



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

Customer Services: 0303 444 5000  
e-mail: [imminghameasternroterminal@  
planninginspectorate.gov.uk](mailto:imminghameasternroterminal@planninginspectorate.gov.uk)

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Mr N Arden  
Volkswagen Group UK Limited  
Yeomans Drive  
Milton Keynes  
MK14 5AN

Your Ref:

Our Ref: TR030007

Date: 09 January 2024

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Dear Mr Arden

## **Planning Act 2008 (PA2008) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17**

### **Application by Associated British Ports for an Order Granting Development Consent for the Immingham Eastern Ro-Ro Terminal Project**

#### **Request for further information**

In connection with the above mentioned Nationally Significant Infrastructure Project (NSIP) application, we are writing under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended). We commenced the Examination of the Applicant's nationally Significant Infrastructure Project application on 26 July 2023 and statutorily that Examination must be completed within six months of its opening. The Examination must therefore be closed no later than 23:59 on Thursday 25 January 2024.

In your Relevant Representation [[RR-024](#)] of 19 April 2023 you advised that Volkswagen Group UK Limited (VWG) was opposed to the Proposed Development on the grounds that it would result in the loss of your facility at the Port of Immingham.

In the absence of any other written submissions having been made by VWG during the course of the Examination, the Examining Authority's (ExA) has treated your Relevant Representation as an objection to the Applicant seeking powers to compulsorily acquire (CA) the land your company occupies at the Port of Immingham.

VWG did not attend the CA hearing that the ExA held on 28 September 2023. Notwithstanding that, the ExA asked the Applicant to explain how it was seeking to address VWG's CA objection and we were advised that negotiations were on-going, with it being the intention that VWG would transfer its operation from Immingham to the Port of Grimsby. The Applicant advised any decision about finalising a new lease for a facility at Grimsby would need to be made by the parent company's board and negotiations

concerning any new lease would be unlikely to have been completed by the close of the Examination. The ExA asked the Applicant whether it might be possible to obtain a 'letter of comfort' from VWG should negotiations have progressed sufficiently so as to indicate your company was agreeable in principle to relocating to the Port of Grimsby. The Applicant indicated that obtaining such a letter of comfort might be possible.

Further to the holding of the CA hearing the ExA on 1 December 2023 the ExA requested an update from the Applicant about the progress with any negotiations between your company and it, by way of its asking of third round written question CA.3.01 [[PD-020](#)]. In response to that question the Applicant stated on 11 December in [[REP7-022](#)]:

*“The Applicant can confirm that it is progressing the commercial negotiations with Volkswagen Group United Kingdom Limited (VW) and the parties are making progress towards agreeing alternative arrangements for Volkswagen to take a lease at the Port of Grimsby and therefore vacating their site at the Port of Immingham, in order to facilitate the delivery of IERRT. Heads of Terms are circulation in respect of the proposals which are subject to review by VW’s board, at Head Office in Germany. Given the importance of the site to VW it is seeking assurances in respect of the requirements for, and suitability of, the alternative arrangements, which ABP is negotiating with them.”*

From the ExA’s perspective there appears to be an unresolved CA objection. It should be noted that once the Examination has closed on 25 January 2024 the ExA cannot receive written representations from any party and will prepare its report for the Secretary of State for Transport (SoST) on the basis of the evidence available to it at the Examination’s close. On the information currently available to the ExA that would mean reporting that VWG had a CA objection to the Proposed Development.

You are therefore requested to confirm in writing whether VWG does or does not continue to object to the Proposed Development. Should the current position be that your company maintains its objection to the Proposed Development you are requested explain why that is the case, by elaborating on what was stated in your company’s Relevant Representation. Please note that any such elaboration should not include any matters relating to any disagreement about compensation as that is a matter which the ExA can disregard pursuant to the provisions of section 87(3)(c) of the PA2008. The requested confirmation should be submitted to the Planning Inspectorate no later than Examination Deadline 9, which is **23:59 on Monday 15 January 2024**.

Yours sincerely

*Grahame Gould*

**Grahame Gould**  
**Lead Member of the Panel of Examining Inspectors**

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