



Immingham Green Energy Terminal

TR030008

Volume 5

5.2 Consultation Report Appendices

Appendix P: Response Tables:

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 P: Response Tables: 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 P	Response tables – first Statutory Consultation
P.1	Responses relating to matters not addressed in the ES
P.2	Responses relating to matters addressed in the ES
P.3	Additional relevant correspondence

P.1





Responses relating to matters not addressed in the ES

First Statutory Consultation Response Table for matters not addressed in the Environmental Statement (“ES”) [TR030008/APP/5.1].

Please note: In the columns headed Design Change and Additional Mitigation, where we have used ‘no’ this should not be taken to mean that there have been no design changes or no additional mitigation. In this context, ‘no’ means that there have been no specific design changes or particular additional mitigation measures included in the project, directly in response to the feedback received from the consultee. In a number of cases mitigation measures that already form part of the project are summarised in the technical responses in the Response column.

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
1.	NATS Safeguarding Office	09.01.2023 Email	<p>Dear Sirs,</p> <p>We refer to the correspondence received by surface mail which I attached.</p> <p>NATS operates no infrastructure within 10km of the proposal’s site. As such, it anticipates no impact from the development and has no comments to make. Please find our contact details below, and note our preference to receive future correspondence electronically.</p> <p>Regards NATS Safeguarding Office NATS LTD Safeguarding Office 4000 Parkway Whiteley Fareham Hampshire PO15 7FL</p>	<p>Noted.</p> <p>The Applicant ensured that future correspondence, which included notification of the second Statutory Consultation, was issued electronically.</p>	No	No	N/A
2.	NSIP Team HSE	09.01.2023 Email	<p>Dear Immingham Green Energy Project Team,</p> <p>Many thanks for the email below.</p> <p>HSE will respond to the S42 consultation request by 20th February 2023.</p> <p>Thanks and regards, NSIP Team</p>	<p>Administrative response noted.</p> <p>A further response was received from the HSE on 17.02.2023.</p> <p>This correspondence and the Applicant’s response are included in response 9 of SC1 Technical Response table at Appendix P.2 of the Consultation Report [TR030008/APP/5.1]</p>	N/A	N/A	Consultation Report [TR030008/APP/5.1]

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
3.	Wales and West Utilities	09.01.2023 Email	<p>Good Morning</p> <p>Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.</p> <p>Our records show those pipes owned by Wales & West Utilities (WWU) in its role as a Licensed Gas Transporter (GT). Service pipes, valves, syphons, stub connections, etc. may not be shown but their presence should be anticipated. No warranties are therefore given in respect of it. They also provide indications of gas pipes owned by other GTs, or otherwise privately owned, which may be present in this area. This information is not information of WWU and WWU is unable to verify this information or to confirm whether it is accurate or complete.</p> <p>Please let me know if you require any further assistance.</p> <p>Kind Regards, [REDACTED]</p>	<p>The comments are noted by the Applicant.</p> <p>Prior to commencement of any underground works, the Applicant will perform appropriate surveys to ensure that no infrastructure, previously identified or otherwise, is present in the vicinity. Confirmation of the presence of underground infrastructure prior to the commencement of underground works will also be secured through the Outline Construction Environment Management Plan (CEMP) [TR030008/APP/6.5].</p> <p>The applicant has undertaken numerous surveys to date; however, the applicant commits to undertaking underground scans prior to any excavation as explained in the Utilities Statement [TR030008/APP/7.7] provided in Section 7 of the DCO application.</p>	No	No	<p>Utilities Statement [TR030008/APP/7.7]</p> <p>And</p> <p>Outline CEMP [TR030008/APP/6.5]</p>
4.	Calor	10.01.23 Email: Automatic reply	<p>Thank you for getting in touch</p> <p>We have your email and will be in touch soon.</p> <p>If you have a question about your account, please check our Frequently Asked Questions section https://www.calor.co.uk/help-and-support</p> <p>Alternatively if you prefer to discuss your account with an adviser please call us on 0345 609 6202, we're here Monday – Friday 9am to 5pm and Saturday 9am – 1pm your Calor team</p>	Administrative response noted. No further response was received in relation to the first Statutory Consultation.	N/A	N/A	N/A
5.	Eclipse power	10.01.23 Email	<p>Dear Sir/ Madam,</p> <p>Thank you for your correspondence detailing the proposed planned works for the new Immingham Green Energy Terminal. I can</p>	<p>Noted.</p> <p>The Applicant notified Eclipse Power of the second Statutory Consultation in May 2023 – no response was received.</p>	N/A	N/A	N/A

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			<p>confirm that we have no present projects in the illustrated area as demonstrated in your letter.</p> <p>This response is valid for 3 months, after this time has commenced, we request you submit another email/letter demonstrating the location of your plans.</p> <p>If you have any further queries, do not hesitate to contact me.</p> <p>Many thanks, </p>				
6.	Easington Parish council	10.01.23	<p>Good Morning</p> <p>Thank you for the emailed documents. I notice on the covering letter that you have posted the brochure and associated documents to an incorrect address. There are actually 3 Easington Parish Councils that I know of in the UK (2 in County Durham) you have sent the documents to one of them in County Durham when actually I am sure you meant to send it to the address below?</p> <p>I look forward to receiving a brochure.</p> <p>Kind regards, </p>	<p>Noted. The Project Team updated the address and posted documents to the new address on 10.01.23.</p> <p>No further communications were received in relation to the first Statutory Consultation.</p>	N/A	N/A	N/A
7.	People Asset Management	10.01.23	<p> has now left the business, therefore this mailbox is no longer monitored.</p> <p>Please contact </p>	<p>Noted. Project Team updated the contact in internal records on 10.01.23 and reissued to the new contact provided. No further response was received in relation to the first Statutory Consultation.</p>	N/A	N/A	N/A
8.	Anglian Water	10.01.23 Email	<p>Dear Immingham GET Project Team</p> <p>Can you advise when Anglian Water will be provided with information on the water demand requirements for the project?</p>	<p>The Project's water demand is addressed in the first Statutory Consultation technical response table at response 19 of Appendix P.2 of the Consultation Report [TR030008/APP/5.1]</p> <p>The Applicant responded to Anglian Water on 30th January and has submitted water demand requirements to Anglian Water under applications NWC0173965,</p>	No	No	Consultation Report [TR030008/APP/5.1]

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
				NWC0173958 and NWC0173975 and are in ongoing discussions regarding implementation. A Statement of Common Ground will be developed with Anglian Water and submitted to the examination at the appropriate time.			
9.	Lincolnshire Wildlife Trust	10.01.23 Email	<p>Dear IGET Team,</p> <p>Please remove [REDACTED] from contact database, and replace with [REDACTED] along with myself, as lead contacts at our organisation for this development.</p> <p>Kind regards, [REDACTED]</p>	Noted. Project Team updated the contact in internal records on 10.01.23 and reissued to the new contacts provided. Further correspondence relating to the first Statutory Consultation can be found at row 22 of this table and at row 22 of the first Statutory Consultation technical response table (Appendix P.2) of the Consultation Report [TR030008/APP/5.1]	No	No	Consultation Report [TR030008/APP/5.1]
10.	Anglian Water	11.01.23 Email	<p>Good afternoon Immingham GET Project Team and PINS Team</p> <p>I write to advise you Anglian Water has decided to bring the planning liaison for the Immingham GET Project back in house given the potential demand for and possible impact on water resources.</p> <p>Please can all correspondence now be directed to myself as Anglian Water's NSIP lead.</p> <p>Please delete [REDACTED] as Anglian Water's agent from your circulation lists for the project and specifically [REDACTED]</p>	Noted. Project Team updated the contact in internal records on 11.01.23.	No	No	N/A
11.	Infinis Energy	11.01.23 Email	<p>Good Morning,</p> <p>I am contacting you on behalf of my client Infinis Energy who currently lease land adjacent to the proposed Western Site at Immingham Docks.</p> <p>I have attached the plan provided which identifies land currently leased by my client which has been identified as forming part of the DCO assessment.</p>	Gateley Hamer have notified the Affected Party that their registered leasehold interests are no longer within the Site boundary for the Project and as such will be unaffected by any proposed developments. The Affected Party has also been made aware that the client intends to take new permanent rights of access and drainage over plots that the Affected Party has an unregistered lease (Plot 6/6) and rights over (Plots 5/18, 6/16 and 6/18). It has however been made clear to the Affected Party that there is no intention to interfere with their unregistered lease or rights; this position was communicated to the Affected Party's Land Agent by	N/A	N/A	N/A

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			<p>Please could you advise the proposed use for the land which currently forms part of my client's leased area.</p> <p>Many Thanks [REDACTED]</p> <p>Attachment (plan that was sent from Gately Hamer)</p>	email on 18.08.23. There has been no response as yet from the Affected Party or Land Agent.			
12.	North Lincolnshire Council Planning	13.01.23 Email	<p>CONSULTATION REQUEST</p> <p>Reference CON/2023/47 (Please quote at all times)</p> <p>Proposal Statutory consultation on the proposed application for a development consent order (DCO) for a new multi-user liquid bulk green energy terminal including a green hydrogen production facility Location Immingham Green Energy Terminal (IGET), east side of the Port of Immingham</p> <p>Case Officer [REDACTED]</p> <p>Thank you for the formal consultation on the above proposal. Please direct any enquiries to the case officer.</p>	Noted. Project Team updated the contact in internal records on 11.01.23.	N/A	N/A	N/A
13.	RSPB	16.01.23 Email	<p>Hi [REDACTED]</p> <p>Happy new year to you too. Thanks for forwarding this to me I will have a look at this before the end of the month. If I have any questions I'll be in touch.</p> <p>Best Wishes [REDACTED]</p>	Administrative response noted. No further communication was received.	N/A	N/A	N/A
14.	North East Lincolnshire Highways Team	17.01.23 Email	<p>Good afternoon,</p> <p>Would it be possible to arrange for the project team to come to New Oxford House to deliver a presentation on this? There are a number of Highway officers who are keen to understand the project and possible impacts and rather than us all trying to come to one of the consultation events we wondered if this could be done here?</p>	<p>Noted.</p> <p>The Project Team arranged a meeting with the North East Lincolnshire Highways Team on 02.02.23. Notes from the meeting can be viewed in Table 35 in the Consultation Report [TR030008/APP/5.1].</p>	N/A	N/A	Consultation Report [TR030008/APP/5.1]

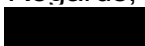
	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			<p>Happy to discuss.</p> <p>Kind regards [redacted]</p>				
15.	East Lindsey District Council	18.01.23 Email	<p>Dear Sir/Madam,</p> <p>APPLICANT: Immingham Green Energy Terminal Project Team</p> <p>PROPOSAL: Consultation for the proposed development of 1no. multi-task user liquid bulk green energy terminal.</p> <p>LOCATION: IMMINGHAM GREEN ENERGY TERMINAL</p> <p>Thank you for your informal planning enquiry which I received on 13/01/2023.</p> <p>Please note we aim to respond by 03/02/2023. However unfortunately due to the high volume of enquiries it may not always be possible.</p> <p>If you have any queries please do not hesitate to contact [redacted] who is dealing with this enquiry and if you contact us about this enquiry please quote our reference number as shown at the top of this letter.</p> <p>Yours faithfully</p> <p>[redacted] Assistant Director - Planning & Strategic Infrastructure Your Reference: Our Reference: N/113/00064/23/IC [redacted]</p> <p>Date: 18 January 2023</p>	<p>Administrative response noted.</p> <p>The Applicant corresponded further with East Lindsey District Council as described in responses 32 and 39 of this table.</p>	N/A	N/A	N/A

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
16.	Queens Road café owner (22-23 Queens Road)	18.01.23 Email	<p>Hello, I have been trying to call the numbers I have for information on the proposed planning in Immingham for weeks. I own Queens road cafe 22-23 queens road Immingham DN401QR. I'm currently staying out the country maybe that's why the information number won't connect when I call but any other numbers I call from abroad I don't have issues with. I'm concerned about the pack you sent to my property with the proposed plans which include my site. This is my business that has been in my family for over 30years and a newly fully renovated building. Is there someone I can talk to on a contact number that works ?</p> <p>Kind regards [REDACTED] (Owner queens road cafe)</p> <p>Sent from my iPhone</p>	<p>It is unclear why the contact numbers did not work from outside the UK and it can be confirmed that these numbers were live and a number of calls were received during the consultation period. The full consultation was also available on line during the consultation period and this included a Virtual Consultation Room.</p> <p>Statutory Consultation drop-in sessions were held at Civic Centre in Immingham through January and February 2023 (see Consultation Report Chapter 4 [TR030008/APP/5.1]), during which, initial discussions were held with representatives of Queens Road Café.</p> <p>Since the first Statutory Consultation drop-in sessions, regular WhatsApp conversation has been maintained with the owner of Queens Road Café as well as their Land Agent, regarding the proposals for the scheme and any potential impact on the business.</p> <p>The Land Agent has been made aware that Queens Road Café is outside of the scheme boundary. Discussions remain ongoing with the Land Agent regarding the scheme proposals.</p>	No	No	Consultation Report [TR030008/APP/5.1]
17.	Northern Powergrid	19.01.23 Email	<p>Good afternoon,</p> <p>We have received an (<i>sic</i>) reminder letter about the upcoming Statutory Consultation sessions. In order to determine whether our attendance would provide value to both yourself and Northern Powergrid I have a few questions. I appreciate, of course, that you are at an early stage in the development of this project and, as such, understand you might not have firm answers at this stage. Energy demand: from reviewing the available literature I can see there is proposed hydrogen production and storage facilities as well as refrigerated ammonia storage facilities. Do you have a rough idea of the anticipated electricity demand these facilities would create?</p> <p>In the diagram on page 4 of the Public Exhibition boards it mentions that "Green hydrogen is produced and conditioned in Immingham using stored renewable energy". Could you confirm the nature of this renewable energy/storage?</p>	<p><u>Anticipated electricity demand</u></p> <p>The Applicant has submitted power requirements to Northern Powergrid under applications ENQ23123681 and ENQ23123699 and are in ongoing discussions regarding implementation.</p> <p>A Statement of Common Ground will be developed with Northern Powergrid and submitted to the examination at the appropriate time.</p> <p><u>Nature of renewable energy/storage</u></p> <p>As detailed in the Planning Statement [TR030008/APP/7.1] the facility will produce green hydrogen using ammonia imported by Air Products and stored on site. The resulting hydrogen will be supplied to haulage companies for use as an alternative to diesel fuel in HGVs.</p>	No	No	Planning Statement [TR030008/APP/7.1]

