

IMMINGHAM EASTERN RO-RO TERMINAL



Statement Of Common Ground Between Associated British Ports and North East Lincolnshire Council

Document 7.19

APFP Regulations 2009 – Regulation 5(2)(q)

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Contents

1	Section 1 – Introduction	4
2	Section 2 – Summary of Engagement	6
3	Section 3 – Matters Agreed and Matters Not Agreed	14
4	Section 4 – Signatories	21
	Glossary	22

1 Section 1 – Introduction

Overview

- 1.1 This Statement of Common Ground (“SoCG”) has been prepared in relation to the application (the “Application”) by Associated British Ports (“ABP”), made under the provisions of Section 37 of the Planning Act 2008 (“the PA 2008”), for a Development Consent Order (“DCO”) which if approved will authorise the construction and operation of the Immingham Eastern Ro-Ro Terminal (IERRT).
- 1.2 The IERRT development as proposed by ABP falls within the definition of a Nationally Significant Infrastructure Project (“NSIP”) as set out in Sections 14(1)(j), 24(2) and 24(3)(b) of the PA 2008.

The Project

- 1.3 In summary, the IERRT development comprises two principal elements:
- (a) On the marine side, the construction of a new three berth Roll-on/Roll-off harbour facility and related marine infrastructure; and
 - (b) On the landside, the provision of a suitably surfaced area to accommodate a terminal building and ancillary buildings together with storage and waiting space for the embarkation and disembarkation of the vessel borne wheeled cargo.
- 1.4 The landside development will also include, within the Order Limits – i.e., within the boundary of the development site – a building for the UK Border Force together with an area for disembarked traffic awaiting UK Border Force checks prior to departure from the Port.
- 1.5 ABP will also be providing an area of off-site environmental enhancement at Long Wood, which is located close to the Port’s East Gate.

Parties to this Statement of Common Ground

- 1.6 This SoCG is submitted on behalf of:
- (a) ABP – the promoter of the IERRT development and the owner and operator of the Port of Immingham; and
 - (b) North East Lincolnshire Council (“NELC”) – the unitary authority of North East Lincolnshire. Located in Northern Lincolnshire and is the host authority for the IERRT development.

1.7 In this SoCG ABP and NELC are collectively referred to as “the Parties”.

The Purpose and Structure of this Document

1.8 The purpose of this document is to identify and summarise any agreement, disagreement or matters outstanding between the parties on matters relevant to the examination so as to assist the Examining Authority in its consideration of the Application.

1.9 In preparing this SoCG, the guidance provided in ‘Planning Act 2008: examination of application for development consent’ (Department for Communities and Local Government (as it then was), March 2015) has been fully taken into account.

1.10 Section 1 of this SoCG is designed to act as a general introduction to the IERRT project and to the parties concerned.

1.11 Section 2 of this SoCG sets out a summary of the correspondence and engagement between the parties to date.

1.12 Section 3 of this SoCG sets out the matters which have been agreed or which remain outstanding, together with any matters upon which it has not been possible to reach agreement.

1.13 The Tables in Section 3 use a colour coding system to indicate the status of the matters between the Parties as follows:

- (a) Green – matter agreed;
- (b) Orange – matter ongoing; and
- (c) Red – matter not yet agreed.

2 Section 2 – Summary of Engagement

- 2.1 A summary of the consultation and engagement between the parties as at the date of this version of the SoCG is presented in Table 2.1 below.
- 2.2 It is agreed by the Parties to this SoCG that Table 2.1 is an accurate record of the meetings and key correspondence between the Parties.

