

IMMINGHAM EASTERN RO-RO TERMINAL



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

Document Reference 7.6

PINS Reference – TR030007

November 2023

Document Information

| Document Information | | |
|-----------------------------|--|-------------------------|
| Project | Immingham Eastern Ro-Ro Terminal | |
| Document Title | Statement of Common Ground between Associated British Ports and CLdN Ports Kilingholme Limited | |
| Commissioned by | Associated British Ports | |
| Document ref | 7.6 | |
| Prepared by | IERRT Project Team | |
| Date | Version | Revision Details |
| 11/2023 | 01 | Agreed |

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1 Section 1 – Introduction

Overview

- 1.1 This Statement of Common Ground (“SoCG”) – submitted at Deadline 6 - 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:
- 1.3.1 on the marine side, the construction of a new three berth Roll-on/Roll-off harbour facility and related marine infrastructure; and
- 1.3.2 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:
- ABP – the promoter of the IERRT development and the owner and operator of the Port of Immingham; and
 - 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”.
- 1.8 In relation to the matters listed within this document, CLdN continues to refer the Examining Authority to:
- CLdN’s Written Representation and the supporting market analysis study and report prepared by CLdN’s appointed economic consultants, Volterra Partners LLP (Volterra) included at Appendix 1 (Volterra Report) **[REP2-031]**;
 - The supplementary report prepared by Volterra appended to CLdN’s Deadline 3 Submission **[REP3-020]**;
 - CLdN’s Post Hearing Submissions for Issue Specific Hearing 3 **[REP4-017]** and Issue Specific 4 **[REP4-018]**;
 - CLdN’s consolidated note on the Port of Killingholme **[REP4-021]** (the Killingholme Note); and
 - CLdN’s response document submitted at Deadline 6.
- 1.9 In relation to the matters listed within this document, ABP continues to refer the Examining Authority to its relevant application documentation and submissions to the examination, including:
- Chapter 4 of the IERRT Environmental Statement **[APP-040]**;
 - Appendix 4.1 of the IERRT Environmental Statement **[APP-079]**;
 - The IERRT Planning Statement **[APP-019]**;
 - Applicant’s Response to Interested Parties’ Deadline 1 Submissions **[REP2-010]**;
 - Applicant’s Response to CLdN’s Written Representation **[REP3-007]**;
 - Written Summary of the Applicant’s Oral Submissions at Issue Specific Hearing 3 with Appendices **[REP4-009]**;
 - Written Summary of the Applicant’s Oral Submissions at Issue Specific Hearing 4 **[REP4-010]**, and Applicant’s response to CLdN’s Deadline 4 Submissions **[REP5-032]**.
- 1.10 At the time of completion of this document, the Applicant has not had sight of CLdN’s Deadline 6 submissions. As such, the Applicant reserves its right to make further submissions in respect of these Deadline 6 submissions, including but not limited to a revised version of this SoCG, should this be required.

The Purpose and Structure of this Document

- 1.11 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.
- 1.12 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 **[PD-005]** and the subsequent PAD Summary Statement submitted to the examination by CLdN on 6 July 2023 **[PDA-005]**.
- 1.13 Section 1 of this SoCG is designed to act as a general introduction to the IERRT project, to the parties concerned and the relevant information which has been submitted.
- 1.14 Section 2 of this SoCG sets out a summary of the correspondence and engagement between the parties to date.
- 1.15 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.
- 1.16 The table in Section 3 uses a colour coding system to indicate the status of the matters between the Parties as follows:
1. Green – matter agreed;
 1. Orange – matter ongoing; and
 2. 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. This summary does not include reference to any formal submission of information to the examination, or the to meetings and correspondence between the terrestrial transportation consultants acting on behalf of CLdN and ABP.
- 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. |
| 06.04.22 | 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. |
| 19.04.22 | Email | ABP asks for comments following the HAZID 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. |

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| 20.05.23 | Email | ABP inform CLdN of the HAZID workshop to be held on 7 and 8 June 2022. |
| 27.05.23 | Email | ABP postpones the HAZID workshops scheduled for 7 and 8 June 2022. |
| 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. |
| 11.08.23 | Emails | ABP provides information ahead of the HAZID Workshops. |
| 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. |
| 15.08.22 | Email | ABP provides and agenda for the forthcoming Hazard Identification workshop. |
| 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. |
| 30.06.23 | Email | ABP provides CLdN with a draft SoCG. |
| 30.06.23 | Email | CLdN acknowledges receipt of the draft SoCG. |
| 30.06.23 | Email | CLdN's solicitors acknowledge receipt of the draft SoCG. |

