quality effects will be generated by the proposed IERRT Project.

Airborne Noise and Vibration (ES Chapter 14 – Application Document 8.2.14)

6.42 Chapter 14 of the IERRT ES reports the finding of the assessment that has been undertaken in respect of the potential airborne noise and vibration effects of the proposed IERRT Project.

6.43 The assessment identifies that during the construction phase noise and vibration emissions may have the potential to impact on sensitive receptors within the vicinity of the construction site – those receptors being residential properties close to the Port of Immingham and certain office and welfare uses within the Port located in close proximity to the construction site.

6.44 In respect of the operational phase of the Project the assessment identifies that the main sources of noise will be from site activities including marine vessel

movements, HGV and land tugmaster movements within and around the development site, mechanical plant such as air conditioning associated with proposed buildings, HGV refrigeration units and off-site traffic movements.

- 6.45 Using appropriate methodologies, the assessment has identified a series of mitigation measures necessary to ensure that no significant effects are generated during the construction and operational phase of the proposed development.

Cultural Heritage and Marine Archaeology (ES Chapter 15 – Application Document 8.2.15)

- 6.46 The assessment undertaken considers the impacts and resulting effects of the proposed IERRT Project on seabed prehistory, seabed features, intertidal heritage receptors and the historic setting of the Port of Immingham.
- 6.47 Direct impacts to terrestrial heritage receptors were scoped out of the assessment as the terrestrial part of the site of the proposed IERRT Project does not contain any such receptors.
- 6.48 With the imposition of appropriate mitigation – largely provided in the form of a Written Scheme of Investigation (WSI), a draft of which has been provided as part of the IERRT DCO application documentation (ES Appendix 15.3 - Application Document 8.4.15 (c)) – the assessment concludes with a high degree of confidence that no significant adverse effects will be generated by the IERRT Project.
- 6.49 In respect of known and potential seabed prehistory receptors, the ability to undertake geoarchaeological assessment of planning confirmatory geotechnical surveys has been identified as generating a beneficial impact of the Project.

Socio Economic (ES Chapter 16 – Application Document 8.2.16)

- 6.50 This chapter of the ES provides an assessment of the likely socio economic effects of the IERRT Project. Having regard to relevant policy and guidance the assessment considers the following impacts of the IERRT Project during both its construction and operational phases.
- Changes to employment;
 - Changes to GVA;
 - Impacts on local services and infrastructure;
 - Changing influx of workers; and

- Effects on existing businesses and activities.

6.51 The assessment concludes that no significant adverse socio economic effects will be generated by the proposed development. The assessment does, however, identify that both during construction and operation of the Project significant beneficial effects will be generated in respect of employment and GVA.

Traffic and Transport (ES Chapter 17 – Application Document 8.2.17)

6.52 The traffic and transport assessment considers the likely impacts of the proposed IERRT Project during its construction and operational phase in respect of severance, driver delay, pedestrian delay, pedestrian amenity, fear and intimidation, accidents and safety and hazardous loads.

6.53 The assessment concludes that the IERRT Project will generate no significant effects in respect of these matters. However, the assessment also identifies a package of measures which will further improve the situation in respect of traffic and transport matters. This package includes works to the East Gate entrance to the Port.

6.54 The Traffic and Transport Chapter is accompanied by a detailed Transport Assessment (ES Appendix 17.1 - Application Document 8.4.17 (a)). On the basis of the analysis undertaken, the transport assessment concludes that the IERRT Project would not result in a severe impact on highway safety and would meet relevant tests sets out within policy. The overall conclusion reached is that there is no reasonable highway or transport reason for refusing consent for the IERRT development.

Land Use Planning (ES Chapter 18 – Application Document 8.2.18)

6.55 Chapter 18 of the ES provides an assessment of the IERRT Project on land use planning and human health. The main objective of the assessment is to demonstrate that workers and users of the IERRT Project will not be exposed to unacceptable levels of risk from potential major accidents at the nearby operational sites regulated by the Health and Safety Executive.

6.56 In addition to being considered in Chapter 18, human health matters are also included within other topic assessments already summarised in the preceding paragraphs.

6.57 The assessment demonstrates that the IERRT Project will not contribute to any risks to the health and safety of people and that, with certain mitigations in place, the risk to workers and members of the public at or using the IERRT will remain at an acceptable and safe level.

Climate Change (ES Chapter 19 – Application Document 8.2.19)

- 6.58 The consideration of potential climate change effects of the IERRT Project has been divided into two principal elements, namely:
- (i) the impact of the IERRT Project on climate in respect of greenhouse gas emissions, and
 - (ii) the resilience of the IERRT Project to climate change.
- 6.59 In terms of greenhouse gas emissions, the Project looks to reduce these through the future provision of electrical power to ships when they are at berth, the provision of electric vehicle charging points and the future use of electric land tugmasters for moving cargo around the facility and electric reefer gantry chargers.
- 6.60 In terms of climate change resilience, having assessed the design of the proposed development, the assessment concludes that the magnitude of the climate change impact generated by the IERRT development during both its construction and operation is low.
- 6.61 As such, the construction and operation of the IERRT Project is assessed as not likely to affect the UK's ability to meet its Carbon Budgets.

Cumulative and In Combination Effects (ES Chapter 20 – Application Document 8.4.20)

- 6.62 Chapter 20 of the ES presents an assessment of the cumulative and in-combination effects of the proposed IERRT Project. The assessment undertaken has been informed by the various topic assessment reported elsewhere within the ES and the approach adopted has had due regard to the advice contained within PINS Advice Note 17: Cumulative effects assessment relevant to nationally significant infrastructure projects.
- 6.63 From the assessment undertaken, no significant adverse in combination or cumulative effects are predicted to occur.

Conclusions on the environmental effects of the IERRT Project

- 6.64 The above summary highlights that, following a comprehensively detailed environmental assessment that was undertaken by suitably qualified and experienced specialists and which took account of relevant policy, guidance and legislation, it can be concluded that the IERRT development will not generate any significant adverse environmental effects.

7 THE ADEQUACY OF THE IERRT DCO APPLICATION

7.1 ABP and its consultant team have undertaken a considerable amount of work in producing the IERRT DCO application. ABP considers that it has produced a fully compliant application, as now summarised in the following explanatory paragraphs.

Application formalities

7.2 The IERRT DCO application has been submitted in the form required by section 37(3)(b) of the PA 2008 and the application documents comply with the requirements in section 37 of the PA 2008 and those set out in other documents, including:

- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations);
- The Infrastructure Planning (Compulsory Acquisition) Regulations 2010;
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations);
- The Department for Communities and Local Government's Planning Act 2008: Application form guidance (2013), and
- The Planning Inspectorate's Advice Note Six: Preparation and submission of application documents (2022).

Pre-application consultation

7.3 The IERRT DCO application includes – as required by section 37(3)(c) of the PA 2008 - a Consultation Report. As has already been explained, the Consultation Report (Application Documents 6.1 and 6.2) describes the consultation and engagement process that has been carried out by ABP. It has been prepared in accordance with section 37(7) of the PA 2008, and relevant guidance. It demonstrates how ABP has complied with the pre-application consultation requirements set down in sections 42, 47, 48 and 49 of the PA 2008.

7.4 In accordance with PINS Advice Note Fourteen: Compiling the Consultation Report (2021) - the Consultation Report provides evidence about:

- How and when the project was publicised;
- Who was consulted and how the consultation was undertaken; and

- How relevant responses to consultation were taken into account.

7.5 The Consultation Report also explains that, alongside the statutory consultation undertaken, extensive non-statutory consultation has been undertaken with relevant bodies and parties beyond the statutory consultation requirements prescribed by the PA 2008. The Consultation Report explains how the outcomes of this non-statutory ongoing consultation have been taken account of in the process of producing the DCO application.

Pre-application engagement with the Planning Inspectorate

7.6 Throughout the pre-application stage, ABP has actively engaged with the Planning Inspectorate to discuss the Project generally and specific aspects as necessary. This has included a series of conference call meetings and discussions.

7.7 As part of this pre-application engagement ABP took advantage of the service offered by the Inspectorate to review draft versions of certain application documents. The views provided to ABP by the Inspectorate in this regard have been taken fully into account in finalising the application documentation prior to submission.

7.8 Advice received from PINS under section 51 of the 2008 Act and how it has been taken into account is detailed within the Consultation Report (Application Documents 6.1 and 6.2).

Draft Development Consent Order

7.9 The IERRT DCO application is accompanied by a draft Development Consent Order (Application Document 3.1) which provides the proposed form of statutory consent – albeit in draft. It also takes account of comments received from PINS who reviewed an earlier iteration.

7.10 The draft DCO is also accompanied by an Explanatory Memorandum (Application Document 3.2) which explains the purpose and the effect of the various provisions set out in the draft order.

7.11 The draft DCO and Explanatory Memorandum are supported by a series of Works Plans (Application Document 2.3) which show the limits within which the development and works may be carried out, along with any limits of deviation provided for in the draft Order.

7.12 The various documents listed above, therefore, meet the requirements of Regulations 5(2)(b), (c) and (j) of the APFP Regulations.

Environmental Statement

- 7.13 As explained in more detail in section 6 of this statement, the IERRT DCO application is accompanied by an Environmental Statement (as required by Regulation 5(2)(a) of the APFP Regulations) that reports the findings of an appropriately detailed environmental assessment that has been undertaken by suitably qualified and experienced specialists and which has taken account of relevant policy, guidance and legislation.
- 7.14 The ES, as noted above, demonstrates that the IERRT development will not generate any significant adverse environmental effects.

Habitats Regulations Assessment

- 7.15 The IERRT DCO application includes a Habitats Regulations Assessment Report as required by Regulation 5(2)(g) of the APFP Regulations. This report (provided as Application Document 9.6) identifies all European sites that may be affected by the proposed development and provides sufficient information for the Secretary of State - as competent authority – to make an appropriate assessment of the implications for any relevant European site.
- 7.16 The HRA report has been prepared having due regard to PINS 2022 Advice Note Ten: Habitats Regulations Assessment relevant to nationally significant infrastructure projects.
- 7.17 The submitted HRA document demonstrates that the Project will not have an 'adverse effect on the integrity' on relevant European sites.

Other assessments

- 7.18 The IERRT application documentation includes a number of other assessments, many of which form appendices to the ES. These other assessments include:
- (i) a Waste Hierarchy Assessment (Application Document 8.4.2 (a));
 - (ii) a Preliminary Ecological Appraisal (Application Document 8.4.6 (b));
 - (iii) a Water Framework Directive Compliance Assessment (Application Document 8.4.8);
 - (iv) an Underwater Noise Assessment (Application Document 8.4.9 (b));
 - (v) a Navigational Risk Assessment (Application Document 8.4.10 (a));
 - (vi) a Flood Risk Assessment (Application Document 8.4.11);

- (vii) a Historic Environment Settings Assessment (Application Document 8.4.15 (b)), and
- (viii) a Transport Assessment (Application Document 8.4.17 (a)).

Compulsory acquisition

- 7.19 Within its application, ABP is seeking authorisation for the compulsory acquisition of certain interests in, and rights over, land together with the overriding of easements and all other rights in connection with that land as appropriate to support the delivery of the IERRT Project. Details of those rights and interests over which powers of compulsory acquisition are being sought are provided in the Book of Reference (Application Document 4.1), the Statement of Reasons (Application Document 4.2) and the Land Plans (including Crown Land) (Application Document 2.2).
- 7.20 Details of funding to compensate those affected by the exercise of the compulsory powers sought within the draft DCO are provided in the Funding Statement (Application Document 4.3).
- 7.21 The various documents listed above, therefore, meet the requirements of Regulations 5(2)(d), (h) and (i) of the APFP Regulations.
- 7.22 It should be noted that whilst at the date of submission, agreements with the parties subject to the currently proposed powers of compulsory acquisition have not been finalised and completed, ABP is continuing to negotiate terms with those parties affected, as noted in the Statement of Reasons.

Statutory nuisance

- 7.23 As required by regulation 5(2)(f), the IERRT application is accompanied by a statement setting out whether the proposed development engages one or more of the matters set out in section 79(1) (statutory nuisances and inspections therefor) of the Environmental Protection Act 1990, and if so how these matters are proposed to be mitigated or limited.
- 7.24 The Statutory Nuisance Statement is provided as Application Document 5.2. With proposed mitigation in place, as described in that Statement, it is not anticipated that there will be a breach of Section 79(1) of the Environmental Protection Act 1990 during either the construction or operation of the IERRT Project.

Harbour Improvement Statement

7.25 As further explained in section 5 of this statement, because the IERRT application is for a Harbour Facility NSIP, it needs to be accompanied by a statement detailed the matters set out in regulation 6(3) of the APFP Regulations. This required element of the application submission is summarised in section 5 of this Statement.

Other consents

7.26 Details of other consents and agreements not forming part of the DCO application which ABP – or indeed others – will be seeking in relation to the IERRT project are set out in the Consents and Agreements Statement (Application Document 9.1). This document is provided in compliance with the provisions of regulation 5(2)(q) of the APFP Regulations.

Other matters

7.27 In addition to the matters referred to above, the IERRT application also includes:

- (i) a Location Plan pursuant to regulation 5(2)(o) of the APFP Regulations (Application Document 2.1);
- (ii) Nature Conservation Plans pursuant to regulation 5(2)(l) of the APFP Regulations (Application Document 2.4);
- (iii) a series of General Arrangement Plans, Engineering Sections, drawings and plans pursuant to regulation 5(2)(o) of the APFP Regulations (Application Documents 2.5 and 2.6);
- (iv) a Drainage Plan and a Lighting Plan pursuant to regulation 5(2)(o) of the APFP Regulations (Application Documents 2.7 and 2.8),
- (v) a Construction Environmental Management Plan (CEMP), a Woodland Enhancement Management Plan (WEMP) and a Schedule of Mitigation pursuant to regulation 5(2)(q) of the APFP Regulations (Application Documents 9.2, 9.4 and 9.7), and
- (vi) this Planning Statement (incorporating the Harbour Statement) pursuant to regulation 5(2)(p) and (q), and Regulation 6(3) of the APFP Regulations (Application Document 5.1).

8 POLICY ANALYSIS AND ASSESSMENT

- 8.1 As has already been explained in section 2 of this Planning Statement, consideration of national and local policy must be taken fully into account as part of the process of determining an NSIP application.
- 8.2 This section of the Planning Statement, therefore, provides an analysis and assessment of policy of relevance to the IERRT Project. The analysis is supported by the following appendices:
- Appendix 1 – which provides an analysis and assessment as to why the IERRT Project is in compliance with the National Policy Statement for Ports (NPSfP);
 - Appendix 2 – which provides an analysis and assessment as to how the IERRT Project complies with policy contained within the East Marine Plans,
 - Appendix 3 – which provides an analysis and assessment of the IERRT Project in the context of the adopted North-East Lincolnshire Local Plan 2013 – 2032,
 - Appendix 4 – which provides information in respect of the Project Appraisal Framework for Ports and WebTAG, and
 - Appendix 5 – which provides information in respect of the sequential and exception tests.

National Policy – National Policy Statement for Ports (NPSfP), (2012)

- 8.3 The content of this National Policy Statement – which forms a principal element in the determination of the IERRT DCO application – is considered in full detail in Appendix 1. In addition, Section 4 of this Statement considers, amongst other things, the position on the need for new port development that is set out in the NPSfP. What follows, therefore, is only a summary of the analysis and assessment of the NPSfP that has been undertaken.
- 8.4 Following the sections within its introductory parts (sections 1 and 2) the NPSfP sets out – in section 3 – Government policy and the need for new infrastructure. From the analysis and assessment that has been undertaken of this policy the following conclusions can be drawn.
- (a) The IERRT Project will be in accordance with the Government's fundamental policy for ports (set out in NPSfP paragraphs 3.3.1 and 3.3.2) because it:

-
- will cater for, in a sustainable way, long-term forecast growth in Ro-Ro cargo imports and exports on the Humber Estuary;
 - will benefit competition in the Ro-Ro sector on the Humber and within the UK and will be an efficient facility able to meet the needs of importers and exporters cost effectively and in a timely manner;
 - will provide the type of capacity for which there is market demand in a location where the market wants such capacity to be located, and
 - is sustainable development that satisfies relevant legal, environmental and social constraints and objectives.
- (b) The IERRT Project will (in accordance with paragraph 3.3.3 and 3.3.4 of the NPSfP) generate outcomes which will help meet the requirements of the Government's policies on sustainable development. Those outcomes being:
- the provision of significant local employment during both the construction and operational phases and a significant contribution to the achievement of local objectives for the development of the area;
 - the provision of competition benefits in the Ro-Ro sector and a contribution to the security of the supply of goods handled in the form of Ro-Ro cargo;
 - the preservation and protection of marine and terrestrial ecology in that no significant effects in respect of ecology will be generated by the Project, and an area of terrestrial enhancement will be provided;
 - the minimisation of emissions of greenhouse gases, as explained in the ES;
 - the provision of a facility that is well designed, both functionally and environmentally;
 - the provision of a facility that has been designed, as far as is necessary, to take account of the impacts of climate change;
 - the provision of a facility on previously developed land that, therefore, minimises the use of greenfield land;
 - the provision of a facility that will provide high standards of protection for the natural environment;
 - the provision of a facility which will, where as far as is relevant and necessary, maintain access to and condition of heritage assets;

- the provision of a facility which will enhance access to the Port of Immingham and the jobs, services and networks the Port has created and sustains.
- (c) The IERRT Project will contribute to economic growth and provide new and make use of existing efficient transport links, thereby supporting sustainable transport as highlighted in NPSfP paragraph 3.3.5.
- 8.5 Section 3.4 of the NPSfP sets out national policy on the Government's assessment of the need for new port infrastructure. As has already been explained in section 4 of this statement, the IERRT Project meets a need which accords with the Government's assessment of need for new port infrastructure set out in this part of the NPSfP because:
- (a) The IERRT Project will contribute to the need for additional Ro-Ro capacity on the Humber Estuary that has been identified in demand forecasts.
 - (b) The IERRT Project will provide Ro-Ro capacity in a location which will effectively and efficiently serve the needs of import and export markets. In particular, it will provide for the needs of an existing established Ro-Ro freight operator – Stena Line – in the location where those needs have to be met.
 - (c) The IERRT Project will improve the competitive position of Ro-Ro freight capacity on the Humber Estuary. It will contribute to and improve the position in respect of the Humber Estuary providing competitive Ro-Ro freight services and routes to and from existing and new markets.
 - (d) The IERRT Project will significantly improve the resilience of Ro-Ro freight infrastructure on the Humber Estuary, which in turn will provide further resilience to the national port infrastructure position.
- 8.6 In light of this, it is clear that the need which the IERRT Project will meet is a compelling need the meeting of which is strongly in the public interest.
- 8.7 Section 3.5 of the NPSfP sets out guidance for the decision-maker on assessing the need for additional capacity. Again, this aspect of the policy has been considered in detail in section 4 of this Statement, from which it can be concluded that:
- (a) The need which the IERRT Project will satisfy incorporates a number of those matters which NPSfP paragraph 3.5.1 indicates should be accepted by the decision maker; and
 - (b) The decision maker should start with a presumption in favour of granting consent for the IERRT Project (NPSfP, paragraph 3.5.2).

- 8.8 Following the analysis of the need for new infrastructure, Section 4 of the NPSfP sets out a series of assessment principles under the headings of:
- (i) Key considerations;
 - (ii) Consideration of benefits and impacts;
 - (iii) Economic impacts: general overview;
 - (iv) Commercial impacts;
 - (v) Competition;
 - (vi) Tourism;
 - (vii) Environmental Impact Assessment;
 - (viii) Habitats and Species Regulations Assessment;
 - (ix) Alternatives;
 - (x) Criteria for 'good design' for port infrastructure;
 - (xi) Pollution control and other environmental regulatory regimes;
 - (xii) Climate change mitigation;
 - (xiii) Climate change adaptation;
 - (xiv) Common law nuisance and statutory nuisance;
 - (xv) Hazardous substances;
 - (xvi) Health, and
 - (xvii) Security considerations.
- 8.9 Each of these topics have been considered in detail within Appendix 1 of this Planning Statement. The analysis contained in Appendix 1 shows how each of these matters – taking account of the policy provided within the NPSfP – have been addressed in respect of the IERRT application. The analysis in Appendix 1 also demonstrates the overall acceptability of the IERRT Project in respect of the matters set out in Section 4 of the NPSfP.
- 8.10 Following the section on assessment principles (Section 4), the NPSfP then goes on to consider 'Generic Impacts' in Section 5. Under a series of fourteen different topic headings this section of the NPSfP provides information designed to inform the 'Applicant's assessment', 'Guidance for the decision-maker' and information on potential 'Mitigation' for each of those topic areas.

- 8.11 Appendix 1 of this Planning Statement considers each of these sections in turn and demonstrates how the assessments that have been undertaken for the IERRT Project take account of the NPSfP policy guidance, provide information to assist the decision maker in light of the guidance given in the NPSfP and clarify mitigation matters in the context of the information given within the NPSfP.
- 8.12 From the analysis provided within Appendix 1 it can be concluded that the consideration of the impacts and effects of the IERRT Project which has been undertaken complies, as required, with the relevant aspects of the NPSfP.
- 8.13 Overall, the analysis undertaken demonstrates that the IERRT Project itself and the assessment and supporting information submitted as part of the IERRT DCO application are fully in accordance with the NPSfP.

National Policy – National Planning Policy Framework (NPPF), (2021)

- 8.14 Whilst not the primary policy document for a Harbour Facility NSIP, the National Planning Policy Framework (NPPF) has the potential to be a relevant matter in the determination process. The following paragraphs set out the analysis and assessment undertaken in respect of policy contained within the NPPF published in July 2021. At the time of writing, a consultation has been started by Government into a revised NPPF – however, this has not been taken account of in the analysis that follows due to its emerging status.

NPPF Section 2 – Achieving sustainable development

- 8.15 This section of the NPPF indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At paragraph 8 it is further explained that achieving sustainable development has three overarching objectives, namely an economic objective, a social objective and an environmental objective.
- 8.16 The IERRT Project will contribute to the delivery of these objectives because it will:
- (a) help build a strong, responsive and competitive economy, making use of appropriately located previously developed land for purposes relating to the growth of port activity;
 - (b) support strong, vibrant and healthy communities through the provision of additional employment opportunities, and
 - (c) protect and enhance the natural, built and historic environment by, amongst other things, making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution and taking account of climate change matters.

- 8.17 Paragraph 9 of the NPPF goes on to highlight that the above objectives should be delivered through the preparation and implementation of development plans and the application of the policies in the NPPF. In this regard it is noted that the area within which the IERRT Project is located – North East Lincolnshire Council - has an up to date Local Plan.
- 8.18 As explained in the paragraphs that follow in this section of the Planning Statement and within Appendix 3, it is concluded that the IERRT Project accords with the policies of the Local Plan. On that basis, if the IERRT Project were the subject of a planning application under the 1990 Town and Country Planning Act, it would need to be approved in accordance with the policy contained in paragraph 11 within section 2 of the NPPF.

NPPF Section 6 – Building a strong, competitive economy

- 8.19 This part of the NPPF, at paragraph 81, highlights that:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”

- 8.20 Paragraph 83 goes on to highlight that - *“planning policies and decisions should recognise and address the specific locational requirements of different sectors”*.
- 8.21 As discussed in Appendix 3, the policies of the North East Lincolnshire Local Plan reflect this national policy guidance, thus the Local Plan highlights that one of the key sectors and strengths for the area is the ‘Ports and Logistics’ sector and that opportunities for the area relate to building on the international significance of the ports within the area. In setting out policies aimed at building the economy needed by North East Lincolnshire the plan specifically considers the ports and logistics sector and then, amongst other things, identifies operational port areas (which includes the site of the IERRT proposal) and indicates support for port related proposals within such areas.
- 8.22 It can, therefore, be concluded that the proposed IERRT Project is being promoted in accordance with the policy objectives provided within this part of the NPPF.

NPPF Section 9 – Promoting sustainable transport

- 8.23 This section of the NPPF begins by indicating that transport issues should be considered from the earliest stages of development proposals so that, amongst other things:
- (i) the potential impacts on transport networks can be addressed, and

- (ii) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects.
- 8.24 Such matters have been considered at an appropriately early stage by ABP and its specialist advisors in respect of the IERRT proposal.
- 8.25 Paragraph 110 of the NPPF indicates that in assessing specific applications for development it should be ensured that:
- “a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users;*
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*
- 8.26 These matters have been addressed appropriately in respect of the IERRT Project. The Project will serve a recognised sustainable transport mode, will benefit from safe and suitable access, takes account of appropriate design standards as relevant and will not generate unacceptable impacts for transport networks or in terms of highway safety.
- 8.27 Paragraph 111 then makes clear that - *‘Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.’* As demonstrated in both the Traffic and Transport ES Chapter (Chapter 17 – Application Document 8.2.17) and accompanying Transport Assessment (Application Document 8.4.17 (a)), the IERRT Project will not generate any such unacceptable or severe impacts.
- 8.28 In accordance with paragraph 113 of the framework, the IERRT application is supported by a Transport Assessment and a travel plan.

NPPF Section 11 – Making effective use of land

- 8.29 This section of the NPPF explains how the planning system should promote an effective use of land in meeting development needs whilst also safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 8.30 A key theme within this section of the NPPF is the encouragement given to using suitable brownfield land for appropriate uses – something with which the IERRT Project accords bearing in mind that the entirety of the landside element will be located within the statutory port estate – the development site itself

already being used, or previously used, for port related businesses and activities.

NPPF Section 14 – Meeting the challenge of climate change, flooding and coastal change

8.31 Paragraph 152 of the Framework explains that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change.

8.32 In respect of climate change matters it is made clear – at paragraph 154 – that new development should be planned in ways that:

“a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.”

8.33 The IERRT development has been designed to take account of climate change vulnerability matters. Furthermore, the Project is, fundamentally, about providing needed port capacity in an appropriate location which – as explained in the wider analysis of the Project – has the potential to reduce greenhouse gas emissions associated with the movement of freight and goods.

8.34 In respect of flooding matters, the key theme of the Framework is to avoid inappropriate development in areas at high risk of flooding and ensuring that development is safe for its lifetime without increasing flood risk elsewhere.

8.35 Reference is made to the sequential and exception tests – matters that have been considered in Appendix 5 of this Planning Statement. The IERRT Project has been shown – in respect of these requirements – to be an acceptable use of the site on which it is proposed.

8.36 In respect of the specific policy aspects listed in paragraph 167 and 169 of the framework the relevant ES Chapter (Chapter 11 – Application Document 8.2.11) and accompanying Flood Risk Assessment (FRA) (ES Appendix 11.1 – Application Document 8.4.11) demonstrates that:

- (i) the design of the IERRT has taken account of flood risks as appropriate, for example, the proposed terminal building is located in that part of the site with the lowest flood hazard, depth and velocity;
- (ii) appropriate flood resilience and flood resistance measures are to be provided (as set out in the FRA);

- (iii) appropriate drainage measures will be put in place having regard to the characteristics of the site and its surroundings and advice and guidance as necessary, and
- (iv) appropriate access will be provided and appropriate flood plans will be in place in respect of the proposed development.

8.37 The detailed information within the IERRT application documentation also demonstrates that appropriate regard has been had to coastal change matters, and that no significant adverse effects are considered likely to be generated by the Project in this regard.

NPPF Section 15 – Conserving and enhancing the natural environment

8.38 This section of the NPPF begins by stating at paragraph 174 -

“Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.”

8.39 In respect of habitats and biodiversity specifically, paragraph 180 of the Framework states:

When determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

- 8.40 As demonstrated within the IERRT application documentation, the IERRT Project will not generate significant harm to biodiversity – and as required, appropriate and adequate mitigation will be put in place. Furthermore, the Project will not result in the loss or deterioration of irreplaceable habitats. On the basis of the information contained within Chapter 9 of the ES (Application Document 8.2.9) it can also be concluded that the proposed development will not have an adverse impact on the special interest features of the Humber Estuary SSSI.
- 8.41 In respect of ground conditions and pollution policy matters set out within the NPPF (paragraphs 183 to 188), it can clearly be concluded from the IERRT application documentation that the site is suitable for the purpose envisaged, and that any residual pollution related effects – i.e. those associated with noise, lighting and air quality – will not be significant.
- 8.42 Paragraphs 187 and 188 of the NPPF seeks to ensure that proposed development integrates with existing businesses and community facilities and that the planning system should concentrate on whether the proposed development is an acceptable use of land.
- 8.43 The IERRT development is a port development proposed within an existing operational port environment. It is an entirely acceptable and indeed entirely appropriate use of the land proposed to be developed. As the IERRT application documentation demonstrates – for example in Chapter 16 (Application Document 8.2.16), which draws upon other technical assessments

as necessary) - the IERRT development will integrate effectively with existing businesses and facilities.

NPPF Section 16 – Conserving and enhancing the historic environment

- 8.44 As required by this section of the NPPF, the IERRT application – through ES Chapter 15 (Application Document 8.2.15) and associated appendices – identifies heritage assets that may potentially be affected by the proposed IERRT development and provides a detailed assessment of the likely effects on such assets. The overall conclusion, however, is that, following appropriate mitigation, any cultural heritage or marine archaeology effects resulting from either the construction or operation of the IERRT Project would be negligible and not significant.

Conclusion

- 8.45 Having regard to the summary provided above, which draws upon the wider body of evidence presented in the IERRT application, it can be concluded that the IERRT Project is being promoted fully in accordance with relevant policy contained within the National Planning Policy Framework.

National Policy – UK Marine Policy Statement (MPS), (2011)

- 8.46 The UK Marine Policy Statement (MPS) was adopted by all UK administrations in March 2011. The MPS is an ‘appropriate marine policy document’ to which the Secretary of State must have regard to – under section 104(2) of the PA 2008 – when deciding the application for the IERRT development.
- 8.47 The MPS makes clear that it is the role of Marine Plans to set out how the MPS will be implemented, further emphasising that the MPS does not provide specific guidance on every activity which will take place in, or otherwise affect, UK waters. In essence, the MPS is designed to provide a framework for the development of Marine Plans (paragraph 1.1.3).
- 8.48 The UK vision for the marine environment is set out in the MPS as being - “*clean, healthy, safe, productive and biologically diverse oceans and seas*” (paragraph 2.1.1). A series of high-level marine objectives are given which set out the broad outcomes for the marine area in achieving this vision. These objectives are reproduced in image 8.1. It is also made clear in the MPS that these objectives reflect the principles for sustainable development of the UK marine area and deliver the UK vision.
- 8.49 It is considered that the IERRT development will make a positive contribution to the achievement of these objectives.
- 8.50 With regard to decision making, the MPS highlights that the decision maker should weigh the potential benefits and balance them against the adverse effects of each proposal, drawing on different, identifiable lines of evidence (paragraph 2.3.2.1). The EIA process is identified as an entirely appropriate

way in which such information can be identified and made available for this exercise.

- 8.51 Chapter 3 of the MPS sets out policy objectives for the key activities that take place in the marine environment, emphasising that these will be delivered through marine planning and the decision making approach based on the framework of environmental, social and economic considerations outlined in Chapter 2 of the MPS.
- 8.52 The key activity of 'Ports and Shipping' is dealt with in section 3.4 of the MPS. This section begins by highlighting that ports and shipping are an essential part of the UK economy, providing the major conduit for the country's imports and exports. The MPS further recognises that ports provide key transport infrastructure between land and sea and that ports and shipping are critical to the effective movement of cargo and people, both within the UK and in the context of the global economy (paragraph 3.4.1).
- 8.53 In respect of port development specifically, the MPS (at paragraph 3.4.8) makes clear that relevant national policy documents (a footnote reference being provided to the then emerging NPSfP) indicate the overall national level of need for port development based on port forecasts in the context of a market led sector.
- 8.54 The MPS further outlines (at paragraph 3.4.9) the potential positive and negative impacts associated with port development. Potential positive impacts are identified as including job creation as well as wider benefits to national, regional and local economies, whereas potential adverse impacts are identified as including those arising from the construction phase and those arising from an increase in shipping (paragraph 3.4.10).
- 8.55 In setting out 'issues for consideration' the MPS indicates that decision makers should take into account the contribution that the development will make to national, regional more local need for the infrastructure, against expected adverse effects including cumulative effects (paragraph 3.4.11).
- 8.56 On the basis of the above, and in light of the information submitted in support of the IERRT DCO application, it is considered that the IERRT Project will contribute to the objectives and policies set out in the MPS in relation to the planning and development of ports in support of UK trade.

Local Policy – The East Marine Plans, (2014)

- 8.57 The East Inshore and East Offshore Marine Plans document is also an 'appropriate marine policy document' to which the Secretary of State must have regard to – under section 104(2) of the PA 2008 – when deciding the application for the IERRT development.
- 8.58 The East Inshore and East Offshore Marine Plans were formally adopted on 2 April 2014. The East Inshore Plan area covers 6,000 km² of sea, from mean

high water springs (MHWS) out to the 12 nautical mile limit from Flamborough Head in the north to Felixstowe in the south. The East Offshore Marine Plan covers 49,000 km² of area from the 12 nautical mile limit to the border with The Netherlands, Belgium and France.

- 8.59 Appendix 2 to this Planning Statement provides a more detailed analysis of the conformity of the proposed IERRT Project with relevant policy contained within the East Marine Plans. Referencing as necessary relevant parts of the IERRT application, the analysis undertaken demonstrates that the IERRT Project conforms with the vision, objectives and policies of the East Marine Plans.

Local Policy – The North East Lincolnshire Local Plan

- 8.60 The North East Lincolnshire Local Plan 2013 to 2032 was adopted in April 2018 and remains extent local policy for the area within which the IERRT Project is proposed.
- 8.61 Appendix 3 to this Planning Statement provides a detailed analysis of the extent to which the IERRT Project accords with relevant policy contained within the local plan, a summary of which is provided in the paragraphs that follow.
- 8.62 The Local Plan identifies that the Port of Immingham (together with the Port of Grimsby) are of international trading significance, providing a regional and national economic gateway and links to European and other trading markets (paragraph 6.6).
- 8.63 The 'Ports and Logistics' sector within North East Lincolnshire is identified as one of the area's strengths and of national significance. An identified opportunity for the area is the ability to build on the international significance of the ports and the ongoing role they play within the UK import and export market (Section 7).
- 8.64 Within the spatial vision for the area it is indicated that, amongst other things, by 2032 there will have been growth in key sectors – including in the ports and logistics sector (Spatial Vision). The land adjacent to the Estuary in and around the ports is further identified as a key economic resource where opportunities will have been taken to strengthen relevant key economic sectors (paragraph 9.8).

The high level marine objectives

Achieving a sustainable marine economy

- Infrastructure is in place to support and promote safe, profitable and efficient marine businesses.
- The marine environment and its resources are used to maximise sustainable activity, prosperity and opportunities for all, now and in the future.
- Marine businesses are taking long-term strategic decisions and managing risks effectively. They are competitive and operating efficiently.
- Marine businesses are acting in a way which respects environmental limits and is socially responsible. This is rewarded in the marketplace.

Ensuring a strong, healthy and just society

- People appreciate the diversity of the marine environment, its seascapes, its natural and cultural heritage and its resources and act responsibly.
- The use of the marine environment is benefiting society as a whole, contributing to resilient and cohesive communities that can adapt to coastal erosion and flood risk, as well as contributing to physical and mental wellbeing.
- The coast, seas, oceans and their resources are safe to use.
- The marine environment plays an important role in mitigating climate change.
- There is equitable access for those who want to use and enjoy the coast, seas and their wide range of resources and assets and recognition that for some island and peripheral communities the sea plays a significant role in their community.
- Use of the marine environment will recognise, and integrate with, defence priorities, including the strengthening of international peace and stability and the defence of the UK and its interests.

Living within environmental limits

- Biodiversity is protected, conserved and where appropriate recovered and loss has been halted.
- Healthy marine and coastal habitats occur across their natural range and are able to support strong, biodiverse biological communities and the functioning of healthy, resilient and adaptable marine ecosystems.
- Our oceans support viable populations of representative, rare, vulnerable, and valued species.

Promoting good governance

- All those who have a stake in the marine environment have an input into associated decision-making.
- Marine, land and water management mechanisms are responsive and work effectively together, for example through integrated coastal zone management and river basin management plans.
- Marine management in the UK takes account of different management systems that are in place because of administrative, political or international boundaries.
- Marine businesses are subject to clear, timely, proportionate and, where appropriate, plan-led regulation.
- The use of the marine environment is spatially planned where appropriate and based on an ecosystems approach which takes account of climate change and recognises the protection and management needs of marine cultural heritage according to its significance.

Using sound science responsibly

- Our understanding of the marine environment continues to develop through new scientific and socio-economic research and data collection.
- Sound evidence and monitoring underpins effective marine management and policy development.
- The precautionary principle is applied consistently in accordance with the UK Government and Devolved Administrations' sustainable development policy.

Image 8.1 – Marine Policy Statement High Level Marine Objectives

8.65 Policy 7 of the Plan considers employment land supply and seeks to ensure that sufficient and appropriate land is identified to meet the needs set out in the Plan. Part 3 of policy 7 makes clear that:

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

8.66 The landside part of the IERRT Project is shown on the Policies Map as being located within an operational port area. The proposed IERRT is a port related use and, as demonstrated through this Planning Statement, is a project which accords with the Development Plan as a whole.

8.67 The IERRT DCO application is accompanied by Habitats Regulations information – see Application Document 9.6 – which provides a comprehensive analysis of the implications of the Project. The analysis and assessment provided demonstrates that the Project satisfies the requirements of the Habitats Regulations. The overall conclusion reached in this regard is that the IERRT Project will not have an adverse effect on the integrity of any relevant designated site.

8.68 The IERRT Project, therefore, accords with the relevant site specific policy – Policy 7 – of the Local Plan.

8.69 The site of the IERRT Project is also located within an identified ‘Existing Employment’ area. Policy 8 of the Local Plan safeguards such areas for employment uses.

8.70 Other Local Plan policies considered to be of relevance to the proposed IERRT Project include:

- Policy 22, which requires development proposals to achieve a high standard of sustainable design. For the reasons explained in Appendix 3 it is considered that the IERRT Project accords with the relevant aspects of policy 22.
- Policy 33, which deals with flood risk issues and which applies the sequential and exception tests as necessary whilst at the same time identifying those requirements which will have to be met by any given development in order to minimise flood risk. As indicated in Appendix 5, the requirements of both the sequential and exception test, as necessary, are met in respect of the IERRT development. Furthermore, it has been demonstrated in Appendix 3 that the IERRT Project is compliant with the other elements of Policy 33.

- Policy 34, which deals with water management matters. The matters covered by this policy are considered across a number of the IERRT ES chapters and accompanying appendices. As detailed in Appendix 3, the IERRT Project is considered to be compliant with the relevant aspects of Policy 34.
- Policy 36, which seeks to promote sustainable transport and sets out a series of matters which proposals should seek to achieve. Appendix 3 sets out the performance of the IERRT Project in respect of these matters and, for the reasons explained, concludes that the development is being promoted in compliance with the relevant aspects of Policy 36.
- Policy 39, which considers matters relating to the conservation and enhancement of the historic environment. Again, for the reasons detailed within Appendix 3, the IERRT Project is considered to be compliant with the relevant aspects of Policy 39.
- Policy 41, which considers biodiversity and geodiversity matters. Having regard to the assessment of such matters contained within the IERRT ES and the conclusions that have been reached it is considered that the IERRT Project is being promoted fully in accordance with Policy 41.
- Policy 42, which considers landscape matters. For the reasons detailed in Appendix 3 the IERRT Project would not conflict with the overarching objectives of this policy.

8.71 The overall conclusion based on the analysis and assessment undertaken as summarised above, is that as the proposed IERRT Project is a port related use, to be located on a site identified in the Local Plan for such purposes and which, as summarised above, the proposed development is being promoted fully in compliance with the adopted Development Plan.

Local Policy – North East Lincolnshire Local Transport Plan 2016 – 2032

8.72 The introductory part of this Local Transport Plan explains that it is designed to provide the basis by which highways and transport networks will be developed and managed. The Plan sets out the connectivity issues affecting North East Lincolnshire at a regional, national and international level and in this respect, the ports of Immingham and Grimsby are noted as nationally significant and the Plan assists in supporting the case for improving connectivity as a means to further economic success.

8.73 In setting out what North Lincolnshire is like as a place the Plan – at section 2.1 – highlights the Estuary Zone and indicates that over the course of the Plan period significant growth is anticipated in this Zone. In discussing ‘Doing business and working in North East Lincolnshire’ the Plan (at section 2.3) highlights the importance of the ‘Ports and Logistics’ sector.

8.74 Chapter 8 of the Plan considers how best to support growth within North East Lincolnshire. It begins by making clear that one of the key objectives for transport in the borough is to support the local economy and encourage sustainable growth. Three transport challenges relating to this objective are identified, namely to:

- (a) Enable sustainable growth through effective transport provision.
- (b) Improve journey times and reliability by reducing congestion, and
- (c) Support regeneration and employment by connecting people to education, training and jobs.

8.75 The IERRT Project will both provide effective transport provision and also make use of effective transport provision in terms of the landside connections to and from the Port of Immingham. The Project will not have any significant adverse implications on journey time reliability or congestion and will also provide jobs in an accessible location.

Local Policy – North East Lincolnshire Economic Strategy 2021

8.76 Setting North East Lincolnshire in context, this strategy points to the fact (in section 4) that the business environment for the area is made up of seven priority sectors, one of which is the Ports and Logistics sector.

8.77 This sector is further considered in detail in section 7 of the Strategy. It is highlighted – in section 7.1 - that this sector continues to be one of North East Lincolnshire's largest employers and that the development of the North East Lincolnshire ports (which includes the Port of Immingham), which capitalises on the East Coast location, has underpinned the growth of the economy of the area.

8.78 The ports within the area are further identified as being at the centre of the UK's trade and communication links and the M62 economic corridor, providing the gateway to Europe for the Northern Powerhouse and Midlands Engine. It is also highlighted that there is scope to add value through the development of Ro-Ro activity at the Port of Immingham.

8.79 In terms of identified challenges and opportunities the Plan highlights that as throughput increases, there is a need to ensure that the Humber ports in its area have the capacity to deal efficiently with larger ships and more automated approaches. The opportunity presented through the Freeport proposal is also highlighted throughout the Strategy.

Overall Policy Conclusion

8.80 From the analysis and assessment that has been undertaken and provided above, it is considered that the IERRT Project is being promoted fully in compliance with policy at a national, regional and local level.

8.81 Of particular relevance in the context of policy compliance generally, it is considered that the IERRT Project complies with all aspects of the National Policy Statement for Ports.

9 CONCLUSIONS AND THE OVERALL PLANNING BALANCE

9.1 This section of the Planning Statement seeks to assist the Examining Authority and the Secretary of State in applying the provisions of section 104(2) and (3) of the PA 2008.

Section 104(2) of the PA 2008

9.2 This section of the PA 2008 states that in deciding an application the Secretary of State must have regard to:

- any relevant national policy statement,
- the appropriate marine policy documents,
- any Local Impact Report,
- any matters prescribed in relation to development of the description to which the application relates, and
- any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.

9.3 As explained in this Planning Statement, the relevant national policy statement in respect of the IERRT Project is the National Policy Statement for Ports (NPSfP). As further explained – see, in particular, Section 4, Section 8 and Appendix 1 – it is considered that the IERRT Project is being promoted fully in accordance with policy contained within the NPSfP.

9.4 In respect of the IERRT Project, the relevant marine policy statements consist of the UK Marine Policy Statement and the East Inshore and East Offshore Marine Plans. As also explained within this Planning Statement – see, in particular, Section 8 and Appendix 2 – it is considered that the IERRT Project as being promoted similarly accords with relevant policy contained within these documents.

9.5 Whilst it is for the relevant authorities to submit their Local Impact Reports to the Secretary of State as necessary in due course, Section 8 and Appendix 3 to this Planning Statement demonstrate how it is considered that the proposed IERRT development would accord with relevant local policy.

9.6 As detailed in section 5 of this Planning Statement, having regard to the matters prescribed in Regulation 6(3) of the APFP Regulations in respect of Harbour Facility NSIPs it is considered that it has been demonstrated that the making of the IERRT DCO is desirable in the interests of both:

- (i) securing the improvement of the Port of Immingham Statutory Harbour in an efficient and economical manner, and

- (ii) facilitating the efficient and economic transport of goods and passengers by sea.
- 9.7 In terms of other matters which the Secretary of State may consider to be important and relevant, ABP has submitted extensive supporting information as part its application to assist in this regard.
- 9.8 That information demonstrates in particular that there is a very clear need for the IERRT Project and that the meeting of that need will be strongly in the public interest. It also provides the evidential assessment required to show that the adverse effects of the Project have been minimised to such an extent that no significant adverse effects are likely to arise.
- 9.9 Finally, it has been demonstrated that the IERRT Project accords fully with national, regional and local policy relevant to the Project and its consideration.

Section 104(3) to 104(8) of the PA 2008

- 9.10 As section 104(3) of the PA 2008 explains an application for a DCO must be decided in accordance with any relevant National Policy Statement unless one or more of the subsections (4) to (8) apply.
- 9.11 As indicated above, the relevant national policy statement in respect of the IERRT Project is the National Policy Statement for Ports (NPSfP) and it is considered that the IERRT Project and accompanying application comply fully with the policies and objectives of the NPSfP.

Section 104(4) – Would deciding the IERRT application in accordance with the NPSfP lead to the United Kingdom being in breach of any if its international obligations?

- 9.12 Within the extensive information that has been provided with the IERRT DCO application, there is no evidence to suggest that the granting of the IERRT DCO – which would be in accordance with the NPSfP – would lead to the UK being in breach of any of its international obligations.

Section 104(5) – Would deciding the IERRT application in accordance with the NPSfP lead to the Secretary of State being in breach of any duty imposed on them?

- 9.13 There is no evidence to suggest that the granting of the IERRT DCO – which would be in accordance with the NPSfP – would lead to the Secretary of State being in breach of any duty imposed on them.

Section 104(6) – Would deciding the IERRT application in accordance with the NPSfP be unlawful by virtue of any enactment?

- 9.14 There is no evidence to suggest that the granting of the IERRT DCO would be unlawful by virtue of any enactment.

