

IMMINGHAM EASTERN RO-RO TERMINAL



Statement of Common Ground Between Associated British Ports and The Marine Management Organisation (Unsigned)

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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).
- 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’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) Marine Management Organisation (“MMO”) – the regulator for the Marine Environment in England and the principle body involved in the licensing of the offshore marine works.
- 1.7 In this SoCG ABP and MMO 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 the MMO 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 Tables in Section 3 use 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 ABP and the MMO up to the date of this SoCG in relation to the IERRT project generally and concerning the matters raised in this SoCG specifically 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 meetings and key correspondence between the Parties.

Table 2.1 – Summary of Engagement

Date	Form of Contact	Summary with key outcomes and points of discussion
12.10.21	Email	MMO issued their Scoping Opinion Response.
19.01.22	Email	ABP issued notification of the start of the Statutory Consultation.
23.02.22	Email	MMO sent through their S42 Consultation response.
24.02.22	Meeting	ABP provided an update on project and programme. Discussed PEIR consultation response. Discussed key potential impacts on water and sediment quality and underwater noise and migratory fish.
06.04.22	Meeting	ABP provided an update on revised scheme, project, and programme. Discussed PEIR consultation response on physical process and updates to modelling and assessment work.
07.04.22	Meeting	ABP provided an update on revised scheme, project and programme. Discussed PEIR consultation response on underwater noise and migratory fish. Discussed key potential impacts on underwater noise and migratory fish and potential mitigation measures.
22.04.22	Email	ABP sent through notes of 06/04/22 and 07/04/22 meetings. Plus, technical note providing further clarification on equation for noise attenuation modelling purposes.
27.04.22	Email	MMO confirmed that a consultation request has been opened with Cefas on the technical note and comments have been requested on the meeting minutes.
29.04.22	Email	ABP sent through Draft Marine Licence for comment.
05.05.22	Email	MMO provided comments from Cefas on underwater noise meeting minutes (07/04/22)
06.05.22	Email	MMO confirmed that there are no comments on the meeting minutes from coastal processes or fisheries teams.
18.05.22	Email	MMO issued comments from technical advisors on migratory fish technical note. Comments related to

		underwater noise and vibration, dredging and disposal and cumulative and inter-related effects
15.07.22	Email	ABP sent through updated draft marine licence, technical note and explanatory letter.
28.07.22	Phone Call	ABP called to discuss the delay in the issuing of the Marine Licence for the SI.
28.07.22	Email	MMO confirmed that they have opened a consultation with Cefas on the migratory fish technical note and hope to have comments back before the end of August. Comments on the DML are likely in September.
16.09.22	Email	ABP followed up on whether MMO had comments on the migratory fish technical note and DML.
20.09.22	Email	MMO confirmed they will respond to migratory fish technical note today and suggested organising a call to resolve remaining comments. High level comments on the DML will be provided by the end of the week.
20.09.22	Email	MMO issued response to migratory fish technical note. Comments related to piling activity, fisheries and fish ecology and underwater noise.
22.09.22	Email	MMO provided comments on the DML and suggested a further discussion once they had reviewed an amended version of the licence.
26.09.22	Email	ABP requested a meeting to discuss comments on migratory fish note.
27.09.22	Email	MMO Proposed 03.10.22 for meeting.
30.09.22	Email	ABP sent through response to MMO letter dated 20.09.22 in advance of meeting.
03.10.22	Meeting	ABP provided an update on the project and discussed the MMO response letter dated 20.09.22.
07.10.22	Email	MMO issued Marine Licence for Marine SI.
27.10.22	Email	ABP issued notification of the Supplementary Statutory Consultation.
09.11.22	Email	MMO provided further comments on the dDML that ABP issued on the 15.07.22. MMO suggested a further discussion once they had reviewed an amended version.
14.11.22	Email	ABP sent through latest position on migratory fish, which provided further information on the proposed piling activity and its impacts. ABP confirmed they were reviewing the comments on dDML and highlighted the changes to the marine layout that formed part of the supplementary Consultation. Also issued note of meeting held on 03.10.22.
22.11.22	Email	MMO issued their SSC response.

