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Immingham Eastern Ro-Ro Terminal Case Team
Planning Inspectorate
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(By email only)

MMO Reference: DCO/2021/00004
Planning Inspectorate Reference: TR030007

15 January 2024

Dear Mr Gould,

Planning Act 2008, Immingham Eastern Ro-Ro Terminal

On 09 March 2023, the Marine Management Organisation (the “MMO”) received notice under Section 56 of the Planning Act 2008 (the “PA 2008”) that the Planning Inspectorate (“PINS”) had accepted an application made by Associated British Ports (the “Applicant”) for the determination of a development consent order (DCO) for the construction, maintenance and operation of the Immingham Eastern Ro-Ro Terminal (the “DCO Application”) (MMO ref: DCO/2021/00004; PINS ref: TR030007).

The DCO Application seeks authorisation for the construction, of a new 3-berth Roll-On/Roll-Off (Ro-Ro) terminal facility within the Port of Immingham (“the “Project”). This includes one Deemed Marine Licence (DML) under Schedule 3.

This document comprises the MMO comments in respect of the DCO Application submitted in response to Deadline 9.

The MMO submits the following:

- 1. MMO Comments on Deadline 8 Submissions**
- 2. Other Comments**

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the Examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated applications for consent, permission, approval, or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Yours sincerely,



Emma Shore
Marine Licensing Case Manager

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1. MMO Comments on Deadline 8 Submissions

The MMO is aware that several documents have been submitted into this Examination at Deadline 8 by various Interested Parties. The MMO has reviewed these documents and has provided comments below:

REP8-004 and REP8-005 – 3.1 Draft Development Consent Order

1.1 The MMO has reviewed the Applicant's updated DCO submitted at Deadline 8 and is pleased that our comments raised at Deadline 7 have been addressed. The MMO has no further comments regarding the content of the DCO, including the DML.

2. Other Comments

2.1 The MMO and our scientific advisors at Cefas, attended a meeting with the Applicants on Wednesday 10 January 2024 to discuss the remaining outstanding concerns regarding mitigation for underwater noise from piling and the proposed reporting protocol. During this meeting, the Applicant outlined their revised piling protocol with associated actions to be taken in the event of an exceedance of the 180-minute percussive piling duration, as below:

Condition 13 - Percussive piling reporting protocol

1.—(1) *The undertaker must submit weekly reports to the MMO of the duration of percussive piling that is undertaken on any given day on which piling takes place during the construction of the authorised development.*

(2) *The reports submitted to the MMO pursuant to sub-paragraph 1 must include a log of the number and approximate location of piling rigs which are in operation on any given day, along with the number of piles driven.*

(3) *The undertaker will hold fortnightly meetings with the MMO to discuss the weekly reports submitted under sub-paragraph (1) and agree any corrective action if required.*

(4) *Subject to sub-paragraph (5), where percussive piling is paused, the recommencement of the percussive piling shall be subject to the provisions of sub-paragraph (1)(a) of paragraph 12 ("the contingency period").*

(5) *The contingency period must not exceed a total of 80 minutes in any given day on which percussive piling takes place.*

2.2 The MMO is content that whilst a daily limit on percussive piling is not being conditioned, reporting on the durations of percussive piling on a weekly basis will enable necessary reactive measures to be taken, if it is found that the Applicant exceeds their expected 180 minutes of percussive piling and 80 minutes contingency periods.

2.3 During the meeting, in-combination noise levels were also discussed between this development and the Immingham Green Energy Terminal Project. The MMO is content that where percussive piling is occurring simultaneously across the two projects, these respective time periods will not be double counted as the temporal exposure to this effect is not increased. However, it is important to acknowledge that there will be a greater risk of disturbance if simultaneous/concurrent piling is undertaken.

2.4 The MMO thanks the Applicant for the inclusion of this reporting protocol within the DML and considers it satisfactory to mitigate against risks of piling and underwater noise.

Yours sincerely,



Emma Shore
Marine Licensing Case Manager

