

IMMINGHAM EASTERN RO-RO TERMINAL



Statement of Common Ground Between Associated British Ports and Able Humber Ports Limited

Document 7.5

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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) within the existing Port of Immingham.
- 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 of Immingham’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) ABLE Humber Ports Limited (“ABLE”) – part of the ABLE UK Group and operator of the ABLE Humber Port, an existing port terminal located at Killingholme approximately 2km up river from the Port of Immingham with the benefit of an existing Development Consent Order for the construction and operation of the ABLE Marine Energy Park.

1.7 In this SoCG ABP and ABLE 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. In addition, this SoCG has had due regard to the ExA procedural decision of 26 May 2023 and the subsequent PAD Summary Statement submitted to the examination by ABLE on 6 July 2023.

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 table in Section 3 uses 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 ABP and ABLE up to the date of this SoCG in relation to the IERRT project generally and concerning the matters raised in this SoCG specifically 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 correspondence between the Parties.

Table 2.1 – Summary of Engagement

Date	Form of Contact	Summary with key outcomes and points of discussion
18.01.22	Phone Call	ABP advised Able that the PIER stage of the project was due to begin
19.01.22	Email	ABP issued notification of the start of the Statutory Consultation.
27.10.22	Email	ABP issued notification of Supplementary Statutory Consultation.
01.12.22	Email	Able submitted SSC Response
09.03.23	Email	ABP issued notice of acceptance of application
18.04.23	Email	Able submitted relevant representations
04.09.23	Email	ABP shared a draft SoCG for Able's review.
27.09.23	Email	Able provided ABP with an amended draft SoCG.
23.10.23	Email	ABP shared a further draft SoCG for Able's review.
10.01.23	Email	ABP asked for Able's comments on the SoCG
11.01.23	Email	Able asked for clarification of which version of the SoCG it should comment upon.
11.01.23	Email	ABP clarified the latest version of the SoCG.
11.01.23	Email	Able provided comments on the SoCG.

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 together with a concise summary as to the items referenced.

Table 3.1: List of Matters Agreed and Outstanding

Matter	Document Reference	ABP's Position	ABLE's Position	ABP Response	Able Response	Status
Relevant Policy		<p>The National Policy Statement for Ports (NPSfP) (DfT, 2012) is the key relevant national policy statement in considering the IERRT Application. The role of the NPSfP in the IERRT application determination process is set out in section 104 of the Planning Act 2008.</p> <p>The UK Marine Policy Statement (MPS) (2011) and The East Marine Plans (2014) are appropriate marine policy documents to which regard must be had in the IERRT determination process.</p> <p>Key local policy of relevance to the IERRT project is provided within the North East</p>	Agreed			

		Lincolnshire Local Plan 2013 to 2032 (April 2018).				
The Government's policy for ports		The Government's policy for ports is set out within section 3.3 of the NPSfP, the fundamental policy element is provided in NPSfP paragraph 3.3.1.	And paragraph 3.3.3			
Overall accordance with the NPSfP	Planning Statement (Incorporating Harbour Statement) [APP-019]	A detailed and comprehensive review as to how the IERRT project accords with policy contained within the NPSfP is provided in Chapters 4 and 8, and Appendix 1 of application document APP-019 (Planning Statement). The review undertaken demonstrates that the IERRT project itself and the assessment and supporting information submitted as part of the DCO application are fully in accordance with the NPSfP.	Able does not express a view on whether the project complies with the NPSfP			

Disposal of Dredge Arisings	<p>ABLE Relevant Representation [RR- 001]</p> <p>Environmental Statement - Volume 1 - Chapter 7 - Physical Processes [AP-043]</p>	<p>The physical processes assessment (APP-043) has adequately considered the potential impact of the capital dredge campaign and associated disposal and has applied bespoke numerical modelling tools to assess the fate of dredge arisings and deposited material.</p>	<p>Able is more concerned with maintenance dredging than capital dredging.</p>			
Capacity of Dredge Disposal Sites	<p>ABLE Relevant Representation [RR- 001]</p> <p>Environmental Statement - Volume 1 - Chapter 7 - Physical Processes [AP-043]</p>	<p>The physical processes assessment (APP-043) is robust in concluding that the proposed disposal sites (HU060, and HU056), will not be materially affected by the Proposed Development.</p>	<p>The document does not appear to state what other disposals are taking place at these sites and the combined impact with this project.</p>	<p>The assessment accounted for the existing use of these licenced disposal sites for maintenance dredge arisings, in combination with the IERRT capital and maintenance dredge arisings.</p>	<p>Noted</p>	
Effects of Dredge Disposal	<p>ABLE Relevant Representation [RR- 001]</p>	<p>The physical processes assessment (APP-043) is robust in concluding that the future maintenance dredge requirements at existing berths at the Port of Immingham (and</p>	<p>Paragraph 7.8.24 states that the impact of disposal from capital and maintenance dredging will be monitored. If this</p>	<p>The impact on the dredge disposal sites has been robustly assessed to be small in both</p>	<p>Whilst the physical process assessment is informative we do not agree it is wholly</p>	

