

# IMMINGHAM EASTERN RO-RO TERMINAL



## Document Information

Document Information		
<b>Project</b>	Immingham Eastern Ro-Ro Terminal	
<b>Document Title</b>	Statement of Reasons Addendum	
<b>Commissioned by</b>	Associated British Ports	
<b>Document ref</b>	4.2.1	
<b>APFP Reg 2009</b>	Regulation 5(2)(h)	
<b>Prepared by</b>	IERRT Project Team	
<b>Date</b>	<b>Version</b>	<b>Revision Details</b>
15/01/2024	01 Deadline 9	Submitted at Deadline 9

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## 1 **Executive Summary**

- 1.1 This Statement of Reasons Addendum (“Addendum”) relates to an application (“Application”) submitted to the Secretary for State for Transport by Associated British Ports (“ABP”) under the provisions of section 37 of the Planning Act 2008 (“PA 2008”) for a Development Consent Order (“DCO”) seeking approval for the construction and operation of the Immingham Eastern Ro-Ro Terminal (“IERRT”).
- 1.2 This document is an addendum to the Statement of Reasons (Document Reference number 4.2) **[APP-017]** (“Statement”) which was submitted in February 2023 in support of the Application.
- 1.3 The Statement set out details regarding the interests and rights which ABP required to be extinguished to enable the unimpeded delivery of the IERRT. This Addendum seeks to provide the Examining Authority (“ExA”) with an update regarding the position as to the powers of compulsory acquisition of the interests which ABP is seeking prior to the close of the Examination.
- 1.4 This Addendum should be read in conjunction with both the Statement, Book of Reference (Document Reference number 4.2) **[REP8-007]** and the Land Plans (Document Reference number 2.2) **[REP8-030]**.

## 2 **Introduction**

- 2.1 Throughout the course of the Examination, ABP has continued to engage in discussions and negotiations with the various land interests at the application site (“the Site”) in respect of which ABP is seeking powers of compulsory acquisition and/or was seeking powers to extinguish, suspend or interfere with rights to enable the unimpeded delivery of the IERRT.
- 2.2 This Addendum sets out amendments to the Statement (Document Reference number 4.2) **[APP-017]** to take into account the changes in position that have occurred during the course of the Examination in light of the various discussions and negotiations which have taken place, as referred to above.
- 2.3 The changes reported in this Addendum have been reflected in the Book of Reference (Document Reference number 4.1) **[REP8-007]** and the Land Plans (Document Reference number 2.2) **[REP8-030]**, as updated during the course of the Examination.
- 2.4 Nothing in this Addendum changes ABP’s position as to the (i) clear and compelling case in the public interest for the inclusion of powers of compulsory acquisition within the DCO, and/or (ii) the public benefit of allowing the DCO to proceed outweighing any infringement of private rights which might arise should powers of compulsory acquisition be exercised to enable the construction and delivery of the IERRT development, as explained in detail in the Statement.
- 2.5 If made, the DCO will authorise the compulsory acquisition of land and rights over land as described in Section 3, 7 and Appendix 1 of the Statement, as amended by this Addendum.

### 3 **Amendments to Statement of Reasons**

#### ***References to Environmental Statement***

- 3.1 All references to the Environmental Statement (“ES”) (Document Reference number 8.2) within the Statement (Document Reference number 4.2) **[APP-017]** should be read as to the ES as amended by the Environmental Statement Addendum (“ESA”) (Document Reference number 10.3.8) **[AS-070]**. The scheme descriptions provided in the Statement are subject to any changes made to the description of the IERRT, and Section 3 (Description of the Order Land) of the Statement should be read in conjunction with Chapter 2 of the ESA.

#### ***Statement of Reasons, Section 3***

- 3.2 Reference to Plots 7 and 12 in paragraph 3.3.3 are deleted for the reasons given at paragraphs 3.11 and 3.13.
- 3.3 Paragraph 3.3.4 is deleted as interests in Plot 12 as no longer proposed to be acquired.
- 3.4 Reference to article 42 of the dDCO in paragraph 3.3.4 should be replaced with reference to article 40 of the dDCO.
- 3.5 The text: “*and the following plots identified in the ‘Land Plans including Crown Land’ (Application Document Reference number: 2.2): plot 10*” in paragraph 3.6.4 is deleted for the reasons given in paragraphs 3.16 and 3.17 below.
- 3.6 The text: “*and the following plots identified in the ‘Land Plans including Crown Land’ (Application Document Reference number: 2.2): plots 8a, 8b, 10 and 11*” in paragraph 3.10.4 is deleted for the reasons given in paragraphs 3.13 and 3.14 below.