Table 2.1 – Summary of Engagement

Date	Form of Correspondence	Summary with key outcomes and points of discussion
15.07.21	Meeting	Introduced the proposed development. Described the consenting approach and presented timelines for proposed development.
11.10.21	Email	ABP submitted a Data Request.
13.10.21	Email	NELC provided a response to the Data Request.
29.10.21	Email	NELC Environmental Health confirmed that the department is happy with the proposed methodology and noise monitoring locations.
02.11.21	Email	ABP formally requested the revocation of the 1992 deemed Hazardous Substances Consent for AN storage at East Riverside.
08.11.21		Informal discussion on Draft SoCC.
18.11.21	Email	ABP sent draft SoCC for formal consultation.
23.11.21	Email	NELC issued Scoping Response from conservation officer, which requested historic landscape sand impacts on setting of heritage assets should be looked at.
23.11.21	Email	NELC issued Scoping Response from ecologist, which confirmed they are happy with the approach and interested in the HRA.
23.11.21	Email	NELC issued Scoping Response on TA and confirmed they are happy with approach.
30.11.21	Email	NELC issued Scoping Response on Air Quality and confirmed they are happy with approach.
02.12.21	Teams Meeting	Approach and scope of the Transport Assessment was discussed and agreed by NELC and NLC. The scope of the assessment was also discussed

		with the capacity calculations and method for wider network assessments summarised.
09.12.21	Email	ABP provided NELC with a reminder of the draft SoCC consultation deadline.
13.12.21	Email	NELC confirmed they would respond to SoCC this week.
13.12.21	Email	ABP asked whether it was possible for the Council's website to host a link to the project website.
15.12.21	Email	NELC requested wording for consultation mailout.
17.12.21	Email	ABP advised of the potential need to amend consultation start date due to covid uncertainty and requested confirmation that this was in principal acceptable.
17.12.21	Email	ABP sent through information to be hosted on NELC website.
21.12.21	Email	NELC confirmed content and arrangements for mailout.
21.12.21	Email	ABP proposed text changes and requested that the mailout be issued on the 20.01.22.
21.12.21	Email	NELC confirmed changes.
07.01.22	Email	ABP sent through proposed agenda for meeting and draft scoping note.
13.01.22	Meeting	ABP provided a project update, discussed the preliminary TA and detailed comments relating to passenger use, staff car parking, dredging, accident data, committed development and traffic distribution and assignment.
14.01.22	Email	ABP requested confirmation that mailout was due to be issued next week.
14.01.22	Email	NELC confirmed and advised that the mail out would be 20 th or 27 th .
14.01.22	Email	ABP requested the mailout occurred on 20.01.22.
14.01.22	Email	NELC confirmed date for mail out.

17.01.22	Email	ABP sent through final SoCC and confirmed suggested amendments incorporated. Also offered a briefing to the Councillors.
19.01.22	Email	NELC highways officer confirmed that they were happy with the scope of the TA at this stage and outlined committed developments.
19.01.22	Email	ABP issued notification of the start of the Statutory Consultation.
20.01.22	Email	NELC confirmed that mail out would be issued that day.
02.02.22	Email	ABP issued notes of meeting held on 13.01.22 to highways officer for review.
18.02.22	Email	ABP issued to highways officer a technical note in advance of meeting.
Feb 2022	Email and Questionnaire	NELC sent through their S42 Consultation response.
03.03.22	Meeting	Involved a site visit for Highways officer and a project update was provided. This included confirmation the dredge material would be disposed of at sea.
10.05.22	Meeting	Site visit with NELC Tree Officer.
16.05.22	Email	ABP requested a meeting with the flooding and drainage officer.
24.05.22	Phone Call	ABP introduced the project to the contaminated land officer, explained the DCO and its process and the further SI work that will be undertaken.
31.05.22	Email	ABP sent through proposed agenda for meeting.
01.06.22	Meeting	ABP provided a project update and discussed impacts on flood defences, surface water into the Harborough Marsh Drain, and attenuation of flows.
09.06.22	Meeting	ABP provided a project update which included discussion of TA, signage and east gate enhancements.

