

Meeting note

Project name	Immingham Eastern Ro-Ro Terminal
File reference	TR030007
Status	Final
Author	The Planning Inspectorate
Date	4 May 2022
Meeting with	Associated British Ports (ABP)
Venue	Microsoft Teams
Meeting objectives	Project update meeting
Circulation	All attendees

Introductions and openness policy (the Inspectorate)

The Applicant and The Planning Inspectorate (the Inspectorate) introduced themselves and their respective roles. The Inspectorate advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Project update

The Applicant informed the Inspectorate that as far as the documentation was concerned there were many aspects of the proposal that had not been finalised yet. The draft Development Consent Order (dDCO) is due to be sent to the Inspectorate in the next few weeks, however, the Environmental Statement is not yet ready to be shared.

The Inspectorate advised the Applicant to send any draft documents it had as soon as possible, for its own benefit. It will take the Inspectorate six weeks or longer to provide comments. The Inspectorate will aim to review at least all the relevant parts before the submission date.

The Applicant intends to email the Inspectorate the following week to give an idea of all the draft documents and the date those would be submitted by.

The Inspectorate advised that the minimum requirement was to send in the dDCO and the Explanatory Memorandum (EM). The Applicant should highlight anything novel about the scheme and any particular issues the Inspectorate should comment on.

The Applicant confirmed that a set of draft documents would be submitted within a few weeks.

Compulsory Acquisition

Regarding Compulsory Acquisition (CA), the Applicant referred to positive ongoing negotiations with a tenant and its sublets. As these haven't been settled yet, the CA provisions (land interests and rights) will be part of the DCO submission. The Applicant confirmed that all tenants will be described as protected tenants in the Book of Reference.

Environmental Statement

The Applicant updated the Inspectorate with regards to the ES. The first drafts of the chapters are being reviewed currently. The next step is to finalise the assessments. Various consultancies are engaged, including ABPmer that deal with physical processes assessments (water quality, marine ecology, etc); and AECOM that are undertaking coastal protection, flood risk, socioeconomics, climate change, etc. assessments; as well as Wessex Archaeology and others. All the chapters of the ES are due to be completed on time.

The Applicant emphasised the time constraints it was under and indicated that all necessary agreements will be settled before the end of the Examination period. The consultants are simultaneously producing draft reports that will be submitted to the Regulators.

The Inspectorate asked for an update regarding the bird surveys as requested by Natural England (NE). The Applicant responded that passage surveys were undertaken last year (August-September) and this year (March-April) which will be reported in the ES. Moreover, ABP has a lot of historical data from the Humber area.

Timing of submission

The Applicant confirmed the intended time of submission as end of June/beginning of July. [Post-meeting note: new date – end of August]

Ongoing consultation process and Regulator response

The Applicant stated that the proposal will be three berths rather than four, which had been viewed favourably by various parties. The nearest berth to the shore had been removed, which will reduce habitat loss and adverse effects in the Humber Special Protection Area (SPA). The Applicant informed the Inspectorate of its positive engagement with all Regulators, one of which was the Environment Agency (EA). The flood defences along the frontage were discussed with the EA, which had been built and are maintained by ABP as the statutory Harbour Authority, therefore protective provisions may not be necessary in the DCO.

As far as the Marine Management Organisation (MMO) concerned, the Applicant produced a Deemed Marine Licence. The Applicant stated that ABP are in regular contact with statutory bodies, including The Health and Safety Executive (HSE), who are content with the proposal. The discussions with NE are ongoing (NE visited the Port of Immingham the week before) due to the Humber being a SPA; the three berth element has helped the process.

NE's comments were being incorporated in the emerging EIA chapters. The Applicant raised the issue of potential adverse effects on the Humber Estuary SPA, which may require a management plan for compensation with regards to Habitats Regulations requirements.

The Inspectorate advised that if the Applicant was considering relying on derogations under the Habitats Regulations, the relevant information should be included in the application documents rather than being introduced during the Examination.

The Applicant responded that other compensations are not likely to be needed. Another issue: landscaping was initially queried by NE, however, it proved to be irrelevant in the overall context, in the middle of one of the largest ports in the country.

The Applicant stated that it will offer ecological enhancement (not mitigation) on land owned by ABP. This would require discussions with the local authority Tree Officer around Tree Preservation Order affecting the land.

The Inspectorate referred the Applicant to the published [Advice Note Fifteen](#) concerning TPOs, which sets out that trees subject to TPO (and likely to be affected) should be specifically identified. The Applicant responded that it might be difficult to identify the TPO trees, however, agreement will be reached with the LPA.

Stakeholder response and identified issues

The Applicant stated that there are no known objectors to the scheme. Two users (tenants), however, within the port, expressed concerns. The issues are about safety of navigation. In addition to these concerns, there could be some competitive interest from outside the port.

The Applicant's Navigational Risk Assessment (NRA) will look at the worst-case scenario, 660 000 units capacity instead of 8-900 000 in a 12 month period. The Applicant is in negotiations with the two relevant LPAs (North Lincolnshire Council and North East Lincolnshire Council) and National Highways regarding a proposed restriction on traffic throughput (HGVs) - the operators are agreeable to this condition. The Applicant will ensure that they will not seriously impact access and exit at the two gates of the Port of Immingham (East & West).

The Applicant stated that it was looking into an agreement with National Highways with regards to increasing the capacity, in years to come, without having to come back to the Inspectorate for a material change application.

The Inspectorate queried how this could be achieved without affecting the conclusions of the Environmental Statement and added that the application will have to be clear that the ES assesses what the DCO allows.

The Applicant responded that it was aware that relevant assessments would be required of the potential impact and confirmed that the current NRA set a limit of 660 000 units per annum. However, the new infrastructure will be designed for 50 years, therefore larger future capacity seems to be a possibility (even if it required a material change application).

The Applicant stated that it didn't intend to include decommissioning in its DCO and asked for the Inspectorate's views. Historically, ABP had been responsible only for construction and maintenance of the port facilities since the 1700s.

The Inspectorate responded that if an application was made with a specified lifetime, the ES should address effects associated with decommissioning. An assessment of decommissioning would be expected to be included.

The Inspectorate queried whether it would be a 50-year minimum lifetime, which the Applicant confirmed. The Inspectorate queried how the 50-year lifetime of the project would be described in the DCO. The Applicant responded that the intention was that the project would go on longer than 50 years and will discuss this issue with its consultants. The Applicant asked the Inspectorate whether the project will take the full maximum statutory timeframe for examination.

The Inspectorate responded that this assumption was correct, the pre-Examination period may, however, be shortened.

The Inspectorate asked for an update regarding consultation about changes.

The Applicant responded that it produced a newsletter and website update, and specifically notified the stakeholders and Regulators. Furthermore, the amended NRA reflected the changes (three berths). Another (summer) edition of the newsletter will be issued as well to the entire consultation area.

The Inspectorate enquired whether the responses will be included in the Consultation Report (CR) and advised that evidence of all the publicity should be provided at submission.

The Applicant responded that the CR was being updated.

AOB

The Inspectorate and the Applicant agreed that the next project meeting should be scheduled for beginning of June.

[Post-meeting note: new date - July]