01.12.23	Email	MMO responded to migratory fish information sent on 14/11/22. Further information and assessment requested for proposed piling activity.
03.01.23	Email	ABP issued an updated dDML for review.
06.01.23	Email	ABP confirmed that the application has been submitted to PINS.
09.01.23	Email	MMO confirmed that they will respond on the dDML this month.
10.01.23	Email	MMO suggested that they are sent through the application for early review.
16.01.23	Email	ABP agreed that an early review would be helpful and requested advice on the timescales to undertake such a review.
20.01.23	Email	ABP followed up on request for advice on timescales for early review.
20.02.23	Email	MMO advised that the case officer has changed
09.03.23	Email	ABP issued the notice of acceptance of application.
10.03.23	Email	ABP advised the MMO that the application had been accepted for examination and offered support during the relevant representations process. ABP also advised that they had started to draft SoCG and would welcome the opportunity to progress this with the MMO.
10.03.23	Email	MMO confirmed the details of the new case officer. Also confirmed that they will be in touch if they have any queries regarding the submission.
31.03.23	Email	ABP offered support on the relevant representations process and suggested that it might be useful to propose dates for a meeting.
04.04.23	Email	MMO proposed dates for a meeting following the submission of their relevant representations.
04.04.23	Email	ABP replied and confirmed availability across the proposed dates.
04.04.23	Email	MMO suggested 21.04.23 for meeting to discuss the project.
04.04.23	Email	ABP agreed to the proposed date and asked who would be attending.
04.04.23	Email	MMO confirmed the officers who would be attending.
19.04.23	Email	MMO submitted Relevant Representation
24.04.23	Email	ABP confirmed that they are reviewing the Relevant Representations and may need to clarify a number of matters in order to prepare a draft SoCG. ABP requested that MMO suggest dates for a potential meeting.
25.04.23	Email	MMO suggested that it would be preferable for ABP to have a clear idea of the issues that would be discussed before details of meetings are finalised.

10.05.23	Email	ABP requested a meeting to discuss points raised in Relevant Representations and notified MMO that a SoCG is in preparation.
12.05.23	Email	MMO requested a list of topics for discussion at the meeting and clarification if ABP wanted a joint or separate meetings with the MMO and Cefas.
24.05.23	Email	ABP confirmed list of topics and that a series of separate mtgs would be preferable.
02.06.23	Email	MMO confirmed they had spoken to Cefas regarding their availability and requested a poll to agree date for meeting.
07.06.23 - 16.06.23	Email	ABP and MMO organised a meeting to discuss Fish/Underwater Noise, Physical Processes/Sediment Quality, and the DML.
19.06.23	Email	MMO requested having separate meetings for each of the issues, particularly for the DML.
20.06.23	Email	ABP advised that a single meeting is preferred except for the DML.
20.06.23	Email	MMO agreed to single meeting and advised of dates for DML meeting.
22.06.23	Email	MMO requested confirmation on what comments, relating to the DML, ABP wanted to discuss and what their concerns were.
28.06.23	Email	MMO followed up on request for confirmation of what comments ABP wanted to discuss.
29.06.23	Email	ABP advised they would like to discuss the comments relating to the drafting of the DML. ABP confirmed that they don't anticipate any areas of disagreement.
30.06.23	Meeting	Discussion of Relevant Representation, outlining areas of agreement and where further information is required
30.06.23	Email	MMO sent through contact information for the Beverly Office as discussed in the meeting.
14.07.23	Email	ABP issued signposting documents.
17.07.23	Email	MMO confirmed receipt of signposting documents.
24.08.23	Email	MMO requested sediment sampling data in standard MMO template
24.08.23	Email	ABPmer issued sediment sampling data in standard MMO template
21.09.23	Meeting	Discussion on Written Representation, outlining areas of agreement and ABP's position on each matter
05.10.23	Email	ABPmer provided meeting minutes summarising ABP's position on each matter discussed during the meeting on 21 September 2023
10.10.23	Email	ABPmer issued draft Statement of Common Ground (SoCG)