10.06.22	Email	ABP sent through a project update and responded to NELC's S42 comments.
15.06.22	Email	ABP sent through junction modelling and signage proposals.
17.06.22	Meeting	Discussed East Gate modifications, route of England Coastal Path, access through woodland and ecological enhancements, consideration of bus stops and removal of layby to prevent HGV parking.
17.06.22	Email	NELC sent through comments on junction modelling.
28.06.22	Email	ABP sent a query regarding unregistered land at Laporte Road and Queens Road.
28.06.22	Email	NELC confirmed that the query had been passed to the legal department and a response would be issued once investigations were completed.
30.06.22	Email	ABP sent through the draft EEMP to the NELC tree officer for review and comment.
05.07.22	Email	NELC tree officer provided comments on EEMP.
13.07.22	Email	ABP sent through draft protective provisions relating to flooding for review.
19.07.22	Email	NELC agreed to check provisions with the planning team and advised that NELDB should also be contacted and have protective provisions in the DCO.
19.07.22	Email	ABP confirmed that similar conversations regarding protective provisions were happening with NELDB.
19.07.22	Email	ABP issued a revised EEMP to NELC tree officer for comment.
19.07.22	Email	NELC tree officer responded to EEMP and noted that points relating to the physical perimeters of each zone have not been addressed but happy to accept the plan.
20.07.22	Meeting	ABP provided a p[project update and discussions included CTMP, signage, passenger numbers,

		east gate improvements, HGV hourly profile and draft TA and TP to be issued for comment.
27.07.22	Email	ABP advised NELC that the S42 response did not include comments from the conservation officer.
27.07.22	Email	NELC acknowledged the omission and confirmed that the comments will be sent over soonest.
01.08.22	Email	ABP followed up on the query relating to the conservation officer comments.
02.08.22	Email	NELC requested a link to Chapter 15 of the PEIR.
02.08.22	Email	ABP sent through a link to the document.
02.08.22	Email	NELC confirmed that the conservation officer had no comments on non-terrestrial works
09.08.22	Email	ABP sent follow on query regarding unregistered land at Laporte Road and Queens Road.
16.08.22	Email	NELC confirmed that the query was still being investigated.
22.08.22	Email	ABP issued note of meeting held on 20.07.22, a copy of the draft CEMP, Proposed internal footways and cycleways and signage plans, draft TA and draft TP.
02.09.22	Email	ABP followed up on whether the flooding and drainage team had any comments on the draft protective provisions.
05.09.22	Email	ABP sent follow on query regarding unregistered land at Laporte Road and Queens Road.
06.09.22	Email	NELC confirmed that the response to the query was with a Highways colleague and needed to be checked by the legal department prior to be issued.
06.09.22	Meeting	Discussed CEMP, internal footway and cycle paths, road signage, Draft TA and Draft Travel Plan.
27.09.22	Email	NELC sent through comments from transport modeller.

06.10.22	Email	ABP sent through UK Marine Works Controls.
17.10.22	Email	ABP inquired whether NELC could undertake a mail out again for the supplementary statutory consultation.
18.10.22	Email	NELC confirmed they will include information on the supplementary consultation within their emails to subscribers.
24.10.22	Email	ABP sent through text for NELC mailout regarding the Supplementary Statutory Consultation.
24.10.22	Email	ABP sent follow on query regarding unregistered land at Laporte Road and Queens Road.
24.10.22	Email	NELC to contact highways team for a response re: unregistered land at Laporte Road and Queens Road.
25.10.22	Email	NELC queried whether the consultation information should be included in the next mailout.
25.10.22	Email	ABP confirmed when the information should be included in the mailout.
25.10.22	Email	NELC requested the wording for the mailout again.
25.10.22	Email	ABP sent through wording again.
25.10.22	Email	ABP sent an email and letter advising on the forthcoming supplementary statutory consultation in accordance with the SoCC.
25.10.22	Email	NELC confirmed receipt of email and that they will provide comments if necessary.
25.10.22	Email	ABP issued notification of the Supplementary Statutory Consultation.
27.10.22	Email	ABP issued notification of the Supplementary Statutory Consultation.
31.10.22	Email	ABP sent through the SSC Newsletter and supplementary consultation report.
01.11.22	Email	NELC confirmed that the unregistered land query is with NELC legal team and will be followed up internally.