Section 104(7) – Do the adverse impacts of the proposed development outweigh its benefits?

- 9.15 The benefits of the proposed IERRT Project are summarised in Section 4 of this Planning Statement which, in turn, draws upon the wider body of evidential information provided as part of the IERRT DCO application.
- 9.16 The benefits of the IERRT Project are significant. The Project will meet a very clear and compelling need and in so doing, will be strongly in the public interest.
- 9.17 The need which is being met is one which accords with the Government's assessment of need for new port infrastructure set out within the NPSfP. Furthermore, the need that is being met by the Project incorporates and responds to port related issues the need for which the NPSfP indicates the decision maker should accept (NPSfP section 3.5).
- 9.18 Drawing on the wider body of information submitted as part of its supporting documentation, the need for the IERRT Project is such that, having regard to the policy contained within the NPSfP, the Secretary of State is required to commence consideration of the application in the context of a presumption in favour of granting consent.
- 9.19 Furthermore and significantly, as explained in Chapter 4 of the IERRT ES (Application Document 8.2.4), there is considered to be no suitable alternative to meeting the need which has been identified other than the development of the proposed IERRT Project.
- 9.20 Provided as part of the IERRT application is a comprehensive and independently prepared assessment of the likely significant adverse environmental impacts and effects of the proposed IERRT development. The assessments undertaken – which are reported in the Environmental Statement and supporting appendices – has followed the required formal due process and has had regard to relevant best practice and guidance. The assessments have been undertaken by competent specialist experts – all of whom are independent of ABP, the applicant.
- 9.21 What the comprehensive assessment of the IERRT Project demonstrates is that through careful design, an iterative assessment process, active and ongoing consultation and the appropriate use of mitigation measures, the proposed IERRT development will not generate any significant adverse effects.
- 9.22 In terms of the balancing exercise prescribed by section 104(7), therefore, it is considered that the benefits of the proposed IERRT development very clearly outweigh its adverse impacts.

Section 104(8) – Is any condition prescribed for deciding an application otherwise than in accordance with the NPSfP met?

- 9.23 There is no evidence to suggest that any such condition is met in respect of the IERRT Project.

Overall Conclusions

- 9.24 The following conclusions can be drawn from the information presented in this Planning Statement which, in turn, draws upon the wider body of evidential information provided in support of ABP's IERRT DCO application.

- (i) The IERRT Project is clearly an appropriate use of land within ABP's statutory port estate and water within the Port of Immingham's SHA area.
- (ii) The provision of the IERRT will meet a very clear and compelling need the meeting of which is strongly in the public interest.
- (iii) The location of the proposed IERRT development has been identified as the only location available to meet the identified need.
- (iv) The NPSfP - the national policy statement that is central to the decision maker's consideration of the application, cites a clear presumption in approving the IERRT proposal – provided it is in accordance with NPSfP policy – which it is considered to be the case.
- (v) It has been demonstrated that the IERRT development proposal, if approved, will have been approved in the context of clear compliance with wider policy contained within the NPSfP, other relevant national policy such as the NPPF and the UK Marine Policy Statement and local policy contained within the East Inshore and East Offshore Marine Plan as well as the Local Development Plan.
- (vi) The IERRT Project will, of itself, lead to the provision of a number of significant benefits – as detailed in the comprehensive topic specific assessments undertaken as part of the application and as summarised above – and will not generate any significant adverse environmental effects.
- (vii) In light of what is considered to be the satisfaction of the requirements prescribed in section 104 of the PA 2008 there is no reason why consent for the IERRT application should not be granted.

- 9.25 In light of all of the above, it is ABP's view that there is a clear, overriding and compelling case in the public interest for the IERRT Project. The policy presumption in favour of the Project and the overall planning balance lie very strongly in favour of the grant of development consent.

10 REFERENCES

The Planning Act 2008

The Transport Act 1947

The Transport Act 1981

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations);

The Infrastructure Planning (Compulsory Acquisition) Regulations 2010;

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations);

DCLG (2013). Planning Act 2008: Application form guidance

PINS (2022). Advice Note Six: Preparation and submission of application documents

PINS (2022). Advice Note Ten: Habitats Regulations Assessment relevant to nationally significant infrastructure projects

PINS (2021). Advice Note Fourteen: Compiling the Consultation Report

PINS (2017). Advice Note Eighteen: The Water Framework Directive

Department for Transport (2012). National Policy Statement for Ports, January 2012

Department for Transport (2019). UK Port Freight Traffic 2019 Forecasts, January 2019.

MHCLG (2021). National Planning Policy Framework

HM Government (2013). UK Marine Policy Statement

DEFRA (2014). East Inshore and East Offshore Marine Plans

North East Lincolnshire Council (2018). Local Plan 2013 to 2032 (Adopted 2018)

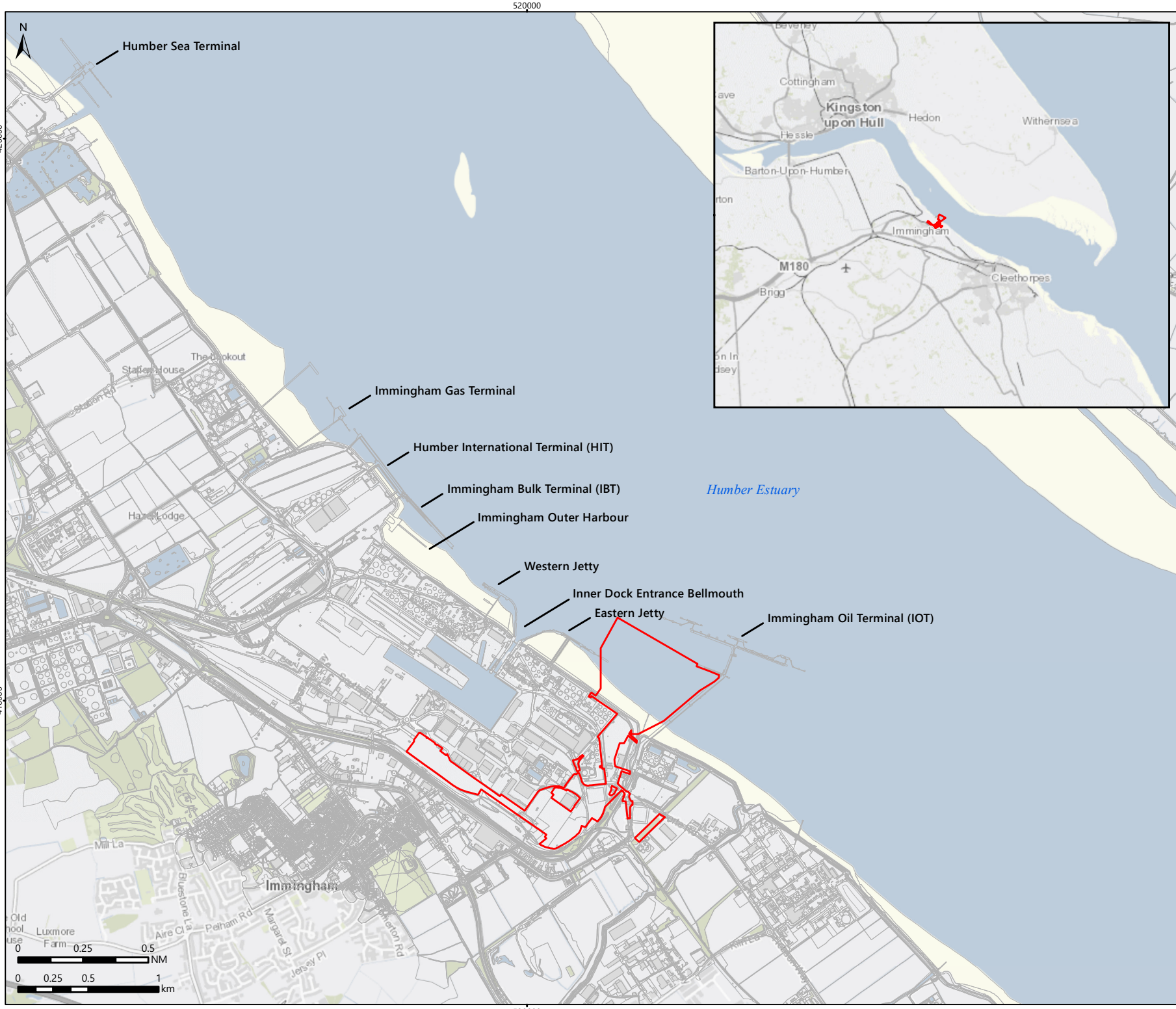
North East Lincolnshire Council (2016). Local Transport Plan


North East Lincolnshire (2021). Economic Strategy

11 ABBREVIATIONS / ACRONYMS

Abbreviation / Acronym	Definition
ABP	Associated British Ports
APFP Regulations	Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009
BTDB	British Transport Docks Board
CAGR	Compound Annual Growth Rate
CEMP	Construction Environmental Management Plan
DCO	Development Consent Order
DfT	Department for Transport
EIA	Environmental Impact Assessment
ES	Environmental Statement
EU	European Union
FRA	Flood Risk Assessment
GVA	Gross Value Added
GDP	Gross Domestic Product
HGV	Heavy Good Vehicle
HRA	Habitats Regulations Assessment
IERRT	Immingham Eastern Ro-Ro Terminal
IOT	Immingham Oil Terminal
ISPS	International Ship and Port Facility Security Code
Lo-Lo	Lift on – Lift off
	North East Lincolnshire Local Plan
NELLP	National Planning Policy Framework
NPPF	National Policy Statement for Ports
NPSfP	Navigational Risk Assessment
NRA	Nationally Significant Infrastructure Project
NSIP	Planning Act 2008
PA 2008	The Planning Inspectorate
PINS	Roll on – Roll off
Ro-Ro	Statutory Harbour Authority
SHA	Travel to Work Area
TTWA	United Kingdom

UK	Woodland Enhancement Management Plan
WEMP	Water Framework Directive
WFD	Written Scheme of Investigation
WSI	



Legend
 Proposed Application Site

© ABPmer, All rights reserved, 2023.
 Contains OS data © Crown Copyright and database right 2020. © Crown copyright and database rights 2023.
 Ordnance Survey 0100031673.

Date	By	QA
03/02/2023	OJR	CRO
Projection	British National Grid	
Scale (A4)	1:35,000	
Project no.	5035	

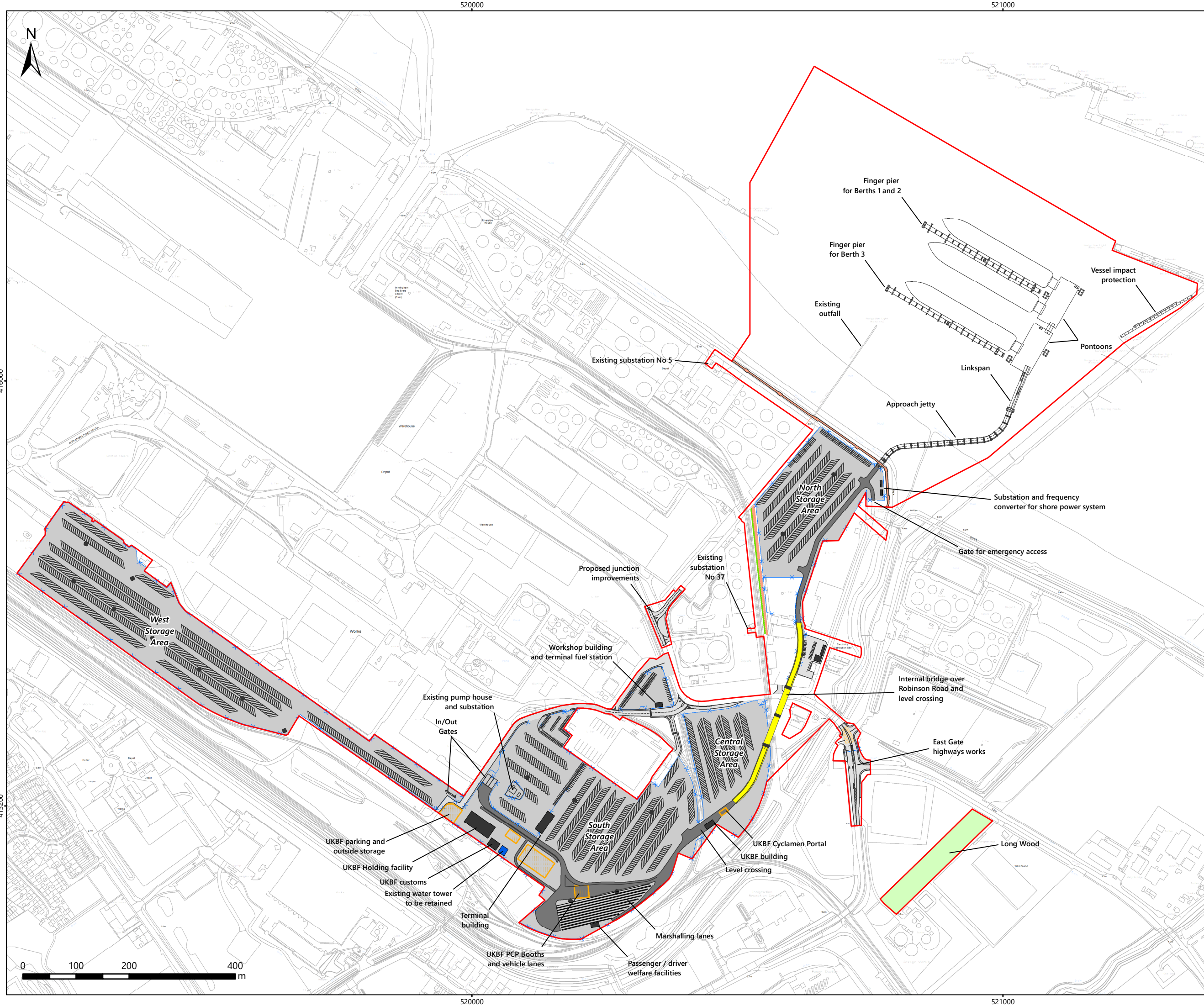


Fig1.1_Location_Plan_A4.mxd



**IMMINGHAM EASTERN
 RO-RO TERMINAL
 LOCATION OF THE
 PROPOSED DEVELOPMENT**

Figure 1



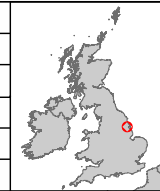
- Legend**
- Proposed Application Site
 - Terminal bridge and approaches
 - Existing water tower
 - Buildings
 - UKBF facilities
 - Box junction
 - Pipeline access track
 - Above ground pipes
 - Woodland ecological enhancement works
 - Terminal fence

© ABPmer, All rights reserved, 2023. © Crown copyright and database rights 2023. Ordnance Survey 0100031673.

See General Arrangement Plans for further detail.

Date	By	QA
09/02/2023	OJR	CRO
Projection	British National Grid	
Scale (A3)	1:6,500	
Project no.	5035	

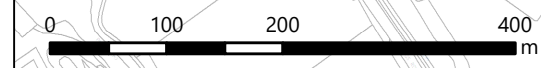
Fig1.3_Layout_Terrestrial_A3.mxd



IMMINGHAM EASTERN RO-RO TERMINAL

LAYOUT OF THE PROPOSED DEVELOPMENT

Figure 2



416000

416000

415200

415200

520000

521000

520000

521000

APPENDIX 1: ACCORDANCE WITH POLICY CONTAINED WITHIN THE NATIONAL POLICY STATEMENT FOR PORTS (NPSfP) (DfT, 2012)

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
1. INTRODUCTION – 1.1 Background		
Paras 1.1.1 to 1.1.3	General introductory background information.	This information is noted but no IERRT specific response is required.
1. INTRODUCTION – 1.2 Role of this National Policy Statement in the planning system		
Paras 1.2.1 to 1.2.6	Information on the role of the NPSfP in the planning system, the thresholds for harbour facility nationally significant infrastructure projects and requirement that the Secretary of State must decide an application in accordance with the NPSfP unless certain criteria apply.	This information is noted but no IERRT specific response is required.
1. INTRODUCTION – 1.3 Duration, 1.4 Power of Intervention, 1.5 Territorial extent, 1.6 Applications relating to Wales and 1.7 Appraisal of Sustainability		
Paras 1.3.1 to 1.7.2	Information relating to the duration of the NPSfP, the Secretary of State’s power of intervention, the territorial extent of the NPSfP, the different circumstances relating to applications in Wales and the appraisal of sustainability of the policy.	This information is noted but no IERRT specific response is required.

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
2. LOCALISM ACT 2011 – 2.1 Changes when the Localism Act enters into force		
Paras 2.1.1 to 2.1.2	Information relating to changes that occurred when the provisions of the Localism Act 2011 came into effect.	This information is noted but no IERRT specific response is required.
3. GOVERNMENT POLICY AND THE NEED FOR NEW INFRASTRUCTURE – 3.1 The essential role of ports in the UK economy		
Paras 3.1.1 to 3.1.2	<p>These paragraphs state,</p> <p><i>“Until the second half of the 20th century, nearly all movements of people and goods into and out of Britain were by sea, through our ports and harbours, with cargoes being unloaded largely by hand. The last 50 years have, however, seen major changes in several areas.</i></p> <p><i>The development of air transport has brought radical change in international travel to and from the UK. Now nearly seven times as many visits abroad by UK residents are by air rather than by sea.⁶ The opening of the Channel Tunnel also created alternatives for people travelling abroad by rail or car. Overall in 2010, UK airports handled 172 million passengers travelling on international flights and there were a</i></p>	This information is noted but no IERRT specific response is required, other than an acknowledgement of the importance given in these paragraphs to UK ports and harbours and the essential role they play in the movement of goods and people.

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>further 17 million passenger journeys through the Channel Tunnel. International sea passengers continue to represent a significant proportion, with 23 million travelling to and from UK ports in 2009.”</i></p>	
<p>3. GOVERNMENT POLICY AND THE NEED FOR NEW INFRASTRUCTURE – 3.1 The essential role of ports in the UK economy – Freight and bulk movements</p>		
<p>Paras 3.1.3 to 3.1.4</p>	<p>These paragraphs consider the issue of freight and bulk movements and state,</p> <p><i>“Fifty years ago, many cargoes were still loaded and unloaded individually. Most of our goods now arrive in trucks and trailers which roll on and off (‘ro-ro’), or in large containers. Specialised equipment at terminals conveys grain and other dry goods and liquids (‘non unitised flows’) from tankers to onshore pipelines. Alongside these changes the volume of freight and bulk movements has continued to grow. In the last 40 years freight traffic through UK ports increased by three-quarters. In 2010, ports in England and Wales handled 410 million tonnes of goods, out of a UK total of 512 million tonnes, representing about 95% of the total volume of UK trade and 75% of its value.</i></p> <p><i>For an island economy, there are limited alternatives available to the use of sea transport for the movement of freight and bulk commodities. Air freight is often used for high-value items and express deliveries, and</i></p>	<p>This part of the NPSfP highlights the significance of Ro-Ro freight and the importance of shipping to the UK economy. This commentary within the NPSfP supports the case for the IERRT Project, which will make a significant contribution to ensuring that sufficient port capacity is available for the trade it has been designed to handle and so help deliver sustainable growth in the UK economy.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>the Channel Tunnel has a significant role in freight as well as passenger transport. But these alternatives are constrained by the volumes that can practically be carried by air, by the capacity of the rail links through the tunnel and in the case of aviation by cost and environmental disadvantages. As a consequence, shipping will continue to provide the only effective way to move the vast majority of freight in and out of the UK, and the provision of sufficient sea port capacity will remain an essential element in ensuring sustainable growth in the UK economy."</i></p>	
<p>3. GOVERNMENT POLICY AND THE NEED FOR NEW INFRASTRUCTURE – 3.1 The essential role of ports in the UK economy – Energy Supplies</p>		
<p>Para 3.1.5</p>	<p>This paragraph considers the issue of energy supplies and states,</p> <p><i>“Ports have a vital role in the import and export of energy supplies, including oil, liquefied natural gas and biomass, in the construction and servicing of offshore energy installations and in supporting terminals for oil and gas pipelines. Port handling needs for energy can be expected to change as the mix of our energy supplies changes and particularly as renewables play an increasingly important part as an energy source. Ensuring security of energy supplies through our ports will be an important consideration, and ports will need to be responsive</i></p>	<p>This Information is noted but no IERRT specific response is required.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>both to changes in different types of energy supplies needed (and to the need for facilities to support the development and maintenance of offshore renewable sites) and to possible changes in the geographical pattern of demand for fuel, including with the development of power stations fuelled by biomass within port perimeters.”</i></p>	
<p align="center">3. GOVERNMENT POLICY AND THE NEED FOR NEW INFRASTRUCTURE – 3.1 The essential role of ports in the UK economy – <i>Tourism and leisure</i></p>		
<p>Para 3.1.6</p>	<p>This paragraph considers the issue of tourism and leisure and states,</p> <p><i>“Sea ports play an important role in the tourism and leisure industries, supporting many different forms of economic and social activity, including passenger cruise liners, Channel ferries, sea going yachts and dinghies.”</i></p>	<p>This Information is noted but no IERRT specific response is required.</p>
<p align="center">3. GOVERNMENT POLICY AND THE NEED FOR NEW INFRASTRUCTURE – 3.1 The essential role of ports in the UK economy – <i>Wider economic benefits</i></p>		
<p>Para 3.1.7</p>	<p>This paragraph considers wider economic benefits and states,</p> <p><i>“Ports continue to play an important part in local and regional economies, further supporting our national prosperity. In addition to some 70,000 people</i></p>	<p>This aspect of the NPSfP supports the case for the IERRT Project. The IERRT Project will enhance the role of the Port of Immingham as a key gateway facility and will further enhance the wider economic benefits generated by both the Port of Immingham and other port facilities on the South Humber bank. As explained</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>estimated in 2010 to be working on port related activities or on the port estate, indirect employment (supplying goods and services to companies engaged in port activity) and induced employment (associated with expenditure resulting from those who derive incomes from ports) ranged from 18,000 to 96,000. More recent studies have produced higher estimates. By bringing together groups of related businesses within and around the estate, ports also create a cluster effect, which supports economic growth by encouraging innovation and the creation and development of new business opportunities. And new investment, embodying latest technology and meeting current needs, will tend to increase the overall sector productivity.”</i></p>	<p>within the background to the need for the Project – contained within ES Chapter 4 (Application Document 8.2.4) – the Immingham / Killingholme part of the South Humber bank is already a location where Ro-Ro activity and associated businesses and customers are clustered. The IERRT Project will enhance this position and the benefits that result.</p>
<p>3. GOVERNMENT POLICY AND THE NEED FOR NEW INFRASTRUCTURE – 3.2 The UK port sector</p>		
<p>Para 3.2.1</p>	<p>This paragraph considers the UK port sector and states,</p> <p><i>“The UK ports sector is the largest in Europe, in terms of tonnage handled. It comprises a variety of company, trust and municipal ports, all operating on commercial principles, independently of government, and very largely without public subsidy. The private sector operates 15 of the largest 20 ports by tonnage and around two-thirds of the UK’s port traffic. Much of the tonnage handled is concentrated in a small</i></p>	<p>The IERRT Project is to be developed within the Port of Immingham, which is one of the largest ports – measured by any metric – in the UK. The IERRT Project will enhance the Port of Immingham’s offer to the market.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<i>number of ports, with the top 15 ports accounting for almost 80% of the UK’s total traffic.”</i>	
3. GOVERNMENT POLICY AND THE NEED FOR NEW INFRASTRUCTURE – 3.3 Government policy for ports		
<p>Paras 3.3.1 and 3.3.2.</p>	<p>These paragraphs set out aspects of the Government policy for ports and state,</p> <p><i>“In summary, the Government seeks to:</i></p> <ul style="list-style-type: none"> <i>• encourage sustainable port development to cater for long-term forecast growth in volumes of imports and exports by sea with a competitive and efficient port industry capable of meeting the needs of importers and exporters cost effectively and in a timely manner, thus contributing to long-term economic growth and prosperity;</i> <i>• allow judgments about when and where new developments might be proposed to be made on the basis of commercial factors by the port industry or port developers operating within a free market environment; and</i> <i>• ensure all proposed developments satisfy the relevant legal, environmental and social constraints and objectives, including those in the relevant European Directives and corresponding national regulations.</i> 	<p>The IERRT Project will, as explained in detail in ES Chapter 4 (Application Document 8.2.4) and accompanying appendix 4.1 (Application Document 8.4.4(a)), cater for long-term forecast growth in Ro-Ro cargo imports and exports on the Humber Estuary. The Project will benefit competition in the Ro-Ro sector on the Humber and within the UK and will be an efficient facility able to meet the needs of importers and exporters cost effectively and in a timely manner.</p> <p>The IERRT Project is being proposed by the market – namely ABP and its customer, Stena Line – on the basis of strong commercial factors. Fundamentally, the Project provides the type of capacity for which there is demand in a location where the market wants such capacity to be located.</p> <p>As demonstrated in the comprehensive body of information that makes up the IERRT DCO application, the IERRT Project is sustainable development and satisfies all relevant constraints and objectives.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>This fundamental policy enables the Government to meet its external obligations and at the same time reflects that the ports industry has proved itself capable of responding to demand in this way."</i></p>	
<p>Paras 3.3.3 and 3.3.4</p>	<p>These paragraphs set out aspects of the Government policy for ports and state,</p> <p><i>"In addition, in order to help meet the requirements of the Government's policies on sustainable development, new port infrastructure should also;</i></p> <ul style="list-style-type: none"> <i>• contribute to local employment, regeneration and development;</i> <i>• ensure competition and security of supply;</i> <i>• preserve, protect and where possible improve marine and terrestrial biodiversity;</i> <i>• minimise emissions of greenhouse gases from port related development;</i> <i>• be well designed, functionally and environmentally;</i> <i>• be adapted to the impacts of climate change;</i> <i>• minimise use of greenfield land;</i> <i>• provide high standards of protection for the natural environment;</i> <i>• ensure that access to and condition of heritage assets are maintained and improved where necessary; and</i> 	<p>The IERRT Project:</p> <ul style="list-style-type: none"> • will provide significant local employment during both the construction and operational phases - as detailed in ES Chapter 16: Socio Economic (Application Document 8.2.16) – and contribute to local objectives for the development of the area, matters which are further demonstrated in Appendix 3 of this Planning Statement; • will benefit competition in the Ro-Ro sector and make a contribution to the security of the supply of goods handled in the form of Ro-Ro cargo; • preserves and protects where possible marine and terrestrial ecology in that no significant effects in respect of ecology will be generated and an area of terrestrial enhancement will be provided – see ES Chapter 9 (Application Document 8.2.9) and accompanying information; • will minimise emissions of greenhouse gases, as explained in ES Chapter 19 (Application Document 8.2.19) • is well designed, both functionally and environmentally;

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<ul style="list-style-type: none"> • <i>enhance access to ports and the jobs, services and social networks they create, including for the most disadvantaged.</i> <p><i>The reasons for pursuing these outcomes are largely self-explanatory. Moreover, effective infrastructure planning helps to enhance the quality of outcome that might not be realised with reliance on market forces alone.”</i></p>	<ul style="list-style-type: none"> • has been designed, as far as is necessary, to take account of the impacts of climate change – see ES Chapter 11 and Chapter 19 (Application Document 8.2.11 and Application Document 8.2.19); • will minimise the use of greenfield land by developing previously developed land within an existing port estate; • will provide high standards of protection for the natural environment – see ES Chapter 9 (Application Document 8.2.9) and accompanying information; • will, where as far as is relevant and necessary, maintain access to and condition of heritage assets; • will enhance access to the Port of Immingham and the jobs, services and networks the Port has created and sustains.
<p>Para 3.3.5</p>	<p>This paragraph sets out aspects of the Government policy for ports and states,</p> <p><i>“And the Government wishes to see port development wherever possible:</i></p> <ul style="list-style-type: none"> • <i>being an engine for economic growth;</i> • <i>supporting sustainable transport by offering more efficient transport links with lower external costs; and</i> • <i>supporting sustainable development by providing additional capacity for the development of renewable energy.”</i> 	<p>The IERRT Project will;</p> <ul style="list-style-type: none"> • make a contribution to economic growth; and • provide new and make use of existing efficient transport links and thereby support sustainable transport. <p>The cargoes to be handled by the IERRT Project, whilst important, are not related to the development of renewable energy.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
<p>Paras 3.3.6 to 3.3.8</p>	<p>These paragraphs set out aspects of the Government policy for ports and state,</p> <p><i>“These underlying policies are intended to support the fundamental aim of improving economic, social and environmental welfare through sustainable development. They recognise the essential contribution to the national economy that international and domestic trade makes. Economic growth is supported by trade but must be aligned with environmental protection, social enhancement and improvement wherever possible. The policies set out below aim to ensure that future port development supports all these objectives.</i></p> <p><i>In addition to the Government’s priority of supporting economic growth, this statement takes full account of the Government’s wider policy relating to climate change, both through mitigation and adaptation. It does so by recognising the contribution that port developments can make through good environmental design and by their position in the overall logistics chain. International and domestic shipping and inland transport will be subject to other policies and measures, addressing the issues more directly than planning decisions for new development. Section 4.12 discusses mitigation of impacts from port development, while 4.13 addresses adaptation.</i></p>	<p>This information is noted but no IERRT specific response is required other than to highlight that the IERRT Project will support trade and associated economic growth.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>The importance of achieving good design in port development is underlined at various points in the statement, with reference to various types of impacts discussed in section 5. Good design is fundamental to mitigating the adverse effects of development, as well as a means to deliver positive aesthetic qualities in an industrial setting.</i></p>	
<p>3. GOVERNMENT POLICY AND THE NEED FOR NEW INFRASTRUCTURE – 3.4 The Government’s assessment of the need for new infrastructure</p>		
<p>Para 3.4.1</p>	<p>This paragraph provides an introduction to the section dealing with the Government’s assessment of the need for new infrastructure, and states,</p> <p><i>“The total need for port infrastructure depends not only on overall demand for port capacity but also on the need to retain the flexibility that ensures that port capacity is located where it is required, including in response to any changes in inland distribution networks and ship call patterns that may occur, and on the need to ensure effective competition and resilience in port operations. These factors are considered further below.”</i></p>	<p>All of these elements which contribute to the need for new infrastructure are then considered further in the subsequent sub-sections of the NPSfP. The compliance of the IERRT Project with these different elements is, therefore, explained in the following rows of this Table.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
3. GOVERNMENT POLICY AND THE NEED FOR NEW INFRASTRUCTURE – 3.4 The Government’s assessment of the need for new infrastructure – Demand forecasts		
<p>Paras 3.4.2 to 3.4.10</p>	<p>These paragraphs set out the consideration of demand forecasts and state,</p> <p><i>“Over time and notwithstanding temporary economic downturns, increased trade in goods and, to a lesser extent in commodities, can be expected as a direct consequence of the Government’s policies to support sustainable economic growth and to achieve rising prosperity. With 95% of all goods in and out of the UK moving by sea and very limited alternatives, the majority of this increase will need to move through ports around the coast of the United Kingdom.</i></p> <p><i>Forecasts of demand for port capacity in the period up to 2030 by MDS Transmodal (MDST) were published on behalf of the Department for Transport in 2006 and updated in 2007 (Figure 1). The central GB-wide forecasts suggested increases by 2030 over a 2005 base of:</i></p> <ul style="list-style-type: none"> <i>· 182% in containers, from 7m to 20m teu¹⁴ (excluding transshipment);</i> <i>· 101% in ro-ro traffic, from 85m to 170m tonnes; and</i> <i>• 4% in non-unitised traffic, from 411m to 429m tonnes.</i> 	<p>As explained earlier in the body of this document, and within Chapter 4 of the ES (Application Document 8.2.4) and supporting documentation, the latest Government forecasts (from 2019) – which supersede the forecasts refers to in these paragraphs of the NPSfP – predicted that unitised Ro-Ro freight (both in terms of tonnage and units) will increase by an average of 2.5% per year between 2016 and 2050. By 2050 there is forecast to be an approximate 130% increase in both Ro-Ro tonnage and units in comparison to the position in 2016.</p> <p>As this statement and Chapter 4 of the ES (Application Document 8.2.4) and supporting documentation also make clear, ABP’s own commissioned forecasts identify a similar growth in Ro-Ro freight traffic within the Humber region.</p> <p>The available evidence predicts that there will be strong demand for Ro-Ro freight capacity on the Humber Estuary in the period to 2050. This demand forms an element of the overall need for the IERRT Project.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>Since then, recession has led to a severe downturn in demand, especially for unitised cargo. The full extent of this recession effect on trade through ports still cannot be fully quantified, although early attempts have been made by some to do so. However, the Government's view is that the long term effect will be to delay by a number of years but not ultimately reduce the eventual levels of demand for port capacity, in particular for unitised goods, predicted in these forecasts.</i></p> <p><i>In addition, the UK is the global leader for offshore wind with 1.5 GW of operational capacity. In the UK Renewable Energy Roadmap (2011) Government has indicated that, in its central scenario, up to 18 GW could be deployed by 2020, with a high potential for further deployment by 2030. The manufacturing and assembly of large-scale equipment to serve the offshore energy sector within port sites in the UK is set to see significant increase in demand as a result. This is in addition to port capacity needed to provide installation, operation and maintenance facilities for this scale of deployment.</i></p> <p><i>The Government may from time to time commission new port freight demand forecasts to be published on its behalf. These new forecasts would then replace the 2006–07 MDS forecasts, and the commentary in the preceding paragraph may be subject to some</i></p>	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>change in the light of them. It is intended to commission forecasts by 2012.</i></p> <p><i>The Government does not, however, expect that any new forecasts will prompt any change in its policy: that it is for each port to take its own commercial view and its own risks on its particular traffic forecasts. The purpose of the national forecasts will, unless expressly stated otherwise as part of a review of the NPS under section 6 of the Act, remain as only to help set the context of overall national capacity need, alongside competition and resilience considerations as set out below.</i></p> <p><i>Since 2005, consents have been granted for a number of container port developments which, if completed as planned, would provide substantial additional container throughput:</i></p> <ul style="list-style-type: none"> <i>• The Port of Felixstowe handled 3.0 million teu in 2009. Consent granted in February 2006 would provide capacity for an estimated further 1.6 to 2 million teu at Felixstowe South, and the first phase of this development has begun;</i> <i>• Bathside Bay (Harwich): consent granted March 2006 would provide capacity for an estimated 1.7 million teu per annum, though this development is not expected to proceed for some years;</i> 	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<ul style="list-style-type: none"> • <i>London Gateway: consent granted June 2007 would allow capacity for an estimated 3.5 million teu per annum;</i> • <i>Teesport, handled 0.18 million teu in 2009. Consent granted February 2008 would provide capacity for a further 1.5 million teu;</i> • <i>Liverpool handled 0.6 million teu in 2009. Consent granted March 2007 would allow capacity for around a further 0.6 million teu;</i> • <i>Bristol handled 0.07 million teu in 2009. Consent granted September 2010 will allow an estimated further 1.5 million teu; and</i> • <i>Southampton, which handled 1.4 million teu in 2009, has advanced plans to expand terminal capacity within its existing development rights, which could ultimately provide capacity estimated at an additional 1.7 million teu.</i> <p><i>If all the above development were to be built, aggregate container capacity would be broadly in line with the pre-recession forecast for demand over the next 20 years or so. However, the extent, and speed, with which these developments proceed in reality will depend upon the commercial judgements of the developers at the time. There may therefore be opportunities for other developers to bring forward proposals for alternative or additional developments that satisfy demand that these consented developments are not meeting, as well as a</i></p>	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>continuing requirement for further new container capacity to meet anticipated longer term growth. Thus, the capacity needed to provide for competition, innovation, flexibility and resilience can be delivered by the market and is likely to exceed what might be implied by a simple aggregation of demand nationally.</i></p> <p><i>Since the 2006–07 forecasts, it has become evident that demand for port capacity to service manufacture, operation and maintenance of offshore windfarms will be substantial, especially in the short term in support of the 'Round 3' offshore developments. To some extent, capacity provided for by container terminal consents may help to contribute, on an interim basis, to meeting this demand. Because of the Government's renewables targets and in light of the policies set out in the Renewable Energy NPS (EN-3), there is a strong public interest in enabling ports to service these developments. Benefits from such developments may include social and economic advantages from attracting business to the UK that would otherwise locate abroad, as well as avoiding transport by road of abnormal loads."</i></p>	
<p>3. GOVERNMENT POLICY AND THE NEED FOR NEW INFRASTRUCTURE – 3.4 The Government’s assessment of the need for new infrastructure – <i>Location of development</i></p>		
<p>Paras 3.4.11 and 3.4.12</p>	<p>These paragraphs set out the consideration of location of development matters and state,</p>	<p>The IERRT Project is being provided in a location that will effectively and efficiently serve the needs of Ro-Ro</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>“Capacity must be in the right place if it is to effectively and efficiently serve the needs of import and export markets. The location of ports in England and Wales has changed over time, in response to changes in global markets, in the size and nature of ships, and in the transport networks which support them. Currently, the largest container and ro-ro terminals are in the South East, while the west coast has naturally been best placed to meet the needs of transatlantic and Irish traffic. Recent consents for container developments have been in or near deepwater ports in the main coastal estuarial locations. But it is not possible to anticipate future commercial opportunities. New shipping routes and technologies may emerge. The needs of trading partners may change as their economic circumstances develop. So capacity needs to be provided at a wide range of facilities and locations, to provide the flexibility to match the changing demands of the market, possibly with traffic moving from existing ports to new facilities generating surplus capacity.</i></p> <p><i>The forecasts produced by MDS on behalf of DfT did not attempt to predict the locations where demand would manifest, partly because this is dependent on changes in the market, which are difficult to predict now. For the same reason, the Government does not</i></p>	<p>import and export markets. The Project is, fundamentally, providing capacity of the right kind in a location where the market wants such capacity to be located.</p> <p>The provision of capacity through the IERRT Project at the Port of Immingham takes account of the changing needs of trade as a result of the development and changing nature of economic circumstances. The changing demands of the market – in particular the increasing move toward unaccompanied Ro-Ro cargo and the move away from the use of the short straits corridor, amongst other things – contribute to the need for additional capacity to be provided within the Humber Estuary.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>wish to dictate where port development should occur. Port development must be responsive to changing commercial demands, and the Government considers that the market is the best mechanism for getting this right, with developers bringing forward applications for port developments where they consider them to be commercially viable.”</i></p>	
<p align="center">3. GOVERNMENT POLICY AND THE NEED FOR NEW INFRASTRUCTURE – 3.4 The Government’s assessment of the need for new infrastructure – <i>Competition</i></p>		
<p>Para 3.4.13</p>	<p>This paragraph sets out the consideration of competition matters, and states,</p> <p><i>“UK ports compete with each other, as well as with neighbours in continental Europe, as primary destinations for long haul shipping, as stops for ships making shorter journeys to and from Europe, along UK coasts and as bases for terminals and associated infrastructure. The Government welcomes and encourages such competition. Competition drives efficiency and lowers costs for industry and consumers, so contributing to the competitiveness of the UK economy. Effective competition requires sufficient spare capacity to ensure real choices for port users. It also requires ports to operate at efficient levels, which is not the same as operating at full physical capacity. Demand fluctuates seasonally, weekly and by time of day, and some latitude in</i></p>	<p>The IERRT Project will further improve the competitive position in respect of Ro-Ro freight capacity on the Humber Estuary. The available evidence suggests that current facilities on the Humber Estuary are operating at or above an efficient level, with limited ability to expand or grow. There is considered to be no significant level of spare capacity available at the existing port facilities on the Humber, and certainly not a level of capacity that exceeds forecast overall demand.</p> <p>There is clearly sufficient business available to be served by the IERRT facility and ABP and the initial customer of the IERRT facility are strongly of the view that the proposed development is commercially viable.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>physical capacity is needed to accommodate such fluctuations. The most efficient form of operation also depends on location – the configuration, availability and cost of land – and the availability and cost of labour. These factors may mean that total port capacity in any sector will need to exceed forecast overall demand if the ports sector is to remain competitive. The Government believes the port industry and port developers are best placed to assess their ability to obtain new business and the level of any new capacity that will be commercially viable, subject to developers satisfying decision-makers that the likely impacts of any proposed development have been assessed and addressed.”</i></p>	
<p>3. GOVERNMENT POLICY AND THE NEED FOR NEW INFRASTRUCTURE – 3.4 The Government’s assessment of the need for new infrastructure – Coastal shipping</p>		
<p>Para 3.4.14</p>	<p>This paragraph sets out the consideration of coastal shipping matters, and states,</p> <p><i>“Ports can make a valuable contribution to decongestion and to the environment, as well as commercial gain, by facilitating coastal shipping as a substitute for inland freight transport (especially by road haulage) of various commodities. This can mean reduced emissions of pollutants per tonne-mile, with those emissions, and noise, at the same time having much less effect on people close to the transport</i></p>	<p>The IERRT Project is not being promoted on the basis that it will service coastal shipping. However, the design of the facility would not preclude its use for Ro-Ro coastal shipping if there were a demand for this in the future.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>arteries. Coastal shipping is expected to grow, and developers are expected to provide suitable facilities on a commercial basis, again subject to dealing appropriately with impacts.”</i></p>	
<p>3. GOVERNMENT POLICY AND THE NEED FOR NEW INFRASTRUCTURE – 3.4 The Government’s assessment of the need for new infrastructure – Resilience</p>		
<p>Para 3.4.15</p>	<p>This paragraph sets out the consideration of resilience matters, and states,</p> <p><i>“Spare capacity also helps to assure the resilience of the national infrastructure. Port capacity is needed at a variety of locations and covering a range of cargo and handling facilities, to enable the sector to meet short-term peaks in demand, the impact of adverse weather conditions, accidents, deliberate disruptive acts and other operational difficulties, without causing economic disruption through impediments to the flow of imports and exports. Given the large number of factors involved, the Government believes that resilience is provided most effectively as a by-product of a competitive ports sector.”</i></p>	<p>The capacity provided by the IERRT facility will both improve and help to assure the resilience of national Ro-Ro infrastructure, and such infrastructure on the Humber Estuary – a location where there is clear market demand for such infrastructure.</p>
<p>3. GOVERNMENT POLICY AND THE NEED FOR NEW INFRASTRUCTURE – 3.4 The Government’s assessment of the need for new infrastructure – Conclusion</p>		
<p>Para 3.4.16</p>	<p>This paragraph provides a conclusion to this section of the NPSfP, and states,</p>	<p>The text is noted. From the evidence which has been presented in its application documentation, and for the</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>“Against this background, and despite the recent recession, the Government believes that there is a compelling need for substantial additional port capacity over the next 20–30 years, to be met by a combination of development already consented and development for which applications have yet to be received. Excluding the possibility of providing additional capacity for the movement of goods and commodities through new port development would be to accept limits on economic growth and on the price, choice and availability of goods imported into the UK and available to consumers. It would also limit the local and regional economic benefits that new developments might bring. Such an outcome would be strongly against the public interest.”</i></p>	<p>reasons set out in this part of the NPSfP, ABP is of the view that there is a compelling need for the IERRT facility and that excluding the possibility of providing additional capacity in the form of the IERRT facility would be an outcome that is strongly against the public interest.</p>
<p>3. GOVERNMENT POLICY AND THE NEED FOR NEW INFRASTRUCTURE – 3.5 Guidance to the decision maker on assessing the need for additional capacity</p>		
<p>Paras 3.5.1 to 3.5.3</p>	<p>These paragraphs provide guidance to the decision maker on assessing the need for additional capacity, and state,</p> <p><i>“For the reasons set out above, when determining an application for an order granting development consent in relation to ports, the decision-maker should accept the need for future capacity to:</i></p>	<p>As the evidence presented within ABP’s IERRT DCO application demonstrates, the Project will:</p> <ul style="list-style-type: none"> • cater for long term forecast growth in volumes of Ro-Ro imports and exports; • offer a new facility at a location where existing and expected trade, ship call and inland distribution

