

IMMINGHAM EASTERN RO-RO TERMINAL



Draft Statement of Common Ground between Associated British Ports and CLdN Ports
Killingholme Limited

Document 7.6

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

PINS Reference – TR030007

October 2023

Document Information

Document Information	
Project	Immingham Eastern Ro-Ro Terminal
Document title	Draft Statement of Common Ground between Associated British Ports and CLdN Ports Killingholme Limited
Commissioned by	Associated British Ports
Document ref	7.6
APFP Reg 2009	Regulation 5(2)(q)
Prepared by	ABP Project Team

Date	Version	Revision Details
10/2023	01 – Deadline 5	Submitted at Deadline 5

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1 Section 1 – Introduction

Overview

- 1.1 This Statement of Common Ground (“SoCG”) has been prepared in relation to the application (the “Application”) by Associated British Ports (“ABP”), made under the provisions of Section 37 of the Planning Act 2008 (“the PA 2008”), for a Development Consent Order (“DCO”) which if approved will authorise the construction and operation of the Immingham Eastern Ro-Ro Terminal (IERRT) within the existing Port of Immingham.
- 1.2 The IERRT development as proposed by ABP falls within the definition of a Nationally Significant Infrastructure Project (“NSIP”) as set out in Sections 14(1)(j), 24(2) and 24(3)(b) of the PA 2008.

The Project

- 1.3 In summary, the IERRT development comprises two principal elements:
- (a) on the marine side, the construction of a new three berth Roll-on/Roll-off harbour facility and related marine infrastructure; and
 - (b) on the landside, the provision of a suitably surfaced area to accommodate a terminal building and ancillary buildings together with storage and waiting space for the embarkation and disembarkation of the vessel borne wheeled cargo.
- 1.4 The landside development will also include, within the Order Limits – i.e., within the boundary of the development site – a building for the UK Border Force together with an area for disembarked traffic awaiting UK Border Force checks prior to departure from the Port.
- 1.5 ABP will also be providing an area of off-site environmental enhancement at Long Wood, which is located close to the Port of Immingham’s East Gate.

Parties to this Statement of Common Ground

- 1.6 This SoCG is submitted on behalf of:
- (a) ABP – the promoter of the IERRT development and the owner and operator of the Port of Immingham; and
 - (b) CLdN Ports Killingholme Limited (“CLdN”) – part of the CLdN Links group, a European integrated port, shipping and freight forwarding operator, and the owner of an existing port terminal located at Killingholme approximately 3km up river from the Port of Immingham

1.7 In this SoCG ABP and CLdN are collectively referred to as “the Parties”.

The Purpose and Structure of this Document

1.8 The purpose of this document is to identify and summarise any agreement, disagreement or matters outstanding between the parties on matters relevant to the examination so as to assist the Examining Authority in its consideration of the Application.

1.9 In preparing this SoCG, the guidance provided in ‘Planning Act 2008: examination of application for development consent’ (Department for Communities and Local Government (as it then was), March 2015) has been fully taken into account. In addition, this SoCG has had due regard to the ExA procedural decision of 26 May 2023 and the subsequent PAD Summary Statement submitted to the examination by CLdN [on 6 July] 2023.

1.10 Section 1 of this SoCG is designed to act as a general introduction to the IERRT project and to the parties concerned.

1.11 Section 2 of this SoCG sets out a summary of the correspondence and engagement between the parties to date.

1.12 Section 3 of this SoCG sets out the matters which have been agreed or which remain outstanding, together with any matters upon which it has not been possible to reach agreement.

1.13 The table in Section 3 uses a colour coding system to indicate the status of the matters between the Parties as follows:

- (a) Green – matter agreed;
- (b) Orange – matter ongoing; and
- (c) Red – matter not yet agreed.

2 Section 2 – Summary of Engagement

- 2.1 A summary of the consultation and engagement between the Parties as at the date of this version of the SoCG is presented in Table 2.1 below.
- 2.2 It is agreed by the Parties to this SoCG that Table 2.1 is an accurate record of the correspondence between the Parties.

