

IMMINGHAM EASTERN RO-RO TERMINAL



Statement of Common Ground Tracker

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1. Introduction

- 1.1 This tracker document is being provided in connection with the procedural decision dated 26 May 2023 made by the Examining Authority (the 'ExA') for the Immingham Eastern Ro-Ro Terminal ('IERRT') Development Consent Order ('DCO') examination ('the Examination'). The ExA required Associated British Ports as the applicant ('the Applicant') to prepare and submit a Statement of Common Ground (SOCG) tracker document in order to provide a record of how SOCG's have progressed during the course of the Examination.
- 1.2 This document is intended to capture the progress of the statements submitted to the Examination in a single table which can then be used to track the completion of the SOCGs until submission at Deadline 5 on 23 October 2023. This is intended as a live document which will be updated when updates or revisions to SOCG are made, or when new documents are submitted to the Planning Inspectorate.
- 1.3 It is intended that revised versions of this document will be submitted at each Examination deadline, setting out how the Applicant has continued to engage with Interested Parties to finalise the SOCG by the relevant deadline.

2. Statement of Common Ground Summary Position

Table 1 below captures the Applicant’s position on each party’s SOCG, indicating whether a draft has been submitted to the Interested Party or is awaiting a response and providing an update as to whether any progress has been made in finalising the document.

Table 1

Interested Party	Position at Deadline 1	Position at Deadline 2	Position at Deadline 3	Position at Deadline 4	Position at Deadline 5
ABLE	A draft is being prepared by the Applicant and will be shared with Able in advance of Deadline 2.	Draft SoCG issued to ABLE. Awaiting comments.	Draft SoCG issued to ABLE. Awaiting comments.	Draft received from ABLE, which the Applicant is reviewing.	Draft SoCG issued to ABLE and the Applicant is awaiting comments. A copy of the latest draft has been submitted as Application Document 7.5.
Anglian Water	A draft SoCG has been shared with Anglian Water and discussions are ongoing.	A draft SoCG has been shared with Anglian Water and discussions are ongoing. The parties have arranged to meet to discuss outstanding items.	A draft SoCG has been shared with Anglian Water and discussions are ongoing, with a meeting scheduled on 14 September 2023.	Meeting held on 14 September and revised draft protective provisions circulated to Anglian Water. Following their approval, an SoCG can be settled.	Applicant is awaiting Anglian Water’s agreement to the draft protective provisions, with the only comment from Anglian Water on the draft having now been incorporated. A draft SoCG has been circulated, which states that the protective provision is considered sufficient in order to address Anglian Water’s concerns. The

					Applicant is awaiting a response.
APT	A draft is being prepared by the Applicant and will be shared with APT in advance of Deadline 2.	Draft SoCG issued to APT. Awaiting comments.	Draft SoCG issued to APT. Awaiting comments.	The Applicant is reviewing the draft SoCG in light of the ongoing without prejudice negotiations with APT.	This SoCG has not been advanced in light of the ongoing without prejudice negotiations with APT regarding enhanced management controls and the potential for providing additional impact protection. The Applicant will advance an SoCG once negotiations have concluded.
Cadent	Awaiting resolution of draft protective provisions, following which need for SoCG will be discussed.	Awaiting resolution of draft protective provisions, following which need for SoCG will be discussed. The parties intend to meet to discuss outstanding items.	Awaiting resolution of draft protective provisions, following which need for SoCG will be discussed. The parties intend to meet to discuss outstanding items.	Awaiting resolution of draft protective provisions, following which need for SoCG will be discussed. One meeting has been held, with another anticipated in the coming days.	Constructive negotiations with Cadent regarding the Protective Provisions are ongoing, and the parties anticipate reaching agreement prior to the end of the Examination. Having reached an agreement, the Applicant intends to prepare a short SoCG which states that the protective provision is considered sufficient in order to address Cadent's concerns.
CLdN	Draft SoCG issued to CLdN. Awaiting comments.	Draft SoCG issued to CLdN. Awaiting comments.	Draft SoCG issued to CLdN. Awaiting comments.	Draft SoCG issued to CLdN. Awaiting comments.	A draft SoCG was issued to CLdN on 30 June 2023. To date, no comments on the draft have been received.

