

From: [Immingham Eastern Ro-Ro Terminal](#)
To: [REDACTED]; [Immingham Eastern Ro-Ro Terminal](#)
Cc: [REDACTED]; [NI Enquiries](#); [REDACTED]
Subject: RE: Unannounced changes to application documents [BDB-BDB1.FID10809980]
Date: 06 April 2023 12:48:37
Attachments: [image003.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)

Dear Mr Walker

Thank you for your email of 31 March 2023 and for bringing this to our attention.

I note your email raises comments on the acceptance of various Additional Submissions [AS-001 to AS-008] that were submitted by the Applicant further to the Immingham Eastern Ro-Ro Terminals acceptance for Examination on 6 March 2023 [PD-001] and the Planning Inspectorate's issuing of section 51 advice on the same day [PD-003]. The applicant submitted AS-001 to AS-008 variously on 15, 17 and 28 March and the reasoning for the submission of these documents was provided in accompanying covering emails.

The Examining Authority was appointed on 20 March 2023 [PD-004] and taking account of the reasons provided by the Applicant for the submission of the various documents, it agreed to their acceptance and publication as Additional Submissions. When the various documents were published the Applicant's covering emails were not concurrently published and the Examining Authority has requested that omission be rectified as quickly as possible to assist with the understanding as to why the various documents were submitted by the Applicant. The Examining Authority has also requested that the examination library be updated and annotated to explain which of the originally submitted application documents have been superseded by the Additional Submissions.

With respect to the updated Transport Assessment [AS-008], the Applicant has explained that missing annexes containing survey data were omitted in error from the originally submitted version [APP-108] and the resubmitted Transport Assessment contains the missing background information. The Examining Authority took the view that the acceptance of the revised Transport Assessment would assist any parties viewing this document during the relevant representations period, because it included missing background data which the Transport Assessment's written text relies on. As you highlighted it appears in recompiling the Transport Assessment Figure 3 on e-page 64, has been lost/'corrupted'. That matter has been drawn to the Applicant's attention and addressed through the submission of a version of the Transport Assessment that includes the previously missing Figure 3 and that corrected version of AS-008 has been published and is available via the Examination Library.

Version 2 [AS-005] of Chapter 6 of the Environmental Statement (ES) should be treated as superseding the originally submitted version [APP-042]. The updated version of Chapter 6 of the ES contains a more comprehensive glossary, and the inclusion of that glossary does not alter the substance of the originally submitted ES chapter. Similarly, the revised Engineering Sections Drawings [AS-007] supersede the originally submitted drawings [APP-010] and show vertical sections without break lines, enabling these drawings to be more easily interpreted by all parties, including the Examining Authority.

The submission of Annex C Wold Ecology PEAR July 21 [AS-002] is a document which could not be accessed via a link included in the originally submitted version of Volume 3 - Appendix 6.2 - Preliminary Ecological Appraisal [APP-082].

The potential need for the Examining Authority and other parties to have sight of various historic pieces of legislation to assist with the interpretation of the draft Development Consent Order [APP-013] and the Explanatory Memorandum [APP-014] was identified in the Inspectorates section 51 advice. AS-001, AS-003, AS-004 and AS-006 comprise the historic

legislation and amount to background information.

The Examining Authority took the view that the submission of AS-001 to AS-008 did not amount to the application being changed following its acceptance. Therefore, we consider that there is no need to extend the relevant representations period. The Relevant Representations period provides parties with the opportunity to register as Interested Parties and set out a summary of their views about the submitted application, with there then being further opportunities during the Examination to submit written and/or oral evidence, including by the deadline for the making of Written Representations. The acceptance of the additional submissions will be addressed in the Examining Authority's forthcoming Rule 6 letter and parties will have an opportunity to submit further written representations during the examination about these additional submissions alongside other matters. Your email enquiry and this response will be made available to all parties on the webpage, under the s51 advice tab for this project. We will also be alerting parties and members of the public to the publication of these additional submissions on the project page of our national infrastructure planning website.

I hope you find the above information helpful and do let us know if you have any further queries.

Yours sincerely

Lily



Lily Robbins | Case Manager - National Infrastructure (Energy)
The Planning Inspectorate
Mobile: [REDACTED]
Direct Line: [REDACTED]
Helpline: [REDACTED]
Email: [REDACTED]@planninginspectorate.gov.uk



@PINSgov



The Planning Inspectorate



planninginspectorate.gov.uk

Ensuring **fairness**, **openness** and **impartiality** across all our services

This communication does not constitute legal advice.