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<ul style="list-style-type: none"> • cater for long-term forecast growth in volumes of imports and exports by sea for all commodities indicated by the demand forecast figures set out in the MDST forecasting report accepted by Government, taking into account capacity already consented. The Government expects that ultimately all of the demand forecast in the 2006 ports policy review is likely to arise, though, in the light of the recession that began in 2008, not necessarily by 2030; • support the development of offshore sources of renewable energy; • offer a sufficiently wide range of facilities at a variety of locations to match existing and expected trade, ship call and inland distribution patterns and to facilitate and encourage coastal shipping; • ensure effective competition among ports and provide resilience in the national infrastructure; and • take full account of both the potential contribution port developments might make to regional and local economies. <p><i>Given the level and urgency of need for infrastructure of the types covered as set out above, the IPC should start with a presumption in favour of granting consent to applications for ports development. That presumption applies unless any more specific and relevant policies set out in this or another NPS clearly indicate that consent should be refused. The</i></p>	<p>patterns clearly indicate such a facility should be located;</p> <ul style="list-style-type: none"> • make a significant contribution to competition amongst ports and Ro-Ro facilities as well as make a significant beneficial contribution to the provision of resilience in the national infrastructure; and • make a significant contribution to the local and regional economy. <p>The evidence contained within ABP’s application indicates that the decision maker should start with the presumption in favour of granting consent to the IERRT DCO application. Furthermore, the evidence – as summarised within this Planning Statement – demonstrates that there are no relevant NPS policies or provisions within the Planning Act 2008 that indicate that this presumption should not apply.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>presumption is also subject to the provisions of the Planning Act 2008.</i></p> <p><i>Advice on how to assess the impacts of developments that might meet these planning policies is provided through the guidance on assessment of the impacts of proposed development in section 5 of this NPS.”</i></p>	
<p>4. ASSESSMENT PRINCIPLES – 4.1 Key considerations</p>		
<p>Paras 4.1.1 and 4.1.2</p>	<p>These paragraphs provide key matters to be considered in making decisions on port proposals. The paragraphs state,</p> <p><i>“In making decisions on proposals for individual port developments, the planning decision-maker should take account of the following key considerations:</i></p> <ul style="list-style-type: none"> <i>• the applicant's assessment should be conducted in a manner that is consistent with statutory requirements under UK and EU legislation;</i> <i>• the applicant's assessment should be conducted in a way that takes into account all of the Government's objectives for transport, including the need:</i> <ul style="list-style-type: none"> <i>-to promote economic growth through improving networks and links for passengers and freight, as well as ensuring an efficient and competitive transport sector both nationally and internationally;</i> 	<p>The Applicant’s assessment complies with and is consistent with all relevant legislation and statutory requirements. This is confirmed in the individual chapters of the ES. For example, ES Chapter 6 Impact Assessment Approach (Application Document 8.2.6) presents the outcomes of the scoping and statutory consultation phase of the Environmental Impacts Assessment Process and the general impact assessment process followed in the preparation of the ES.</p> <p>The IERRT development will lead to improvements to transport networks – in particular, transport connections between England and the rest of Europe – and will improve the efficiency, competitiveness, safety and security of the UK’s Ro-Ro transport sector. In addition, as a new facility, the development will help to improve the environmental performance of the sector. Chapters</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>- to create a cleaner and greener transport system through improving the environmental performance of ports and associated developments, including transport, as well as to help changing to support infrastructure needed for green technologies; and</i></p> <p><i>- to strengthen the safety and security of transport;</i></p> <ul style="list-style-type: none"> <i>• the applicant's assessment could follow the standard framework designed by the DfT and recommended to all port applicants (A Project Appraisal Framework for Ports, 200515), which allows all the material considerations to be taken into account in a systematic manner using both quantitative and qualitative indicators;</i> <i>• the applicant's assessment should take account of other relevant UK policies and plans, including the Marine Policy Statement (MPS)16 and any existing marine plans provided for by the Marine and Coastal Access Act 2009. The decision-maker must have regard to these in taking any decision which relates to the exercise of any function capable of affecting the whole or any part of the UK marine area. To avoid conflict between plans, marine plans will need to be in accordance with the NPS for purposes of decision making, given the national significance of the infrastructure;</i> <i>• the assessment should also be informed, as to the material points for consideration, by the points raised by s.42 consultees;</i> 	<p>17 Traffic and Transport (Application Document 8.2.17) and 4 Need and Alternatives (Application Document 8.2.4) of the ES further describe how the Project takes into account relevant Government objectives and policy for transport.</p> <p>The Project Appraisal Framework for Ports 2005 (PAFP) is a document which is now out of print. However, in general terms the appraisal sets out an approach which defines a 'do minimum' reference case to assess the effects of a development against in terms of specific objectives. Appendix 4 to this document considers the application of the PAFP to the IERRT development in further detail.</p> <p>The individual topic chapters of the ES provide a policy context to introduce each impact topic area being assessed and each refers to the relevant legislation, policy and guidance considered. This includes the Marine Policy Statement and relevant Marine Plan (in the case of this Project, the East Inshore and East Offshore Marine Plan 2014) where relevant. The wider policy assessment of the Project provided in addition to that contained within the ES assessment is contained within this document – including in respect of marine policy documents.</p> <p>Section 1.3 of Chapter 1 Introduction of the ES (Application Document 8.2.1) summarises the statutory</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<ul style="list-style-type: none"> • <i>information sought from applicants should be proportionate to the scale of proposed development and associated impacts, including its likely impact on and vulnerability to climate change, as well as all other aspects of conformity with this NPS; and</i> • <i>for applications relating to Wales, the decision-maker should take account of the Welsh Government’s policies and plans in relevant devolved areas, particularly in respect of transport and planning.</i> <p><i>Most of the guidance below will apply to all decision-makers. Where intended to apply specifically to the IPC, it is specifically mentioned.”</i></p>	<p>consultation requirements for NSIPs and the approach followed with regard to the IERRT development. Individual topic chapters of the ES include specific sections identifying comments made by consultees – s42 and s47 consultees - and how they have informed the assessment and been taken account of. Consultation issues are further detailed within the Consultation Report (Application Documents 6.1 and 6.2).</p> <p>The Applicant has presented, in the ES and supporting application documentation, comprehensive but proportionate, and appropriate evidence to allow the Secretary of State to understand the nature and extent of its impacts (both adverse and beneficial) and to determine the DCO application.</p>
4. ASSESSMENT PRINCIPLES – 4.2 Consideration of benefits and impacts		
<p>Paras 4.2.1 to 4.2.4</p>	<p>These paragraphs provide introductory information on the consideration of benefits and impacts and state,</p> <p><i>“In this NPS, the terms ‘effects’, ‘impacts’ or ‘benefits’ should be understood to mean likely significant effects, impacts or benefits.</i></p> <p><i>Where the decision-maker reaches the view that a proposal for port infrastructure is in accordance with this NPS, it will then have to weigh the suggested benefits, including the contribution that the scheme</i></p>	<p>The information in this section of the NPSfP is noted.</p> <p>The approach taken to the assessment of effects of the IERRT Project is set out in Chapter 6 Impact Assessment Approach of the ES (Application Document 8.2.6). It includes the establishment of a baseline position, predicting a future position without the development and then a future position with the development identifying the effects of the development being built and operated. It then classifies the nature and extent of these effects (both positive and negative) using</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>would make to the national, regional or more local need for the infrastructure, against anticipated adverse impacts, including cumulative impacts.</i></p> <p><i>Economic, environmental and social benefits could include those identified in the NPS at a national level, as well as local benefits identified at the project-specific level. The decision-maker should ensure they take account of any longer-term benefits that have been identified (such as job creation) as well as the costs of development, or any wider benefits to national, regional or local economies, environment or society.</i></p> <p><i>Adverse impacts may be identified in a number of ways: in the local impact report which relevant local authorities are invited to submit following the acceptance of an application; in an Environmental Statement which accompanies an application; or in written or oral representations made. The NPS in broad terms ascribes weight to be applied to benefits or impacts, including multiple and cumulative impacts of projects, and the decisionmaker must take these into account in reaching the decision. The precise nature of the impact will, however, vary depending on a number of factors, including matters such as, for example, the type of infrastructure, the specific location of the proposed project, heritage assets and the local geology or biodiversity.”</i></p>	<p>relevant guidance for the particular topic in question where applicable to ensure a consistent and objective approach to determining the significance of those impacts in Environmental Impact Assessment (EIA) terms.</p> <p>This Planning Statement – drawing on the information contained elsewhere within the application documentation – demonstrates that the IERRT development is in accordance with NPSfP. Furthermore, the benefits of the IERRT Project (including the need for it) are weighed against any adverse effects within this Planning Statement, and it is clearly demonstrated that the benefits of the development outweigh any adverse impacts.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
4. ASSESSMENT PRINCIPLES – 4.3 Economic impacts: general overview		
<p>Paras 4.3.1 to 4.3.7</p>	<p>These paragraphs provide a general overview of economic impact matters and state,</p> <p><i>“Ports enable international trade, including essential imports, and so contribute to enhancing gross national product. They provide opportunities for foreign direct investment. They generate tax revenues for the Exchequer and for local government.</i></p> <p><i>At regional and local level, economic benefits from port developments include regeneration and employment opportunities. As commercial developments, ports can also generate agglomeration effects by bringing together businesses, with varying degrees of mutual interaction, and producing economic benefits over and above those reflected in the value of transactions among those businesses</i></p> <p><i>Ports can contribute to the enhancement of people’s skills and of technology, as embodied in equipment used by ports and port-related activities, with wider longer-term benefits to the economy.</i></p> <p><i>The AoS accompanying this NPS assesses the broad nature and scale of these effects in relation to port development generally. The decision-maker may</i></p>	<p>Chapter 4 Need and Alternatives of the ES (Application Document 8.2.4), supported by ES Appendix 4.1 (Application Document 8.4.4(a)), describes the benefits the IERRT development will bring in terms of various matters, including:</p> <ul style="list-style-type: none"> • ensuring that the UK has sufficient Ro-Ro freight capacity; • ensuring that sufficient Ro-Ro freight capacity of the right type in in a location where it is required; • ensuring that the UK has resilient and competitive Ro-Ro freight capacity; • providing the Humber Estuary with suitable Ro-Ro facilities to meet the current and future needs of an existing Ro-Ro operator; • supporting the implementation of the Government’s levelling up agenda and the achievement of local objectives; and • addressing the changing nature of trade reflected by a move away from reliance on the ‘short straits’ for the handling of Ro-Ro freight. <p>As ES Chapter 4 explains, these needs – and the specific primary objectives which arise from that need - are both urgent and imperative, the achievement of which is strongly in the public interest.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>need also to quantify the benefits of an individual application. For example:</i></p> <ul style="list-style-type: none"> <i>• in cases where a port development affects a protected habitat, and in the absence of alternative solutions, the decision-maker may need to consider whether there are any imperative reasons of overriding public interest (IROPI) in allowing the development to proceed. In such circumstances, the contribution the development will make toward meeting the national demand for port capacity, as set out in the most up-to-date forecasts available, will provide a partial estimate for the national economic benefits offered by the development. See section 5.1 on biodiversity impacts;</i> <i>• in considering whether to reject an application on the grounds that the adverse effects outweigh the benefits, the decision-maker should take into account positive economic externalities. In these circumstances, an assessment using WebTAG economic impact methodology and the Project Appraisal Framework for Ports may be undertaken, which should indicate the degree of weight attaching to these elements. If such an assessment is not feasible, a qualitative assessment may be made. The weight attached to benefits should take account of the level of uncertainty and must avoid double counting, for example by scoring net benefits in one region while ignoring net losses elsewhere. External effects</i> 	<p>The assessment reported in Chapter 9 of the ES (Application Document 8.2.9) and supporting documentation demonstrates that the proposed IERRT development will not have an adverse effect on the integrity of a designated site or protected habitat and relevant related legal and policy tests that require the absence of alternative solutions and the demonstration of IROPI do not, therefore, apply. However, even if they did apply the evidence presented in the IERRT application demonstrates that those relevant legal and policy tests would be met.</p> <p>A number of adverse impacts of the development are identified in the ES but these are often highly localised and temporary. Appropriate mitigation is proposed such that none of the resulting residual adverse impacts considered are significant in EIA terms. Accordingly, in weighing up the balance there is no reason for the Secretary of State to refuse the DCO Application for the IERRT Project.</p> <p>Appendix 4 to this document considers the application of the PAFP and WebTAG methodologies to the IERRT development in further detail.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>remote from the development in space, nature of activity or time are likely to be uncertain;</i></p> <ul style="list-style-type: none"> • <i>where a port development is likely to lead to a substantial net increase in employment (of 5,000 or more) which would require inward migration to the area, the effect on demand for local public services (such as affordable housing, education and healthcare) should be assessed.</i> <p><i>The decision-maker should give substantial weight to the positive impacts associated with economic development, in line with the policy set out in this NPS.</i></p> <p><i>Expansion of the ports sector through market-oriented investment may stimulate extra employment and training benefits which, as noted above, may be taken into account in accordance with WebTAG, WeITAG where applicable and the Project Appraisal Framework for Ports.</i></p> <p><i>Transport congestion and its mitigation, as well as costs to hauliers, are recognised as economic issues, but transport impacts are bracketed together under environmental impacts at 5.4 below for ease of presentation.”</i></p>	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
4. ASSESSMENT PRINCIPLES – 4.4 Commercial impacts		
<p>Paras 4.4.1 to 4.4.3</p>	<p>These paragraphs provide information on the consideration of commercial impacts and state,</p> <p><i>“Ports in England and Wales operate on commercial lines, without public subsidy and with investment from their own operating profits or from the private sector investors. Port developers must therefore plan to make a commercial return from the investment being made. The decision-maker may need to make judgements as to whether possible adverse impacts would arise from the impact of the development on other commercial operators.</i></p> <p><i>In cases where the adverse impacts would only arise in the event of the success of the project (e.g. through the increased traffic generated by a thriving development), the decision-maker should consider the adequacy of the mitigation proposed in such an event, rather than the likelihood of the impact arising.</i></p> <p><i>Objections from port users adversely affected by the development should be considered in the light of the proposal from the applicant to mitigate those impacts, taking into account any benefits the decision-maker believes, on the evidence presented, will accrue to those users from the development.”</i></p>	<p>Chapter 4 of the ES (Application Document 8.2.4) identifies the clear need for the IERRT Project, including in terms of commercial matters.</p> <p>Key aspects of the need for the IERRT Project are to provide for the urgent requirements of an existing Humber Estuary Ro-Ro operator and to meet an element of the future forecast demand for Ro-Ro freight capacity on the Humber Estuary.</p> <p>The evidence presented demonstrates that the forecast level of future demand for capacity on the Humber Estuary is significantly greater than the additional capacity that would be provided by the IERRT development alone. As a consequence, new capacity is, therefore, very likely to be required elsewhere within the estuary to meet the overall future forecast demand. Furthermore, the provision of additional Ro-Ro freight capacity on the Humber further enhances the location as a key location where the Ro-Ro freight market wishes to operate from. Overall, the evidence presented demonstrates that there will be no significant adverse impacts on other commercial Ro-Ro operators as a result of the IERRT development.</p> <p>In respect of other port users and operators, ES Chapter 16 (Application Document 8.2.16) provides an</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
		assessment of the implications of the IERRT development on such users and operators. Drawing upon the assessment work detailed in other chapters of the ES as relevant, it is demonstrated that no port user or operator would experience significant adverse impacts in terms of their operations as a result of the IERRT Project.
4. ASSESSMENT PRINCIPLES – 4.5 Competition		
Para 4.5.1	This paragraph provides information on the consideration of competition matters, and states, <i>“In some cases, particularly if port developments are occurring in parallel, it may be necessary to make some assessment of the effects of competition in assessing the demand on inland access links and on the phasing of road, rail and other infrastructure demands. This is discussed further in section 5.4 on transport.”</i>	The traffic and transport assessment of the IERRT Project (ES Chapter 17 - Application Document 8.2.17) and accompanying appendix – Application Document 8.4.17(a)) takes account of other developments – known as committed developments - occurring within the locality as appropriate. The assessment undertaken demonstrates no significant adverse effects. Furthermore, Chapter 20 of the ES (Application Document 8.2.20) sets out the cumulative and in-combination effects assessment that has been undertaken and which takes account of other developments in the locality as appropriate. Again, no unacceptable effects have been identified.
4. ASSESSMENT PRINCIPLES – 4.6 Tourism		
Paras 4.6.1 to 4.6.5	These paragraphs provide information on the consideration of tourism matters, and state,	Chapter 16 of the IERRT ES (Application Document 8.2.16) explains that there are no tourism receptors

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>“Port developments that include a passenger or cruise terminal may have a positive impact on tourism in the local area by increasing accessibility, particularly in outlying regions. This should be taken into account in assessing the overall benefits. Where increased tourism is likely significantly to affect demand for local services, this impact should be assessed. Additional benefit should also be identified through promoting the historical legacy of working ports; this is important in terms of the changing economic life of ports and how such change is compatible with conserving heritage assets.</i></p> <p><i>Port development may have an adverse impact on tourism, for example if it severs or diverts footpaths or bridleways, has a detrimental impact on the surrounding landscape or seascape, or affects the space available for local leisure activities such as windsurfing or wildfowling. (See section 5.13 on open space.)</i></p> <p><i>The WebTAG methodology (and WeITAG in Wales) for appraisal of wider economic impacts may be used where tourism benefits or adverse impacts appear potentially significant.</i></p> <p><i>Good design can deliver benefits for tourism and minimise any adverse impacts.</i></p>	<p>located within the area that has been studied that would be anticipated to be significantly affected by the IERRT Project. The assessment in that chapter explains that this issue has been scoped out of further consideration.</p> <p>The lack of tourism or leisure receptors reflects the fact that the site of the IERRT Project is on previously developed land within an existing and active operational port.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>Good environmental quality of water bodies and beaches may also support local tourism and associated businesses, supporting the weight that should be attached to fulfilment of Water Framework Directive requirements.”</i></p>	
<p>4. ASSESSMENT PRINCIPLES – 4.7 Environmental Impact Assessment</p>		
<p>Paras 4.7.1 to 4.7.5</p>	<p>These paragraphs provides information on EIA matters, and state,</p> <p><i>“All proposals for projects that are subject to the European Environmental Impact Assessment Directive18 must be accompanied by an Environmental Statement (ES) describing the aspects of the environment likely to be significantly affected by the project.19 The Directive specifically covers ‘trading ports...which can take vessels over 1,350 tonnes’ within Annex I 8(b) and ‘construction of...harbours and port installations, including fishing harbours (projects not included in Annex I)’ within Annex II 10(e). The Directive also specifically refers to effects on human beings, fauna and flora, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them. The Directive requires a description of the likely significant effects of the proposed project on the environment, covering the direct effects and any</i></p>	<p>The IERRT DCO application is accompanied by a detailed environmental statement (ES) that reports the findings of a comprehensive environmental impact assessment (EIA) that addresses the matters and points raised within paragraph 4.7.1 of the NPSfP.</p> <p>Chapter 6 Impact Assessment Approach of the ES (Application Document 8.2.6) presents the outcome of the scoping and statutory consultation phase of the Environmental Impact Assessment (EIA) process. It also details the general impact assessment methodology that has been followed in this Environmental Statement (ES) in order to identify and assess the significant environmental effects likely to be generated by the Project.</p> <p>Chapter 16 of the ES (Application Document 8.2.16) presents an assessment of the likely socio-economic effects of the IERRT Project on employment, local businesses and the local population. It includes effects</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>indirect, secondary, cumulative, short-, medium and long-term, permanent and temporary, positive and negative effects of the project, and also of the measures envisaged for avoiding or mitigating significant adverse effects. When considering a proposal, the decisionmaker should ensure that likely significant effects at all stages of the project have been adequately assessed and should request further information where necessary.</i></p> <p><i>To consider the potential effect, including benefits of a proposal for a project, the decision-maker will find it helpful if the applicant also sets out information on the likely significant social and economic effects of the development and shows how any likely significant negative effects would be avoided or mitigated. This information could include matters such as employment, equality, community cohesion and well-being.</i></p> <p><i>When considering cumulative effects, the ES should provide information on how the effects of the applicant’s proposal would combine and interact with the effects of other development (including projects for which consent has been sought or granted, as well as those already in existence). The decision-maker may also have other evidence before it, for example from appraisals of sustainability of relevant NPSs or development plans, on such effects and potential</i></p>	<p>likely to be experienced during construction and operation and distinguishes between local and wider sub-regional effects and direct and indirect effects. Overall, the assessment identifies a net beneficial socio-economic effect on the economy through the provision of employment and associated multiplier effects.</p> <p>Chapter 20 of the ES (Application Document 8.2.20) presents an assessment of any cumulative and in-combination effects of the development when considered alongside other plans, projects and ongoing activities.</p> <p>The assessment undertaken concludes that there would be minor adverse, insignificant or no cumulative effects depending on the projects concerned. In cases there would be net beneficial effects.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>interactions. Any such information may assist the decision-maker in reaching decisions on proposals and on mitigation measures that may be required.</i></p> <p><i>The IPC should consider how the accumulation of, and interrelationship between, effects might affect the environment, economy or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place.</i></p> <p><i>To help the decision-maker consider thoroughly the potential effects of a proposed project in cases where the EIA Directive does not apply to a project, and an ES is not therefore required, the applicant should instead provide information proportionate to the project on the likely significant environmental, social and economic effects. References to an ES in this NPS should be taken as including a statement which provides this information, even if the EIA Directive does not apply.”</i></p>	
4. ASSESSMENT PRINCIPLES – 4.8 Habitats Regulations Assessment		
Para 4.8.1	<p>This paragraph provides information on HRA matters, and states,</p> <p><i>“Prior to granting a development consent order, the decision-maker must, under the Habitats and Species</i></p>	<p>A Habitats Regulations Assessment report has been produced as part of the IERRT DCO application (Application Document 9.6). This assessment has been prepared having regard to consultation that has been carried out with Natural England.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>Regulations, consider whether the project may have a significant effect on a European site, or on any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans or projects. Further information on the requirements of the Habitats and Species Regulations can be found in a Government Circular, Applicants should also refer to section 5.1 on biodiversity and geological conservation. The applicant should seek the advice of Natural England and/or the Countryside Council for Wales and provide the decision-maker with such information as it may reasonably require to determine whether an appropriate assessment is required. In the event that appropriate assessment is required, the applicant must provide the decision-maker with such information as may reasonably be required to enable it to conduct the appropriate assessment. This should include information on any mitigation measures that are proposed to minimise or avoid likely effects.”</i></p>	<p>This HRA report accompanying the application has concluded that an appropriate assessment is required, but that on the basis of the available evidence the IERRT Project will not have an adverse effect on the integrity of a European site.</p> <p>The report produced provides all of the information that is reasonably required by the decision maker to undertake an appropriate assessment.</p>
<p>4. ASSESSMENT PRINCIPLES – 4.9 Alternatives</p>		
<p>Paras 4.9.1 to, 4.9.3</p>	<p>These paragraphs deal with the consideration of alternatives and state,</p> <p><i>“In any planning case, the relevance or otherwise to the decision-making process of the existence (or alleged existence) of alternatives to the proposed development is in the first instance a matter of law,</i></p>	<p>Chapter 4 Need and Alternatives of the ES (Application Document 8.2.4) presents the consideration of potential alternatives that has been undertaken.</p> <p>The chapter sets out the information about the potential alternatives which have been studied and the reasons for the identification of the IERRT as the only solution</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>detailed guidance on which falls outside the scope of this NPS. From a policy perspective this NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option.</i></p> <p><i>However:</i></p> <ul style="list-style-type: none"> <i>• applicants are obliged to include in their ES factual information about the main alternatives they have studied. This should include an indication of the main reasons for the applicant’s choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility; and</i> <i>• in some circumstances there are specific legislative requirements, notably under the habitats Directive, for the applicant and decision-maker to consider alternatives. These should also be identified in the ES by the applicant.</i> <p><i>Where there is a legal requirement to consider alternatives, the applicant should describe the alternatives considered in compliance with these requirements. Given the public interest in provision of new port infrastructure, the decision-maker should, subject to any relevant legal requirements (e.g. under the habitats Directive) which may indicate otherwise,</i></p>	<p>available, taking account of various matters including those indicated in the NPSfP</p> <p>The assessment undertaken demonstrates that for the IERRT Project there are no specific legislative requirements relating to the consideration of alternatives under habitats related legislation.</p> <p>In terms of the principles set out in paragraph 4.9.3 the following points are highlighted:</p> <p>(i) The consideration of potential alternatives within the IERRT has taken account of relevant policy requirements and has been carried out in a proportionate manner.</p> <p>(ii) No potential alternative solution to the IERRT Project has been identified for the reasons set out in Chapter 4 of the ES (Application Document 8.2.4). However, even if an alternative were to be identified this could not provide the same infrastructure capacity in the same timescale as the IERRT development. Any such alternative would itself be an NSIP and would, therefore, be some 2 to 3 years behind the IERRT Project in terms of infrastructure delivery.</p> <p>Furthermore, looked at solely from the perspective of forecast future demand for Ro-Ro freight capacity the forecast demand is such that further capacity over and</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>be guided by the following principles when deciding what weight should be given to alternatives:</i></p> <ul style="list-style-type: none"> <i>• the consideration of alternatives in order to comply with policy requirements should be carried out in a proportionate manner;</i> <i>• whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security and climate change benefits) in the same timescale as the proposed development;</i> <i>• the decision-maker should not reject an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site, and it should have regard as appropriate to the possibility that other suitable sites for port infrastructure of the type proposed may be needed for future proposals;</i> <i>• alternatives not among the main alternatives studied by the applicant (as reflected in the ES) should only be considered to the extent that the decision-maker thinks they are both important and relevant to its decision;</i> <i>• if the IPC, which must (subject to the exceptions set out in the 2008 Act) decide an application in accordance with the relevant NPS, concludes that a decision to grant consent to a hypothetical alternative proposal would not be in accordance with the policies set out in this NPS, the existence of that alternative is</i> 	<p>above that to be provided by the IERRT Project is likely to be needed in any event.</p> <p>(iii) No potential alternative has been put forward or suggested by any consultee during the pre-application stage of the IERRT Project.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>unlikely to be important and relevant to the IPC's decision;</i></p> <ul style="list-style-type: none"> • <i>suggested alternative proposals which mean the primary objectives of the application could not be achieved, for example because the alternative proposals are not commercially viable or alternative proposals for sites would not be physically suitable, can be excluded on the grounds that they are not important and relevant to the decision;</i> • <i>it is intended that potential alternatives to a proposed development should, wherever possible, be identified before an application is made in respect of it (so as to allow appropriate consultation and the development of a suitable evidence base in relation to any alternatives which are particularly relevant). Where, therefore, an alternative is first put forward by a third party after an application has been made, the person considering that application may place the onus on the person proposing the alternative to provide the evidence for its suitability as such, and the applicant should not necessarily be expected to have assessed it."</i> 	
<p>4. ASSESSMENT PRINCIPLES – 4.10 Criteria for 'good design' for port infrastructure</p>		
<p>Paras 4.10.1 to 4.10.5</p>	<p>These paragraphs consider good design matters and state,</p>	<p>The proposed development consists of a new Ro-Ro freight terminal located on previously developed land within an existing established operational port that is</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>“The visual appearance of a building is sometimes considered to be the most important factor in good design. But high quality and inclusive design goes far beyond aesthetic considerations. The functionality of an object – be it a building or other type of infrastructure – including fitness for purpose and sustainability, is equally important. Applying 'good design' should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged, however, that the nature of much port infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area.</i></p> <p><i>Good design is also a means by which many policy objectives in the NPS can be met, for example the impact sections show how good design and use of appropriate technologies can help mitigate adverse impacts such as noise.</i></p> <p><i>In the light of the above, and given the importance which the Planning Act 2008 places on good design and sustainability, the decision-maker needs to be satisfied that port infrastructure developments are sustainably designed and, having regard to regulatory and other constraints, are as attractive,</i></p>	<p>characterised by existing large scale port operational infrastructure.</p> <p>The IERRT Project consists solely of functional elements designed and laid out to provide an efficient Ro-Ro terminal within the site area available.</p> <p>Chapter 4 of the ES (Application Document 8.2.4) explains the basic physical parameters initially determined as being required in terms of a new Ro-Ro facility to meet the need identified. From these parameters an initial scheme was designed having regard to the land available, the layout of the available land and the requirements for an efficient operation – for example, seeking to develop storage areas as close as possible to the berths.</p> <p>Chapter 4 further explains the way in which the design of the proposed development has been formulated as a result of ongoing assessment work and consultation responses. This has included having due regard to the environmental sensitivity of the location, the need to minimise implications for other port uses and users and the need to make efficient use of natural resources and energy.</p> <p>The overall design of the facility has very much been led by its proposed function, and it is considered that an</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i> durable and adaptable (including taking account of natural hazards such as flooding) as they can be. In so doing, the decision-maker should satisfy itself that the applicant has taken into account both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located) as far as possible. Whilst the applicant may have no or very limited choice in the physical appearance of some port infrastructure, there may be opportunities for the applicant to demonstrate good design relative to existing landscape character, landform and vegetation.</i></p> <p><i> Applicants should be able to demonstrate in their application documents how the design process was conducted and how the proposed design evolved. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected. In considering applications, the decision-maker should take into account the ultimate purpose of the infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy.</i></p> <p><i> At an early stage, applicants and the decision-maker should consider seeking professional and</i></p>	<p>efficient and functional design has resulted that is in keeping with its surroundings.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<i>independent advice on what constitutes 'good design' of a proposal."</i>	
4. ASSESSMENT PRINCIPLES – 4.11 Pollution control and other environmental regulatory regimes		
<p>Paras 4.11.1 to 4.11.8</p>	<p>These paragraphs consider pollution control and other environmental regulatory regimes, and state,</p> <p><i>“Issues relating to discharges or emissions from a proposed project which affect air quality, water quality, land quality and the marine environment, or which include noise and vibration, may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes.</i></p> <p><i>The planning and pollution control systems are separate but complementary. The planning system controls the development and use of land in the public interest. It plays a key role in protecting and improving the natural environment, public health and safety, and amenity, for example by attaching requirements to allow developments which would otherwise not be environmentally acceptable to proceed, and preventing harmful development which cannot be made acceptable even through requirements. Pollution control is concerned with preventing pollution through the use of measures to prohibit or limit to the lowest practicable level the releases of substances to the environment from</i></p>	<p>The type and extent of consents, licences and approvals that are needed by the IERRT Project in addition to the main DCO consent are detailed in the Consents and Agreements Position Statement that is provided as part of the IERRT DCO application documentation (Application Document 9.1). This document demonstrates the limited extent of such additional consents and approvals.</p> <p>The MMO, the EA and NE, and other relevant bodies and organisations have been extensively engaged with during the design and evolution of the Project during the pre-application stage, as evidenced in the relevant individual chapters of the ES and the Consultation Report.</p> <p>In addition, a Construction Environmental Management Plan (CEMP) (Application Document 9.2) has been produced which will ensure that pollution risks are minimised during the construction process. The application of the CEMP is secured through a Requirement in the draft DCO (Application Document 3.1).</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>different sources. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment or human health.</i></p> <p><i>In considering an application for development consent, the decision-maker should focus on whether the development itself is an acceptable use of the land and on the impacts of that use, rather than the control of processes, emissions or discharges themselves. The decision-maker should work on the assumption that the relevant pollution control regime, other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity will be properly applied and enforced by the relevant regulator. It should act to complement but not seek to duplicate it.</i></p> <p><i>The applicant should consult the Marine Management Organisation (MMO) in England, or the Welsh Government in Wales on nationally significant projects which would affect, or would be likely to affect, any relevant marine areas as defined in the Planning Act 2008 (as amended by s.23 of the Marine and Coastal Access Act 2009). The development consent may include a deemed marine licence, and the MMO will advise on what conditions should apply to the deemed marine licence The decision-maker and MMO (or the Welsh Government) should co-operate closely to ensure</i></p>	<p>In this context, the Port’s current operational area is subject to a range of environmental permitting arrangements as appropriate and these will continue to operate with the IERRT Project in place.</p> <p>On the basis of the information contained within the application documentation there is considered to be no reason why any additional consents and approvals that may be required will not be obtained.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>that nationally significant infrastructure projects are licensed in accordance with any relevant draft or adopted marine plan, as well as environmental legislation, including European directives.</i></p> <p><i>Projects covered by this NPS may be subject to the Environmental Permitting regime, which also incorporates operational waste management requirements for certain activities. When a developer applies for an Environmental Permit, the relevant regulator (usually the Environment Agency, but sometimes the local authority) requires that the application demonstrates that processes are in place to meet all relevant Environmental Permitting requirements. In considering the impacts of the project, the decision-maker may wish to consult the regulator on any management plans that would be included in an Environmental Permit application.</i></p> <p><i>Applicants are advised to make early contact with relevant regulators, including the Environment Agency (EA) or the Welsh Government, and the MMO, to discuss their requirements for environmental permits and other consents. This will help ensure that applications take account of all relevant environmental considerations and that the relevant regulators are able to provide timely advice and assurance to the decision-maker. Wherever possible, applicants are encouraged to submit</i></p>	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>applications for Environmental Permits and other necessary consents at the same time as applying to the decision-maker for development consent.”</i></p>	
<p>4. ASSESSMENT PRINCIPLES – 4.12 Climate change mitigation</p>		
<p>Paras 4.12.1 to 4.12.10</p>	<p>These paragraphs consider climate change matters and state,</p> <p><i>“Port developments may have an effect on greenhouse gases, particularly through their impact on sea and road transport. This impact may be positive, if the development results in transmodal shifts from road to shipping (including coastal shipping) or to rail transport, and the benefits from these shifts are greater than any additional emissions that may be associated with the proposed development.</i></p> <p><i>Given the international nature of shipping and the difficulties in estimating and attributing greenhouse gas emissions from ships, measures to address emissions from ships on international journeys are currently being taken forward on an international basis and are not included in the national targets recommended by the Committee on Climate Change.</i></p>	<p>Chapter 19 Climate Change of the ES (Application Document 8.2.19) presents an assessment of the potential climate change effects of the IERRT Project in terms of the Greenhouse Gas (GHG) Emissions generated during its construction and operation and the resilience of the Project to climate change risks (including sea level rise and extreme weather events). It takes into account the impacts of land-based vehicles, sea-borne vessels and other emissions sources, as detailed in Table 19.1 (ES Chapter 19), over the Project's service life.</p> <p>The UK's share of international aviation and shipping emissions has only been incorporated into the 6th carbon budget for years 2033-37 (UK Government, 2021). Therefore, GHG emissions from international shipping was only compared to the UK's 6th Carbon Budget, which is calculated from 2033 onwards.</p> <p>The land-based vehicle assessment was based upon the Air Quality (Chapter 13 of the ES – Application Document 8.2.13) transport model, which was used to inform the GHG impact assessment.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>The decision-maker does not need to consider the impact of a new port development on greenhouse gas emissions from ships transiting to and from the port.</i></p> <p><i>Emissions from ships in ports are unlikely to be significant contributors to climate change but, where an Environmental Statement is required, it should set out any measures taken to minimise the local effect of emissions and how these are likely to affect greenhouse gases.</i></p> <p><i>Inland transport. Where a development will lead to significant increases in inland transport needs, the estimated impact on CO₂, and other greenhouse gases if significant, will need to be covered in the Environmental Statement. A transport assessment will also normally be required. See section 5.4 and NATA/WebTAG (and, in Wales, WelTAG) guidance.</i></p> <p><i>The decision-maker should attach limited weight to the estimated likely net carbon emissions performance of port developments. However, it may be appropriate to agree requirements or obligations that will cement cost effective ways to minimise greenhouse gas emissions in operation. Consent might be withheld if the applicant refused to accept reasonable requirements or obligations related to design, or arising from the transport assessment (again see section 5.4 on transport).</i></p>	<p>Section 19.9 of Chapter 19 addresses mitigation measures under consideration, including the future provision of shoreside electrical power to ships at berth, electric vehicle charging points, electric tugs for shunting, and electric reefer gantry chargers. Chapter 19 identifies the mitigation measures proposed to address climate change resilience.</p> <p>In line with the UK Government's Clean Maritime Plan and Transport Decarbonisation Plan, it is predicted that the activities occurring at the Project will continue to decarbonise in accordance with the budgeted, science-based 1.5°C trajectory. Therefore, based on the IERRT Project's GHG emissions being below the indicative 5% threshold and the expectation that associated activities will decarbonise in accordance with the UK Government's agendas, it is considered that the magnitude of impact from the combination of construction and operation GHG emissions is minor adverse. As such, the construction and operation of the IERRT Project are not expected to affect the UK in meeting its Carbon Budgets.</p> <p>Furthermore, the emissions from the vessels and terrestrial freight transportation represent a 'worst-case scenario' since the UK plans to decarbonise the UK's road transport and marine transport by 2050. The Transport Decarbonisation Plan and Clean Maritime Plan</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>Good design can minimise emissions, and new developments should be designed with a view to fuel efficiency in the operation of buildings and of outdoor plant and machinery, as well as with the maximum use of renewable energy sources.</i></p> <p><i>The decision-maker should consider the extent to which the applicant has considered the use of renewable energy on the port estate. Where renewable energy is not planned to be used for a major port development, the reasons should be scrutinised.</i></p> <p><i>Inter-tidal habitat creation could be one way of offsetting emissions, as well as complying with habitats Regulations where appropriate.</i></p> <p><i>The provision of shore-side fixed electrical power to replace the use of ships’ generators in port (‘cold ironing’) may reduce carbon emissions, but the effects will be small. Paragraph 5.7.13 offers more detail on cold ironing.”</i></p>	<p>set out government commitments to achieve net-zero by 2050, in line with the UK’s net-zero emissions target. Therefore, it is anticipated that the IERRT Project would have a considerably smaller carbon footprint under these decarbonisation plans. Hence, the preceding estimates represent a ‘worst-case scenario’ where no decarbonising measures are implemented in the future.</p>
<p>4. ASSESSMENT PRINCIPLES – 4.13 Climate change adaptation</p>		
<p>Paras 4.13.1 to 4.13.15</p>	<p>These paragraphs consider climate change adaptation matters and state,</p>	<p>Chapter 19 Climate Change of the ES (Application Document 8.2.19) provides an assessment of the potential significant effects of the project in relation to</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>“Section 10(3)(a) of the Planning Act requires the Secretary of State to have regard to the desirability of mitigating, and adapting to, climate change in designating an NPS.</i></p> <p><i>Section 4.12 of this NPS covers climate change mitigation. While climate change mitigation is essential to minimise the most dangerous impacts of climate change, previous global greenhouse gas emissions have already committed us to some degrees of continued climate change for at least the next 30 years.</i></p> <p><i>Climate change is likely to mean that the UK will experience hotter, drier summers and warmer, wetter winters. There is a likelihood of increased flooding, drought, heat-waves, intense rainfall events and other extreme events such as storms, as well as rising sea levels. Adaptation is therefore necessary to deal with the potential impacts of these changes that are already happening</i></p> <p><i>To support planning decisions, the Government produces a set of UK Climate Projections and is developing a statutory National Adaptation Programme.²⁵ In addition, the Government’s Adaptation Reporting Power²⁶ will ensure that reporting authorities (a defined list of public bodies and statutory undertakers, including port operators)</i></p>	<p>climate change impacts. The climate change resilience review (CCR) has qualitatively reviewed the IERRT project’s resilience (including the proposed design mitigation measures) to climate change. This has been completed in liaison with the project design team and other EIA technical disciplines, considering the UKCP18 projections for the geographical location and timeframe of the IERRT project (from construction (including pre-construction) and operation.</p> <p>In ES Chapter 19 the CCR assessment has considered a scenario that reflects a high level of GHG emissions (RCP 8.5) at the 10%, 50% and 90% probability levels up to the 2089 (2060 to 2089, as defined by UKCP18) to assess the impact of climate change over an engineering design standard of 50 years as aligned BS EN 1990 Eurocodes.</p> <p>Following identification of climate hazards, the likelihood of climate change impacts and consequences have been assessed according to Table 19.6 and Table 19.7 in Chapter 19. The categories and descriptions provided in Chapter 19 are based on the IEMA (2020) climate change resilience and adaptation guidance.</p> <p>Chapter 19 of the ES presents embedded mitigation measures present in the design of the IERRT Project (based on those identified by each technical discipline) to</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>assess the risks to their organisation presented by climate change. The decision-maker may take into account reports from port operators to the Secretary of State when considering adaptation measures proposed by an applicant for new port infrastructure.</i></p> <p><i>In certain circumstances, measures implemented to ensure a port can adapt to climate change may give rise to additional impacts, e.g. as a result of protecting against flood risk there may be consequential impacts on coastal change.</i></p> <p><i>New port infrastructure will typically be long-term investments which will need to remain in operation over many decades, in the face of a changing climate. Consequently, applicants must consider the impacts of climate change when planning the location, design, build and operation of new port infrastructure. Proposals that are subject to the European Environmental Impact Assessment Directive must be accompanied by an Environmental Statement (ES) describing the aspects of the environment likely to be significantly affected by the project. The ES should set out how the proposal will take account of the projected impacts of climate change. While not required by the EIA Directive, this information will be needed by the decision-maker.</i></p>	<p>demonstrate how the IERRT Project will be adapted to increase its resilience to future climate conditions.</p> <p>In Chapter 19 the CCR review has assessed the significance of effects by evaluating the combination of the likelihood of the climate-related impact occurring, and the consequence, as per the risk assessment matrix in Table 19.8. The assessment has taken into account confirmed design and mitigation measures (referred to as embedded mitigation). For example, Chapter 11: Coastal Protection, Flood Defence and Drainage of the ES (Application Document 8.2.11) and accompanying Flood Risk Assessment and Drainage Strategy (Application Document 8.4.11) have considered appropriate embedded climate change flood adaptation measures, which were considered in the assessment.</p> <p>Furthermore, to deal with rising temperatures from climate change across the Project’s operation, it will be constructed and developed in adherence to British Design Standards so that the materials which have properties which offer increased tolerance to high temperatures are to be considered. Additionally, all new buildings and assets will either be designed for anticipated climatic conditions using appropriate design guidance where available, or adaptive capacity will be built into the designs. During construction, to prevent the risk of heat exposure to workers, prevention measures</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>Applicants should use the latest set of UK Climate Projections to ensure they have identified appropriate adaptation measures. Applicants should apply, as a minimum, the emissions scenario that the independent Committee on Climate Change suggests the world is currently most closely following – and the 10%, 50% and 90% estimate ranges. These results should be considered alongside relevant research which is based on the climate change projections such as Environment Agency (EA) Flood Maps.</i></p> <p><i>In addition, where port infrastructure has safety-critical elements (e.g. storage of gas, petro-chemicals) the applicant should apply the high emissions scenario (high impact, low likelihood) to those elements critical to the safe operation of the port infrastructure.</i></p> <p><i>The decision-maker should satisfy itself that applicants for new port infrastructure have taken into account the potential impacts of climate change using the latest UK Climate Projections available at the time the ES was prepared to ensure they have identified appropriate adaptation measures. This should cover the estimated lifetime of the new infrastructure. Should a new set of UK Climate Projections become available after the preparation of the ES, the decision-maker should consider whether it needs to request further information from the applicant.</i></p>	<p>and health and safety plans will be implemented in order to avoid worker heat exhaustion.</p> <p>As detailed in Table 19.19 and Table 19.21 (ES Chapter 19), no significant effects from climate change have been identified during the Project’s construction and operation.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>If any adaptation measures give rise to consequential impacts, the decisionmaker should consider the impact of those in relation to the application as a whole and the impacts guidance set out elsewhere in this NPS (e.g. on flood risk, water resources and coastal change).</i></p> <p><i>The decision-maker should satisfy itself that there are not critical features of the design of new ports infrastructure which may be seriously affected by more radical changes to the climate beyond that projected in the latest set of UK Climate Projections, taking account of the latest credible scientific evidence on, for example, sea level rise (e.g. by referring to additional maximum credible scenarios from the Intergovernmental Panel on Climate Change or EA) and that necessary action can be taken to ensure the operation of the infrastructure over its estimated lifetime.</i></p> <p><i>Any adaptation measures should be based on the latest set of UK Climate Projections, the Government’s latest national Climate Change Risk Assessment and in consultation with the EA.</i></p> <p><i>Adaptation measures can be required to be implemented at the time of construction where necessary and appropriate to do so.</i></p>	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>Where adaptation measures are necessary to deal with the impact of climate change and that measure would have an adverse effect on other aspects of the application and/or surrounding environment (e.g. coastal processes), the decision-maker may consider requiring the applicant to ensure that the adaptation measure could be implemented should the need arise, rather than at the outset of the development (e.g. increasing height of an existing, or requiring a new, sea wall).</i></p> <p><i>The generic impacts advice in this NPS provides additional information.”</i></p>	
<p>4. ASSESSMENT PRINCIPLES – 4.14 Common law nuisance and statutory nuisance</p>		
<p>Paras 4.14.1 to 4.14.3</p>	<p>These paragraphs consider common law nuisance and statutory nuisance matters and state,</p> <p><i>“Section 158 of the Planning Act 2008 confers statutory authority for carrying out development consented to by, or doing anything else authorised by, a development consent order. Such authority is conferred only for the purpose of providing a defence in any civil or criminal proceedings for nuisance. This would include a defence for proceedings for nuisance under Part III of the Environmental Protection Act (EPA) 1990 (statutory nuisance), but only to the</i></p>	<p>The Applicant has prepared a Statement of Statutory Nuisance which is presented as Application Document 5.2.</p> <p>This Statement identifies the matters set out in Section 79(1) of the EPA in respect of statutory nuisances and considers whether the IERRT Project would engage one or more of those matters.</p> <p>With the proposed mitigation in place, as described within the statement, it is not expected that there will be</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>extent that the nuisance is the inevitable consequence of what has been authorised. The defence does not extinguish the local authority’s duties under Part III of the EPA 1990 to inspect its area and take reasonable steps to investigate complaints of statutory nuisance and to serve an abatement notice where satisfied of its existence, likely occurrence or recurrence. The defence is not intended to extend to proceedings where the matter is ‘prejudicial to health’ and not a nuisance.</i></p> <p><i>It is very important that, at the application stage of an NSIP, possible sources of nuisance under section 79(1) of the 1990 Act and how they may be mitigated or limited are considered by the decision-maker so that appropriate requirements can be included in any subsequent order granting development consent.</i></p> <p><i>The decision-maker should note that the defence of statutory authority is subject to any contrary provision made by the decision-maker in any particular case in a development consent order (section 158(3)). Therefore, subject to paragraph 4.14.1, the decision-maker can disapply the defence of statutory authority in whole or in part, in any particular case, but in doing so should have regard to whether any particular nuisance is an inevitable consequence of the development.”</i></p>	<p>a breach of Section 79(1) of the EPA during either the construction or operation phase of the IERRT Project.</p> <p>The construction activities that have the potential to create a nuisance will be controlled through the CEMP (Application Document 9.2) which accompanies the application, compliance with which will be secured through a Requirement within the draft DCO (Application Document 3.1).</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
4. ASSESSMENT PRINCIPLES – 4.15 Hazardous substances		
<p>Paras 4.15.1 to 4.15.3</p>	<p>These paragraphs deal with hazardous substances matters and state,</p> <p><i>“All establishments wishing to hold stocks of certain hazardous substances above a threshold quantity need hazardous substances consent. Applicants should consult the Health and Safety Executive (HSE) at pre-application stage²⁸ if the project is likely to need hazardous substances consent. Where hazardous substances consent is applied for, the decision-maker will consider whether to make an order directing that hazardous substances consent shall be deemed to be granted alongside making an order granting development consent. The decision-maker should consult HSE about this.</i></p> <p><i>HSE will assess the risks based on the development consent application. Where HSE does not advise against the decision-maker granting the consent, it will also recommend whether the consent should be granted subject to any conditions.</i></p> <p><i>HSE sets a consultation distance around every site with hazardous substances consent and notifies the relevant local planning authorities. The applicant should therefore consult the local planning authority at preapplication stage to identify whether its</i></p>	<p>The IERRT Project will not hold or handle hazardous substances. Accordingly, the IERRT Project will not require Hazardous Substances Consent (HSC) nor will it be subject to the Control of Major Accident Hazard (COMAH) Regulations.</p> <p>Whilst a number of adjacent facilities are subject to such controls and regulations, these controls and regulations have been taken fully into account in the IERRT ES. Chapter 18 of the ES (Application Document 8.2.18) demonstrates the acceptability of the proposed development in this regard.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>proposed site is within the consultation distance of any site with hazardous substances consent and, if so, should consult HSE for its advice on locating the particular development there.”</i></p>	
<p>4. ASSESSMENT PRINCIPLES – 4.16 Health</p>		
<p>Paras 4.16.1 to 4.16.5</p>	<p>These paragraphs consider health matters and state,</p> <p><i>“Ports have the potential to affect the health, well-being and quality of life of the population.</i></p> <p><i>Port developments can have direct impacts on health, including increasing traffic, air pollution, dust, odour, polluting water, hazardous waste and pests.</i></p> <p><i>New port developments may also affect the composition, size and proximity of the local population, and in doing do may have indirect health impacts – for example if they affect access to key public services, transport or the use of open space for recreation and physical activity.</i></p> <p><i>These impacts may affect people simultaneously, so the applicant and the decision-maker should consider the cumulative impact on health.</i></p>	<p>The health impacts with the potential to arise as a result of the IERRT Project are considered in a number of the individual topic assessment chapters of the ES including those dealing with Noise and Vibration (Chapter 14 – Application Document 8.2.14), Air Quality (Chapter 13 – Application Document 8.2.13), Ground Conditions (dealing with pollution – Chapter 12 Application Document 8.2.12) and Traffic and Transport (Chapter 17 – Application Document 8.2.17). These chapters also deal with the mitigation measures proposed to address and minimise any health related impacts.</p> <p>The IERRT Project also has the potential to generate beneficial health and societal impacts in the form of the creation of employment (ES Chapter 16 Socio-Economic - Application Document 8.2.16) and providing opportunities for active travel (ES Chapter 17 Traffic and Transport – Application Document 8.2.17 and accompanying Travel Plan (ES Appendix 17.2) - Application Document 8.4.17(b)).</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>The applicant should identify any adverse health impacts and identify measures to avoid, reduce or compensate for these impacts as appropriate.”</i></p>	
<p>4. ASSESSMENT PRINCIPLES – 4.17 Security Considerations</p>		
<p>Paras 4.17.1 to 4.17.6</p>	<p>These paragraphs consider security matters and state,</p> <p><i>“Development proposed at ports should not prejudice the interests of national defence. In case of doubt, the Ministry of Defence should be consulted.</i></p> <p><i>National security considerations apply across all national infrastructure sectors. The Department for Transport acts as the Sector Sponsor Department for the ports sector and in this capacity has lead responsibility for security matters in that sector and for directing the security approach to be taken. It works closely with government security services, including the Centre for the Protection of National Infrastructure (CPNI), to reduce the vulnerability of the most ‘critical’ infrastructure assets in the sector to terrorism and other national security threats.</i></p> <p><i>Government policy is to ensure that, where possible, proportionate protective security measures are designed into new infrastructure projects at an early stage in the project development. Where applications</i></p>	<p>Like all port operators, the Applicant is bound by the provisions of the International Ship and Port Facility Security Code (ISPS) which came into force in July 2004 and is applicable to all ports that service vessels of 500 gross registered tonnes operating on international trades. The ISPS code requires that security assessments are carried out and that security plans are developed for individual facilities</p> <p>The Application site lies within an operational port area and within an area already covered by the requirements of the ISPS code. The Applicant will continue to apply the same security measures to the IERRT Project as apply to the existing port in terms of the following measures:</p> <ul style="list-style-type: none"> • Installation of ISPS compliant security fencing; • Manned 24/7 security cordon; • Border Inspection Post (BIP) facilities; • Installation of CCTV.

