

CORRECTION NOTICE
THE ASSOCIATED BRITISH PORTS (IMMINGHAM EASTERN RO-RO
TERMINAL) DEVELOPMENT CONSENT ORDER
(S.I. 2024 No. 1014)

SCHEDULE 4 TO THE PLANNING ACT 2008
CORRECTION OF ERRORS IN DEVELOPMENT CONSENT DECISIONS

10 FEBRUARY 2025

The Secretary of State received requests for the correction of errors and omissions in the Associated British Ports (Immingham Eastern Ro-Ro Terminal) Development Consent Order 2024 (“the Order”) pursuant to Schedule 4 of the Planning Act 2008. The requests were submitted by BDB Pitmans sent on behalf of DFS Plc which was received by the Department for Transport on 29 October 2024, and a request from Clyde and Co LLP sent on behalf of Associated British Ports (“the Applicant”) which was received by the Department for Transport on 14 November 2024. The Secretary of State sent correspondence dated 13 November 2024 to Clyde and Co LLP to notify the Applicant of an omission in the Order.

The Secretary of State has made the following corrections to the Order:

CORRECTION TO ARTICLES

Part 1 Article 2

In article 2(1) insert a definition of Natural England with the text “Natural England” means the advisor to the Government for the natural environment in England.”

Secretary of State’s rationale: to provide a definition for the references to Natural England in the Order and to reflect the removal of the definition of Natural England in Schedule 3.

In article 2(1) in the definition of Tidal Works, after the text “authorised development” for “are” substitute “is”.

Secretary of State’s rationale: to correct a grammatical error.

Part 3 Article 13

In article 13(6) after the text “mentioned in paragraph” insert “(1)”.

Secretary of State’s rationale: to correct a referencing omission.

Part 3 Article 15

In article 15(6), for the text “associated British Ports” substitute “Associated British Ports”.

Secretary of State's rationale: to correct a typographical error.

Part 3 Article 16

In article 16(c) after the text “public utility undertakers” insert the text “and public communications providers”.

Secretary of State's rationale: to provide clarity on the bodies to which this article applies.

Part 4 Article 22

In article 22(2)(a) after the text “removed;” insert “and”.

Secretary of State's rationale: to correct a typographical error.

Part 6 Article 33

In article 33(1) for the text “This article applies to any agreement entered into by the undertaker under article 9 (transfer of benefit of Order, etc.) so far as it relates to the terms on which any land is subject to a lease granted by or under that agreement.” substitute “As soon as practicable after the making of this Order, the undertaker must, submit copies of each of the plans and documents as set out in Schedule 7 (plans and documents to be certified) to the Secretary of State for certification that they are true copies of those plans and documents.”

Secretary of State's rationale: to correct a drafting error.

Part 6 Article 38

In article 38(1), for “during the whole time of the construction or extension,” substitute “during the whole time of the construction, alteration or extension”.

Secretary of State's rationale: to clarify the consistency with article 2(1), which includes alterations to the development.

CORRECTION TO SCHEDULES

SCHEDULE 2 — REQUIREMENTS

In Part 1 requirement 1 “IOT Operators”, for the text “00564394” substitute “(00564394)” and for the text “00874993” substitute “(00874993)”.

Secretary of State's rationale: to ensure consistency with other references to the company number contained within the Order.

In requirement 1 “operational freight management plan”, for the text “means the means the operational freight management plan included in Schedule 7 (plans and documents to be certified) and certified by the Secretary of State” substitute “means the document of that description listed in Schedule 7 (plans and documents to be

certified) and certified by the Secretary of State as the ‘operational freight management plan’”

Secretary of State’s rationale: To ensure consistency with wording used in other definitions in Schedule 2 for plans and documents to be certified.

In requirement 1 ‘travel plan’, for the text “means the travel plan included in Schedule 7 (plans and documents to be certified) and certified by the Secretary of State” substitute “means the document of that description listed in Schedule 7 (plans and documents to be certified) and certified by the Secretary of State as the ‘travel plan’”

Secretary of State’s rationale: To ensure consistency with wording used in other definitions in Schedule 2 for plans and documents to be certified.

In requirement 18(1) for “decision” substitute “determination”.

Secretary of State’s rationale: To ensure consistency with the reference to the dock master making a determination.

In requirement 20(2), for “paragraph (1)” substitute “sub-paragraph (1)”.

Secretary of State’s rationale: To correct a typographical error.

SCHEDULE 3 — DEEMED MARINE LICENCE

In Part 1, article 1(1), omit the definition of Natural England.

Secretary of State’s rationale: to reflect a consequential change as a result of the correction to Part 1, article 2(1) of the Order.

In Part 1 article 1(1), for the text “20[]” substitute “2024” in the definition of “the Order”.

Secretary of State’s rationale: To correct a typographical error.

SCHEDULE 4 — PROTECTIVE PROVISIONS

In Part 1, paragraph 17, for the heading ““Removal of wrecks and obstructions, etc. Oil Spillage Plan” substitute “Oil Spillage Plan”.

Secretary of State’s rationale: To correct a typographical error.

In Part 3 paragraph 29(1), omit in sub-paragraph (a) the text “pay Exolum for”. In subparagraphs (b) and (c) omit the text “pay”.

Secretary of State’s rationale: to remove a drafting redundancy as paragraph 29(1), to which these sub-paragraphs relate already includes “shall pay Exolum’s”.

In Part 4, paragraph 37(1) after “during the construction” insert “or operation of the authorised development”. For “required under this Schedule” substitute “required under this Part of this Schedule”.

Secretary of State’s rationale: to clarify that the provisions for the protection of the IOT Operators apply during both construction and operation of the authorised development and to correct a typographical error.

