



Immingham Green Energy Terminal

TR030008

Volume 5

5.2 Consultation Report Appendices

Appendix I: Section 46 Notification: first Statutory
Consultation

Section (37)(3)(c) of the Planning Act 2008

Regulation 5(2)(q)

Infrastructure Planning (Applications: Prescribed
Forms and Procedure) Regulations 2009 (as
amended)

September 2023

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009 (as amended)

Immingham Green Energy Terminal Development Consent Order 2023

5.2 Consultation Report Appendices

Appendix I: Section 46 Notification: first Statutory Consultation

Regulation Reference	APFP Regulation 5(2)(q)
Planning Inspectorate Case Reference	TR030008
Application Document Reference	TR030008/APP/5.2
Author	Associated British Ports Air Products BR

Version	Date	Status of Version
Revision 1	21 September 2023	DCO Application

Appendix I	Section 46 Notification – first Statutory Consultation
I.1	Section 46 letter
I.2	Acknowledgement for first Statutory Consultation

I.1	Section 46 letter
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Immingham Green Energy Terminal
PO Box 76780
LONDON
WC1A 9SJ

[REDACTED]
National Infrastructure Case Manager
Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

6th January 2023

Dear [REDACTED]

Immingham Green Energy Terminal

Section 46(1) of the Planning Act 2008 : Duty to Notify Secretary of State of Proposed Application Planning Inspectorate Case Reference: TR030008

Associated British Ports (ABP) is proposing to submit an application under the provisions of section 37 of the Planning Act 2008 (as amended) (“the 2008 Act”) for a Development Consent Order (“DCO”) for the construction and operation of the Immingham Green Energy Terminal (the “Project”). This letter comprises the formal notification to the Secretary of State for Transport (the “Secretary of State”) under section 46(1) of the 2008 Act.

The Planning Inspectorate has acknowledged in its Scoping Opinion (from 10 October 2022) that the Secretary of State was notified by ABP that it intends to submit an environmental statement with its application for development consent further to regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the “EIA Regulations”). By virtue of Regulation 6(2)(a) of the EIA Regulations the Project is ‘EIA development’.

The Project

The Project is identified as a Nationally Significant Infrastructure Project (NSIP) under the 2008 Act and as such its construction requires consent via a DCO. If constructed the Project would consist of a new liquid bulk terminal and associated infrastructure at Immingham, on the eastern side of the Port of Immingham, and would consist of:

On the marine side (the NSIP):

- A jetty, consisting of an approach trestle, approximately 1.1km in length, leading to up to two berths, including loading platforms and berthing and mooring dolphins with link walkways; and
- Topside infrastructure on the jetty for the handling of bulk liquids, including loading arms and pipelines.

On the land side (the Associated Development):

- An access road to the jetty;
- Two operational sites supporting hydrogen production facilities (an East Site and a West Site);
- Pipework, pipelines and utilities (i) between the jetty and the green hydrogen production facility on the East Site and (ii) between the two green hydrogen production facility sites and (iii) between buildings and plant within the production operation facilities;
- Refrigerated ammonia storage tank (on the East Site);

- Hydrogen production units that convert ammonia to produce the green hydrogen (on both East and West Sites);
- Hydrogen liquefiers (on both East and West Sites) to liquify the hydrogen for temporary storage (on the West Site); and
- Loading bays to fill road tankers with liquified hydrogen which would then be distributed to hydrogen filling stations throughout the UK (on the West Site).

Ancillary buildings and works:

- Access from the public highway to the two hydrogen production sites; and
- Temporary construction areas.

Statutory Consultation

ABP will be undertaking Statutory Consultation in accordance with sections 42, 47 and 48 of the 2008 Act for the Project from Monday 9 January 2023 until 23:59 on Monday 20 February 2023, providing a consultation period of 6 weeks.