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>for development consent for infrastructure covered by this NPS relate to potentially 'critical' infrastructure, there may be national security considerations.</i></p> <p><i>DfT will be notified at pre-application stage about every likely future application for port NSIPs, so that any national security implications can be identified. Where national security implications have been identified, the applicant should consult with relevant security experts from CPNI and DfT, to ensure that physical, procedural and personnel security measures have been adequately considered in the design process and that adequate consideration has been given to the management of security risks. If CPNI and DfT, as appropriate, are satisfied that security issues have been adequately addressed in the project when the application is submitted to the decision-maker, they will provide confirmation of this to the decision-maker, and the decision-maker should not need to give any further consideration to the details of the security measures in its examination.</i></p> <p><i>The applicant should only include sufficient information in the application as is necessary to enable the IPC to examine the development consent issues and make a properly informed decision on the application.</i></p>	<p>The Department for Transport have been consulted on the proposed IERRT development and have not raised any specific security concerns.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>In exceptional cases, where examination of an application would involve public disclosure of information about defence or national security. which would not be in the national interest, the Secretary of State can intervene and examine a part or the whole of the application. In that case, the Secretary of State may appoint an examiner to consider evidence in closed session, and the Secretary of State would be the decision-maker for the application.”</i></p>	
<p>5. GENERIC IMPACTS – 5.1 Biodiversity and geological conservation</p>		
<p>Paras 5.1.1 to 5.1.3</p>	<p>These paragraphs provide introductory information to biodiversity and geological conservation matters. They state,</p> <p><i>“Biodiversity is the variety of life in all its forms and encompasses all species of plants and animals and the complex ecosystems of which they are a part. Geological conservation relates to the sites that are designated for their geology and/or their geomorphological importance.</i></p> <p><i>The various legislative provisions at the international and national level that can be relevant to planning decisions affecting biodiversity and geological conservation issues are set out in a Government Circular.30 A separate guide sets out good practice in England in relation to planning for biodiversity and</i></p>	<p>The information is noted but no detailed IERRT specific response is required other than to highlight that appropriate regard has been had in the IERRT environmental assessment to the various potential impact pathways that are listed in NPSfP paragraph 5.1.3.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>geological conservation. Guidance for Wales is set out in Technical Advice Note 5, Nature Conservation and Planning. Sea ports are necessarily located on coasts and estuaries. These areas are often of fundamental importance to biodiversity, particularly to bird and fish life, acting as the prime nursery grounds for a range of commercial species and as critical migration pathways for other species.</i></p> <p><i>Construction and operation of port infrastructure can have an adverse impact on biodiversity and/or geodiversity, including through:</i></p> <ul style="list-style-type: none"> <i>• dredging to maintain declared depths and to deepen waters to accommodate large ships. This can have implications for sediment transport, which can in turn affect marine wildlife and can cause remobilisation of toxic substances and nutrients, increased suspended solids, reduced visibility and reduction in dissolved oxygen;</i> <i>• cargo handling and storage, which may cause run-off, spills, or leakages to the marine environment, which could possibly include toxic or harmful material, including organic matter or oily compounds. Water pollution and bottom contamination resulting from these effluents may lead to deterioration of aquatic biota and fishery resources;</i> <i>• discharge of ships' ballast water: risks include the possible introduction of non-native species;</i> 	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<ul style="list-style-type: none"> • erosion of habitats resulting from vessel movements; • noise, which can have impacts on fish and marine mammalian behaviour patterns; and • light, which can alter or hinder the migration of fish through estuaries.” 	
<p>Paras 5.1.4 and 5.1.5</p>	<p>These paragraphs provide information on assessment matters and state,</p> <p><i>“Where the development is subject to EIA, the applicant should ensure that the ES clearly sets out any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity. The applicant should provide environmental information proportionate to the infrastructure where EIA is not required to help the decision-maker consider thoroughly the potential effects of a proposed project.</i></p> <p><i>The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.”</i></p>	<p>Chapter 9 Nature Conservation and Marine Ecology of the ES (Application Document 8.2.9) comprises a comprehensive assessment of the potential significant effects of the IERRT Project on nature conservation and marine ecology. It considers impacts on the following receptors:</p> <ul style="list-style-type: none"> ▪ Nature conservation designated sites and protected species; ▪ Benthic habitats and species; ▪ Fish; ▪ Marine mammals; and ▪ Coastal waterbirds. <p>The assessment utilises marine ecological data that has been collected and analysed by the Applicant going back over 20 years which provides a robust baseline description of the potential impacts of the IERRT Project on biodiversity.</p> <p>Chapter 9 of the ES identifies that the methodology used to determine the significance of effects accords with all</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
		<p>relevant EU and UK legislation and all relevant good practice guidance.</p> <p>In addition to Chapter 9, Appendix 6.2 to the ES (Application Document 8.4.6(b)) comprises a Preliminary Ecological Appraisal (PEA) which identifies the habitats and species present on the site, if / how they might be affected by the Project and any mitigation measures to address those impacts. It identifies that most of the land within the northern and eastern parts of the site is hardstanding / roads within the operational port with negligible ecological value. An area of grassland vegetation in the southern part of the site is of low ecological value. However, it is identified that the site may support small numbers of foraging bats, otters and water voles may be present in drains adjacent to the site and there may be habitat potentially suitable for breeding birds. However, it is then explained that these potential issues can be suitably mitigated through further precautionary checks and/or sensitive timing of the removal of vegetation to avoid the bird breeding season.</p> <p>In spite of these limited impacts, an off-site area of Priority Habitat (broad-leaved woodland) at Long Wood, 300m south-east of the site off Laporte Road, which is in the Applicant's ownership, will be subject to enhancement works as part of the IERRT Project. This element of the Project takes advantage of an opportunity to enhance biodiversity.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
		<p>A proposed DCO requirement indicates that no construction may commence until the Woodland Enhancement and Management Plan has been approved by the relevant local planning authority.</p> <p>An overall summary of the potential impacts, mitigation measures proposed and residual impacts is provided at the end of Chapter 9 of the ES.</p> <p>Chapter 9 of the ES concludes that the residual effects after mitigation are insignificant to minor adverse and, therefore, not significant in EIA terms.</p> <p>In light of the available evidence, summarised above, the IERRT Project accords with the requirements of paragraphs 5.1.4 and 5.1.5 of the NPSfP.</p>
<p>Paras 5.1.6 and 5.1.8</p>	<p>These paragraphs provide guidance for the decision maker and states,</p> <p><i>“The Government’s biodiversity strategy is set out in Working with the Grain of Nature and in the new England Biodiversity Strategy. Its aim is to ensure:</i></p> <ul style="list-style-type: none"> <i>• a halting, and if possible a reversal, of decline in priority habitats and species, with wild species and habitats as part of healthy, functioning ecosystems;</i> <i>and</i> 	<p>The ES – primarily in Chapter 9 Nature Conservation and Marine Ecology of the ES (Application Document 8.2.9) and accompanying appendices, the Preliminary Ecological Appraisal provided at Appendix 6.2 to the ES (Application Document 8.4.6(b)) - and the Habitats Regulations Assessment (Application Document 9.6) demonstrate that the proposed IERRT Project will not result in significant harm to biodiversity and geological conservation interests. This conclusion relies upon the implementation of proposed measures of mitigation in respect of certain impact pathways, the details of which are set out within those ES documents listed above.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>• the general acceptance of biodiversity’s essential role in enhancing the quality of life, with its conservation becoming a natural consideration in all relevant public, private and non-governmental decisions and policies.</i></p> <p><i>This aim needs to be viewed in the context of the challenge of climate change: failure to address this challenge will result in significant impact on biodiversity. The policy set out in the following sections recognises the need to protect the most important biodiversity and geological conservation interests.</i></p> <p><i>As a general principle, and subject to the specific policies below, development should aim to avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives. Where significant harm cannot be avoided, then appropriate compensation measures should be sought.</i></p> <p><i>In taking decisions, the decision-maker should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; habitats and other species of principal importance for the conservation of biodiversity; and to biodiversity and geological interests within the wider environment.”</i></p>	<p>In terms of mitigation, Chapter 9 of the ES notes that the Applicant has also adopted a mitigation hierarchy following CIEEM 2018 guidance on impact assessment which follows a hierarchical approach as follows:</p> <ul style="list-style-type: none"> <i>i. “In the first instance, seek to adopt options that avoid harm;</i> <i>ii. Identify ways to minimise adverse effects that cannot be completely avoided through mitigation;</i> <i>iii. Provide compensation where there are significant residual adverse effects despite the mitigation proposed; and</i> <i>iv. Provide net benefits (for biodiversity) above requirements for avoidance, mitigation or compensation.”</i> <p>In spite of the limited impacts of the Project, an off-site area of Priority Habitat (broad-leaved woodland) at Long Wood, 300m south-east of the site off Laporte Road, which is in the Applicant’s ownership, will be subject to enhancement works as part of the IERRT Project.</p> <p>The likely impacts of the proposed IERRT Project on the sites, features, habitats and interests listed in paragraph 5.1.9 of the NPSfP have been given appropriate weight and consideration within the assessment contained within the ES – primarily in Chapter 9: Nature Conservation and Marine Ecology of the ES (Application</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
		Document 8.2.9) and accompanying appendices, the Preliminary Ecological Appraisal provided at Appendix 6.2 to the ES (Application Document 8.4.6(b)) - and the Habitats Regulations Assessment (Application Document 9.6)
Para 5.1.10	<p>This paragraph deals with matters relating to international sites, and states,</p> <p><i>“The most important sites for biodiversity are those identified through international conventions and European Directives. The Habitats Regulations provide statutory protection for these sites, but do not provide statutory protection for potential Special Protection Areas (pSPAs) before they have been agreed with the European Commission. For the purposes of considering development proposals affecting them, as a matter of policy, the Government wishes pSPAs to be considered in the same way as if they had already been designated. Listed Ramsar sites should, also as a matter of policy, receive the same protection.”</i></p>	<p>The likely impacts and effects of the proposed IERRT Project on international sites have been given appropriate weight and consideration within the assessment contained within the ES – primarily in Chapter 9 Nature Conservation and Marine Ecology of the ES (Application Document 8.2.9) and accompanying appendices - and the Habitats Regulations Assessment (Application Document 9.6). No adverse effect on the integrity of these sites is predicted as a result of the IERRT Project.</p>
Paras 5.1.11 and 5.1.12	<p><i>These paragraphs deal with matters relating to Sites of Special Scientific Interest and state,</i></p> <p><i>“Many SSSIs are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of</i></p>	<p>The Humber Estuary SSSI overlaps part of the Project site (Chapter 9 of the ES). As the features of conservation interest for the designation of the SSSI match those for the SPA and SAC/Ramsar designations, the conclusions reached in respect of impacts are the same – namely the development will not have an</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>SSSIs not covered by an international designation, should be given a high degree of protection. All National Nature Reserves are notified as SSSIs.</i></p> <p><i>Where a proposed development on land within or outside a SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), development consent should not normally be granted. Where an adverse effect, after mitigation, on the site’s notified special interest features is likely, an exception should only be made where the benefits (including need) of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs. The decision-maker should use requirements and/or planning obligations to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site’s biodiversity or geological interest.”</i></p>	<p>adverse effect on the site’s notified special interest features.</p> <p>Even if, however, an adverse effect were to occur as a result of the IERRT development it is considered that the evidential information and assessment presented in the application demonstrates that the exception requirements set out in paragraph 5.1.12 of the NPSfP would be met.</p> <p>The North Killingholme Pits SSSI is located approximately 5km away and the Lagoons SSSI approximately 20km away from the site of the IERRT project. These two SSSIs are, therefore, too far away from the Project to be directly affected by either its construction or operation (see Chapter 9 of the ES).</p>
<p>Para 5.1.13</p>	<p>This paragraph deals with Marine Conservation Zones and states,</p> <p><i>“Marine Conservation Zones (MCZs), introduced under the Marine and Coastal Access Act 2009, are areas that have been designated for the purpose of conserving marine flora or fauna, marine habitats or</i></p>	<p>The Holderness Inshore MCZ is the nearest MCZ to the site of the IERRT Project, but this MCZ is located approximately 20km away from the Project site and there is considered to be no potential for direct or indirect impacts on the MCZ (Chapter 9 of the ES – Application Document 8.2.9).</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>types of marine habitat or features of geological or geomorphological interest. The protected feature or features and the conservation objectives for the MCZ are stated in the designation order for the MCZ, which provides statutory protection for these areas. Measures to restrict damaging activities will be implemented by the MMO and other relevant organisations. As a public authority, the decision-maker is bound by the duties in relation to MCZs imposed by sections 125 and 126 of the Marine and Coastal Access Act 2009.</i></p>	
<p>Para 5.1.14</p>	<p>This paragraph deals with Regional and Local Sites and states,</p> <p><i>“Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Sites, have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well-being of the community; and in supporting research and education. The decision-maker should give due consideration to such regional or local designations. However, given the need for new infrastructure, these designations should not be used in themselves to refuse development consent.”</i></p>	<p>The nearest such site is the Cleethorpes Sands LNR, located approximately 13km south east of the site of the IERRT Project, and there is considered to be no potential for direct or indirect impacts on this LNR.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
Para 5.1.15	<p>This paragraph deals with ancient woodland and veteran trees and states,</p> <p><i>“Ancient woodland is a valuable biodiversity resource, both for its diversity of species and for its longevity as woodland. Once lost, it cannot be recreated. The decision-maker should not grant development consent for any development that would result in its loss or deterioration, unless the benefits (including need) of the development, in that location,³⁹ outweigh the loss of the woodland habitat. Aged or ‘veteran’ trees found outside ancient woodland are also particularly valuable for biodiversity, and their loss should be avoided.⁴⁰ Where such trees would be affected by development proposals, the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons why.”</i></p>	<p>The IERRT Project will not have any impact on ancient woodland or veteran trees.</p>
Para 5.1.16	<p>This paragraph deals with Biodiversity within developments and states,</p> <p><i>“Development proposals provide many opportunities for building in beneficial biodiversity or geological features as part of good design. When considering proposals, the decision-maker should maximise such opportunities in and around developments, using requirements or planning agreements where appropriate.”</i></p>	<p>See the response provided to paragraph 5.1.6 to 5.1.8 of the NPSfP above.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
<p>Paras 5.1.17 and 5.1.18</p>	<p>These paragraphs deal with the protection of other habitats and species and states,</p> <p><i>“Many individual wildlife species receive statutory protection under a range of legislative provisions.</i></p> <p><i>Other species and habitats have been identified as being of principal importance for the conservation of biodiversity in England and Wales and thereby requiring conservation action. The decision-maker should ensure that these species and habitats are protected from the adverse effects of development, where appropriate, by using requirements or planning agreements. The decision-maker should refuse consent where harm to the habitats or species and their habitats would result, unless the benefits (including need) of the development clearly outweigh that harm.”</i></p>	<p>See the response to paragraph 5.1.6 to 5.1.8 of the NPSfP above. Any residual impact on such habitats and species are significantly outweighed by the benefits of the IERRT Project.</p>
<p>Paras 5.1.19 to 5.1.21</p>	<p>These paragraphs consider mitigation matters, and state,</p> <p><i>“The applicant should include appropriate mitigation measures as an integral part of the proposed development. In particular, the applicant should demonstrate that:</i></p>	<p>The IERRT application is accompanied by a Construction Environment Management Plan (CEMP) (Application Document 9.2), which draws together the mitigation measures to be put in place to achieve, amongst other things, the relevant construction related elements of the bullet points listed in this paragraph of the NPSfP.</p> <p>Further strategies – such as the Lighting Strategy and the Drainage Strategy – submitted as part of the</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<ul style="list-style-type: none"> • <i>during construction, it will seek to ensure that activities will be confined to the minimum areas required for the works;</i> • <i>during construction and operation, best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements;</i> • <i>habitats will, where practicable, be restored after construction works have finished; and</i> • <i>opportunities will be taken to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals.</i> <p><i>Where the applicant cannot demonstrate that appropriate mitigation measures will be put in place, the decision-maker should consider what appropriate requirements should be attached to any consent and/or planning obligations entered into.</i></p> <p><i>The decision-maker will need to take account of what mitigation measures may have been agreed between the applicant and Natural England (or the Countryside Council for Wales) or the Marine Management Organisation (MMO), and whether Natural England (or the Countryside Council for Wales) or the MMO has granted or refused, or intends to grant or refuse, any relevant licences, including protected species mitigation licences.”</i></p>	<p>application also demonstrate how the operation of the development will minimise ecological disturbance.</p> <p>Chapter 9 of the ES Nature Conservation and Marine Ecology (Application Document 8.2.9) and the Preliminary Ecological Appraisal provided at Appendix 6.2 to the ES (Application Document 8.4.6(b)) sets out how, with the imposition of relevant mitigation, the ecological effects of the development in both its construction and operation phases will not be significant.</p> <p>All of the potential impacts on nature conservation and marine ecology receptors have been assessed as insignificant to minor adverse and, therefore not significant in EIA terms. Accordingly, the mitigation proposals included as part of the Project accord with the requirements of paragraphs 5.1.19 of the NPSfP.</p> <p>In spite of these limited impacts, an off-site area of Priority Habitat (broad-leaved woodland) at Long Wood, 300m south-east of the site off Laporte Road, which is in the Applicant’s ownership, will be subject to enhancement works as part of the IERRT project.</p> <p>The draft DCO (Application Document 3.1) contains necessary provisions and requirements to secure the above.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
<p>Paras 5.1.22 to 5.1.25</p>	<p>These paragraphs provide information on dredging, and state,</p> <p><i>“Capital dredging: where capital dredging is required as part of the development, this will need to be subject to full environmental impact assessment, including likely effects on protected European sites or species. As a physical modification, it will need to be tested under the Water Framework Directive (2000/60/EC). The deposit of dredged material on land for recovery or disposal will be subject to the need for a permit or the registration of an exemption.</i></p> <p><i>Maintenance dredging: the Maintenance Dredging Protocol guides operators and regulators on maintenance dredging activities that could potentially affect European sites around the coast of England. The Water Framework Directive is also relevant.</i></p> <p><i>The Protocol provides for the environmental assessment of maintenance dredging as a programme, avoiding any need to re-assess separately every time an individual dredge is to be undertaken. This should highlight any requirement to dump or use arisings on land, rather than at sea. The applicant should indicate what effect (if any) the development will have on maintenance dredging requirements, and where necessary should ensure that a draft appropriate assessment under the</i></p>	<p>The IERRT EIA has assessed the effects of the dredging elements of the proposed development – both capital and maintenance dredging and concludes no likely significant adverse effects.</p> <p>A Water Framework Directive Compliance Assessment has been prepared in support of the Application and is presented at Appendix 8.1 of the ES (Application Document 8.4.8). That document concludes (so demonstrating accordance with paragraphs 5.1.22 to 5.1.25 of the NPSfP in respect of WFD matters) that:</p> <p><i>“... the proposed development is not likely to have a permanent (i.e. non-temporary) effect on the status of WFD parameters that are significant at water body level. Therefore, deterioration to the current status of the Humber Lower transitional water body and/or North Beck Drain river water body is not predicted, nor a prevention of these water bodies achieving future WFD status objectives.”</i></p> <p>The maintenance dredge requirements for the IERRT project will be undertaken pursuant to existing approvals and consents that are already in place. The approval of those consents had due regard to the Maintenance Dredging Protocol.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>habitats Directive forms part of the environmental statement for the development as a whole.</i></p> <p><i>Re-use of clean dredged arisings may in some cases help to create new inter-tidal habitats as managed re-alignments. Marine licences (either deemed or directly granted by MMO) will be required for the placement of any dredged materials into the sea and other tidal waters anywhere below mean High Water Spring Tide. In Wales, the IPC will not be able to automatically deem marine licences. A licence may, therefore, be required from the Welsh Government.”</i></p>	
<p>5. GENERIC IMPACTS – 5.2 Flood Risk</p>		
<p>Paras 5.2.1 to 5.2.3</p>	<p>These paragraphs provide introductory information to flood risk, and state,</p> <p><i>“Flooding is a natural process that plays an important role in shaping the natural environment. However, flooding threatens life and causes substantial damage to property. The effects of weather events on the natural environment, life and property can be increased in severity, both as a consequence of decisions about the location, design and nature of settlement and land use, and as a potential consequence of future climate change. Although flooding cannot be wholly prevented, its adverse</i></p>	<p>This information is noted but no IERRT specific response is required as the matters raised are considered further in the responses that follow.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>impacts can be avoided or reduced through good planning and management.</i></p> <p><i>Climate change over the next few decades is likely to mean milder, wetter winters and hotter, drier summers in the UK, while sea levels will continue to rise. Within the lifetime of nationally significant infrastructure projects, these factors will lead to increased flood risks in areas susceptible to flooding, and to an increased risk of flooding in some areas which are not currently thought of as being at risk. The applicant and the decision-maker should take account of the policy on climate change adaptation in section 4.13.</i></p> <p><i>The aims of planning policy on development and flood risk are to ensure that flood risk from all sources of flooding is taken into account at all stages in the planning process, to avoid inappropriate development in areas at risk of flooding and to direct development away from areas at highest risk. Where new development is, exceptionally, necessary in such areas, including ‘water compatible’ development, policy aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall. Port development is water-compatible development and therefore acceptable in high flood risk areas.”</i></p>	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
<p>Paras 5.2.4 to 5.2.8</p>	<p>These paragraphs provide assessment information and state,</p> <p><i>“All applications for port development of 1 hectare or greater in Flood Zone 1 in England or Zone A in Wales, and all proposals for projects located in Flood Zones 2 and 3 in England or Zones B or C in Wales, should be accompanied by a flood risk assessment (FRA). An FRA will also be required where a project less than 1 hectare may be subject to sources of flooding other than rivers and the sea (e.g. surface water), or where the Environment Agency, Internal Drainage Board or other body has indicated that there may be drainage problems. This should identify and assess the risks of all forms of flooding to and from the project and demonstrate how these flood risks will be managed, taking climate change into account.</i></p> <p><i>The minimum requirements for FRAs are that they should:</i></p> <ul style="list-style-type: none"> <i>• be proportionate to the risk and appropriate to the scale, nature and location of the project;</i> <i>• consider the risk of flooding arising from the project, in addition to the risk of flooding to the project;</i> <i>• take the impacts of climate change into account, clearly stating the development lifetime over which the assessment has been made;</i> 	<p>A FRA has been carried out and is presented at Appendix 11.1 of the ES (Application Document 8.4.11). This assessment looks at all sources of flooding to and from the project, taking into account climate change, and demonstrates how flood risks will be managed and are acceptable.</p> <p>The FRA has been prepared having regard to the minimum requirements set out within paragraph 5.2.5 of the NPSfP. It addresses the minimum requirements listed in an appropriate way.</p> <p>In addition to the guidance contained within the NPSfP, the FRA has also had due regard to the guidance on flooding contained within the NPPF and NPPG.</p> <p>The FRA has been prepared in consultation with the Environment Agency (EA) and other relevant flood risk management authorities as identified in Annex A to the FRA. These have included North East Lincolnshire Council in its capacity as Lead Local Flood Authority (LLFA) and North East Lindsey Internal Drainage Board (IDB).</p> <p>The Applicant has engaged extensively with the EA to agree mitigation levels and with the North East Lindsey Drainage Internal Drainage Board regarding drainage with a view to overcoming any concerns. See relevant</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<ul style="list-style-type: none"> • <i>be undertaken by competent people, as early as possible in the process of preparing the proposal;</i> • <i>consider both the potential adverse and beneficial effects of flood risk management infrastructure, including raised defences, flow channels, flood storage areas and other artificial features, together with the consequences of their failure;</i> • <i>consider the vulnerability of those using the site, including arrangements for safe access;</i> • <i>consider and quantify the different types of flooding (whether from natural or human sources and including joint and cumulative effects) and identify flood risk reduction measures, so that assessments are fit for the purpose of the decisions being made;</i> • <i>consider the effects of a range of flooding events, including extreme events on people, property, the natural and historic environment and river and coastal processes;</i> • <i>include the assessment of the remaining (known as ‘residual’) risk after risk reduction measures have been taken into account and demonstrate that this is acceptable for the particular project;</i> • <i>consider how the ability of water to soak into the ground may change with development, along with how the proposed layout of the project may affect drainage systems;</i> 	<p>annexes to Appendix 11.1 (the FRA) of the ES (Application Document 8.4.11).</p> <p>The conclusions of the FRA are that flood risk from all sources to and from the site of the proposed development can be mitigated to a level which is low and acceptable.</p> <p>Mitigation is proposed in the form of:</p> <ul style="list-style-type: none"> • The preparation of a Flood Response Plan; • Subscription to the EA’s flood warning service; • Provision of safe refuge areas in the case of a flood event; • The implementation of a drainage strategy (attached to the FRA as an annex) which will appropriately manage surface water runoff during construction and operation of the Project; and • Implementation of appropriate measures described in the Construction Environment Management Plan (CEMP). <p>The FRA, in turn, also informs a broader assessment of the effect of the Project on coastal protection, flood defence and drainage, which is provided in Chapter 11 Coastal Protection, Flood Defence and Drainage of the ES (Application Document 8.2.11). This considers risk in terms of impacts on:</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<ul style="list-style-type: none"> • <i>consider if there is a need to be safe and remain operational during a worst case flood event over the development's lifetime; and</i> • <i>be supported by appropriate data and information, including historical information on previous events.</i> <p><i>Further guidance can be found in the Practice Guide which accompanies Planning Policy Statement 25 (PPS25) or successor documents. Guidance for Wales is set out in Technical Advice Note 15, Development and Flood 45 Risk.</i></p> <p><i>Applicants for projects which may be affected by, or may add to, flood risk should arrange pre-application discussions with the decision-maker and the Environment Agency, and, where relevant, other bodies such as Internal Drainage Boards, sewerage undertakers, navigation authorities, highways authorities and reservoir owners and operators. Such discussions should identify the likelihood and possible extent and nature of the flood risk, to help scope the FRA, and identify the information that will be required by the decision-maker to reach a decision on the application when it is submitted. The decision-maker should advise intending applicants to undertake these steps where they appear necessary but have not yet been addressed.</i></p>	<ul style="list-style-type: none"> • People; • Property (buildings and services); • Infrastructure (such as roads, footpaths and railways); • Flood defence assets; • Drainage and sewer systems; and • Waterbodies (such as Main Rivers, Ordinary Watercourses, ponds etc.). <p>This assessment concludes that, in terms of construction impacts, following the implementation of the mitigation methods described, all identified construction effects will be reduced to either Slight adverse or Neutral residual effects which would be expected to be predominantly localised and short term. No likely significant effects to coastal protection, flood risk and drainage have therefore been identified as a result of construction activities associated with the Project.</p> <p>In terms of operational impacts, again, following the implementation of mitigation measures, the identified operational effects of the Project will be reduced predominantly to Slight adverse. The inclusion of a new surface water drainage system on-site, including surface water attenuation, has a Slight beneficial effect to Moderate beneficial effect on Habrough Marsh Drain and drainage infrastructure respectively.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>If the Environment Agency has concerns about the proposal on flood risk grounds, the applicant should discuss these concerns with the Environment Agency and take all reasonable steps to agree ways in which the proposal might be amended, or additional information provided, which would satisfy the Environment Agency’s concerns.”</i></p>	
<p>Para 5.2.9 to 5.2.12</p>	<p>These paragraphs provide guidance to the decision maker and state,</p> <p><i>“In determining an application for development consent, the decision-maker should be satisfied that, where relevant:</i></p> <ul style="list-style-type: none"> <i>· the application is supported by an appropriate FRA;</i> <i>• the Sequential Test has been applied as part of site-selection, as appropriate;</i> <i>• the proposal is in line with any relevant national and local flood risk management strategy;</i> <i>• a sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk;</i> <i>• priority has been given to the use of sustainable drainage systems (SuDS) and the requirements set out in the next paragraph on National Standards have been met; and</i> <i>• in flood risk areas the project is appropriately flood resilient and resistant, including safe access and</i> 	<p>The application is supported by a FRA which is appropriate for the form of development being applied for – this is provided at Appendix 11.1 of the ES (Application Document 8.4.11).</p> <p>The sequential test has been applied as appropriate to the proposed development. The requirements of the sequential test are outlined in the flood risk assessment, and the application of the test to the proposed development and why the requirements of the test are met by the development is explained within this Planning Statement, at Appendix 5.</p> <p>The assessments undertaken have had due regard to and are in line with The National Flood and Coastal Erosion Risk Management Strategy, the Humber Flood Risk Management Strategy and the North East Lincolnshire Council Local Flood Risk Management Strategy.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>escape routes where required, and that any residual risk can be safely managed over the lifetime of the development.</i></p> <p><i>For construction work which has drainage implications, approval for the project’s drainage system will form part of the development consent issued by the decision-maker. The decision-maker will therefore need to be satisfied that the proposed drainage system complies with any National Standards published by Ministers under paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010. In addition, the development consent order, or any associated planning obligations, will need to make provision for the adoption and maintenance of any SuDS, including any necessary access rights to property. The decision-maker should be satisfied that the most appropriate body is being given the responsibility for maintaining any SuDS, taking into account the nature and security of the infrastructure on the proposed site. The responsible body could include, for example, the applicant, the landowner, the relevant local authority, or another body, such as the Internal Drainage Board.</i></p> <p><i>If the Environment Agency continues to have concerns and objects to the grant of development consent on the grounds of flood risk, the decisionmaker can grant consent, but would need to</i></p>	<p>As noted above, a sequential approach has been applied as appropriate to relevant elements of the proposed development. The site of the proposed development is located entirely within Flood Zone 3a, however the key sensitive element of the development in flood risk terms – the terminal building – has been located in that part of the site that has the lowest flood hazard, water depth and flood velocities.</p> <p>New, separate foul and surface water drainage systems will be constructed as part of the IERRT Project. Further details of the proposed drainage system is provided in the Drainage Strategy presented as an annex to the FRA (ES Appendix 11.1 - Application Document 8.4.11).</p> <p>The Drainage Strategy sets out the rationale for deviating from a purely sustainable drainage system and proposing a traditional gully inlet and piped drainage network in combination with underground storage facilities and proprietary treatment units.</p> <p>The development of the drainage strategy has had due regard to relevant design standards, technical guidance and policy. The list of which is provided in section 1.4 of the Drainage Strategy.</p> <p>The FRA and accompanying ES assessment demonstrates that the proposed IERRT development is</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>be satisfied before deciding whether or not to do so that all reasonable steps have been taken by the applicant and the Environment Agency to try to resolve the concerns.</i></p> <p><i>The decision-maker should not consent development in Flood Zone 2 (in England or Zone B in Wales), unless it is satisfied that the Sequential Test requirements have been met. It should not consent development in Flood Zone 3 (or Zone C) unless it is satisfied that the Sequential and Exception Test requirements have been met (see below). However, when seeking development consent on a site allocated in a development plan through the application of the Sequential Test, informed by a strategic flood risk assessment, applicants need not apply the Sequential Test, but should apply the sequential approach to locating development within the site.”</i></p>	<p>appropriately flood resilient and resistant and that any residual risk can be safely managed.</p> <p>Discussions with the Environment Agency have taken place throughout the pre application process. At the time of submission, the applicant is unaware of the Agency having any outstanding concerns in respect of flooding matters.</p> <p>Matters relating to the application of the Sequential Test and the Exception Test are responded to in the following rows of this table, and in Appendix 5. In summary, the available evidence demonstrates that, if considered necessary, the requirements of these tests would be met by the IERRT project.</p>
<p>Para 5.2.13</p>	<p>This paragraph sets out information about the sequential test, and states,</p> <p><i>“Preference should be given to locating projects in Flood Zone 1 (in England or Zone A in Wales). If there is no reasonably available site in Flood Zone 1, then projects can be located in Flood Zone 2 (or Zone B). If there is no reasonably available site in Flood Zones 1 or 2 (or Zones A or B), then essential</i></p>	<p>The site of the proposed IERRT development is within Flood Zone 3a. In terms of the requirements of the Sequential Test, the analysis undertaken on potential alternatives contained within Chapter 4 of the ES (Application Document 8.2.4) demonstrates that there is no alternative to the proposed IERRT development that could meet the need and objectives which have been defined. This analysis, therefore, also demonstrates</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>infrastructure (including nationally significant infrastructure) projects can be located in Flood Zone 3 (or Zone C) subject to the Exception Test.”</i></p>	<p>that, in respect of the Sequential Test, there is no reasonable available site within Flood Zones 1 and 2 where the development proposed could be alternatively located.</p> <p>To further demonstrate the acceptability of the site for the development proposed it is highlighted that the site is identified within the North East Lincolnshire Local Plan (itself supported by a Strategic Flood Risk Assessment) as an ‘Operational Port’ area where proposals for port related use will be supported and, where appropriate approved, if they accord with the development plan as a whole and subject to the ability to satisfy the requirements of the Habitats Regulations. As demonstrated within this Planning Statement it is considered that the proposed IERRT development accords with these policy requirements.</p>
<p>Paras 5.2.14 to 5.2.16</p>	<p>These paragraphs provide information on the exception test and state,</p> <p><i>“If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the project to be located in zones of lower probability of flooding than Flood Zone 3 (or Zone C), the Exception Test can be applied. The test</i></p>	<p>The IERRT development falls within the ‘Water Compatible Development’ classification in line with policy contained within both the NPSfP and the NPPF. Water compatible development, as made clear within the NPPF, does not need to be subject to the Exception Test when proposed within Flood Zone 3a.</p> <p>However, even if the Exception Test is not formally required, the IERRT proposal will, in line with Exception Test requirements:</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>provides a method of managing flood risk while still allowing necessary development to occur.</i></p> <p><i>The Exception Test is only appropriate for use where the Sequential Test alone cannot deliver an acceptable site, taking into account the need for essential infrastructure to remain operational during floods. It may also be appropriate to use it where, as a result of the alternative site(s) at lower risk of flooding being subject to national designations such as landscape, heritage and nature conservation designations, e.g. Areas of Outstanding Natural Beauty (AONBs), Sites of Special Scientific Interest (SSSIs) and World Heritage Sites (WHS), it would not be appropriate to require the development to be located on the alternative site(s).</i></p> <p><i>All the three elements of the Exception Test will have to be passed for development to be consented. For the Exception Test to be passed:</i></p> <ul style="list-style-type: none"> <i>• it must be demonstrated that the project provides wider sustainability benefits to the community that outweigh flood risk;</i> <i>• the project should be on developable previously-developed land or, if it is not on previously-developed land, that there are no reasonable alternative sites on developable previously-developed land; and</i> 	<ul style="list-style-type: none"> • provide wider sustainability benefits to the community – as set out within the Environmental Statement. • Be located on developable previously developed (brownfield) land (which also forms part of the operational area of the Port of Immingham) and, • as demonstrated within both the IERRT Flood Risk Assessment (FRA) (Application Document 8.4.11) and the accompanying assessment chapter (Application Document 8.2.11), will be safe, without increasing flood risk elsewhere. Furthermore, the design of the IERRT project has taken account of flood risks as appropriate. For example, the proposed terminal building is located in that part of the site with the lowest flood hazard, depth and velocity and, given the flood resilience and resistance measures outlined in the IERRT Flood Risk Assessment (FRA) (Application Document 8.4.11) will therefore remain safe without increasing flood risk elsewhere. <p>If, therefore, the Exception Test did, for whatever reason, need to be passed then the available evidence demonstrates that it would be.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<ul style="list-style-type: none"> <i>an FRA must demonstrate that the project will be safe, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.</i> 	
<p>Paras 5.2.17 an 5.2.18</p>	<p>These paragraphs consider flood risks within ports, and state</p> <p><i>“In broad terms it will be in port operatives’ promoters’ own interests that full account of climate change impacts and the increased probability of extreme weather events is taken in applications, in order to ensure, so far as reasonably possible, that no commercial loss will be experienced through inadequacy of infrastructure.</i></p> <p><i>The Government's view is that there is no 'public good' need, on national resilience grounds, to require a higher specification than will secure commercial resilience of the individual facility, notwithstanding that some types of severe weather may affect all ports in a region or along a particular stretch of coastline, for example from a storm surge. This NPS provides more generally for resilience and diversity of ports provision. Applicants will be in the best position to make a commercial judgement on the required appropriate adaptation measures to reduce the risk from long-term climate change as it affects their own facilities.”</i></p>	<p>The IERRT development and accompanying application documentation has taken appropriate account of the impacts of climate change and has been designed accordingly.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
Para 5.2.19	<p>This paragraph considers flood risk outside of port areas and states,</p> <p><i>“The decision-maker should ensure that the applicant has considered the impact of the port development on the risk of flooding outside the port area and has taken reasonable measures to reduce this as far as possible. Exceptionally, where an increase in flood risk elsewhere cannot be avoided or wholly mitigated, the decision-maker may grant consent if it is satisfied that the increase in flood risk can be mitigated to an acceptable level, taking account of the benefits of port infrastructure as set out in section 1 above. Applications should also assess the impact on coastal processes – see 5.3 below.”</i></p>	<p>This matter has been considered in the FRA (Application document 8.4.11). It concludes that, subject to the imposition of the drainage strategy – provided as an annex to the FRA – the IERRT project will not result in any offsite flood risk impacts.</p>
Para 5.2.20	<p>This paragraph considers associated development matters, and states,</p> <p><i>“Associated development may include facilities that do not have to be located on or close to the port estate. Wherever technically feasible and economically reasonable, land-based facilities should be directed to sites at low probability of flooding from all sources. In addition to the above requirements, a Sequential Test should be applied to demonstrate that there are no reasonably available sites which would be appropriate to the type of development or</i></p>	<p>There is no element of the proposed IERRT Project which can be located ‘off port’.</p> <p>In terms of the location of the different elements of the development, regard has been had to locating the most sensitive elements of the development on that part of the site with the lowest flooding risk.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>land-use proposed, in areas with a significantly lower probability of flooding.”</i></p>	
<p>Paras 5.2.21 to 5.2.28</p>	<p>These paragraphs deal with mitigation matters and state,</p> <p><i>“To satisfactorily manage flood risk, arrangements are required to manage surface water and the impact of the natural water cycle on people and property.</i></p> <p><i>In this document the term Sustainable Drainage Systems (SuDS) refers to the whole range of sustainable approaches to surface water drainage management, including, where appropriate:</i></p> <ul style="list-style-type: none"> <i>• source control measures, including rainwater recycling and drainage;</i> <i>• infiltration devices to allow water to soak into the ground, which can include individual soakaways and communal facilities;</i> <i>• filter strips and swales, which are vegetated features that hold and drain water downhill, mimicking natural drainage patterns;</i> <i>• filter drains and porous pavements to allow rainwater and run-off to infiltrate permeable material below ground and provide storage if needed;</i> <i>• basins and ponds to hold excess water after rain and allow controlled discharge that avoids flooding;</i> <p><i>and</i></p>	<p>New, separate foul and surface water drainage systems will be constructed as part of the IERRT Project. Further details of the proposed drainage system, is provided in the Drainage Strategy presented as an annex to the FRA (ES Appendix 11.1 and Application Document 8.4.11).</p> <p>The Drainage Strategy sets out the rationale for deviating away from a purely sustainable drainage system and proposing a traditional gully inlet and piped drainage network in combination with underground storage facilities and proprietary treatment units.</p> <p>The development of the drainage strategy has had due regard to relevant design standards, technical guidance and policy. The list of which is provided in section 1.4 of the Drainage Strategy.</p> <p>As far as possible a sequential approach has been applied as appropriate to relevant elements of the proposed development. The site of the proposed development is located entirely within flood zone 3a, however the key sensitive element of the development in flood risk terms – the terminal building – has been located in that part of the site that has the lowest flood hazard, water depth and flood velocities.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>• flood routes to carry and direct excess water through developments to minimise the impact of severe rainfall flooding.</i></p> <p><i>Site layout and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts.</i></p> <p><i>The surface water drainage arrangements for any project should be such that the volumes and peak flow rates of surface water leaving the site are no greater than the rates prior to the proposed project, unless specific off-site arrangements are made and result in the same net effect.</i></p> <p><i>It may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration attenuation storage to be provided outside the project site, if necessary through the use of a planning obligation.</i></p> <p><i>The Sequential Test should be applied to the layout and design of the project. More vulnerable uses should be located on parts of the site at lower</i></p>	<p>There is very little of the proposed IERRT development which ABP considers will be critical / essential infrastructure in flood risk terms. However, any such infrastructure (as defined by ABP) will have appropriate flood resilience and resistance measures put in place, as with such other existing infrastructure elsewhere within the wider Port of Immingham – matters which are discussed further within the FRA (Application Document 8.4.11).</p> <p>As also explained within the FRA and the accompanying assessment chapter of the ES (Chapter 11 – Application Document 8.2.11), the contractor will be required to produce a Flood Emergency Response Plan detailing the actions to be taken should a flood event occur during the construction phase.</p> <p>ABP, as a Category 2 responder under the Civil Contingencies Act, is subscribed to the Environment Agency Flood Warning service (Humber Resilience Forum alert process) which covers the Port of Immingham, including the location of the IERRT Project. The IERRT Project will receive warnings and alerts as part of this ongoing service. The IERRT Project will be within the Port of Immingham and a flood response plan for the operation of the IERRT is likely to be provided via an amendment to ABPs existing Emergency Plan for the Port of Immingham which encompasses flood events.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>probability and residual risk of flooding. Applicants should seek opportunities to use open space for multiple purposes, such as amenity, wildlife habitat and flood storage uses. Opportunities should be taken to lower flood risk by reducing the built footprint of previously-developed sites and using SuDS.</i></p> <p><i>Essential infrastructure which has to be located in flood risk areas should be designed to remain operational when floods occur.</i></p> <p><i>The receipt of and response to warnings of floods is an essential element in the management of the residual risk of flooding. Flood warning and evacuation plans should be in place for those areas at an identified risk of flooding. Applicants should take advice from the emergency services when producing an evacuation plan for the project as part of the FRA. Any emergency planning documents, flood warning and evacuation procedures that are required should be identified in the FRA.”</i></p>	<p>Information regarding ‘What to do in the event of a flood?’ will be included in the site health and safety plan and as a controlled site all personnel entering the Site will be inducted and be aware of all health and safety procedures. In addition, site notices, including methods of evacuation and notification of dry refuge areas, will provide information to the general public using the IEERT</p>
<p>5. GENERIC IMPACTS – 5.3 Coastal Change</p>		
<p>Paras 5.3.1 to 5.3.3</p>	<p>These paragraphs provide introductory information on the issue of coastal change, and state,</p> <p><i>“For the purpose of this section, coastal change means physical change to the shoreline, i.e. erosion,</i></p>	<p>This information is noted but no IERRT specific response is required.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>coastal landslip, permanent inundation and coastal accretion. Where onshore infrastructure projects are proposed on the coast, coastal change is a key consideration. Some kinds of coastal change happen very gradually; others over shorter timescales. Some are the result of purely natural processes; others, including potentially significant modifications of the coastline or coastal environment resulting from climate change, are wholly or partly man-made. This section is concerned both with the impacts which port infrastructure can have as a driver of coastal change and with how to ensure that developments are resilient to ongoing and potential future coastal change.</i></p> <p><i>The construction of a port development may involve, for example, dredging, dredge spoil deposition, marine landing facility construction and flood and coastal protection measures, which could result in direct effects on the coastline, seabed, heritage assets and marine ecology and biodiversity.</i></p> <p><i>Additionally, indirect changes to the coastline and sea bed might arise as a result of a hydrodynamic response to some of these direct changes. This could lead to localised or more widespread coastal erosion or accretion and changes to offshore features such as submerged banks and ridges and marine biodiversity.”</i></p>	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
<p>Paras 5.3.4 to 5.3.7</p>	<p>These paragraphs provide assessment information, and state,</p> <p><i>“Where relevant, applicants should undertake coastal geomorphological and sediment transfer modelling to predict and understand impacts and help identify relevant mitigating or compensatory measures.</i></p> <p><i>The ES (see section 4.7) should include an assessment of the effects on the coast. In particular, applicants should assess:</i></p> <ul style="list-style-type: none"> <i>• the impact of the proposed project on coastal processes and geomorphology, including by taking account of potential impacts from climate change. If the development will have an impact on coastal processes, the applicant must demonstrate how the impacts will be managed to minimise adverse impacts on other parts of the coast;</i> <i>• the implications of the proposed project on strategies for managing the coast, as set out in Shoreline Management Plans, any relevant marine plans, River Basin Management Plans and capital programmes for maintaining flood and coastal defences;</i> <i>• the effects of the proposed project on marine ecology, biodiversity and protected sites;</i> <i>• the effects of the proposed project on maintaining coastal recreation sites and features; and</i> 	<p>Chapter 7 Physical Processes of the ES (Application Document 8.2.7) provides an assessment of the potential effects of the IERRT Project on physical processes in the marine environment, including in respect of flows, waves and sediments.</p> <p>Chapter 8 Water and Sediment Quality of the ES (Application Document 8.2.8) comprises an assessment of effects of the IERRT Project on water and sediment quality.</p> <p>These ES chapters are supported by a variety of detailed technical appendices.</p> <p>ES Chapter 7 assesses the impact of the IERRT Project on the following receptors:</p> <ul style="list-style-type: none"> • Hydrodynamics; • Sediment transport; • Plume dispersion; and • Waves. <p>In so doing, the Chapter takes account of climate change implications and relevant plans and strategies and demonstrates the likely effects of the IERRT Project on coastal processes – those effects being not significant in EIA terms.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p>• <i>the vulnerability of the proposed development to coastal change, taking account of climate change, during the project’s operational life and any decommissioning period.</i></p> <p><i>For any projects involving dredging or disposal into the sea, the applicant should consult the Marine Management Organisation (MMO) or the Welsh Government at an early stage.</i></p> <p><i>The applicant should be particularly careful to identify any effects on the integrity and special features of Marine Conservation Zones, Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs) and potential SPAs, Ramsar sites, actual and potential Sites of Community Importance and Sites of Special Scientific Interest.”</i></p>	<p>Matters related to flooding, flood defences and strategies for managing the coast (including the impacts of climate change) are addressed in the responses under section 5.2 of the NPSfP above.</p> <p>Marine ecology and biodiversity matters are addressed under the preceding rows of this table dealing with section 5.1 of the NPSfP.</p> <p>There are no relevant coastal recreation sites or features with the potential to be affected by the IERRT project.</p> <p>The vulnerability of the proposed development to coastal change, taking account of climate change, has been considered appropriately within the assessments undertaken and shown to be acceptable.</p> <p>Chapter 7: Physical Processes of the ES (Application Document 8.2.7) confirms that both the EA and the MMO have been extensively engaged in discussions over the impact of the Project – including in respect of dredging and disposal – on physical processes with a summary of that engagement presented in Chapter 7 of the ES.</p> <p>These assessments demonstrate the acceptability of the proposed IERRT development in respect of these impact pathways.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
<p>Paras 5.3.8 to 5.3.14</p>	<p>These paragraphs provide guidance to the decision maker, and state,</p> <p><i>“The decision-maker should be satisfied that the proposed development will be resilient to coastal change, taking account of climate change, during the project’s operational life and any de-commissioning period.</i></p> <p><i>The decision-maker should not normally consent new development in areas of dynamic shorelines where the proposal could inhibit sediment flow or have an impact on coastal processes at other locations. Impacts on coastal processes must be managed to minimise adverse impacts on other parts of the coast. Where such proposals are brought forward, consent should only be granted where the decision-maker is satisfied that the benefits (including need) of the development outweigh the adverse impacts.</i></p> <p><i>The decision-maker should ensure that applicants have restoration plans for areas of foreshore disturbed by direct works and will undertake pre- and post-construction coastal monitoring arrangements with defined triggers for intervention and restoration.</i></p> <p><i>The decision-maker should examine the broader context of coastal protection around the proposed</i></p>	<p>The potential impacts on coastal processes, arising from the IERRT Project, have been assessed and reported in Chapter 7 Physical Processes of the ES (Application Document 8.2.7). This assessment includes consideration of changes to sediment pathways both locally and regionally across the wider study area. Consequently, the potential impacts of the scheme on other locations and other parts of the coast have also been considered.</p> <p>The assessment of potential impacts on coastal processes has included a description of the baseline understanding of the region, including the local and regional coastlines (Section 7.6 of Chapter 7: Physical Processes of the ES (Application Document 8.2.7)). The assessment of the IERRT Project has also identified potential impacts on the local and regional coastline and existing infrastructure within the assessment.</p> <p>Relevant legislation and guidance to coastal processes is listed in Section 7.4 of Chapter 7: Physical Processes of the ES (Application Document 8.2.7) and the local Shoreline Management Plans have been included in the data sources for the baseline description in Section 7.6.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>site, and the influence in both directions, i.e. coast on site, and site on coast.</i></p> <p><i>The decision-maker should consult MMO or the Welsh Government on projects which could impact on coastal change, particularly those requiring a marine licence, since the MMO or the Welsh Government may also be involved in considering other projects which may have coastal impacts.</i></p> <p><i>In addition to this NPS, the decision-maker must have regard to the Marine Policy Statement, as provided for in the Marine and Coastal Assess Act 2009. The decision-maker may also have regard to any relevant Shoreline Management Plans and Coastal Change Management Areas.</i></p> <p><i>Substantial weight should be attached to the risks of flooding and coastal erosion. The applicant must demonstrate that full account has been taken of the policy on assessment and mitigation in section 5.2 above of this NPS on flood risk, taking account of the potential effects of climate change on these risks as discussed above.”</i></p>	
Para 5.3.15	This paragraphs considers mitigation matters and states,	As explained further in ES Chapter 7: Physical Processes (Application Document 8.2.7) none of the impact pathways that have been identified in respect of physical processes are expected to give rise to a

