

# IMMINGHAM EASTERN RO-RO TERMINAL



Principal Areas of Disagreement Tracker

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## Document Information

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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'). This procedural decision required that certain interested parties in the Application submit Principal Areas of Disagreement ('PAD') summary statements to the examination by Procedural Deadline A on 6 July 2023. The ExA also required Associated British Ports as the applicant ('the Applicant') to prepare and submit a PAD tracker document in order to provide a record of how PADs have or have not been addressed during the course of the Examination.
- 1.2 This document is intended to capture all of the PAD summary statements submitted to the Examination in a single table which can then be used to track the closure of the PADs through the Examination. This is intended as a live document which will be updated when updates or revisions to PAD summary statements 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 for each examination deadline, each setting out which PADs have or have not been addressed by the relevant deadline.

## 2. Principal Areas of Disagreement Summary Position

Table 1 below captures the Applicant's understanding of each party's PAD summary position, indicating whether the Applicant agrees with its content and providing an update as to whether any progress has been made in resolving or narrowing the relevant PAD.

The Applicant notes that the following interested parties have not yet submitted a PAD summary statement to the Examination:

- Able Humberside Ports Limited
- Anglian Water Services Limited
- Health and Safety Executive
- Historic England
- Lincolnshire Wildlife Trust
- Maritime and Coastguard Agency
- National Highways
- Natural England
- North Lincolnshire Council
- Trinity House

Should additional submissions be made during the course of the Examination, the Applicant will update Table 1 as necessary.

**Table 1**

<b>Interested Party</b>	<b>Position at Deadline 1</b>	<b>Position at Deadline 2</b>	<b>Position at Deadline 3</b>	<b>Position at Deadline 4</b>	<b>Position at Deadline 5</b>	<b>Position at Deadline 6</b>
<b>APT</b>	PADS noted and awaiting APT's written representations. Applicant will provide a response at D3.	PADS noted and awaiting APT's written representations. Applicant will provide a response at D3.	The Applicant has now received what it assumes is APT's full case at D2. The Applicant's responses to these written representations are submitted at D3 with further submissions to be made as necessary. The Applicant awaits APT's comments at D4.	The Applicant is awaiting the outcome of the without prejudice negotiations currently taking place with APT.	The Applicant is awaiting the outcome of the without prejudice negotiations currently taking place with APT.	The Applicant is awaiting APT's changes consultation response as well as the outcome of further without prejudice meetings with APT.  The following matters have been subject to further submissions by both parties: <ul style="list-style-type: none"> <li>• Navigational Safety; and</li> <li>• COMAH.</li> </ul>
<b>Cadent</b>	Discussions on protective provisions ongoing, which	Discussions on protective provisions ongoing, which	Discussions on protective provisions ongoing, which	Discussions on protective provisions ongoing. The	Discussions on protective provisions ongoing. The	Discussions on protective provisions are ongoing, with the difference between

	should resolve issues raised by Cadent in its PADS.	should resolve issues raised by Cadent in its PADS. The parties intend to meet to discuss outstanding items.	should resolve issues raised by Cadent in its updated PADS document submitted at D2. The parties intend to meet to discuss outstanding items.	parties intend to meet for a second time to discuss outstanding items and resolve outstanding issues.	parties intend to meet for a second time to discuss outstanding items and resolve outstanding issues.	the parties narrowing. The Applicant anticipates that the protective provisions will be agreed prior to the close of the Examination.
<b>CLdN</b>	PADS noted and awaiting CLdN's written representations. Applicant will provide a response at D3.	PADS noted and awaiting CLdN's written representations. Applicant will provide a response at D3.	The Applicant has now received what it assumes is CLdN's full case at D2, including an updated PADS document. The Applicant's responses to these written representations are submitted at D3 with further submissions to be made as necessary. The Applicant awaits CLdN's	The Applicant awaits CLdN's D4 submissions setting out its case as made at ISH3 and ISH4, following which it shall provide further comments.	The Applicant's responses to CLdN's Deadline 4 submissions are submitted at D5 with further submissions to be made as necessary. The Applicant awaits CLdN's comments at D5 and D6.	The Applicant and CLdN are both party to the transport and dwell times SoCGs.  The following matters have been subject to further submissions by both parties: <ul style="list-style-type: none"> <li>• Need;</li> <li>• Environmental Assessment;</li> <li>• Navigational Safety; and</li> <li>• The draft DCO.</li> </ul>