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| 19.07.23 | Email/Letter | ABP states that it does not consider that protective provisions are appropriate for CLdN. |
| 19.07.23 | Email | CLdN acknowledge receipt of email dated 19 July 2023. |
| 03.08.23 | Email | ABP asks for details of CLdN's transport consultant. |
| 04.08.23 | Email | CLdN provides details of its transport consultant. |
| 11.08.23 | Email | CLdN provides suggestions for the ASI itinerary. |
| 15.08.23 | Email | CLdN acknowledge receipt of draft SoCG on 30 June 2023 and state that a revised draft will be provided at Deadline 2. |
| 15.08.23 | Email | ABP acknowledges receipt of CLdN's 15.08.23 email. |
| 23.08.23 | Email | ABP provides a draft ASI itinerary. |
| 24.08.23 | Email | CLdN provides feedback on the draft ASI itinerary. |
| 24.08.23 | Email | CLdN provides further information for the ASI. |
| 25.08.23 | Emails | CLdN asks for comments on its ASI proposals. |
| 31.08.23 | Email/ Letter | CLdN requests protective provisions from ABP, setting out the measures which it requires to be secured. |
| 07.09.23 | Email/Letter | ABP state that it does not consider that protective provisions are appropriate for CLdN. |
| 08.09.23 | Email | ABP ask for confirmation of PPE requirements for the ASI. |
| 08.09.23 | Email | CLdN confirm PPE requirements for the ASI. |
| 29.09.23 | Email | ABP provide draft ISH3 and ISH4 Actions Lists. |
| 29.09.23 | Email | CLdN provide comments on ISH3 and ISH4 Action List and a list of judgements which CLdN are to submit into the Examiantion. |
| 01.10.23 | Email | ABP confirms that the draft ISH3 and ISH4 Actions List has been submitted to PINS. |
| 02.10.23 | Email | CLdN clarify that the Transport and Dwell Times SoCGs are to be separate documents. |
| 05.10.23 | Email | CLdN chase ABP for input on its proposed list of judgements to be submitted to PINS. |
| 05.10.23 | Email | ABP confirms receipt of CLdN email dated 05.10.23. |
| 05.10.23 | Email | CLdN thank ABP for its email dated 05.10.23. |
| 09.10.23 | Email | CLdN chase ABP for input on its proposed list of judgements to be submitted to PINS. |
| 09.10.23 | Email/Letter | CLdN details its position on protective provisions. |
| 09.10.23 | Email | ABP acknowledges receipt of CLdN's 09.10.23 letter. |
| 09.10.23 | Email | ABP requests additions to CLdN's proposed list of judgements to be submitted to PINS. |
| 09.10.23 | Email | CLdN acknowledge ABP's email dated 09.10.23 and confirm one case had been duplicated. |

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| 12.10.23 | Email | ABP ask for availability to discuss the Dwell Time SoCG. |
| 12.10.23 | Email | CLdN acknowledge receipt. |
| 20.10.23 | Email | CLdN provide a first draft Dwell Time SoCG |
| 20.10.23 | Email | ABP acknowledge receipt of CLdN 20.10.23 email. |
| 30.10.23 | Email | CLdN ask for an update on the status of the Dwell Time and Transport SoCGs, offering a call on Killingholme capacity. |
| 01.11.23 | Email | ABP provides an update on the status of the Dwell Time and Transport SoCGs |
| 03.11.23 | Email | ABP email stating that, in the Applicant's opinion, the draft Dwell Time SoCG should discuss capacity, and involve ABP. |
| 03.11.23 | Email | CLdN email to stating that they consider that Dwell time SoCG conversations should be directly between CLdN, ABP, Stena and DFDS, without legal representation present. |
| 03.11.23 | Email | ABP agrees to a call in order to discuss Killingholme capacity, and asks CLdN for potential dates. |
| 05.11.23 | Email | CLdN provide updates on the status of the Dwell Times and ABP/CLdN SoCGs. |
| 07.11.23 | Email | CLdN provide an entirely re-written draft SoCG. |
| 07.11.23 | Meeting | Parties discussed the dwell time SoCG with Stena and DFDS also in attendance. |
| 08.11.23 | Email | CLdN request that the Applicant submit ' <i>The Design of Terminals for RoRo and RoPax Vessels (MarCom Working Group (Report No 167, 2023)) by PIANC (the World Association for Waterborne Transport Infrastructure)</i> ' into the Examination. |
| 10.11.23 | Email | CLdN ask for the Applicant's comments on their draft SoCG and the PIANC report. |
| 10.11.23 | Email | ABP provide an updated version of the SoCG for CLdN's review. |
| 12.11.23 | Emails | CLdN query the format of the SoCG and ask for further engagement between the parties in order to agree the SoCG. |
| 13.11.23 | Email | ABP resend updated version of SoCG for CLdN review. |
| 13.11.23 | Email | CLdN provide tracked changes to ABP draft SoCG. |
| 13.11.23 | Meeting | Virtual meeting held between ABP and CLdN representatives to talk through draft SoCG – agreement reached on form of SoCG for submission at Deadline 6. |