					A copy of the latest draft has been submitted as Application Document 7.6.
DFDS Seaways	A draft is being prepared by the Applicant and will be shared with DFDS in advance of Deadline 2.	Meetings held regarding transport matters. A draft SoCG is being reviewed in light of this.	Meetings regarding transport matters are ongoing. A draft SoCG is being reviewed in light of this, which the Applicant anticipates will be shared with DFDS soon after D3.	Draft SoCG issued to DFDS, whilst a separate transport SoCG is in circulation.	A draft SoCG was issued to DFDS on 20 September 2023, a copy of which has been submitted as Application Document 7.7. At 8:38pm on 23 October 2023, however, DFDS provided a revised draft to the Applicant, which the Applicant will review in due course.
Environment Agency	Positive discussions ongoing with EA to settle comments in relevant representations, following which a SoCG will be settled.	Positive discussions ongoing with EA to settle outstanding comments, following which a SoCG will be settled.	Positive discussions ongoing with EA to settle outstanding comments, following which a SoCG will be settled.	Draft SoCG issued to EA. Awaiting comments.	A draft SoCG has been issued to the EA and the parties have exchanged correspondence (most recently in a letter from the Applicant dated 23 October 2023) regarding this.
Health and Safety Executive	A draft is being prepared by the Applicant and will be shared with HSE in advance of Deadline 2.	Positive discussions ongoing with HSE to settle outstanding comments, following which a SoCG will be settled.	Positive discussions ongoing with HSE to settle outstanding comments, following which a SoCG will be settled.	Following positive discussions, the Applicant has written to HSE to determine the need for a SoCG.	Following extensive correspondence with the HSE, the Applicant does not believe that an SoCG is required.
Historic England	Draft SoCG issued to Historic England. Awaiting response.	Positive discussions ongoing with Historic England.	Positive discussions ongoing with Historic England.	Draft SoCG issued to HE. Awaiting comments.	Draft SoCG issued to Historic England and the

					Applicant is awaiting comments. A copy of the latest draft has been submitted as Application Document 7.4.
Lincolnshire Wildlife Trust	A draft is being prepared by the Applicant and will be shared with LWT in advance of Deadline 2.	The Applicant has written to Lincolnshire Wildlife Trust to determine the need for a SoCG.	The Applicant has written to Lincolnshire Wildlife Trust to determine the need for a SoCG.	The Applicant has written to Lincolnshire Wildlife Trust to determine the need for a SoCG.	The Applicant has written to Lincolnshire Wildlife Trust answering all of their questions and, despite sending follow up emails, has not had a response. Therefore, the Applicant considers that there are no outstanding areas of difference between the parties and no SoCG is required.
MCA	The MCA has confirmed that a SoCG is not required				Correspondence from the MCA confirming that no SoCG is required has been submitted as Application Document 7.1.
MMO	Positive discussions ongoing with MMO to settle comments in relevant representations, following which a SoCG will be settled.	Positive discussions ongoing with MMO to settle comments in relevant representations, following which a SoCG will be settled.	Positive discussions ongoing with MMO to settle comments in relevant representations, following which a SoCG will be settled.	Positive discussions ongoing with MMO to settle comments in relevant representations, following which a SoCG will be settled. A further meeting has been	Following positive discussions, a late-stage draft SoCG has been shared with the MMO and the Applicant awaits its comments. A copy of the latest draft has been submitted as Application Document 7.8.

				arranged for after Deadline 4.	
National Highways	SoCG signed and completed.				Agreed SoCG submitted as Application Document 7.2.
Natural England	A draft SoCG has been shared with Natural England and positive discussions are ongoing to settle the SoCG.	Natural England have responded on the draft SoCG, and positive discussions are ongoing to resolve outstanding matters.	Natural England have responded on the draft SoCG, and positive discussions are ongoing to resolve outstanding matters.	Natural England have responded on the draft SoCG, and positive discussions are ongoing to resolve outstanding matters.	Following positive discussions, a late stage draft SoCG has been shared with Natural England and the Applicant awaits its comments. A copy of the latest draft has been submitted as Application Document 7.9.
Network Rail	Awaiting resolution of draft protective provisions, following which need for SoCG will be discussed.	Awaiting resolution of draft protective provisions, following which need for SoCG will be discussed. Applicant is considering Network Rail's latest response on draft protective provisions.	Awaiting resolution of draft protective provisions, following which need for SoCG will be discussed. The Applicant is considering Network Rail's latest response on draft protective provisions.	Awaiting resolution of draft protective provisions, following which need for SoCG will be discussed. Network Rail's solicitors are seeking instructions on the protective provisions following a call between the parties.	ABP and Network Rail are actively and constructively engaged in negotiating protective provisions and the related Asset Protection Agreement and have completed the easement required in order to protect Network Rail's access rights. We anticipate that all necessary agreements will be completed prior to the end of the Examination and, once completed, Network Rail will then be able to confirm that they have no outstanding concerns with the IERRT development.

