

IMMINGHAM EASTERN RO-RO TERMINAL



Cover Letter to PINS regarding the IERRT Application
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Our Ref
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Your Ref
TR030007

Date
10 February 2023

Dear Ms Robbins

Application by Associated British Ports for an Order Granting Development Consent for the Immingham Eastern Ro-Ro Terminal development (“the Application”)

On behalf of Associated British Ports (“ABP”), I am pleased to enclose an application to the Secretary of State for Transport made under section 37 of the Planning Act 2008 (“the PA 2008”) for an Order granting development consent to construct and operate a new roll-on/roll-off (“Ro-Ro”) facility within the Port of Immingham. The development, if approved, will be known as the Immingham Eastern Ro-Ro Terminal (“IERRT”).

1 Planning Act 2008

- 1.1 ABP, as the owner and operator of the Port of Immingham, is proposing to construct a new Ro-Ro facility within the Port. A Development Consent Order (“DCO”) is required for the IERRT project as it falls within the definition of a Nationally Significant Infrastructure Project (NSIP) as set out in Sections 14(1)(j) and 24(2) and 24(3)(b) of the PA 2008.
- 1.2 The IERRT project meets the criteria prescribed by these sections in that it:
- (i) comprises the alteration of harbour facilities;
 - (ii) is located wholly within England and in waters adjacent to England up to the seaward limit of the territorial sea; and
 - (iii) the effect of the alteration is expected to be to increase by at least the relevant quantity per year the quantity of material the embarkation or disembarkation of which the facilities are capable of handling - the relevant quantity in the case of ro-ro ships being 250,000 units per year.

1.3 Further detail explaining why it is considered that the IERRT development should be taken forward as an NSIP under the provisions of the PA 2008 can be found within the prescribed Application Form for the IERRT development (Application Document Reference number 1.2), the Explanatory Memorandum (Application Document Reference number 3.2), and the Planning Statement (incorporating the Harbour Statement) (Application Document Reference number 5.1).

1.4 The DCO, if made by the Secretary of State, would be known as the ‘Associated British Ports (Immingham Eastern Ro-Ro Terminal) Development Consent Order 202[X]’.

2 **The Proposed IERRT Development**

2.1 In summary, the proposed IERRT development comprises:

- (i) The alteration to existing harbour facilities, namely the Port of Immingham, by the construction of new ro-ro marine infrastructure comprising an approach jetty, floating pontoons and two finger piers which will provide three new ro-ro berths;
- (ii) A capital dredge of the new berth pocket area;
- (iii) As ‘associated development’, the provision within ABP’s statutory port estate of Ro-Ro cargo storage areas;
- (iv) Facilities for the UK Border Force; and
- (v) Supporting and associated infrastructure and services, including improvements to the Port’s East Gate entrance.

2.2 In terms of the development to be constructed in the marine environment, the bed of the Humber Estuary is owned by the King’s Most Excellent Majesty in the right of his Crown, managed by The Crown Estate Commissioners – referenced in this application as land owned/managed by The Crown Estate. The area of Crown Land relevant to this application is identified in the ‘Land Plans including Crown Land’ (Application Document Reference number 2.2). ABP in its capacity as the Humber Conservancy Commissioners enjoys the benefit of a long lease over the bed of the estuary, that lease having been granted in January 1869.

2.3 As far as the landside development is concerned, ABP is the freehold owner of the statutory port estate and a relatively small area of foreshore fronting the Port. The proposed improvement to the East Gate will include works on public highway, which will be secured by legal agreement with the local highway authority – North East Lincolnshire Council – and has already been discussed with Council.

2.4 In this context, it should also be noted that the application includes the provision of an element of environmental enhancement. This will involve the undertaking of improvements, as have been agreed with the local planning authority, to an area of protected woodland adjacent to the Port, which is also owned by ABP.

2.5 A non-technical description of the IERRT development is provided in the Non-Technical Summary of the Environmental Statement (Application Document Reference number 8.1) and the Planning Statement, which includes the ‘Harbour Statement’ as required by regulation 6(3) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, (Application Document Reference number 5.1).

2.6 A comprehensive description of the proposed development is contained in Chapter 2 (Proposed Development) and Chapter 3 (Details of Project Construction and Operation) of the Environmental Statement (“ES”) (Application Document Reference numbers 8.2.2 and 8.2.3 respectively).

2.7 As detailed in Chapter 4 (Need and Alternatives) of the ES (Application Document Reference number 8.2.4), the IERRT development is being promoted in response to an urgent need to provide additional Ro-Ro freight capacity within the Humber Estuary. This additional capacity is required to meet the identified growing commercial demand whilst at the same time strengthening the Humber Estuary’s contribution to an effective, efficient, competitive and resilient UK Ro-Ro freight sector.