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>“Applicants should propose appropriate mitigation measures to address adverse physical changes to the coast, in consultation with the MMO, the Welsh Government or the Environment Agency, Local Planning Authorities, other statutory consultees, Coastal Partnerships and other coastal groups, as it considers appropriate. Where this is not the case, the decision-maker should consider what appropriate mitigation requirements might be attached to any grant of development consent.”</i></p>	<p>measurable exposure to change and, therefore, no secondary mitigation measures are proposed to minimise and/or avoid the potential for significant adverse effects. No such mitigation is necessary.</p> <p>Standard good practice measures will, however, be undertaken.</p>
<p>5. GENERIC IMPACTS – 5.4 Traffic and transport impacts</p>		
<p>Paras 5.4.1 to 5.4.3</p>	<p>These paragraphs provided introductory information and state,</p> <p><i>“Goods enter and leave the port by various combinations of road, rail and water transport (and in some cases by pipeline). The balance of modes used can have a variety of impacts on the surrounding road, rail and water infrastructure and consequently on the existing users of this infrastructure. Passengers and employees of ports and port-related businesses use both public and private transport, mainly road, and their travel can also affect congestion on connecting networks.</i></p> <p><i>The most significant of these impacts, in the case of unitised traffic, is likely to be on the surrounding road</i></p>	<p>This information is noted but no IERRT specific response is required.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>infrastructure. The impact from increased traffic would, unless mitigating measures are taken, be likely to be an increase in congestion. There are also environmental impacts of road transport as compared with rail and water transport in terms of noise and emissions.</i></p> <p><i>Delays at ports can occur for a number of reasons, including adverse weather conditions and industrial relations issues. Such delays can often result in a significant backlog of goods waiting to depart by ship. This kind of event can have an adverse impact on connecting road infrastructure if the port estate is not able to provide sufficient capacity for the parking of heavy goods vehicles (HGVs)."</i></p>	
<p>Paras 5.4.4 to 5.4.8</p>	<p>These paragraphs deal with assessment matters and state,</p> <p><i>"If a project is likely to have significant transport implications, the applicant's ES (see section 4.7) should include a transport assessment, using the WebTAG methodology stipulated in Department for Transport guidance, WeTAG for developments in Wales, or any successor to such methodology. Applicants should consult the Highways Agency and/or the relevant highway authority, as appropriate, on the assessment and mitigation. The assessment should distinguish between the construction,</i></p>	<p>A Transport Assessment (TA) is presented in Appendix 17.1 of the ES (Application Document 8.4.17(a)). In turn the TA informs Chapter 17: Traffic and Transport of the ES which addresses Traffic and Transport matters (Application Document 8.2.17).</p> <p>The Department for Transport guidance on Transport Assessment referred in to the NPSfP was withdrawn in 2014 and replaced by Guidance in the Planning Practice Guidance. This sets out the requirements for "Travel Plans, Transport Assessments and Statements" as published in March 2014. The scope of the Transport Assessment (TA) follows this guidance and has been</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>operation and decommissioning project stages as appropriate.</i></p> <p><i>Where appropriate, the applicant should prepare a travel plan, including demand management measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by public transport, walking and cycling, to reduce the need for parking associated with the proposal and to mitigate transport impacts.</i></p> <p><i>If additional transport infrastructure is proposed, applicants should discuss with network providers the possibility of co-funding by Government for any third-party benefits. Guidance has been issued in England⁵⁴ which explains the circumstances where this may be possible, although the Government cannot guarantee in advance that funding will be available for any given uncommitted scheme at any specified time. For developments in Wales, the matter should be discussed with the Welsh Government.</i></p> <p><i>In the case of container terminal development, account should be taken of the projected proportion of transshipment of containers and its variation over time as, for example, the proportion of direct-call may grow with overall demand.</i></p>	<p>prepared in accordance with a scope agreed with National Highways and the Local Highway Authorities (NELC and NLC). Where appropriate (in relation, inter alia, to data collection and growth assumptions) the guidance in WebTAG has been adopted.</p> <p>The TA confirms that both National Highways and the relevant local highway authorities have been engaged in the preparation of the TA. The documentation (ES Chapter and TA) also makes clear that regard has been had to all appropriate and relevant guidance.</p> <p>The TA concludes that the IERRT development will not lead to a severe impact on highway safety or capacity and will meet the relevant national tests as set out in both the NPPF and NPSfP. On this basis the assessment indicates that there is no reasonable highway or transport reason to withhold consent.</p> <p>ES Chapter 17 concludes that there will be no residual adverse significant effects in relation to traffic and transportation matters as a result of the IERRT project.</p> <p>A Framework Travel Plan has been prepared and is presented in Appendix 17.2 of the ES (Application Document 8.4.17(b)). It considers the highway network, public transport (bus and rail services) and walking and cycling provision and explains how the measures proposed as part of the IERRT project to reduce vehicle</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>Transport assessment should include private traffic accessing and leaving the port, where significant, even where not generated by the development under application.”</i></p>	<p>movements, wherever possible and practicable, would be implemented, managed and monitored.</p> <p>The IERRT project is not a container terminal development. No specific IERRT response is, therefore, required to NPSfP paragraph 5.4.7.</p> <p>The TA (Appendix 17.1) and ES Chapter 17 take into account impacts from all traffic on an established baseline.</p>
<p>Paras 5.4.9 and 5.4.10</p>	<p>These paragraphs provide guidance for the decision maker and state,</p> <p><i>“A new nationally significant infrastructure project may give rise to substantial impacts on the surrounding transport infrastructure, and the IPC should therefore ensure that the applicant has sought to mitigate these impacts, including during the construction phase of the development. Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the IPC should consider conditions to mitigate adverse impacts on transport networks arising from the development, as set out below. Applicants may also be willing to enter into planning obligations for funding infrastructure and otherwise mitigating adverse impacts.</i></p>	<p>The overall conclusion of Chapter 17: Traffic and Transport of the ES (Application Document 8.2.17) is that there will be no residual significant adverse impacts on the free flow of traffic or on road safety as a result of the implementation of the Project. A summary by type of impact, impact pathway and construction / operational impacts is presented at Table 17.18 of Chapter 17: Traffic and Transport of the ES. No significant adverse effects are concluded.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>Provided that the applicant is willing to enter into planning or transport obligations, or conditions can be imposed to mitigate transport impacts identified in the WebTAG/WeiTAG transport assessment, with attribution of costs calculated in accordance with the Department for Transport's guidance, then development consent should not be withheld and appropriately limited weight should be applied to residual effects on the surrounding transport infrastructure."</i></p>	
<p>Paras 5.4.11 to 5.4.13</p>	<p>These paragraphs consider demand management mitigation matters and state,</p> <p><i>"Where mitigation is needed, possible demand management measures must be considered and, if feasible and operationally reasonable, required before considering conditions for the provision of new inland transport infrastructure to deal with remaining transport impacts is determined.</i></p> <p><i>Demand management measures may in particular include lorry-booking arrangements aimed at spreading peak traffic within the working day. When the reasonableness of such measures is being determined, inflexibility of timing for arrival or departure at the other end of the journey (for example, at a distribution depot), should not be accorded great weight. This is because it is the</i></p>	<p>Section 17.9 of Chapter 17: Traffic and Transport of the ES (Application Document 8.2.17) identifies that there are no specific demand management - or indeed other - mitigation measures required to ensure the delivery of the Project is acceptable in highway terms.</p> <p>The assessments of junction capacity presented in the annex of the Transport Assessment (Appendix 17.1, Application Document 8.4.17) mean that no demand management measures are necessary.</p> <p>Improvements to the East Gate access to the port form part of the proposed development. A requirement within the draft DCO (Application Document 3.1) requires that the development may not commence until the Applicant has entered into such agreements as may be necessary with the local highway authority regarding these works</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>Government's policy to encourage flexibility at both ends of the journey wherever possible.</i></p> <p><i>The decision-maker should have regard to the cost-effectiveness of demand management measures compared with new transport infrastructure, as well as the aim to secure more sustainable patterns of transport development when considering mitigation measures."</i></p>	<p>and that they are completed to the authority's satisfaction.</p>
<p>Paras 5.4.14 to 5.4.21</p>	<p>These paragraphs consider modal share mitigation matters and state,</p> <p><i>"The modal share of traffic entering and leaving the port needs to be considered objectively in the context of external congestion and environmental costs. Broadly speaking, rail and coastal or inland shipping should be encouraged over road transport, where cost-effective, but requirements or obligations, if they are necessary in order to avoid significant detriment to network users, should be evidence-based and present efficient incentives.</i></p> <p><i>Because of the scale economies of consolidated loads, rail share is likely to be viable for unitised traffic in above-threshold container terminals, and there may be a possibility of encouraging some ro-ro traffic onto rail connections. For some forms of bulk traffic, rail may be the commercially predominant inland mode.</i></p>	<p>In view of the overall conclusion of both the TA (Appendix 17.1, Application Document 8.4.17(a)) and the ES Chapter (Chapter 17, Application Document 8.2.17) – which discuss the modes of transport to be used and the implications arising, which are shown to be acceptable - these requirements are not considered to be relevant to the consideration of the IERRT Project.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>Coastal shipping and inland waterways may be viable for certain flows.</i></p> <p><i>For containers, the gauge clearance of the rail route to the most likely destinations for traffic should be considered, specifically whether clearance to W10 gauge at least is available or should be provided for to enable 9'6" 'hi-cube' containers to be transported on conventional wagons.</i></p> <p><i>The use of inland waterways for the movement of goods to and from the port should be considered. Similarly, the prospect of promoting coastal shipping as an alternative to road and rail transport should be considered.</i></p> <p><i>Obligations or requirements should be structured flexibly so as to keep to a reasonable minimum the risk that either applicants or network providers would be required to incur costs providing infrastructure that turned out to be under-used. Such measures might include various mechanisms, such as traffic-level triggers, shadow-tolling and/or escrow arrangements to guarantee funding.</i></p> <p><i>Target modal shares for rail or coastal shipping may sometimes be appropriate, but are not mandatory, and the main emphasis should be on incentive mechanisms rather than rigid target-setting. Such</i></p>	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>shares should not be regarded as ends in themselves, but as indicators of the outcome of cost-effective transport obligations. Where such targets are to be set, there should always be an agreed understanding of the broad mechanisms by which they can be achieved, and 'early warning' decision points so that corrective measures may be taken if appropriate.</i></p> <p><i>Rail obligations should not be sought to such an extent that the estimated net social cost of delivering them (net of the benefits of road vehicle mileage avoided) exceeds the corresponding net social cost of accommodating the marginal traffic on the roads. In assessing whether this is so, regard should be had to WebTAG (and WeITAG in Wales) or other methodological guidance issued by DfT.</i></p> <p><i>Rail (or coastal-shipping) shares should not simply be read across from a previous development to the one under consideration, as the most efficient transport outcome may differ significantly according to all the circumstances of the case."</i></p>	
<p>Paras 5.4.22 and 5.4.23</p>	<p>These paragraphs consider HGV mitigation matters and state,</p>	<p>The overall annual throughput of the IERRT Project is to be limited, through the DCO, to 660,000 units per annum.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>“Where a development, including any container or ro-ro development, is likely to generate or attract substantial HGV traffic, the decision-maker may attach requirements to a consent that:</i></p> <ul style="list-style-type: none"> <i>• control numbers of HGV movements to and from the site in a specified period during its construction and possibly on the routing of such movements;</i> <i>• make sufficient provision for HGV parking, either on the port estate or at dedicated facilities elsewhere, to avoid 'overspill' parking on public roads during normal operating conditions. Developments should be designed with sufficient road capacity and parking provision (whether on- or offsite) to avoid the need for prolonged queuing on approach roads, and particularly for uncontrolled on-street HGV parking on nearby public roads in normal traffic operating conditions, and allowing reasonable estimates for peak traffic patterns and fluctuations during normal operations;</i> <i>• ensure satisfactory arrangements, taking account of the views of road network providers and of the responsible police force(s), for dealing with reasonably foreseeable abnormal disruption. Where such effects are likely to cause queuing on the strategic road network or significant queuing on local roads, the applicant should include the outcome of consultation with the relevant police force(s) as to</i> 	<p>Chapter 17: Traffic and Transport of the ES (Application Document 8.2.17) further makes clear that specific additional arrangements to deal with abnormal disruption are not considered necessary. As part of normal operation of a terminal such as the IERRT, if abnormal conditions prevent sailing, then there are mitigation methods to prevent a build-up of HGVs off-site. All HGVs are booked in through a booking system so if there is a delay of more than 30 minutes or a not scheduled cancellation then the operator will advise customers with a cancel and delay advice by email and Short Message Service (SMS). If there is a cancelled sailing, the reservations department will also call all freight customers to rebook. The same approach will be taken for travel passengers. All scheduled cancellations will be communicated long in advance.</p> <p>The ES Chapter further makes clear that the site layout has been designed to accommodate all peak inbound traffic movements. No specific off-site management for HGVs is therefore necessary, although there are existing and proposed lorry parks in the area which lorry drivers can use if it is needed.</p> <p>The IERRT Project, with the wider Port of Immingham, includes all necessary facilities to enable appropriate enforcement agencies to operate checks as and when appropriate.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>traffic management measures that will be brought into effect, what the procedures will be for triggering them, and attribution of costs.</i></p> <p><i>Ports can provide valuable facilities for the checking of heavy goods vehicles. Port development that includes ro-ro facilities should be planned in such a way that facilities can be provided for enforcement agencies to operate checks as and when appropriate.”</i></p>	
<p>Paras 5.4.24 and 5.4.25</p>	<p>These paragraphs consider access mitigation matters and state,</p> <p><i>“Where development would worsen accessibility, such impacts should be mitigated so far as reasonably possible.</i></p> <p><i>Employee travel assessment should be undertaken for all major port development.”</i></p>	<p>As demonstrated within the assessments undertaken (contained within ES Chapter 17 and the accompanying TA) no specific accessibility mitigation is required as no significant adverse effects are indicated as being generated in this regard.</p> <p>Within the assessment undertaken, due regard has been had to the implications of employee traffic.</p> <p>A Framework Travel Pan is presented at Appendix 17.2 (Application Document 8.4.17(b)) of the ES which seeks to ensure that any vehicle movements which can be reduced are committed to being reduced.</p>
<p>Paras 5.4.26 to 5.4.31</p>	<p>These paragraphs deal with the funding of infrastructure and state,</p>	<p>The IERRT project is to be entirely funded by Associated British Ports (ABP). No public funding is needed.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>Separate guidance has been issued on developer contributions in England. The essential principle is that the developer is expected to fund provision of infrastructure required solely to accommodate users of the development without detriment to pre-existing users. Where, in the case of a nationally significant infrastructure project (NSIP) such as a major port development, there is a case for bringing forward schemes which help meet the 'background' growth in 'third-party' traffic, the guidance explains the circumstances in which the Government would expect to 'co-fund' in respect of such benefits and the methodology that should be employed to determine funding shares.</i></p> <p><i>The Government cannot guarantee in advance that funding will be available for any given uncommitted scheme at any specified time.</i></p> <p><i>Applicants should engage, from the earliest stages of project development, with network providers, to assess whether in the case of a specific major port development co-funding by Government may be appropriate, in recognition of third-party benefits.</i></p> <p><i>Parties should endeavour to agree in advance, in as much detail as possible, the scope of works, the precise basis on which costs and risks will be attributed, and arrangements for dispute resolution. If</i></p>	<p>In respect of proposed works to the public highway (associated with the improvements to the East Gate entrance into the Port) these are sufficiently tied down through the DCO.</p> <p>These works will be undertaken under a Section 278 agreement and this approach has been agreed with the Local Highway Authority.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>the decision-maker is not satisfied that draft s.106 (Town and Country Planning Act), s.278 (Highways Act) or other forms of agreement are sufficiently precise, it may invite the parties to engage in further negotiations to arrive at a more detailed agreement before the granting of consent will be countenanced.</i></p> <p><i>A timetable should be set for such negotiations. With proper frontloading of the application process, it should be possible to get all parties aligned in time to complete any necessary agreements before the decision is made. If there is failure to reach agreement within that time, appropriate requirements may be imposed.</i></p> <p><i>If the applicant suggests that the costs of meeting any obligations and/or requirements would make the proposal economically unviable, this should not in itself justify the relaxation by the decision-maker of any obligations or requirements needed to secure the mitigation.”</i></p>	
5. GENERIC IMPACTS – 5.5 Waste management		
<p>Paras 5.5.1 to 5.5.3</p>	<p>These paragraphs provide introductory information, and state,</p> <p><i>“Government policy on hazardous and non-hazardous waste is intended to protect human health and the</i></p>	<p>This information is noted, but no IERRT specific response required.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>environment by producing less waste and by using it as a resource wherever possible. Where this is not possible, waste management regulation ensures that waste is disposed of in a way that is least damaging to the environment and to human health.</i></p> <p><i>Sustainable waste management is implemented through the 'waste hierarchy':</i></p> <ul style="list-style-type: none"> <i>• prevention;</i> <i>• preparing for re-use;</i> <i>• recycling;</i> <i>• other recovery, including energy recovery; and</i> <i>• disposal.</i> <p><i>Disposal of waste should only be considered where other waste management options are not available or where it is the best overall environmental outcome.</i></p> <p><i>All large infrastructure projects are likely to generate hazardous and non hazardous waste during the construction, operation and decommissioning phases. The Environment Agency's (EA) Environmental Permitting (EP) regime incorporates operational waste management requirements for certain activities. When an applicant applies to the EA for an Environmental Permit, the EA will require the application to demonstrate that processes are in place to meet all relevant EP requirements."</i></p>	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
<p>Para 5.5.4</p>	<p>This paragraph deals with assessment matters and states,</p> <p><i>“The applicant should set out the arrangements that are proposed for managing any waste produced and prepare a Site Waste Management Plan. The arrangements described and the Management 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. The applicant should seek to minimise the volume of waste produced and the volume of waste sent for disposal, unless it can be demonstrated that this is the best overall environmental outcome.”</i></p>	<p>The IERRT application includes a Construction Environment Management Plan (CEMP) (Application Document 9.2).</p> <p>Appendix A of the CEMP provides a ‘Construction materials and waste management assessment’. This assessment demonstrates that the construction of the IERRT project would result in less than a 1% reduction of landfill capacity within the waste management study area (East Midlands and Yorkshire and the Humber regions). No significant effects are, therefore, predicted.</p> <p>Appendix B of the CEMP provides a ‘Site Waste Management Plan’</p> <p>In addition to the above documents, Appendix 2.1 to the ES (Application Document 8.4.2(a)) comprises a Waste Hierarchy Assessment which explains how the waste hierarchy approach has been taken into account in respect of the disposal of waste generated by the capital dredge necessary to facilitate the development and the ongoing maintenance dredges to ensure its effective continued operation.</p> <p>Appendix 2.1 explains how the Applicant has approached the application of the waste hierarchy. The conclusion is that disposal at an appropriate licensed disposal site at sea is the only realistic and practicable option for the disposal of the dredged material.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
		<p>The appendix notes that there are several disposal sites that are used within the Humber Estuary. Sediment from the Port of Immingham is typically disposed of at disposal site HU056 (Holme Channel) for inerodible clay material, and HU060 (Clay Huts) for sand/silt (alluvium). This is based on the proximity of those sites to the Port, and their suitability and capacity to receive the dredged material.</p>
<p>Paras 5.5.5 to 5.5.7</p>	<p>These paragraphs provide guidance for the decision maker and state,</p> <p><i>“The decision-maker should consider the extent to which the applicant has proposed an effective system for managing hazardous and non-hazardous waste arising from the construction, operation and decommissioning of the proposed development. It should be satisfied that:</i></p> <ul style="list-style-type: none"> • <i>any such waste will be properly managed, both on-site and off-site;</i> • <i>the waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area; and</i> 	<p>These matters are addressed in the documentation referred to in the preceding row of this table.</p> <p>As explained in the ‘Construction materials and waste management assessment’ the amount of waste material that could potentially need to be disposed of at an appropriately licenced landfill is minimal. It is not envisaged that a specific Environmental Permit will be necessary.</p> <p>However, if such a permit is ultimately determined as being required, this would be sought by the contractor following the DCO being made and prior to the relevant activity taking place.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p>• <i>adequate steps have been taken to minimise the volume of waste arisings, and of the volume of waste arisings sent to disposal, except where that is the best overall environmental outcome.</i></p> <p><i>Where necessary, the decision-maker should use requirements or obligations to ensure that appropriate measures for waste management are applied. When giving consent, the decision-maker may wish to include a condition on revision of waste management plans at reasonable intervals.</i></p> <p><i>Where the project will be subject to the Environment Agency’s Environmental Permitting regime, waste management arrangements during operations will be covered by the permit and the considerations set out in section 5 will apply.”</i></p>	
5. GENERIC IMPACTS – 5.6 Water quality and resources		
<p>Paras 5.6.1 and 5.6.2</p>	<p>These paragraphs provide introductory information and state,</p> <p><i>“Infrastructure development can have adverse effects on the water environment, including groundwater, inland surface water, transitional waters and coastal waters. During the construction, operation and decommissioning phases, it can lead to increased demand for water, involve discharges to water and</i></p>	<p>This information is noted, but no IERRT specific response required.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>cause adverse ecological effects resulting from physical modifications to the water environment.</i></p> <p><i>There may also be an increased risk of spills and leaks of pollutants to the water environment. These effects could lead to adverse impacts on health or on protected species and habitats (see section on biodiversity at 5.1) and could, in particular, result in surface waters, groundwaters or protected areas failing to meet environmental objectives established under the Water Framework Directive.”</i></p>	
<p>Paras 5.6.3 and 5.6.4</p>	<p>These paragraphs provide assessment information and state,</p> <p><i>“Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of, the proposed project on water quality, water resources and physical characteristics of the water environment as part of the Environmental Statement (ES) or equivalent.</i></p> <p><i>The ES should describe:</i></p> <ul style="list-style-type: none"> • <i>the existing quality of waters affected by the proposed project and the impacts of the proposed project on water quality, noting any relevant existing</i> 	<p>Chapter 8 Water and Sediment Quality of the ES (Application Document 8.2.8) provides an assessment of the potential significant effects of the IERRT Project on water and sediment quality, specifically in the marine environment. No significant adverse effects are predicted.</p> <p>This ES chapter is supported by a Water Framework Directive Compliance Assessment (ES Appendix 8.1 – Application Document 8.4.8) which demonstrates the acceptability of the Project in respect of such matters.</p> <p>Chapter 7 Physical Processes of the ES (Application Document 8.2.7) sets out details of the existing physical characteristics of the water environment (including quantity and dynamics of flow) and the potential effects</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>discharges, proposed new discharges and proposed changes to discharges;</i></p> <ul style="list-style-type: none"> • <i>existing water resources affected by the proposed project and the impacts of the proposed project on water resources, noting any relevant existing abstraction rates, proposed new abstraction rates and proposed changes to abstraction rates (including any impact on or use of mains supplies and reference to Catchment Abstraction Management Strategies);</i> • <i>existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed project and any impact of physical modifications to these characteristics;</i> • <i>any impacts of the proposed project on water bodies or protected areas under the Water Framework Directive and source protection zones around potable groundwater abstractions; and</i> • <i>any cumulative effects.”</i> 	<p>of the proposed project in this regard. No significant adverse effects are predicted.</p> <p>The potential impacts of the project on other water resources are considered in the Ground Conditions including Land Quality assessment (ES Chapter 12 – Application Document 8.2.12) where only neutral / slight adverse (non-significant) residual effects are identified after mitigation measures (set out in section 12.9 of Chapter 12) are taken into account.</p> <p>Chapter 11 of the ES (Coastal Protection. Flood defence and drainage – Application Document 8.2.11) considers surface water discharge, other drainage and flooding matters. No significant adverse effects are predicted in respect of these matters.</p> <p>Chapter 20 Cumulative and In Combination of the ES (Application Document 8.2.20) considers potential cumulative water resource effects.</p> <p>The above ES documentation collectively provides the information indicated as being required by these paragraphs of the NPSfP.</p>
<p>Paras 5.6.5 to 5.6.8</p>	<p>These paragraphs provide guidance for the decision maker and state,</p>	<p>Chapter 8 Water and Sediment Quality of the ES is supported by Appendix 8.1 (Application Document 8.4.8) which comprises a Water Framework Directive Compliance Assessment.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>“Activities that discharge to the water environment are subject to pollution control. The considerations set out in section 5 on the interface between planning and pollution control therefore apply. These considerations will also apply in an analogous way to the abstraction licensing regime regulating activities that take water from the water environment, and to the control regimes relating to works to, and structures in, on, or under a controlled water.</i></p> <p><i>The decision-maker will generally need to give impacts on the water environment more weight where a project would have adverse effects on the achievement of the environmental objectives established under the Water Framework Directive.</i></p> <p><i>The decision-maker should satisfy itself that a proposal has regard to the River Basin Management Plans and the requirements of the Water Framework Directive (including Article 4.7) and its daughter Directives, including those on priority substances and groundwater. The specific objectives for particular river basins are set out in River Basin Management Plans. The decision-maker should also consider the interactions of the proposed project with other plans such as Marine Plans, Water Resources Management Plans and Shoreline/Estuary Management Plans.</i></p>	<p>The assessment has been prepared following EA guidance (“Clearing the Waters for All”) and PINS Advice Note 18 and reflects the provisions of the Humber River Basin Management Plan. It takes into account all other relevant legislation and directives including the:</p> <ul style="list-style-type: none"> • Habitats Directive; • Bathing Water Directive; • Shellfish Waters Directive; • Nitrates Directive; and the • Urban Waste Water Directive <p>It identifies potentially affected water bodies and nature conservation designations with the potential to be adversely affected by the Project in terms of the following key receptors:</p> <ul style="list-style-type: none"> • Hydromorphology; • Biology (habitats); • Biology (fish); • Water quality; • Protected areas; and • Invasive non-native species (INNS). <p>The conclusion of the assessment is that the IERRT Project is not likely to have a permanent effect on the status of WFD parameters that are significant at water</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>The decision-maker should consider whether appropriate requirements should be attached to any development consent and/or planning agreements entered into to mitigate adverse effects on the water environment.”</i></p>	<p>body level. Therefore, deterioration to the current status of the Humber Lower transitional water body and/or North Beck Drain river water body is not predicted, neither will the IERRT Project prevent these water bodies achieving future WFD status objectives.</p>
<p>Paras 5.6.9 to 5.6.12</p>	<p>These paragraphs deal with mitigation matters and state,</p> <p><i>“The decision-maker should consider whether mitigation measures are needed for operational, construction and decommissioning phases over and above any which may form part of the project application. A construction management plan may help codify mitigation at that stage.</i></p> <p><i>The risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice. For example, designated areas for storage and unloading, with appropriate drainage facilities, should be clearly marked.</i></p> <p><i>The impact on local water resources can be minimised through planning and design for the efficient use of water, including water recycling.</i></p> <p><i>For mitigation measures on impacts affecting biodiversity, see section 5.1.”</i></p>	<p>The mitigation measures that are proposed to be implemented as standard good practice to manage water quality impacts are presented in the mitigation sections of ES Chapter 8 Water and Sediment Quality, Chapter 11 Coast Protection. Flood defence and drainage; Chapter 12 Ground Conditions, including land quality, and accompanying appendices (Application Documents 8.2.8, 8.2.11 and 8.2.12).</p> <p>In addition, a Construction Environmental Management Plan (CEMP) has been prepared and provided with the DCO application (Application Document 9.2) which sets out the mitigation measures considered necessary to manage environmental effects. The CEMP is secured through a requirement of the draft DCO (Application Document 3.1).</p> <p>The information contained within the above application documents demonstrate how the impact of the IERRT on water resources has been minimised.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
5. GENERIC IMPACTS – 5.7 Air quality and emissions		
<p>Paras 5.7.1 to 5.7.3</p>	<p>These paragraphs provide introductory information and state,</p> <p><i>“Ports can contribute to local air pollution problems, since they bring together several sources of pollutants:</i></p> <ul style="list-style-type: none"> <i>• large volumes of HGV traffic emit pollutants such as nitrogen oxides and particulates, with emissions exacerbated by congestion and stop-start driving conditions;</i> <i>• emissions (especially sulphur dioxide) from ships entering the port and using coastal routes, estuaries and inland waterways can also be significant; and</i> <i>• certain cargoes such as cements and aggregates can cause local dust pollution.</i> <p><i>Infrastructure development can have adverse effects on air quality. The construction, operation and decommissioning phases can involve emissions to air, which could lead to adverse impacts on human health, on protected species and habitats, or on the wider countryside. Impacts on protected species and habitats are covered in section 5.1 on biodiversity and geological conservation.</i></p>	<p>This information is noted, but no IERRT specific response is required.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>Emissions of sulphur dioxide (SO₂) from shipping are being tackled through the strengthening of emissions standards and the development of SO₂ Emissions Control Areas (SECAs). Emissions from road transport have been falling as a result of technical improvements in engine and catalyst design.”</i></p>	
<p>Para 5.7.4 and 5.7.5</p>	<p>These paragraphs provide assessment information and state,</p> <p><i>“Where the project is likely to have adverse effects on air quality, the applicant should undertake an assessment of the impacts of the proposed project as part of the Environmental Statement (ES).</i></p> <p><i>The ES should describe:</i></p> <ul style="list-style-type: none"> • <i>any significant air emissions, their mitigation and any residual effects, distinguishing between the construction and operation stages and taking account of any significant emissions from any road traffic generated by the project;</i> • <i>the predicted absolute emission levels from the proposed project, after mitigation methods have been applied; and</i> • <i>existing air quality levels and the relative change in air quality from existing levels.”</i> 	<p>Chapter 13 Air Quality of the ES (Application Document 8.2.13) and accompanying appendices address the potential impacts on air quality considered likely to arise as a result of the IERRT Project.</p> <p>The assessment has been undertaken following all relevant legislation, guidance and policy as set out in section 13.5 of Chapter 13 Air Quality of the ES.</p> <p>A construction dust assessment methodology is presented in Appendix 13.1 of the ES (Application Document 8.4.13(a)).</p> <p>The assessment distinguishes between construction and operational impacts both in terms of construction, demolition and other on site emissions (e.g. vessels in dock if no shore-to-ship power was available) and emissions arising from traffic travelling to/from the Project site.</p> <p>The overall conclusion of Chapter 13 Air Quality of the ES is that:</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
		<ul style="list-style-type: none"> • The residual effect of construction phase traffic emissions on both human and ecological receptors is considered to be insignificant in EIA terms; • The residual effect of the operation of the site on both human and ecological receptors is insignificant in EIA terms.
<p>Para 5.7.6 and Para 5.77</p>	<p>These paragraphs of the NPSfP provide guidance to the decision maker and state,</p> <p><i>“The decision-maker should generally give air quality considerations substantial weight where a project would lead to deterioration in air quality in an area, or leads to a new area, where the air quality breaches any national air quality limits. However, air quality considerations will also be important where substantial changes in air quality are expected, even if this does not lead to any breaches of any national air quality limits.</i></p> <p><i>In all cases the decision-maker must take account of relevant statutory air quality limits. Where a project is likely to lead to a breach of such limits, the developers should work with the relevant authorities to secure appropriate mitigation measures to allow the proposal to proceed. In the event that a project</i></p>	<p>The air quality assessment undertaken – reported in ES Chapter 13 Air Quality of the ES (Application Document 8.2.13) demonstrates that no breaches of statutory air quality limits will occur as a result of the IERRT Project. Furthermore, the project does not generate any significant deterioration in air quality in an area where limits are already breached.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>will lead to non-compliance with a statutory limit, the decision-maker should refuse consent.”</i></p>	
<p>Paras 5.7.8 to 5.7.15</p>	<p>These paragraphs provide information on mitigation matters and state,</p> <p><i>“The decision-maker should consider whether mitigation measures are needed both for operational and construction emissions over and above any that may form part of the project application. A construction management plan may help codify mitigation at this stage.</i></p> <p><i>In doing so, the decision-maker may refer to the conditions and advice in the Air Quality Strategy or any successor to it.</i></p> <p><i>The mitigations identified in the section on transport impacts will help mitigate the effects of air emissions from transport.</i></p> <p><i>Ports are able, to an extent, to influence the modal share of inland connections to port facilities, which may help to reduce local air pollution. For example, where peak concentrations of one or more pollutants have a high impact or risk exceedence of limits, vehicle booking systems may help to alleviate such effects, as well as minimising congestion. The decision maker should consider the extent to which</i></p>	<p>Mitigation measures are considered in section 13.9 of Chapter 13 Air Quality of the ES (Application Document 8.2.13). The long list of measures comprise standard good working practice measures to minimise dust creation and air quality impacts (including the preparation of a Construction Environmental Management Plan and, within that, a Dust Management Plan) and measures to minimise unnecessary travel and idling of engines.</p> <p>It is also highly likely that future vehicle emissions will decrease significantly due to modernised emissions technology and the electrification of the vehicle fleet that will use the IERRT Project.</p> <p>The IERRT Project incorporates the future provision of shoreside electrical power to reduce emissions. However, it should be noted that the assessment of air quality impacts has taken a worst-case scenario and assumed that shore-to-ship power would not be available. Yet still the residual effects are categorised as insignificant in EIA terms.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>the applicant intends to influence the modal share of inland connections to/from the ports and the robustness of these proposals. See transport assessment at section 5.4 above.</i></p> <p><i>Local air pollution may also be abated through the provision of shore-side fixed electrical power to replace ships' generators while in port, this being known as 'cold-ironing'. Problems of frequency compatibility and technical standards are as yet unresolved, and the technology remains most appropriate for large vessels expected to be in berth for prolonged periods. There is possibility that supra-national instruments will require the use of cold-ironing in the future.</i></p> <p><i>All proposals should either include reasonable advance provisions (such as ducting and spaces for sub-stations) to allow the possibility of future provision of cold-ironing infrastructure, or give reasons as to why it would not be economically and environmentally worthwhile to make such provision.</i></p> <p><i>The decision-maker should consider each case objectively to determine whether provision of cold-ironing infrastructure (rather than provisions to allow this in the future) should be included in the development. This consideration should be based on the dwell time of vessels and technical compatibility of</i></p>	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>the ships intended to call at the port, as well as on the emissions and other impacts. Where supra-national instruments requiring the use of cold-ironing appear to be imminent, the decision-maker should take this into account.</i></p> <p><i>Where cold-ironing infrastructure is proposed, account needs to be taken of the prospective impact on the National Grid of meeting the power demands and therefore the costs to electricity supply providers of doing so without impacts on reliability for other users.”</i></p>	
<p>5. GENERIC IMPACTS – 5.8 Dust, odour, artificial light, smoke, steam and insect infestation</p>		
<p>Paras 5.8.1 to 5.8.3</p>	<p>These paragraphs provide introductory information, and state,</p> <p><i>“During the construction, operation and decommissioning of port infrastructure there is potential for the release of a range of emissions such as odour, dust, steam, smoke, artificial light and infestation of insects. All have the potential to have a detrimental impact on amenity or cause a common law nuisance or statutory nuisance under Part III, Environmental Protection Act 1990 (see 4.14.1 above). Insect and vermin infestation may also have implications for public health. Note that pollution</i></p>	<p>This information is noted, but no IERRT specific response required other than to highlight that the assessments undertaken demonstrate that impacts have been minimised and are at a level that is acceptable.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>impacts from some of these emissions (e.g. dust, smoke) are covered in section 5.7 on air emissions.</i></p> <p><i>Because of the potential effects of these emissions and infestation, and in view of the availability of the defence of statutory authority against nuisance claims, as described at 4.14.1 above, it is important that the potential for these impacts is considered by the decision-maker.</i></p> <p><i>For nationally significant infrastructure projects of the type covered by this NPS, some impact on amenity for local communities is likely to be unavoidable. The aim should be to keep impacts to a minimum and at a level that is acceptable.”</i></p>	
<p>Paras 5.8.4 to 5.8.6</p>	<p>These paragraphs provide assessment information and state,</p> <p><i>“The applicant should assess the potential for insect infestation and emissions of odour, dust, steam, smoke and artificial light to have a detrimental impact on amenity, as part of the Environmental Statement.</i></p> <p><i>In particular, the assessment provided by the applicant should describe:</i></p> <ul style="list-style-type: none"> • <i>the type, quantity and timing of emissions;</i> • <i>aspects of the development which may give rise to emissions;</i> 	<p>These matters relate to air quality including dust emissions, smoke and steam are addressed in response to the NPSfP requirements on air quality above.</p> <p>A construction dust assessment methodology is presented in Appendix 13.1 of the ES (Application Document 8.4.13(a)).</p> <p>It is not anticipated that the IERRT project will give rise to any significant impacts in respect of insect infestation, steam, smoke or odour. This is because the proposed development does contain elements likely to generate such issues.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p>· premises or locations that may be affected by the emissions;</p> <ul style="list-style-type: none"> • effects of the emission on identified premises or locations; and • measures to be employed in preventing or mitigating the emissions. <p><i>The applicant is advised to consult the relevant local planning authority and, where appropriate, the Environment Agency (EA) about the scope and methodology of the assessment.”</i></p>	<p>The IERRT application includes a Lighting Plan (Application Document 2.8) which reflects the fact that the proposed development is to be located within an existing active Port that already contains artificial lighting. The proposed lighting of the IERRT development has been taken into account in relevant assessments as necessary and appropriate, for example, the consideration of ecological impacts.</p> <p>Nonetheless, the draft DCO (Application Document 3.1) includes a requirement that no part of the development shall be brought into use until a written scheme of the proposed operational lighting to be provided for that part of the authorised development has been submitted to and approved in writing by the relevant local planning authority and that it must be implemented as approved.</p> <p>Section 13.4 of Chapter 13 Air Quality of the ES (Application document 8.2.13) identifies the extent of consultation undertaken on these matters (see Table 13.3).</p>
<p>Para 5.8.7 to 5.8.10</p>	<p>These paragraphs provide guidance to the decision maker and state,</p> <p><i>“The decision-maker should satisfy itself that all reasonable steps have been taken, and will be taken, to minimise any detrimental impact on amenity from</i></p>	<p>As the preceding answer demonstrates, all reasonable steps have been taken to minimise the detrimental impact on amenity from the issues listed.</p> <p>The assessments undertaken demonstrate that no significant effects are considered likely in respect of</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>insect infestation and emissions of odour, dust, steam, smoke and artificial light.</i></p> <p><i>If the decision-maker does grant development consent for a project, it should consider whether there is a justification for all of the authorised project (including any associated development) being covered by a defence of statutory authority against nuisance claims. If it cannot conclude that this is justified, it should disapply in whole or in part the defence through provision in the development consent or harbour order.</i></p> <p><i>Where the decision-maker believes it appropriate, it may consider attaching requirements to the development consent, in order to secure certain mitigation measures.</i></p> <p><i>In particular, the decision-maker should consider whether to require the applicant to abide by a scheme of management and mitigation concerning insect infestation and emissions of odour, dust, steam, smoke and artificial light from the development. The decision-maker should consider the need for such a scheme to reduce any loss to amenity which might arise during the construction, operation and decommissioning of the development. A construction management plan may help codify mitigation at that stage.”</i></p>	<p>these issues. Furthermore, relevant mitigation is to be secured through the DCO as appropriate.</p> <p>From the evidence provided in the application documentation, there is considered to be no reason not to cover all of the Project with a defence of statutory authority against nuisance claims.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
Para 5.8.11	<p>This paragraph considers mitigation and states,</p> <p><i>“Mitigation measures may include one or more of the following:</i></p> <ul style="list-style-type: none"> • engineering: <i>prevention of a specific emission at the point of generation; control, containment and abatement of emissions if generated;</i> • lay-out: <i>adequate distance between source and sensitive receptors; reduced transport or handling of materials; and</i> • administrative: <i>limiting operating times; restricting activities allowed on the site; implementing management plans.”</i> 	<p>As indicated above, sufficient mitigation is to be provided and appropriately secured within the DCO.</p>
<p>5. GENERIC IMPACTS – 5.9 Biomass/waste impacts – odour, insect and vermin infestation</p>		
Para 5.9.1	<p>Paragraph 5.9.1 is a paragraph introducing this issue, and states,</p> <p><i>“Generic impacts of dust, odour, artificial light, smoke, steam and insect infestation are set out in section 5.8. Insect and vermin infestation may be a particular issue with regard to storage of fuels for energy from waste (EfW) generating stations, as they may be attracted to biodegradable waste stored and processed at the facility. Odour is also likely to arise during the reception, storage and handling/processing of incoming biodegradable waste.”</i></p>	<p>This information is noted, but no IERRT specific response required other than to highlight that the proposed IERRT Project does not involve the types of activities highlighted in this paragraph as potentially causing issues in respect of this matter.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
Para 5.9.2	<p>This paragraph provides assessment guidance, and states,</p> <p><i>“The applicant should assess the potential for insect infestation and emissions of odour as set out in section 5.8, with particular regard to the handling and storage of waste for fuel.”</i></p>	<p>This matter has already been responded to in the responses to NPSfP section 5.8.</p>
Para 5.9.3	<p>This paragraph provided guidance to the decision maker and states,</p> <p><i>“The IPC should satisfy itself that the proposal sets out appropriate measure to minimise impacts on local amenity from odour, insect and vermin infestation.”</i></p>	<p>Again, these matters have already been responded to in the responses to NPSfP section 5.8.</p>
Paras 5.9.4 and 5.9.5	<p>These paragraphs considers mitigation matters and states,</p> <p><i>“In addition to the mitigation measures set out in section 5.8, reception, storage and handling of waste and residues should be carried out within defined areas, e.g. bunkers or silos, within enclosed building at EfW generating stations.</i></p> <p><i>To minimise potential for infestation, the time between reception, processing and combustion of waste may be limited by consent requirements.”</i></p>	<p>These mitigation matters are not directly relevant to the proposed IERRT Project due to the nature of the operations envisaged.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
5. GENERIC IMPACTS – 5.10 Noise and vibration		
<p>Paras 5.10.1 to 5.10.3</p>	<p>These paragraphs provide an introduction to the issue of noise and vibration, and state,</p> <p><i>“Excessive noise can have wide-ranging impacts on quality of human life and health (e.g. owing to annoyance or sleep disturbance), use and enjoyment of areas of value such as quiet places and areas with high landscape quality. The Government’s policy on noise is set out in the Noise Policy Statement for England. It promotes good health and good quality of life through effective noise management. Similar considerations apply to vibration, which can also cause damage to buildings. In this section, in line with current legislation, references to ‘noise’ below apply equally to assessment of impacts of vibration.</i></p> <p><i>Noise resulting from a proposed development can also have adverse impacts on wildlife and biodiversity. Noise effects of the proposed development on ecological receptors should be assessed by the decisionmaker in accordance with the Biodiversity and Geological Conservation section of this NPS.</i></p> <p><i>Factors which will determine the likely noise impact include:</i></p>	<p>This information is noted, but no IERRT specific response required other than to highlight that the matters referred to have been taken account of as necessary in the relevant IERRT assessments.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<ul style="list-style-type: none"> • <i>the inherent operational noise from the proposed development, and its characteristics;</i> • <i>the proximity of the proposed development to noise-sensitive premises (including residential properties, schools and hospitals) and noise sensitive areas (including certain parks and open spaces);</i> • <i>the proximity of the proposed development to quiet or tranquil places and other areas that are particularly valued for their acoustic environment or landscape quality; and</i> • <i>the proximity of the proposed development to designated sites where noise may have an adverse impact on protected species or other wildlife.”</i> 	
<p>Paras 5.10.4 to 5.10.7</p>	<p>These paragraphs consider assessment matters and state,</p> <p><i>“Where noise impacts are likely to arise from the proposed development, the applicant should include the following in the noise assessment:</i></p> <ul style="list-style-type: none"> • <i>a description of the noise-generating aspects of the development proposal leading to noise impacts on the marine and terrestrial environment, including the identification of any distinctive tonal, impulsive or low-frequency characteristics of the noise;</i> 	<p>Chapter 14 Airborne Noise and Vibration of the ES (Application Document 8.2.14) provides an assessment of the potential significant effects of the IERRT Project during both construction and operation in respect of airborne noise and vibration.</p> <p>A staged approach to assessing the operational noise impacts from the IERRT Project has been undertaken. Where potentially significant adverse effects have been identified based upon initial higher-level assessment, further, more detailed assessments have been undertaken to define likely significant adverse effects.</p> <p>ES Chapter 14 is supported by the following appendices which address landside noise impacts:</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<ul style="list-style-type: none"> • <i>identification of noise-sensitive premises and areas and noise-sensitive species that may be affected;</i> • <i>the characteristics of the existing marine and terrestrial noise environment;</i> • <i>a prediction of how the noise environment will change with the proposed development:</i> <ul style="list-style-type: none"> - <i>in the shorter term during the construction period;</i> - <i>in the longer term during the operating life of the infrastructure; and</i> - <i>at particular times of the day, evening and night as appropriate.</i> • <i>an assessment of the effect of predicted changes in the noise environment on any noise sensitive areas and noise sensitive species; and</i> • <i>measures to be employed in mitigating the effects of noise.</i> <p><i>The nature and extent of the noise assessment should be proportionate to the likely noise impact.</i></p> <p><i>The noise impact of ancillary activities associated with the development, such as increased road and rail traffic movements, or other forms of transportation, should be considered.</i></p>	<ul style="list-style-type: none"> • Appendix 14.1: Sound Monitoring Surveys; • Appendix 14.2: Construction Noise Levels and Assumptions, and • Appendix 14.3 On-site Operational Noise Levels and Assumptions. (Application Documents 8.4.14 (a) to (c)) <p>Chapter 14 of the ES is further supplemented by ES Appendix 9.2: Underwater Noise Assessment (Application Document 8.4.9(b)) which assesses the potentially significant impacts of the IERRT Project on marine noise and vibration sensitive receptors.</p> <p>The assessments undertaken in these documents demonstrate accordance with the requirements of paragraph 5.10.4 to 5.10.7 of the NPSfP.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards. For the prediction, assessment and management of construction noise, reference should be made to any relevant British Standards which also give examples of mitigation strategies.</i></p> <p><i>The applicant should consult the Environment Agency and Natural England, or the Countryside Council for Wales, and the MMO in relation to marine protected species in England, as necessary and in particular with regard to assessment of noise on protected species or other wildlife. The results of any noise surveys and predictions may inform the ecological assessment.”</i></p>	
<p>Paras 5.10.8 to 5.10.10</p>	<p>These paragraphs provide guidance to the decision maker and state,</p> <p><i>“The project should demonstrate good design through selection of:</i></p> <ul style="list-style-type: none"> <i>• the quietest cost-effective plant available;</i> <i>• containment of noise within buildings wherever possible;</i> <i>• optimisation of plant layout to minimise noise emissions; and</i> 	<p>Mitigation measures for the landside noise and vibration impacts are set out in Chapter 14 Airborne Noise and Vibration Assessment (Application Document 8.2.14). These include commitments to the use of quieter working methods and plant, use of acoustic covers, orientation of noisy plant away from noise sensitive areas etc.</p> <p>These measures will be secured though the implementation of the Construction Environmental Management Plan (CEMP). The CEMP (Application Document 9.2) is secured through a requirement in the draft DCO (Application Document 3.1). This will include</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<ul style="list-style-type: none"> • <i>where possible, the use of landscaping, bunds or noise barriers or other mechanisms to reduce noise transmission.</i> <p><i>The decision-maker should be satisfied that the proposals will meet the following aims:</i></p> <ul style="list-style-type: none"> • <i>avoid significant adverse impacts on the environment, human health and quality of life from noise;</i> • <i>mitigate and minimise other adverse impacts on health and quality of life from noise; and</i> • <i>where possible, contribute to improvements to health and quality of life through the effective management and control of noise.</i> <p><i>When preparing the development consent order, the decision-maker should consider including measurable requirements or specifying the mitigation measures to be put in place to ensure that actual noise levels from the project do not exceed those described in the assessment or any other estimates on which the decision-maker's decision was based."</i></p>	<p>arrangements for monitoring of impacts and enforcement of appropriate site working practices.</p> <p>The overall conclusion of Chapter 14 Airborne Noise and Vibration Assessment of the ES is that most of the impacts identified on the variety of different receptors are classed as minor adverse or less and so are not considered significant in EIA terms.</p> <p>There are three on port exceptions to this, namely in respect of the PK Construction Office, the Nippon Gas Office building, the PAM building and a number of residential properties along Queens Road. With the imposition of proposed mitigation measures, however, it is concluded that the significance of effect at these receptors can be reduced to a non-significant level.</p> <p>These impacts are summarised in Table 14.28 of Chapter 14 Airborne Noise and Vibration of the ES and the relevant mitigation is also summarised within that Table.</p> <p>In terms of marine impacts, Chapter 9: Nature conservation and marine ecology (Application Document 8.2.9) and Appendix 9.2: Underwater Noise Assessment (Application Document 8.4.9(b)) concludes that, there will not be any significant impacts as a result of underwater noise.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
		<p>Accordingly, once mitigation is taken into account the Project accords with the requirements of paragraph 5.10.9 of the NPSfP.</p> <p>The various documentation referred to above specifies the mitigation that is proposed, which is to be secured as necessary through the DCO.</p>
<p>Para 5.10.11 to 5.10.13</p>	<p>These paragraphs deal with mitigation matters and state,</p> <p><i>“The decision-maker should consider whether mitigation measures are needed both for operational and construction noise over and above any which may form part of the project application. In doing so, the decisionmaker may wish to impose requirements. Any such requirements should take account of the guidance set out in Circular 11/95, as revised, The Use of Conditions in Planning Permissions, or any successor to it.</i></p> <p><i>Mitigation measures for the project should be proportionate and reasonable and may include one or more of the following:</i></p> <ul style="list-style-type: none"> • engineering: reduction of noise at point of generation and containment of noise generated; • lay-out: adequate distance between source and noise-sensitive receptors; incorporating good design 	<p>The relevant noise and vibration related assessments which have been undertaken - which are provided in Chapter 14 Airborne noise and vibration (Application Document 8.2.14), Chapter 9 Nature conservation and marine ecology (Application Document 8.2.9) and ES Appendix 9.2: Underwater Noise Assessment (Application Document 8.4.9(b)) – set out the relevant mitigation measures which are being put forward to reduce potential effects to a non-significant level.</p> <p>These mitigation measures are then proposed to be secured through various requirements within the DCO.</p> <p>As explained in further detail in ES Chapter 14, a circumstance exists in respect of the IERRT project where noise insulation will be offered to affected residential receptors along Queens Road. The noise insulation is secured through a requirement in the draft DCO (Application Document 3.1).</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>to minimise noise transmission through screening by natural barriers or other buildings;</i></p> <ul style="list-style-type: none"> • administrative: limiting operating times of source; restricting activities allowed on the site; specifying acceptable noise limits; and taking into account seasonality of wildlife in nearby designated sites. <p><i>In certain situations, and only when all other forms of noise mitigation have been exhausted, it may be appropriate for the decision-maker to consider requiring noise mitigation through improved sound insulation to dwellings, or in extreme cases, compulsory purchase of affected properties, as a means of consenting otherwise unacceptable development.</i></p>	
5. GENERIC IMPACTS – 5.11 Landscape and visual impacts		
<p>Paras 5.11.1 to 5.11.18</p>	<p>These paragraphs provide information on landscape and visual matters and state,</p> <p><i>“The landscape and visual effects of proposed projects will vary on a case-by-case basis according to the type of development, its location and the landscape setting of the proposed development. In this context, references to landscape should be taken as covering seascape and townscape, where appropriate.</i></p>	<p>As explained in Table 6.2 of Chapter 6 Impact Assessment Approach of the ES (Application Document 8.2.6), in line with the Scoping Opinion from PINS, landscape/seascape and visual impacts have been scoped out of the ES because it is not likely that any significant effects will be generated by the development. This conclusion was reached on the basis of the assessment information provided in the Scoping Report submitted to PINS to obtain the Scoping Opinion. That information, for ease of reference, is summarised below.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>Port development can sometimes have a negative impact on the characteristics and visual amenity of the landscape. This can be a particular problem where the local area is dependent on an acknowledged tourist activity destination and/or important for recreation (see 4.6.1). The impact can be the result of the physical character of the port development as well as its introduction of light pollution and noise to areas that may otherwise have been tranquil.</i></p> <p><i>The applicant should carry out a landscape and visual assessment and report it in the ES. A number of guides have been produced to assist in addressing landscape issues. The landscape and visual assessment should include reference to any landscape character assessment and associated studies, as a means of assessing landscape impacts relevant to the proposed project. The applicant's assessment should also take account of any relevant policies based on these assessments in local development documents in England and local development plans in Wales.</i></p> <p><i>The applicant's assessment should include the effects during construction of the project and the effects of the completed development and its operation on landscape components and landscape character.</i></p>	<p>'As reported in the scoping report (at section 6.14) submitted to and consulted upon by PINS, an initial desk-based study was undertaken to gain an understanding of the landscape/ seascape and visual baseline. Key data sources included:</p> <ul style="list-style-type: none"> • Ordnance Survey mapping and aerial photography; • National Character Area profiles (Natural England, 2013); • Regional and local landscape character assessments: - North Lincolnshire Landscape Character Assessment, Sensitivity and Capacity Study (North Lincolnshire Council, 1999); - North East Lincolnshire Landscape Character Assessment (North East Lincolnshire Council, 2015); and • Seascape character area assessment East Inshore and East Offshore marine plan areas (MMO, 2012). <p>The study area considered was the area over which potential direct and indirect effects of the IERRT project were considered may occur during construction and operation.</p> <p>A study area of 1 km from the outer extent of the proposed development was identified for the initial landscape/seascape and visual impact review. The extent of the study area was informed by an</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include any light pollution effects including on local amenity, rural tranquillity and nature conservation.</i></p> <p><i>Landscape effects depend on the existing character of the local landscape, its current quality, how highly it is valued and its capacity to accommodate change. All of these factors need to be considered in judging the impact of a project on landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints, the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.</i></p> <p><i>National Parks, the Broads and Areas of Outstanding Natural Beauty (AONB), have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the decision-maker has a statutory duty to have regard to in its decisions. The conservation of the natural beauty of the landscape</i></p>	<p>understanding of the likely maximum parameters of the proposed development and consideration of the existing land use and context.</p> <p>The existing landscape, seascape and visual baseline is heavily influenced by the existing port and other adjacent large-scale industrial development. The proposed development is located within an area characterised as an industrial landscape type. The generally flat topography and relatively open nature of the landscape further emphasises the influence of the existing port development on the character and views.</p> <p>The seascape of the Humber varies in quality and character along its length, with expansive areas of tidal mudflats and saltmarsh contrasting with more developed and industrial areas. The site and immediate context are of an industrial seascape character, heavily influenced by the exiting large scale port and movement of large ships.</p> <p>Visual receptors are relatively limited, with the main concentration being residents in the nearby settlement of Immingham. Existing views from most locations include the structures and infrastructure associated with the working port and other adjacent industrial development.</p> <p>The site of the proposed development forms a part of the operational Port of Immingham and has been in active</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>and countryside should be given substantial weight by the decision-maker in deciding on applications for development consent in these areas.</i></p> <p><i>Nevertheless, the decision-maker may grant development consent in these areas in exceptional circumstances. The development should be demonstrated to be in the public interest, and consideration of such applications should include an assessment of:</i></p> <ul style="list-style-type: none"> <i>• the need for the development, including in terms of any national considerations, and the impact of consenting, or not consenting it, upon the local economy;</i> <i>• the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and</i> <i>• any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.</i> <p><i>The decision-maker should ensure that any projects consented in these designated areas should be carried out to high environmental standards through the application of appropriate requirements where necessary.</i></p>	<p>use for port purposes for a number of decades. The current use of the site is for bulk cargo, steel sections, lorry and automotive storage. In the absence of the Immingham Eastern Ro-Ro Terminal, the site would continue to be utilised for port activity.</p> <p>The existing port infrastructure and other adjacent industrial development has a strong influence of the existing landscape/seascape character and views. Potential change from the Immingham Eastern Ro-Ro Terminal is anticipated to be limited and largely consistent with existing port operations. While new structures and features will be added these will be within the existing port area and will be similar to existing elements already present.</p> <p>Due to the existing context and limited nature of change it is considered that there is little potential for any significant effects and, therefore, it is proposed that landscape/seascape and visual impacts are scoped out of the EIA. No further landscape/seascape and visual assessment is, therefore, anticipated to be required.'</p> <p>In reaching its Scoping Opinion, PINS took account of consultation comments provided by West Lindsey District Council, North Lincolnshire Council, and North East Lincolnshire Council. This approach to landscape / seascape assessment was also confirmed and agreed</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>The duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The aim should be to avoid compromising the purposes of designation, and such projects should be designed sensitively, given the various siting, operational and other relevant constraints. This should include projects in England which may have impacts on National Scenic Areas in Scotland.</i></p> <p><i>The fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent.</i></p> <p><i>Outside nationally designated areas, there are local landscapes that may be highly valued locally and protected by local designation. Where a local development document in England or a local development plan in Wales has policies based on landscape character assessment, these should be paid particular attention. However, local landscape designations should not be used in themselves as reasons to refuse consent, as this may unduly restrict acceptable development.</i></p> <p><i>The decision-maker should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting,</i></p>	<p>with Natural England during a subsequent pre-application meeting on 28 April 2022.</p> <p>Accordingly, the decision maker is able to conclude, from the information available, including the assessment information provided in the Scoping Report, that the landscape/seascape and visual impacts of the proposed development will not be significant.</p> <p>A Lighting Plan (Application Document 2.8) and Concept Lighting Design Report (Application Document 8.4.2(b)) have been provided which demonstrates how lighting has been designed to minimise impact.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation.</i></p> <p><i>The decision-maker will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the development. Coastal areas are particularly vulnerable to visual intrusion because of the potential high visibility of development on the foreshore, on the skyline and affecting views along stretches of undeveloped coast.</i></p> <p><i>It may be helpful for applicants to draw attention, in the supporting evidence to their applications, to any examples of existing permitted infrastructure they are aware of with a similar magnitude of impact on sensitive receptors. This may assist the decision-maker in judging the weight it should give to the assessed visual impacts of the proposed development.</i></p> <p><i>Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of development may result in a significant operational constraint and reduction in function. There may, however, be exceptional circumstances where mitigation could have a very</i></p>	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>significant benefit and warrant a small reduction in function. In these circumstances, the decision-maker may decide that the benefits of the mitigation to reduce the landscape effects outweigh the marginal loss of function.”</i></p> <p><i>Within a defined site, adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within that site, design including colours and materials, and landscaping schemes, depending on the size and type of proposed project. Materials and designs of buildings should always be given careful consideration.</i></p> <p><i>Depending on the topography of the surrounding terrain and areas of population, it may be appropriate to undertake landscaping off site. For example, filling in gaps in existing tree and hedge lines would mitigate the impact when viewed from a more distant point.”</i></p>	
5. GENERIC IMPACTS – 5.12 Historic Environment		
<p>Paras 5.12.1 to 5.12.5</p>	<p>These paragraphs provide introductory information to the Historic Environment matter and state,</p> <p><i>“The construction, operation and decommissioning of port infrastructure has the potential to result in adverse impacts on the historic environment.</i></p>	<p>This information is noted, but no IERRT specific response is required other than to highlight that the matters referred to have been taken account of as necessary in the relevant IERRT assessment.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>The historic environment includes all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, landscaped and planted or managed flora. Those elements of the historic environment that hold value to this and future generations because of their historic, archaeological, architectural or artistic interest are called 'heritage assets'. A heritage asset may be any building, monument, site, place, area or landscape, or any combination of these. The sum of the heritage interests that a heritage asset holds is referred to as its significance.</i></p> <p><i>Some heritage assets have a level of significance that justifies official designation. Categories of designated heritage assets are: World Heritage Sites; Scheduled Monuments; Listed Buildings; Protected Wreck Sites; Protected Military Remains; Registered Parks and Gardens; Registered Battlefields (England only); Conservation Areas; and Registered Historic Landscapes (Wales only).</i></p> <p><i>There are heritage assets with archaeological interest that are not currently designated as scheduled monuments, but which are demonstrably of equivalent significance. These include:</i></p>	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<ul style="list-style-type: none"> • <i>those that have yet to be formally assessed for designation;</i> • <i>those that have been assessed as capable of being designated but which the Secretary of State has decided not to designate;</i> • <i>those that are incapable of being designated by virtue of being outside the scope of the Ancient Monuments and Archaeological Areas Act 1979.</i> <p><i>The absence of designation for such heritage assets does not indicate lower significance. If the evidence before the decision-maker indicates to it that a non-designated heritage asset of the type described may be affected by the proposed development then the heritage asset should be considered subject to the same policy considerations as those that apply to designated heritage assets.</i></p> <p><i>The decision-maker should also consider the impacts on other non-designated heritage assets, as identified either through the development plan making process (local listing) or through the decision-making process on the basis of clear evidence that the assets have a significance that merits consideration in its decisions, even though those assets are of lesser value than designated heritage assets.”</i></p>	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
<p>Paras 5.12.6 to 5.12.9</p>	<p>These paragraphs explain how the applicant should go about describing and assessing the impact of a project on heritage assets as part of the ES. They state,</p> <p><i>“As part of the ES, the applicant should provide a description of the significance of the heritage assets affected by the proposed development and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset. As a minimum, the applicant should have consulted the relevant Historic Environment Record and assessed the heritage assets themselves using expertise where necessary according to the proposed development’s impact.</i></p> <p><i>Where a development site includes, or the available evidence suggests it has potential to include, heritage assets with an archaeological interest, the applicant should carry out appropriate desk-based assessment and, where such desk-based research is insufficient to properly assess the interest, a field evaluation. Where proposed development will affect the setting of a heritage asset, representative visualisations may be necessary to explain the impact.</i></p>	<p>Chapter 15 Cultural Heritage and Marine Archaeology of the ES (Application Document 8.2.15) provides an assessment of the potential significant effects of the IERRT Project on cultural heritage and marine archaeology.</p> <p>Potential direct impacts to terrestrial heritage receptors from the IERRT Project were scoped out from detailed assessment as no receptors are located within the footprint of the proposed development.</p> <p>Following a comprehensive analysis of the baseline environment, the assessment, therefore, identifies and assesses the following impacts.</p> <p>During Construction:</p> <ul style="list-style-type: none"> • Direct impacts on known and potential marine heritage receptors; • Direct impacts on known and potential marine heritage receptors from dredging, and • Indirect impacts to marine heritage receptors due to altered sediment or hydrological processes. <p>During Operation:</p> <ul style="list-style-type: none"> • Direct impacts on known and potential marine heritage receptors from maintenance dredging; • Indirect effects such as changes in local scouring and sedimentation patterns, and • Impacts to the setting of cultural heritage receptors.

