

# IMMINGHAM EASTERN RO-RO TERMINAL



Applicant's Response to CLdN's Written Representation at Deadline 3

Document 10.2.43

APFP Regulations 2009 – Regulation 5(2)(q)

PINS Reference – TR030007

October 2023

# Document Information

Document Information	
<b>Project</b>	Immingham Eastern Ro-Ro Terminal
<b>Document title</b>	Applicant's Response to CLdN's Written Representation at Deadline 3
<b>Commissioned by</b>	Associated British Ports
<b>Document ref</b>	10.2.43
<b>APFP Reg 2009</b>	Regulation 5(2)(q)
<b>Prepared by</b>	ABP Project Team

  

Date	Version	Revision Details
10/2023	01 – Deadline 4	Submitted at Deadline 4

## Contents

<b>1. Introduction .....</b>	<b>4</b>
<b>2. Need, Alternatives and Policy Matters .....</b>	<b>4</b>
<b>3. Traffic and Transport Matters .....</b>	<b>5</b>

## 1. Introduction

1.1. This document provides the Applicant's response to the written representation submitted by CLdN at Deadline 3 **[REP3-020]**.

## 2. Need, Alternatives and Policy Matters

2.1. CLdN's comments provided at Deadline 3 **[REP3-020]** on need, alternatives and policy matters largely repeat points that have previously been raised by CLdN (which in turn have already been responded to by the Applicant) or are matters which are to be further set out in writing by CLdN following ISH3. As the Applicant made clear at ISH3, it will respond in writing in due course to the position presented by CLdN at ISH3, once that position has been set out in writing.

2.2. That being said, the Applicant makes the following general points:

- (i) CLdN continue to misunderstand or misrepresent the need case that has been presented by the Applicant;
- (ii) CLdN continue to misunderstand or misrepresent the position on need that is set out within the NPSfP, and
- (iii) CLdN continue to misapply case law of relevance to the matters of need and alternatives.

2.3. These matters, amongst other points, were made clear in the initial oral responses made on behalf of the Applicant at ISH3 in response to the lengthy CLdN oral submissions.

2.4. The CLdN Deadline 3 submission **[REP3-020]** touches on dwell time and capacity matters. Recognising that the ExA has requested the production of a Statement of Common Ground (SoCG) on such matters between the Applicant, Stena Line, CLdN and DFDS, and recognising these matters have already been responded to by the Applicant, the Applicant will provide any subsequent necessary responses to such matters once the SoCG has been produced.

2.5. The CLdN Deadline 3 submission **[REP3-020]** repeats the claim made in the CLdN written representation that the IERRT will not encourage competition (Volterra second report paragraphs 1.6 and 1.7). It is noted that CLdN's position – through Volterra – has evolved with no explanation from:

- (a) a position where it was considered that the Applicant "*has not demonstrated robustly enough how the Proposed Development as a whole .... promotes a competitive position in the Humber*" (Volterra first report paragraph 3.15) **[REP2-031]**, to
- (b) a position where it is now claimed that the proposed development "*does not deliver in accordance with the intention of the NPSfP regarding competition, as it would not encourage further competition between ports*

*and therefore would not make UK national infrastructure more resilient”*  
(Volterra second report paragraph 1.7) **[REP3-020]**

- 2.6. Irrespective of this point, the argument being put forward by CLdN is fundamentally flawed for the reasons which are summarised in the Applicant's response to CLdN's written representations **[REP3-007]**.

### 3. Traffic and Transport Matters

- 3.1. The Applicant has agreed to work with CLdN to agree a statement of common ground (SOCG) which will include, where the Applicant deems it appropriate, a sensitivity test, to consider the matters on which agreement has not been reached.
- 3.2. Based on assessments undertaken that sensitivity test will confirm and validate the overall conclusions of the Transport Assessment **[AS-008]**. Where agreement cannot be reached with CLdN that will be made clear in the SOCG.

#### **Matters that are agreed**

##### *Base Traffic Flows*

- 3.3. It is noted that CLdN confirm that the (2021) survey data adopted in Transport Assessment **[AS-008]** has been suitably justified (Page 6 of **REP3-020**) and is therefore the approach taken to establishing baseline traffic data and the data adopted in the assessment is appropriate and reasonable.