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			With best regards, ██████████				
18.	NELC Highways	19.01.23 Email	Good afternoon ██████████ Thank you for coming back to me. Can we say 10.30 on Thursday 2nd Feb? I will send out an invite if you could pass on to the relevant colleagues from your end? I will book a room at New Oxford House. Kind regards ██████████	Noted. The Project Team arranged a meeting with the North East Lincolnshire Highways Team on 02.02.23. Notes from the meeting can be viewed in Table 35 in the Consultation Report [TR030008/APP/5.1] .	N/A	N/A	Consultation Report [TR030008/APP/5.1]
19.	Defence Infrastructure Organisation (DIO) Safeguarding	20.01.23 Email	FAO Immingham Green Energy Terminal Project Team Dear Sir/Madam, Further to your Email below regarding Statutory Consultation for Immingham Green Energy Terminal, and after our review, I can confirm that the MOD has no objection regarding this activity. This applies to the offshore element and the Onshore which has been assessed as a Site Outside Safeguarding Areas (SOSA). Regards, ██	Noted. The offshore and onshore elements are identified as a Site Outside Safeguarding Area. No further communications were received regarding the first Statutory Consultation.	N/A	N/A	N/A

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
20.	Northern Powergrid	23.01.23 Email	<p>Hello Immingham GET Team, thank you for getting back to me. I can be available for a call anytime between 10am-3pm tomorrow or anytime 8am-4pm on Thursday.</p> <p>Best regards, [REDACTED]</p>	<p>Noted. A record of meetings, including a virtual meeting arranged for 24.01.23 following this correspondence, with Northern Powergrid can be found in Table 35 of the Consultation Report [TR030008/APP/5.1].</p>	N/A	N/A	<p>Consultation Report [TR030008/APP/5.1]</p>
21.	GTC (Gas Transporter)	23.01.23 Email	<p>Dear Sir/Madam,</p> <p>I have read the plans and documents you sent BUUK recently in regard to Immingham Green Energy Terminal.</p> <p>Processing your plans and details I have deduced that your works do not fall within the vicinity of GTC assets. Please see the attached the images showing your works location and no GTC network boundaries affected.</p> <p>If you require any other information or assistance, please do not hesitate to contact me further.</p> <p>Yours faithfully, [REDACTED]</p> <p>The attachment was an Ordnance Survey map demonstrating that the IGET works do not fall within the vicinity of GTC assets.</p>	<p>Noted</p> <p>No further communications were received regarding the first Statutory Consultation.</p>	N/A	N/A	N/A

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
22.	Lincolnshire Wildlife Trust	24.01.23 Email	<p>Good afternoon,</p> <p>I hope this email finds you well. My name is [REDACTED] and I'm a Conservation Officer at the Lincolnshire Wildlife Trust. I will (<i>sic</i>) covering the Immingham Green Energy Terminal consultation on behalf of the Trust. Consequently, I would like to request to be added to any relevant ecology topic groups (terrestrial and/or marine) that will be meeting throughout the planning process. Please let me know if there are such groups already organised and how I can be added to them.</p> <p>Best wishes, [REDACTED]</p>	<p>The Applicant notes the response.</p> <p>No relevant ecology topic groups were created during the planning process, however in the letters notifying the Lincolnshire Wildlife Trust of the Statutory Consultation, information was provided on the Project and where they could access the PEIR and all other Statutory Consultation documents, as well as details of in person events where they could meet with the Project Team.</p> <p>The Applicant also held a meeting with Lincolnshire Wildlife Trust on 10/08/2023.</p> <p>Further information on the topics discussed in the meeting is included in Table 35 of the Consultation Report [TR030008/APP/5.1]</p>	N/A	N/A	Consultation Report [TR030008/APP/5.1]
23.	Witham Drainage / North East Lindsey Drainage Board	01.02.23 Email	<p>Dear Annalee,</p> <p>Thank you for your email.</p> <p>[REDACTED] will arrange a meeting with you when back off leave next week.</p> <p>Many thanks, [REDACTED] Engineering and Operations Assistant</p>	<p>Administrative response noted.</p> <p>Further correspondence from Witham Drainage / North East Lindsey Drainage Board is included in responses 27 and 28 of this table.</p>	N/A	N/A	N/A
24.	Environment Agency	01.02.23 Email	<p>Dear Team,</p> <p>I have passed your e-mail to the local customer team who will deal with your request.</p> <p>The Freedom of Information Act and Environmental Information Regulations state that a public authority must respond to requests for information within 20 working days.</p> <p>You can find more information about our service commitment by clicking on the link below:</p> <p>https://www.gov.uk/government/publications/en</p>	<p>Administrative response noted.</p> <p>Further correspondence was received from the Environment Agency on 15/02/2023 and the Applicant's response is included in response 7 of the SC1 Technical Response Table (Appendix P.2 of the Consultation Report [TR030008/APP/5.1]),</p>	N/A	N/A	Appendix P.2 of the Consultation Report [TR030008/APP/5.1]

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			<p>vironment-agency-customer-service-commitment</p> <p>You can contact our customer team directly on the contact details below or call the National Customer Contact Centre on 03708 506506 who will transfer you to the area team.</p> <p>Please quote your enquiry reference 230201/AC10 in any correspondence with us regarding this matter.</p> <p>Customers & engagement team</p> <p>Environment Agency</p> <p>Lincolnshire and Northamptonshire Area - Email address LNenquiries@environment-agency.gov.uk</p> <p>Regards,  Customer Adviser</p> <p>Environment Agency: Contact Centre Services - Part of Operations, Regulation, Monitoring & Customer</p> <p>Working hours: Monday to Friday 9:20am to 5:34pm – Please be aware shifts can vary.</p>				
25.	Lincolnshire Wildlife Trust	02.02.23 Email	<p>Dear All,</p> <p>Please find below an Eventbrite link to book to join us to learn more about the approach to Biodiversity Net Gain and Ecosystem Services Trading within Greater Lincolnshire onshore.</p> <p>https://www.eventbrite.co.uk/e/biodiversity-net-gain-and-environmental-markets-unpicked-green-investment-tickets-491765232047</p> <p>Date: 20th February 2023</p> <p>Time: 10am</p>	<p>Administrative response noted.</p> <p>The Applicant was unable to attend the event proposed.</p>	N/A	N/A	N/A




	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			<p>Location: The Coach House, Doddington Hall & Gardens, Main Street Doddington LN6 4RU</p> <p>Lunch provided and optional tour of the estate</p> <p>Kind regards,</p> <p>██████████ Head of Conservation</p> <p>Lincolnshire Wildlife Trust</p>				
26.	PD Ports	03.02.23 Email	<p>Good Afternoon</p> <p>Further to your letter dated 16th January 2023, I have reviewed the project website and for completeness filled in the appropriate part of the feedback form (attached).</p> <p>PD Port Services is the freeholder (HS126324) of property on Laporte Road, Immingham at which we operate warehousing and storage services. I note the proposed site boundary of the IGET adjoins but does not encroach onto PDPS freehold land. I would be grateful for all consultation detail to be sent to me at the address below.</p> <p>Kind regards ██████████</p>	<p>The Applicant responded providing the materials as requested on 07.02.23.</p> <p>In subsequent correspondence (see row 29 of this table), PD Ports requested a meeting with the Applicant to discuss the project proposals and the site boundaries in relation to PD Ports' freehold land. The meeting was held on 21st February 2023, and a record of this meeting can be found in Table 35 (summary of meetings held throughout Ongoing Engagement from July 2022 – August 2023) of the Consultation Report [TR030008/APP/5.1].</p> <p>PD Port Services' freehold land is outside of Order Limits.</p>	N/A	N/A	<p>Consultation Report [TR030008/APP/5.1]</p> <p>Book of Reference [TR030008/APP/4.3]</p>
27.	Witham Drainage / North East Lindsey Drainage Board	07.02.23	<p>ND-6157-2022-PLN</p> <p>Hi</p> <p>A site visit would be best, can you let me know the dates you will be in the area for the drop in session so we can let you know when me and ██████████ the Board's Works Supervisor are available.</p> <p>Regards ██████████ Head of Technical & Engineering Services</p>	<p>Administrative response noted.</p> <p>A site visit and meetings were arranged. Full details of site visits and meetings with Witham Drainage/North East Lindsey Drainage Board can be found in Table 35 of the Consultation Report.</p>	N/A	N/A	<p>Table 32 (summary of meetings held throughout Ongoing Engagement), Consultation Report [TR030008/APP/5.1]</p>
28.	Witham Drainage/ North East Lindsey	13.02.23	Hi	Administrative response noted	N/A	N/A	<p>Table 32 (summary of meetings held throughout</p>

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
	Drainage board		A site visit Thursday morning (16th) would be good, time to suit you but the earlier the better. Regards, [REDACTED]	Full details of site visits and meetings with Witham Drainage/North East Lindsey Drainage Board can be found in Table 35 of the Consultation Report.			Ongoing Engagement), Consultation Report [TR030008/APP /5.1]
29.	PD Ports	14.02.23	Hi [REDACTED] Thanks for your email below. I have discussed your request for a Teams call with colleagues at PD and we would welcome this opportunity. Can you please confirm availability for say 1 hour if that is required, between 1pm and 5pm on Tuesday 21st February. I will then confirm attendees from PD. Best regards [REDACTED]	Administrative response noted A meeting was held on 21.02.23. Details of meetings with PD Ports can be found in Table 35 of the Consultation Report.	N/A	N/A	Table 32 (summary of meetings held throughout Ongoing Engagement), Consultation Report [TR030008/APP /5.1]
30.	Virgin Media	15.02.23	Hi there, I received your letter regarding the above development, would you be able to provide us with a postcode or eastings and northings for the area? Kind Regards [REDACTED] – Plant Enquiries Administrator	The postcode for the site is DN41 8DX and the eastings and northings are: <ul style="list-style-type: none">• West site 53.615N, -0.189E / DN40 1QR• East storage 53.619N, -0.175E / DN41 8DX• East site 53.621N, -0.174E / DN41 8DX These were provided to Virgin Media on 26.05.23. No further correspondence was received in relation to the first Statutory Consultation.	N/A	N/A	N/A
31.	East Lindsey District Council	17.02.23	Letter re. proposed SoCC for the Immingham GET project. Regards ----- Dear Sir/Madam, Our Reference: N/113/00038/23/IC APPLICANT: Immingham Green Energy Terminal Project Team. PROPOSAL: Immingham Green Energy Terminal Proposals. Pre-submission consultation on PEIR and SoCC. LOCATION: IMMINGHAMGREENENERGYTERMINAL	Noted. The Applicant consulted East Lindsey District Council again for the second SoCC and the second Statutory Consultation – a consultation response can be found in row 3 of Appendix Q.1 of the Consultation Report [TR030008/APP/5.1].	N/A	N/A	Appendix Q.1 of the Consultation Report [TR030008/APP /5.1]

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			<p>Thank you for consulting East Lindsey District Council on your proposed Statement of Community Consultation in connection with the Immingham G.E.T. proposal. I can advise that this authority has no comments to make on its contents.</p> <p>Yours sincerely</p>				
32.	Hargreaves Industrial Services	17.02.23 Feedback form	<p>Good morning,</p> <p>Please see attached the completed feedback form for Hargreaves Industrial Services.</p> <p>Kind regards</p> <p>██████████</p> <p>Which do you consider yourself to be?</p> <p>other – we lease areas of land off ABP in Immingham</p> <p>Are you satisfied with the information provided?</p> <p>yes – we have had a number of calls and updates</p> <p>Do you support the proposals for the project?</p> <p>yes – more opportunities for people in the area as well as embracing future technologies</p> <p>Do you think the Project would make a positive contribution to the local economy?</p> <p>yes – as per comment above</p> <p>Do you think the development of projects</p>	The Applicant noted the response and welcomes the support for the project.	N/A	N/A	N/A


	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			<p>which enable the UK to move towards green energy, are a priority?</p> <p>yes</p> <p>Do you feel you or people you know would benefit from the employment and training opportunities the Project would create?</p> <p>unsure due to nature of our business</p> <p>Do you have any comments or questions on the Preliminary Environmental Information Report (PEIR)?</p> <p>No</p> <p>Do you have any questions or additional comments for us to consider?</p> <p>No</p>				
33.	West Lindsey District Council	20.02.23	<p>Dear Project Team</p> <p>Thank you for your kind invitation to meet to discuss any issues with the highway network in West Lindsey.</p> <p>However in this case I do not feel this will be necessary as any highway impacts would be assessed by the Highways Authority at Lincolnshire County Council.</p> <p>Kind Regards</p> <p>██████████</p>	<p>Noted.</p> <p>The Applicant consulted the relevant highways authority but no response was received in relation to the first Statutory Consultation.</p>	N/A	N/A	N/A
34.	CLdN	20.02.23 Email	<p>Please see attached response to the PEIR consultation.</p> <p>Please send all future communication to me by email or at the address in the letter.</p> <p>Regards</p>	<p>The Applicant provided a written response to CLdN on 20th September 2023 addressing the points raised in their consultation responses to both the first and second Statutory Consultations.</p> <p>The Applicant's response is detailed in the Technical Response table at Appendix P.2 of the Consultation Report [TR030008/APP/5.1].</p> <p>In summary this addresses:</p>	<p>Following the first Statutory Consultation, the jetty design was revised varying the two berth design to a single berth. Following this change in berth design the</p>	No	<p>Chapter 12: Marine Transport and Navigation [TR030008/APP/6.2]</p> <p>And</p> <p>Appendix 12.A: Navigational</p>