					Due to the ongoing negotiations, the parties have not prepared an SoCG at this stage.
North East Lincolnshire Council	Positive discussions ongoing with NELC to settle comments in relevant representations, following which a SoCG will be settled.	Positive discussions ongoing with North East Lincolnshire Council to settle outstanding comments, following which a SoCG will be settled.	Positive discussions ongoing with North East Lincolnshire Council to settle outstanding comments, following which a SoCG will be settled.	Positive discussions ongoing with North East Lincolnshire Council to settle outstanding comments, following which a SoCG will be settled.	A late stage draft SoCG is under discussion between the parties, which the Applicant hopes to complete prior to Deadline 6.
North Lincolnshire Council	Draft SoCG agreed in principle and awaiting completion.	SoCG signed and completed.			Agreed SoCG submitted as Application Document 7.3.
Traffic and Transport SoCG					Transport Consultants for the Applicant, CLdN and DFDS have engaged in thorough dialogue, with a late-stage draft SoCG in circulation. A copy of the latest draft has been submitted as Application Document 7.10.
Dwell Times SoCG					A first draft SoCG has been received from CLdN and DFDS on 20.10.23. The draft has been passed to Stena for review.

Interested Party	Position at Deadline 6	Position at Deadline 7	Position at Deadline 8	Position at Deadline 9
<p>ABLE (Doc. Ref. 7.5)</p>	<p>Updated draft SOCG sent to ABLE at Deadline 5. The Applicant is awaiting further comments.</p> <p>The latest draft SOCG was submitted at Deadline 5 [REP5-012].</p>	<p>Updated draft SOCG sent to ABLE at Deadline 5. The Applicant is awaiting further comments.</p> <p>The latest draft SOCG was submitted at Deadline 5 [REP5-012].</p>	<p>Updated draft SOCG sent to ABLE at Deadline 5. The Applicant is awaiting further comments.</p> <p>The latest draft SOCG was submitted at Deadline 5 [REP5-012].</p>	<p>SoCG agreed and awaiting signature by ABLE.</p>
<p>Anglian Water (Doc. Ref. 7.11)</p>	<p>A draft SoCG was sent to Anglian Water at Deadline 5. The Applicant received comments on 13 November 2023 and provided a further draft SoCG on the same day. The Applicant is awaiting comments/agreement.</p> <p>The latest draft SoCG has been submitted at Deadline 6.</p>	<p>The Applicant has received no further comments from Anglian Water. The latest draft SoCG was submitted at Deadline 6 [REP6-012].</p>	<p>As per Anglian Water’s Deadline 8 submissions, and the Applicant’s revised Protective Provisions Tracker submitted at Deadline 8 (Application Document ref. 10.2.11), the Parties have thus far failed to agree whether the Protective Provisions should expire following the end of the construction period. Anglian Water have, on 8 January 2023 (Deadline 8) requested a revised SoCG to be circulated. The Applicant will circulate a</p>	<p>SoCG agreed and signed, to be submitted at Deadline 9 (Application Document 7.11).</p>

			revised draft ahead of Deadline 9.	
APT (Doc. Ref. 7.12)	<p>The Applicant provided an original draft SoCG ahead of Deadline 2. Following without prejudice discussions between the parties and the Applicant's Proposed Changes Notification, a revised draft SoCG was shared with APT on 10 November 2023 for comment.</p> <p>The latest draft SoCG has been submitted at Deadline 6.</p>	APT provided a mark-up of the SoCG on 4 December 2023. That document is being submitted at Deadline 7.	The Applicant has provided a revised draft SoCG to IOT Operators in accordance with the ExA's direction in ExQ4 NS.4.04 [PD-022] .	The Applicant has provided a revised draft SoCG to IOT Operators in accordance with the ExA's direction in ExQ4 NS.4.04 [PD-022] and is yet to receive a response from IOT Operators.
Cadent (Doc. Ref. 7.13)	Signed and agreed SoCG submitted as Application Document 7.13.			
CLdN (Doc. Ref. 7.6)	Signed and agreed SoCG submitted as Application Document 7.6.			
Corporation of Trinity House (Doc. Ref. 7.18)	Signed and agreed SoCG submitted as Application Document 7.18.			

