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Immingham Eastern Ro-Ro Terminal Case Team
Planning Inspectorate
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(By email only)

MMO Reference: DCO/2021/00004
Planning Inspectorate Reference: TR030007

13 November 2023

Dear Mr Gould,

Planning Act 2008, Immingham Eastern Ro-Ro Terminal

On 09 March 2023, the Marine Management Organisation (the “MMO”) received notice under Section 56 of the Planning Act 2008 (the “PA 2008”) that the Planning Inspectorate (“PINS”) had accepted an application made by Associated British Ports (the “Applicant”) for the determination of a development consent order (DCO) for the construction, maintenance and operation of the Immingham Eastern Ro-Ro Terminal (the “DCO Application”) (MMO ref: DCO/2021/00004; PINS ref: TR030007).

The DCO Application seeks authorisation for the construction, of a new 3-berth Roll-On/Roll-Off (Ro-Ro) terminal facility within the Port of Immingham (“the “Project”). This includes one Deemed Marine Licence (DML) under Schedule 3.

This document comprises the MMO comments in respect of the DCO Application submitted in response to Deadline 6.

The MMO submits the following:

- 1. MMO Responses to ExQ3**
- 2. MMO Comments on Deadline 5 Submissions**
- 3. MMO Response to ExA SoCG Letter issued 27/10/2023**
- 4. MMO attendance at upcoming hearings**

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the Examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated applications for consent, permission, approval, or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Yours sincerely,





Jack Coe
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1. MMO Responses to ExQ3

The MMO notes that the ExA has not published any additional questions for Interested Parties in this Examination at this stage. The MMO will engage in this process whenever the ExA decide to publish these questions should they be required.

2. MMO Comments on Deadline 5 Submissions

The MMO is aware that several documents have been submitted into this Examination at Deadline 5 by various Interested Parties. The MMO has reviewed a number of these documents and has provided comment on the following documents below:

- **REP5-015-** Draft Statement of Common Ground between Associated British Ports and the Marine Management Organisation (The Applicant)
- **REP5-031-** Applicants Response to ExQ2 Submissions by Interested Parties (The Applicant)
- **REP5-045-** Comments on Deadline 4 Submissions (Environment Agency)

2.1 REP5-015- Draft Statement of Common Ground between Associated British Ports and the Marine Management Organisation

- 2.1.1 The MMO has reviewed this document and is content with the document as it is currently drafted. For the ExA's awareness, the MMO met with the Applicant on 12/10/2023 to discuss the draft and it was agreed at this point that the document was appropriate.
- 2.1.2 It was also agreed that the finalised document would not be signed for Deadline 5 as we considered that this would not be appropriate at this stage. The MMO has provided further information on this point in Section 3 of this response.
- 2.1.3 Following the Procedural Decision letter sent 06/11/2023, the MMO has subsequently worked with the Applicant to produce a finalised SoCG which will be submitted into Examination at Deadline 6. The MMO attended a meeting with the Applicant on 07/11/2023 to finalise this document.

2.2 REP5-031- Applicants Response to ExQ2 Submissions by Interested Parties

- 2.2.1 The MMO notes that the Applicants have taken on board comments from the MMO and Environment Agency (EA), as well as other Interested Parties regarding the Construction Environmental Management Plan (CEMP) and have opted for it to be an 'Outline' Document. The MMO welcomes this confirmation and considers it the appropriate course of action.
- 2.2.2 The MMO notes that the Applicants have made some further amendments to the dDCO. The MMO welcomes this and will provide comments at Deadline 7.



2.3 REP5-045- Comments on Deadline 4 Submissions (Environment Agency)

2.3.1 The MMO can confirm that it did engage in discussions with the EA as well as our scientific advisors regarding the appropriateness of a monitoring condition within the DML for temperature and dissolved oxygen, during times of percussive piling. The EA have rightly stated that the MMO did not consider this condition to be appropriate and we welcome the withdrawal of their concern.

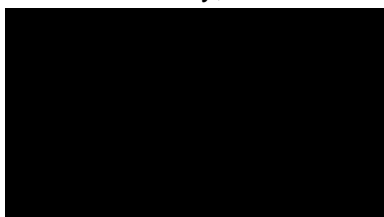
3. MMO Response to ExA SoCG Letter issued 27/10/2023

The MMO has noted the contents of this letter sent by the ExA and has endeavoured to work with the Applicant to submit a finalised SoCG at Deadline 6. However, the MMO wishes to reiterate its concerns regarding the ExA wanting Interested Parties to submit a finalised version of this document prior to the last deadline of this Examination. The MMO outlined its reasons as to why this is the case in our response to the ExA Rule 6 Letter dated 6 July 2023 and the MMO would urge the ExA to revisit these concerns. Given that the majority of Interested Parties have not been able to submit a finalised SoCG at this stage, the ExA should recognise that this was an impractical request and one that should not be repeated in future Examinations. The MMO understand that the ExA requests the Principle Areas of Disagreement document is to be used to track any issues that have not yet resolved, but the MMO view this as duplication of work for what is included in the SoCG, and negates the purpose of the SoCG as it has been used in previous examinations.

4. MMO attendance at upcoming hearings

Following publication of the Rules 9 and 13 letter, the MMO notes there are planned to be further Issue Specific Hearings between Tuesday 21 and Thursday 23 November 2023 related to Navigation and Shipping and Onshore Transportation, and to the draft Development Consent Order. Due to resource availability and the productive nature of discussions between the MMO and the Applicant thus far, the MMO will not be attending these meetings. We will review the recordings and respond to any action points, if required, at Deadline 7.

Yours sincerely,



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