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			<p>██████████</p> <p><i>Attachment in full:</i></p> <p>Dear Sirs</p> <p>Immingham Green Energy Terminal</p> <p>CLdN Ports Killingholme Limited is the owner and operator of CLdN Ports Killingholme, a six-berth RoRo terminal located up-river from the proposed Immingham GET. We note that elements of the project are still being designed and that material areas of assessment are not included in the PEIR materials. We are not able to provide a detailed response but draw you attention to the following:</p> <p>1. The PEIR states that only 12 of the 400 vessel calls will be associated with the green hydrogen production facility, which is the only associated development element of the GET project. The construction phasing shows completion of the two berths within 4-5 years of construction starting. The full development/use of the hydrogen facility would take 11 years from start of construction. This means that up to 398 vessel calls per annum will relate to other uses of Immingham GET. We assume the services provided to other vessels will require shoreside development. However, this development is not identified now and does appear to be included in the scope of the EIA even though delivery of that will be facilitated by the completion of the berths, and within a foreseeable period. For the purposes of consultation, it is not possible to understand the cumulative impacts of the project, which we do not consider can be artificially divorced from delivery of the berths.</p> <p>2. The consultation materials do not include a navigation risk assessment, although we note you intend to do this in due course. We would draw your attention to the fact that the majority of the services calling at CLdN Ports Killingholme operate on fixed schedules. Construction vessel movements, construction</p>	<ul style="list-style-type: none"> • Vessel calls • Navigational Risk Assessment (“NRA”) undertaken by the Project team • Impacts from reduced sailing speeds in the vicinity of the Project • NRA / HAZID workshops <p>The letter issued to CLdN on 20th September is included in full at Appendix P.3 of the Consultation Report [TR030008/APP/5.1].</p>	<p>maximum forecast vessel arrivals for the jetty are now 292 vessels per annum of which up to 12 per year would be ammonia carriers.</p>		<p>Risk Assessment [TR030008/APP/6.4]</p> <p>And</p> <p>Appendix P.2 of the Consultation Report [TR030008/APP/5.1].</p>

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			<p>zones and other construction operations should not interfere with the operation of scheduled services. This includes scheduled services taking priority over construction vessels, such as barges removing dredged material. Please inform us when you propose to undertake a full HAZID.</p> <p>We would also expect to see information and assessment of the impacts of up to 400 new vessel movements per annum anticipated during the operational phase, giving consideration to the type/size of vessels calling at Immingham GET, and whether any sailing speed restrictions will apply to other services sailing past the new berths, including extension eastwards of Immingham Oil Terminal of the existing 5 knot speed restrictions.</p> <p>We request that you provide information on navigational impacts and the navigation risk assessment in due course. We are able to provide responses to that prior to any application. We also request to participate in any HAZID workshops.</p> <p>Yours faithfully </p>				
35.	Natural England	20.02.23 Email	<p>Dear </p> <p>Due to staff resource and annual leave commitments Natural England will not be able to meet the deadline for this statutory consultation. May we request that a new deadline is set to (March 16th) which will aim to provide comments by.</p> <p>Regards </p>	<p>The Applicant continued to accept responses to the first Statutory Consultation beyond the deadline set. Natural England was advised of this by email on 21/02/2023. Natural England's consultation response and the Project team's reply can be found in response 21 of the first Statutory Consultation technical response table (Appendix P.2 of the Consultation Report [TR030008/APP/5.1]).</p>	N/A	N/A	Appendix P.2 of the Consultation Report [TR030008/APP/5.1]
36.	HSE	21.02.23 Email	<p>Your message is ready to be sent with the following file or link attachments:</p> <p>NSIP – Section 42 Letter</p>	<p>Please note this letter repeats the letter sent from the HSE on 17.02.23, which has been addressed in response 9 of the Technical Response table at Appendix P.2 of the Consultation Report [TR030008/APP/5.1].</p>	N/A	N/A	Appendix P.2 of the Consultation Report [TR030008/APP/5.1]

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			<p><i>Attached letter copied below. Please note this letter repeats the letter sent from the HSE on 17.02.23 (response 9 in Appendix P.2.:</i></p> <p>IGET</p> <p>PO Box 76780 LONDON WC1A 9SJ</p> <p>Email – enquiries@imminhamget.co.uk Sent via email</p> <p>Date: 17 February 2023</p> <p>References: CM9 Ref: 4.2.1.7014. Ref: TR030008</p> <p>Dear Mr Sir/Madam,</p> <p>SECTION 42 PLANNING ACT 2008: STATUTORY CONSULTATION</p> <p>Chemicals, Explosives and Microbiological Hazards Division – Unit 4</p> <p>NSIP Consultations</p> <p>Land Use Planning Team Building 1.2, Redgrave Court, Bootle L20 7HS</p> <p>NSIP.applications@hse.gov.uk http://www.hse.gov.uk/</p> <p>Thank you for your email of 9/1/2023 regarding the proposed Immingham Green Energy Terminal proposals: statutory consultation.</p> <p>HSE's Land Use Planning Advice</p> <p>Further to our letter date 26th September, Chapter 22 of the PEI details the legislation that will be applicable to Immingham Green Energy Terminal, including Hazardous Substances Consent Regulations, the Control of Major Hazards regulations and Pipeline Safety Regulations.</p> <p>Within this document they indicate the major sites that are in the vicinity. They also indicate that a hazardous substances consent</p>				

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			<p>application will be being made to North East Lincolnshire Council shortly. It is through this process that HSE will provide its statutory advice.</p> <p>HSE anticipated the site will be make a COMAH notification and provide a pre-construction safety report in due course.</p> <p>Explosives sites</p> <p>CEMHD 7's response is no comment to make in regards to the proposed development.</p> <p>Electrical safety</p> <p>No comment from a planning perspective</p> <p>During this time, please send any further communication on this project directly to the HSE's designated e-mail account for NSIP applications at nsip.applications@hse.gov.uk. We are currently unable to accept hard copies, as our offices have limited access.</p> <p>Yours faithfully,</p> <p>NSIP Consultation Team CEMHD4</p>				
37.	East Lindsey District Council	17.02.23	<p>Letter re. proposed SoCC for the Immingham GET project.</p> <p>regards</p> <p><i>Content of attachment:</i></p> <p>Dear Sir/Madam,</p> <p>Your Reference: Our Reference: N/113/00038/23/IC [REDACTED]</p> <p>Date: 16 February 2023</p> <p>APPLICANT: Immingham Green Energy Terminal Project Team. PROPOSAL: Immingham Green Energy Terminal Proposals. Pre-submission consultation on PEIR and SoCC</p>	The Applicant notes the response. No further response was received in relation to the first Statutory Consultation.	N/A	N/A	N/A

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			<p>LOCATION: IMMINGHAM GREEN ENERGY TERMINAL</p> <p>Thank you for consulting East Lindsey District Council on your proposed Statement of Community Consultation in connection with the Immingham G.E.T. proposal. I can advise that this authority has no comments to make on its contents.</p> <p>Yours sincerely </p>				
38.	Local resident	Feedback form (ref. row 16 Q2)	Requested further information on how construction and operation of scheme will affect access to sea wall for angling.	<p>The Applicant held further discussions with a representative of the local sea angling community at the second Statutory Consultation in June 23.</p> <p>Further information on those discussions is included in the second Statutory Consultation non-technical response table (Appendix Q.1 of the Consultation Report [TR030008/APP/5.1]).</p> <p>Further feedback from the representative of the local sea angling community is included in the verbatim feedback form responses to the second Statutory Consultation (Appendix K.8 of the Consultation Report [TR030008/APP/5.1]).</p>	N/A	N/A	Consultation Report Appendix Q.1 and K.8 [TR030008/APP/5.1]
39.	Local resident	Feedback form (ref. row 5 Q4)	Scheme is noted as contributing to local economy but assistance could be provided by providing a post office and a bank.	<p>The Applicant welcomes support for the economic benefits of the Project.</p> <p>The provision of a post office/bank are not responses to effects of the application and are not therefore planning considerations in this application, and such provision is not within the gift of the Applicant.</p>	N/A	N/A	N/A
40.	Local resident	Feedback form (ref. row 40 Q5)	Noted support for the project but noted in relation to the monetary cost of the Project: 'depending on how much it will cost. there has to be a balance'.	<p>The Applicant welcomes support for the Project. The DCO is being brought forward by ABP.</p> <p>Air Products will be the first customer to use the new facility for the production of the green hydrogen.</p> <p>The project is being funded by both ABP and Air Products as outlined in the Funding Statement [TR030008/APP/3.3].</p>	N/A	N/A	Funding Statement [TR030008/APP/3.3]

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
41.	Local resident	Feedback form (ref. row 9 Q5)	Noted that the applicant should reduce demand on the National Grid for energy by making all homes install solar panels and wind turbines, with subsidies from local councils.	Regarding solar panels on homes and subsidy by the Council, this is not within the power of the Applicant. The alternative technology is noted, however the Project would provide the infrastructure designed to contribute towards the Government's aim of achieving 10GW of low carbon hydrogen production capacity by 2030, as defined in the British Energy Security Strategy, April 2022. The Green Energy Terminal in this location supports the development of the hydrogen production facility primarily due to Immingham being a deep water port that could facilitate the import of green ammonia using the very large gas carrying vessels that would be used, the industrial context of the location, the limited residential population in and adjacent to the Site and the good access to the existing road network which is suitable for HGVs.	N/A	N/A	N/A
42.	Local resident	Feedback form (ref: Q5 – R16;	General support for project	The Applicant notes the responses and appreciates the support for the project.	N/A	N/A	N/A
43.	Local resident	Feedback form (ref. row 12 Q8)	Request for ABP and AP to convert part of Immingham golf course into a public park.	The Applicant welcomes the suggestion, however the golf course does not form part of this Application and as such this would not be within the Applicant's powers. Further, it would not be considered as a response to an effect of the application and would not be a legitimate planning consideration.	N/A	N/A	N/A
44.	UK Capacity Reserve, UK Power Reserve, and Sembcorp Energy UK Limited	Feedback form (ref. Row 25 Q8)	UK Capacity Reserve UK Limited as leaseholder (Leaseholder) and UK Power Reserve as Guarantor and Sembcorp Energy UK Limited ("Companies") of a demised area in title HS364158 at Queen's Road ("Land") would request that the Land is carved out from the Site Boundary (as defined in the brochure) as in their view the Project can go ahead without being included. If this is not possible, the Companies request that their rights in the Land are not altered, impacted or impeded in any way. Further, the Leaseholder would request that its connection to gas mains, the electricity grid, water mains, sewer lines and any other utilities used for its occupation of the Land are not affected or interrupted in any way. The Leaseholder also requests that any development or construction or operational activity is managed to minimise disruption the	Land in title HS364158 is not included in the Red Line Boundary as no land or rights are to be acquired in respect of this title. The title (including the owners and occupiers) will be included in the Book of Reference [TR030008/APP/3.1] as a Category 3 interest as there may be an impact created as a result of the use of the project. However, in terms of any inadvertent disruption caused by the works, all live services in the respective work areas have been carefully mapped out and these will be protected. Furthermore, the tie-ins to the utilities networks will be undertaken by the relevant statutory undertaker to ensure they avoid, or absolutely minimise any potential outages caused by the works in accordance with their obligations as a Statutory body.	N/A	N/A	Book of Reference [TR030008/APP /3.1]

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			Leaseholder's activities on the Land for example access, rubbish or anything else.				
45.	Network Rail Property - Eastern Region	17.02.23	<p>FAO: Associated British Ports, Immingham Green Energy Terminal Project Team</p> <p>Proposed scheme: Immingham Green Energy Terminal</p> <p>I refer to your letter of 9 January 2023 in respect of the consultation under Section 42 of the Planning Act 2008 on the Immingham Green Energy Terminal development on land at the Port of Immingham.</p> <p>Network Rail is a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates, maintains and develops the main rail network. Network Rail aims to protect and enhance the railway infrastructure therefore any proposed development which is in close proximity to the railway line or could potentially affect Network Rail's specific land interests, will need to be carefully considered.</p>	<p>Noted, no response required.</p> <p>A section of Network Rail's response has been addressed in the first Statutory Consultation technical response table (Appendix P.2).</p>	No	No	N/A
			<p>...</p> <p>Impact on Network Rail Infrastructure</p> <p>Network Rail has been reviewing the information provided and note that proposals include routing of the pipeline corridor through operational railway land (at approx. PYE1 106m 1000yds), works in proximity to the railway and the siting of a works compound adjacent to the operational railway. To install and route a pipeline through railway property, the developer will require prior agreement with Network Rail. The developer will be need an easement/licencing agreements from Network Rail and we would recommend that they engage with us early in the planning of their scheme in order to discuss and agree this element of the proposals. Our Easements and Wayleaves Team can be contacted at easements&wayleaves@networkrail.co.uk.</p> <p>...</p>	<p><u>Land interest query</u></p> <p>The Applicant is engaged in ongoing discussions with Network Rail regarding both Easements and Wayleaves and Asset Protection. A Statement of Common Ground including details of legal agreements and protective provisions will be developed with Network Rail and submitted to the examination at the appropriate time.</p>	No	No	N/A
			...	<u>Boundary treatments</u>	No	No	N/A

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			In respect of works adjacent to the operational railway boundary including the compound, we will be keen to ensure that there are sufficient boundary treatments in place (appropriate fencing and Armco barriers) to prevent trespass and vehicle incursion onto the operational railway line. ...	With regards to boundary treatments, the Project will be designed to the latest standard to reduce risk of incursion onto the rail network, whilst security fencing designed to adhere to all required British Standards will surround the scheme.			
			... Any lighting on the site should be designed so that it does not glare/distraction to train drivers. ...	The HPF hydrogen production facility is closest to the rail line and lighting has not been designed for East or West Site areas. The assessment contained in the Lighting Assessment Report (Appendix 2.B [TR030008/APP/6.2]) considers that the design strategy will need to consider impacts to train drivers and avoid creating glare or distraction to train drivers as part of design development. The lighting of the Jetty and Access Road is at a sufficient distance that rail impacts are unlikely to occur. The hydrogen production facility is closest to the rail line and lighting has not been designed for East or West Site areas. The assessment contained in the lighting assessment advises that the design strategy will need to consider impacts to train drivers and avoid creating glare or distraction to train drivers as part of design development.	None, design not yet undertaken	None anticipated, TBC this will be determined based on the final site layout and requirements	Appendix 2.B: Lighting Assessment Report [TR030008/APP/6.4]
			... The routing of construction traffic (including HGVs/abnormal loads) and subsequent operational site traffic will require further consideration and discussion with Network Rail if such routes take in railway assets such as bridges (with low clearance/weight restrictions) and railway level crossings. At this stage the information supplied is not sufficiently detailed to fully assess potential impacts of the scheme on the railway and further information will be required to properly respond on the likely impacts of the proposed scheme. ...	<u>Traffic management</u> The Project's main interaction with railway infrastructure is the bridge on Queens Road over the railway line, which is not signed as having any traffic / weight restrictions. Therefore, use by HGV's will not require any restrictions to be put in place.	No	No	N/A
			...	<u>Asset protection</u>	No	No	N/A