01.11.22	Email	ABP requested that the query is followed up urgently.
01.11.22	Email	NELC confirmed that the legal department will be chased on a response to the query.
04.11.22	Email	NELC confirmed that there is meeting to be held with the legal department and a response should follow.
07.11.22	Email	NELC confirmed the approach to responding to SSC and noted that additional comments were not likely.
08.11.22	Email	ABP followed up on whether the flooding and drainage team had any comments on the draft protective provisions.
11.11.22	Email	NELC confirmed that the area of land is within the ownership of NELC.
11.11.22	Email	ABP requested clarification on the ownership and the location of the adopted highway.
14.11.22	Email	ABP responded to transport modellers comments and requested a call to discuss.
14.11.22	Email	NELC confirmed that both areas being looked into are owned by NELC and clarified the extent of the adopted highway.
14.11.22	Email	NELC provided an extract of mineral rights for the land and advised that an application to the legal department would be necessary in order to obtain a copy of the agreement.
14.11.22	Email	ABP asked whether NELC could make the application to the legal department for the agreement.
15.11.22	Email	NELC provided a copy of the legal agreement.
16.11.22	Email	NELC requested modelling information, feedback on AQMA and connection to the cycle super highway.
18.11.22	Email	ABP responded on AQMA issues.

28.11.22	Email	ABP followed up on whether NELC had any thoughts on the SSC.
28.11.22	Email	ABP sent through draft drainage strategy for review by flooding team.
29.11.22	Email	NELC issued their SSC response.
13.12.22	Email	ABP responded on cycle super highway issue.
14.12.22	Email	NELC Flooding team confirmed that they are happy with the draft protective provisions.
15.12.22	Email	NELC confirmed that they are happy with the protection given to the areas drainage.
09.03.23	Email	ABP issued the Notice of acceptance of application.
15.03.23	Meeting	Discussed signage and SoCG.
16.03.23	Email	ABP provided information on Relevant Reps, LIR and SoCG.
19.04.23	Email	NELC submitted Relevant Representations.
12.06.23	Meeting	Discussions between NELC officers and relevant ABP project specialists regarding Relevant Representations and to inform LIR.
21.06.23	Meeting	Further discussions between NELC officers and relevant ABP project specialists regarding Relevant Representations and to inform LIR.
29.06.23	Meeting	Further discussions between NELC officers and relevant ABP project specialists regarding Relevant Representations and to inform LIR.
05.07.23	Email	ABP provided information on key matters raised by NELC traffic consultant to assist in the preparation of their PAD.
11.09.23	Email	ABP issued revised draft protective provisions for review and comment
23.10.23	Meeting	Meeting to discuss progression of SoCG & S278 agreement.
31.10.23	Email	ABP provided latest draft of SoCG.
01.11.23	Meeting	Discussed SoCG and proposed amendments.
02.11.23	Email	ABP provided latest draft of SoCG further to previous meeting.

28.11.23	Email	ABP provided NELC with updated TA details relating to sensitivity tests and revised modelling.
04.12.23	Email	NELC confirmed content with sensitivity tests and revised modelling.
07.12.23	Email	ABP provided latest draft of SoCG.
04.01.24	Meeting	Discussion between NELC and ABP regarding Addendum TA.

3 Section 3 – Matters Agreed and Matters Not Agreed

3.1 Table 3.1 below contains a list of 'matters agreed' and a list of matters outstanding at the date of this version of the SoCG.