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>The possibility of damage to buried features from underwater disposal of dredged material should be taken into account.</i></p> <p><i>The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents.”</i></p>	<p>The ES Chapter is supported by a number of Appendices as follows:</p> <ul style="list-style-type: none"> • Appendix 15.1 Marine Archaeology Technical Report (Application Document 8.4.15 (a)); • Appendix 15.2 Historic Environment Settings Assessment (Application Document 8.4.15 (b)); and • Appendix 15.3 Draft Written Scheme of Investigation (Application Document 8.4.15 (c)). <p>The assessment that has been undertaken has due regard to the matters set out within these paragraphs of the NPSfP and takes account of the various impact areas referred to.</p> <p>The overall conclusion of Chapter 15 Cultural Heritage and Marine Archaeology of the ES is that, following appropriate mitigation (which is summarised in Table 15.8 of the Chapter), any effects resulting from either the construction or operation the IERRT Project will be negligible and so are not considered significant in EIA terms.</p> <p>Indeed, Table 15.8 identifies that some potentially adverse impacts are actually turned into positive benefits as a result of the mitigation measures proposed</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
		<p>A requirement within the Deemed Marine Licence requires the authorised development to be carried out in accordance with the Marine WSI.</p>
<p>5.12.10 to 5.12.16</p>	<p>These paragraphs provide guidance to the decision maker and state,</p> <p><i>“In considering applications, the decision-maker should seek to identify and assess the significance of any heritage asset that may be affected by the proposed development, including by development affecting the setting of a heritage asset, taking account of:</i></p> <ul style="list-style-type: none"> <i>• evidence provided with the application;</i> <i>• any designation records;</i> <i>• Rapid Coastal Zone Assessments by English Heritage where relevant</i> <i>• the Historic Environment Record and similar sources of information;</i> <i>• the heritage assets themselves;</i> <i>• the outcome of consultations with interested parties; and</i> <i>• where appropriate and when the need arises to understand the significance of the heritage assets, expert advice.</i> 	<p>The comprehensive assessment undertaken, which is summarised above and reported in the documentation listed in the previous row, provides the decision maker with the relevant information referred to within these paragraphs of the NPSfP as appropriate.</p> <p>As explained in the previous row, potential direct impacts to terrestrial heritage receptors from the IERRT Project were scoped out from detailed assessment as no receptors are located within the footprint of the proposed development.</p> <p>The overall conclusion of Chapter 15 Cultural Heritage and Marine Archaeology of the ES is that, following appropriate mitigation (which is summarised in Table 15.8 of the Chapter), any effects resulting from either the construction or operation the IERRT Project would be negligible and so not be considered significant in EIA terms.</p> <p>The assessment undertaken demonstrates the acceptability of the IERRT project in respect of potential impacts on the Historic Environment.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>In considering the impact of a proposed development on any heritage assets, the decision-maker should take into account the particular nature of the significance of the heritage assets and the value that they hold for this as well as future generations. This understanding should be used to avoid or minimise conflict between conservation of the significance and proposals for development.</i></p> <p><i>The decision-maker should take into account the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution they can make to sustainable communities and economic vitality. The decision-maker should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use. The decision-maker should have regard to any relevant local authority development plans or local impact report on the proposed development in respect of the factors set out in footnote 72 below.</i></p> <p><i>There should be a presumption in favour of the conservation of designated heritage assets and, the more significant the designated heritage asset, the greater the presumption in favour of its conservation</i></p>	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>should be. Once lost, heritage assets cannot be replaced, and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II listed building park or garden should be exceptional. Substantial harm to or loss of designated assets of the highest significance, including Scheduled Monuments; registered battlefields; grade I and II* listed buildings; grade I and II* registered parks and gardens; and World Heritage Sites should be wholly exceptional.</i></p> <p><i>Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that, the greater the harm to the significance of the heritage asset, the greater the justification will be needed for any loss. Where the application will lead to substantial harm to or total loss of significance of a designated heritage asset, the decision-maker should refuse consent unless it can be demonstrated that the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that loss or harm. Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. The</i></p>	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>policies in the previous paragraphs apply to those elements that do contribute to the significance. When considering proposals, the decision-maker should take into account the relative significance of the element affected and its contribution to the significance of the World Heritage Site or Conservation Area as a whole.</i></p> <p><i>Where loss of significance of any heritage asset is justified on the merits of the new development, the decision-maker should consider imposing a condition on the consent or requiring the applicant to enter into an obligation that will prevent the loss occurring until it is reasonably certain that the relevant part of the development is to proceed.</i></p> <p><i>When considering applications for development affecting the setting of a heritage asset, the decision-maker should treat favourably applications that preserve those elements of the setting that make a positive contribution to, or that better reveal the significance of, the asset. When considering applications that do not do this, the decision-maker should weigh any negative effects against the wider benefits of the application. The greater the negative impact on the significance of the asset, the greater the benefits that will be needed to justify approval.”</i></p>	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
Footnote 72	<p><i>“This can be by virtue of:</i></p> <ul style="list-style-type: none"> • <i>heritage assets having an influence on the character of the environment and an area’s sense of place;</i> • <i>heritage assets having a potential to be a catalyst for regeneration in an area, particularly through leisure, tourism and economic development;</i> • <i>heritage assets being a stimulus to inspire new development of imaginative and high quality design;</i> • <i>the re-use of existing fabric, minimising waste; and</i> • <i>the mixed and flexible patterns of land use in historic areas that are likely to be, and remain, sustainable.”</i> 	See previous responses.
Paras 5.12.17 to 5.12.20	<p>These paragraphs address the issue of the recording of heritage assets. The paragraphs state,</p> <p><i>“A documentary record of our past is not as valuable as retaining the heritage asset, and therefore the ability to record evidence of the asset should not be a factor in deciding whether consent should be given.</i></p> <p><i>Where loss of the whole or a material part of a heritage asset’s significance is justified, the decision-maker should require the developer to record and</i></p>	<p>The IERRT Project has undertaken a full coverage, high-resolution baseline assessment, following professional best-practice guidance and methodologies.</p> <p>Embedded mitigation processes have been included in the baseline assessment and influenced the design of the project allowing for the avoidance of adverse effects to known historic environment assets – notably maritime and aviation heritage assets.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>advance understanding of the asset’s significance before this is lost. The extent of the requirement should be proportionate to the nature and level of the asset’s significance. Developers should be required to publish this evidence and deposit copies of the reports with the relevant Historic Environment Record. They should also be required to deposit the archive generated to a local museum or other public depository willing to receive it.</i></p> <p><i>Where appropriate, the decision-maker should impose requirements on a consent to ensure that such work is carried out in a timely manner in accordance with a written scheme of investigation that meets the requirements of this section and has been agreed in writing with the relevant local authority (and, where the development is in English waters, the Marine Management Organisation and English Heritage or where it is in Welsh waters, the MMO (and Cadw) and that the completion of the exercise is properly secured.</i></p> <p><i>Where the decision-maker considers there to be a high probability that a development site may include as yet undiscovered heritage assets with archaeological interest, the decision-maker should consider requirements to ensure that appropriate procedures (for example, a written scheme of investigation) are in place for the survey,</i></p>	<p>Where there may be interactions with potential historic environment assets (e.g. buried sites and features, or palaeolandscape resources), and there is the potential for adverse effects upon the resource, additional mitigation strategies have been proposed to effectively offset potential impacts and facilitate beneficial knowledge generation, recording and archive deposition. These are set out in detail within the draft Written Scheme of Investigation (ES Appendix 15.3 – Application Document 8.4.15(c)).</p> <p>This is particularly important for the consideration of palaeolandscape and submerged prehistory type assets and the IERRT Project is providing a valuable opportunity to create new knowledge on these resources that would otherwise not be available.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<i>identification, analysis and treatment of such assets discovered before and during construction.”</i>	
5. GENERIC IMPACTS – 5.13 Land use including open space, green infrastructure and Green Belt		
<p>Paras 5.13.1 to 5.13.4</p>	<p>These paragraphs provide introductory information to this topic and state,</p> <p><i>“A port infrastructure project will have direct effects on the existing use of the proposed site and may have indirect effects on the use, or planned use, of land in the vicinity for other types of development. Given the likely locations of port infrastructure projects, there may be particular effects on open space, including green infrastructure.</i></p> <p><i>The Government’s policy is to ensure there is adequate provision of high quality open space, (including green infrastructure) and sports and recreation facilities to meet the needs of local communities. Open spaces, sports and recreational facilities all help to underpin people’s quality of life and have a vital role to play in promoting healthy living. Green infrastructure, in particular, will also play an increasingly important role in mitigating and adapting to the impacts of climate change.</i></p> <p><i>The re-use of previously developed land for new development can make a major contribution to</i></p>	<p>The information contained within these paragraphs is noted.</p> <p>The IERRT Project will not result in any loss of, or adverse impact to, any land used as open space, green infrastructure or any other recreational facility or resource. Nor will it have any impact on land used by walkers, cyclists or horse riders. The Project site is not located within, or close to, the Green Belt. Accordingly, the majority of section 5.13 of the NPSfP is not relevant to the consideration of the DCO Application for the IERRT Project.</p> <p>Impacts and effects on existing uses within the vicinity of the site are considered throughout the ES but are brought together within Chapter 16 Socio Economic receptors (Application Document 8.2.16).</p> <p>The IERRT Project – which is proposed on previously developed operational land within an existing active port - will provide wider benefits to the Port of Immingham. It will strengthen the Port’s position as one of the UK’s key trading gateways, providing much needed additional capacity and resilience.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>sustainable development by reducing the amount of countryside and undeveloped greenfield land that needs to be used. However, this may not be possible for some forms of infrastructure.</i></p> <p><i>Green Belts, defined in a local planning authority's development plan, are situated around certain cities and large built-up areas. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. For further information on the purposes of Green Belt policy see PPG2 or any successor to it."</i></p>	
<p>Para 5.13.5 to 5.13.11</p>	<p>These paragraphs provide information on the assessment of related effects, and state,</p> <p><i>"The ES should identify existing and proposed land uses near the project, as well as any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan.</i></p> <p><i>Applicants will need to consult the local community on their proposals to build on open space, green infrastructure, sports or recreational buildings and</i></p>	<p>The ES identifies existing and proposed land uses throughout its various assessment chapters</p> <p>Chapter 2 of the ES (Application Document 8.2.2) provides an overall description of the site of the proposed IERRT Project and its surroundings, a description which is then further expanded upon as appropriate within the baseline environment sections of the assessment topic chapters (ES Chapters 7 to 19).</p> <p>ES Chapter 20 Cumulative and In-Combinations Effects (Application Document 8.2.20) sets out a list of those proposed developments likely to occur near to the proposed IERRT which have the potential to interact with the development.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>land. Taking account of the consultations, applicants should consider providing new or additional open space, including green infrastructure, sport or recreation facilities, to substitute for any losses as a result of their proposal. Applicants should use any up-to-date local authority assessment or, if there is none, provide an independent assessment to show whether the existing open space, sports and recreational buildings and land are surplus to requirements.</i></p> <p><i>During any pre-application discussions with the applicant, the local planning authority (LPA) should identify any concerns it has about the impacts of the application on land use, having regard to the development plan and relevant applications and including, where relevant, whether it agrees with any independent assessment that the land is surplus to requirements.</i></p> <p><i>Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5), except where this would be inconsistent with other sustainability considerations. Applicants should also identify any effects and seek to minimise impacts on soil quality, taking into account any mitigation measures proposed. For developments on previously developed</i></p>	<p>ES Chapter 16 Socio Economic (Application Document 8.2.16) considers both the impacts of the proposed IERRT development on existing uses currently operating from the site, and the potential impacts on neighbouring and nearby uses. Drawing upon detailed information contained in other ES chapters, Chapter 16 of the ES demonstrates no significant effects will be generated in this regard. No existing use of activity is prevented from continuing.</p> <p>The IERRT Project does not involve the development of open space, green infrastructure, sports or recreational buildings and land. Neither does the development involve the use of any agricultural land, Green Belt or land which is identified in some way as a mineral resource.</p> <p>Risks posed by potential land contamination is considered in the Ground Conditions including Land Quality assessment (ES Chapter 12 – Application Document 8.2.12) where only neutral to slight adverse (non-significant) residual effects are identified after mitigation measures (set out in section 12.9 of Chapter 12) are taken into account.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>land, applicants should ensure that they have considered the risk posed by land contamination.</i></p> <p><i>Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place.</i></p> <p><i>The general policies controlling development in the countryside apply with equal force in Green Belts, but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances. Applicants should therefore determine whether their proposal, or any part of it, is within an established Green Belt and, if it is, whether their proposal may be inappropriate development within the meaning of Green Belt policy – see 5.13.17 below.</i></p> <p><i>However, infilling or redevelopment of major developed sites in the Green Belt, if identified as such by the local planning authority, may be suitable for some forms of nationally significant infrastructure. It may help to secure jobs and prosperity without further prejudicing the Green Belt, or even offer the opportunity for further environmental improvement. Applicants should refer to the relevant criteria on such developments in Green Belts.”</i></p>	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
<p>Paras 5.13.12 to 5.13.18</p>	<p>These paragraphs provide guidance to the decision maker, and state,</p> <p><i>“Where the project conflicts with a proposal in a development plan, the decision-maker should take account of the stage which the development plan document in England or local development plan in Wales has reached in deciding what weight to give to the plan for the purposes of determining the planning significance of what is replaced, prevented or precluded. The closer the development plan document in England or local development plan in Wales is to being adopted by the LPA, the greater the weight which can be attached to it.</i></p> <p><i>The decision-maker should not grant consent for development on existing open space, sports and recreational buildings and land unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements, or the decision-maker determines that the benefits of the project (including need) outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities. The loss of playing fields should only be allowed where applicants can demonstrate that they will be replaced</i></p>	<p>Matters raised in this guidance section of the NPSfP have been answered in the response provided in the previous row.</p> <p>In addition, it is highlighted that the proposed IERRT does not conflict with a proposal in the development plan. This is a matter which is further considered within Appendix 3 of this planning statement.</p> <p>The proposed IERRT development does not have any adverse implications for the continuous signed and managed route around the coast, as provided for in the Marine and Coastal Access Act 2009. The proposed development does not impede the further improvement of this route in this part of the coast.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>with facilities of equivalent or better quantity or quality in a suitable location.</i></p> <p><i>Where networks of green infrastructure have been identified in development plans, they should normally be protected from development and, where possible, strengthened by or integrated within it.</i></p> <p><i>The decision-maker should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. It should give little weight to the loss of poorer-quality agricultural land (in grades 3b, 4 and 5), except in areas (such as uplands) where particular agricultural practices may themselves contribute to the quality and character of the environment or the local economy.</i></p> <p><i>In considering the impact on maintaining coastal recreation sites and features, the decision-maker should expect applicants to have taken advantage of opportunities to maintain and enhance access to the coast. In doing so, the decision-maker should consider the implications for development of the creation of a continuous signed and managed route around the coast, as provided for in the Marine and Coastal Access Act 2009.</i></p> <p><i>When located in the Green Belt, port infrastructure projects may comprise 'inappropriate development'.</i></p>	

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>Inappropriate development is by definition harmful to the Green Belt and there is a presumption against it. The decision-maker will need to assess whether there are very special circumstances to justify inappropriate development. Very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the decision-maker will attach substantial weight to the harm to the Green Belt when considering any application for such development.</i></p> <p><i>In Wales, ‘green wedges’ may be designated locally. Green wedges give the same protection in Wales as Green Belt in England. Green wedges do not convey the same level of permanence of a Green Belt and should be reviewed by the local authority as part of the development plan review process. As with Green Belt, there is a presumption against inappropriate development, and the decision-maker should assess whether there are very special circumstances to justify any proposed inappropriate development.”</i></p>	
<p>Paras 5.13.19 to 5.13.24</p>	<p>These paragraphs consider mitigation matters and state,</p> <p><i>“Applicants can minimise the direct effects of a project on the existing use of the proposed site, or proposed</i></p>	<p>As explained within Chapter 16 Socio Economic of the ES (Application Document 8.2.16) – which itself draws upon the detailed assessments contained within other ES chapters – various mitigation measures are to be put in place to ensure that both the direct and indirect</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>uses near the site, by the application of good design principles, including the layout of the project.</i></p> <p><i>Where green infrastructure is affected, the decision-maker should, if necessary, consider imposing requirements to ensure the connectivity of the green infrastructure network is maintained and any necessary works are undertaken, where possible, to mitigate any adverse impact and, where appropriate, to improve that network and other areas of open space, including appropriate access to new coastal access routes.</i></p> <p><i>The decision-maker should also consider whether mitigation of any adverse effects on green infrastructure or open space is adequately provided for by means of any planning obligations, for example to exchange land and provide for appropriate management and maintenance agreements. Any exchange land should be at least as good in terms of size, usefulness, attractiveness, quality and accessibility. Alternatively, where sections 131 and 132 of the Planning Act 2008 apply, replacement land provided under those sections will need to conform to the requirements of those sections.</i></p> <p><i>Where a proposed development has an impact upon a Mineral Safeguarding Area (MSA), the decision-maker should ensure that appropriate mitigation</i></p>	<p>impacts of the IERRT project on existing uses on the site and in the locality are minimised.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>measures have been put in place to safeguard mineral resources.</i></p> <p><i>Where a project has a sterilising effect on land use, there may be scope for this to be mitigated through, for example, using the land for nature conservation or wildlife corridors, or for parking and storage in employment areas.</i></p> <p><i>Rights of way, National Trails and other rights of access to land (e.g. open access land) are important recreational facilities, e.g. for walkers, cyclists and horse riders. The decision-maker should expect applicants to take appropriate mitigation measures to address adverse effects on coastal access, National Trails and other rights of way. Where this is not the case, the decision-maker should consider what appropriate mitigation requirements might be attached to any grant of development consent.”</i></p>	
<p>5. GENERIC IMPACTS – 5.14 Socio-economic impacts</p>		
<p>Para 5.14.1</p>	<p>This paragraph introduces this topic and states,</p> <p><i>“The construction, operation and decommissioning of port infrastructure may have socio-economic impacts at local and regional levels.”</i></p>	<p>This information is noted but no IERRT specific response is required.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
<p>Paras 5.14.2 and 5.14.5</p>	<p>These paragraphs provide information on assessment matters, and state,</p> <p><i>“Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES (see section 4.7).</i></p> <p><i>“This assessment should consider all relevant socio-economic impacts, which may include:</i></p> <ul style="list-style-type: none"> <i>• the creation of jobs and training opportunities;</i> <i>• the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities;</i> <i>• effects on tourism;</i> <i>• the impact of a changing influx of workers during the different construction, operation and decommissioning phases of the energy infrastructure. This could change the local population dynamics and could alter the demand for services and facilities in the settlements nearest to the construction work (including community facilities and physical infrastructure such as energy, water, transport and waste). There could also be effects on social cohesion,</i> 	<p>Chapter 16: Socio economic of the ES (Application Document 8.2.16) comprises an assessment of the likely significant socio-economic effects of the IERRT Project on employment, local businesses and the local population.</p> <p>The assessment has had due regard to the matters which are specifically listed in NPSfP paragraph 5.14.3. The assessment also clearly describes existing socio-economic conditions and has due regard to local planning policies.</p> <p>The assessment demonstrates that during construction of the IERRT Project it is estimated that between approximately 460 and 700 workers will be on site per year, depending on how / over what time period the Project is constructed (section 16.8 of Chapter 16: Socio-Economic Receptors of the ES).</p> <p>ES Table 16.9 demonstrates that, taking the 700 jobs figure as a starting point, a total of some 788 workers might be on site per year (taking into account displacement and inducement / multiplier effects) of which 591 will be taken by people living within the Grimsby TTWA and 197 by people living outside the TTWA.</p> <p>ES Table 16.10 presents similar estimates for operational employment which totals 196 net jobs of</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<p><i>depending on how populations and service provision change as a result of the development; and</i></p> <ul style="list-style-type: none"> <i>• cumulative effects – if development consent were to be granted to for a number of projects within a region and these were developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region.</i> <p><i>Applicants should describe the existing socio-economic conditions in the areas surrounding the proposed development and should also refer to how the development’s socio-economic impacts correlate with local planning policies.</i></p> <p><i>Socio-economic impacts may be linked to other impacts – for example, the visual impact of a development is considered in section 5.11 but may also have an impact on tourism and local businesses.”</i></p>	<p>which 176 are estimated to be taken by residents of the Grimsby TTWA and 20 by people living beyond.</p> <p>In terms of impacts on local services and infrastructure, these impacts are considered to be low due to the distance to local populations and services from the Project site and the fact that the site and its surroundings have been in Port use for many years. This is both during the construction and operation of the Project.</p> <p>In terms of changing population dynamics, as shown above, it is estimated that the majority of workers will be resident locally within the Grimsby TTWA. It is demonstrated that the local housing market has the capacity to absorb the limited number of workers who are sourced from beyond the TTWA.</p> <p>Given the nature of the Project, there are not anticipated to be any impacts on visitors or tourism.</p> <p>Effects of the Project on named businesses located close to the Project site are discussed in Chapter 16 of the ES. None are anticipated to experience significant effects either during construction or operation of the Project.</p> <p>Cumulative effects are considered in Chapter 20 Cumulative and In-Combination Effects of the ES.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
		<p>Overall, the assessment identifies that the Project will have a net beneficial effect on the Grimsby TTWA economy through the provision of employment and associated multiplier effects.</p> <p>Landscape and visual impacts have been scoped out of the Environmental Statement (see response to Section 5.1 of the NPSfP above) and no impacts are predicted on tourism or visitors.</p>
<p>Para 5.14.6 to 5.14.8</p>	<p>These paragraphs provide guidance to the decision maker in respect of socio-economic matters. They state,</p> <p><i>“The decision-maker should have regard to the potential socio-economic impacts of new port infrastructure identified by the applicant and from any other sources that the decision-maker considers to be both relevant and important to its decision.</i></p> <p><i>It is reasonable for the decision-maker to conclude that limited weight is to be given to assertions of socio-economic impacts that are not supported by evidence.</i></p> <p><i>The decision-maker should consider any positive provisions the developer has made through developer contributions and any legacy benefits that may arise, as well as considering any options for phasing</i></p>	<p>These matters are addressed in the response provided in the previous row.</p>

NPSfP para no.	Relevant content of the NPSfP	Review of Project Accordance
	<i>development in relation to the socio-economic impacts.”</i>	
Para 5.14.9	<p>This paragraph considers mitigation matters and states,</p> <p><i>“The decision-maker should consider whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of the development. For example, high-quality design can improve the visual and environmental experience for visitors and the local community alike.”</i></p>	<p>No measures are considered necessary to specifically mitigate any socio-economic impacts as the net effect is considered to be beneficial.</p> <p>The conclusions reached in terms of socio economic effects on other businesses and operations are, however, reliant upon mitigation set out in other assessment topic chapters of the ES.</p>

APPENDIX 2: ACCORDANCE WITH POLICY CONTAINED WITHIN THE EAST INSHORE AND EAST OFFSHORE MARINE PLANS (DEFRA, 2014)

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
Chapter 1: Background and Overview		
Paragraph 7	<p>This paragraph of the Plan states,</p> <p><i>“Applications for development consent for nationally significant infrastructure projects, including offshore renewable energy installations over 100 Megawatts and larger port developments, must be determined in accordance with the Planning Act 2008. Where a relevant National Policy Statement (NPS) has been designated, nationally significant infrastructure project applications must be determined in accordance with the National Policy Statement, subject to certain exceptions, and have regard to the Marine Policy Statement (MPS) and relevant marine plans.”</i></p>	<p>Section 8 of this Planning Statement and the remainder of this table demonstrates that the applicant has paid due regard to the relevant provisions of the MPS and the East Inshore and East Offshore Marine Plans.</p>
Paragraph 24	<p>This paragraph of the Plan provides contextual information on the East Inshore Marine Plan area and states,</p> <p><i>“The Humber Estuary, located in the north of the East Inshore Marine Plan area, hosts the United Kingdom’s busiest port cluster, (in 2011), Grimsby and Immingham, handling 12% of the United Kingdom’s traffic, with up to 40,000 ship movements per year. There is a complex mix of industrial, commercial, agricultural and residential uses. The Humber receives large inputs of suspended</i></p>	<p>It is noted that the Marine Plan recognises the complex mix of uses in the Humber Estuary and the importance of the Grimsby and Immingham port cluster to the UK economy.</p>

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
	<p><i>sediment from the North Sea, the Holderness Coast and from the rivers flowing into the estuary. This material is critical to many of the designated habitats within the estuary such as mudflats and saltmarsh.”</i></p>	
<p>Chapter 2: Vision and Objectives</p>		
<p>Vision</p>	<p>The vision for the East Marine Plan areas in 2034 is given as,</p> <p><i>“By 2034, sustainable, effective and efficient use of the East Inshore and East Offshore Marine Plan Areas has been achieved, leading to economic development while protecting and enhancing the marine and coastal environment, offering local communities’ new jobs, improved health and well-being. As a result of an integrated approach that respects other sectors and interests, the East marine plan areas are providing a significant contribution, particularly through offshore wind energy projects, to the energy generated in the United Kingdom and to targets on climate change.”</i></p>	<p>The IERRT Project will support this vision by enabling the Port of Immingham to provide additional capacity, through the construction of a Ro-Ro facility, to service the embarkation and disembarkation of Ro-Ro cargo and therefore continue to support the economic development of the area covered by the East Marine Plans. This in turn will provide social benefits, particularly in terms of providing opportunities for employment. Further details on the need for and objectives of the IERRT project are included in Chapter 4 Need and Alternatives of the ES (Application Document 8.2.4) and supporting appendices. The applicant has sought to avoid and minimise any adverse environmental impacts and proposes mitigation to address any impacts that do arise. Overall, the proposed development is considered to support the East Marine Plans’ Vision.</p>

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
<p>Objective 1: To promote the sustainable development of economically productive activities, taking account of spatial requirements of other activities of importance to the East marine plan areas.</p>		
<p>Policy EC1</p>	<p>This policy states, <i>“Proposals that provide economic productivity benefits which are additional to Gross Value Added currently generated by existing activities should be supported.”</i></p>	<p>The IERRT Project will support the sustainable development of economically productive activities by accommodating both existing and future customer demand at the Port. The IERRT Project will maintain and enhance the function of the Port of Immingham through the provision of additional Ro-Ro freight capacity. Further details on the socio-economic benefits of the IERRT project are included in Chapter 16: Socio economic of the ES (Application Document 8.2.16) which estimates in terms of GVA that construction of the project alone will contribute £41.2m per annum to the economy. During operation the project is estimated to generate an additional £2.9m per annum to the economy. Overall, the proposed development is considered to be in accordance with Policy EC1.</p>
<p>Objective 2: To support activities that create employment at all skill levels, taking account of the spatial and other requirements of activities in the East marine plan areas.</p>		
<p>Policy EC2</p>	<p>This policy states, <i>“Proposals that provide additional employment benefits should be supported, particularly where these benefits</i></p>	<p>The proposed development will support the ongoing and future operation and associated employment at the Port of Immingham. All skill levels will be supported from high-skilled technicians, roles in the supporting logistics chain</p>

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
	<i>have the potential to meet employment needs in localities close to the marine plan areas.”</i>	and administrative and management roles both during construction and operation of the project. Further details on the socio-economic benefits of the IERRT Project are included in Chapter 16 Socio economic of the ES (Application Document 8.2.16) which identifies that the Project will generate 788 net jobs during construction and 196 during operation. Overall, the proposed development is considered to be in accordance with Policy EC2.
<p>Objective 3: To realise sustainably the potential of renewable energy, particularly offshore wind farms, which is likely to be the most significant transformational economic activity over the next 20 years in the East marine plan areas, helping to achieve the United Kingdom’s energy security and carbon reduction objectives.</p>		
Policy EC3	This policy states, <i>“Proposals that will help the East marine plan areas to contribute to offshore wind energy generation should be supported.”</i>	The IERRT Project will enable the Port of Immingham to address the need for increased Ro-Ro freight capacity. Policy EC3, therefore, is not directly relevant to the proposed development. However, the IERRT project will in no way hinder the achievement of this objective of the plan.