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.

Table 3.1: List of Matters Agreed and Outstanding

| Matter | ABP's Position | CLdN's Position | Status |
|--|---|-----------------|--------|
| <p>Relevant Policy</p> | <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 Plan 2013 to 2032 (April 2018).</p> | <p>Agreed.</p> | |
| <p>The Government's policy for ports</p> | <p>The Government's policy for ports is set out within section 3.3 of the NPSfP, the fundamental policy element is</p> | <p>Agreed.</p> | |

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| | 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.</p> <p>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. | Agreed. | |
| National port capacity demand forecasts | <p>The latest national port capacity demand forecasts are contained within 'UK Port Freight Traffic 2019 Forecasts (January 2019) (DfT)'.</p> <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</p> | <p>Whilst CLdN does not dispute the general principle of growth in demand in the Humber, CLdN refers the Examining Authority to Appendix 2 of its Deadline 6 response document for its up-to-date assessment of growth and demand considerations.</p> | |

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| | of the scenarios considered. | | |
| Humber Estuary specific Ro-Ro demand forecasts | <p>An independent view of the Humber Estuary specific Ro-Ro freight demand is provided in application document APP-079 (ES Appendix 4.1).</p> <p>Updates to these forecasts – taking account of changes that have occurred or clarification provided (including in respect of forecast information submitted on behalf of CLdN) since the submission of APP-079 – have been provided in ABP’s response to CLdN’s Deadline 4 submissions [REP5-032].</p> <p>In summary the various analysis indicate strong future growth in Ro-Ro freight traffic within the Humber region.</p> | <p>Whilst CLdN does not dispute the general principle of growth in demand in the Humber, CLdN refers the Examining Authority to Appendix 2 of its Deadline 6 response document for its up-to-date assessment of growth and demand considerations.</p> | |
| The extent to which the IERRT project accords with national policy on the need for new infrastructure | <p>The IERRT proposal accords with national policy on the need for new infrastructure because in summary, it will:</p> <ul style="list-style-type: none"> (i) provide capacity to assist in meeting forecast demand, (ii) provide capacity in a location it is required, (iii) provide capacity that will contribute to effective competition in port operations, and | <p>CLdN completely disagrees with this assertion by the Applicant and refers the Examining Authority to its submissions on Agenda Item 2(a) in its Post Hearing Submissions for Issue Specific Hearing 3 [REP4-017] and section 3 of CLdN’s Deadline 6 response document.</p> | |

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| | <p>(iv) provide capacity that will contribute to effective resilience in port operations.</p> | | |
| <p>Policy 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.</p> <p>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 make to regional and local economies.</p> <p>The national policy also makes clear 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</p> | <p>CLdN completely disagrees with this assertion by the Applicant and refers the Examining Authority to its submissions on Agenda Item 2(a) in its Post Hearing Submissions for Issue Specific Hearing 3 [REP4-017] and section 3 of CLdN's Deadline 6 response document.</p> | |

