



Immingham Eastern Ro-Ro Case Team
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.gov.uk

MMO Reference: DCO/2021/00004
Planning Inspectorate Reference: TR030007

6 July 2023

Dear Sir or Madam,

**Planning Act 2008: Proposed Immingham Eastern Roll on/Roll off (Ro-Ro) Terminal
Development Consent Order**

**Response to Examining Authority's Rule 6 Letter & Principle Areas of Disagreement
submission**

On 09 March 2023, the Marine Management Organisation (the "MMO") received notice under section 55 of the Planning Act 2008 (the "PA 2008") that the Planning Inspectorate ("PINS") had accepted an application made by Associated British Ports, (the "Applicant") for determination of a development consent order for the construction, maintenance, and operation of the proposed Immingham Eastern Ro-Ro Terminal (the "DCO Application") (MMO ref: DCO/2021/00004; PINS ref: TR030007).

The Applicant seeks authorisation for the construction, operation, and maintenance of a Roll-On Roll-Off terminal in the Port of Immingham. This facility is designed to service the embarkation and disembarkation of principally commercial cargo carried either by accompanied trailer or by lorry or on unaccompanied trailers which will be collected at the port of disembarkation. In addition to this wheeled cargo, the new facility will be designed to accommodate an element of passenger use, albeit only during those periods when the demands of the Ro-Ro cargo operation allow.

The Marine works associated with this development consist of the following construction works:

- An approach jetty from the shore;
- A linkspan (a type of bridge used to allow vehicles to move on and off vessels) with bankseat (support) to provide a solid foundation;
- Two secured floating pontoons;

- Two finger piers to provide three berths (one on either side of the northern-most outer finger pier furthest from the shore, and one on the northern side of the southern-most inner finger pier) thereby enabling the vessels to berth alongside with their stern ramps resting on a floating pontoon which will match the rising and falling of the tide;
- A capital dredge of the new berth pocket;
- Disposal of dredged material at sea on the basis that no beneficial alternative use for the material has been identified; and
- Possible inclusion of vessel impact protection measures to provide protection in the unlikely event of an errant vessel contacting the Immingham Oil Terminal (IOT) trunk way.

The MMO received a Rule 6 letter on 20 June 2023. Please find the MMO comments below;

- 1. Preliminary Meeting Attendance**
- 2. Comments on Examination Timetable**
- 3. Anything further required from Examination Authority**
- 4. Request to attend and be heard orally at ISH1 and ISH2**
- 5. Principal Areas of Disagreement**

Yours faithfully/sincerely



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Marine Licensing Case Officer

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1. Preliminary Meeting Attendance

- 1.1 The MMO **will not** be attending the Preliminary Meeting on 25 July 2023. The MMO has reviewed the draft timetable for the examination of the application and would like to highlight the following concerns for consideration by the Examining Authority (ExA).

2. Comments on Examination Timetable

- 2.1 With regard to the examination timetable the MMO notes that the preliminary hearing, the first issue specific hearing (ISH1) and the first open floor hearing are set to take place on the same day (25/07/2023). The MMO questions the practicality of this as preliminary hearings that the MMO have attended in the past have taken some time to complete. We request that the ExA consider rearranging these hearings for different days to allow all participants the ability to attend.
- 2.2 The MMO also notes that the ExA is intending to issue the finalised examination timetable 'As soon as practicable following the Preliminary Meeting'. The MMO welcomes this, however, given the tight turnaround between the first preliminary hearings and the Deadline 1 submissions, could the ExA confirm the date for Deadline 1 submissions as soon as possible to allow for the necessary documents to be drafted and completed.
- 2.3 The MMO notes that the ExA have requested that the final Statements of Common Ground (SoCG) are submitted at Deadline 5. The MMO considers that the SoCG process should capture all discussions throughout the Examination process, therefore, the final SoCG should be submitted at a later deadline than this, possibly Deadline 7 or 8. The MMO requests that this submission is revisited to allow for any additional discussion at the end of the Examination process to be captured in relevant SoCGs.
- 2.4 Furthermore, the MMO notes that the ExA authority is not seeking any 'draft' SoCGs as part of the examination process, although it is requesting 'updates'. The MMO queries why this is the case and whether or not it would be beneficial for these documents to be submitted in draft form throughout the Examination process for the benefit of the ExA.
- 2.5 Additionally, the MMO is aware that the ExA has requested the submission of a 'Principal Areas of Disagreement ("PAD")' document. However, there is no request for a finalised PAD to be submitted throughout the Examination process by any statutory consultee, the MMO asks why this is the case and what merit there is in submitting such a document if a final draft is not requested by the ExA.
- 2.6 Finally, the MMO notes that at every proposed deadline, the ExA has requested a 'dDCO (If required)'. The MMO would ask for greater clarity on this point in order to factor in the time to review the documents and would suggest that firm dates for the submission of a dDCO are offered to allow for necessary preparations to be made.

3. Anything further required from Examination Authority

- 3.1 The MMO has nothing else to raise at this stage.



4. Notification that the MMO will not be attending ISH1 or ISH2

- 4.1 The MMO is aware that the ISH1 and ISH2 are associated with the draft Development Consent Order and Marine Ecology (amongst other topics) respectively. Given the proximity of these hearings to the Preliminary Hearing and the fact that both hearings are set to take place before the submission of Deadline 1 responses, the MMO will not be attending either hearing, unless the ExA requests that it does so. The MMO reminds the ExA that the DCO process is a written process and considers that more emphasis should be placed on this aspect throughout the examination.