Table 2.1 – Summary of Engagement

Date	Form of Contact	Summary with key outcomes and points of discussion
17.01.22 to 19.01.22	Email	ABP informed CLdN of the start of the IERRT Statutory Consultation process.
31.01.22	Emails	Emails sent between ABP and CLdN regarding the appropriate contact at CLdN for the purposes of the IERRT project.
23.02.22	Email	Email from CLdN providing response to the IERRT Statutory Consultation.
	Email	Email from ABP inviting CLdN to attend a forthcoming navigation related Hazard Identification workshop.
07.04.22	Hazard Identification Workshop	CLdN representative attended the 2 nd Hazard identification workshop.
28.04.22	Email / letter	Emailed letter from ABP to CLdN asking for details of CLdN's 'additional and enhanced capacity' schemes being brought forward.
10.05.22	Email	Holding email from CLdN in response to ABP email / letter of 28.04.22.
19.05.22	Email	Email from CLdN responding to ABP's 28.04.22 email / letter. Response confirmed two development schemes carried out at the CLdN facility by reliance on permitted development rights – namely schemes for a Border Control Post and a new office building. Response also confirmed that planning permission (ref: PA/2020/1483) granted on 18 December 2021 by North Lincolnshire Council for an additional vehicle storage area at the CLdN facility.
13.06.22	Email / letter	Emailed letter from ABP to CLdN further responding to CLdN's Statutory Consultation response.

02.08.22	Email	Email from ABP inviting CLdN to attend the third Hazard Identification workshop.
12.08.22	Email	Email response from CLdN relating to Hazard Identification workshop invite. CLdN indicated it could not attend due to short notice, indicated that it would be happy to review outputs and provide any information which ABP may have needed.
21.10.22	Email	Email from ABP to CLdN providing the draft CLdN facility factual analysis for review and comment. The email also informed CLdN of ABP's intention to shortly undertake supplementary statutory consultation.
25.10.22	Emails	Emails between ABP and CLdN clarifying some matters in respect of ABP's forthcoming supplementary statutory consultation.
25.10.22		ABP provided notification of the IERRT Supplementary Statutory Consultation.
16.11.22	Email	Email from CLdN to ABP indicating that they would be dealing with the Supplementary Statutory Consultation information before responding to ABP's request on the CLdN facility factual information. Email, however, made clear that parts of the information provided by ABP was not correct / incomplete and that they would provide the right information.
25.11.22	Email / letter	Emailed letter from CLdN providing a response to the IERRT Supplementary Statutory Consultation.

3 Section 3 – Matters Agreed and Matters Not Agreed

3.1 Table 3.1 below contains a list of ‘matters agreed’ and a list of matters outstanding at the date this version of the SoCG.

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Table 3.1: List of Matters Agreed and Outstanding

Matter	ABP's Position	CLdN's Position	Status
Relevant Policy	<p>The National Policy Statement for Ports (NPSfP) (DfT, 2012) is the key relevant national policy statement in considering the IERRT Application. The role of the NPSfP in the IERRT application determination process is set out in section 104 of the Planning Act 2008.</p> <p>Whilst not the primary policy document of consideration, the National Planning Policy Framework (NPPF) (2021) has the potential to be a relevant matter in the IERRT determination process.</p> <p>The UK Marine Policy Statement (MPS) (2011) and The East Marine Plans (2014) are appropriate marine policy documents to which regard must be had in the IERRT determination process.</p> <p>Key local policy of relevance to the IERRT project is provided within the North East Lincolnshire Local</p>		

	Plan 2013 to 2032 (April 2018).		
The Government's policy for ports	The Government's policy for ports is set out within section 3.3 of the NPSfP, the fundamental policy element is provided in NPSfP paragraph 3.3.1.		
The Government's assessment of the need for new port infrastructure	<p>The Government's assessment of the need for new port infrastructure is set out in section 3.4 of the NPSfP. In summary the need for new port infrastructure depends on:</p> <ul style="list-style-type: none"> (i) overall demand for port capacity, (ii) the need to retain flexibility so as to ensure port capacity is located where it is required, (iii) the need to ensure that there is effective competition in port operations; and (iv) the need to ensure effective resilience in port operations. 		
National port capacity demand forecasts	The latest national port capacity demand forecasts are contained within 'UK Port Freight Traffic 2019 Forecasts (January 2019) (DfT)'.		