12.10.23	Meeting	Discussion on draft Statement of Common Ground (SoCG)
07.11.23	Meeting	Meeting to finalise Statement of Common Ground (SoCG)

3 Section 3 – Matters Agreed and Matters Not Agreed

- 3.1 It is agreed that Chapters 7, 8, 9 and 10 in the Environmental Statement (Application Document Reference Number 8.2) sets out the consultation and engagement undertaken between the Parties in relation to the Application.
- 3.2 Table 3 below contains a list of ‘matters agreed’ and a list of matters outstanding at the date of the Examination along with a concise commentary of what the items refers to and how it came to be agreed between the Parties.

Table 3: List of Matters Agreed and Outstanding

Matter	Reference	MMO's Position	ABP's Position	Status	Date
Development Consent Order (DCO) and Deemed Marine Licences (DMLs)	DCO and DML (REP1-007)	<p>MMO's relevant representation dated 19 April 2023 [RR-014] - Section 3 provides a detailed commentary on the wording of the DCO and DML.</p> <p>The MMO agrees that the Applicant continues to engage with it constructively to settle the drafting of the DML. The MMO notes that several of its concerns in respect of the DML have already been resolved by the Applicant.</p> <p>The MMO's outstanding matters in respect of the DML are set out in section 4 of its Deadline 5 submissions [REP5-044].</p> <p>Both parties are confident that the DML will be settled prior to close of Examination.</p>	<p>The MMO's comments on the draft DCO and DML have been taken into account and discussed during several meetings with the MMO.</p> <p>In line with these discussions, an updated draft DCO was submitted at Deadline 5.</p> <p>The Applicant will review the MMO's Deadline 5 submissions on the DML [REP5-044] and intends to submit a revised version at Deadline 6.</p> <p>Both parties are confident that the DML will be settled prior to close of Examination.</p>	Ongoing	
Benthic ecology	Chapter 9 of the ES (APP-045)	MMO's relevant representation dated 19 April 2023 - Section 4.1 [RR-014] states that the MMO broadly agree with the	The MMO's position is noted, and, on that basis, no further response is required	Agreed	19 April 2023

Matter	Reference	MMO's Position	ABP's Position	Status	Date
	Chapter 20 of the ES (APP-056)	conclusions reached by the Applicant relating to benthic ecology. The MMO considers that Chapter 20 of the ES includes an adequate methodology for a cumulative (and in-combination) effects assessment and a comprehensive list of projects, developments and activities scoped in for assessment. The MMO agree with the proposed mitigation measures regarding benthic ecology.			
Fish and shellfish ecology – intra-project effects (dredging and piling)	Chapter 9 of the ES (APP-045)	MMO's relevant representation dated 19 April 2023 - Section 4.2.1, 4.2.12, and 4.2.14 [RR-014] noted concerns about the impacts to migratory fish from piling and dredging works being undertaken concurrently. Following further clarifications, the MMO would not expect the Applicant to carry out any further assessment, as, based on the predicted peak suspended sediment concentrations (SSCs) from dredging, versus naturally occurring peak SSCs, we	Further clarifications in relation to the points raised in Section 4.2.1, 4.2.12, and 4.2.14 of the MMO's relevant representation are provided in Table 4.8 of the Applicant's response to relevant representations [REP1-013] .	Agreed	05 September 2023