<p>DFDS Seaways (Doc. Ref. 7.7)</p>	<p>A revised SoCG has been shared with DFDS for comment.</p> <p>The latest draft SoCG has been submitted at Deadline 6.</p>	<p>DFDS provided further comments on the SoCG on 8 December 2023. The Applicant has asked for DFDS to review these amendments, some of which appear to mischaracterise submissions by the Harbour Master at ISH5. The Applicant looks forward to receiving a further revised draft from DFDS in due course.</p>	<p>The Applicant has responded to DFDS' latest draft SoCG in its Response to DFDS' Deadline 7 Submissions (Application Document ref. 10.2.84), as it does not agree with DFDS' characterisation of submissions made by the Harbour Master, Humber's or the points made by DFDS in relation to Ro-Pax vessels. The SoCG remains unsigned.</p>	<p>The Applicant received a revised draft SoCG from DFDS at 17:06 on 15 January 2024, which it shall review following Deadline 9. The Applicant is hopeful that an agreed and signed SoCG will be submitted at Deadline 10.</p>
<p>Environment Agency (Doc. Ref. 7.14)</p>	<p>The ExA has confirmed that no SoCG is required between ABP and the EA.</p>			
<p>Health and Safety Executive (Doc. Ref. 7.15)</p>	<p>A revised SoCG has been shared with the HSE for comment on 8 November 2023, following a continuous exchange of correspondence. The Applicant is awaiting HSE's comments.</p>	<p>The Applicant has received no further comments from HSE. The latest draft SoCG was submitted at Deadline 6 [REP6-015].</p>	<p>The Applicant has still not received further comments from HSE. The latest draft SoCG was submitted at Deadline 6 [REP6-015].</p>	<p>The Applicant has received comments from the HSE and believes that the SoCG is now agreed. The Applicant awaits a signed version from the HSE.</p>

	<p>However, the Applicant notes HSE’s letter to the ExA dated 13 November 2023 which states that the draft SoCG has been referred to HSE’s legal team for review but that, in HSE’s opinion, the fact that it has not yet been completed will <i>“not harm [the ExA’s] consideration of HSE’s advice as there is no disagreement”</i>.</p> <p>The latest draft SoCG has been submitted at Deadline 6.</p>			
Historic England (Doc. Ref. 7.4)	Signed and agreed SoCG submitted as Application Document 7.18.			
Lincolnshire Wildlife Trust (Doc. Ref. 7.16)	Following continued correspondence between the parties, a draft SoCG was shared Lincolnshire Wildlife Trust on 1 November 2023. The Trust have indicated that there is an internal	The Applicant received comments on the draft SoCG in the form of a letter on 11 December 2023, which the Applicant will consider following Deadline 7.	The Applicant has provided the LWT with a revised draft SoCG which takes into account LWT’s views expressed in its 11 December 2023 letter.	A signed SoCG was submitted on 10 January 2024 [AS-081] .

	<p>meeting scheduled for 14 November 2023 in order to discuss the draft.</p> <p>The latest draft SoCG has been submitted at Deadline 6.</p>			
MCA (Doc. Ref. 7.1)	Signed and agreed SoCG submitted as Application Document 7.1.			
MMO (Doc. Ref. 7.8)	<p>SoCG agreed and awaiting signing by the MMO.</p> <p>Agreed (but unsigned) version submitted as Application Document 7.8.</p>			<p>The Applicant believes that all outstanding points in the SoCG are now agreed and awaiting signing by the MMO.</p> <p>Agreed (but unsigned) version submitted as Application Document 7.8</p>
National Highways (Doc. Ref. 7.2)		The Applicant has contacted National Highways in light of ISH5 Action Point 31 and is awaiting comments.	The Applicant continues to wait for comments from National Highways in light of ISH5 Action Point 31.	A signed statement of Common Ground has been submitted at Deadline 9 (application document 7.2).
Natural England (Doc. Ref. 7.9)	Signed and agreed SoCG submitted as			

	Application Document 7.9.			
Network Rail (Doc. Ref. 7.17)	Signed and agreed SoCG submitted as Application Document 7.17.			
North East Lincolnshire Council (Doc. Ref. 7.19)	SoCG agreed by ABP and Council officers. ABP understands that the SoCG is awaiting signing by an authorised signatory of the Council, which will likely occur shortly after Deadline 6. Agreed (but unsigned) version submitted as Application Document 7.19 and a completed version will be submitted into the Examination as soon as possible.	In light of ISH5 Action Point 31, an updated SoCG has been agreed between the parties and is awaiting signature. The agreed (but unsigned) version has been submitted at Deadline 7.	The SoCG remains agreed between the parties and awaits signature by the Council. The agreed (but unsigned) version was submitted at Deadline 7 [REP7-005] .	The SoCG remains agreed between the parties and awaits signature by the Council. The agreed (but unsigned) version was submitted at Deadline 7 [REP7-005] .
North Lincolnshire Council (Doc. Ref. 7.3)		The Applicant has contacted North Lincolnshire Council in light of ISH5 Action Point 31. The Council have confirmed that	A final signed SoCG has been submitted at Deadline 8 (Application Document ref. 7.3).	

		they are still content with the conclusions of the Applicant's assessments. An updated SoCG will be provided following Deadline 7.		
Traffic and Transport SoCG (Doc. Ref. 7.10)	Signed and agreed SoCG submitted as Application Document 7.10.			
Dwell Times SoCG (Doc. Ref. 7.20)	Signed and agreed SoCG submitted as Application Document 7.20.			