Table 3: List of Matters Agreed and Outstanding

Matter	ABP's Position	NELC's Position	Status
Road traffic – collision analysis	The Transport Assessment covers the period up to August 2021. NELC have confirmed (by email 06/07/23) that there were only two additional accidents on NELC roads that are not reported in the Transport Assessment, and these do not materially change the outcome of the assessment. As a consequence, it is considered that no further assessment is required.	This is agreed.	
Road traffic – cycle parking	Cycle parking will be provided as part of the development at a ratio of 1 per 10 members of staff.	Sufficient cycle parking needs to be allocated.	
Road traffic – travel plan	The Travel Plan submitted with the DCO application was intended to be read as a framework document. A detailed travel plan will be produced in due course, and ABP has indicated to NELC that this can be secured via a 'prior to operation' requirement within the DCO.	ABP will need to develop a more detailed Travel Plan in due course.	
Road traffic – East Gate improvement works	A road safety audit for the East Gate works has been prepared and issued to NELC on 10/11/23. The audit raises no material or significant issues	The design of the works and required S278 agreement is being progressed and the detailed design will be finalised as part of that process prior to commencement of the works.	

<p>Road traffic - staff</p>	<p>Extra 'headroom' has been included in the staff parking provision in order to account for shift changes and visitors/service providers who would be needed for the smooth running of the terminal. TA tests 50 movements in and out per hour (100 cars) (para 5.3.2) so allows for a higher level of staff movements than forecast. Staff parking has been included in both the submitted General Arrangement Plans and the Changes Application General Arrangement Plans. The Changes plans are here, with staff parking at the top of sheet 4.</p>	<p>Staff parking levels appear to be greater than would be expected but happy with reasoning.</p>	
<p>Road traffic – traffic assignment predictions</p>	<p>The further detail requested by NELC (and others) was provided in REP2-010 Page 16. This confirms that for all routes, given the location of the facility, the use of East Gate (and therefore Queens Road and A1173) is the most appropriate for the development.</p>	<p>This is agreed</p>	
<p>Road traffic – increases in traffic flows</p>	<p>Both proportionate and absolute increases have been included in the TA (table 16).</p>	<p>Absolute increases to traffic flow need to be considered when establishing study area for capacity assessments, not just proportionate increases. It is agreed that the TA presents both data NELC have been provided with and have reviewed revised assessments</p>	

		<p>(including sensitivity testing) arising from discussions between the applicant and IPs on the traffic modelling (particularly those raised by DFDS in REP4-025).</p> <p>NELC have reviewed the updated reports and confirms they agree the assessments provided and the conclusions arising. Those conclusions confirm that no specific highway safety or capacity mitigation (other than at East Gate) is required as a result of the proposals.</p>	
Road traffic – Pyewipe and Westgate roundabouts	Traffic flows due to IERRT at these roundabouts are predicted to be well within the bounds of normal variation (6 two-way light vehicle movements in each peak). As these numbers are so low, further assessment is not necessary.	Whilst it is acknowledged that these are sensitive junctions, the net change in flows as a result of the development will not have any material impact on highway operation.	
Road traffic – plans showing geometric inputs of some junctions need to be provided	These plans were provided to NELC for review on 19 th July 2023.	These are agreed	
Road traffic – East Gate queuing	This work has evolved in line with discussions with IPs and has involved the review of new traffic surveys. A revised set of assessments has been submitted at D5.	This is agreed	