We confirm that the community consultation is being undertaken in accordance with the Statement of Community Consultation (“the SoCC”) prepared by ABP in connection with the Project. ABP has consulted with North East Lincolnshire Council, the relevant local authority within which the development site falls, in relation to the contents of the SoCC and the consultation methodology to be adopted for this Statutory Consultation, as required by section 47(2) of the 2008 Act.

In preparing the SoCC, ABP also consulted the neighbouring local authorities of North Lincolnshire Council, Lincolnshire County Council, West Lindsey District Council, East Lindsey District Council, East Riding of Yorkshire Council and Hull City Council to ensure that the Statutory Consultation is genuinely comprehensive and will consult the authorities in accordance with its obligations under sections 42(1)(b) and 43 of the 2008 Act. Alongside these neighbouring local authorities, ABP will also consult with the following local authorities during the process of the Statutory Consultation: South Yorkshire Mayoral Combined Authority and the West Yorkshire Combined Authority in order to ensure consistency with the approach taken on a neighbouring DCO application where ABP was also the Promoter.

A combined section 47 and 48 notice is being published, in accordance with section 47(6) of the Planning Act and Regulation 4(2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009, as follows:

- Two times in successive weeks in two local newspapers, *The Grimsby Telegraph and The Lincolnite*, on Monday 9 January 2023 and Monday 16 January 2023
- Once in a national newspaper *The Times* on Monday 9 January 2023
- Once in *The London Gazette* on Wednesday 11 January 2023
- Once in the *Lloyd’s List* on Monday 9 January 2023; and
- Once in the *Fishing News* (fishing trade journal) on Tuesday 10 January 2023 (first in public domain) and Thursday 12 January 2023 (official publication date, when the hard copy is available).

Further consultation arrangements

More details about the Project and the Statutory Consultation, along with all consultation documents, plans and maps will be available online during the period of the Statutory Consultation at the Project website, www.imminghamget.co.uk. The materials on the Project website will be available to view and download free of charge.

Hard copies of the consultation documents, plans and maps can be requested, subject to a copying charge for certain documents up to a maximum of £300.

Hard copies of the consultation documents will be available for inspection in person from Monday 9 January 2023 to Monday 20 February 2023 at the following locations:

- Immingham Civic Centre, Pelham Rd, Immingham DN40 1QF, open Monday to Friday from 9AM to 5PM; and
- North East Lincolnshire Council Offices, Municipal Offices, Town Hall Square, Grimsby DN31 1HU, open Monday to Friday, 8:45AM to 4PM.

In addition, a series of in-person drop-in exhibitions will be held in Immingham at the venues and times shown in the table below where members of the public will be able to find out more about the Project.

For members of the public at: Burton Hall, Civic Centre, Pelham Rd, Immingham DN40 1QF	
Date	Time
Wednesday 18 January 2023	8:00am – 12:00pm
Thursday 19 January 2023	3:30pm – 7:30pm
Wednesday 1 February 2023	8:00am – 12:00pm
Thursday 2 February 2023	3:30pm – 7:30pm
For members of the public at: Old Library Building, Immingham Civic Centre, Pelham Road, Immingham, DN40 1QF	
Friday 17 February 2023	12:00pm – 4:00pm
Saturday 18 February 2023	10:00am – 2:00pm

Further details about these exhibitions are contained in the SoCC and in information provided to statutory consultees, and local residents and businesses.

Documents

In accordance with section 46(1) of the 2008 Act, copies of the following consultation documents are enclosed:

- Statement of Community Consultation
- The Section 47/48 Notice
- The Statutory Consultation brochure
- S42(1)(a), (aa) and (b) letter to prescribed consultees, the Marine Management Organisation and local authorities
- S42(1)(d) and S44 letter to Category 1, 2 and 3 consultees

A Statutory Consultation feedback form has also been prepared and will be provided to the Planning Inspectorate shortly.