			comments at D4.			
<b>DFDS Seaways</b>	PADS noted and awaiting DFDS' written representations. Applicant will provide a response at D3.	PADS noted and awaiting DFDS' written representations. Applicant will provide a response at D3.	The Applicant has now received what it assumes is DFDS's full case at D2. The Applicant's responses to these written representations are submitted at D3 with further submissions to be made as necessary. The Applicant awaits DFDS's comments at D4.	The Applicant awaits DFDS's D4 submissions setting out its case as made at ISH3 and ISH4, following which it shall provide further comments.	The Applicant's responses to DFDS's Deadline 4 submissions are submitted at D5 with further submissions to be made as necessary. The Applicant awaits DFDS's comments at D5 and D6.	The Applicant and DFDS are both party to the transport and dwell times SoCGs.  The following matters have been subject to further submissions by both parties: <ul style="list-style-type: none"> <li>• Navigational Safety;</li> <li>• Environmental Assessment; and</li> <li>• The draft DCO.</li> </ul>
<b>Environment Agency</b>	ABP issued response 21 July. EA issued response 4 August. Discussions continue.	Positive discussions have been ongoing and the Applicant expects that the EA will provide a written update in its written representations	The Applicant understands item 3 in the EA's PADSS <b>[PDA-010]</b> to now be resolved – see paragraph 1.5 of <b>[REP2-013]</b> . The Applicant	Positive discussions continue, but the Applicant understands that most, if not all, of the EA's PADS have now	Positive discussions continue, but the Applicant understands that most, if not all, of the EA's PADS have now been resolved.	The Applicant understands that all of the EA's PADS have now been resolved.



		provided at D2. The Applicant will provide a response in D3 as necessary.	will continue to engage with the EA to resolve the outstanding items identified in its PADSS.	been resolved.		
<b>Marine Management Organisation</b>	Positive discussions are ongoing as between the MMO and the Applicant. MMO is confident that issues will be resolved during Examination.	Positive discussions are ongoing as between the MMO and the Applicant. MMO is confident that issues will be resolved during Examination.	Positive discussions are ongoing as between the MMO and the Applicant. The Applicant notes that the MMO is confident that issues will be resolved during Examination.	Positive discussions are ongoing as between the MMO and the Applicant, with a further meeting being arranged for after D4. The Applicant notes that the MMO is confident that issues will be resolved during Examination.	Positive discussions are ongoing as between the MMO and the Applicant, with a revised SoCG issues to the MMO. The Applicant notes that the MMO is confident that issues will be resolved during Examination.	Save for the Deemed Marine Licence and Piling Restrictions, the Applicant understands that all of the MMO's PADS have now been resolved.  A revised version of the dDCO will be submitted at Deadline 6, including amendments to the DML made at the MMO's request. Constructive conversations on piling restrictions are continuing, and the Applicant is confident this matter can be resolved and agreed by close of the Examination.

<p><b>North East Lincolnshire Council</b></p>	<p>Positive discussions are ongoing as between NELC and the Applicant to resolve the issues in NELC's PADS.</p>	<p>Positive discussions are ongoing as between NELC and the Applicant to resolve the issues in NELC's PADS.</p>	<p>Positive discussions are ongoing as between NELC and the Applicant to resolve the issues in NELC's PADS.</p>	<p>Positive discussions are ongoing as between NELC and the Applicant to resolve the issues in NELC's PADS.</p>	<p>Positive discussions are ongoing as between NELC and the Applicant to resolve the issues in NELC's PADS.</p>	<p>The Applicant understands that all of North East Lincolnshire Council's PADS have now been resolved.</p>
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Interested Party	Position at Deadline 7	Position at Deadline 8	Position at Deadline 9
<p><b>APT</b></p>	<p>The Applicant is disappointed to note that in [REP6-045] the IOT Operators have stated that they do not expect their position as recorded in their Principal Areas of Disagreement document [PDA-003] will meaningfully change.</p>	<p>The Applicant believes that IOT Operators have not changed their stance outlined in [REP6-045] and remain of the view that they do not expect their position as recorded in their Principal Areas of Disagreement document [PDA-003] to meaningfully change.</p>	<p>The Applicant believes that IOT Operators have not changed their stance outlined in [REP6-045] and remain of the view that they do not expect their position as recorded in their Principal Areas of Disagreement document [PDA-003] to meaningfully change.</p>
<p><b>Cadent</b></p>	<p>Discussions on protective provisions are ongoing, with the difference between the parties narrowing. The Applicant anticipates that the protective provisions will be agreed prior to the close of the Examination.</p>	<p>Discussions on protective provisions continue to narrow and the Applicant remains positive that the protective provisions will be agreed prior to the close of the Examination, please see the Protective Provisions Tracker as submitted at Deadline 8</p>	<p>Discussions regarding protective provisions continue to make progress, with only two drafting matters outstanding between the parties. The Applicant expects Cadent to make submissions into the Examination at Deadline 9,</p>

