



National
Infrastructure
Planning
Temple Quay
House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: [imminghameasternroterminal@
planninginspectorate.gov.uk](mailto:imminghameasternroterminal@planninginspectorate.gov.uk)

The Crown Estate

Your Ref:

Our Ref: TR030007

Date: 09 January 2024

Dear sirs

Planning Act 2008 (PA2008) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 17

Application by Associated British Ports for an Order Granting Development Consent for the Immingham Eastern Ro-Ro Terminal Project

Request for further information

In connection with the above mentioned Nationally Significant Infrastructure Project (NSIP) application, we are writing under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010 (as amended).

The submitted application proposes the formation of three new roll on/roll off vessel berths together with other works within the river Humber. The Proposed Development therefore affects land for which the Crown has an interest. The Applicant, as part of its submitted NSIP application, is therefore seeking to have powers included in any made Development Consent Order (DCO) that would grant it rights to undertake the Proposed Development. In replying to the Examining Authority's (ExA) third round written question CA.3.03 [\[PD-020\]](#) the Applicant stated in [\[REP7-022\]](#):

“The Applicant can confirm that it is liaising with The Crown Estate Commissioners in relation to obtaining Crown’s consent to the inclusion of powers in the DCO relating to Crown land under section 135(2) of the Planning Act 2008. It is understood that The Crown Estate Commissioners should be in a position to issue a consent letter shortly.

The Applicant can further confirm that consent under section 135(1) of the Planning Act 2008 is no longer required as the Applicant is no longer seeking to powers to compulsory acquire any interest or rights in/over land owned by the Crown Estate, relating to the interest of Exolum Immingham LTD in former plot number 7 (access

track adjacent to pipeline). The Applicant confirms that this will be reflected in updated versions of the Book of Reference [APP-016] and Land Plans Including Crown Land [APP-006] which will be submitted with the updated dDCO [APP-013] at Deadline 8.”

In the event of the Secretary of State for Transport (SoST) being minded to make a DCO for the Proposed Development any such order could not include rights affecting the Crown Estate unless the Crown consents to the inclusion of those rights, pursuant to section 135(2) of the PA2008. In that regard it should be noted that once the Examination has closed on, will be not later than 23:59 on Thursday 25 January 2024, the ExA cannot receive written representations from any party and will prepare its recommendation to the SoST on the basis of the evidence available to it at the Examination’s close.

The Crown Estate is therefore requested to confirm in writing whether under section 135(2) of the PA2008 it does or does not consent to any rights affecting the Crown Estate being included in any DCO that may be made by the SoST. For the ExA to be in the position to advise the SoST whether the Crown Estate does or does not consent to rights affecting the Crown’s land being included in a DCO, confirmation of your position must be submitted to the Planning Inspectorate by **23:59 on Thursday 25 January 2024**. However, it is the ExA’s strong preference for the Crown Estate’s confirmation to be submitted by Examination Deadline 9 (Monday 15 January) so that in the interests of transparency it can be published and viewed by all Interested Parties prior to the Examination’s close.

Yours faithfully

Grahame Gould

Grahame Gould
Lead Member of the Panel of Examining Inspectors

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