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| | for port development, subject to other matters specified in paragraph 3.5.2 of the NPSfP. | | |
| Policy guidance relating to alternatives | This guidance is provided in section 4.9 of the NPSfP. | Agreed. | |
| The extent to which the IERRT application accords with the policy guidance on alternatives principles set out within the NPSfP. | The IERRT project accords with the NPSfP guidance on alternatives. | CLdN completely disagrees with this assertion by the Applicant and refers the Examining Authority to its submissions on Agenda Item 2(a) in its Post Hearing Submissions for Issue Specific Hearing 3 [REP4-017] and section 3 of CLdN's Deadline 6 response document. | |
| Overall accordance with the NPSfP | 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. | CLdN completely disagrees with this assertion by the Applicant and refers the Examining Authority to its submissions on Agenda Item 2(a) in its Post Hearing Submissions for Issue Specific Hearing 3 [REP4-017] and section 3 of CLdN's Deadline 6 response document | |
| Overall accordance with policy contained within the UK Marine Policy Statement and | A detailed and comprehensive review of the accordance of the IERRT project with relevant policy contained within these marine policy documents is | In relation to this matter, CLdN refers to the submissions of DFDS and IOT throughout the Examination. | |

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| <p>the East Marine Plans.</p> | <p>provided in Chapter 8 and Appendix 2 of application document APP-019 (Planning Statement).</p> <p>The review undertaken shows that the IERRT project conforms with the relevant vision, objectives and policies of these documents.</p> | | |
| <p>Overall accordance with policy contained within the North East Lincolnshire Local Plan 2013 – 2032 (adopted 2018).</p> | <p>A detailed and comprehensive 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).</p> <p>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>CLdN has not formed a view on this issue.</p> | |
| <p>The berthing capacity at CLdN's Killingholme facility.</p> | <p>The CLdN Killingholme facility has six in river berths.</p> <p>One berth is currently not dredged and is not, therefore, currently in use.</p> <p>At the time the IERRT application was submitted ABP understood that three berths – rising to four on</p> | <p>CLdN does not agree with the Applicant's statement that "three berths – rising to four on occasion – are used for current Ro-Ro services". Whilst three berths are currently being used for such services, this figure will fall to two, once Stena leaves Killingholme.</p> <p>CLdN has provided details of the berth capacity at the Port of Killingholme in Part 3 of</p> | |

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| | <p>occasion – were in use for Ro-Ro services.</p> <p>ABP understands that in its submissions CLdN has confirmed that three berths are currently used for Ro-Ro services, which will fall to two once Stena leaves and on the assumption that no additional services are attracted.</p> | <p>the Killingholme Note on page 16 [REP4-021] and in paragraph 2.18 of CLdN's Written Representation [REP2-031].</p> <p>Berth 6 is not dredged at present because it is not currently required. However, relevant MMO consents are in place to do so as part of CLdN's ongoing maintenance dredging regime.</p> | |
| <p>The landside Ro-Ro storage capacity at CLdN's Killingholme facility.</p> | <p>Within its application documentation ABP estimated (based upon a review of information publicly available in 2022) that the Killingholme facility had 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>ABP has considered CLdN's subsequent submissions on the capacity at Killingholme and has responded in its submissions, in particular in its response to CLdN's Deadline 4 submissions [REP5-032].</p> <p>In summary, ABP's position is:</p> <p>(i) The NPSfP is clear that there is an established need for additional development of the type proposed</p> | <p>CLdN does not agree with ABP's position on this matter.</p> <p>Table 4.1 of the Volterra Report at Appendix 1 of [REP2-031], which was reproduced in the Killingholme Note [REP4-021], gives a factual analysis of existing and future capacity at Killingholme.</p> <p>The landside storage capacity at Killingholme (in 2023) amounts to 1,176 trailer bays and 893 container ground slots (with the ability to store 1,879 containers when stacking ability in each ground slot is considered).</p> <p>CLdN has provided extensive information throughout the Examination in respect of volumes, storage compounds, flexibility and expansion areas, including in the Killingholme Note [REP4-021]. The Killingholme Note includes a plan at</p> | |