		(Application Document ref. 10.2.11).	and looks forward to receiving these.
<b>CLdN</b>	The following matters have been subject to further submissions by both parties and will continue to be discussed in examination:: <ul style="list-style-type: none"> <li>• Need;</li> <li>• Environmental Assessment;</li> <li>• Navigational Safety; and</li> <li>• The draft DCO.</li> </ul>	The following matters remain subject to further submissions by both parties and will continue to be discussed in examination: <ul style="list-style-type: none"> <li>• Need;</li> <li>• Environmental Assessment;</li> <li>• Navigational Safety; and</li> <li>• The draft DCO.</li> </ul>	The following matters remain subject to further submissions by both parties at Deadline 9 and will continue to be discussed in examination: <ul style="list-style-type: none"> <li>• Need;</li> <li>• Environmental Assessment;</li> <li>• Navigational Safety; and</li> <li>• The draft DCO.</li> </ul>
<b>DFDS Seaways</b>	The following matters have been subject to further submissions by both parties, and will continue to be discussed in examination: <ul style="list-style-type: none"> <li>• Navigational Safety;</li> <li>• Environmental Assessment; and</li> <li>• The draft DCO.</li> </ul>	The following matters remain subject to further submissions by both parties and will continue to be discussed in examination: <ul style="list-style-type: none"> <li>• Navigational Safety;</li> <li>• Environmental Assessment; and</li> <li>• The draft DCO.</li> </ul>	The following matters remain subject to further submissions by both parties at Deadline 9 and will continue to be discussed in examination: <ul style="list-style-type: none"> <li>• Navigational Safety;</li> <li>• Environmental Assessment; and</li> <li>• The draft DCO.</li> </ul>
<b>Environment Agency</b>	The Applicant understands that all of the EA's PADS have now been resolved.		
<b>Marine Management Organisation</b>	Save for the Deemed Marine Licence and Piling Restrictions, the Applicant understands that all of the MMO's PADS have now been resolved.	Except for the Deemed Marine License and Piling Restrictions, per the Applicant's understanding all the MMO's PADS have now been resolved.	The Applicant's understanding is that all PADs noted by the MMO are now agreed.

	<p>Constructive conversations on piling restrictions are continuing, and the Applicant is confident this matter can be resolved and agreed by the close of the Examination.</p>	<p>Constructive conversations on piling restrictions remain ongoing, with the Applicant confident that the matter can be resolved and agreed by the close of Examination. A revised version of the Deemed Marine Licence has been included in the Deadline 8 dDCO. The Applicant considers that this latest draft addresses the MMO's comments, and a meeting between the parties is scheduled to take place prior to Deadline 9.</p>	<p>On 10 January 2024, a meeting was held with the MMO and Cefas with a view to settling outstanding matters. The Applicant can confirm that the Applicant's proposals for a piling reporting protocol, as set out in BNE.4.10 <b>[REP8-020]</b>, were agreed with the MMO. A revised version of the Deemed Marine Licence has been included in the Deadline 8 dDCO <b>[REP8-005]</b>. The Applicant considers that there are no further outstanding matters to be agreed with the MMO and understands the MMO will confirm the same in its Deadline 9 submissions.</p>
<p><b>North East Lincolnshire Council</b></p>	<p>The Applicant understands that all of North East Lincolnshire Council's PADS have now been resolved.</p>		