



Maritime &  
Coastguard  
Agency

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Via email: [ImminghamEasternRoRoTerminal@planninginspectorate.gov.uk](mailto:ImminghamEasternRoRoTerminal@planninginspectorate.gov.uk)>

Dear Planning Inspectorate,

**Planning Act 2008 – Section 89 and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8 and 9**

**Application by Associated British Ports for an Order Granting Development Consent for the Immingham Eastern Ro-Ro Terminal**

**Hearing Action Points arising from Issue Specific Hearing 2 (ISH2) dealing with matters relating to the Need Case and Environmental Statement held on Thursday 27 July 2023 – Deadline 1**

Thank you for the invitation to the review the recording of ISH2 discussion and provide any comments by D1.

The MCA's role in marine licensing and consenting is to provide advice and guidance to the relevant licensing and consenting regulator regarding the impact of the works and activities on shipping, safe navigation and emergency response for their decision-making purposes. On this occasion the works are being undertaken within a Statutory Harbour Authority (SHA) - ABP Humber, who have relevant powers under the Harbour Act 1964 (or other) and therefore have jurisdiction. ABP Humber are responsible for maintaining the safety of navigation during construction and operational phases of the development, and therefore the MCA would not approve a Navigation Risk Assessment (NRA) or undertake a full assessment of the NRA on behalf of a SHA.

The MCA will of course maintain its regulatory remit with regards to ships and the associated safety functions, however the management of safe navigation and risk within the harbour as a whole remains solely with the SHA.

The MCA's relevant representation for Immingham Ro Ro Terminal was to ensure that an agreed NRA would be in place using an appropriate risk assessment methodology, that suitable consultation would be undertaken with relevant interested parties and that the proposals would be carried out in accordance with the Port Marine Safety Code (PMSC). To date we have been satisfied that this was being undertaken.

Representatives from the MCA have reviewed the ISH 2 recordings and would like to comment on two further aspects within our remit on this occasion:



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- 1) MGN 654 although written for the offshore renewables industry is based on the same principles as the International Maritime Organisation's Formal Safety Assessment. Applied correctly, the core principles can be used for assessing the risk of any activity at sea, and also forms the basis of the methodology applied in the PMSC and its Guide to Good Practice. It is the same fundamental principles in both documents. We would also point out that MGN 654 addresses both quantitative and qualitative assessment. The PMSC is of course primary here and should be used for its intended purposes.
- 2) The PMSC and Guide to Good Practice states that the organisation should strive to maintain a consensus about safe navigation. This can be achieved through formal programmes of stakeholder engagement and a review of relevant risk assessments with users of the facility or harbour.

The MCA would expect every attempt to be undertaken by the applicant to resolve the concerns raised by the interested parties, with more detailed justification where consensus cannot be achieved. We will of course continue to monitor progress.

Yours faithfully,

*HM Croxson*

Helen Croxson  
Marine Licensing and Consenting