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			<p>Network Rail will be seeking protection from the exercise of compulsory purchase powers over operational land either for permanent or temporary purposes. In addition, Network Rail will wish to agree protection for the railway during the course of the construction works and otherwise to protect our undertaking and land interests. Network Rail reserves the right to produce additional and further grounds of concern when further details of the application and its effect on Network Rail's land are available. In addition, any rights for power or other lines under, over or alongside the railway line will require appropriate asset protection measures deemed necessary by Network Rail to protect the operational railway and stations. We have standard protective provisions which will need to be included in the DCO as a minimum therefore contact should be made to [REDACTED] to obtain a copy of the relevant wording. In addition a number of legal and commercial agreements will need to be entered into, for example, asset protection agreements, method statements, connection agreements, property agreements and all other relevant legal and commercial agreements. This list is not exhaustive and will need to be reviewed once more details of the scheme are discussed between the parties.</p> <p>...</p>	<p>The Applicant is engaged with ongoing discussions with Network Rail regarding Asset Protection and Protective Provisions. A Statement of Common Ground including details of protective provisions will be developed with Network Rail and submitted to the examination at the appropriate time.</p>			
			<p>...</p> <p>Consideration should be given to ensure that the construction and subsequent maintenance can be carried out without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land. In addition, security of the railway boundary will require to be maintained at all times. In any event you must contact Network Rail's Asset Protection Engineers as soon as possible in relation to this scheme on the following e-mail address [REDACTED]</p> <p>...</p>	<p><u>Construction Impact</u></p> <p>The Project has been designed to ensure that the construction and maintenance works can be carried out without having an adverse impact on railway operations or encroaching on adjacent Network Rail line. The Project will be designed to the latest standard to reduce risk of incursion onto the rail network, whilst security fencing designed to adhere to all required British Standards will surround the development.</p>	N/A	N/A	N/A
			<p>...</p> <p>Network Rail is prepared to discuss the inclusion of Network Rail land or rights over land subject to there being no impact on the operational railway, all regulatory and other</p>	<p>Discussions are ongoing with Network Rail on terms which can be included in Project.</p>	N/A	N/A	N/A

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			<p>required consents being in place and appropriate commercial and other terms having been agreed between the parties and approved by Network Rail's board.</p> <p>Network Rail also reserves the right to make additional comments once we have evaluated the proposals in more detail.</p> <p>...</p>				
			<p>...</p> <p>Summary</p> <p>Network Rail would be grateful if the comments and points detailed within this consultation response are considered by Immingham Green Energy Terminal Development.</p> <p>Network Rail would welcome further discussion and negotiation with Immingham Green Energy Terminal Development/Associated British Ports in relation to the proposed development as required going forward. If you have any questions or require more information in relation to the above please let me know.</p> <p>Kind regards [redacted]</p>	The Applicant notes the feedback from Network Rail.	No	No	N/A
46.	Feedback form (ref. row 14 Q8)	19.01.23	Enquiry on whether hydrogen will be cheaper for purchase than petrol and diesel.	As part of the energy transition petrol and diesel vehicles are being phased out, there are already some large vehicles that are using hydrogen fuel and so the cost is competitive now in some applications.	No	No	N/A
47.	A Town or Parish council member	12.02.23	Yes how much tax will ABP pay on hydrogen manufactured in Immingham that they sell abroad? Who gains from this profiteering?	The Air Products hydrogen production facility is designed to convert ammonia to hydrogen to supply the UK market, any and all applicable taxes will be paid.	N/A	N/A	N/A
48.	Local resident	15.02.23	I would be interested to know about the plans for the existing and newly built Cycle super highway. I think the report was largely dismissive of the best interests of the people who live here. I will be enquiring of our local councillors of the expert advice they will be employing to assess the real risks to residents	There is no impact on the cycle highway, the Applicant has endeavoured to listen to and address the concerns of local resident during the consultation proces, as is documented in the Consultation Report and appendices.	N/A	N/A	N/A

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			of a hydrogen plant so close to the residential town.				
49.	A local ward councillor	29.03.23	Could the process be more energy efficient and make use of waste heat	<p>The process already utilises some waste heat and reuses some impure hydrogen as fuel.</p> <p>The liquefaction process operates at low temperature there are limited opportunities to use waste heat, however the cooling system systems are optimised to minimise the loss of refrigeration, based on operation of our similar plants around the world.</p>	N/A	N/A	N/A
50.	Immingham Power Limited / Welsh Power	20.02.23	<p>We represent the Power Plant on Queens Road, Immingham Power Limited. The site is within the development boundary, specifically the corridor for pipeline between east and west sites, it is not immediately clear how the site will be affected by both the general development or more specifically the pipeline.</p> <p>Immingham Power limited is a 16MW Gas Fuelled peaking power plant, for safe and successful operation it requires an uninterrupted gas/HV electrical/water supply as well unrestricted 24 hour access. We are interested to know of any potential interruptions to the supply of these utilities as the site around is developed. Additionally we would like to review any access limitations and how we would maintain 24 hour access to the site.</p>	<p>The land <i>in title HS364158</i> is not included in the Red Line Boundary as no land or rights are to be acquired in respect of this title.</p> <p>The title (including the owners and occupiers) will be included in the Book of Reference [TR030008/APP/3.1] as a Category 3 interest as there may be an impact created as a result of the use of the project.</p> <p>In terms of any inadvertent disruption caused by the works, all live services in the respective work areas have been carefully mapped out and these will be protected.</p> <p>Furthermore the tie-ins will be undertaken by the statutory undertaker to ensure they avoid, or absolutely minimise any potential outages caused by the works in accordance with their obligations as a Statutory body.</p> <p>The pipelines will be installed underground using a horizontal directional drill method without any surface work. As such there will be no disruption to the Immingham Power Ltd facility either for access or utility supplies.</p>	N/A	N/A	N/A
51.	Other – UK resident	26.01.23	I understand this is probably not the place/method to make this suggestion however - I can see the proposals include hydrogen loading bays but no proposal for ammonia loading bays. If ammonia loading bays are not included in the current plans would you consider including them? Currently there is only one ammonia supplier in the UK (CF), one of their sites has been closed (Ince) and the other (Billingham) is shutdown due to high gas	The project is to produce green hydrogen from green ammonia to contribute to net zero by converting HGV / large vehicle to hydrogen which is the reason to bring forward this proposal . It is the case that ammonia could be used for other applications, but that's not currently envisaged. Green ammonia is certainly an opportunity, but our focus is on hydrogen.	N/A	N/A	N/A

	Consultee	Date & method of feedback received	Feedback	Response	Design Change?	Additional Mitigation?	References
			<p>prices meaning they are supplying ammonia through imports into the UK. Another source of ammonia for the UK would be advantageous to increase robustness of industrial supply chains and would also give users the opportunity to source a "green" ammonia for their processes. In addition the Immingham import facility would be able to supply ammonia for potential future new green ammonia energy uses such as co firing in power generation, aviation, direct conversion in SOFCs, reduction of Iron Ore in steel manufacturing, local H2 cracking facilities etc. There also appears to be significant interest currently in using ammonia directly as a marine fuel also so could ammonia bunkering facilities also be included in the proposal? I understand it is very likely that the potential of loading ammonia road tankers has been explored and discounted (or included!) for sensible reasons however this stuff is something that interests me so thought it would be worth a message if not. Good luck with the project"</p>				

P.2

Responses relating to matters addressed in the ES

Second Statutory Consultation Response Table for matters addressed in the Environmental Statement (“ES”) [TR030008/APP/5.1]


Please note: In the columns headed Design Change and Additional Mitigation, where we have used ‘no’ this should not be taken to mean that there have been no design changes or no additional mitigation. In this context, ‘no’ means that there have been no specific design changes or particular additional mitigation measures included in the project, directly in response to the feedback received from the consultee. In a number of cases mitigation measures that already form part of the project are summarised in the technical responses in the Response column.

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
1.	The Coal Authority	10.01.23 Email	<p>Dear Project Team</p> <p>Further to your email below, I can confirm that having checked the Proposed Site Boundary of the project site, whilst the site lies within the coalfield, our records indicate that coal mining activity occurred at such depth that it is much less likely to pose a risk to the stability of ground and new development. In this area our records indicate no known or likely coal-mining legacy features at surface or shallow depth.</p> <p>Therefore the developer need to remain mindful that their site falls within the coalfield, and if unrecorded coal-mining hazards are found, they should contact the Coal Authority for further advice. I hope that this is helpful, however please do not hesitate to contact me if you require further assistance with this matter.</p>	<p>Noted.</p> <p>The Coal Authority will be contacted if unrecorded coal-mining hazards are found on site as stated in the Outline Construction Environmental Management Plan [TR030008/APP/6.5]. There are no indications to date that any coal mining hazards are present on site.</p>	No	No	<p>ES Chapter 21, Ground Conditions and Land Quality [TR030008/APP/6.2]</p> <p>Outline Construction Environmental Management Plan [TR030008/APP/6.5]</p>
2.	Witham Drainage/North East Lindsey Drainage board	23.01.23 Email	<p>Thank you for the opportunity to comment on the above. The site is within the North East Lindsey Drainage Board area. The Board maintained Habrough Marsh Drain (8) is on the Northwest of the site.</p> <p>The surface water catchment of the site discharges three ways.</p> <p>Northwest into the Board maintained Habrough Marsh Drain (8) gravity system.</p> <p>Southwest into the Board maintained Immingham 2 Pumping Station system.</p> <p>Northeast into Stallingborough North Beck. The watercourse is an Environment Agency main river, an Environment Permit (from the Environment Agency) will be required for any works within Byelaw distance and discharge outfall(s).</p> <p>Under the terms of the Board's Byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within the byelaw 9m distance of the top of the bank of a Board maintained watercourse, Habrough Marsh Drain (8).</p> <p>Under the terms of the Land Drainage Act. 1991 the prior written consent of the Board is required for any proposed temporary or</p>	<p>The surface water catchment of the Site has been discussed and agreed with the North East Lindsey Internal Drainage Board (“NELIDB”) to inform the Drainage Strategy.</p> <p>The areas of the Site that contain the Project currently drain to the local drainage ditches identified (as Systems 2 and 3) in the Drainage Strategy (Appendix 18.B [TR030008/APP/6.4]).</p> <p>Discharge rates have been agreed with NELIDB and are described in the Drainage Strategy (Appendix 18.B [TR030008/APP/6.4]).</p> <p>The proposed works do not connect directly to Stallingborough North Beck. All flows are attenuated in line with NELIDB requirements. Peak flows entering the Beck will be lower than the current case.</p> <p>The Applicant is in discussion with the NELIDB about disapplication of land drainage consents within the DCO. See Article 3 of the draft DCO [TR030008/APP/2.1].</p>	No	No	<p>Chapter 18, Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]</p>

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			<p>permanent works or structures within any ordinary watercourse including infilling or a diversion.</p> <p>Please send all future consultations to;- planning@witham3idb.gov.uk Regards [redacted] ...</p>				
			<p>...</p> <p>Any surface water discharges into the drainage systems to be attenuated to an agreed rate. As a brown field site the surface water discharge into the Boards drainage systems from any re-development will be expected to be reduced to 70% of the existing 'actual' discharge rate via any discharge points or routes. It is essential a full survey is undertaken to establish the existing surface water drainage system, catchments and current discharge rates. The Board has been contacted directly by the Consultants undertaking the drainage design for the site.</p> <p>...</p>	<p>A Drainage Strategy has been prepared and forms Appendix 18.B [TR30008/APP/6.4] of the ES. The Drainage Strategy has been produced in consultation with NELIDB.</p> <p>Only the East Site contains brownfield land. While the existing drainage infrastructure was identified, there was no clear way to establish the current brownfield discharge rate through measurement as this would have required multiple years of flow measurements. In order to address this, during a meeting with NELIDB, methods of estimating the current discharge rate were discussed and agreed. This resulted in a final discharge rate for that part of the East Site that is reported in the Drainage Strategy (Appendix 18.B [TR030008/APP/6.4]). The West Site is greenfield land and will attenuate to the greenfield run off rate. This is also described in the Drainage Strategy (Appendix 18.B [TR030008/APP/6.4]).</p> <p>The Drainage Strategy (Appendix 18.B [TR030008/APP/6.4]) is an outline strategy at this time. A final Drainage Strategy will be produced at the detailed design stage. Submission to and approval of the strategy by NELC in consultation with NELIDB and the Environment Agency, and compliance with the approved Strategy, is secured by a requirement of the draft DCO [TR0300008/APP/2.1].</p>	Revised finished elevations and storage solutions on 'West Site' to ensure that agreed discharge rates can be achieved (introduced as part of Change 3 in the second Statutory Consultation)	No	<p>ES Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]</p> <p>Appendix 18.B: Drainage Strategy [TR030008/APP/6.4]</p>

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			<p>...</p> <p>With regard to the land owned by the North East Lindsey Drainage Board a land interest questionnaire was returned on 16th November 2022. The land is adjacent to Parcel 55 which is the A1173. If the access to the Board's land is affected it is essential the Board is contacted to discuss and agree future access arrangements.</p> <p>...</p>	Access to the NELIDB land known as Parcel 55 will not be affected as part of the Project.	No	No	N/A
			<p>...</p> <p>An area of concern is the impact off shore. The proposals show new infrastructure in the Humber near to the gravity outfall of Habrough Marsh Drain, there is concern that this will result in siltation which will impede the discharge. The Flood Risk Assessment should address this and put in place measures to mitigate it.</p>	<p>The Habrough Marsh Drain gravity outfall and the associated intertidal area is considered in Chapter 16: Physical Processes [TR030008/APP/6.2]. The Chapter assesses the impacts of the marine development for both the construction and operation phases of the Project.</p> <p>Chapter 16: Physical Processes [TR030008/APP/6.2] states "Across the wider study area (including the existing berths at Immingham Oil Terminal (IOT), the rest of the intertidal area along the Immingham frontage, the Habrough Marsh Drain and Immingham Sea outfalls, the offshore banks and channels and the wider estuary up- and down-stream), the Project marine facilities have no impact on the existing (baseline) accretion and erosion rates." Based on this assessment no likely impacts are predicted from the construction and operation of the offshore infrastructure on the function of drains, outfalls etc, therefore any impacts on flood risk onshore are considered unlikely. No additional mitigation measures are required-</p> <p>This is confirmed in the Flood Risk Assessment ("FRA") appended at Appendix 18.A [TR030008/APP/6.4]</p>	No	No	<p>Chapter 16: Physical Processes [TR030008/APP/6.2]</p> <p>and</p> <p>Chapter 18, Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]</p>
3.	National Grid	06.02.23 Email	<p>Good morning,</p> <p>Please see attached NGETs response.</p> <p>Dear Sir / Madam</p>	Noted. National Grid Electricity Transmission PLC ("NGET") have been kept informed through formal communication channels, for example in relation to the second Statutory Consultation and will be kept informed going forwards.	No	No	N/A