Our [Customer Privacy Notice](#) sets out how we handle personal data in accordance with the law.

From: [REDACTED]@bdbpitmans.com>

Sent: 31 March 2023 11:40

To: Immingham Eastern Ro-Ro Terminal <ImminghamEasternRoRoTerminal@planninginspectorate.gov.uk>

Cc: [REDACTED]@bdbpitmans.com>

Subject: Unannounced changes to application documents [BDB-BDB1.FID10809980]

Dear Planning Inspectorate

We are acting for DFDS on ABP's Immingham Eastern Ro-Ro Terminal DCO application (TR03007).

From checking the examination library it appears that:

- The Transport Assessment ([APP-108](#)) was substituted with a new version ([AS-008](#)) yesterday, which is 598 pages longer, with data that our transport consultants will need to analyse
- We note that e-page 64 of the new document, showing Figure 3, is corrupted.
- 'Version 2' ([AS-005](#)) of Chapter 6 of the Environmental Statement ([APP-042](#)) was published on 29 March, it is not clear if this is a substitute for the original version
- 'Version 2' ([AS-007](#)) of the Engineering Sections Drawings and Plans ([APP-010](#)) was published on 29 March, it is not clear if this is a substitute for the original version

- Five other additional submissions were published on 29 March ([AS-001](#), [AS-002](#), [AS-003](#), [AS-004](#) and [AS-006](#)), it is not clear if these now form part of the application

This appears to have happened because the Applicant has started the representation period before addressing the issues raised by the Planning Inspectorate in its s51 advice accompanying acceptance of the second application.

It is unacceptable (and potentially unlawful) to add or amend application documents during the representation period (a) without notifying anyone and (b) with less than 28 days for parties to prepare their relevant representations following the publication of the new information. It should also not be for interested parties to have to work out what has changed, this should be set out in a covering document.

We therefore request that (a) all parties are notified that the new documents have been added, (b) a covering document is drafted and included in the notification that sets out what has changed, and (c) all parties are given at least 28 days from the date they receive such notification to submit their relevant representations (or further representations if they have already submitted). If any further additions or changes are made, the same procedure should be followed.

Yours sincerely

[REDACTED]



[REDACTED] Partner
W [REDACTED]

For and on behalf of BDB Pitmans LLP
One Bartholomew Close, London EC1A 7BL

WARNING – This email and any files transmitted with it are confidential and may also be privileged. If you are not the intended recipient, you should not copy, forward or use any part of it or disclose its contents to any person. If you have received it in error please notify our system manager immediately on +44 (0)20 7783 3555 or +44 (0)345 222 9222. This email and any automatic copies should be deleted after you have contacted the system manager.

This email is sent from the offices of BDB Pitmans LLP, a limited liability partnership authorised and regulated by the Solicitors Regulation Authority (SRA ID number 448617) and registered in England and Wales with registered number OC320798. A full list of members, referred to as partners by the firm, is available for inspection on request. BDB Pitmans LLP accepts no responsibility for software viruses and you should check for viruses before opening any attachments.

Cybercrime Alert : If you receive an email purporting to be from someone at this firm and telling you that we have changed our bank details, it is likely to be from a criminal. Please do not reply to that email – instead ring the person you have been dealing with as soon as possible to check whether the change is genuine.

Internet communications are not secure and therefore BDB Pitmans LLP does not provide any guarantee or warranty that this message or any attachments shall remain confidential. To ensure client service levels and business continuity BDB Pitmans LLP operates a policy whereby emails can be read by its employees or partners other than the addressee. This policy complies with the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000.

Please note that the contents of this email and any attachments are privileged and/or confidential and intended solely for the use of the intended recipient. If you are not the intended recipient of this email and its attachments, you must take no action based upon them, nor must you copy or show them to anyone. Please contact the sender if you believe you have received this email in error and then delete this email from your system.

Recipients should note that e-mail traffic on Planning Inspectorate systems is subject to monitoring, recording and auditing to secure the effective operation of the system and for other lawful purposes. The Planning Inspectorate has taken steps to keep this e-mail and any attachments free from viruses. It accepts no liability for any loss or damage caused as a result of any virus being passed on. It is the responsibility of the recipient to perform all necessary checks.

The statements expressed in this e-mail are personal and do not necessarily reflect the opinions or policies of the Inspectorate.

DPC:76616c646f72