	<p>These forecasts supersede the previous set of forecasts that were produced by MDS Transmodal for the DfT in 2006 and which are referred to in section 3.4 of the NPSfP.</p> <p>The Ro-Ro freight forecasts (for the period 2016 to 2050) are set out on page 22 of the 2019 forecast document, and predict strong growth for Ro-Ro freight under any of the scenarios considered.</p>		
<p>Humber Estuary specific Ro-Ro demand forecasts</p>	<p>An independent view of the Humber Estuary specific Ro-Ro freight demand is provided in application document APP-079 (ES Appendix 4.1). In summary the analysis forecasts strong growth in Ro-Ro freight traffic within the Humber region.</p>		
<p>The extent to which the IERRT project accords with national policy on the need for new infrastructure</p>	<p>The IERRT proposal accords with national policy on the need for new infrastructure because in summary, it will:</p> <p>(i) provide capacity to meet forecast demand,</p>		

	<p>(ii) provide capacity in a location it is required,</p> <p>(iii) provide capacity that will contribute to effective competition in port operations, and</p> <p>(iv) provide capacity that will contribute to effective resilience in port operations.</p>		
<p>Guidance to the decision-maker on assessing the need for additional port capacity.</p>	<p>This guidance is provided in section 3.5 of the NPSfP. The guidance sets out five matters for which the decision maker should accept the need for future port capacity. The IERRT project meets four of these five matters, namely, in summary, it will make a material contribution to:</p> <p>(i) catering for long-term forecast growth in Ro-Ro volumes,</p> <p>(ii) ensuring there are a sufficiently wide range of facilities at a variety of appropriate locations,</p> <p>(iii) ensuring effective competition amongst ports and providing resilience in the national infrastructure,</p> <p>(iv) the provision of capacity that takes full account of the contributions port development might</p>		

	<p>make to regional and local economies.</p> <p>The Guidance also indicates that given the level and urgency of need for such infrastructure, the decision maker should start with a presumption in favour of granting consent to applications for port development, subject to other matters specified.</p>		
<p>Guidance relating to consideration of alternatives</p>	<p>Where there is not any other relevant legal requirement – for example the requirement under the Habitats Regulations - the principles set out in paragraph 4.9.3 of the NPSfP should be used to guide what weight should be given to alternatives.</p>		
<p>The extent to which the IERRT application accords with the alternatives principles set out within the NPSfP.</p>	<p>The IERRT project accords with these principles and a summary of the position in respect of the consideration of alternatives is provided within Appendix 1 of application document APP-019 (Planning Statement). In summary, no alternative to the IERRT project to meet the defined need has been identified.</p>		

<p>Overall accordance with the NPSfP</p>	<p>A detailed and comprehensive review of the accordance of the IERRT project with policy contained within the NPSfP is provided in Chapters 4 and 8, and Appendix 1 of application document APP-019 (Planning Statement). The review undertaken demonstrates that the IERRT project itself and the assessment and supporting information submitted as part of the DCO application are fully in accordance with the NPSfP.</p>		
<p>Overall accordance with policy contained within the UK Marine Policy Statement and the East Marine Plans.</p>	<p>A detailed and comprehensive review of the accordance of the IERRT project with relevant policy contained within these marine policy documents is provided in Chapter 8 and Appendix 2 of application document APP-019 (Planning Statement). The review undertaken shows that the IERRT project conforms with the relevant vision, objectives and policies of these documents.</p>		
<p>Overall accordance</p>	<p>A detailed and comprehensive</p>		