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| | <p>through the IERRT facility regardless of any alleged spare capacity at Killingholme and that extra capacity is supported even if there were sufficient capacity at Killingholme.</p> <p>(ii) Only through CLdN's Deadline 4 submissions is information provided on Killingholme capacity matters to enable ABP to appropriately respond.</p> <p>(ii) In terms of existing capacity at Killingholme, however, ABP considers that there remains a lack of clarity – for the reasons summarised in its Deadline 5 submissions - over the information provided by CLdN which does not in any event appear to match the actual traffic mix at operations at Killingholme.</p> <p>(iii) In terms of alleged potential future capacity at Killingholme it remains unclear to ABP – for the reasons summarised in its Deadline 5 submissions - as to what CLdN's position is, or how such capacity could be delivered in the way that is suggested.</p> | <p>Figure 2A illustrating the layout and operational space of the Killingholme estate. Curiously, the Applicant continues to dispute this factual information.</p> <p>CLdN is surprised that ABP continues to dispute CLdN's assessment of the capacity of its own facility.</p> | |
| <p>How future demand for Ro-Ro capacity on the Humber will be distributed between unaccompanied</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</p> | <p>CLdN's transport consultant has worked with the Applicant and DFDS to produce a standalone statement of common ground on transport matters (the Transport SoCG), which</p> | |

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| <p>d and accompanied freight.</p> | <p>APP-079 (ES Appendix 4.1). Paragraph 28 of [APP-079] - which is referred to be CLdN – indicates that the share of accompanied Ro-Ro traffic as a percentage of overall Ro-Ro traffic is set to decline further. However, as section 8.6.2 of [APP-079] explains this does not mean that the actual amount of accompanied Ro-Ro traffic on the Humber will decline. Section 8.6.2 of [APP-079] demonstrates that there will be growth in accompanied units over the forecast period. ABP does not consider that there is an inconsistency as alleged.</p> | <p>deals with this matter in relation to the split between unaccompanied and accompanied freight. This Transport SoCG was signed by all parties on 13 November and submitted by the Applicant at Deadline 6. CLdN also notes that the Applicant’s anticipated throughput for IERRT (whilst still not agreed by CLdN) would only be theoretically achievable if a high proportion of accompanied units is maintained, per paragraph 2.50 of CLdN’s Written Representation [REP2-031] and Appendix 2 of CLdN’s Deadline 6 response document, which is inconsistent with paragraph 28 of [APP-079].</p> | |
| <p>Dwell times for unaccompanied Ro-Ro freight.</p> | <p>A standalone Statement of Common Ground on dwell times has been agreed between the Applicant, CLdN, DFDS and Stena Line.</p> | <p>Agreed</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</p> | <p>CLdN agrees with the Applicant’s assessment of trends in vessel size generally and on the Humber, and also that it is unlikely that there will be a significant increase in the maximum size of Ro-Ro vessels operating on the Humber. CLdN has explained in paragraph 2.54.5 of its Written Representation</p> | |

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| | <p>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>[REP2-031] that, currently, only CLdN operates these largest vessels on the Humber and that it is considered unlikely that there will be a generalised move by operators towards deploying only these largest vessels. CLdN also refers to Appendix 2 of its Deadline 6 response document, in that achieving the Applicant's stated throughput would involve the running of exclusively the largest vessels (i.e. those with the most capacity), which is clearly not common practice (nor is it feasible) amongst operators.</p> | |
| <p>The need for the proposed IERRT having regard to Killingholme's capacity.</p> | <p>Whilst it is noted that CLdN are of the view that the Killingholme facility has a greater 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. The fundamental point is that the need for the proposed development has been established in the NPSfP and ABP, therefore, is not required to demonstrate need.</p> <p>As it happens, however, ABP has also separately demonstrated a need, and as explained in its application documents</p> | <p>CLdN does not agree that the need for the proposed development has been established in the NPSfP and that the Applicant, therefore, is not required to demonstrate need, or that the Applicant has demonstrated a need for the proposed IERRT. Even if there were such a need, spare capacity at the Port of Killingholme can be and in fact is, a relevant alternative to meet the need identified and which the Examining Authority should take into account</p> <p>There is no realistic prospect of the parties agreeing on this matter given the in-principle disagreement that exists. CLdN's case in respect of</p> | |