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			<p>RE: Immingham Green Energy Terminal (the Proposed Development) Planning Act 2008 Section 42</p> <p>I refer to your letter dated 9th January 2023 regarding the above Proposed Development.</p> <p>This is a response on behalf of National Grid Electricity Transmission PLC (NGET).</p> <p>I confirm that NGET has no existing apparatus within or in close proximity to the proposed site boundary.</p> <p>We would like to be kept informed as this proposal progresses. Yours faithfully, [REDACTED] ...</p>				
			<p>...</p> <p>The following projects have been proposed and outlined in the Holistic Network Design and fall within close proximity to the proposed site boundary:</p> <ul style="list-style-type: none"> • E2DC; to construct a High Voltage Direct Current (HVDC) subsea link from Peterhead to a location in the South Humber area • E4D3; to construct a High Voltage Direct Current (HVDC) subsea link from Peterhead in the north east of Scotland to Drax in the Yorkshire area of England • E4L5; to construct a High Voltage Direct Current (HVDC) subsea link from Peterhead to a location in the South Humber area. 	<p>The relationships between the National Grid identified schemes and the Project have been reviewed as part of the first stage of the cumulative effects assessment as set out in Chapter 25: Cumulative and In-Combination Effects [TR030008/APP/6.2]. These projects have been discounted during Stage 1 for the following reasons:</p> <p>E2DC : the National Grid interactive map shows E2DC ending at Hawthorn Pit in Seaham, County Durham and not linking to the South Humber area. E2DC has therefore not been considered within the CEA as this is outside the largest Zone of Influence considered within the cumulative effects assessment .</p> <p>E4D3: does not fall within the 5km search area for major developments and therefore not been considered within the cumulative effects assessment.</p> <p>E4L5: does not fall within the 5km search area for major developments and therefore not been considered within the cumulative effects assessment.</p>	No	No	Chapter 25: Cumulative and In-Combination Effects [TR030008/APP /6.2]
4.	Canal & River Trust	08.02.23	Please find attached the response of the Canal & River Trust to the above proposal.	The Applicant notes the feedback.	No	No	Chapter 18, Water Use,

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			<p>Should you need to contact the Louth Navigation Trust, I have cc'd [redacted] their secretary into this correspondence.</p> <p>Kind regards  MRTPI Area Planner – Midlands</p> <p>Proposal: Developer Statutory Consultation on Immingham Green Energy Terminal</p> <p>Waterway: River Trent, River Ouse and Aire & Calder Canal</p> <p>Thank you for your consultation relating to the pre-application stage of the above NSIP.</p> <p>We are a charity which looks after and bring to life 2000 miles of canals & rivers. The Canal & River Trust is a prescribed consultee for the purpose of s42(a) Planning Act 2008 for proposed applications likely to have an impact on inland waterways or land adjacent to inland waterways.</p> <p>Having reviewed the Supplementary Consultation Report we wish to make the following comments:</p> <p>Given the location of the project and the relationship of the proposal with our network, we do not believe that the proposals as shown would impact our interests. Our closest waterways are the River Trent, River Ouse and the Aire & Calder Canal, all of which are located over 40km inland from the proposal. The Trust is Navigation Authority for these waterways. Should the scheme be amended to potentially affect our navigations, we would welcome further consultation on the proposals, so that we can advise about any potential impact for our network.</p> <p>The Louth Canal is not owned or managed by the Trust. However, pursuant to the charitable objectives of the Trust, the Trust supports the preservation, conservation and protection of inland waterways for the public benefit. We are aware that the Louth Navigation Trust (LNT) is dedicated to preserving the canal and encouraging future regeneration of the Louth Canal and support such initiatives. We recommend that you correspond with the LNT regarding your proposal, and we advise that consideration is given to any response from LNT on any impact that the proposal might have on LNT's preservation and regeneration objections.</p>	<p>The Proposed Development is not located in proximity to Canal and River Trust Assets. Further information is available in the ES at Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2].</p> <p>Correspondence was checked and sent out to the Louth Navigation Trust on 15.02.23 to make them aware of the Project, however a consultation response was not received.</p>			<p>Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]</p>

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			<p>Please do not hesitate to contact me with any queries you may have.</p> <p>Yours sincerely,</p> <p>██████████</p>				
5.	DFDS	09.02.23	<p>To Whom it May Concern</p> <p>Please find attached the response of our client, DFDS Seaways, to ABP's Statutory Consultation on Immingham Green Energy Terminal ("IGET").</p> <p>Yours faithfully</p> <p>██████████</p> <p><i>Contents of attachment below</i></p> <p>IMMINGHAM GREEN ENERGY TERMINAL PINS REFERENCE TR030008 RESPONSE TO STATUTORY CONSULTATION FROM DFDS</p> <ul style="list-style-type: none"> 1.1 This is a response from DFDS to ABP's statutory consultation for its proposed DCO application for the Immingham Green Energy Terminal ("IGET"). 1.2 DFDS is an international shipping and logistics company and one of the largest users of the Port of Immingham, with around 1000 employees involved in its operations there, both ferry- based and landside. 1.3 DFDS has responded to both statutory and supplementary consultations for ABP's other DCO application for the Immingham Eastern Ro-Ro Terminal ("IERRT") (PINS Reference TR030007) and expressed our concerns with that proposal around navigational safety, trunkway protection around the Immingham Oil Terminal ("IOT") and land-side congestion among other matters. Our response to this proposal is focused around how those areas of concern for the IERRT are exacerbated by the IGET and that the mitigation for the cumulative effect of both projects, where identified in IGET consultation materials, is insufficient. Although the IERRT application was withdrawn on 1 February we raise the issues below in anticipation of its imminent resubmission as indicated by the Applicant's letter of 1 February 2023 published by PINS. 	<p>The issued formal letter of response to DFDS can be found in this appendix (Appendix P.3)</p> <p>The existing operation of DFDS within the Port of Immingham is acknowledged and understood.</p> <p>The Applicant notes that consultation responses have also been made by DFDS to the statutory and supplementary consultations on the Immingham Eastern Roro Terminal ("IERRT") application (PINS Reference TR03007) and is aware of the points made in those responses. The Applicant further notes that the focus of this consultation response from DFDS in relation to the Project is on the cumulative effects of the Project with the IERRT project.</p> <p>With regard to cumulative effects of the two projects, the Applicant can confirm that a cumulative effects assessment of the construction and operation of the Project together with the IERRT project has been undertaken and is set out in detail in Chapter 25: Cumulative and In-combination Effects [TR030008/APP/6.2] of this Environmental Statement ("ES") and accompanying appendices.</p>	No	No	<p>Chapter 25: Cumulative and In-combination Effects [TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 22: Major Accidents and Disasters [TR030008/APP/6.2]</p>

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			<p>2 Absence of IERRT depicted on any visual materials 2.1 The IERRT structure is omitted in every visual representation in the IGET materials. The IERRT DCO may now be at the pre-application stage again , but the omission of the proposed structure misleadingly underplays the possibility of marine congestion in the area during both construction and operation should the two projects go ahead and the consequential safety risks in the vicinity of the jetty on the marine side of the IGET</p>	<p>The IERRT application is an entirely separate project, which is at the examination stage and is not yet consented. Consequently, there is no reason why it would need to be depicted visually on the application materials for the Project.</p> <p>The construction and operation of IERRT has been taken into account in the navigational risk assessment (“NRA”) which has been undertaken for the Project. The NRA is contained within Appendix 12.A: Navigational Risk Assessment [TR030008/APP/6.4].</p> <p>The cumulative effects of the Project with the proposed IERRT project have been assessed and is set out in Chapter 25: Cumulative and In-Combination Effects [TR030008/APP/6.2].</p>	No	No	<p>Chapter 12: Marine Transport and Navigation and Chapter 25: Cumulative and In-Combination Effects [TR030008/APP/6.2]</p>
			<p>3 Cumulative effects 3.1 There is inconsistency in the IGET consultation materials, particularly between the PEIR and the documents intended for general local audiences in how they consider the impact of the IERRT alongside the IGET. For example, the Statement of Community Consultation says that IERRT “is a separate project unrelated to the IGET project and the IGET team will make this clear in all materials and correspondence with stakeholders and the public.” This approach underplays the significance of the cumulative effect of the two projects taking place in such close proximity and does not reflect the approach which is better set out in the PEIR which correctly identifies the IERRT as the development in the area with the greatest potential to lead to significant cumulative effects (PEIR Volume 1 Non-Technical Summary at 5.21.) and notes that the two projects are in close spatial proximity with the potential for their construction programmes to overlap.</p>	<p>There is no inconsistency (as suggested) in the consultation materials for the Project in respect of the consideration of the cumulative effects of the Project and IERRT. The wording in the Statement of Community Consultation that IERRT “is a separate project unrelated to the IGET project and the IGET team will make this clear in all materials and correspondence with stakeholders and the public” was simply to avoid any confusion (primarily amongst members of the public) that the two projects were the same or directly linked due to both projects having the same applicant and thereby avoiding consultation responses being submitted for the wrong application. It is correct to say the two projects are unrelated and this does not mean (and cannot be said to be suggesting) that the two unrelated projects would not have a cumulative effect.</p> <p>As noted above, the assessment of the cumulative effects of the Project with the proposed IERRT project has been undertaken and is set out in Chapter 25: Cumulative and In-Combination Effects [TR030008/APP/6.2] and within Appendix 25.C: Assessment of Cumulative Effects [TR030008/APP/6.4]. The cumulative effects assessment is also</p>	No	No	<p>Chapter 25: Cumulative and In-Combination Effects [TR030008/APP/6.2].</p>

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				summarised in the non-technical summary of the ES.			
			<p>4 Navigational Safety – the finger pier 4.1 Mitigation for the most vulnerable part of the Immingham Oil Terminal (“IOT”) trunkway in the IERRT proposal suggested moving the most vulnerable part of the trunkway, the finger pier, to the eastern side of the main jetty. The IGET prohibits this as a mitigation option as it is in the same space. The IGET proposals consider that there are not likely to be significant cumulative effects in relation to the IERRT when considered together with the IGET for Major Accidents and Disasters and so provides no mitigation for what could be a potentially environmentally and commercially disastrous incident between a vessel and the IOT trunkway as it handles flammable, toxic and potentially polluting products which would affect all users of the port and could affect the operation of critical national infrastructure. This is a major safety concern and alternative mitigation needs to be provided in the IERRT DCO application that does not involve moving the finger pier, as the IGET proposal negates that option.</p>	We note that in relation to the IERRT application, following a full assessment which included a number of HAZID Workshops and navigational simulations and the submission of a comprehensive navigational risk assessment, which has been considered by the ABPs HASBoard, it has been concluded that the relocation of the IOT finger pier is not required as part of the IERRT development. As a consequence, the IERRT DCO application does not include the relocation of the finger pier as a mitigation and the relocation is not part of the scope of that application. It follows, therefore, that as such the IGET proposal does not conflict with the IERRT DCO application in this regard.	No	No	Chapter 12: Marine Transport and Navigation And Chapter 25: Cumulative and In-Combination Effects [TR030008/APP /6.2]
			<p>5 Navigational Safety - methodologies 5.1 The IGET proposes to use the International Maritime Organization FSA methodology and the Port Marine Safety Code to complete the Navigational Risk Assessment. The IGET consultation materials describe this methodology as ‘best practice’ for port marine operations and the preferred approach of the Maritime and Coastguard Agency. This only serves to bolster our concern that using mixed methodologies in the IERRT proposals is a flawed approach, which we expressed in our response to the supplementary consultation to the IERRT. It is unclear why the Applicant would use different methodologies across these two projects and we suggest they reconsider their approach to IERRT</p>	The Project is a separate project to IERRT. However, both projects apply the same risk assessment approach which follows the Port Marine Safety Code and its associated Guide to Good Practice on Port Marine Operations. The methodology used for the assessment are set out in Chapter 12: Marine Transport and Navigation [TR030008/APP/6.2] .	No	No	Chapter 12: Marine Transport and Navigation [TR030008/APP /6.2].
			<p>6 Marine navigation and congestion – tug availability 6.1 We have further concerns that marine navigation has not been considered cumulatively, in particular tug availability which is likely to be made more in demand by the IGET. If tugs are not so readily available to service the vessel movements on the IERRT and the IGET this will add to marine congestion and create delays in the vicinity.</p>	The concerns expressed relating to tug availability are noted. As you know, marine navigational planning is a complex process requiring the review of multiple input scenarios to ensure that the passage of merchant vessels is afforded the most expeditious solution. The role of Vessel Traffic Services therefore is an integral part of that process. The provision of towage on the Humber is wholly driven by market forces and it is reasonable to assume – and indeed has been proven in the past – that should demand for additional towage become	No	No	Chapter 12: Marine Transport and Navigation [TR030008/APP /6.2]. and Chapter 25: Cumulative and In-

