

The Examining Authority  
National Infrastructure Planning  
The Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**Our ref:** AN/2023/134135/07-L01  
**Your ref:** TR030007  
**Date:** 10 November 2023

Dear Sirs

**Application by Associated British Ports for an Order Granting Development Consent for the Immingham Eastern Ro-Ro Terminal – Deadline 6 submission**

Pursuant to Deadline 6, the Environment Agency notes that the Examining Authority invites comments on any submissions received at Deadline 5.

Accordingly, the Environment Agency wishes to update the Examining Authority on progress with various matters referred to in submissions made by the applicant at Deadline 5.

**1.0 Draft Development Consent Order - version 4 [\[REP5-005\]](#)**

**1.1 *Schedule 2, Requirement 8: Construction Environmental Management Plan***

– We note that the applicant has decided that this should be treated as an outline document and has amended Requirement 8 and other relevant parts of the DCO to reflect this. We are satisfied with these amendments and the inclusion of the Environment Agency as a consultee on matters related to its function. Please also see the comments below in paragraphs 2.1 and 2.2 concerning the revised Outline Construction Environmental Management Plan (oCEMP).

**1.2 *Schedule 4, Part 2: Protective Provision for the Environment Agency*** – We note that the applicant has deleted the phrase “*until the commencement of the operation of the authorised development*” as previously included in paragraph 19(1). This is welcomed and we can now confirm that the provisions included in this draft of the DCO are adequate. Accordingly, the Environment Agency consents to the disapplication of the need for a flood risk activity permit under Regulation 12 of the Environmental Permitting (England and Wales) Regulations 2016 and any applicable bylaws under the Water Resources Act 1991, for the purposes of section 150 of the Planning Act 2008.

**2.0 Outline Construction Environmental Management Plan [REP5-019]**

2.1 Revision 3 of the oCEMP states in Table 1.1 of paragraph 1.4.10 that the Environment Agency will be a consultee to the Flood Emergency Response Plan (FERP). This will not be necessary as the Environment Agency does not normally comment on or approve the adequacy of proposed flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

2.2 Table 1.1 does not include the Environment Agency as a consultee to the Final Remediation Strategy. Consultation on such a strategy would be required to enable us to review the risk to controlled waters. However, we are satisfied that such consultation is adequately secured in Requirement 16 (Contaminated Land) but the Applicant may wish to amend the oCEMP to align with this.

**3.0 Protective Provisions Tracker [REP5-024]**

3.1 As mentioned in paragraph 1.2 above, the Environment Agency is satisfied that the Protective Provisions, as included in Revision 4 of the dDCO (submitted at Deadline 5) are now agreed.

**4.0 Principal Areas of Disagreement Tracker [REP5-023]**

4.1 The Environment Agency can confirm that all issues listed in its Principal Areas of Disagreement Statement are now resolved.

**5.0 Statement of Common Ground**

5.1 We would like to thank the Examining Authority for considering our position in respect of the Statement of Common Ground and taking the procedural decision that we do not now need to submit one.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me at the number below.

Yours faithfully

**Annette Hewitson**  
**Principal Planning Adviser**

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