In Part 4, paragraph 38(1)(a) after “during the carrying out of any relevant works” insert “or operation of the authorised development”. In paragraph 38(1)(b) for “is legally liable” substitute “are legally liable” and after “carrying out of any relevant works;” insert “or the operation of the authorised development”. In paragraph 38(1)(c), after “the carrying out of any relevant works” insert “or the operation of the authorised development;”. In paragraph 38(1)(d), after “the carrying out of any relevant works” insert “or the operation of the authorised development”.

Secretary of State’s rationale: to provide clarity that the provisions for the protection of the IOT Operators apply during both construction and operation and to correct a grammatical error.

In Part 9, paragraph 107(4), for “promoter” substitute “undertaker”.

Secretary of State’s rationale: to provide consistency with the referencing to the Applicant as the undertaker elsewhere in the Order.

In Part 11 paragraphs 123(1)(a) and (b), after “construction of the authorised works” insert “or operation of the authorised development”.

Secretary of State’s rationale: to provide clarity that the provisions for the protection of DFDS Plc apply during both construction and operation.

SCHEDULE 5 — MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS

In paragraph, substitute the text “as respects” with “in respect of”.

Secretary of State’s rationale: to provide consistency with the phrasing used elsewhere in this paragraph.

SCHEDULE 7 — PLANS AND DOCUMENTS TO BE CERTIFIED

Substitute the text at column 2 (e), (f), (g), (h), (i), (j), (k) and (l) with the following text:

‘(e) volume 2, figure 1.2: Layout of Proposed Marine Works at Immingham Eastern Ro-Ro Terminal document reference 10.3.8, Figure 2.3;

- (f) volume 2, figure 1.3: Layout of Proposed Landside Works at Immingham Eastern Ro-Ro Terminal document reference 10.3.8, Figure 2.2;
- (g) volume 2, Figure 3.1: Demolition Works Associated with Immingham Eastern Ro-Ro Terminal document reference 10.3.8, Figure 3.1;
- (h) volume 2, Figure 7.8: Peak Flood Baseline Flows (Top) and Impact of Scheme (Bottom) document reference 10.3.8, Figure 7.1;
- (i) volume 2, Figure 7.9: Peak Ebb Baseline Flows (Top) and Impact of Scheme (Bottom) document reference 10.3.8, Figure 7.2;
- (j) volume 2, Figure 7.19: Modelled Bed Level Change Over a Mean Spring Neap Cycle document reference 10.3.8, Figure 7.3;
- (k) volume 2, Figure 7.20: Predicted Change to BSS on Flood (Top) and Ebb (Bottom) document reference 10.3.8, Figure 7.4;
- (l) volume 2, Figure 7.22: Baseline Hs (Top) and Effect of Scheme (Bottom) for 0.5-yr Wave Event from NE (Left) and E (Right) document reference 10.3.8, Figure 7.5;

insert the following text after (l) in column 2:

- “(m) volume 2, Figure 7.23: Baseline Hs (Top) and Effect of Scheme (Bottom) for 0.5-yr Wave Event from SE (Left) and NE (Right) document reference 10.3.8, Figure 7.6;
- (n) volume 2, Figure 7.24: Baseline Hs (Top) and Effect of Scheme (Bottom) for 50-yr Wave Event from E (Left) and SE (Right) document reference 10.3.8, Figure 7.7;
- (o) volume 2, figure 8.3.20: location of projects, developments and activities that are scoped into the inter-project effects assessment document reference 8.3.20 v2;
- (p) volume 2, Figure 13.1b: Air Quality Study Area document reference 10.3.8, Figure 13.1;
- (q) volume 2, Figure 13.3a: Operational Phase Assessment document reference 10.3.8, Figure 13.2;
- (r) Volume 2, Figure 14.1: Sound Monitoring Locations document reference 10.3.8, Figure 14.1;
- (s) Volume 3, Appendix 2.2: Concept Lighting Design Stage Summary Report reference 10.3.8, Annex A;
- (t) Volume 3, Appendix 2.3: Building Schedule reference 10.3.8, Annex B;
- (u) volume 3, appendix 10.1: navigational risk assessment document reference 8.4.10(a) v2;
- (v) volume 3, appendix 10.2: navigation simulation study – part 1 document reference 8.4.10(b) v2;

(w) volume 3, appendix 10.2: navigation simulation study – part 2 document reference 8.4.10(b) v2;

(x) volume 3, appendix 10.3: navigational simulation – stakeholder demonstrations document reference 8.4.10(c) v2;

(y) Volume 3, Appendix 14.2: Construction Noise Levels and Assumptions reference 10.3.8, Annex C;

(z) volume 3, appendix 17.1: transport assessment document reference 8.4.17(a) v2; and

(aa) volume 3, transport assessment addendum document reference 8.4.17(a).1.”

and:

in column 2 omit the text ‘v2’ after the text ‘Document Reference 8.4.17(b)’.

The Secretary of State’s rationale: to reflect substitutions to Volume 2 of the Environmental Statement, allow consequential changes to the numbering as a result of these substitutions, and to correct the reference of the travel plan to be certified.

Corrections which the Secretary of State has not made:

Part 3, Article 15(6)

The Applicant requested a correction to an alleged typographical error in the spelling of the word “for”.

Secretary of State’s rationale: The Order as made and published does not contain this typographical error, and therefore no error arises.

Schedule 1, Work No. 12

The Applicant requested a correction to allegedly erroneous numbering in the description of this Work.

Secretary of State’s rationale: The Order as made and published does not contain the erroneous numbering, and therefore no error arises.