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				apparent, tug providers will increase vessel resourcing accordingly.			Combination Effects [TR030008/APP/6.2]
			<p>7 Marine ecology</p> <p>7.1 The value of the ecological enhancements proposed for the IERRT have not been made clear and nothing has been further suggested in assessing the cumulative effect of both projects.</p>	A 150m safety (exclusion) zone will apply to passing vessels from the berth line. The position of the berth has been aligned with IOT which also has a 150m exclusion zone, to ensure the channel width available to passing vessels is maintained. Simulations have been carried out to successfully demonstrate there is adequate space for passing vessels. This has been assessed within the NRA, including a HAZID Workshop attended by existing port users.	No	No	<p>Chapter 12: Marine Transport and Navigation [TR030008/APP/6.2]</p> <p>and</p> <p>Chapter 25: Cumulative and In-Combination Effects [TR030008/APP/6.2]</p>
			<p>...</p> <p>8 Traffic and Transport</p> <p>8.1 The hydrogen produced as outlined in the IGET is going to be taken away from the facility by road tanker which will create a cumulative effect along with the traffic issues of the IERRT and other IGET traffic (e.g. during construction).</p> <p>8.2 2,200 additional HGVs are expected to use the East Gate for IERRT. We have expressed our concerns that the mitigation measures for the IERRT are insufficient, and we disagree with the statement in the IGET PEIR that these mitigation effects will reduce effects on a transport network to a level which is not significant; instead it will have unacceptable impacts on port users as well as local residents and businesses. Another 195 HGV movements a day during construction and 98 HGV movements a day during operation of the IGET will exacerbate this further and no additional mitigation has been proposed.</p> <p>...</p>	<p>We note the comments made relating to the adequacy of the proposed mitigation measures for traffic effects relates to the IERRT project which is not part of this application. With regard to the comments relating to the adequacy of the assessment undertaken for the Project we would just note that preliminary environmental information has been consulted upon. This information confirmed that a cumulative impact assessment would be carried out for the Project and will be provided as part of the DCO application for the Project which is submitted.</p> <p>The likely significant effects on traffic and transport for the Project have been assessed and are set out in Chapter 11 Traffic and Transport [TR030008/APP/6.2] of the ES. A cumulative impact assessment has been undertaken of the likely significant effects of the two projects on traffic and transport and the results of that assessment is set out in Chapter 25: Cumulative and In-Combination Effects [TR030008/APP/6.2] and its appendices.</p>	No	No	<p>Chapter 11: Traffic and Transport [TR030008/APP/6.2]</p> <p>and</p> <p>Chapter 25: Cumulative and In-Combination Effects [TR030008/APP/6.2]</p>
			...	As noted above, Chapter 12: Marine Transport and Navigation	No	No additional	Chapter 25, Cumulative

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			<p>9 Conclusion</p> <p>9.1 We remain extremely concerned that the safety risks, in particular around the IOT trunkway have been scoped out of assessment are not being considered in cumulative effect.</p> <p>9.2 Mitigation is needed to address the cumulative effect which the IGET will have with the IERRT and robust measures need to put in place before IGET can go ahead.</p>	<p>[TR030008/APP/6.2], identifies the mitigation measures proposed for the Project in respect of marine navigation and safety and (where appropriate) such measures are listed in the Schedule of Mitigation. Marine safety has not been scoped out of the assessment. A cumulative impact assessment has been undertaken of the likely significant effects of the two projects and the results of that assessment will be set out in Chapter 25: Cumulative Effects and In-Combination Effects [TR030008/APP/6.2] and its appendices.</p>		mitigation, beyond the measures committed to within Chapter 12: Marine Transport and Navigation [TR030008/APP/6.2]	and In-Combination Effects [TR030008/APP/6.2] and Chapter 12: Marine Transport and Navigation [TR030008/APP/6.2]
6.	West Lindsey District Council	10.02.23	<p>Please note this response has been separated for the purpose of responding to each point of feedback raised. The letter may not be displayed in the order in which it was submitted.</p> <p>Dear Sir/Madam</p> <p>Please see letter response from West Lindsey District Council.</p> <p>Kind Regards</p> <p>██████████</p> <p>PROPOSAL: Written Enquiry - Statutory consultation on proposed application for development consent by Associated British Ports</p> <p>LOCATION: Immingham Green Energy Terminal</p> <p>Thank you for your consultation on a proposed application for Development Consent Order, Section 42 and Section 43 of the Planning Act 2008, for the installation of an Immingham Green Energy Terminal.</p> <p>West Lindsey District Council in principle supports renewable energy development and the reduction of the local and national carbon footprint.</p> <p>It would be recommended that the Highways Authority at Lincolnshire County Council is consulted for comment.</p> <p>Yours faithfully</p> <p>██████████</p>	<p>The Applicant acknowledges and appreciates West Lindsey District Council's support for the Project.</p> <p>Lincolnshire County Council were consulted as part of both the first and second Statutory Consultations, however no response was received.</p>	No	No	N/A

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			Senior Development Management Officer On behalf of West Lindsey District Council ...				
			The western edge of the Terminal would be approximately 3 miles to the east of the nearest West Lindsey District boundary. Given the distances it is unlikely that the development would have any significant material impact on West Lindsey or its residents. West Lindsey's primary consideration would be the impact of the construction, operation and decommissioning phases on the local highway network if traffic was to be directed through parts of West Lindsey. ...	Through the measures set out in the outline CTMP [TR030008/APP/6.7] which is secured by a requirement in schedule 2 of the draft DCO, no HGV traffic is proposed to be routed through West Lindsey District. Also the majority of workers (80%) are assumed to be distributed within North East Lincolnshire. The traffic generation and distribution is set out within Section 11.8, Chapter 11: Traffic and Transport [TR030008/APP/6.2] .	No	No	Chapter 11: Traffic and Transport [TR030008/APP/6.2]
			... Chapter 11 of the PEIR does not mention West Lindsey or any of its main highway routes. West Lindsey would request that its highway network is considered in any future traffic and transport assessments even if this is to clarify that its highway network would not be utilised.	The traffic generation and distribution is set out within Chapter 11: Traffic and Transport [TR030008/APP/6.2] . As noted in this section and with reference to Table 11-19, all construction HGV traffic is assumed to use the M180 and therefore no construction HGVs are predicted to travel through West Lindsey. Construction HGV routing will be controlled through the adoption of the CTMP, the final version of which is to be agreed with NELC in accordance with the Outline CTMP [TR030008/APP/6.7] pursuant to a DCO requirement. With regard to construction workers, with reference to Table 11-18, 16% of construction workers are assumed to travel along the A1173 south of the A180. Based upon a peak construction workforce of 1,139 (919 on the terrestrial construction works and 220 on the marine construction works) and assuming that there will be 1.5 workers per car through the CWTP) gives a total number of construction worker cars of 759 arriving in the morning and departing in the afternoon per day. Therefore, based upon 16% of this traffic using the A1173 south this results in 123 vehicles per day arriving and departing each day, of which (with reference to table 11-18) 39 and 46 would travel in the weekday AM and PM peaks respectively.	No	No	Chapter 11: Traffic and Transport [TR030008/APP/6.2]

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				<p>The above traffic would dissipate across the wider highway network within West Lindsey and is not considered to result in a severe impact.</p> <p>During the operational phase and with reference to Table 11-23, there is predicted to be 8 car trips in each of the weekday AM and PM peak periods travelling along the A1173 south arising from the Project, along with an average of 4 HGVs per hour, which is not considered to result in a severe traffic impact on West Lindsey.</p>			
7.	Environment Agency	15.02.23	<p>Dear Sir/Madam</p> <p>Date: 15 February 2023 AN/2023/133938/01-L01 TR030008</p> <p>Immingham Green Energy Terminal - to facilitate the import of bulk liquids including ammonia (for the production of green hydrogen) & import/export of carbon dioxide.</p> <p>Thank you for notifying us of the statutory consultation being undertaken in accordance with Section 42 of the Planning Act 2008 for the above project, which commenced on 9 January 2023.</p> <p>We have reviewed the Preliminary Environmental Information Report (PEIR) Chapters and Annexes for topics within our remit and would make the following comments on these:</p> <p>...</p>	<p>The project team has been continuously engaging with the Environment Agency as part of its ongoing consultation, see Consultation Report, table 35: Summary of meetings held throughout Ongoing Engagement from July 2022 – August 2023, for a full record of meetings.</p> <p>The responses to the EA's feedback to the first Statutory Consultation are below, and are informed by ongoing engagement with the Environment Agency recorded in the Consultation Report and appendices. Further, the EA's feedback to the second Statutory Consultation and the project team's responses can be found at Appendix Q.2 to the Consultation Report.</p>	No	No	N/A
			<p>...</p> <p>1. 1.0 PEIR Chapter 2: The Project 2. 1.1 We had previously raised concerns that the development would impact existing residential dwellings on Queens Road. These concerns have now been addressed in the PEIR, noting</p>	<p>There are a number of residential and part residential properties within the Site on Queens Road. Given their proximity to the hydrogen production facility on the West Site, their acquisition is proposed in order to secure cessation of the residential use before</p>	No	No	Chapter 2: The Project [TR030008/APP /6.2]

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
			the intent to purchase these properties outlined in paragraph 2.4.11. ...	operation of that part of the facility. Discussions are taking place with affected owners and occupiers. The effects associated with the residential use during construction or the loss of the residential use of those properties is considered on a worst case basis within the relevant environmental topic assessments. For example, it is assumed that residents are still present during construction works (even though residents may have relocated by that time). For further information relating to the residential properties on Queens Road please refer to Chapter 2: The Project [TR030008/APP/6.2] .			
			... 4. 1.3 Paragraphs 2.4.37 to 2.4.42 explain how the design of the project has evolved since the submission of the Scoping Report. The changes made on the landside of the project have resulted in an area of the Immingham Household Waste Centre now being included. This is a permitted waste site (Reference EAWML 73067/EPR/PP3192NP on Queens Road, Immingham, DN40 1QR - Grid Ref: TA20399 14765). We will require the Environmental Statement to explain what provision is being proposed to continue to allow access to, and protect the permitted area, during the construction and operation of the proposed development. ...	<u>Access to Immingham Household Waste Centre</u> The Immingham Household Waste Centre located on Queens Rd is no longer located within the Order Limits, the facility is not directly affected by the proposed works. The routing of construction vehicles will be managed through the implementation of the Outline Construction Traffic Management Plan (“OCTMP”) [TR030008/APP/6.7] and which is to be secured by DCO requirement with the final CTMP being agreed with the NELC in accordance with the OCTMP prior to construction commencing on site. Measures have been put in place within the OCTMP to ensure access to the Immingham Household Waste Centre is maintained during construction of the Project.	No	No, although measures have been put in place within the OCTMP [TR030008/APP/6.7] to ensure access to the Immingham Household Waste Centre is maintained during construction of IGET.	Outline Construction Traffic Management Plan (“OCTMP”) [TR030008/APP/6.7]
			... 1. 2.0 PEIR Chapter 4 Legislative and Consenting Framework 2. 2.1 Paragraph 4.6.5 correctly identifies that the development will require a permit to operate under The Environmental Permitting (England and Wales) Regulations 2016 and will also fall to be regulated under The Control Of Major Accident Hazards Regulations 2015. ...	<u>Environmental Permit and COMAH notification</u> The Consents and Agreements Position Statement [TR030008/APP/7.5] accompanies the Application and the purpose of this statement is to provide information on the additional consents, licenses and agreements that are or may be required to construct and operate the Project (including environmental permits under the relevant regulations and the	No	No	Consents and Agreements Position Statement [TR030008/APP/7.5]

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
				requirements of the Control of Major Accident Hazards Regulations 2015).			
			... 3. 2.2 We have noted from the information in the PEIR that it is intended to use natural gas as fuel in some parts of the production process. This is something that we will review further and is likely to be a topic that will need to be discussed during the pre-application stage for the environmental permit. ...	The hazards associated with the use of natural gas are identified within ES Chapter 22: Major Accidents and Disasters [TR030008/APP/6.2] along with associated mitigation measures such as compliance with Dangerous Substances and Explosive Atmospheres Regulations ("DSEAR") 2002.	No	No	ES Chapter 22: Major Accidents and Disasters [TR030008/APP/6.2]
			... 1. 3.0 PEIR Chapter 9 Nature Conservation (Marine Ecology) 2. 3.1 This PEIR chapter provides detailed background/baseline information for fish and what has been scoped in/out is included in Table 9.11. The entrainment and/or removal of fish and fish eggs during dredging activities have been scoped into Table 9.11. This has then been ruled out for needing further assessment in the section beginning 9.7.78. 3. 3.2 However, this fails to consider the potential impacts of dredging on fish (entrainment and/or removal of fish) such as juvenile eel and lamprey living in sediments, which are unlikely to be able to escape the works. Measures may therefore be needed to minimise the impacts of dredging operations on fish and should be scoped into further assessment unless suitable justification is provided. ...	<u>Marine impact – dredging</u> Section 9.7.78 of the PEI Report did not rule out the potential for entrainment and/or removal of fish which was considered as part of the 'Direct loss or changes to fish populations and habitat as a direct result of dredging and dredge disposal' and has been considered as part of the assessment (Section 9.8) of Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] .	No	No	Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]
			... 1. 4.0 PEIR Chapter 16: Physical Processes 2. 4.1 In our response to the Scoping Report consultation, we advised that the assessment of changes to physical processes and what these impacts will be should also specifically consider whether these changes would have an impact on sea defences through changes to wave patterns or sedimentation. ...	ES Chapter 16: Physical Processes [TR030008/APP/6.2] includes assessment of impacts on wave climate and local and regional sediment transport pathways. The potential impacts on the local coastline (including existing defences), nearshore sandbank and channel system, existing berth and jetty infrastructure are included in the assessment.	No	No	Chapter 16: Physical Processes [TR030008/APP/6.2]
			... 3. 4.2 In response to our comments, Table 16.1 states that 'preliminary modelling of wave patterns and sediment transport has been carried out and the assessment is presented in Section 16.5' however, section 16.5 of the report is the study area.	ES Chapter 16: Physical Processes [TR030008/APP/6.2] cross-referencing has been updated. Assessment is presented in 16.8 of the chapter.	No	No	Chapter 16: Physical Processes [TR030008/APP/6.2]
			...		No	No	Chapter 16: Physical