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| | <p>and submissions ABP is of the view that any alleged spare capacity at the Port of Killingholme – even if it can be delivered - cannot meet the need which has been identified and is not an alternative.</p> <p>In terms of alternatives matters, ABP’s position, in summary, is that the NPSfP does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option. In addition, in respect of the proposed development, there is similarly no legal requirement to consider alternatives over and above the requirements of the relevant EIA regulations – requirements which have been addressed in ABP’s application. Notwithstanding these fundamental points, ABP’s evidence demonstrates that, in any event, there is no alternative to the proposed development.</p> | <p>the need for the proposed IERRT and alternatives is set out in CLdN’s Written Representation [REP2-031], CLdN’s ISH3 Summary [REP4-017] and section 3 of CLdN’s Deadline 6 response document.</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</p> | <p>The Applicant, DFDS and CLdN are continuing to discuss the Applicant’s transport assessment and methodology, the appropriateness of which are in doubt so far as CLdN is concerned. CLdN refers to the Transport SoCG for further details on this matter.</p> | |

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| | <p>significant effects on the operation of the public highway arise as a result of the IERRT development.</p> <p>ABP understands from the discussions with CLdN and DFDS that the appropriateness of the transport assessment methodology is not in dispute, rather it is the interpretation of the impacts which remains under discussion.</p> | | |
| <p>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> | <p>i) ABP does not believe that protective provisions for CLdN are required. Without prejudice to this position, ABP is considering CLdN's correspondence on this topic with a view possibly to preparing draft protective provisions for CLdN. Such a draft will provide protections which are commensurate with CLdN's potential to be affected by the proposed development.</p> <p>ii) ABP does not agree that CLdN should be a consultee in respect of the discharge of the relevant requirements</p> | <p>i) CLdN disagrees and is disappointed with the Applicant's response and lack of engagement to date with the CLdN's legitimate concerns in relation to the request for protective provisions. CLdN has provided a summary of its concerns and resulting proposals on pages 14 and 15 of CLdN's Issue Specific Hearing 4 Post Hearing Notes [REP4-018] (CLdN's ISH4 Summary). CLdN also wrote to the Applicant on 9 October 2023 providing further detailed reasons for its need for protective provisions and attached a draft set of protective provisions for the Applicant to consider. A copy of the letter and draft protective provisions was appended to CLdN's ISH4 Summary. CLdN still awaits the Applicant's response and notes from the Protective Provisions Tracker submitted by the Applicant at Deadline 5</p> | |

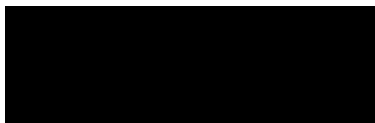
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| | | <p>[REP5-024] that the Applicant is still considering the contents of CLdN's letter.</p> <p>ii) CLdN has provided its position on being notified and consulted in respect of the discharge of relevant requirements within the dDCO in its letter to the Applicant dated 9 October 2023, which was appended to CLdN's ISH4 Summary [REP4-018]. The Applicant has not provided any justification for its position in this respect.</p> | |
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4 Section 4 – Signatories

This Statement of Common Ground is agreed:

On behalf of CLdN:

Name



Signature

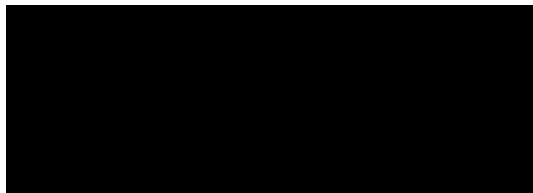
Benjamin Dove-Seymour

Date:

13.11.2023

On behalf of ABP:

Name:



Signature:

Date:

Tom Jeynes (Sustainable Development Manager)

13.11.2023

Glossary

| Abbreviation / Acronym | Definition |
|-------------------------------|---|
| ABP | Associated British Ports |
| ASI | Accompanied Site Inspection |
| CLdN | CLdN Ports Killingholme Limited |
| DCO | Development Consent Order |
| dDCO | Draft Development Consent Order |
| HAZID | Hazard Identificaiton |
| HoT | Heads of Terms |
| IERRT | Immingham Eastern Ro-Ro Terminal |
| ISH | Issue Specific Hearing |
| NPSfP | National Policy Statement for Ports |
| NSIP | Nationally Significant Infrastructure Project |
| PA 2008 | Planning Act 2008 |
| PINS | Planning Inspectorate |
| PP | Protective Provisions |
| PPE | Personal Protective Equipment |
| Ro-Ro | Roll-on/roll-off |
| SoCG | Statement of Common Ground |
| UK | United Kingdom |