Matter	Reference	MMO's Position	ABP's Position	Status	Date
		would not expect significant adverse effects to occur to fishes.			
Fish and shellfish ecology – operational effects	Chapter 9 of the ES (APP-045)	MMO's relevant representation dated 19 April 2023 - Section 4.2.3 and 4.2.15 [RR-014] suggested that potential effects during operation are yet to be assessed. Following further clarifications, the MMO is satisfied that potential effects during operation would not result in significant effects.	Further clarifications in relation to the points raised in Section 4.2.3 and 4.2.15 of the MMO's relevant representation are provided in Table 3.2 of the Applicant's response to relevant representations [REP1-013] . A robust assessment on the potential effects during operation is provided in the DCO application documentation.	Agreed	05 September 2023
Fish and shellfish ecology – underwater noise piling assumptions	Chapter 9 of the ES (APP-045) Appendix 9.2 of ES (APP-088)	MMO's relevant representation dated 19 April 2023 – Section 4.2.5, 4.4.11 and 4.4.14 [RR-014] queried the number of piling rigs and their location assessed in the underwater noise assessment. The MMO welcomed clarification on this point and has no further queries to raise.	Further clarifications in relation to the points raised in Section 4.2.5, 4.4.11 and 4.4.14 of the MMO's relevant representation are provided in the Table 3.2 of the Applicant's response to relevant representations [REP1-013] .	Agreed	09 October 2023
Fish and shellfish ecology/ underwater noise	Chapter 9 of the ES (APP-045)	MMO's relevant representation dated 19 April 2023 – Section 4.2.6 and 4.4.12 [RR-014]	Further clarifications in relation to the points raised in Section 4.2.6 and 4.4.12 of the MMO's	Agreed	05 September 2023

Matter	Reference	MMO's Position	ABP's Position	Status	Date
– temporary threshold shift (TTS)	Appendix 9.2 of ES (APP-088)	noted that TTS should be modelled and presented for percussive and vibro-piling so that a range of effect can be determined. Following further clarifications, the MMO agree that modelling the range of effect for TTS at this stage will not change the outcomes of the assessment.	relevant representation are provided in Table 3.2 of the Applicant's response to relevant representations [REP1-013] . It is not considered necessary to model TTS, as this will not change the outcome of the significance assessment presented in ES.		
Underwater noise modelling approach –	Chapter 9 of the ES (APP-045) Appendix 9.2 of ES (APP-088)	MMO's relevant representation dated 19 April 2023 – Section 4.2.7, 4.4.13 and 4.4.16 [RR-014] noted that the modelling approach used can only predict magnitude of risk and effects out to 6 km may be expected resulting in a risk of a temporary barrier effect across all or part of the estuary. Following further clarifications, the MMO agree that no further modelling is required.	Further clarifications in relation to the points raised in Section 4.2.7, 4.4.13 and 4.4.16 of the MMO's relevant representation are provided in Table 3.2 of the Applicant's response to relevant representations [REP1-013] . Further clarification was also provided to the MMO on 5 October 2023.	Agreed	23 October 2023
Fish and shellfish ecology/ underwater noise piling restrictions –	Chapter 9 of the ES (APP-045) Appendix 9.2 of ES (APP-088)	MMO's relevant representation dated 19 April 2023 – Section 4.2.8, 4.2.9, 4.2.10, 4.4.6 and 4.4.7 [RR-014] requested justification and clarifications on the 140-hour and 196-hour	Further clarifications in relation to the points raised in Section 4.2.8, 4.2.9, 4.2.10, 4.4.6 and 4.4.7 of the MMO's relevant representation are provided in Table 3.2 of the Applicant's	Ongoing	

