



The Planning Inspectorate

National Infrastructure
Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer
Services: 0303 444 5000
e-mail: imminghameasternroroterminal@planninginspectorate.gov.uk

All Interested Parties and Statutory
Parties

Your Ref:

Our Ref: TR030007

Date: 11 January 2024

Dear Sir/Madam

Planning Act 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rules 8(3) and 9

Application by Associated British Ports for an Order Granting Development Consent for the Immingham Eastern Ro-Ro Terminal (TR030007)

We write to provide notification that the Examining Authority (ExA) has found it necessary to make a further Procedural Decision to vary the Examination Timetable under Rules 8(3) and 9 to accommodate the submission of outstanding final and signed Statements of Common Ground (SoCG).

All **FINAL and SIGNED** SoCGs should have been submitted by Examination Deadline 5 (23 October 2023), as explained in the ExA's letter of 26 May 2023 [[PD-005](#)]. Following the failure to submit a number of the SoCGs at Deadline 5 the Examination timetable was varied by the ExA on 27 October [[PD-016](#)] to accommodate the submission of the outstanding SoCGs at Deadline 6 (13 November 2023). A number of final and signed SoCGs were submitted at D6, however, as of Deadline 8 (8 January 2024) eight SoCGs had still not been submitted in a final and signed form.

It is of great concern to the ExA that there has been a continued failure to submit a significant number of the SoCGs, given that the Applicant and Interested Parties were given notice of the need for their submission nearly eight months ago. Accordingly, under Rule 17 the ExA requested on 9 January [[PD-023](#)] that the Applicant provide an update by 14:00 on 10 January as to when the outstanding SoCGs would be submitted. The Applicant responded on 10 January [[AS-082](#)] by submitting a final and signed SoCG between it and the Lincolnshire Wildlife Trust [[AS-081](#)] and further advising that it was uncertain as to when the SoCGs with the following Interested Parties would be submitted:

- Able UK Limited
- Anglian Water
- Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustees Limited (IOT Operators)

- DFDS Seaways
- Health and Safety Executive
- Marine Management Organisation*
- North East Lincolnshire Council*

* Described as being “agreed”, with unsigned versions having been submitted at Examination Deadline 6

The ExA requires that **FINAL and SIGNED** versions of SoCGs between the above listed Interested Parties and the Applicant **MUST** be submitted no later than **23:59 on Thursday 18 January 2024**, established as a new Examination Deadline 10.

In finalising the outstanding SoCGs the affected Interested Parties and the Applicant are reminded of what the ExA wrote in PD-005 on 26 May 2023 about the aim for SoCGs, namely:

*“The aim of a SoCG is to agree factual information and in relation to other matters to inform the ExA and all other parties where there is agreement and where there are differences between the Applicant and the other party or parties entering into a SoCG. A SoCG should provide a focus and save time by identifying matters which are not in dispute and therefore do not need the submission of large amounts of additional evidence. **A SoCG can also very usefully identify where and why there may be a disagreement** between the Applicant and other parties. The reasons for any differences can then be expanded upon in the evidence presented by the Applicant and other parties. Once a SoCG has been concluded and signed by the Applicant and the other party (or parties in the case of any topic specific SoCGs) then the Applicant should take responsibility for submitting the SoCG at the next available Examination deadline or by the final deadline for the submission of SoCGs.”* [\[PD-005\]](#)

The new Deadline 10 will also be available to the Applicant, other Interested Parties and the Harbour Master, Humber to submit responses to any requests for further information that may be made by the ExA under Rule 17 between the date of this letter and 18 January.

If you have any questions about the content of this letter, please contact the Case Team on the details above.

Yours faithfully

Grahame Gould

Grahame Gould
Lead Member of the Examining Authority

Annex A

Extant timetable with variations in **Red**

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|-----------|--|---------------------------------|
| 23 | <p>Deadline 9 (D9)</p> <ul style="list-style-type: none"> • Comments on any submissions received at D8 • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 | Monday 15 January 2024 |
| 24 | <p>Deadline 10 (D10)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Statements of Common Ground between the Applicant and: <ul style="list-style-type: none"> ➤ Able UK Limited ➤ Anglian Water ➤ Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustees Limited (IOT Operators) ➤ DFDS Seaways ➤ Health and Safety Executive ➤ Marine Management Organisation ➤ North East Lincolnshire Council • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 | Thursday 18 January 2024 |
| 25 | <p>The ExA is under a duty to complete the Examination of the application by the end of the period of six months.</p> <p>Please note that the ExA may close the Examination before the end of the six-month period if it is satisfied that all relevant matters have been addressed and discussed.</p> | Thursday 25 January 2024 |