<p>with policy contained within the North East Lincolnshire Local Plan 2013 – 2032 (adopted 2018).</p>	<p>review of the accordance of the IERRT project with relevant policy contained within the local plan is provided in Chapter 8 and Appendix 3 of application document APP-019 (Planning Statement). The review undertaken shows that the IERRT project is a port related use to be located on a site identified in the Local Plan for such purposes and which is being promoted fully in compliance with the Plan as a whole.</p>		
<p>The berthing capacity at CLdN's Killingholme facility.</p>	<p>The CLdN Killingholme facility has six in river berths. One berth is currently not dredged and is not, therefore in use. Three berths – rising to four on occasion – are used for current Ro-Ro services.</p>		
<p>The landside Ro-Ro storage capacity at CLdN's Killingholme facility.</p>	<p>ABP's estimate is that the Killingholme facility has 950 dedicated Ro-Ro trailer slots available, but that this could be increased to 1790 slots if 'flexible' trade vehicle storage areas are also used for Ro-Ro storage when not being used for trade vehicle storage.</p>		

<p>How future demand for Ro-Ro capacity on the Humber will be distributed between unaccompanied and accompanied freight.</p>	<p>Both the historic position and future forecast position in respect of accompanied and unaccompanied units on the Humber is set out in section 8.6.2 of IERRT application document APP-079 (ES Appendix 4.1).</p>		
<p>Dwell times for accompanied and unaccompanied Ro-Ro freight.</p>	<p>The dwell times of Ro-Ro cargo are not fixed or constant. They fluctuate depending upon a number of different matters. The greater the dwell time the greater the amount of land side storage capacity required. An efficient and resilient Ro-Ro facility has the ability to accommodate fluctuations in cargo dwell times, and a facility that has to operate with low dwell times will have issues because of its inability to accommodate dwell time fluctuations.</p> <p>The independent analysis undertaken for ABP has considered a variety of cargo dwell times in considering the availability of Ro-Ro freight capacity on the Humber – see section 4.5.2 and Appendix 7 of application document</p>		

	<p>APP-079 (ES Appendix 4.1).</p>		
<p>The types of vessels that may be required to service the demand for Ro-Ro freight on the Humber.</p>	<p>Trends in RoRo vessel size are explained in the independent analysis undertaken for ABP contained within application document APP-079 (ES Appendix 4.1). This analysis demonstrates that Ro-Ro vessels generally have been increasing in size and that this trend has been witnessed on the Humber (see APP-079 section 6.2).</p> <p>It is considered unlikely that there will be a significant increase in the maximum size of Ro-Ro vessels operating from the Humber. This is because the current large vessels in operation are considered to be the best compromise between economies of scale and the sustainability benefits afforded by a large vessel and the flexibility/efficiency of deployment required to keep vessels sailing to a regular scheduled sailing service.</p>		
<p>The need for the proposed IEERT having regard to</p>	<p>Whilst it is noted that CLdN are of the view that the Killingholme facility has a greater</p>		

<p>Killingholme's capacity.</p>	<p>amount of spare Ro-Ro freight capacity than has been suggested in the IERRT application documentation, aBP remains of the view that the need for the IERRT facility is not undermined.</p> <p>Fundamentally, as explained in application documents APP-040 (ES Chapter 4), APP-079 (ES Appendix 4.1) and APP-019 (Planning Statement) ABP is of the view that the Killingholme facility cannot meet the need which has been identified.</p> <p>Furthermore, the need which has been identified is in accordance and entirely in compliance with relevant policy contained within the NPSfP.</p>		
<p>Effects on the operation of the public highway</p>	<p>ABP's assessment of the effects of the IERRT project on the operation of the public highway is provided in ES Chapter 17 [APP-053] and the Transport Assessment [APP-108 superseded by AS-008]. The conclusion of the assessments undertaken is that no significant effects on the operation of the</p>		

	public highway arise as a result of the IERRT development.		
The need for CLdN protective provisions and the inclusion of CLdN as a consultee in respect of the discharge of relevant requirements within the dDCO.	<p>i) ABP does not believe that protective provisions for CLdN are required although is prepared to consider any proposals made by CLdN in this respect.</p> <p>ii) ABP does not agree that CLdN should be a consultee in respect of the discharge of the relevant requirements</p>		

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4 Section 4 – Signatories

This Statement of Common Ground is agreed:

On behalf of CLdN:

Name

Signature

Date:

On behalf of ABP:

Name:

Signature:

Date:

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Glossary

Abbreviation / Acronym **Definition**
[to be completed]

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