Matter	Reference	MMO's Position	ABP's Position	Status	Date
		<p>percussive piling duration restriction during the months of June and August to October to mitigate underwater noise impacts on migratory fish. Discussions with the Applicant on this matter continue to be constructive and the MMO is confident this matter can be resolved and agreed by close of the Examination.</p>	<p>response to relevant representations [REP1-013]. Further clarification was also provided to the MMO on 5 October 2023. Discussions with the MMO on this matter continue to be constructive and the Applicant is confident this matter can be resolved and agreed by close of the Examination.</p>		
<p>Fish and shellfish ecology/ underwater noise – night-time piling restrictions</p>	<p>Chapter 9 of the ES (APP-045) Appendix 9.2 of ES (APP-088)</p>	<p>MMO's relevant representation dated 19 April 2023 – Section 4.2.11 and 4.4.8 [RR-014] suggested there is considerable flexibility in the night-time percussive piling restriction given that the point of sunrise and sunset is somewhat subjective and dependent upon season. Following further clarifications, the MMO is satisfied that a restriction on piling at night can be implemented and achieved using appropriate reference data on sunrise and sunset times.</p>	<p>Further clarifications in relation to the points raised in Section 4.2.11 and 4.4.8 of the MMO's relevant representation are provided in Table 3.2 of the Applicant's response to relevant representations [REP1-013]. A sunset to sunrise percussive piling restriction is considered appropriate.</p>	<p>Agreed</p>	<p>05 September 2023</p>

Matter	Reference	MMO's Position	ABP's Position	Status	Date
Fish and shellfish ecology/ underwater noise – vibro-piling and piling in the dry	Chapter 9 of the ES (APP-045) Appendix 9.2 of ES (APP-088)	MMO's relevant representation dated 19 April 2023 – Section 4.2.11, 4.2.16, 4.4.9 and 4.4.15 [RR-014] requested an explanation of why piling restrictions should only be applied to percussive piling in respect of each species they are intended to protect, as well as how vibro-piling and piling in the dry would work in practice. Following further clarifications, the MMO is content that the temporal piling restrictions do not need to be applied to vibro-piling.	Further clarifications in relation to the points raised in Section 4.2.11, 4.2.16, 4.4.9 and 4.4.15 of the MMO's relevant representation are provided in Table 3.2 of the Applicant's response to relevant representations [REP1-013] . Further clarification was also provided to the MMO on 5 October 2023. It is not considered appropriate or proportionate to include vibro-piling in the proposed piling restrictions.	Agreed	23 October 2023
Underwater noise – dredging effects on fish	Chapter 9 of the ES (APP-045) Appendix 9.2 of ES (APP-088)	MMO's relevant representation dated 19 April 2023 – Section 4.4.18 [RR-014] noted that the Popper thresholds for impact piling could be applied in the assessment of cumulative sound exposure from continuous sources as a precautionary approach. Given the 24-hour dredging operations, we would expect larger effects than what has been presented. Following further clarifications, the MMO	Further clarifications in relation to the points raised in Section 4.4.18 of the MMO's relevant representation are provided in Table 3.2 of the Applicant's response to relevant representations [REP1-013] . The use of the Popper quantitative guidelines for piling does not change the conclusions of the assessment.	Agreed	05 September 2023

Matter	Reference	MMO's Position	ABP's Position	Status	Date
		have no major concerns with the ranges considered and no further action is required.			
Underwater noise – marine mammal sensitivity	Chapter 9 of the ES (APP-045) Appendix 9.2 of ES (APP-088)	MMO's relevant representation dated 19 April 2023 – Section 4.4.2 [RR-014] noted that marine mammal species in the study area are considered to have a low sensitivity to noise due to dredging activities - the MMO do not believe this 'low sensitivity' is justified. However, the MMO agree that the sensitivity rating will not alter the assessment conclusions.	Further clarifications in relation to the points raised in Section 4.4.2 of the MMO's relevant representation are provided in Table 3.2 of the Applicant's response to relevant representations [REP1-013] . The sensitivity of marine mammals to underwater noise will not affect the assessment.	Agreed	05 September 2023
Underwater noise – cumulative effects	Chapter 20 of the ES (APP-056)	MMO's relevant representation dated 19 April 2023 – Section 4.4.4 [RR-014] noted that there is a lot of other development occurring in the Humber including Immingham Green Energy Terminal (IGET) development, which is in close spatial proximity to this Project, and there is the potential for the two construction programmes to overlap. The MMO encourages the	Further clarifications in relation to the points raised in Section 4.4.4 of the MMO's relevant representation are provided in Table 3.2 of the Applicant's response to relevant representations [REP1-013] . Chapter 20 of the ES [APP-056] includes a comprehensive cumulative and in-combination assessment, which is based on the information available at the time of submission. Cumulative	Agreed	05 September 2023

