

IMMINGHAM EASTERN RO-RO TERMINAL



Statement of Common Ground between Associated British Ports and The Maritime and Coastguard Agency

Document Reference 7.1

PINS Reference – TR030007

October 2023

Document Information

| Document Information | | |
|-----------------------------|--|-------------------------|
| Project | Immingham Eastern Ro-Ro Terminal | |
| Document Title | Statement of Common Ground between Associated British Ports and The Maritime and Coastguard Agency | |
| Commissioned by | Associated British Ports | |
| Document ref | 7.1 | |
| Prepared by | IERRT Project Team | |
| Date | Version | Revision Details |
| 10/2023 | 01 | Agreed |

Contents

| | | |
|----------|--|-----------|
| 1 | Section 1 – Introduction | 4 |
| 2 | Section 2 – Summary of Engagement | 6 |
| 3 | Section 3 – Matters Agreed and Matters Not Agreed | 7 |
| 4 | Section 4 – Signatories | 10 |
| | Glossary | 11 |

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) Maritime and Coastguard Agency (“MCA”) – the MCA is an executive agency to the Department for Transport. It provides a 24-hour maritime and coastal search and rescue emergency coordination and response service for the United Kingdom. The MCA also produces legislation and guidance and provides certification to ships and seafarers.
- 1.7 In this SoCG ABP and MCA 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 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 ABP and the MCA 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 Correspondence | Summary with key outcomes and points of discussion |
|-------------|-------------------------------|--|
| 13.10.21 | Email | MCA submitted Scoping Opinion Response |
| 19.01.22 | Email | ABP issued Statutory consultation notification |
| 22.02.22 | Email | MCA submitted S42 Consultation Response |
| 27.10.22 | Email | ABP issued SSC Notification |
| 25.11.22 | Email | MCA submitted SSC Response and confirmed that the changes do not raise any significant concerns. |
| 09.03.23 | Email | ABP issued Notice of acceptance of application |
| 29.03.23 | Email | MCA submitted Relevant Representation |
| 04.07.23 | Email | ABP set out the position in respect of the SoCG and noted the request from PINS regarding comments on the NRA. |
| 07.07.23 | Email | MCA noted that they do not think a SoCG is necessary as they are satisfied that an agreed Navigation Risk Assessment would be in place and that the works will be carried out in accordance with the Port Marine Safety Code |

3 Section 3 – Matters Agreed and Matters Not Agreed

- 3.1 It is agreed that Chapter 10 in the Environmental Statement (Application Document Reference Number 8.2.10) and the Consultation Report (Application Document Reference Number 6.1) submitted with the Application sets out the consultation and engagement undertaken between the Parties in relation to the Application.
- 3.2 Table 3.1 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 3.1: List of Matters Agreed and Outstanding

| Matter | ABP's Position | MCA's Position | Status |
|--|---|--|---------------|
| <p>The adequacy of the Applicant's NRA, with particular regard to the assessment methodology employed, including the application of standards and guidance</p> | <p>ABP considers that the Applicant's NRA is robust and, in any event, the decision as to the adequacy of the NRA sits with the SHA, as opposed to the MCA.</p> | <p>The MCA considers that ABP Humber are responsible for maintaining the safety of navigation during construction and operational phases of the development, and, therefore, the MCA would not approve a NRA or undertake a full assessment of the NRA on behalf of a SHA – it is for the SHA to determine the adequacy of the Applicant's NRA [RR-013].</p> <p>Notwithstanding this, the MCA is satisfied that the Applicant's NRA uses an appropriate risk methodology, that suitable consultation has been undertaken with relevant interested parties and that the proposals will be carried out in accordance with</p> | <p>Agreed</p> |

| | | | |
|---|--|--|---------------|
| | | <p>the Port Marine Safety Code (“PMSC”) [REP1-021].</p> | |
| <p>The adequacy of any proposed safety mitigation</p> | <p>ABP considers that the proposed navigational safety mitigation is adequate. In any event, the decision as to the adequacy of the proposed safety mitigation sits with the SHA, as opposed to the MCA.</p> | <p>The MCA considers that ABP Humber are responsible for maintaining the safety of navigation during construction and operational phases of the development, and, therefore, the MCA would not approve a NRA or undertake a full assessment of the NRA on behalf of a SHA – it is for the SHA to determine the adequacy of the Applicant’s NRA. [RR-013].</p> <p>MCA’s position is to ensure maritime safety and welcomes the applicant seeking consensus on the acceptability of the navigational risk to shipping with other IPs.</p> | <p>Agreed</p> |

4 Section 4 – Signatories

This Statement of Common Ground is agreed:

On behalf of Maritime and Coastguard Agency:

Name Helen Croxson

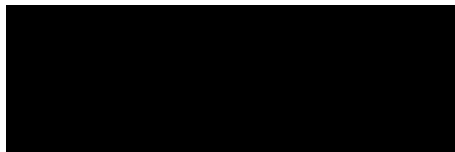
Signature *HMCroxson*

Date: 8 November 2023

On behalf of ABP:

Name: Tom Jeynes (Sustainable Development Manager)

Signature:



Date: 08/11/2023

Glossary

| Abbreviation / Acronym | Definition |
|-------------------------------|---|
| ABP | Associated British Ports |
| DCO | Development Consent Order |
| ES | Environmental Statement |
| IERRT | Immingham Eastern Ro-Ro Terminal |
| MCA | Maritime and Coastguard Agency |
| NRA | Navigational Risk Assessment |
| NSIP | Nationally Significant Infrastructure Project |
| PA 2008 | Planning Act 2008 |
| PINS | Planning Inspectorate |
| Ro-Ro | Roll-on/roll-off |
| SoCG | Statement of Common Ground |
| SHA | Statutory Harbour Authority |
| SoS | Secretary of State for Transport |
| UK | United Kingdom |