5. Principle Areas of Disagreement

- 5.1 The MMO is aware that the ExA has requested a 'Principle Areas of Disagreement' document to be submitted as part of this examination. The MMO has submitted this document below for your consideration.
- 5.2 The MMO attended two meetings with the Applicant on 30/06/2023 to discuss the existential issues associated with the project in terms of Marine Ecology and the Deemed Marine Licence. The MMO was happy with the outcomes of this meeting and is confident that all outstanding issues can be resolved prior to the close of examination. Currently, the MMO is awaiting receipt of some signposting documents that will endeavour to close out all remaining issues between ourselves and the Applicant, the MMO will review these and continue to engage with the Applicant and ExA throughout the examination.



Table 1 – Principle Areas of Disagreement

Principle issue in question	The brief concern held by MMO which will be reported on further in the Statement of Common Ground (The SoCG)	What needs to; <ul style="list-style-type: none"> • change, or • be included, or • amended so as to overcome the disagreement	Likelihood of the concern being addressed during Examination
Deemed Marine Licence Conditions/General	The MMO has concerns regarding the content/wording of the following conditions currently held within the Draft Development Consent Order: <i>Condition 6(5)</i> <i>Condition 8(1)</i> <i>Condition 13(5)</i> <i>Condition 16</i> <i>Condition 18(2)</i> <i>Condition 19(1)</i> <i>Condition 19(3)</i> <i>Condition 20</i> <i>Condition 22</i> <i>Condition 23</i> <i>Condition 24</i>	The MMO has outlined for what reasons these conditions need updating in Section 3.2 of its Relevant Representation. The MMO will remain engaged in discussion with the Applicant to ensure that all conditions meet the 5 tests for a marine licence condition and that they are appropriate for usage in this DCO.	The MMO is confident that these issues will be rectified during examination.

<p>Fish and Shellfish Ecology</p>	<p>The MMO has a number of concerns regarding the potential impacts to fish and shellfish that are outlined in the Environmental Statement, they are summarised below:</p> <ul style="list-style-type: none"> • Section 3.1.61- The MMO has serious concerns about the impacts to migratory fish from piling and dredging works being undertaken concurrently and note that the multiple stressors to fish (increased suspended sediment concentration (SSC) in the water column and underwater noise (UWN) disturbance and vibration) arising from these simultaneous activities have not been examined in the intra-project effects assessment • The Applicant is yet to assess the potential impacts to fish 'during operation' • It is unclear whether all four rigs to be deployed for these works will be in operation concurrently • Condition 4.2.10 iv is too flexible and vague to meet the 5 tests of the MMO conditions. • The intra-project impacts to fish have not been accurately characterised. 	<p>The MMO has outlined all of the issues in Section 4.2 of the Environmental Statement.</p> <p>The MMO will remain engaged in discussion with the Applicant to ensure that all of these matters are addressed throughout the DCO Process.</p>	<p>The MMO is confident that these issues will be rectified during examination.</p>
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	<ul style="list-style-type: none"> MMO position is that habitat loss and disturbance as well as underwater noise impacts on fish during operation should be further assessed within the ES, taking into account other developments in the area (cumulative effects). <p>There are additional issues the MMO has raised but these are the salient points.</p>		
Coastal Processes	<p>The MMO has some concerns regarding the potential impacts to Coastal Processes that are outlined in the Environmental Statement, they are summarised below:</p> <ul style="list-style-type: none"> The applicant has not presented background data on typical exceedance of mean background suspended sediment concentrations within the estuary. A version of Figure 20.1 should be produced indicating the extent of dredge disposal impacts, with an estimation of the temporal increase in SSC arising from the increased future dredge needs. This may be accompanied by an estimation of the possible sediment sinks arising from the proposed realignment schemes on the opposite bank. 	<p>The MMO has outlined all of the issues in Section 4.3 of the Environmental Statement.</p> <p>The MMO will remain engaged in discussion with the Applicant to ensure that all of these matters are addressed throughout the DCO Process.</p>	<p>The MMO is confident that these issues will be rectified during examination.</p>

Underwater Noise	<p>The MMO has some concerns regarding the potential impacts from Underwater Noise that are outlined in the Environmental Statement, they are summarised below:</p> <ul style="list-style-type: none"> • MMO are not content that the risks to migratory species have been appropriately mitigated during the summer and autumn months. • The MMO has issues regarding the content of the Underwater Noise Assessment. These are outlined in Section 4.4. 	<p>The MMO has outlined all of the issues fully in Section 4.4 of its Relevant Representation.</p> <p>The MMO will remain engaged in discussion with the Applicant to ensure that all of these matters are addressed throughout the DCO Process.</p>	The MMO is confident that these issues will be rectified during examination.
Dredge and Disposal	<p>The MMO has the following issue regarding the Dredge and Disposal activities associated with this project:</p> <ul style="list-style-type: none"> • Regarding assessed PAH levels, the MMO are unable to agree with the Applicant's conclusions that the levels observed are "low". 	<p>The MMO has outlined all of the issues fully in Section 4.5 of its Relevant Representation.</p> <p>The MMO will remain engaged in discussion with the Applicant to ensure that all of these matters are addressed throughout the DCO Process.</p>	The MMO is confident that these issues will be rectified during examination.