#### ***Statement of Reasons, Section 7***

- 3.7 Table 1 of Section 7 of the Statement - *Communications/Negotiations with Persons and Organisations with Interests in Land Affected by the IERRT* – is amended by this Addendum as explained below, by reference to the numbering used in Table 1 (“No.”).
- 3.8 The following updates to the “Status of Negotiations” are to be inserted for the following entries in Table 1 -
- 3.9 No. 1 - P.K. Construction (Lincs) Limited, No. 2 - Malcolm West Fork Lifts Limited, No. 3 - Philip John Drury and No. 4 - Drury Engineering Services Limited:

“Negotiations in respect of the surrender and re-grant of all land interests and rights in these plots (plots 1, 2a, 2b, 3, 4, 5a and 5b) are progressing well. Drafts of the related proposed agreements are in circulation with the parties for review. The Applicant hopes to be in a position to complete the relevant property agreements shortly. Notwithstanding the ongoing positive negotiations noted above the Applicant does not consider that these negotiations will be settled and agreements completed prior to close of the Examination on 25 January 2024. Accordingly, compulsory acquisition

powers are retained in the dDCO. The Applicant will, however, continue engaging with the parties to reach agreement in respect of the affected interests.”

3.10 No. 5 - Volkswagen Group United Kingdom Limited (“VW”):

“The Applicant is progressing the commercial negotiations with VW, and the parties are making progress towards agreeing alternative arrangements for Volkswagen to take a lease at the Port of Grimsby with a view to vacating their site at the Port of Immingham (Plot 9) and thereby facilitating the delivery of IERRT. Heads of Terms are in circulation in respect of the proposals which are subject to review by VW’s board, at its Head Office in Germany. Whilst the Applicant is confident that these negotiations will be concluded positively, there is a risk that the negotiations will not have been concluded prior to the close of the Examination on 25 January 2024. Accordingly, compulsory acquisition powers are retained in the dDCO.”

3.11 No. 6 - Humber Oil Terminals Trustee Limited (“HOTT”):

“Negotiations have concluded in respect of the relocation of the HOTT mooring buoy within Plot 12. Accordingly, compulsory acquisition powers are no longer sought for this plot in the dDCO.”

3.12 No.7 - Northern Powergrid (Yorkshire) PLC:

“The Applicant has agreed protective provisions in favour of Northern Powergrid in respect of its interests in the Site in the dDCO.”

3.13 No.8 - Exolum Immingham LTD (“Exolum”):

“Negotiations have concluded in respect of the right of access to Exolum’s apparatus within plots 7 and 11, such that powers to interfere with these Plots are no longer required in the dDCO. In addition, the Applicant has agreed protective provisions in favour of Exolum in respect of its interests in the Site in the DCO.”

3.14 No. 9 - Origin UK Operations Limited;

“Negotiations have concluded in respect of the new lease (incorporating the amended access) in relation to plots 8a and 8b, such that powers to interfere with these Plots are no longer required in the dDCO.”

3.15 No. 10 - Cadent Gas Limited:

“ABP is continuing to engage with Cadent Gas Limited in agreeing a draft set of protective provisions for incorporation within the dDCO for its benefit. Whilst the Applicant is seeking to conclude these negotiations positively prior to the close of the Examination on 25 January 2024, there is a risk that the negotiations will not have been concluded by that time.”

3.16 No. 11 - DB Cargo (UK) Limited:

“Negotiations in respect of the right of access over plot 10 have concluded, including in respect of Network Rail Infrastructure Limited’s right of access, such that powers to interfere with this Plot is no longer required in the dDCO.”

3.17 No. 12 - Network Rail Infrastructure Limited:

“Negotiations in respect of the right of access over plot 10 have concluded such that powers to interfere with this Plot is no longer required in the dDCO.”

**Statement of Reasons, Appendix 1**

3.18 Appendix 1 to the Statement identifies on a plot-by-plot basis the extent of acquisition for each the plots of land that are proposed to be compulsorily acquired/subject to interference with rights.

3.19 Appendix 1 of the Statement - *Purpose for which Compulsory powers of acquisition are sought* - is amended by this Addendum as explained below.

3.20 The Table shown in Appendix 1 is replaced by the following table:

Plot No.	Extent of Acquisition	Purpose for which Plots are required: (Work No.)
1	Acquisition of permanent rights (including restrictive covenants) over land	4,7
2a	Acquisition of permanent rights (including restrictive covenants) over land	4,7
2b	Acquisition of permanent rights (including restrictive covenants) over land	4,7
3	Acquisition of permanent rights (including restrictive covenants) over land	4,7
4	Acquisition of permanent rights (including restrictive covenants) over land	4,7
5a	Acquisition of permanent rights (including restrictive covenants) over land	4,7
5b	Acquisition of permanent rights (including restrictive covenants) over land	4,7
6	Acquisition of permanent rights (including restrictive covenants) over land	4,7
9	Acquisition of permanent rights (including restrictive covenants) over land	6