

The Rt Hon Louise Haigh MP
Secretary of State for Transport
c/o The Planning Inspectorate
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Our ref: BURGESSALMON/AM16/62155.1/BS

18 September 2024

Dear Secretary of State,

Immingham Eastern RoRo Terminal - Response to ABP Letter

- 1** We write with reference to Associated British Ports' ("**ABP**") application for the proposed Immingham Eastern Ro-Ro Terminal Development ("**IERRT**") and to its letter to the Department for Transport dated 6 September 2024 regarding the ongoing DCO Application.
- 2** We continue to act for Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustee Limited (together the "**IOT Operators**") regarding the proposed IERRT development.
- 3** The IOT Operators wish to first address the representations in ABP's letter regarding their recent engagement with ABP. A meeting was held on 4 September 2024 to discuss the normal ongoing operational and maintenance issues between ABP and APT. At that meeting, the IOT Operators were asked whether they would be open to discussing any potential mitigation measures in relation to the IERRT. The IOT Operators restated their position that a workable solution was not considered available within the existing DCO application but confirmed that they would discuss with shareholders. Whilst no meeting to discuss those mitigation measures has been agreed to date, the IOT Operators nonetheless confirm that they remain open to constructive discussions aimed at addressing the safety concerns raised during examination.
- 4** At this stage, given the concerns repeatedly expressed by the IOT Operators during the examination process, and despite a willingness to discuss their concerns throughout, it is difficult to determine what the outcome of any future discussions with ABP might be especially since ABP has had since the letter of 9 May to make an approach. In particular, ABP can be under no misapprehension concerning the IOT Operators' concerns. The IOT Operators continue to maintain that physical impact protection measures are necessary for the development to be considered acceptable; a position which ABP does not accept. Whilst ABP have previously raised the prospect of procedural measures (e.g. the use of tugs) to address the risk, the IOT Operators do not consider that those procedural measures would provide sufficient mitigation.

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- 5 During the examination process, discussions between the ABP and the IOT Operators' technical teams did not suggest that a solution (with physical impact protection measures) which adequately addressed the concerns raised was deliverable within the current development footprint of the DCO.
- 6 Should ABP now propose a solution that requires changes to the DCO, it would be prudent for ABP to withdraw the current DCO application and resubmit it, incorporating an adequate impact protection solution developed in consultation with the IOT Operators and with our agreement to the proposed measures.
- 7 Lastly, whether the Secretary of State or ABP as Harbour Master has the final decision-making authority on the implementation of physical impact protection measures (a matter on which submissions have already been made), the IOT Operators consider it essential that any agreed solution ensures the ongoing safe operation of the IOT. This matter remains paramount to the IOT Operators.

Yours sincerely



Alex Minhinick
Partner

Burges Salmon