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
<p>Objective 4: To reduce deprivation and support vibrant, sustainable communities through improving health and social well-being.</p>		
<p>Policy SOC1</p>	<p>This policy states, <i>“Proposals that provide health and social well-being benefits including through maintaining, or enhancing, access to the coast and marine area should be supported.”</i></p>	<p>The proposed development will not affect access to the marine plan area but will provide health and social well-being benefits through the creation of economic opportunities and employment as identified in Chapter 16 Socio economic of the ES (Application Document 8.2.16). Overall, the proposed development is considered to be in accordance with Policy SOC1.</p>
<p>Objective 5: To conserve heritage assets, nationally protected landscapes and ensure that decisions consider the seascape of the local area.</p>		
<p>Policy SOC2</p>	<p>This policy states, <i>“Proposals that may affect heritage assets should demonstrate, in order of preference:</i> <i>a) that they will not compromise or harm elements which contribute to the significance of the heritage asset</i> <i>b) how, if there is compromise or harm to a heritage asset, this will be minimised</i> <i>c) how, where compromise or harm to a heritage asset cannot be minimised it will be mitigated against or</i> <i>d) the public benefits for proceeding with the proposal if it is not possible to minimise or mitigate compromise or harm to the heritage asset.”</i></p>	<p>The proposed development will not significantly affect any cultural heritage assets. Nonetheless, mitigation is proposed in the form of a Written Scheme of Investigation which would result in a significant positive effect through contributing to the knowledge base of seabed prehistory receptors. Further information on the impacts of the IERRT project on heritage assets is provided in Chapter 15 Cultural Heritage and Marine Archaeology of the ES (Application Document 8.2.15). Overall, the proposed development is considered to be in accordance with Policy SOC2.</p>

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
Policy SOC3	<p>This policy states,</p> <p><i>“Proposals that may affect the terrestrial and marine character of an area should demonstrate, in order of preference:</i></p> <p><i>a) that they will not adversely impact the terrestrial and marine character of an area</i></p> <p><i>b) how, if there are adverse impacts on the terrestrial and marine character of an area, they will minimise them</i></p> <p><i>c) how, where these adverse impacts on the terrestrial and marine character of an area cannot be minimised, they will be mitigated against</i></p> <p><i>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts.”</i></p>	<p>The nature of the IERRT Project is characteristic of the existing and historic uses of the site and surroundings as a port. The Project will not give rise to significant landscape/seascape or visual impact effects and, therefore, as set out in ES Chapter 6 Impact Assessment Approach of the ES (Application Document 8.2.6), in line with the Scoping Opinion from PINS and comments provided by West Lindsey District Council, North Lincolnshire Council, and North East Lincolnshire Council, landscape/seascape and visual impacts have been scoped out of the ES. This approach was also confirmed and agreed with Natural England during a subsequent pre-application meeting.</p> <p>Overall, the proposed development is considered to accord with Policy SOC3.</p>

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
<p>Objective 6: <i>To have a healthy, resilient and adaptable marine ecosystem in the East marine plan areas.</i></p>		
<p>Policy ECO1</p>	<p>This policy states, <i>“Cumulative impacts affecting the ecosystem of the East marine plans and adjacent areas (marine, terrestrial) should be addressed in decision-making and plan implementation.”</i></p>	<p>The IERRT Project is not considered to result in any significant adverse impacts on marine and terrestrial habitats or species where it is not possible to avoid and/or minimise to environmentally acceptable levels through the application of appropriate mitigation measures. There are no other known plans or projects that will result in any significant adverse cumulative and/or in-combination effects with the IERRT project. Further details on the cumulative and in-combination effects of the IERRT project are included in ES Chapter 20 Cumulative and In-Combination Effects of the ES (Application Document 8.2.20) and the HRA (Application Document 9.6).</p> <p>Overall, the proposed development is considered to accord with Policy ECO1.</p>
<p>Policy ECO2</p>	<p>This policy states, <i>“The risk of release of hazardous substances as a secondary effect due to any increased collision risk should be taken account of in proposals that require an authorisation.”</i></p>	<p>The proposed development is not considered to result in a significant risk of hazardous substances being released into the marine environment. Further details on the water and sediment quality effects of the IERRT project and the potential risk of vessel collisions are included in ES Chapter 8 Water and Sediment Quality (Application Document 8.2.8) and ES Chapter 10 Commercial and</p>

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
		<p>Recreational Navigation of the ES (Application Document 8.2.10) and the Navigational Risk Assessment (ES Appendix 10.1 - Application Document 8.4.10(a)).</p> <p>Overall, the proposed development is considered to accord with Policy ECO2.</p>
<p>Objective 7: To protect, conserve and, where appropriate, recover biodiversity that is in or dependent upon the East marine plan areas.</p>		
<p>Policy BIO1</p>	<p>This policy states, <i>“Appropriate weight should be attached to biodiversity, reflecting the need to protect biodiversity as a whole, taking account of the best available evidence including on habitats and species that are protected or of conservation concern in the East marine plans and adjacent areas (marine, terrestrial).”</i></p>	<p>The IERRT Project is not considered to result in any significant adverse impacts on marine and terrestrial biodiversity where it is not possible to avoid and/or minimise to environmental acceptable levels through the application of appropriate mitigation measures. Further details on the nature conservation and marine ecology effects of the IERRT Project are included in Chapter 9 Nature Conservation and Marine Ecology of the ES (Application Document 8.2.9), the HRA (Application Document 9.6) and in ES Appendices 9.1 Benthic Surveys Summary Report and 9.2 Underwater Noise Assessment (Application Documents 8.4.9(a) and 8.4.9(b)). In addition, a Preliminary Ecological Appraisal (PEA) has been undertaken and is included in Appendix 6.2 (Application Document 8.4.6(b)).</p>
<p>Policy BIO2</p>	<p>This policy states, <i>“Where appropriate, proposals for development should incorporate features that enhance biodiversity and geological interests.”</i></p>	

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
		<p>In spite of the limited impacts, and the limited opportunity to deliver ecological enhancement within an operating port, an off-site area of Priority Habitat (broad-leaved woodland) at Long Wood, 300m south-east of the site off Laporte Road, which is in the Applicant’s ownership, will be subject to enhancement works.</p> <p>Overall, a summary of the potential impacts, mitigation measures proposed and residual impacts is provided at Section 9.11 of Chapter 9: Nature Conservation and Marine Ecology of the ES. Specific mitigation measures are proposed. Furthermore, a requirement in the draft DCO (Application Document 3.1) requires that no construction may commence until the Woodland Enhancement Management Plan has been approved by the relevant local planning authority. Overall, the proposed development is considered to accord with Policies BIO1 and BIO2.</p>

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
<p>Objective 8: To support the objectives of Marine Protected Areas (and other designated sites around the coast that overlap, or are adjacent to the East marine plan areas), individually and as part of an ecologically coherent network.</p>		
<p>Policy MPA1</p>	<p>This policy states, <i>“Any impacts on the overall Marine Protected Area network must be taken account of in strategic level measures and assessments, with due regard given to any current agreed advice on an ecologically coherent network.”</i></p>	<p>The proposed development is not considered to result in an adverse effect on integrity (AEOI) on any European/Ramsar sites either alone or in combination with other activities, plans or projects. Further information is provided in the HRA document (Application Document 9.6). In addition, there is considered to be no significant risk that the IERRT project will affect any MCZ interest features, given the nearest MCZ is the Holderness Inshore MCZ which is located approximately 20 km away from the proposed development.</p> <p>Overall, the proposed development is considered to accord with Policy MPA1.</p>
<p>Objective 9: To facilitate action on climate change adaptation and mitigation in the East marine plan areas.</p>		
<p>Policy CC1</p>	<p>This policy states, <i>“Proposals should take account of:</i></p> <ul style="list-style-type: none"> • <i>how they may be impacted upon by, and respond to, climate change over their lifetime and</i> • <i>how they may impact upon any climate change adaptation measures elsewhere during their lifetime</i> 	<p>The proposed development will not alter the impacts of climate change or be impacted by the effects of climate change. Emissions during construction and operation of the IERRT project will not be expected to affect the UK in meeting its Carbon Budgets. A number of climate resilience measures have also been embedded within the design of the IERRT project. Further consideration</p>

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
	<p><i>Where detrimental impacts on climate change adaptation measures are identified, evidence should be provided as to how the proposal will reduce such impacts.”</i></p>	<p>of the impact of the proposed development on climate change and the effects of climate change on the proposed development are included in Chapters 19 Climate Change and 11 Coastal Protection, Flood Risk and Drainage of the ES (Application Document 8.2.11 and 8.2.19) and in ES Appendix 11.1: Flood Risk Assessment (Application Document 8.4.11).</p>
<p>Policy CC2</p>	<p>This policy states,</p> <p><i>“Proposals for development should minimise emissions of greenhouse gases as far as is appropriate. Mitigation measures will also be encouraged where emissions remain following minimising steps. Consideration should also be given to emissions from other activities or users affected by the proposal.”</i></p>	<p>Overall, the proposed development is considered to accord with Policies CC1 and CC2.</p>
<p>Objective 10: To ensure integration with other plans, and in the regulation and management of key activities and issues, in the East marine plans, and adjacent areas.</p>		
<p>Policy GOV1</p>	<p>This policy states,</p> <p><i>“Appropriate provision should be made for infrastructure on land which supports activities in the marine area and vice versa.”</i></p>	<p>The Project includes proposals for new and improved infrastructure – both on land and in the marine area - that can be delivered without causing significant adverse effects, including in respect of other existing activities. The project includes appropriate mitigation for effects.</p>
<p>Policy GOV2</p>	<p>This policy states,</p> <p><i>“Opportunities for co-existence should be maximised wherever possible.”</i></p>	<p>The Project itself is a form of co-existence as it comprises of a port use within a wider area already used for such purposes. It will make more effective use of an under-utilised area within the Applicant’s ownership. The development does not require the</p>
<p>Policy GOV3</p>	<p>This policy states,</p>	

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
	<p><i>“Proposals should demonstrate in order of preference:</i></p> <p><i>a) that they will avoid displacement of other existing or authorised (but yet to be implemented) activities</i></p> <p><i>b) how, if there are adverse impacts resulting in displacement by the proposal, they will minimise them</i></p> <p><i>c) how, if the adverse impacts resulting in displacement by the proposal, cannot be minimised, they will be mitigated against or</i></p> <p><i>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts of displacement.”</i></p>	<p>need to expand the envelope of the operation of the port beyond its existing boundary.</p> <p>The proposed development will not result in significant adverse effects on other marine activities or port users. The impacts on existing uses are explained in ES Chapter 16 Socio Economic (Application Document 8.2.16) which in turn draws upon the conclusions reached in other assessment chapters, such as Chapter 10 Commercial and Recreational Navigation of the ES (Application Document 8.2.10).</p> <p>Overall, the proposed development is considered to accord with these policies.</p>
Policy DEF1	<p>This policy states,</p> <p><i>“Proposals in or affecting Ministry of Defence Danger and Exercise Areas should not be authorised without agreement from the Ministry of Defence.”</i></p>	<p>The IERRT Project does not lie within, nor affect, any MoD Defence Danger or Exercise Area. Therefore, this policy is not relevant to the consideration of the Project.</p>
Policy OG1	<p>This policy states,</p> <p><i>“Proposals within areas with existing oil and gas production should not be authorised except where compatibility with oil and gas production and infrastructure can be satisfactorily demonstrated.”</i></p>	<p>The IERRT Project does not lie within an existing oil or gas production area. The Applicant has demonstrated through Chapter 16 Socio Economic (Application Document 8.2.16) and Chapter 10 Commercial and Recreational Navigation of the ES (Application Document 8.2.10) that the Project would be compatible with the operation of the adjacent Associated Petroleum Terminal and other</p>

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
		liquid bulk transfer and storage facilities in the wider Port area.
Policy OG2	<p>This policy states,</p> <p><i>“Proposals for new oil and gas activity should be supported over proposals for other development.”</i></p>	The IERRT Project does not comprise an oil or gas activity. Neither is there a proposal for oil or gas activity or development at the site, which is owned by the applicant.
Policy WIND1	<p>This policy states,</p> <p><i>“Developments requiring authorisation, that are in or could affect sites held under a lease or an agreement for lease that has been granted by The Crown Estate for development of an Offshore Wind Farm, should not be authorised unless</i></p> <p><i>a) they can clearly demonstrate that they will not compromise the construction, operation, maintenance, or decommissioning of the Offshore Wind Farm</i></p> <p><i>b) the lease/agreement for lease has been surrendered back to The Crown Estate and not been re-tendered</i></p> <p><i>c) the lease/agreement for lease has been terminated by the Secretary of State</i></p> <p><i>d) in other exceptional circumstances.”</i></p>	The Project does not comprise, nor will it affect any offshore windfarm or related infrastructure.
Policy WIND2	<p>This policy states,</p> <p><i>“Proposals for Offshore Wind Farms inside Round 3 zones, including relevant supporting projects and infrastructure, should be supported.”</i></p>	

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
Policy TIDE1	<p>This policy stats,</p> <p><i>“In defined areas of identified tidal stream resource (...) proposals should demonstrate, in order of preference:</i></p> <p><i>a) that they will not compromise potential future development of a tidal stream project</i></p> <p><i>b) how, if there are any adverse impacts on potential tidal stream deployment, they will minimise them</i></p> <p><i>c) how, if the adverse impacts cannot be minimised, they will be mitigated</i></p> <p><i>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts.”</i></p>	<p>The Project does not lie within, nor will it affect an identified tidal stream resource.</p>
Policy CCS1	<p>This policy states,</p> <p><i>“Within defined areas of potential carbon dioxide storage, (...) proposals should demonstrate in order of preference:</i></p> <p><i>a) that they will not prevent carbon dioxide storage</i></p> <p><i>b) how, if there are adverse impacts on carbon dioxide storage, they will minimise them</i></p> <p><i>c) how, if the adverse impacts cannot be minimised, they will be mitigated</i></p> <p><i>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts.”</i></p>	<p>The Project does not lie within a defined area of potential carbon dioxide storage, nor will it affect any such designated area.</p>
Policy CCS2	<p>This policy states,</p>	<p>This policy is not of relevance to the proposed IERRT project.</p>

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
	<p><i>“Carbon Capture and Storage proposals should demonstrate that consideration has been given to the re-use of existing oil and gas infrastructure rather than the installation of new infrastructure (either in depleted fields or in active fields via enhanced hydrocarbon recovery).”</i></p>	
<p>Policy PS1</p>	<p>This policy states,</p> <p><i>“Proposals that require static sea surface infrastructure or that significantly reduce under-keel clearance should not be authorised in International Maritime Organization designated routes.”</i></p>	<p>The IERRT Project does not require static sea surface infrastructure, nor will it reduce under-keel clearance.</p>
<p>Policy PS2</p>	<p>This policy states,</p> <p><i>“Proposals that require static sea surface infrastructure that encroaches upon important navigation routes (...) should not be authorised unless there are exceptional circumstances. Proposals should:</i></p> <ul style="list-style-type: none"> <i>a) be compatible with the need to maintain space for safe navigation, avoiding adverse economic impact</i> <i>b) anticipate and provide for future safe navigational requirements where evidence and/or stakeholder input allows and</i> <i>c) account for impacts upon navigation in-combination with other existing and proposed activities.”</i> 	<p>The Project does not require static sea surface infrastructure, nor will it encroach on important navigation routes.</p>

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
Policy PS3	<p>This policy states,</p> <p><i>“Proposals should demonstrate, in order of preference:</i></p> <p><i>a) that they will not interfere with current activity and future opportunity for expansion of ports and harbours</i></p> <p><i>b) how, if the proposal may interfere with current activity and future opportunities for expansion, they will minimise this</i></p> <p><i>c) how, if the interference cannot be minimised, it will be mitigated</i></p> <p><i>d) the case for proceeding if it is not possible to minimise or mitigate the interference.”</i></p>	<p>Chapter 16 Socio economic of the ES (Application Document 8.2.16) demonstrates how the impacts of the proposed development on current port activity will be minimised to an acceptable level. No significant effects are predicted in this regard.</p> <p>Chapter 10 Commercial and Recreational Navigation of the ES (Application document 8.2.10) in particular presents an assessment of the potential significant effects of the project on commercial and recreational navigation. It concludes that, following the application of mitigation measures, that all of the potential impacts on commercial and recreational navigation that have been identified can be concluded as being not significant in EIA terms.</p> <p>Overall, the proposed development is considered to accord with this policy.</p>
Policy DD1	<p>This policy states,</p> <p><i>“Proposals within or adjacent to licensed dredging and disposal areas should demonstrate, in order of preference</i></p> <p><i>a) that they will not adversely impact dredging and disposal activities</i></p> <p><i>b) how, if there are adverse impacts on dredging and disposal, they will minimise these</i></p>	<p>The Project is not within or adjacent to a licensed dredging or disposal area, nor will it adversely affect any such area.</p>

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
	<p><i>c) how, if the adverse impacts cannot be minimised they will be mitigated</i></p> <p><i>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts.”</i></p>	
<p>Policy AGG1</p>	<p>This policy states,</p> <p><i>“Proposals in areas where a licence for extraction of aggregates has been granted or formally applied for should not be authorised unless there are exceptional circumstances.”</i></p>	<p>The Project is not within or adjacent to a licensed aggregate extraction area, nor will it adversely affect any such area.</p>
<p>Policy AGG2</p>	<p>This policy states,</p> <p><i>“Proposals within an area subject to an Exploration and Option Agreement with The Crown Estate should not be supported unless it is demonstrated that the other development or activity is compatible with aggregate extraction or there are exceptional circumstances.”</i></p>	<p>The Project is not within or adjacent to an area subject to an Exploration and Option agreement with the Crown Estate, nor will it adversely affect any such area.</p>
<p>Policy AGG3</p>	<p>This policy states,</p> <p><i>“Within defined areas of high potential aggregate resource, proposals should demonstrate in order of preference:</i></p> <p><i>a) that they will not, prevent aggregate extraction</i></p> <p><i>b) how, if there are adverse impacts on aggregate extraction, they will minimise these</i></p> <p><i>c) how, if the adverse impacts cannot be minimised, they will be mitigated</i></p>	<p>The Project is not within a defined high potential aggregate resource area, nor will it adversely affect any such area.</p>

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
	<p><i>d) the case for proceeding with the application if it is not possible to minimise or mitigate the adverse impacts.”</i></p>	
<p>Policy CAB1</p>	<p>This policy states,</p> <p><i>“Preference should be given to proposals for cable installation where the method of installation is burial. Where burial is not achievable, decisions should take account of protection measures for the cable that may be proposed by the applicant.”</i></p>	<p>The Project does not involve cable installation.</p>
<p>Policy FISH1</p>	<p>This policy states,</p> <p><i>“Within areas of fishing activity, proposals should demonstrate in order of preference:</i></p> <p><i>a) that they will not prevent fishing activities on, or access to, fishing grounds</i></p> <p><i>b) how, if there are adverse impacts on the ability to undertake fishing activities or access to fishing grounds, they will minimise them</i></p> <p><i>c) how, if the adverse impacts cannot be minimised, they will be mitigated</i></p> <p><i>d) the case for proceeding with their proposal if it is not possible to minimise or mitigate the adverse impacts.”</i></p>	<p>Chapter 9 Nature Conservation and Marine Ecology of the ES (Application Document 8.2.9) identifies the potential impacts of the project on marine ecology including fish. Section 9.11 of Chapter 9 summarises the impacts of the Project during construction and operation on fish and concludes that, with the application of mitigation measures to limit underwater noise impacts, the impacts are insignificant to minor in EIA terms.</p> <p>Overall, the proposed development is considered to accord with this policy.</p>
<p>Policy FISH2</p>	<p>This policy states,</p> <p><i>“Proposals should demonstrate, in order of preference:</i></p>	<p>See response to Policy FISH1 above. The same chapter also considers the potential impacts of the project on benthic habitats and species and arrives at the same conclusion of insignificant to minor impacts when mitigation measures are taken into</p>

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
	<p><i>a) that they will not have an adverse impact upon spawning and nursery areas and any associated habitat</i></p> <p><i>b) how, if there are adverse impacts upon the spawning and nursery areas and any associated habitat, they will minimise them</i></p> <p><i>c) how, if the adverse impacts cannot be minimised they will be mitigated</i></p> <p><i>d) the case for proceeding with their proposals if it is not possible to minimise or mitigate the adverse impacts.”</i></p>	<p>account. That mitigation includes restrictions on piling and marine construction works which are secured through the draft DCO (Application Document 3.1).</p> <p>Overall, the proposed development is considered to accord with this policy.</p>
<p>Policy AQ1</p>	<p>This policy states, <i>“Within sustainable aquaculture development sites (identified through research), proposals should demonstrate in order of preference:</i></p> <p><i>a) that they will avoid adverse impacts on future aquaculture development by altering the sea bed or water column in ways which would cause adverse impacts to aquaculture productivity or potential</i></p> <p><i>b) how, if there are adverse impacts on aquaculture development, they can be minimised</i></p> <p><i>c) how, if the adverse impacts cannot be minimised they will be mitigated</i></p> <p><i>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts.”</i></p>	<p>The Project is not located within a sustainable aquaculture development site, nor will it generate any adverse impacts on such sites.</p>
<p>Policy TR1</p>	<p>This policy states, <i>“Proposals for development should demonstrate that during construction and operation, in order of preference:</i></p>	<p>The project is located within an existing working port area and will have no significant adverse impacts on recreation or tourism activities – as explained further in ES Chapter 16 Socio economic (Application Document 8.2.16) which in turn draws</p>

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
	<p><i>a) they will not adversely impact tourism and recreation activities</i></p> <p><i>b) how, if there are adverse impacts on tourism and recreation activities, they will minimise them</i></p> <p><i>c) how, if the adverse impacts cannot be minimised, they will be mitigated</i></p> <p><i>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts.”</i></p>	<p>upon the assessment contained within other ES chapters such as Chapter 10 Commercial and Recreational Navigation of the ES (Application Document 8.2.10). That chapter confirms that, taking into account the effects of mitigation measures proposed as part of the Project and secured through the DCO, impacts on recreational navigation are insignificant.</p> <p>Overall, the proposed development is considered to accord with this policy.</p>
Policy TR2	<p>This policy states,</p> <p><i>“Proposals that require static objects in the East marine plan areas, should demonstrate, in order of preference:</i></p> <p><i>a) that they will not adversely impact on recreational boating routes</i></p> <p><i>b) how, if there are adverse impacts on recreational boating routes, they will minimise them</i></p> <p><i>c) how, if the adverse impacts cannot be minimised, they will be mitigated</i></p> <p><i>d) the case for proceeding with the proposal if it is not possible to minimise or mitigate the adverse impacts.”</i></p>	See response to Policy TR1 above.
Policy TR3	This policy states,	This policy is not of relevance to the proposed IERRT development.

Para / policy no.	Relevant content of East Marine Plans	Review of Project Accordance / Compliance
	<i>“Proposals that deliver tourism and/or recreation related benefits in communities adjacent to the East marine plan areas should be supported.”</i>	
Objective 11: To continue to develop the marine evidence base to support implementation, monitoring and review of the East marine plans.		
No specific polices are identified in the plan for this objective. However, the IERRT will not hinder in any way the achievement of this objective.		

APPENDIX 3: ACCORDANCE WITH RELEVANT POLICY CONTAINED WITHIN THE NORTH EAST LINCOLNSHIRE LOCAL PLAN 2013 – 2032 (ADOPTED 2018)

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
SECTION 5: SPATIAL PORTRAIT		
<p>Para 5.4</p>	<p>The site of the proposed development falls within the Estuary Zone defined in the plan. This zone is described in the following way in paragraph 5.4,</p> <p><i>“Consisting of mainly low-lying land, bordering and including the South Humber Bank, the Estuary Zone is an area of both ecological and industrial importance, giving rise to some particularly complex environmental planning issues and challenges, particularly associated with the Humber Estuary’s international designations. It includes the nationally important port, and town of Immingham and accommodates a major concentration of port-related and energy-related industry and commerce: these and the estuary itself are the main influences on the character, appearance and form of this part of the Borough.”</i></p> <p>The Estuary Zone is further described on the figure accompanying the Spatial Portrait in the following way,</p> <p><i>“The Estuary Zone includes the port town of Immingham and valuable land for economic</i></p>	<p>This information is noted but no IERRT specific response is required.</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
	<i>development between the ports of Grimsby and Immingham.”</i>	
SECTION 6: WHAT IS LIFE LIKE IN NORTH EAST LINCOLNSHIRE		
Paragraph 6.6	<p>In describing what life is like in North East Lincolnshire the plan discusses a number of important sectors to the local area. One of those sectors is ‘Ports and logistics’, which is described in the following way,</p> <p><i>“The Ports of Immingham and Grimsby combine to form the largest port complex in the UK by tonnage handled and the fourth largest in Europe. They are of international trading significance, providing a regional and national economic gateway and linking to European and other trading markets. Goods can be delivered to 75% of the UK population within a four-hour drive time, making the ports central to the UK’s trade and communication links. As the movement of goods by sea remains the most economically efficient means of transportation, the Borough’s logistics operations are set to remain strong for the foreseeable future.”</i></p>	<p>This information is noted. The proposed IERRT Project will further enhance the status of the Port of Immingham as a facility of international trading significance.</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
SECTION 7: SWOT ANALYSIS		
Section 7	<p>Section 7 of the plan draws together information provided in the wide range of evidence that has been prepared to inform the Local Plan and presents a series of Strengths, Weaknesses, Opportunities and Threats for North-East Lincolnshire in Tables 7.1 and 7.2.</p> <p>Amongst the Strengths identified are:</p> <p><i>“Economy: Strong and established industrial base, built on natural comparative advantage of Humber Estuary.”</i> <i>“Economy: National significance of five key sectors”</i> (one of which is the ‘Ports and Logistics’ sector discussed above); <i>“Infrastructure: Including dock infrastructure, pipelines, road and rail freight infrastructure, and flood defences.”</i></p> <p>Amongst the Opportunities identified are:</p> <p><i>“Economy: Build on international significance of the ports and recent renewable energy related investments in the Humber.”</i> <i>Economy: Ongoing role of the Ports within the UK import/export market.”</i></p>	<p>This information is noted. The IERRT Project will build upon the strengths and opportunities which have been identified.</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
FUTURE DEVELOPMENT REQUIREMENTS		
<p>Policy 1 – Employment land supply</p>	<p>Section 8 of the plan considers the future development requirements of North-East Lincolnshire. Policy 1 deals with the issue of employment land supply and the second aspect of the policy states:</p> <p><i>“The provision of a portfolio of sites will enable the development of B-class uses to accommodate growth primarily within the Renewables and Energy, Chemicals and Process Industries, Food Processing, and Ports and Logistics sectors. Sites selected will also ensure sufficient flexibility and choice for investors within these sectors, whilst ensuring that a minimum requirement of 123.6ha is accommodated.”</i></p>	<p>The proposed IERRT Project lies within an existing employment site – the Port of Immingham.</p> <p>The proposed development will make use of previously developed parts of the port which are currently not in active use, or where existing uses can be relocated elsewhere. The project will result in the growth of the Ports and Logistics sector within North-East Lincolnshire.</p> <p>ES Chapter 16 Socio Economic Receptors (Application Document 8.2.16) provides an assessment of impacts on employment over both the construction and operational phases of the IERRT project. Total net employment generated on site per year over the construction phase is predicted to be 788 (Table 16.8 of ES Chapter 16). During operation, it is anticipated that total net employment will be 196 jobs, with 176 of these being filled by residents of the Grimsby TTWA (Table 16.9 of ES Chapter 16).</p> <p>Whilst a number of businesses lie adjacent to or within the application site, various mitigation measures are proposed over the construction and operation phase to minimise impacts upon the on going operation of these businesses.</p> <p>Following the implementation of mitigation, no significant effects are expected to be experienced by existing</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
		<p>businesses and activities in terms of their operations during the construction and operation of the proposed development.</p> <p>The development of the IERRT Project will therefore contribute towards the growth of the Ports and Logistics sector, meeting the objectives of policy 1.</p>
SECTION 9: A VISION FOR NORTH-EAST LINCOLNSHIRE		
Spatial vision	<p>Within the spatial vision set out in the plan it is made clear that, amongst other things, by 2032</p> <p><i>‘Growth in key sectors ports and logistics, will be matched by a strong tourism and leisure offer.’</i></p>	<p>The proposed IERRT Project will provided growth in the ports and logistics key sector within North East Lincolnshire by 2032.</p>
Para 9.8	<p>This paragraph discusses the Estuary Zone and states,</p> <p><i>“The land adjacent to the Estuary in and around the ports, and adjacent to the deep-water channel is a valuable economic resource. By 2032 opportunities will have been taken to strengthen key economic sectors, capturing local economic benefits and realising the full potential of offshore renewable operations. Development will have been secured, strengthening the offer of the wider Humber sub area, whilst recognising the environmental and biodiversity qualities of the Humber Estuary, maintaining the</i></p>	<p>The IERRT Project will make appropriate use of the valuable economic resource that is land within the Port of Immingham that is close to the deep-water channel of the Humber Estuary.</p> <p>The IERRT Project will strengthen the key economic sector that is the Ports and Logistics sector by 2032, and – as demonstrated within the extensive information submitted as part of the IERRT DCO application – will do so whilst recognising the environmental and biodiversity qualities of the Humber Estuary, maintaining the integrity</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
	<p><i>integrity of designated sites, addressing the causes and consequences of climate change, and providing infrastructure improvements. Areas of land will have been identified and secured, and a long term management plan will be in place, to safeguard sites for roosting, loafing and foraging birds as part of a sub-regional delivery plan.”</i></p>	<p>of designated sites and appropriately addressing the causes and consequences of climate change.</p>
<p>Strategic Objectives</p>	<p>The strategic objectives set out in the plan provide a framework for the Plan policies to facilitate the form and pattern of development necessary to ensure that the vision is fully realised by 2032.</p> <p>Strategic Objective 1 deals with population, Strategic Objective 2 deals with climate change, Strategic Objective 3 deals with the economy, Strategic Objective 4 deals with housing, Strategic Objective 5 deals with Social and health inequality, Strategic Objective 6 deals with the built, historic and natural environment, Strategic Objective 7 deals with transport, Strategic Objective 8 deals with Town centres and local facilities, Strategic Objective 9 deals with design, Strategic Objective 10 deals with minerals and waste.</p>	<p>As demonstrated in the policy analysis contained within this table, the IERRT Project accords with a number of the strands set out in these strategic objectives.</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
SECTION 10: SPATIAL DEVELOPMENT STRATEGY		
<p>Policy 3 – Settlement Hierarchy and key diagram</p>	<p>The settlement hierarchy provides a framework for determining the location and scale of development. This policy seeks to ensure development is commensurate with a settlement's position in the settlement hierarchy.</p> <p>The key diagram which accompanies the spatial strategy identifies the location of the various settlements. The diagram identifies the Port of Immingham (along with the Port of Grimsby) which is shown located adjacent to the settlement of Immingham – a defined Level 2 Local Service Centre within the settlement hierarchy.</p>	<p>The Port of Immingham is part of the UK's leading port complex and is an existing gateway of significance that connects the UK with Europe and the rest of the world.</p> <p>Although not identified as part of a specific settlement on the defined hierarchy, the site of the IERRT project is located on a highly accessible brownfield site, suitable for the purposes envisaged where growth is encouraged.</p>
SECTION 11: GENERAL POLICIES		
<p>Policy 5 – Development boundaries</p>	<p>This policy makes clear that development boundaries are identified on the policies map, before then further making clear that all development proposals located within or outside of the defined boundaries will be considered with regard to suitability and sustainability, having regard to:</p> <p><i>“A. the size, scale, and density of the proposed development;</i></p>	<p>The landside elements of the proposed IERRT Project fall within an identified Development Area Boundary on the policies map.</p> <p>The proposed IERRT development is appropriate in terms of its size, scale and density having regard to the nature and characteristics of its site and surrounding area. The proposed development is entirely in keeping</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
	<p><i>B. access and traffic generation;</i> <i>C. provision of services (education, healthcare, community, retail and recreation);</i> <i>D. impact upon neighbouring land uses by reason of noise, air quality, disturbance or visual intrusion;</i> <i>E. advice from the Health and Safety Executive;</i> <i>F. flood risk;</i> <i>G. the quality of agricultural land;</i> <i>H. measures to address any contamination of the site; and</i> <i>I. impact on areas of heritage, landscape, biodiversity and geodiversity value, including open land that contributes to a settlement character.”</i></p>	<p>with the existing size, scale and density of development found within the Port of Immingham.</p> <p>The landside elements of the Project are confined to areas of the operational port estate and, being part of the statutory and operational port estate, will mainly consist of simple surface upgrades, replacement and new buildings, with access and drainage improvements.</p> <p>As the detailed transport assessment information provided as part of the DCO application (ES Chapter 17 and accompanying Transport Assessment – Application Documents 8.2.17 and 8.4.17(a)) demonstrates the IERRT project will not generate any significant adverse effects in respect of access or traffic generation.</p> <p>The assessment information also demonstrates that the IERRT Project will not generate significant adverse effect on neighbouring land uses by reason of noise, air quality, disturbance or visual intrusion.</p> <p>Chapter 18 Land Use Planning (Application Document 8.2.18) provides a detailed assessment of the implications of health and safety matters – which has taken account of consultation with the Health and Safety Executive (HSE). The assessment demonstrates that there will be no significant effects in terms of such matters.</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
		<p>The issue of flood risk is assessed within the Flood Risk Assessment (FRA) (ES Appendix 11.1 – Application Document 8.4.11) and the accompanying ES Chapter (Chapter 11 – Application Document 8.2.11). The assessment work concludes that the flood risk from all sources, to and from the site can be mitigated to a level which is low and acceptable.</p> <p>Assessment of potential contamination is provided within ES Chapter 12 (Ground Conditions including land quality – Application Document 8.2.12), which has been informed by appropriate ground investigations. The assessment work undertaken concludes that – with the imposition of appropriate mitigation – the residual impacts will not be significant.</p> <p>Impacts on areas of heritage and biodiversity are assessed within ES Chapters 15 (Cultural Heritage and marine archaeology – Application Document 8.2.15) and Chapter 9 (Nature Conservation and Marine Ecology - Application Document 8.2.9) respectively and are outlined below in response to LP policies 39 and 41. In summary, however, no significant effects are predicted in respect of these matters.</p> <p>In accordance with the Scoping Opinion from PINS and advice from relevant local authorities, landscape / seascape impacts have been scoped out of the ES. This</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
		<p>approach was also confirmed and agreed with Natural England.</p> <p>The nature and location of the development is such that the provision of services and quality of agricultural land are not relevant considerations.</p> <p>Overall, the IERRT project is, therefore, suitable for its location and meets the relevant sustainability criteria included within Policy 5.</p>
<p>Policy 6 – Infrastructure</p>	<p>This policy requires, amongst other things, the provision of infrastructure and infrastructure improvements necessary to make development acceptable (Part 2 of the policy).</p> <p>It is further indicated that contributions towards infrastructure will be based on the demands created by the specific development (Part 3 of the policy).</p>	<p>The application documentation demonstrates that the proposed IERRT project will provide the necessary infrastructure to make the development acceptable, and that the provision of this infrastructure will all be funded by ABP.</p> <p>The transport assessment work – contained in both the ES Chapter (Chapter 17 – Application Document 8.2.17) and the accompanying Transport Assessment (Application Document 8.4.17(a)) demonstrates that no specific highway capacity mitigation measures are required to ensure the proposal is acceptable in highway terms.</p> <p>With regards to flood risk infrastructure, the FRA (ES Appendix 11.1 – Application Document 8.4.11) concludes that the existing flood defences at the site and any future</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
		<p>works to the defences will not be impacted as a result of the development.</p> <p>The application documentation also makes clear that a new foul and surface water drainage system will be constructed for the IERRT project, which is detailed further within the Drainage Strategy (provided as an annex to the FRA). These measures will ensure the development would not give rise to any offsite impacts.</p> <p>The proposals will not impact upon any existing green space, recreation and play space and the nature of the proposed development (associated with the ongoing operational port use) is such that it does not give rise to a need to introduce such infrastructure either within or adjacent to the site. The proposals do, however, include off site ecological enhancements.</p> <p>The nature of the proposed development is also such that it does not give rise to the need to provide social infrastructure of the type listed in the policy.</p> <p>Overall, the IERRT project, therefore, accords with the requirements of Policy 6.</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
SECTION 12: BUILDING THE ECONOMY WE NEED		
<p>Paragraphs 12.12 to 12.16</p>	<p>These paragraphs discuss the Ports and Logistics sector, highlighting at the outset that this sector is <i>“primarily focused around the operational ports and the immediate hinterland. Key requirements are the provision of large sites with good access to the road/rail network.”</i></p> <p>The paragraphs go on to highlight ABP’s ‘strong development management’ approach which limits development to dock related uses. Reference in this regard is made to the permitted development rights which the port facilities benefit from.</p> <p>The text then goes on to highlight that, in general terms, it is envisaged that meeting specific port requirements will largely be met within the existing operational port areas albeit that some areas outside the port areas have been identified for future port growth.</p> <p>The text concludes by identifying that a key concern of business is the shortage of land for logistics operations outside of the ports.</p>	<p>The IERRT project is a port activity that is proposed on an appropriate site located within the operational Port of Immingham and which benefits from good access for the purposes envisaged. The proposed development is, therefore, in accordance with the approach to the location of port and port related development set out within these paragraphs of the Local Plan.</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
Policy 7	<p>To ensure that appropriate land is identified which meets the needs set out in Policy 1 ‘Employment land supply’, this policy identifies appropriate employment sites.</p> <p>Part 3 of the policy states,</p> <p><i>“Within the operation port areas identified on the Policies Map development proposals for port related use will be supported and, where appropriate, approved by the Council if the submitted scheme accords with the development plan as a whole and subject to the ability to satisfy the requirements of the Habitats Regulations.”</i></p>	<p>The landside area of the IERRT project is shown on the policies map as being located within an operational port area.</p> <p>The proposed development is a port related activity. As demonstrated through this Planning Statement, including this appendix, the IERRT Project accords with the development plan as a whole.</p> <p>The IERRT DCO application is accompanied by Habitats Regulations information – see Application Document 9.6 – which provides a comprehensive analysis of the implications of the project. The analysis and assessment contained within that information demonstrates that the project does satisfy the requirements of the Habitats Regulations. The overall conclusion reached in this regard is that the IERRT Project will not have an adverse effect on the integrity of any relevant designated site.</p> <p>As a result of the information set out in the IERRT DCO application, it is demonstrated that the IERRT Project is one which – in accordance with Policy 7 – should be supported. If the Council were the decision maker for the Project then, in accordance with Policy 7, it is a project which would be approved.</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
<p>Policy 8 – Existing employment areas</p>	<p>This policy considers existing employment areas, and part 1 of the policy states,</p> <p><i>“Existing employment areas are identified on the Policies Map and will be safeguarded for employment uses. Proposals which promote development or reuse of vacant sites located within existing employment areas for employment use will be supported subject to other relevant policies in the Plan.”</i></p>	<p>The landside area of the IERRT Project site – along with the wider Port of Immingham – is also shown on the policies map as being an existing employment area.</p> <p>The IEERT Project will not result in the loss of any existing employment area to a non-employment use. Rather the Project is a proposal which promotes employment development within an existing employment area.</p> <p>As identified in ES Chapter 16 (Socio economic Application Document 8.2.16), and above in response to Policy 1, the proposal will result in beneficial employment impacts over both the construction and operational phase.</p> <p>As demonstrated through this Planning Statement, including this appendix, the IERRT project does accord with the development plan as a whole.</p> <p>The IEERT Project is, therefore, a development which is supported by Policy 8 of the Local Plan.</p>
<p>SECTION 14: BUILDING THE PLACES WE NEED</p>		
<p>Policy 22 – Good design</p>	<p>This policy requires development proposals to achieve a high standard of sustainable design that is informed by:</p>	<p>The site context – consisting of an area used or previously used for port purposes within an existing operational port estate - has been taken account of in the</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
<p>in new developments</p>	<p><i>A. a thorough consideration of the particular site's context (built and natural environment, and social and physical characteristics);</i> <i>B. the need to achieve:</i> <i>i. protection and enhancement of natural assets;</i> <i>ii. resource efficiency;</i> <i>iii. climate change resilience;</i> <i>iv. sustainable transport;</i> <i>v. accessibility and social inclusion;</i> <i>vi. crime and fear of crime reduction;</i> <i>vii. protection and enhancement of heritage assets, including character and local distinctiveness;</i> <i>viii. high quality public realm; and,</i> <i>ix. efficient use of land.</i></p> <p><i>C. Design guidance for North East Lincolnshire published by the Council; and,</i></p> <p><i>D. where applicable and relevant:</i></p> <p><i>i. the objectives and expectations of the Lincolnshire Wolds Area of Outstanding Natural Beauty Management Plan 2013-2018 (and any subsequent updates);</i> <i>ii. Landscape Character Assessment, and</i> <i>iii. Conservation Area Appraisals.</i></p>	<p>project design. The context of the site and its surroundings has informed the nature and scope of assessments which accompany this application. The proposed development is considered to be entirely in keeping with the context of the site and its surroundings and makes efficient use of land.</p> <p>ES Chapter 6 (Impact Assessment Approach – Application Document 8.2.6) identifies that there is no potential for any significant landscape/seascape and visual impacts (which have therefore been scoped out of the ES). This approach is in line with the Scoping Opinion from PINS and key stakeholders.</p> <p>The need to protect and enhance natural assets is reflected within the extensive assessments undertaken within ES Chapters 7 (Physical Processes – Application Document 8.2.7), 8 (Water and Sediment Quality – Application Document 8.2.8) and 9 (Nature Conservation and Marine Ecology – Application Document 8.2.9). In addition, ecological enhancement is proposed as detailed within the Woodland Enhancement Management Plan (Application Document 9.4). Having regard to proposed mitigation measures, no significant adverse impacts are predicted on natural assets.</p> <p>The need to achieve resource efficiency and climate change resilience is addressed in ES Chapter 19</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
	<p>...”</p>	<p>(Climate Change – Application Document 8.2.19). A Waste Hierarchy Assessment (WHA), Appendix 2.1 of the ES (Application Document 8.4.2(a)) has also been undertaken. A range of measures are proposed over the construction and operational phase of the development to reduce greenhouse gas emissions and to achieve appropriate resilience to climate change (the latter being summarised in ES Chapter 19).</p> <p>The IERRT Project will provide additional facilities for the sustainable movement of freight – shipping being recognised as a sustainable way in which to move large volumes of freight – in a location that already benefits from established and suitable marine and terrestrial transport connections. As the transport assessment information that forms part of the IERRT application demonstrates, the Project will not generate any unacceptable access issues.</p> <p>Measures to protect and enhance the historic environment are addressed within ES Chapter 15 (Cultural Heritage – Application Document 8.2.15) and are summarised further below in response to Policies 36 and 39. No significant adverse effects are predicted in this regard.</p> <p>Overall, the IEERT Project is considered to be compliant with the relevant aspects of Policy 22.</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
<p>Policy 33 – Flood Risk</p>	<p>This policy deals with Flood Risk issues and states,</p> <p><i>“1. Development proposals should have regard to the requirements of the flood risk sequential test and, if necessary, the exception test. The regeneration benefits of development in areas of high flood risk should also be considered in light of the Council’s Guidance Note on the application of the Sequential and Exception Tests in North East Lincolnshire, and the Environment Agency’s Standing Advice.</i></p> <p><i>2. In order to minimise flood risk impacts and mitigate against the likely effects of climate change, development proposals should demonstrate that:</i></p> <p><i>A. where appropriate, a site specific flood risk assessment has been undertaken, which takes account of the best available information related to all potential forms of flooding;</i></p> <p><i>B. there is no unacceptable increased risk of flooding to the development site or to existing properties;</i></p> <p><i>C. the development will be safe during its lifetime;</i></p> <p><i>D. Sustainable Drainage Systems (SuDS) have been incorporated into the development unless their use has been deemed inappropriate;</i></p> <p><i>E. opportunities to provide natural flood management and mitigation through green infrastructure have been assessed and justified, based upon sound evidence,</i></p>	<p>The site of the proposed IERRT Project is within Flood Zone 3a. In terms of the requirements of the Sequential Test, the analysis undertaken on potential alternatives contained within Chapter 4 of the ES (Application Document 8.2.4) demonstrates that there is no alternative to the proposed IERRT Project that could meet the need and objectives which have been defined. This analysis, therefore, also demonstrates that, in respect of the Sequential Test, there is no reasonable available site within Flood Zones 1 and 2 where the development proposed could be alternatively located.</p> <p>To further demonstrate the acceptability of the site for the development proposed it is highlighted that the site is identified within the Local Plan (itself supported by a Strategic Flood Risk Assessment) as an ‘Operational Port’ area where proposals for port related use will be supported and, where appropriate, approved if they accord with the development plan as a whole and subject to the ability to satisfy the requirements of the Habitats Regulations. As demonstrated within this Planning Statement it is considered that the proposed IERRT development accords with these policy requirements.</p> <p>The IERRT Project falls within the ‘Water Compatible Development’ classification in line with policy contained within both the NPSfP and the NPPF. Water compatible development, as made clear within the NPPF, does not</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
	<p><i>and, where appropriate, incorporated, particularly in combination with delivery of other aspects of green infrastructure in an integrated approach across the site;</i></p> <p><i>F. arrangements for the adoption, maintenance and management of any mitigation measures have been established and the necessary agreements are in place;</i></p> <p><i>G. access to any watercourse or flood defence asset for maintenance, clearance, repair or replacement is not adversely affected; and,</i></p> <p><i>H. the restoration, improvement or provision of additional flood defence infrastructure represents an appropriate response to local flood risk, and does not conflict with other Plan policies.”</i></p>	<p>need to be subject to the Exception Test when proposed within Flood Zone 3a.</p> <p>However, even though the Exception Test is not formally required, the IERRT Project will, in line with Exception Test requirements:</p> <ul style="list-style-type: none"> • provide wider sustainability benefits to the community – as set out within the Environmental Statement. • be located on developable previously developed (brownfield) land (which also forms part of the operational area of the Port of Immingham) and, • as demonstrated within both the IERRT Flood Risk Assessment (FRA) (Application Document 8.4.11) and the accompanying assessment chapter (Application Document 8.2.11), will be safe, without increasing flood risk elsewhere. Furthermore, the design of the IERRT project has taken account of flood risks as appropriate. For example, the proposed terminal building is located in that part of the site with the lowest flood hazard, depth and velocity and, given the flood resilience and resistance measures outlined in the IERRT Flood Risk Assessment (FRA) (Application Document 8.4.11) will therefore remain safe without increasing flood risk elsewhere.

