



Immingham Green Energy Terminal

TR030008

Volume 5

5.2 Consultation Report Appendices

Appendix L: Section 46 Notification - second 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 L: Section 46 Notification – second 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 L	Section 46 notification – second Statutory Consultation
L.1	Section 46 letter for second Statutory Consultation
L.2	Section 46 letter acknowledgement for second Statutory Consultation

L.1	Section 46 letter for second Statutory Consultation
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Immingham Green Energy Terminal
PO Box 76780
LONDON
WC1A 9SJ

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

23 May 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’.

Following a period of statutory consultation on the Project undertaken from 9 January 2023 to 20 February 2023 (the “First Statutory Consultation”), ABP is now undertaking a second statutory consultation on the Project from Wednesday 24 May 2023 to Friday 30 June 2023 in relation to a number of proposed changes to the Project (the “Second Statutory Consultation”).

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 deliver a new liquid bulk terminal and associated infrastructure including a green hydrogen production facility on the eastern side of the Port of Immingham.

On the marine side Project comprises:

- A jetty, consisting of an approach trestle, approximately 1.2km in length, leading to a single berth [formerly proposed as up to two berths], including a loading platform 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 Project comprises:

- A jetty access road and related infrastructure;
- 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 to liquify the hydrogen for temporary storage on the West Site;
- 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);
- A hydrogen refuelling station and bulk hydrogen trailer filling station;
- Ancillary buildings and works;
- Access from the public highway to the two hydrogen production sites;
- Temporary construction areas; and
- Various works (connections, diversions, protective works) to utilities including works on highways land.

Second Statutory Consultation

ABP will be undertaking a Second Statutory Consultation in accordance with sections 42, 47 and 48 of the 2008 Act for the Project from Wednesday 24 May 2023 until 23:59 on Friday 30 June 2023, providing a consultation period of 37 days.

We confirm that the community consultation is being undertaken in accordance with a Second Statement of Community Consultation (“the Second SoCC”) prepared by ABP. The Second SoCC has been produced to summarise the proposed approach to further Statutory Consultation on the Project in accordance with section 47 of the 2008 Act including providing details about how the local community can take part in the consultation process and how ABP will gather feedback and use it to develop the Project.

ABP has consulted on the Second SoCC with North East Lincolnshire Council, the relevant local authority within which the development site falls, in relation to the contents of the Second SoCC and the consultation methodology to be adopted for this Second Statutory Consultation, as required by section 47(2) of the 2008 Act.

In preparing the Second 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 Second 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 Wednesday 24 May 2023 and Wednesday 31 May 2023
- Once in a national newspaper *The Times* on Wednesday 24 May 2023
- Once in *The London Gazette* on Wednesday 24 May 2023
- Once in the *Lloyd's List* on Wednesday 24 May 2023
- Once in the *Fishing News* (fishing trade journal) on Tuesday 23 May 2023 (first time in the public domain) and Thursday 25 May 2023 (official publication date, when the hard copy is available).

Further consultation arrangements

A Preliminary Environmental Information Report (“PEI Report”) was prepared for the purposes of the First Statutory Consultation which considers the likely environmental impact of the Project during both construction and operation. An addendum to the PEI Report has been prepared for this Second Statutory Consultation, focusing on the changes to the proposals since the First Statutory Consultation.

The PEI Report Addendum, the PEI Report, a full list of changes to the proposals, the Second SoCC and other related consultation documents including plans and maps will be available to view and download online from Wednesday 24 May 2023 to Friday 30 June 2023 at: www.imminghamget.co.uk/documents. 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 Wednesday 24 May 2023 to Friday 30 June 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, two in-person drop-in exhibitions will be held at the Civic Centre in Immingham at the 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
Thursday 22 June 2023	2:00pm – 6:00pm
Saturday 24 June 2023	10:00am – 2:00pm

Further details about these exhibitions are contained in the Second 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:

- Second Statement of Community Consultation
- The Section 47/48 Notice
- The Second Statutory Consultation brochure
- The Second Statutory Consultation Feedback Form
- Project Changes and Preliminary Environmental Information Report Addendum
- 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

Newly Identified Landowners

Parties identified as those having a legal interest in land that could be affected by the Project since the first Statutory Consultation was undertaken will be given the opportunity to comment on the documents provided for both the First and Second Statutory Consultation.

Should you have any queries about this correspondence, the Project or the Second 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,



[REDACTED]
DCO Lead for the Project
[REDACTED]

Enclosed as PDFs:

- Second Statement of Community Consultation
- The Section 47/48 Notice
- The Second Statutory Consultation brochure
- The Second Statutory Consultation Feedback Form
- Project Changes and Preliminary Environmental Information Report Addendum
- 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

L.2	Section 46 letter acknowledgement for second Statutory Consultation
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National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

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

By email only

Your Ref:

Our Ref: TR030008

Date: 23 May 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 Project.

Acknowledgement of receipt of information concerning proposed application

Thank you for your letter of 23 May 2023 and the following documentation:

- Second Statement of Community Consultation
- The Section 47/48 Notice
- The Second Statutory Consultation brochure
- The Second Statutory Consultation Feedback Form
- Project Changes and Preliminary Environmental Information Report Addendum
- 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

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 Planning Act 2008 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 request to the

Planning Inspectorate to adopt a screening opinion 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 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.

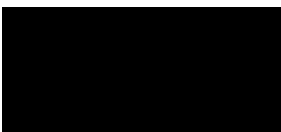
Once you have prepared draft documents we are able to provide technical advice, in particular on the draft Development Consent Order, Explanatory Memorandum, the Consultation Report and any draft Habitats Regulations Assessment. You may therefore wish to build this into your timetable.

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



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.