

IMMINGHAM EASTERN RO-RO TERMINAL



Statement of Common Ground Between Associated British Ports and the Corporation of Trinity House

Document Reference 7.18

PINS Reference – TR030007

November 2023

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) Corporation of Trinity House of Deptford Strond (“Trinity House”) – a charity dedicated to safeguarding shipping and seafarers, providing education, support and welfare to the seafaring community with a statutory duty as a General Lighthouse Authority to deliver a reliable, efficient and cost-effective aids to navigation service for the benefit and safety of all mariners.
- 1.7 In this SoCG ABP and Trinity House 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 Trinity House 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 | | Trinity House submitted Scoping Opinion Response. |
| 19.01.22 | | ABP issued Statutory Consultation Notification. |
| 23.02.22 | Email | Trinity House submitted S42 Consultation Response. |
| 24.03.22 | Email | ABP invitation to NRA workshop on 07.04.22. |
| 24.03.22 | Email | Trinity House confirmed that they would not be attending the NRA workshop. |
| 13.06.22 | | Trinity House response S42 comments and provision of drafts of relevant DCO articles and protective provisions. |
| 28.07.22 | Email | Trinity House provided a response to ABP Letter dated 13/06/22. |
| 27.10.22 | | ABP issued Supplementary Statutory Consultation Notification. |
| 07.11.22 | Email | Trinity House chased for a response from ABP on 28.07.22 letter. |
| 23.12.22 | Email | ABP provided a response to Trinity House points made in letter 28.07.22 |
| 23.12.22 | Email | Trinity House confirmed receipt of ABP response. |
| 09.03.23 | | ABP issued Notice of acceptance of application. |
| 09.03.23 | Email | Trinity House submitted Relevant Representation. |
| 17.05.23 | Email | Trinity House raised queries regarding the wording of articles 39, 40 & 41 of the dDCO and whether the powers conferred were consistent with other legislation or current practice. |
| 30.05.23 | Email | ABP advised discussions were being held regarding the proposed powers. |
| 26.06.23 | Email | Trinity House requested an update on the discussion regarding articles 39, 40 & 41. |
| 26.06.23 | Email | ABP agreed to amendments proposed by Trinity House and advised they would be tabled at the first DCO session on 25.07.23. |
| 26.06.23 | Email | Trinity House agreed in principle to approach to changes but would revert once confirmed. |
| 22.07.23 | Email | ABP sent through the draft DCO with suggested amendments included. Requested confirmation that all issues have been addressed. |

| | | |
|----------|---|--|
| 03.08.23 | Email | Trinity House provided further drafting suggestions to articles 39-41 of the dDCO. |
| 14.08.23 | Email | ABP confirm that the amendments suggested by email on 03.08.23 were acceptable and would be picked up in the updated dDCO submitted at Deadline 1. |
| 15.08.23 | Email | Trinity House thanked ABP for confirmation that revised drafting picked up in updated iteration of the dDCO. |
| 24.08.23 | Letter submitted to PINS [REP2-029] | Trinity House submit representations to ExA that the updated dDCO submitted at Deadline 1 [REP1-005] addresses its concerns, that there are no outstanding points or matters under discussion as between the parties, and, therefore, a SoCG is not considered to be necessary. |

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 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 | Trinity House's Position | Status |
|--|--|--|---------------|
| <p>Any implications of the proposed IERRT development on matters of navigation coming within Trinity House's area of responsibility.</p> | <p>ABP considers that articles 37 (provision against danger to navigation), 38 (lights on tidal works during construction) and 39 (permanent light on tidal works) in the dDCO sufficiently address implications of the IERRT on matters of navigation coming within Trinity House's area of responsibility.</p> | <p>Following negotiation with ABP, agreed.</p> | <p>Agreed</p> |

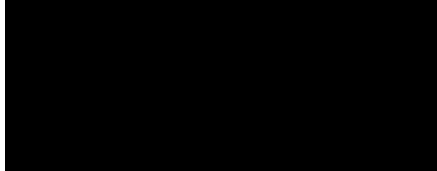
4 Section 4 – Signatories

This Statement of Common Ground is agreed:

On behalf of Trinity House:

Name: Trevor Harris (Navigation (Examiner) Manager)

Signature:

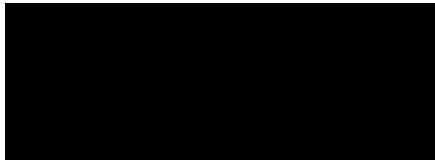


Date: 08/11/23

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 |
| dDCO | Draft 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 |
| Trinity House | Corporation of Trinity House of Deptford Strond |
| UK | United Kingdom |