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			<p>4. 4.3 Chapter 16 advises that the physical process changes will be updated in the Environmental Statement following the completion of the outstanding modelling. We would welcome further detail (before application submission) on the potential changes to physical processes and impacts and how this affects the Stallingborough North Beck outfall, the foreshore, and the standard of protection of flood defences on and off-site and any mitigation for this that will be proposed.</p> <p>...</p>	<p>Chapter 16: Physical Processes [TR030008/APP/6.2] states “Across the wider study area (including the existing berths at Immingham Oil Terminal (IOT), the rest of the intertidal area along the Immingham frontage, the Habrough Marsh Drain and Immingham Sea outfalls, the offshore banks and channels and the wider estuary up- and down-stream), the Project marine facilities have no impact on the existing (baseline) accretion and erosion rates.” Based on this assessment no likely impacts are predicted from the construction and operation of the offshore infrastructure on the function of drains, outfalls etc, therefore any impacts on flood risk onshore are considered unlikely. No additional mitigation measures are required.</p> <p>This is confirmed in the FRA appended at Appendix 18.A [TR030008/APP/6.4]</p>			<p>Processes [TR030008/APP/6.2]</p> <p>Chapter 18, Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]</p> <p>Appendix 18A Flood Risk Assessment [TR030008/APP/6.4]</p>
			<p>...</p> <p>1. 5.0 PEIR Chapter 18: Water Quality, Coastal Protection, Flood Risk and Drainage</p> <p>2. 5.1 Paragraph 18.3.6 Flood Risk Assessment (FRA) – we note the intention to submit a FRA to support the application and provide additional information below to assist you with the preparation of this.</p> <p>...</p>	<p>A FRA has been provided, appended at Appendix 18.A [TR030008/APP/6.4], a draft version of the FRA was shared with the Environment Agency and information provided has been used to inform the assessment of flood risk.</p>	<p>Yes. Further design development of access arrangements, in discussions with the Environmental Agency, to enable Environment Agency access to the sea wall and design of the flood defence works in proximity to the jetty access road crossing.</p>	<p>Yes. Further development of mitigation measures in relation to flood risk, including those detailed in ES Chapter 18, Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] and the Flood Risk</p>	<p>Chapter 18, Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]</p> <p>And</p> <p>Appendix 18.A Flood Risk Assessment [TR030008/APP/6.4]</p>

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						Assessment ("FRA") which forms ES Appendix 18A [TR30008/APP/6.4] .	
			<p>...</p> <p>3. 5.1.3 You may find additional information in the North and North East Lincolnshire Strategic Flood Risk Assessment (SFRA) advice matrix useful, which is available at: http://localplan.northlincs.gov.uk/evidence/flood_risk_advice_matrix.xlsx.</p> <p>...</p>	<p>Noted. This information has been used to inform the FRA appended at Appendix 18.A [TR030008/APP/6.4]</p>	No	No	<p>Chapter 18, Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]</p> <p>Appendix 18.A Flood Risk Assessment [TR030008/APP/6.4]</p>
			<p>...</p> <p>4. 5.1.4 Vulnerability of Development The PEIR refers to the National Policy Statement for Ports which states "Port development is water-compatible development and therefore acceptable in high flood risk areas". However, we understand the site will also require a Hazardous Substance Consent (referenced in the PEIR Chapter 4, paragraph 4.6.5) and Annex 3 of the NPPF: Flood risk vulnerability classifications, advises that such installations should be classified as 'Essential Infrastructure'. The vulnerability of the development should be confirmed and include any additional mitigation measures that may be necessary, resulting from this.</p> <p>...</p>	<p>Although the National Policy Statement for Ports states "Port development is water compatible development and therefore acceptable in high flood risk areas" the FRA appended at Appendix 18.A [TR030008/APP/6.4] confirms that the development vulnerability classification of "Essential Infrastructure" is applicable to the landside Hydrogen Production Facility, based on the requirement for Hazardous Substance Consent. The marine development is considered as Water Compatible.</p> <p>The Project will be designed to meet the requirements of the COMAH Regulations 2015, including flood preparedness. A Safety Report will need to be submitted before commencement of construction and a further Safety Report will be submitted prior to commencement of operations.</p> <p>The required mitigation measures are outlined in the FRA appended at Appendix 18.A [TR030008/APP/6.4] and are summarised in</p>	No	No	<p>Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]</p> <p>And</p> <p>Appendix 18.A: Flood Risk Assessment [TR030008/APP/6.4]</p>

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			<p>...</p> <p>6. 5.1.6 The Lifetime of the Development The PPG has recently been updated with a suggested lifespan for non- residential development and recommends working on an assumed 75- year lifetime (PPG paragraph 006, Reference ID: 7-006-20220825). In addition, it goes on to mention that some major infrastructure projects may be expected to have development lifetimes beyond 100 years and should be assessed for a longer period of time. We request that the FRA clearly states the expected lifetime for the development elements (the landside development, the marine infrastructure, plant or equipment on the jetty topside etc.) and includes the appropriate assessment to reflect this, along with decommissioning expectations/plans and information on how this will be secured in the Development Consent Order (DCO). ...</p>	<p>Section 18.5 of Chapter 18, Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]. It should be noted however, given the nature of the Project, there is no requirement for the Site to remain operational should a flood event occur. The Project is designed in such a way that it would remain safe over the lifetime of the development.</p> <p>The FRA, at Appendix 18.A [TR030008/APP/6.4], states, in line with the updated PPG, that the lifespan of the development is considered to be 75 years. In reality, the design life of the hydrogen production facility is approximately 25 years. However the terminal (the jetty and related topside infrastructure, save topside infrastructure serving the hydrogen production facility which may be decommissioned when that facility is decommissioned) together with the jetty access road would become part of the permanent port infrastructure, refurbished accordingly as required, therefore the 75 year lifespan for the development is considered appropriate. This and the approach to decommissioning is explained in greater detail in ES Chapter 2: The Project [TR030008/APP/6.2].</p> <p>The FRA, at Appendix 18.A [TR030008/APP/6.4] includes assessment of flood risk from tidal, fluvial, pluvial and groundwater sources using the recommended climate change scenarios, as detailed in the Environment Agency Flood Risk Assessment: climate change allowances guidance for the 75 year lifespan of the development. The residual risk of tidal flooding to the site should a breach in the flood defences occur is assessed against the 2115 0.1% AEP depth/velocity/hazard mapping for a breach event scenario and the associated flood depth for this event has been used to inform mitigation measures, where required. This provides a conservative approach to the assessment of flood risk over the lifetime of the development.</p>	<p></p> <p>No</p>	<p></p> <p>No</p>	<p></p> <p>Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP /6.2]</p> <p>And</p> <p>Appendix 18A: Flood Risk Assessment [TR030008/APP /6.4]</p> <p>And</p> <p>ES Chapter 2: The Project [TR030008/APP /6.2].</p>

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				The Applicant is in discussion with the Environment Agency about disapplication of the flood risk activity permit. See Article 3 of the draft DCO [TR030008/APP/2.1].			
			<p>... 8. 5.1.8 Impact on Environment Agency assets and flood risk management works We will need to ensure appropriate measures are in place to secure the continued protection of our assets throughout the construction, operation, and decommissioning phases. In line with other similar schemes, a legal agreement may need to be completed with us. ...</p>	<p>Mitigation measures to ensure the integrity of Environment Agency assets (the flood defences) are included in the FRA, at Appendix 18.A [TR030008/APP/6.4] and Chapter 18, Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2].</p> <p>The Applicant is in discussion with the Environment Agency about disapplication of the flood risk activity permit. See Article 3 of the draft DCO [TR030008/APP/2.1].</p>	Yes. Further design development of access arrangements, in discussions with the Environmental Agency, to enable Environment Agency access to the sea wall (see column left).	No	<p>Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]</p> <p>And</p> <p>Appendix 18.A: Flood Risk Assessment [TR030008/APP/6.4]</p>
			<p>... 9. 5.1.9 An area of concern for us is maintaining continued access to the flood defence northwards of the jetty. We will look to maintain continued access to this area with you, secured through an appropriate mechanism. ...</p>	<p>The Applicant has been actively engaging with Environment Agency during the pre-application process to understand their requirements and develop solutions that meet their needs.</p> <p>The Applicant recognises the importance of the Environment Agency's continued access to the zone between the IGET jetty and the APT jetty. Access for visual inspections and maintenance works will be provided through an appropriate mechanism. This mechanism will be suitable for the maintenance and emergency vehicles that have been agreed with the Environment Agency during pre-application engagement.</p>	Yes. Further design development of access arrangements, in discussions with the Environmental Agency, to enable Environment Agency access to the sea wall (see column left).	No	<p>Chapter 2: The Project [TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]</p> <p>And</p> <p>Appendix 18.A Flood Risk Assessment [TR030008/APP/6.4]</p>

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			<p>...</p> <p>10. 5.1.10 Whilst sufficient headroom could be made available for most maintenance operations, the need to use a larger plant would be restricted if an alternative access from Associated British Port's (ABP) land is not secured as part of this DCO (e.g. as and when the defences have to be adapted in the future to counter the growing risk of tidal overtopping and flooding). Access to Stallingborough North Beck and the outfall must also be maintained.</p> <p>...</p>	<p>The Applicant is aware of the Environment Agency's potential for future upgrade works to the flood wall. This would be a large project covering a significant section of coast. The scale of works and uncertainty regarding plant means that temporary access would need to be facilitated.</p> <p>Access to Stallingborough North Beck Drain and its outfall will be maintained.</p>	No	No	N/A
			<p>...</p> <p>11. 5.1.11 There should be no unadaptable development within 15.0m of the landward toe (plus width for any existing soak dyke) of the sea defences to allow for future improvements. Sufficient details should be provided on the works close to and over the existing defences and main rivers to give us the confidence that the required flood defence function will not be compromised at any time during the construction process. We welcome the continued pre-application engagement with ABP in respect of the works close to and over the existing defences and main rivers.</p> <p>...</p>	<p>It has been recognised that future upgrade works would be difficult within the footprint of the jetty. It has therefore been agreed during the pre-application engagement that the flood defence in this zone will be upgraded to the future flood level of 7.0m AOD as part of the Project. This matches the level for the EA's future upgrade project. The landward zone will also be covered with a hard surfacing, with drainage routes maintained through open top culverts.</p> <p>The Applicant's design for the heightened flood wall will include confirming the stability of the bund (as this is an integral part of the defence).</p> <p>No unadaptable development is planned outside of the footprint of the flood wall upgrade works.</p> <p>Continuity of flood defence will be maintained throughout the works. In case of any local demolition works the Contractor will be required to secure approval from the EA on a temporary works or deployable solution.</p> <p>Design development will also explore design and phasing strategies which allow the existing wall to remain in place until the new defence is constructed.</p> <p>The design of the jetty access road where it passes over the flood defences includes sufficient space for the flood defences to be improved and the defences along the landside frontage, beneath and in close proximity to the</p>	Yes. Further design development of access arrangements, in discussions with the Environmental Agency, to enable Environment Agency access to the sea wall (see column left).	No	<p>Chapter 2: The Project [TR030008/APP /6.2]</p> <p>And</p> <p>Appendix 18.A: Flood Risk Assessment [TR030008/APP /6.4]</p>

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				<p>jetty access road crossing, will be raised to a height of 7.0m AOD during the construction phase of the Project. Construction would be undertaken in such a way that the integrity of the flood defences would not be compromised.</p> <p>Further information is provided in Chapter 2: The Project [TR030008/APP/6.2] and Appendix 18.A Flood Risk Assessment [TR030008/APP/6.4].</p>			
			<p>...</p> <p>5.1.12 Available Data Additional Environment Agency data is available, which may assist you with the FRA. Please email our Customer and Engagement team at Inquiries@environment-agency.gov.uk to request the following data:</p> <ul style="list-style-type: none"> • Environment Agency Tidal Hazard mapping. Our Hazard Mapping shows the consequences of a breach or overtopping of our sea defences, including the likely flood depths, velocities and overall hazard that could impact the site; • 2020 Stallingborough and Oldfleet Model; • Historic flood extents; • Defence and asset data. <p>...</p>	<p>This information detailed by the Environment Agency, including the outputs of the 2020 Stallingborough and Oldfleet Model, has been obtained and used to inform the assessment of flood risk for the Project in the FRA, at Appendix 18.A [TR030008/APP/6.4]</p>	No	<p>Yes. Further development of mitigation measures in relation to flood risk, including those detailed in ES Chapter 18, Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] and The Flood Risk Assessment ("FRA") which forms ES Appendix 18.A [TR30008/APP/6.4].</p>	Appendix 18.A Flood Risk Assessment [TR030008/APP/6.4]
			...	Noted. This is outlined in the FRA, appended at Appendix 18.A [TR030008/APP/6.4]	No	No	Appendix 18.A: Flood Risk Assessment

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			3. 5.3 Paragraphs 18.4.6 and 18.4.10 – We would point out that the standard of protection of coastal assets takes account of wave height and an allowable overtopping rate. ...				[TR030008/APP/6.4]
			... 4. 5.4 Tables 18.8 – 10: The effect of Minor/Moderate adverse for Humber Estuary (Tidal flooding – medium) and tidal flooding could be greater as hazard mapping shows a significant number of residential properties within the breach flood cell. Further review and consideration should be given to this effect. ...	Existing residential development within the breach cell is at risk of flooding should a breach of the defences occur in the baseline scenario. The minor adverse effect relates to the change from this baseline assessment with regards to tidal flooding from a breach event with the development under construction/operation. The residual risk of flooding still remains and is therefore considered a minor adverse effect. These factors have been reviewed and taken into consideration in the FRA, at Appendix 18.A [TR030008/APP/6.4] and Chapter 18, Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] .	No	Yes. Further development of mitigation measures in relation to flood risk, including those detailed in Chapter 18, Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] and The Flood Risk Assessment (“FRA”) which forms ES Appendix 18.A [TR30008/APP/6.4] .	Chapter 18, Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] And Appendix 18.A: Flood Risk Assessment [TR030008/APP/6.4]
			... 5. 5.5 Paragraph 18.1.14 – We note that the “water resource needs for the Project have not yet been fully quantified, but a source of water for cooling purposes, fire water for emergencies and a source of potable water would be required”. You may be aware that the Environment Agency recently carried out work to explore the needs of industry and the impacts on the water environment of proposed technologies for carbon capture, storage, and hydrogen production in the net zero industrial clusters. The Humber Industrial Cluster was chosen for a pathfinder project and the results of this showed that water	Further detail on the Project’s water supply requirements are provided in Chapter 2 The Project [TR030008/APP/6.2] and also at Section 18.7 in Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk & Drainage [TR030008/APP/6.2] . Agreement has been reached in principle with Anglian Water for the provision of non-potable water to the required standards suitable for use in the site cooling towers for the hydrogen	No	No	Chapter 2: The Project [TR030008/APP/6.2] And Chapter 18: Water Use, Water Quality, Coastal