3 **Application Fee and Documentation**

3.1 Prior to this full submission of the Application Documents, the following have been provided to the Planning Inspectorate:

- The Application Fee of £7,488 was submitted by BACS transfer on Tuesday 7 February 2023 and confirmation of receipt has been confirmed by the Planning Inspectorate;
- A GIS Shapefile of the redline boundary was submitted to the Planning Inspectorate on 6 February 2023; and
- A schedule of the Section 42 PA 2008 local authorities who have been consulted as part of the formal pre-application consultations was also submitted to the Planning Inspectorate on 6 February 2023.

3.2 As agreed with the Planning Inspectorate, the Application is being submitted electronically by the online file transfer system ‘Workshare’. No hard copy documents are being provided at this stage.

3.3 We request that the Planning Inspectorate do not publish the application documents until formal validation and acceptance of the application.

3.4 A full list of the application documents, however, can be found in the Guide to the DCO Application (Application Document Reference number 1.4), which also cites the relevant legislative requirement to which each document relates. This Guide is intended to act as a ‘live’ document that will be updated throughout the examination of the Application, as required.

3.5 This application is made in the form required by Section 37(3)(b) of the PA 2008. In addition, the application documentation complies with the requirements of Section 37 of the PA 2008 and those requirements set out in:

- The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009;
- The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017;
- The Planning Act 2008: Guidance on the Pre-application process (DCLG, 2015);
- The Planning Inspectorate’s Advice Note 6 (version 11) on the preparation and submission of application documents;

- The Infrastructure Planning (Compulsory Acquisition) Regulations 2010; and
- The Infrastructure Planning (Publications and Notification of Applications etc.) (Amendment) Regulations 2020.

4 **Environmental Impact Assessment and Habitat Regulations Assessment**

4.1 The IERRT development constitutes an Environmental Impact Assessment (“EIA”) development. The application for the Development Consent Order, therefore, includes an Environmental Statement which reports the findings of the EIA that has been undertaken. A schedule listing each and all of the documents comprising the Environmental Statement is set out in the Guide to the DCO Application (Application Document Reference number 1.4) but the Environmental Statement itself comprises the following volumes, all of which form part of the Application:

- (i) Non-Technical Summary of the ES (Application Document Reference number 8.1);
- (ii) ES Volume 1 (Main Report) (Application Document Reference number 8.2);
- (iii) ES Volume 2 (Figures) (Application Document Reference number 8.3); and
- (iv) ES Volume 3 (Appendices) (Application Document Reference number 8.4).

4.2 The IERRT application also includes a Habitat Regulations Assessment (“HRA”) (Application Document Reference number 9.6). The HRA identifies all relevant European sites potentially affected by the proposed IERRT development and sets out the screening undertaken for the purposes of the Habitats Regulations. Where likely significant effects could not be ruled out, those effects have been further assessed in the HRA.

4.3 The HRA provides sufficient information for the Secretary of State to undertake an appropriate assessment to determine whether the IERRT development would have an adverse effect on the integrity of any European site. ABP’s assessment, as detailed in the HRA, concludes that there will be no adverse effects on the integrity of European sites as a result of the proposed IERRT development.

5 **Powers of Compulsory Acquisition**

5.1 Whilst it is ABP’s hope and intention that ongoing negotiations with the relevant parties and bodies will mean that powers of acquisition as currently included in the draft Development Consent Order will ultimately not be required, the draft Order (Application Document Reference number 3.1), whilst not seeking powers of acquisition of land *per se*, does seek powers of compulsory acquisition of interests and rights in land within the proposed IERRT development site. The applicable provisions in the Order are explained in the Explanatory Memorandum (Application Document Reference number 3.2).

5.2 A Book of Reference (Application Document Reference number 4.1) and the accompanying Land Plans including Crown Land (Application Document Reference number 2.2) together identify all of the parties who own or occupy land and/or who may be entitled to make a ‘relevant claim’ as defined in Section 57 of the PA 2008.

5.3 A Statement of Reasons (Application Document Reference number 4.2) explains the justification for the compulsory acquisition powers being sought, whilst a Funding

Statement (Application Document Reference number 4.3) explains how the IERRT development, including any compulsory acquisition of land, will be funded.

6 Consultation

- 6.1 As set out in the Consultation Report (Application Document Reference number 6.1), ABP has undertaken an extensive and comprehensive consultation exercise as part of the pre-application process. This has included a non-statutory consultation, a formal Statutory Consultation, continuous (and ongoing) non-statutory consultation and engagement and a Supplementary Statutory Consultation.
- 6.2 The Consultation Report has been prepared in accordance with section 37(3)(c) of the PA 2008 and relevant guidance. It sets out the approach, responses and results of these consultation activities thereby demonstrating compliance with the pre-application consultation requirements set down in sections 42, 47, 48 and 49 of the PA 2008.

I look forward to receiving your acknowledgement of receipt of the Application and, in due course, your decision on acceptance. In the meantime, should you have any questions please do not hesitate to contact me using the above contact information or my colleagues Rajpreet Uppal (at [REDACTED]@clydeco.com) and Matthew Cockerill (at [REDACTED]@clydeco.com).

Yours sincerely

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Encs.