<p>Road traffic – risk of congestion at King’s Road/Pelham Road roundabout – evidence needs to be provided to ensure congestion does not arise</p>	<p>The assignment diagrams in the TA indicate only 22 two-way movements of light vehicles in each peak. Over half of these are estimated to be related to Immingham residents so this limited incremental and absolute increase does not warrant a detailed impact assessment.</p>	<p>This roundabout is in the Immingham urban area, however ABP’s position as explained is accepted.</p>	
<p>Terrestrial and marine ecology</p>	<p>Matters related to marine ecology, the European Marine Site and migratory fish sit within the purview of the government’s statutory nature conservation advisor, Natural England and the Marine Management Organisation.</p>	<p>Agreed. ABP need to ensure legal compliance. The Woodland Enhancement Management Plan is accepted and discussions have taken place with the Council’s Ecologist and Tree Officer. It is agreed that impacts within the marine environment will be within the purview of Natural England, the MMO and the EA.</p>	
<p>Environmental Health Protections (Air quality and noise)</p>	<p>The potential impacts of air quality and noise upon ecological receptors are acknowledged. However, to the extent that these impact pathways are restricted to the immediate IERRT footprint, ABP considers that further analysis of these matters by North East Lincolnshire Council is not considered necessary. Noise and air quality impacts associated with the construction and operation of the IERRT itself will be localised to the area immediately surrounding the site. Any impacts on human health and wellbeing, therefore, will sit within the ambit of</p>	<p>In terms of Air Quality it is agreed, however it is expected that the mitigation measures detailed within Chapter 13 – Air Quality to be implemented.</p> <p>In terms of noise agreed and again would expect mitigation measures as detailed in section 14.9 of Chapter 14 – (Airborne Noise and Vibration) to be implemented.</p>	

	NELC. Indirect effects upon human health and wellbeing arising from noise and air quality issues in the NELC area would be associated with increased traffic volumes, and only then for the small number of residential houses on Queen’s Road.		
Drainage and flooding – flow rates to Habrough Marsh Drain	Some further improvement suggestions may be considered for surface water drainage but approval of the North East Lindsey Drainage Board has been conditioned through the requirements in the DCO, for which the NELDB would routinely consult with NELC.	Agreed. NELC is Lead Local Flood Authority The submitted Drainage Plan accords with the normal request of the North East Lindsey Drainage Board i.e. 30% betterment over existing flow rates in to the Habrough marsh Drain. Attenuation infrastructure will be incorporated in the drainage solution to ensure that flow rates are throttled back.	
Drainage and flooding – risk of pollution to Habrough Marsh Drain	Some further improvement suggestions may be considered for surface water drainage but approval of the North East Lindsey Drainage Board has been conditioned in the DCO, for which the NELDB would routinely consult with NELC.	Agreed. Oil interceptors are shown in the drainage plan	
Drainage and flooding – risk of tidal flooding	This matter sits within the purview of the Environment Agency.	Agreed	
Cultural heritage impacts	These matters have been adequately addressed. Scoping terrestrial archaeology out of the EIA is appropriate given the ongoing re-development of the	Agreed. NELC are satisfied that these matters have been adequately addressed.	

	<p>port's landward footprint over the last 111 years. Any features of paleo-archaeological interest will not be disturbed on land. Within the estuary, and as agreed with Historic England, a Written Scheme of Investigation has been established. NELC have a role to play in approving the archaeological method statement noting that their remit only extends to the low water mark.</p>		
<p>Compliance with local and national planning policy</p>	<p>ABP's Local Plan compliance assessment is provided in Appendix 3 of the IERRT Planning Statement [APP-019]</p>	<p>NELC agree with ABP's Local Plan compliance assessment that is provided in Appendix 3 of the Planning statement.</p>	

4 Section 4 – Signatories

This Statement of Common Ground is agreed:

On behalf of NELC:

Name: Damien Jaines-White

Signature:

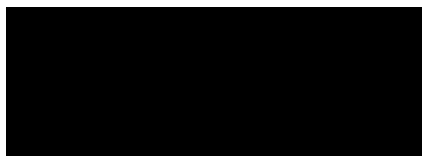


Date: 17/01/2024

On behalf of ABP:

Name: Tom Jeynes

Signature:



Date: 17/01/24

Glossary

Abbreviation / Acronym	Definition
ABP	Associated British Ports
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
IERRT	Immingham Eastern Ro-Ro Terminal
NLC	North Lincolnshire Council
NELC	North East Lincolnshire Council
NSIP	Nationally Significant Infrastructure Project
PA 2008	Planning Act 2008
PINS	Planning Inspectorate
Ro-Ro	Roll-on/roll-off
SoCG	Statement of Common Ground
SoS	Secretary of State for Transport
TA	Transport Assessment
UK	United Kingdom