Matter	Reference	MMO's Position	ABP's Position	Status	Date
		Applicant to ensure any potential cumulative impacts are assessed and submitted when possible as the project continues. Following further clarification, the MMO consider this point resolved.	and in-combination effects will also be assessed (with mitigation proposed if necessary) in the IGET DCO application documentation for which all information will be available.		
Underwater noise – dredging and vessel movement effects on marine mammals	Chapter 9 of the ES (APP-045) Appendix 9.2 of ES (APP-088)	MMO's relevant representation dated 19 April 2023 – Section 4.4.19 [RR-014] noted that noise predictions in Table 16 (of Appendix 9.2) for dredging and vessel movements look smaller than expected and it is recommended to check whether the SELcum over 24 hours has been appropriately assessed. The MMO, along with its advisors, explained during the meeting on 21 September 2023 that this is a general observation rather than a request for further assessment work.	Further clarifications in relation to the points raised in Section 4.4.19 of the MMO's relevant representation are provided in Table 3.2 of the Applicant's response to relevant representations [REP1-013] . This was also discussed during a meeting with the MMO on the 21 September 2023 and it was agreed no further assessment is required.	Agreed	21 September 2023
Underwater noise – Sound Exposure Level (SEL) metric	Chapter 9 of the ES (APP-045) Appendix 9.2 of ES (APP-088)	MMO's relevant representation dated 19 April 2023 – Section 4.4.10 [RR-014] requested clarification on the application of the SEL metric and the RMS	Further clarifications in relation to the points raised in Section 4.4.10 of the MMO's relevant representation are provided in Table 3.2 of the Applicant's	Agreed	05 September 2023

Matter	Reference	MMO's Position	ABP's Position	Status	Date
		metric used in the underwater noise assessment. The MMO welcomed clarification on this point and has no further comments to raise.	response to relevant representations [REP1-013] . The use of these metrics is considered appropriate.		
Coastal processes	Chapter 7 of the ES (APP-043) Chapter 20 of the ES (APP-056)	MMO's relevant representation dated 19 April 2023 - Section 4.3 [RR-014] noted that the cumulative assessment does not consider the whole estuary system with every development acting together as an ensemble, or how the sediment budget and suspended sediment concentrations will be affected. Following further clarifications, the MMO is now satisfied with the conclusions of the in-combination coastal processes assessment.	Further clarifications in relation to the points raised in Section 4.3 of the MMO's relevant representation are provided in Table 3.2 and Table 4.8 of the Applicant's response to relevant representations [REP1-013] . The conclusions of the in-combination coastal processes assessment are considered robust.	Agreed	09 October 2023
Dredge and disposal	Chapter 8 of the ES (APP-044)	MMO's relevant representation dated 19 April 2023 - Section 4.5 [RR-014] noted that the MMO disagree that the levels of polycyclic aromatic hydrocarbons (PAHs) are either low or marginally exceed Cefas Action Level (AL1), with	Further clarifications in relation to the points raised in Section 4.5 of the MMO's relevant representation are provided in Table 3.2 of the Applicant's response to relevant representations [REP1-013] . Dredge material is considered	Agreed	05 September 2023

