

IMMINGHAM EASTERN RO-RO TERMINAL



Statement of Common Ground between Associated British Ports and Cadent Gas Limited

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Document Information

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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) Cadent Gas Limited (“Cadent”) – is a licensed gas transporter under the Gas Act 1986, with a statutory responsibility to operate and maintain the gas distribution networks in North London, Central, East and North West England. Cadent’s primary duties are to operate, maintain and develop its networks in an economic, efficient and coordinates way.
- 1.7 In this SoCG ABP and Cadent 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.
- 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;
 - (a) Orange – matter ongoing; and
 - (b) Red – matter not yet agreed.

2 Section 2 – Summary of Engagement

- 2.1 A summary of the consultation and engagement between ABP and Cadent 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
19.01.22	Email	ABP issued notification of the start of the Statutory Consultation.
31.03.22	Email	ABP provided a project update and requested a meeting.
04.04.22 - 06.04.22	Email	Agreed a date for a meeting.
20.04.22	Meeting	ABP provided a project update.
20.04.22	Email	ABP sent through CAD dwg of the proposed development boundary.
29.04.22	Email	ABP followed up on protective provisions discussion.
26.05.22	Email	Cadent provided a copy of protective provisions that it wished to be included in the DCO.
01.06.22	Email	ABP provided a letter containing a project update and acknowledgement that protective provisions will be included in DCO.
06.07.22	Phone call	Cadent requested confirmation if ABP still intended to discuss protective provisions before submission of the DCO.
22.08.22	Email	ABP requested an update on protective provisions discussions.
22.08.22	Email	Cadent confirmed that discussions had not progressed. Requested confirmation that the legal fees will be met.
27.10.22	Email	ABP issued notification of Supplementary Statutory Consultation.

10.11.22	Email	ABP requested confirmation of asset ownership.
14.11.22	Email	ABP chased for response from Cadent on asset ownership.
14.11.22	Email	Cadent agreed to respond on asset ownership.
25.11.22	Email	Cadent submitted their SSC response.
25.11.22	Email	Cadent provided response to asset ownership query and suggested a call with the operations team to discuss further.
25.11.22	Email	ABP agreed that a meeting would be useful and requested possible dates.
25.11.22	Email	Cadent confirmed they would look into dates and revert.
05.12.22	Email	ABP followed up on request for a call to discuss mapping Cadent assets.
05.12.22	Phone call	Cadent called to discuss meeting dates, leaving a message.
08.12.22	Phone call	Discussed arranging a meeting with Integrity engineer.
13.12.22	Meeting	Discussed the extent of Cadent assets across the site and easements.
20.12.22	Email	ABP provided notes of the meeting on 13.12.22.
21.12.22	Email	Cadent confirmed that dates for a meeting have been requested from their engineer.
23.12.22	Email	ABP sent through draft protective provisions for comment.
04.01.23 & 05.01.23	Email	Cadent provided suggested dates for a meeting.
06.01.23	Email	ABP responded proposing a meeting date.
17.01.23	Email	ABP requested alternative dates for meeting
17.01.23	Email	Cadent confirmed that further calls are not necessary and further details of decommissioned assets should be submitted
01.02.23	Email	Cadent provided comments on the draft protective provisions, including highway related provisions, and a request to cover legal costs.
09.03.23	Email	ABP issued notice of acceptance of application.

09.03.23	Email	Cadent requested specific contact to be taken off mailing list.
31.03.23	Email	Cadent provided further comments on the protective provisions and suggested the use of a side agreement.
17.04.23	Email	Cadent submitted relevant representations.
09.05.23	Email	Cadent followed up on email sent on 31.03.23.
12.06.23	Email	ABP provided a revised mark-up of the Cadent protective provision.
30.05.23	Email	Cadent requested a response regarding previous emails to assist with the drafting of the SoCG.
12.06.23	Email	ABP provided updated draft protective provisions.
06.07.23	Email	Cadent provided the PAD summary submitted to PINS.
14.08.23	Email	Cadent provided a track change version of the draft protective provisions for discussion.
04.09.23	Email	ABP acknowledged the draft protective provisions and agreed to a call to discuss any outstanding issues.
21.09.23	Email	Cadent requested a virtual meeting on 22/09/23 to discuss draft provisions.
21.09.23	Email	ABP suggested a revised time for virtual meeting.
25.09.23	Meeting	The Parties met to discuss their respective positions on the protective provisions.
23.10.23	Email	ABP requested a further meeting to discuss the protective provisions, and provided an update on its position following the last meeting.

3 Section 3 – Matters Agreed and Matters Not Agreed

- 3.1 It is agreed that the Consultation Report (Application Document Reference Number 6.1) submitted with the Application set 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	ABP's Position	Cadent's Position	Status
<p>Protective Provisions contained in the draft Development Consent Order</p>	<p>ABP agrees that the draft DCO should provide Protective Provisions in Cadent's favour.</p> <p>The Parties are actively engaged in negotiating the wording of the Protective Provisions, with areas of difference remaining on the indemnity provision and the period for which the Protective Provisions will be effective. ABP is hopeful that these outstanding points will be resolved prior to the close of the examination.</p> <p>Following this, ABP will only be able to exercise its powers under the DCO subject to those protective provisions, which will both ensure</p>	<p>Cadent agrees that the protective provisions are under active negotiation, and hopes that all outstanding issues will be resolved by the close of the examination.</p>	<p>Agreed</p>

	<p>the protection of Cadent's assets and safeguard Cadent's interests. Should the wording be agreed, Cadent will not suffer any detriment to the carrying on of its undertaking as a result of the construction and operation of the IERRT.</p>		
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4 Section 4 – Signatories

This Statement of Common Ground is agreed:

On behalf of Cadent:

Name: Toby Feirn (Cadent - Planning and Consents Manager)

Signature 

Date: 10.11.2023

On behalf of ABP:

Name: Tom Jeynes (Sustainable Development Manager)

Signature: 

Date: 09.11.23

Glossary

Abbreviation / Acronym	Definition
ABP	Associated British Ports
Cadent	Cadent Gas Limited
DCO	Development Consent Order
IERRT	Immingham Eastern Ro-Ro Terminal
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