

IMMINGHAM EASTERN RO-RO TERMINAL



Applicant's Response to the Marine Management Organisation's Deadline 7 Submissions
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1 **Executive Summary**

- 1.1 This document provides the Applicant's response to the information submitted by the Marine Management Organisation ("MMO") at Deadline 7. These submissions in turn draw upon information submitted by MMO prior to that deadline.
- 1.2 The MMO submissions to which responses are now being provided are Deadline 7 Submission – Responses to ExQ3, Comments on Deadline 6 Submissions, Post-Hearing submissions, Comments on draft DCO and Update on marine ecology **[REP7-037]**.

2 Introduction

2.1 This document provides the Applicant's response to the information submitted by the Marine Management Organisation ("MMO") at Deadline 7. These submissions in turn draw upon information submitted by MMO prior to that deadline.

2.2 The MMO submissions to which responses are now being provided are Deadline 7 Submission – Responses to ExQ3, Comments on Deadline 6 Submissions, Post-Hearing submissions, Comments on draft DCO and Update on marine ecology [REP7-037].

3 Section 1: MMO Response to ExQ3

3.1 The MMO has provided a response to DCO.3.07 to the effect that it agrees with the Examining Authority ('ExA') that the wording of condition 12 should be reviewed and updated. The Applicant's responses on the MMO's comments on the draft Development Consent Order ('dDCO') are set out in Section 6 below.

4 Section 2: MMO Comments on Deadline 6 Submissions

Section 2.1 – [REP6-005] – Statement of Common Ground between ABP and the MCA

4.1 The Applicant notes that the MMO welcome confirmation that the Maritime and Coastguard Agency (MCA) agrees that the Navigational Risk Assessment and the Safety Mitigation proposed for the IERRT development is suitable.

Section 2.2 – [REP6-006] – Statement of Common Ground between ABP and Historic England

4.2 The Applicant notes that the MMO welcome confirmation that Historic England agrees with the adequacy of requirements/conditions to protect Marine Archaeology, the acceptability of the Draft Written Scheme of Investigation and the adequacy of Assessment of Cultural Heritage.

4.3 Section 2.3 – [REP6-010] – Statement of Common Ground between ABP and Natural England

4.4 The Applicant notes the MMO's comments on deferring matters to Natural England on those that remain unresolved between Natural England and the Applicant. The Applicant's response to Natural England's Deadline 6 submission is provided at [REP7-027].

5 MMO Post-Hearing Submissions

5.1 The MMO has provided commentary at section 3 of its Deadline 7 response in respect of the following provisions in the draft deemed marine licence ('DML'):

- (a) Piling restrictions;
- (b) Notice of Determination and 6-week period for such determination.

- 5.2 The Applicant's responses on the MMO's comments on the draft Development Consent Order ('dDCO') are set out in section 6 below.

6 **MMO Comments on dDCO**

- 6.1 The Applicant has updated the deemed marine licence in the dDCO to be submitted at Deadline 8 (Document Reference 3.1) to address the MMO's comments provided at Deadline 7 in respect of it. The Applicant considers that all of the MMO's comments in respect of the DML have now been addressed.

7 **MMO Updates on Marine Ecology**

- 7.1 The MMO has provided commentary at section 5 of its Deadline 7 response in respect of matters relating to marine ecology.

- 7.2 At paragraph 5.1.7 and 5.1.13, the MMO note that, with respect to the suggestion of monitoring protocol for piling activities during construction, it is not clear what action will be taken in the event that the Applicant needs to carry out prolonged periods of piling over multiple days during these months. The MMO query whether piling operations will be ceased, and if so, for how long. The MMO highlights that these are important factors which must be considered before a reporting protocol can be agreed.

- 7.3 These points are also posed in ExQ4 BNE.4.10. The Applicant has set out a proposed response to these questions on the piling reporting protocol. The Applicant hopes this is satisfactory to the MMO, however, there is a meeting with MMO on 10 January 2024 to discuss further as required.

- 7.4 At paragraph 5.1.12, the MMO sets out their view on the monitoring protocol for piling activities during construction. It suggests that reporting on a monthly basis is too long a timeframe, and recommends that reporting is done weekly, or at worst, fortnightly and that the reports are sent to the MMO for consideration. The Applicant understands the MMO's view on this and is willing to amend the suggested wording on the monitoring protocol to weekly.

- 7.5 Despite the above comments, overall, the MMO state it is content with the Applicant's proposal for the reporting of piling activity to the MMO.

- 7.6 The MMO also note, in paragraphs 5.1.15 to 5.1.18, some minor points relating to the night-time restriction on percussive piling, but, again, overall, the MMO are content with the restrictions proposed in the draft DCO to limit impacts to nocturnal migratory fish movements. This is reflected the Statement of Common Ground (SoCG) between the MMO and the Applicant [REP6-009].

- 7.7 At paragraph 5.1.19, the MMO reiterate that temporal piling restrictions do not need to be applied to vibro-piling. Again, this is reflected the SoCG between the MMO and the Applicant [REP6-009].