

By Email

Lily Robbins
The Planning Inspectorate
National Infrastructure
C Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Our Ref
BG/10276966

Your Ref
TR030007

Date
6 July 2023

Dear Ms. Robbins

Immingham Eastern Ro-Ro Terminal ('IERRT') Pre-Examination Procedural Deadline A Applicant's Written Submissions on Examination Procedure

This letter sets out the response by Associated British Ports (the "Applicant") to the Examining Authority's (the "ExA's") Rule 6 letter dated 20 June 2023 in respect of the forthcoming Examination, including the Applicant's submissions in relation to the information requested by the ExA to be provided by parties by Pre-Examination Procedural Deadline A.

1 Examination Procedure

- 1.1 **Preliminary meeting** - The Applicant will attend, and participate in, the Preliminary Meeting on Tuesday 25 July 2023.
- 1.2 **ISH1 and OFH** - The Applicant will also be present to assist the ExA at the Issue Specific Hearing 1 ("ISH1") and the Open Floor Hearing ("OFH") to be held later that day.
- 1.3 The Applicant will be represented at the Preliminary Meeting, ISH1 and the OFH by Brian Greenwood of Clyde & Co LLP.
- 1.4 The Applicant, at this juncture, is not anticipating that it will respond in detail to the representations made by parties at the OFH, subject to assisting the ExA as may be appropriate. The Applicant will, however, provide written responses to any representations made at the OFH where necessary.
- 1.5 Schedule 1 below list the persons who will be attending the ISH1 and the OFH.
- 1.6 **ISH2** - For ISH2, the Applicant will be represented by senior counsel, James Strachan KC.

1.7 As far as the experts attending ISH2 are concerned, we note, (Annex D) that the ExA will be publishing a high-level agenda for that meeting. In light of the ExA's request that in connection with the navigation and shipping section of ISH2, specialist representatives should be in attendance with a view to responding to any questions that may be put to them by the ExA, the Applicant intends, subject to the views of the ExA, to delay the selection of the specialists who will be attending that session until the publication of the agenda so as to ensure that those who do attend will have the relevant specialist knowledge to be able assist the ExA in its consideration.

1.8 **Generally** - The Applicant will also be attending all hearings listed in Annex D of the Rule 6 Letter and, following the receipt of the relevant agendas, will produce a list of proposed attendees which will be provided to the ExA in advance of the relevant hearing.

1.9 The Applicant asks that it be provided with a list of the Interested parties who have indicated an intention to attend the Preliminary Meeting, ISH1, ISH2 and the OFH.

2 **Timetable for Examination**

2.1 The Applicant would comment on the ExA's Draft Examination Timetable:

- (a) Subject to the views of the ExA, the Applicant proposes to submit an updated track changed version of the draft Development Consent Order prior to the Preliminary Meeting which can then be referenced during ISH1.
- (b) Otherwise, the Applicant has noted the draft Timetable for Examination and has no additional comments to make in relation to the ExA's proposals as to the arrangements for future Examination hearings.

3 **Familiarisation Site Inspection ("FSI")**

3.1 The Applicant is discussing the necessary arrangements with the ExA for the Familiarisation Site Inspection on 26 July 2023. This site inspection will take place by both minibus and pilot launch in that as explained in the Rule 6 Letter, due to security and safety concerns within the Port of Immingham estate, it is not possible for the ExA to access the proposed development site without being chaperoned by ABP staff.

3.2 The Applicant can confirm, however, that throughout the site visit the ExA will only be accompanied by members of staff who have no connection with the Proposed Development.

3.3 A detailed itinerary for the familiarisation site inspection will be provided to the ExA in advance of the Preliminary Meeting.

4 **Initial Assessment of Principal Issues**

4.1 The Applicant has discussed the Initial Assessment of Principal Issues contained in Annex C of the Rule 6 Letter with the Case Officer. The only point that the Applicant would wish to make is that the topic - Landscape and Visual Effects of the Proposed Development – was scoped out of the Environmental Impact Assessment at a very early stage in the pre-application process. This was by reason of the fact that the site of the Proposed Development lies within a highly industrialised operational Port. The Applicant understands that as a consequence, this topic will be removed from the list of Principal Issues.

4.2 The Applicant has no further comments on the Principal Issues as set out in Annex C to the Rule 6 Letter.

5 **Other Matters in relation to the Examination**

- 5.1 **Hard copy documents** - The ExA has requested hard copies of specific application documents in advance of the Examination. These were provided to the ExA by the Applicant on 4 July 2023.
- 5.2 **Powers of compulsory acquisition** – Both before submission of the DCO application and subsequently, the Applicant has been actively liaising with those with interests in land affected by the proposed development and so identified in the Book of Reference. Agreements with some of the affected parties have already been settled and the Applicant anticipates that further agreements will be negotiated both before and during the Examination. The Applicant has noted and confirms that it will be providing a schedule of changes to the Book of Reference and a Compulsory Acquisitions Negotiations Tracker for Deadline 2.
- 5.3 **Protective Provisions** - The Applicant is liaising with various statutory undertakers and port tenants with a view to negotiating and finalising relevant protective provisions – some of which, but not all, have been finalised. The Applicant will outline the current position at ISH1 and any changes will be reflected in the track changed version of the draft DCO.
- 5.4 **Statements of Common Ground** - The Applicant is also liaising with a number of parties with a view to producing Statements of Common Ground, in line with the ExA's Procedural Decision dated 26 May 2023. The Applicant will continue to progress these drafts in light of the Principal Areas of Disagreement documents to be submitted by the Interested Parties to the ExA on 6 July 2023. The Applicant will provide a comprehensive update as to progress made in the preparation of all Statements of Common Ground as requested by the ExA by Deadline 1 (14 August 2023).

The Applicant trusts that the above is of assistance. Please do not hesitate to contact the undersigned should you have any queries regarding the submissions made in this letter.

Yours sincerely



Brian Greenwood

Partner
Clyde & Co LLP

Schedule 1

Current List of Applicant's Attendees on Tuesday 25 July 2023

The Applicant can confirm that the individuals listed below are likely to be present in person at the Preliminary Meeting, ISH1 and if required, the OFH and will be available to respond to any questions raised by the ExA.

	Attendee	Organisation
1.	Brian Greenwood	Clyde & Co LLP
2.	Simon Bird	Associated British Ports
3.	Joshua Bush	Associated British Ports
4.	Jamie Oaten	ABPmer
5.	Rajpreet Uppal	Clyde & Co LLP