Matter	Reference	MMO's Position	ABP's Position	Status	Date
		various PAH congeners being up to ten times over the AL1. Following further clarifications, the MMO agree dredge material is considered suitable for disposal to sea in regard to contamination from PAHs.	suitable for disposal at sea with respect to PAH concentrations.		
Dredge and disposal	Chapter 8 of the ES (APP-044)	MMO's response to ExQ1 BGC.1.9 dated 05 September 2023 [REP2-016] noted that sediments are considered acceptable for disposal to sea with the exception of sample site 9 to a depth of 2 m, as Polybrominated Diphenyl Ethers (PBDEs) are observed to be high in this location. However, there are no currently agreed action levels in England for PBDEs and, therefore, the comments with respect to these contaminants at sample site 9 are advisory only (i.e., not mandated under signatory obligations). Furthermore, whilst one part of the dredge area has levels of relatively high concern, the overall level of contamination from PBDEs (taking a weight of	Further clarifications in relation to MMO's response to ExQ1 BGC.1.9 are provided in the Applicant's response to ExQ1 submissions by Interested Parties [REP3-016] . Chapter 8 of the ES [APP-044] concludes that the proposed disposal of dredge material would not cause even a short-term deterioration in water quality with regards to PBDEs. Therefore, dredge material is considered suitable for disposal at sea.	Agreed	23 October 2023

Matter	Reference	MMO's Position	ABP's Position	Status	Date
		evidence approach) indicates that this would likely be acceptable considering the volume of dredged material as a whole. Overall, the MMO confirms that no outstanding issues remain on this case related to dredge and disposal activities.			
Shipping and navigation	Chapter 10 of the ES (APP-046) Navigational Risk Assessment (NRA) Appendix 10.1 of the ES (APP-089)	MMO's relevant representation dated 19 April 2023 - Section 4.6 [RR-014] noted that the MMO defers to the Maritime and Coastguard Agency and Trinity House on matters of shipping and navigation. The MMO will continue to be part of the discussions relating to securing any mitigation, monitoring or other conditions.	The MMO's position is noted, and, on that basis, no further response is required	Agreed	19 April 2023
Marine archaeology	Chapter 15 of the ES (APP-051)	MMO's relevant representation dated 19 April 2023 - Section 4.7 [RR-014] noted that the MMO defers to the Historic England on matters of marine archaeology. The MMO will continue to be part of the discussions relating to	The MMO's position is noted, and, on that basis, no further response is required	Agreed	19 April 2023

Matter	Reference	MMO's Position	ABP's Position	Status	Date
		securing any mitigation, monitoring or other conditions.			
Seascape, landscape and visual resources	Chapter 6 of the ES (APP-042)	MMO's relevant representation dated 19 April 2023 - Section 4.8 [RR-014] noted that the MMO defers to Natural England as the statutory nature conservation body (SNCB) on matters of Seascape, Landscape and Visual Resources. The MMO will continue to be part of the discussions relating to securing any mitigation and monitoring or development of any plans/conditions on this matter.	The MMO's position is noted, and, on that basis, no further response is required	Agreed	19 April 2023
Commercial fisheries	Chapter 9 of the ES (APP-045)	MMO's relevant representation dated 19 April 2023 - Section 4.9 [RR-014] noted that the MMO defers to the Inshore Fisheries and Conservation Authority (IFCA) as the principle contact on matters related to commercial fishing operation. The MMO will continue to be part of the discussions relating to	The MMO's position is noted, and, on that basis, no further response is required	Agreed	19 April 2023

Matter	Reference	MMO's Position	ABP's Position	Status	Date
		securing any mitigation related to this field.			

4 Section 4 – Signatories

This Statement of Common Ground is agreed:

On behalf of MMO:

Name: Adam Tillotson

Signature

Date:

On behalf of ABP:

Name: Tom Jeynes (Sustainable Development Manager)

Signature:

A handwritten signature in black ink, appearing to read 'Tom Jeynes', with a stylized flourish at the end.

Date: 13 November 2023

Glossary

Abbreviation / Acronym	Definition
ABP	Associated British Ports
DCLG	Department of Communities and Local Government (as it then was)
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
IERRT	Immingham Eastern Ro-Ro Terminal
IOT	Immingham Oil Terminal
MMO	Marine Management Organisation
NSIP	Nationally Significant Infrastructure Project
PA 2008	Planning Act 2008
PINS	Planning Inspectorate
Ro-Ro	Roll-on/roll-off
SoCG	Statement of Common Ground
SoS	Secretary of State for Transport
UK	United Kingdom