In addition, the following documents are provided via a file transfer link due to their size and number:

- A copy of the Preliminary Environmental Information (PEI) (in the form of a PEI Report) accompanied by a Non-Technical Summary

Please use the following transfer link to download the documents:

<https://www.dropbox.com/scl/fo/pxcvpdrCy87frzka2hJg3/h?dl=0&rlkey=mt992xk7qhh6s7jmjckemobhz>

Should you have any queries about this correspondence, the Project or the Statutory Consultation, please do not hesitate to contact me using the details provided below. Please acknowledge that this notice has been received as a record of compliance and we would be grateful for your confirmation that this letter and the accompanying documentation fully satisfy the requirements of section 46(1) of the 2008 Act.

Yours sincerely,



DCO Lead for the Project

Email: [REDACTED]

Mobile: [REDACTED]

Enclosed as PDFs:

- Statement of Community Consultation

- The Section 47/48 Notice
- The Statutory Consultation brochure
- S42(1)(a), (aa) and (b) letter to prescribed consultees, the Marine Management Organisation, and local authorities
- S42(1)(d) and S44 letter to Category 1, 2 and 3 consultees

Enclosed as a file transfer link provided in the main body of the letter:

- A copy of the Preliminary Environmental Information (PEI) (in the form of a PEI Report) accompanied by a Non-Technical Summary

1.2	Acknowledgement for first Statutory Consultation
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National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer Services: 0303 444 5000
e-mail: iminghamget@planninginspectorate.gov.uk

By email only

Your Ref:

Our Ref: TR030008

Date: 06 January 2023

Dear [REDACTED]

Planning Act 2008 (as amended) – Section 46 and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 – Regulation 8

Proposed application by Associated British Ports for an Order Granting Development Consent for the Immingham Green Energy Terminal

Acknowledgement of receipt of information concerning proposed application

Thank you for your letter of 06 January 2023 and the following documentation:

- Statement of Community Consultation
- Section 47/48 Notice
- S42(1)(a), (aa) and (b) letters to prescribed consultees, the Marine Management Organisation and local authorities
- S42(1)(d) and S44 letter to Category 1, 2 and 3 consultees
- Copy of the Preliminary Environmental Information (PEI) Report
- Statutory Consultation brochure

I acknowledge that you have notified the Planning Inspectorate of the proposed application for an order granting development consent for the purposes of section 46 of the PA2008 and supplied the information for consultation under section 42. The following reference number has been given to the proposed application, which I would be grateful if you would use in subsequent communications:

TR030008

I also acknowledge notification in accordance with Regulation 8(1)(b) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 that you propose to provide an environmental statement in respect of the proposed development.

I will be your point of contact for this application – contact details are at the top of this letter.

The role of the Planning Inspectorate in the application process is to provide independent and impartial advice about the procedures involved and to have open discussions with potential applicants, statutory bodies and others about the processes and requirements of the new regime. It is important that you keep us accurately informed of your timetable and any changes that occur.

We will publish advice we give to you or other interested parties on our website and, if relevant, direct parties to you as the applicant. We are happy to meet at key milestones and/or provide advice as the case progresses through the pre-application stage.

Once you have prepared draft documents we are able to provide technical advice, in particular on the draft development consent order, explanatory memorandum, the consultation report and any draft HRA. You may therefore wish to build this into your timetables.

In the meantime, you may wish to have regard to the guidance and legislation material provided on our website including the Infrastructure Planning (Fees) Regulations 2010 (as amended) and associated guidance, which you will need to observe closely in establishing the correct fee to be submitted at the successive stages of the application process.

When seeking to meet your pre-application obligations you should also be aware of your obligation under the current data protection legislation to process personal data fairly and lawfully.

If you have any further queries, please do not hesitate to contact me.

Yours sincerely

[Redacted signature]

[Redacted name]

Case Manager

This decision was made by officials on behalf of the Secretary of State under delegated powers.

This communication does not constitute legal advice.

Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.