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
		<p>If, therefore, the Exception Test did, for whatever reason, need to be passed then the available evidence demonstrates that it would be.</p> <p>The FRA which accompanies the application (ES Appendix 11.1 – Application Document 8.4.11), along with ES Chapter 11 (Coastal Protection, Flood Defence and Drainage – Application Document 8.2.11) have considered all potential sources of flooding to the IERRT project.</p> <p>The assessment work considers that the flood risk from all sources, to and from the site can be mitigated to a level which is low and acceptable. The FRA demonstrates that there will be no off-site impacts as a result of the IERRT project in relation to flood risk.</p> <p>The FRA demonstrates that the IEERT Project will be safe over its lifetime, taking into consideration climate change impacts.</p> <p>Flood resilience and resistance measures for managing the residual flood risk to the IERRT project will be adopted, as detailed in the assessment work.</p> <p>A Drainage Strategy (an annex to the FRA at Appendix 11.1 to the ES) includes details on surface water attenuation, consideration of climate change and</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
		<p>proposed restricted surface water run-off rates. This includes a reduction in surface water runoff rate / volume from the site.</p> <p>The Drainage Strategy considers the Drainage Hierarchy. Water Re-use and Infiltration are ruled out due to the risk of hydrocarbon and suspended sediment contamination resulting from the high level of traffic and due to the cohesive nature of the underlying sub-strata and high perched groundwater levels.</p> <p>The Drainage Strategy, therefore, sets out the rationale for deviating away from a purely sustainable drainage system and proposing a traditional gully inlet and piped drainage network in combination with underground storage facilities and proprietary treatment units.</p> <p>It is proposed to discharge runoff from the development site to either the Habrough Marsh Drain, the Humber Estuary or to Immingham Dock. As the drainage system for the site will remain a private system the responsibility for management and maintenance will be undertaken by ABP. Management of the Habrough Marsh Drain will, however, remain under the jurisdiction of the North East Lindsey IDB.</p> <p>Access to existing flood defences for maintenance / repair will not be adversely affected and any future</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
		<p>improvement works to the defences will not be impacted as a result of the development. Sufficient clearance between the flood defences and the jetty approach road will be provided to allow the flood defences to be raised in the future to adapt to climate change and to enable machinery to access the flood defences.</p> <p>On the basis of the above summarised position, it is concluded that the IERRT project is considered to be compliant with the relevant requirements of Policy 33.</p>
<p>Policy 34 – Water management</p>	<p>This policy deals with water management matters and states,</p> <p><i>“1. Development proposals that have the potential to impact on surface and ground water should consider the objectives and programme of measures set out in the Humber River Basin Management Plan.</i></p> <p><i>2. Development proposals should consider how water will be used on the site and ensure that appropriate methods for management are incorporated into the design. Development proposals should demonstrate that:</i></p> <p><i>A. adequate and sustainable water supplies are available to support the development proposed;</i></p>	<p>The matters covered by this policy are considered across a number of the IERRT ES Chapters and accompanying appendices, including:</p> <p>(i) Chapter 8: Water and Sediment Quality (Application Document 8.2.8);</p> <p>(ii) Chapter 11: Coastal Protection, Flood Defence and Drainage (Application Document 8.2.11);</p> <p>(iii) Chapter 12: Ground Conditions including Land Quality (Application Document 8.2.12).</p> <p>The Humber River Basin Management Plan is a requirement of the Water Framework Directive, and the objectives and measures of the RBMP / WFD are considered in the WFD Compliance Assessment (ES Appendix 8.1 – Application Document 8.4.8) and in ES Chapter 8 (Application Document 8.2.8).</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
	<p><i>B. provisions are made for the efficient use of water, including is reuse and recycling. Proposals for residential development will be expected to demonstrate that a water efficiency standard of 110 litres per person per day can be achieved; and,</i></p> <p><i>C. adequate foul water treatment already exists or can be provided in time to serve the development. Appropriate and sustainable sewerage systems should be provided for the collection and treatment of foul and surface water to ensure new development does not overload the existing sewerage infrastructure, minimising the need to discharge water into sewers, particularly combined sewers.</i></p> <p><i>3. Where development is proposed within a Source Protection Zone, the potential for any risk to groundwater resources and groundwater quality must be assessed and it must be demonstrated that these would be protected throughout the construction and operational phase of development.”</i></p>	<p>The WFD compliance assessment concludes that the IERRT Project is not likely to have a permanent (i.e. non-temporary) effect on the status of WFD parameters that are significant at water body level. Therefore, deterioration to the current status of the Humber Lower transitional water body and/or North Beck Drain river water body is not predicted, nor a prevention of these water bodies achieving future WFD status objectives.</p> <p>All water for the new terminal will be taken from ABP’s existing bore holes.</p> <p>As explained further in the Drainage Strategy (provided as an annex to the Flood Risk Assessment (ES Appendix 11.1 – Application Document 8.4.11)) wastewater infrastructure will be provided for the buildings that form part of IERRT development that will treat the wastewater local to the building via a package treatment plant and then convey the treated wastewater to one of the current combined pumping stations within the Port that in turn discharge into the Humber Estuary or to the Harbrough Marsh Drain.</p> <p>The Drainage Strategy also sets out the elements of the proposed surface water drainage system to be put in place, and why what is proposed is appropriate having</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
		<p>regard, amongst other things, to the site and the form of development proposed.</p> <p>As the Drainage Strategy demonstrates, the proposed drainage systems are appropriate.</p> <p>The hydrogeology on the site of the proposed IERRT project, including aquifer designations, groundwater vulnerability and Source Protection Zones (SPZ) is provided in ES Chapter 12 (Application Document Reference 8.2.12). This ES Chapter also assesses the potential impacts on those elements of the hydrogeology environment that may be affected by the project. This assessment demonstrates that no significant adverse effects will be generated.</p> <p>On the basis of the above summarised position, it is concluded that the IERRT project is considered to be compliant with the relevant requirements of Policy 34.</p>
<p>Policy 36 – Promoting Sustainable Transport</p>	<p>This policy seeks to promote sustainable transport and states,</p> <p><i>“1. To reduce congestion, improve environmental quality and encourage more active and healthy lifestyles, the Council will support measures that promote more sustainable transport choices. Where appropriate, proposals should seek to:</i></p>	<p>The IERRT Project application is supported by ES Chapter 17 Traffic and Transport (Application Document 8.2.17), which is in turn informed and supported by a Transport Assessment (ES Appendix 17.1 – Application Document 8.4.17(a)) and Travel Plan (ES Appendix 17.2 – Application Document 8.4.17(b)). Along with the Scoping Opinion issued by PINS (Application Document 8.4.6(a)), the scope of these assessments has been</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
	<p><i>A. focus development which generates significant movements in locations where the need to travel will be minimised;</i></p> <p><i>B. prioritise pedestrian and cycle access to and within the site;</i></p> <p><i>C. make appropriate provision for access to public transport and other alternative means of transport to the car, adopting a 400m walk to bus stop standard;</i></p> <p><i>D. make suitable provision to accommodate the efficient delivery of goods and supplies; and,</i></p> <p><i>E. make suitable provision for electric vehicle charging, car clubs and car sharing when considering car park provision.</i></p> <p><i>2. Planning permission will be granted where any development that is expected to have significant transport implications delivers necessary and cost effective mitigation measures to ensure that development has an acceptable impact on the network's functioning and safety. These measures shall be secured through conditions and/or legal agreements.</i></p> <p><i>3. Where appropriate, Transport Statements, Transport Assessments and/or Travel Plans should be submitted with applications, with the precise form being dependant on the scale and nature of development and agreed through early discussion with the Council.</i></p>	<p>informed by consultation with a number of key stakeholders include National Highways and NELC (as set out in Section 17.4 of ES Chapter 17).</p> <p>As highlighted above in the response provided to Policy 22 the IERRT development will provide additional facilities for the sustainable movement of freight – shipping being recognised as a sustainable way in which to move large volumes of freight – in a location that already benefits from established and suitable marine and terrestrial transport connections.</p> <p><i>Minimising the need to travel</i></p> <p>The purpose of the IERRT Project is fundamentally about the movement of goods and cargo. The Project, therefore, has to involve travel. As explained in ES Chapter 4 (Need and Alternatives – Application Document 8.2.4) and accompanying Appendix 4.1 (Application Document 8.4.4(a)) one of the benefits of the IERRT Project is that it is well located in terms of the origin or destination of freight being transported and therefore, on a national scale, will support the minimising of travel in terms of HGV freight movements.</p> <p>At the local project level, a Framework Travel Plan has been prepared to ensure that staff vehicle movements are committed to being reduced (ES Appendix 17.2 – Application Document 8.4.17(b)).</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
	<p>4. <i>The priority areas where combinations of sustainable transport measure and highway improvements will be focused are:</i></p> <p>A. <i>Grimsby town centre;</i> B. <i>Cleethorpes town and centre and resort area;</i> C. <i>A180 corridor, (urban and industrial); and,</i> D. <i>urban area congestion hotspots and defined air quality management zones.”</i></p>	<p><i>Prioritising pedestrian and cycle access</i> Existing provision for pedestrians and cyclists is described in Section 3.7 of the TA (Application Document 8.4.17(a)). Whilst provision for these modes in and around Immingham is at a good standard, ABP are separately progressing improvements to pedestrian and cycle facilities more widely within the Port. As part of the IEERT Project a pedestrian route between East Gate and a nearby bus stop will be provided. Pedestrian access from the East Gate to the IERRT Project site will also be secured as part of the proposed development.</p> <p><i>Provision for access to non-car modes</i> The site is already well served by public transport, the nearest bus stop being located approximately 250m south of the East Gate into the Port of Immingham. As part of the IEERT project a pedestrian route between East Gate and a nearby bus stop will be provided. Pedestrian access from the East Gate to the IERRT project site will also be secured as part of the proposed development.</p> <p><i>Ensuring efficient delivery of goods and supplies</i> The IERRT project is fundamentally about ensuring the efficient delivery of goods and supplies. As explained in ES Chapter 4 (Need and Alternatives – Application Document 8.2.4) and accompanying Appendix 4.1</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
		<p>(Application Document 8.4.4(a)) the project will generate a number of significant benefits in this regard. At the local project level, the various transport assessment work undertaken demonstrates that there will be no issues in ensuring the efficient delivery of goods and supplies to the IERRT project itself.</p> <p><i>Provision for electric vehicle charging provision</i> The IERRT project will provide the ability for marine vessels to, in the future, plug into the local power networks when moored at the berths. Such ‘ship to shore provision’ will enable vessel engines to be switched off when at berth.</p> <p>In addition, the IERRT project will make provision for electric car charging and electric land tug charging</p> <p><i>Mitigation of transport impacts on network functioning and safety</i> The Transport Assessment (Application Document 8.4.17(a)) demonstrates that the proposed development will not have a significant impact on any of the assessed junctions and that no mitigation will therefore be required. The IEERT Project includes works to increase the capacity of the East Gate by adding a second lane. This will double the entrance capacity of the gate whilst the proposed development does not double the traffic flows accessing the Port. It is also proposed to implement</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
		<p><i>automatic number plate recognition</i>. for staff which will again increase the capacity of the gate and reduce queuing times. Overall capacity will therefore be improved following the completion of the development. The TA concludes that following the implementation of mitigation (which includes demand management measures and additional parking provision), the development would not result in a severe impact on highway safety or capacity.</p> <p>On the basis of the above summarised position, it is concluded that the IERRT project is considered to be compliant with the relevant requirements of Policy 36.</p>
<p>Policy 38 - Parking</p>	<p>This policy considers parking provision and states:</p> <p><i>“1. Development proposals that generate additional parking demand should ensure that appropriate vehicle, powered two wheeler and cycle parking provision is made. The form and scale of off-street parking required will be assessed against the following:</i></p> <p><i>A. the accessibility of the development;</i> <i>B. the type, mix and use of the development;</i> <i>C. the availability and frequency of public transport services; and,</i> <i>D. local car ownership levels.</i></p>	<p>The matter of parking provision is considered within the Transport Assessment that has been submitted in support of the IERRT DCO application (Application Document 8.4.17 (a)).</p> <p>The level of parking proposed has had regard to the nature of the operations that will take place (type, mix and proposed use of the development), the accessibility of the development and the availability and frequency of public transport services.</p> <p>In summary, the development proposes a total of 151 staff / operational parking spaces. The use of these spaces will include staff on shift and visitors to the site.</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
	<p><i>2. Developers will be expected to have considered and incorporated measures to minimise parking provision without causing detriment to the functioning of the highway network, local amenity and safety.</i></p> <p><i>3. Where private and/or public on-site parking for public use is to be provided at least 5% of parking bays, should be designed, set out and reserved for people with mobility impairments. Such parking bays should be located as close to the main access to the building as possible.</i></p> <p><i>4. Where 100 or more parking places are to be provided to serve a commercial development, a minimum of three charging points should be provided for electric vehicles.</i></p> <p><i>5. Development proposals that make provision for surface parking areas to serve more than a single household, visitor, employee, or customer, should ensure that appropriate low maintenance landscaping is integrated into the design and layout of the sites.”</i></p>	<p>The peak demand for staff parking on shift change will be 100 (based on a robust case of 50 staff per shift). The current journey to work mode share to the port is around 85%, which would equate to a demand of 85 spaces. Additional spaces are needed for visitors and contractors.</p> <p>Appropriate electric vehicle charging provision will be put in place and at least 5% of the spaces provided will be for drivers who are mobility impaired.</p> <p>The future occupier of the site will also be required to prepare their own subsidiary Travel Plan (informed by the Framework Travel Plan provided at ES Appendix 17.2 – Application Document Reference 8.4.17 (b)). One of the purposes of such a plan will be to effectively manage the demand for car parking, whilst enhancing, where feasible and practicable, the safety and security of people travelling to and from the site.</p> <p>On the basis of the above summarised position, it is concluded that the IERRT Project is considered to be compliant with the relevant requirements of Policy 38.</p>
<p>Policy 39 – Conserving and Enhancing</p>	<p>This policy considers matters relating to the conserving and enhancing of the historic environment. Relevant aspects of the policy state,</p>	<p>The potential for impacts upon both designated and undesignated heritage assets is assessed within ES Chapter 15 (Cultural Heritage and Marine Archaeology – Application Document 8.2.15). The scope of assessment that has been undertaken is proportionate to the nature</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
the Historic Environment	<p><i>“1. Proposals for development will be permitted where they would sustain the cultural distinctiveness and significance of North East Lincolnshire's historic urban, rural and coastal environment by protecting, preserving and, where appropriate, enhancing the character, appearance, significance and historic value of designated and non-designated heritage assets and their settings.</i></p> <p><i>2. In addition, the Council will pursue an integrated approach that:</i></p> <p><i>A.....</i></p> <p><i>3. Development will be supported, and planning permission granted, where proposals:</i></p> <p><i>A. protect the significance of heritage assets, including their setting; through consideration of scale, design, materials, siting, mass, use and views;</i></p> <p><i>B. conserve and, where appropriate, enhance other historic landscape and townscape features, including historic shop fronts;</i></p> <p><i>C. preserve and enhance the special character and architectural appearance of Conservation Areas, especially those positive elements in any Conservation Area Appraisal;</i></p>	<p>and scale of the IEERT project and has been informed by input from key stakeholders including Historic England and the local planning authority.</p> <p>These assessments conclude that the IEERT Project will not result in substantial harm to any identified heritage assets and, having regard to mitigation, no significant adverse effects are predicted upon the historic environment. The IEERT Project will therefore conserve and protect relevant heritage assets.</p> <p>The various mitigation measures proposed (primarily avoidance along with measures to record and preserve in situ features) are described within ES Chapter 15. A Written Scheme of Investigation (WSI) will be developed in line with Historic Environment guidance for Port and Harbour development (Historic England 2016).</p> <p>The proposed development will not have an impact on the historic setting of the Port, as this has already been expanded and modified to cater for larger quantities of export. The IEERT Project location does not fall within or impact upon the setting of any designated Conservation Areas or historic parks and gardens. The proposal will therefore not impact upon any historic landscapes.</p> <p>The significant major beneficial effects identified in ES Chapter 15 (specifically the contribution to the knowledge</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
	<p><i>D. conserve and, where appropriate, enhance the design, character appearance and historic significance of the Borough's only registered park and garden (Peoples Park, Grimsby);</i></p> <p><i>E. make appropriate provision to record, and where possible preserve in situ features of archaeological significance; and,</i></p> <p><i>F. captures opportunities to increase knowledge and access to local heritage assets and better reveal their significance.</i></p> <p><i>4. Where a development proposal would affect the significance of a heritage asset (whether designated or non-designated), including any contribution made to its setting, it should be informed by proportionate historic environment assessments and evaluations (such as heritage impact assessments, desk based appraisals, field evaluation and historic building reports) that:</i></p> <p><i>A. identify all heritage assets likely to be affected by the proposal;</i></p> <p><i>B. explain the nature and degree of any effect on elements that contribute to their significance and demonstrating how, in order of preference, any harm will be avoided, minimised or mitigated;</i></p> <p><i>C. provide a clear explanation and justification for the proposal in order for the harm to be weighed against public benefits; and,</i></p>	<p>base of the marine historic environment) will ensure the IEERT Project will capture opportunities to increase knowledge and access to local heritage assets and better reveal their significance.</p> <p>On the basis of the above summarised position, it is concluded that the IERRT project is considered to be compliant with the relevant requirements of Policy 39.</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
	<p><i>D. demonstrate that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long-term use of the asset.</i></p> <p><i>5. The Council will assess each application individually in terms of the magnitude of impact of any change on the significance of the asset or the contribution that setting makes to that significance or experiencing significance. Where an impact equates to substantial loss of significance (demolition in the case of direct harm or the effective destruction of an asset's setting in the case of indirect harm), a proposal will be considered to cause substantial harm. Permission will only be granted where substantial harm to assets of the highest significance is wholly exceptional, and for all other nationally designated assets, exceptional.”</i></p>	
<p>Policy 41 – Biodiversity and Geodiversity</p>	<p>This policy considers biodiversity and geodiversity matters and states,</p> <p><i>1. The Council will have regard to biodiversity and geodiversity when considering development proposals, seeking specifically to:</i></p>	<p>The potential impacts of the proposed development on relevant biodiversity matters are assessed within ES Chapter 9 (Nature Conservation and Marine Ecology – Application Document 8.2.9) and accompanying appendices, which in turn draw upon the detailed assessment information contained in other assessment topic chapters of the ES.</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
	<p><i>A. establish and secure appropriate management of, long-term mitigation areas within the Estuary Employment Zone, managed specifically to protect the integrity of the internationally important biodiversity sites (see Policy 9 'Habitat Mitigation - South Humber Bank');</i></p> <p><i>B. designate Local Wildlife Sites (LWss) and Local Geological Sites (LGSs) in recognition of particular wildlife and geological value;</i></p> <p><i>C. protect manage and enhance international, national and local sites of biological and geological conservation importance, having regard to the hierarchy of designated sites, and the need for appropriate buffer zones;</i></p> <p><i>D. minimise the loss of biodiversity features, or where loss is unavoidable and justified ensure appropriate mitigation and compensation measures are provided;</i></p> <p><i>E. create opportunities to retain, protect, restore and enhance features of biodiversity value, including priority habitats and species; and,</i></p> <p><i>F. take opportunities to retain, protect and restore the connectivity between components of the Borough's ecological network.</i></p> <p><i>2. Any development which would, either individually or cumulatively, result in significant harm to biodiversity which cannot be avoided, adequately mitigated or as a last resort compensated for, will be refused</i></p>	<p>The assessment undertaken includes an assessment of the impacts of the scheme on the Humber Estuary Marine Site - consisting of the Humber Estuary Special Protection Area (SPA), Special Area of Conservation (SAC), Ramsar and Site of Special Scientific Interest (SSSI) – where the marine elements of the IERRT project are proposed.</p> <p>The assessment concludes that, with the imposition of appropriate mitigation, all effects generated by the IERRT project will not be significant.</p> <p>Terrestrial ecology has been scoped out of the ES following the conclusions reached by the PEA (ES Appendix 6.2 – Application Document 8.4.6 (b)). This document identified two non-statutory Local Wildlife Sites (LWSs) within the Desk Study Area - Homestead Park Pond LWS, approximately 1 km west and Laporte Road Brownfield Site LWS, approximately 0.5 km south-east.</p> <p>In the absence of any impact pathway or habitat connectivity between the LWS's and the IERRT project there is no identified potential for direct impacts. The air quality assessment undertaken demonstrates that any LWSs or ancient woodland sites which lie close to the road network to be affected by IERRT traffic will not be adversely affected (ES Chapter 13 Air Quality – Application Document 8.2.13).</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
		<p>Identified opportunities to create retain, protect, restore and enhance features of biodiversity value have been taken as part of the IERRT project. An area of woodland south of Laporte Road will be enhanced and managed to improve its biodiversity in accordance with the recommendations within the PEA. These measures are detailed within a Woodland Enhancement Management Plan (WEP) (Application Document 9.4).</p> <p>The design of the Project, the proposed mitigation measures and proposed enhancement measures ensure the proposals will protect manage and enhance international, national and local sites of biological importance, minimise loss of biodiversity and retain and protect components of existing ecological networks.</p> <p>The IEERT Project will not, either individually or cumulatively, result in significant harm to biodiversity and is therefore in accordance with Policy 41.</p> <p>As noted in Chapter 12 (Ground Conditions – Application Document 8.2.12), there are no designated or non-designated geology sites, such as Local Geological Sites, within the vicinity of the proposed development. Therefore, there are no potential impacts on geodiversity.</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
<p>Policy 42 - Landscape</p>	<p>This policy considers landscape matters and states,</p> <p><i>“1. Landscape character should be given due consideration in the nature, location, design and implementation of development proposals. Developers should:</i></p> <p><i>A. have regard to the landscape context and type within which the development is to be located, (as identified in the Landscape Character Assessment); considering the landscape guidelines and management strategies relevant to the prevalent landscape type. Priority will be given to the protection and enhancement of the landscape character and natural beauty, and setting of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB);</i></p> <p><i>B. complete a site specific landscape appraisal, proportionate to the anticipated scale and impact of a proposal, and submit a landscaping scheme for all development where this is appropriate, which complements the character and appearance of the site, responds to landscape character, climate change and flood alleviation where appropriate, and improves local biodiversity and levels of amenity;</i></p> <p><i>C. seek opportunities, when incorporating landscape buffers to offset development impacts, to enhance landscape quality including opportunities to incorporate suitable landscape planting;</i></p>	<p>As explained in ES Chapter 6 Impact Assessment Approach (Application Document 8.4.6) the topics of landscape and visual impact were scoped out from further assessment at an early stage – a position subsequently confirmed in the formal Scoping Opinion that was obtained.</p> <p>The analysis and appraisal which was undertaken that led to the scoping out of these topics had due regard to the landscape context of the site of the development and was proportionate to the anticipated impact of the proposed development.</p> <p>The overall conclusion reached is reported in Table 6.2 of ES Chapter 6 as follows:</p> <p>‘The existing port infrastructure and other adjacent industrial development has a strong influence on the existing landscape/seascape character and views. Potential change to such characteristics and to views as a result of the IERRT development will be limited and largely consistent with existing surrounding port operations. While new structures and features will be added, these will be within the existing port area and will be similar to existing elements already present. Due to the existing context and limited nature of change it is considered that there is no potential for any significant</p>

Policy / paragraph number	Relevant content of the Local Plan	Review of Project Accordance / Compliance
	<p><i>D. retain and protect trees and hedgerows which offer value for amenity, biodiversity and landscape; and, E. take opportunities where appropriate, to retain, protect and restore elements that contribute to historic landscape character.</i></p>	<p>effects and, therefore, landscape/seascape and visual impacts have been scoped out of the ES.'</p> <p>The IERRT Project is located on previously developed operational land within the existing operational port estate of the Port of Immingham. The opportunities to incorporate landscape elements are, therefore, very limited and in the case of the IERRT Project are not needed to offset impacts.</p> <p>The above summarised position demonstrates that the IERRT project would not conflict with the overarching objectives of this policy in relation to preserving the character and appearance of the environment along with locating and designing development so as so as to recognise existing landscape character.</p>

APPENDIX 4 - PROJECT APPRAISAL FRAMEWORK FOR PORTS AND WEBTAG

1. The NPSfP highlights (at paragraphs 4.1.1 and 4.3.4) the possibility of using the appraisal methodologies contained within '*A Project Appraisal Framework for Ports*' (PAFP) and *WebTAG* (the Government's web-based transport analysis guidance) when considering the implications of port related development projects.
2. The use of such methodologies is not, however, a requirement of the NPSfP, rather it is made clear that such methodologies 'may be undertaken' and the Applicant's assessment 'could follow' such methodologies.
3. The following explains the regard that has been had to the PAFP and WebTAG methodologies in respect of the IERRT development.

A Project Appraisal Framework for Ports (PAFP)

4. The PAFP was published in 2003 (DfT, 2003) and fulfilled a commitment made in the former national ports policy – *Modern Ports: A UK policy* (2000) – to develop an appraisal framework. The framework constitutes non-statutory advice and one of its main purposes was to provide a way of collating and organising the project specific material on a wide variety of topics which were both in place at the time and relevant to the Government's transport related objectives. One of the benefits given for the development of the framework was to speed up the process of decision making as the amount and coverage of information would be better defined.
5. The PAFP was, however, published prior to the introduction of the NSIP regime (a regime which has significantly improved the decision-making process), the drafting and designation of the NPSfP, and the relevant amendments to the Environmental Impact Assessment regulations. The PAFP therefore related to port consenting processes in existence at the time (i.e., in 2003). Furthermore, the objectives for transport (against which the appraisal methodology was structured) related to transport policy objectives in place at the time of its publication.
6. It is noted that the PAFP is now out of print and no longer available on-line, further reflecting the age of this appraisal document.
7. In summary, the PAFP methodology seeks to pull together the likely performance of the proposed development, relevant alternatives and the 'do minimum' reference case against a series of objectives and sub-objectives. The reporting of the performance of the proposed development against these objectives can be provided on both a qualitative and quantitative basis.
8. Provided below for completeness is an Appraisal Summary Table (AST) for the IERRT development. This reports the performance of the IERRT development against the 'do minimum' scenarios which have been identified in the various ES topic assessment chapters where consideration is given to the baseline

environment (and how that baseline environment will change in the absence of the proposed development).

9. As explained within Chapter 4 of the IERRT Environmental Statement (Application Document 8.2.4), there is considered to be no fundamental alternative to the IERRT development for meeting the need that has been identified. As a result, no ASTs for alternatives can be produced.

IERRT Appraisal Summary Table

Objectives and sub-objectives	Assessment
SAFETY: Effect on:	
Health and safety of workers	<p>During the construction phase all construction activity will be required to be carried out in accordance with relevant health and safety processes and procedures. Similarly, during operation, all activity will be required to operate in accordance with relevant Health and Safety legislation. No significant adverse implications are considered likely to be generated by the IERRT project.</p> <p>Furthermore, the design and layout of the IERRT project has been deliberately arranged in order to minimise major accident hazard risks as far as possible, by reducing the number of people in high risk areas and ensuring that any areas with potentially significant numbers of members of the public are located in areas of the lowest risk (see ES Chapter 18 – Application Document 8.2.18)</p>
Risks to surrounding population	The IERRT Project will not generate any significant implications for the surrounding population in terms of risks.
Marine safety in approaches to ports	This issue has been addressed in ES Chapter 10 (Application Document 8.2.10) and supporting appendices, including a Navigational Risk Assessment (Application Document 8.4.10 (a)). These comprehensive assessments – which take account of relevant guidance and standards, including the DfT’s Port Marine Safety Code. The assessment undertaken demonstrates that, with the imposition of suitable mitigation measures, no significant effects are considered likely to occur.

Accidents on road and rail network accessing ports	ES Chapter 17 Traffic and Transport (Application Document 8.2.17) specifically considers the issue of accidents and safety on the relevant highway network. The assessment undertaken demonstrates that no significant effects will be generated in this regard.
Physical security of port users and workers	The applicant is bound by the provisions of the International Ship and Port Facility Security Code (ISPS) which came into force in 2004. The application site lies within an operation port within an area already covered by the requirements of the ISPS code. The applicant will continue to apply the same security measures to the IERRT Project as apply to the existing port.
ECONOMY: Effect on	
Cargo owners / passengers / leisure users	As explained within Chapter 4 of the ES (Application Document 8.2.4) the IERRT Project will provide significant benefits to cargo owners in that it will provide additional capacity for the handling of Ro-Ro cargo in a location where the market wants such capacity to be located. Passengers will also benefit by virtue of the additional capacity that will be created.
Port operators	<p>A key element of the need for the IERRT project is to meet the needs of an existing Ro-Ro operator on the Humber Estuary. The Project will generate significant benefits in this regard.</p> <p>From an ABP perspective the IERRT project will provide the Port of Immingham with additional capacity for a trade for which there is demand and will also provide benefits in terms of port infrastructure resilience and competition.</p>
Port workers	Both the construction and operational phase of the IERRT project will generate employment. During the operational phase the project is predicted to generate 196 net jobs, 176 of those being filled by residents of the local Travel to Work Area.
Ship operators	As already indicated, a key element of the need for the IERRT Project is to meet the needs of an existing Ro-Ro operator on the Humber Estuary. The project will generate significant benefits in this regard.

Government	The IEERT project will contribute to the achievement of the Government's objectives for port development set out within the NPSfP.
Non-port users and providers of surface access links	The assessment undertaken demonstrates that the IERRT Project will not have any significant adverse impacts on non-port users in the locality of the site of the proposed development. The traffic and transport assessment (ES Chapter 17 and accompanying appendices) indicates that existing surface access links are suitable to acceptably accommodate the traffic to be generated by the development and that no significant adverse effects will occur in this regard.
Regeneration and redistribution of economic activity	As explained within this Planning Statement, the proposed IERRT development will contribute to the achievement of objectives, including those of an economic nature set out within policy of relevance for the local area.
Productivity growth across the economy	The IERRT development is predicted to contribute approximately £41.2m per annum to the national economy during the construction phase and £2.9m per annum during the operational phase.
Foreign direct investment and trade	As explained within Chapter 4 of the ES (Application Document 8.2.4) and accompanying Appendix 4.1 (Application Document 8.4.4(a)), the IERRT Project will improve the ability for the UK to trade. The Project will provide new and additional Ro-Ro freight import and export capacity of the right type in the right location.
ENVIRONMENT: Effect on	
Noise and dust	These environmental topics are considered in detail in ES Chapter 14 (Application Document 8.2.14) and ES Chapter 13 (Application Document 8.2.13) respectively. The conclusions reached in those assessments are that the IERRT Project, with the imposition of mitigation measures, will not generate any significant adverse effects in respect of these matters.
Local Air Quality	This environmental topic is considered in detail in ES Chapter 13 (Application Document 8.2.13). The conclusions reached in that assessment are that the IERRT Project, with the imposition of mitigation

	measures, will not generate any significant adverse effects in respect of this matter.
Climate Change	This environmental topic is considered in detail in ES Chapter 19 (Application Document 8.2.19). The conclusions reached in that assessment are that the IERRT Project will not generate any significant adverse effects in respect of this matter.
Landscape / Townscape	As explained in Chapter 6 of the ES (Application Document 8.2.6) these topics were scoped out of detailed assessment at an early stage as the IERRT Project will not generate significant adverse effects in respect of these topics.
Biodiversity	This environmental topic is considered in detail in ES Chapter 9 (Application Document 8.2.9). The conclusions reached in that assessment are that the IERRT Project, with the imposition of mitigation measures, will not generate any significant adverse effects in respect of this matter.
Heritage	This environmental topic is considered in detail in ES Chapter 15 (Application Document 8.2.15). The conclusions reached in that assessment are that the IERRT Project, with the imposition of mitigation measures, will not generate any significant adverse effects in respect of this matter.
Water	This environmental topic is considered across different ES chapters, including Chapter 8 (Application Document 8.2.8), Chapter 11 (Application Document 8.2.11) and 12 (Application Document 8.2.12). The conclusions reached in those assessments are that the IERRT Project, with the imposition of mitigation measures, will not generate any significant adverse effects in respect of this matter.
ACCESSIBILITY: Effect on:	
Access by non-road modes	Access matters are considered within Chapter 17 of the ES (Application Document 8.2.17) and accompanying appendices, in particular the Transport Assessment (Application Document 8.4.17 (a)). A Travel Plan for the proposed development (Application Document 8.4.17 (b)) has also been provided.

Access for disabled people	The IERRT Project will, through the detailed design process, be designed to provide the appropriate standard of access for disabled people.
Option of access to Port facilities	Access matters are considered within Chapter 17 of the ES (Application Document 8.2.17) and accompanying appendices, in particular the Transport Assessment (Application Document 8.4.17 (a)). A Travel Plan for the proposed development (Application Document 8.4.17 (b)) has also been provided.
Severance of local trips	The issue of severance is a matter specifically considered in Chapter 17 of the ES (Application Document 8.2.17). The conclusions reached in that assessment is that the IERRT Project will not generate any significant adverse effects in respect of this matter.
INTEGRATION: Effect on, and integration with	
Transport interchange facilities at ports	The proposed IERRT Project is a transport interchange facility, largely for Ro-Ro freight but also for passengers when freight operations allow. The project will generate benefits in this regard.
Land use policy	This Planning Statement demonstrates that the proposed IERRT Project accords with relevant land use policy for the site and its surroundings.
Local transport strategy	As demonstrated in this Planning Statement the IERRT Project will support the achievement of relevant objectives contained within the local transport plan.
Economic strategy for the area	The IERRT Project, as demonstrated in this Planning Statement, accords with the local economic strategy in respect of its aspirations for the Ports and Logistics sector.
Environmental protection policies	This Planning Statement demonstrates that the proposed IERRT Project accords with relevant environmental protection policies.
Regeneration policies	As demonstrated in this Planning Statement the IERRT Project will conform with the site-specific development plan policies set out in the adopted local plan. Those policies form part of the overall strategy for the area set out in the local plan to achieve the vision for area.

Other Government policies	This Planning Statement demonstrates that the proposed IERRT Project will accord with Government policies set out within the National Policy Statement for Ports, the National Planning Policy Framework and the Marine Policy Statement.
FURTHER CONSIDERATIONS	
Commercial viability of port (where relevant)	The IERRT Project is to be entirely funded by Associated British Ports (ABP). The project is being promoted to meet a very clear and compelling need, which includes meeting the urgent needs of an existing Ro-Ro freight operator on the Humber Estuary. Funding matters are considered further in the project Funding Statement (Application Document 4.3)
Effect on competition between ports	The IERRT Project will contribute to increased competition between ports serving the Ro-Ro freight market. As the NPSfP makes clear, such competition is to be welcomed and encouraged for the economic benefits that it delivers.
Ensure delivery of associated infrastructure	As the IERRT application demonstrates, all necessary infrastructure is being provided by ABP as part of the project. No offsite associated infrastructure is necessary.

Transport Analysis Guidance (WebTAG)

10. Transport Analysis Guidance (TAG) is the Department for Transport's transport appraisal guidance and toolkit. It consists of software tools and guidance on transport modelling and appraisal methods that are applicable for highways and public transport interventions encompassing the entire range of measures from demand management measures through to major engineering projects. These tools and guidance facilitate the appraisal and development of transport interventions, enabling analysis to build evidence to support the development of a business case, and to inform investment funding decisions.
11. Analysis using TAG is a requirement for all interventions that require government funding. Fundamentally, the guidance is used to develop evidence for the business case for schemes which require some form of public monies.

12. For interventions that do not require any form of public monies – such as the IERRT development - the guidance can serve as a best practice guide.
13. The TAG overview document highlights how the outputs of the appraisal produced from TAG are then used to develop evidence from the following five perspectives:
- (i) the Strategic case,
 - (ii) the Economic case,
 - (iii) the Commercial case,
 - (iv) Financial case, and
 - (v) the Management case.
14. These are then collectively used to present the business case for the proposed intervention.
15. Whilst a formal business case does not need to be prepared for the IERRT Project (as no public monies are needed or indeed are being sought for the scheme) the following table sets out a summary of the position for the Project in respect of the five perspectives referred to above.

Perspective	IERRT Position
Strategic case	The strategic case for the IERRT Project is drawn together and summarised within this Planning Statement. The position is that the Project: meets a clear and compelling need, the meeting of which is in the public interest; is the only solution to meeting the need that has been identified; generates no significant adverse environmental effects; accords with the objectives of Government set out within the National Policy Statement for Ports; is in accordance with other policy of relevance; and, generates no issues which policy or legislation indicates are reasons for refusing consent – in particular the benefits of the scheme far outweigh the adverse impacts generated.
Economic case	The broad economic benefits generated by the Project are detailed within ES Chapter 4 (Application Document 8.2.4) and accompanying appendix. The project will generate significant benefits in terms of wider economic matters relating to trade and the import and export of Ro-Ro cargo. At the project level, Chapter 16 of the ES (Application Document 8.4.16) explains that the Project will generate significant beneficial effects in terms of job creation and GVA.
Commercial case	The commercial case for the Project is outlined within ES Chapter 4 (Application Document 8.2.4) and accompanying appendix. There is strong demand for the type of capacity being provided by the Project in the location where it is proposed. Fundamentally the Project provides the type of capacity the

	market requires in the location required. A key element of the commercial case for the Project is that it will meet the urgent needs of an existing Ro-Ro operator on the Humber Estuary.
Financial case	The IERRT Project is to be entirely privately funded by Associated British Ports.
Management case	The applicant – Associated British Ports – has a long and successful track record of delivering major port development projects at its various 21 ports around the UK, including at the Port of Immingham. ABP has in place appropriate implementation, contracting and project management processes and procedures to ensure the successful delivery of the IERRT Project.

Precedent

16. In addition to the above it is noted that Harbour Facility NSIPs that have been consented to date – namely the Able Marine Energy Park and subsequent amendments (PINS ref TR030001 and TR030006), the York Potash Harbour Facility (PINS ref TR030002) and Tilbury 2 (PINS ref TR030003) – have taken the same general approach as has been taken by ABP in respect of the IERRT DCO application, namely the assessments are based upon the principles contained within both the PAFP and WebTAG rather than expressly employing those methodologies. All of these earlier applications have been found to be sound in this regard and the developments proposed have since been consented.

APPENDIX 5 - SEQUENTIAL AND EXCEPTION TEST

1. The purpose of the 'Sequential Test' is, in general terms, to steer new development to sites where there is little or no probability of a flood occurring (i.e. in Flood Zone 1). If, following the application of the Sequential Test, it is determined that there is no reasonably available site within either Flood Zone 1 or Flood Zone 2 (medium probability of a flood occurring) then certain forms of development can take place within Flood Zone 3, subject to the 'Exception Test'.
2. The site of the proposed IERRT development is within Flood Zone 3a. In terms of the requirements of the Sequential Test, the analysis undertaken on potential alternatives contained within Chapter 4 of the ES (Application Document 8.2.4) demonstrates that there is no alternative to the proposed IERRT development that could meet the need and objectives which have been defined. This analysis, therefore, also demonstrates that, in respect of the Sequential Test, there is no reasonable available site within Flood Zones 1 and 2 where the development proposed could be alternatively located.
3. On the basis of the available evidence, it is, therefore, considered that the IERRT Project satisfies the requirements of the Sequential Test.
4. To further demonstrate the acceptability of the site for the development proposed it is highlighted that the site is identified within the North East Lincolnshire Local Plan (itself supported by a Strategic Flood Risk Assessment) as an 'Operational Port' area where proposals for port related use will be supported and, where appropriate, approved, if they accord with the development plan as a whole and subject to the ability to satisfy the requirements of the Habitats Regulations. As demonstrated within this Planning Statement it is considered that the proposed IERRT Project accords with these policy requirements.
5. The IERRT Project falls within the 'Water Compatible Development' classification in line with policy contained within both the NPSfP and the NPPF. Water compatible development, as made clear within the NPPF, does not need to be subject to the Exception Test when proposed within Flood Zone 3a.
6. However, even if the Exception Test is not formally required, the IERRT Project will, in line with Exception Test requirements:
 - provide wider sustainability benefits to the community – as set out within the Environmental Statement and this Planning Statement;
 - be located on developable previously developed (brownfield) land (which also forms part of the operational area of the Port of Immingham) and,
 - as demonstrated within both the IERRT Flood Risk Assessment (FRA) (Application Document 8.4.11) and the accompanying assessment chapter

(Application Document 8.2.11), the design of the IERRT project has taken account of flood risks as appropriate.

7. If, therefore, the Exception Test did, for whatever reason, need to be passed then the evidential information provided in support of the IERRT DCO application demonstrates that it would be.