	<p>Environmental Statement - Volume 1 - Chapter 7 - Physical Processes [AP-043]</p>	<p>further afield), and the bathymetry of the wider Humber Estuary will not be significantly affected by the Proposed Development.</p>	<p>monitoring does show an impact on neighbouring facilities, then this should be compensated for and therefore such a commitment should be made in the DCO.</p>	<p>magnitude and extent, and the resultant exposure to change has been assessed as low. As a result, no impact on neighbouring facilities is anticipated.</p> <p>Ongoing monitoring of depths within the disposal site (an activity already undertaken to assess bed level changes as a result of existing dredge disposal activities) will continue into the future. These activities are independent of the IERRT development and, in light of the physical processes</p>	<p>reliable. Some sort of commitment to compensate for additional impacts, even if not anticipated, would be helpful.</p>	
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				assessment outcomes, do not need to be secured in the DCO.		
Baseline Traffic Data	ABLE Relevant Representation [RR- 001] Environmental Statement - Volume 3 – Appendix 17.1 – Transport Assessment [AS-008]	The approach taken in the Transport Assessment to establishing baseline traffic data and the data adopted in assessment is appropriate.	Able does not wish to comment further on this issue and will leave it to National Highways and the local highway authorities.			
Construction Traffic Generation	ABLE Relevant Representation [RR- 001] Environmental Statement - Volume 3 – Appendix 17.1 – Transport Assessment [AS-008]	The approach and methodology adopted in the Transport Assessment to derive construction traffic forecasts, including the peak hour and traffic profile forecasts, is considered robust, appropriate and reasonable.	Able does not wish to comment further on this issue and will leave it to National Highways and the local highway authorities.			

Operational Traffic Generation	<p>ABLE Relevant Representation [RR- 001]</p> <p>Environmental Statement - Volume 3 – Appendix 17.1 – Transport Assessment [AS-008]</p>	<p>The approach and methodology adopted in the Transport Assessment to derive operational traffic forecasts, including the peak hour and traffic profile forecasts, is considered robust, appropriate and reasonable.</p>	<p>Able does not wish to comment further on this issue and will leave it to National Highways and the local highway authorities.</p>			
Cumulative Effects Assessment	<p>ABLE Relevant Representation [RR- 001]</p> <p>Environmental Statement - Volume 1 - Chapter 20 – Cumulative and In-Combination</p>	<p>The Environmental Statement considers all relevant impact pathways relating to the construction and operation of the Proposed Development, as well as the potential overlap of the construction and operational phases. The Cumulative and In-combination assessment (APP-056) properly assesses the potential impacts alongside the proposed Immingham Green Energy Terminal (IGET) in so far as is possible bearing in mind</p>	<p>Not agreed. Chapters 7, 8, 9, 11, 12, 13, 14, 15, 16, 17 and 18 of the Environmental Statement do not assess an overlap between construction and operation, indeed they explicitly assess construction and subsequent operation.</p> <p>Able reserves the right to examine the now made IGET application to</p>	<p>With respect to the effects of simultaneous construction and operation, the Applicant refers the ExA to Section 4 paragraphs 4.1 to 4.8 of 10.2.27 Applicant’s Response to DFDS Written Representation [REP3-008].</p>	<p>Noted</p>	

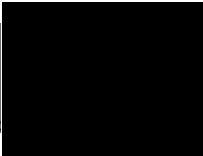
		that the IGET application has not as yet been submitted. The ES adheres to the requirements set out in the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) as well as relevant guidance.	decide whether the cumulative impact has been properly assessed.			
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4 Section 4 – Signatories

This Statement of Common Ground is agreed:

On behalf of ABLE:


Name: Richard Cram

Signature: 

Date: 16/1/24

On behalf of ABP:

Name: Tom Jeynes

Signature: 

Date: 17.01.24

Glossary

Abbreviation / Acronym	Definition
ABLE	Able Humber Ports Limited
ABP	Associated British Ports
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
IERRT	Immingham Eastern Ro-Ro Terminal
IGET	Immingham Green Energy Terminal
HGV	Heavy Goods Vehicle
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
UK	United Kingdom