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			<p>resources need to be recognised as a limiting factor. Further information on this pathfinder project is available on request, and we would urge you to undertake sufficient assessment work to provide you with the confidence that water resources will be available to satisfy your project's requirements.</p> <p>6. 5.6 We also note that in response to the Scoping Report (Table 18.1) Anglian Water Services raised this issue and recommended the need for discussions on:</p> <ul style="list-style-type: none"> • Requirement for potable and raw water supplies; • Impact of the development on Anglian Water's assets including groundwater and water abstraction; • Requirement for water recycling connections <p>7. 5.7 If a new source of water or additional water from an existing source is being considered, the Environment Agency must be contacted at the earliest opportunity to discuss water availability and abstraction licencing requirements. Please note, the granting of an abstraction licence or a variation to an existing licence is not guaranteed – further information regarding water availability can be found in the Abstraction Management Strategy for the catchment: The-Grimsby- Ancholme-and-Louth-abstraction-management-strategy.pdf (publishing.service.gov.uk).</p>	<p>production facility, sufficient for the full Project (Phases 1-6). This water is to be transferred to the site from an existing Anglian Water resource. The use of non-potable water for this Application will reduce the pressure of the Project on an already water stressed Water Resource zone within the UK.</p>			Protection, Flood Risk & Drainage [TR030008/APP /6.2]
			<p>...</p> <p>8. 5.8 Section 18.4 - In addition to the baseline conditions currently identified, Magic Map Application (defra.gov.uk) identifies North Beck Drain as a High Certainty chalk river and identifies a number of the drains near the proposed site as Low Certainty chalk rivers. MagicMap details that chalk rivers are recognised as a priority habitat for protection under the UK Biodiversity Action Plan. The North Beck Drain was raised during a meeting between consultants, AECOM, and the Environment Agency on 17 November 2022 and it was highlighted that the proposed development could potentially cause deterioration, which in turn would reduce the scope for any future improvements of the North Beck Drain – the meeting organiser recorded this as an action for further consideration.</p> <p>...</p>	<p><u>North Beck Drain</u></p> <p>The status of the North Beck Drain has been reviewed and taken into consideration in Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage and also in the WFD Compliance Assessment appended at Appendix 17.A [TR030008/APP/6.4].</p> <p>The designations on Magic Map do not appear to take account of the presence of Boulder Clay (glacial deposits) and Alluvium (estuarine deposits) both of which will lie above and provide protection to the Chalk aquifer. The local geology therefore limits the surface connectivity with the underlying groundwater.</p>	No	No	Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk & Drainage [TR030008/APP /6.2]
			...	<u>WFD Compliance</u>	No	No	Appendix 17.A: WFD

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			<p>9. 5.9 We note that a Water Framework Directive (WFD) assessment will be undertaken (mentioned in paragraph 18.3.5) to determine whether the project complies with the objectives of the WFD. We look forward to reviewing this in due course.</p> <p>...</p>	<p>The WFD Compliance Assessment is appended at Appendix 17.A [TR030008/APP/6.4].</p>			<p>Compliance Assessment [TR030008/APP/6.4]</p>
			<p>...</p> <p>1. 6.0 PEIR Chapter 21 Ground Conditions and Land Quality</p> <p>2. 6.1 We have reviewed this chapter of the PEIR in relation to the protection of controlled waters only. We are satisfied that you are adopting an appropriate approach for the management of potential risks posed by contamination at the site. It is understood that a ground investigation is to be undertaken to support the land contamination risk assessment, and a remediation strategy will be prepared to support the DCO application.</p> <p>3. 6.2 We recommend that you:</p> <ol style="list-style-type: none"> 1. Follow the risk management framework provided in 'Land contamination: risk management' when dealing with land affected by contamination; 2. Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site – the local authority can advise on risk to other receptors, such as human health; 3. Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed; 4. Refer to the contaminated land pages on gov.uk for more information. <p>...</p>	<p>The Environment Agency's response is noted by the Applicant.</p> <p>A risk assessment has been undertaken as part of the ground investigation reported in Appendix 21.B [TR030008/APP/6.4] in accordance with the Environment Agency's Land Contamination Risk Management ("LCRM") and with reference to its guiding principles for land contamination and guidance within contaminated land pages on the gov.uk website (as suggested by the Environment Agency).</p>	No	No	<p>Chapter 21: Ground Conditions and Land Quality [TR030008/APP/6.2]</p> <p>And</p> <p>Appendix 21.b: Ground Investigation Report [TR030008/APP/6.4]</p> <p>And</p> <p>Appendix 21.c: Outline Remediation Strategy [TR030008/APP/6.4]</p>
			<p>...</p> <p>6.3 Paragraph 21.4.14 mentions that dewatering may be required to take place during construction. Should this be the case, the Environment Agency must be contacted in order to discuss abstraction licencing and environmental discharge permit requirements for such activities. Please note, the granting of an abstraction licence and discharge permit is not guaranteed.</p> <p>Please note that the view expressed in this letter is a response to a pre-application enquiry only and does not represent our final view in relation to any future planning application made in relation to this site. We reserve the right to change our position in relation to any such application.</p> <p>Should you require any additional information, or wish to discuss</p>	<p>The Outline CEMP [TR030008/APP/6.5] includes measures placing an obligation on the contractor to engage the Environment Agency in the event that a requirement for dewatering during construction is identified.</p>	No	No	<p>The Outline CEMP [TR030008/APP/6.5]</p>

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			<p>these matters further, please do not hesitate to contact me at the number below. Yours faithfully [REDACTED] ...</p>				
			<p>.... 5.1.1 The project site falls within Flood Zone 3, which is land defined by the Planning Practice Guidance (PPG – Flood risk & coastal change section) as having a high probability of flooding. The National Planning Policy Framework (NPPF) (paragraph 167, footnote 55) and National Policy Statement EN-1 (paragraph 5.7.4) states that a FRA must be submitted when development is proposed in such locations, and we welcome the further pre-application discussions that you are undertaking with us on the scope and requirements of this.</p> <p>5. 5.1.5 In Flood Zone 3a, 'Essential Infrastructure' should be designed and constructed to remain operational and safe in times of flood. ...</p>	<p>The FRA which forms Appendix 18.A [TOR30008/APP/6.4] has been undertaken in accordance with the requirements of the National Policy Statement for Ports ("NPSfP") and the National Planning Policy Framework ("NPPF"). The FRA identifies and assesses flood risk from all sources to and from the development both for the existing baseline and taking into account climate change over the lifetime of the development. Mitigation measures are included at Section 18.5 of Chapter 18, Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] to manage flood risk associated with the Project.</p> <p>The FRA, appended at Appendix 18.A [TR030008/APP/6.4], confirms that the development vulnerability classification of "Essential Infrastructure" is applicable to the landside Hydrogen Production Facility, based on the requirement for Hazardous Substance Consent. The marine development is considered as Water Compatible.</p> <p>Given the nature of the Project, there is no requirement for the Site to remain operational should a flood event occur. The Project is designed in such a way that it would remain safe over the lifetime of the development.</p>	No	Yes. Further development of mitigation measures in relation to flood risk, including those detailed in Chapter 18, Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] and The Flood Risk Assessment ("FRA") which forms ES Appendix 18.A [TR30008/APP/6.4].	<p>Chapter 18, Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]</p> <p>And</p> <p>Appendix 18.A Flood Risk Assessment [TR030008/APP/6.4]</p>
			<p>... 3. 1.2 Paragraph 2.3.41 - we would point out that in addition to the tidal flood risk explained in this section, the site is also at risk of fluvial flooding. The site lies adjacent to the Stallingborough North Beck Main River and flood levels from this system should inform the flood risk assessment (FRA), ensuring that there is no increase in flood risk to third parties as a result of the development proposals. ...</p>	<p>Appendix 18.A Flood Risk Assessment [TR030008/APP/6.4]). assesses in detail the risk of fluvial flooding from North Beck Drain. The hydraulic modelling outputs from the 2020 Stallingborough & Oldfleet Model, provided by the Environment Agency, have been used in the assessment. The FRA confirms that a small area of the Temporary Construction Area (Work No.9) is located within</p>	No	No	<p>Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]</p>

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				Flood Zone 2. There would be no increase in flood risk from the North Beck Drain Main River to third parties as a result of the Project.			And Appendix 18.A Flood Risk Assessment [TR030008/APP/6.4]
			... 8. 5.1.7 Climate Change Although Chapter 4 (paragraph 4.4.3) states that the “relevant NPS that applies to this Project is the National Policy Statement for Ports”, Chapter 8 (paragraph 18.3.6) acknowledges that the FRA will be prepared in accordance with the Overarching NPS for Energy (EN-1). Accordingly, it is our view that the assessment of climate change should include consideration of a maximum credible scenario (EN-1 paragraph 4.8.8) The range of climate allowances that should be considered is explained at flood risk assessments: climate change allowances, including the ‘credible maximum scenario’. ...	<u>Climate change</u> The assessment of climate change, including the Maximum Credible Scenario, has been undertaken in line with the Environment Agency updated Flood Risk Assessments: Climate Change Allowances guidance for fluvial and tidal sources within the FRA, at Appendix 18.A [TR030008/APP/6.4] . The Maximum Credible Scenario is used as a sensitivity test for the worst-case climate change scenario.	No	No	Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] And Appendix 18.A: Flood Risk Assessment [TR030008/APP/6.4]
			... 4. 5.4 Tables 18.8 – 10: The effect of Minor/Moderate adverse for Humber Estuary (Tidal flooding – medium) and tidal flooding could be greater as hazard mapping shows a significant number of residential properties within the breach flood cell. Further review and consideration should be given to this effect.	<u>Tidal flooding</u> These factors have been reviewed and taken into consideration in the FRA, at Appendix 18.A [TR030008/APP/6.4] and as relevant at Section 18.4 of Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] .	No	No	Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] And Appendix 18.A: Flood Risk Assessment [TR030008/APP/6.4]
8.	Marine Management Organisation	16.02.23	Good Afternoon, Please find attached the Marine Management Organisation’s response to the Statutory Consultation in relation to the Immingham Green Energy Terminal Project. MMO Reference: DCO/2022/00012. If you require any further information please do not hesitate to contact me using the details provided below.	Noted, no response required to this introductory section of the MMO response. Responses to the issues raised by the Marine Management Organisation are provided in the rows below.	No	No	N/A

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			<p>Kind Regards,</p> <p>Attachment here</p> <p>Content in full:</p> <p>16 February 2023 Dear Mr Graham T +44 (0)300 123 1032 F +44 (0)191 376 2681 www.gov.uk/mmo Our reference: DCO/2022/00012</p> <p>Immingham Green Energy Terminal Project Preliminary Environmental Report (PEIR) consultation - Section 42 Planning Act 2008</p> <p>Thank you for the email from the Immingham Green Energy Terminal Project Team, dated 9 January 2023, notifying the Marine Management Organisation (the “MMO”) that the statutory consultation period on the proposed Immingham Green Energy Terminal (the “Project”) would begin 9 January 2023 and end 20 February 2023.</p> <p>You have previously informed the MMO of Associated British Ports’ intention to submit an application for a Development Consent Order (DCO) under the Planning Act 2008 (the “2008 Act”) for the proposed Project, which entails a new liquid bulk important terminal and associated processing facility to deliver a green hydrogen production facility.</p> <p>The MMO’s role in Nationally Significant Infrastructure Projects</p> <p>The MMO was established by the Marine and Coastal Access Act 2009 (the “2009 Act”) to make a contribution to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas. The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and for Welsh and Northern Ireland offshore waters by way of a marine licence. Inshore waters include any area which is submerged at mean high water spring (“MHWS”) tide. They also include the waters of every estuary, river, or channel where the tide flows at MHWS tide. Waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area.</p> <p>In the case of Nationally Significant Infrastructure Projects</p>				

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			<p>("NSIPs"), the 2008 Act enables Development Consent Order's ("DCO") for projects which affect the marine environment to include provisions which deem marine licences.</p> <p>As a prescribed consultee under the 2008 Act, the MMO advises developers during pre- application on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works.</p> <p>Where a marine licence is deemed within a DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence ("dML") enable the MMO to fulfil these obligations.</p> <p>Further information on licensable activities can be found on the MMO's website. Further information on the interaction between the Planning Inspectorate and the MMO can be found in our joint advice note⁴.</p> <p>The Project: Immingham Green Energy Terminal</p> <p>The project comprises the construction and operation of a terminal to facilitate the import and export of bulk liquids associated with the energy sector. The terminal would consist of a jetty and associated loading and unloading infrastructure, pipelines and metering systems.</p> <p>Initially, the terminal would be used for the import and export of green ammonia to be converted to green hydrogen. To facilitate this, a hydrogen production facility, comprising associated ammonia handling equipment, storage and processing units would be constructed as part of the project. It is anticipated that up to 300 MW of hydrogen per annum would be produced, which is estimated to meet up to 3% of the Government's hydrogen production capacity target.</p> <p>The MMO has reviewed the consultation documents that have been available online (https://imminghamget.co.uk/) since 9 January 2023 in consultation with our scientific advisors at the Centre for Environment, Fisheries and Aquaculture (Cefas) and sets out our initial comments below.</p> <p>The MMO has focused on the following chapters of Volume II of</p>				

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			<p>the Preliminary Environmental Information Report (PEIR) (dated December 2022), however has also reviewed some figures and appendices in Volume III and IV:</p> <ul style="list-style-type: none"> • Chapter 1 Introduction • Chapter 2 The Project • Chapter 9: Marine Ecology • Chapter 16: Physical Processes • Chapter 17: Marine Water and Sediment Quality • Chapter 25: Cumulative and In-Combination Effects • Appendix 9.B Underwater Noise <p>The MMO reserves the right to make further comments on the Project throughout the pre- application process and may modify its present advice or opinion in view of any additional information that may come to our attention.</p> <p>Comments on the Immingham Eastern Ro-Ro Terminal Statutory Consultation</p> <p>...</p>				
			<p>...</p> <p>Chapter 9: Marine Ecology Benthic Ecology</p> <p>1.1. While the introduction and spread of invasive non-native species (INNS) will be addressed under the Construction Environmental Management Plan (CEMP) for the project, the MMO consider the piles that provide support for the jetty and approach trestle to provide suitable structure for the settlement of INNS, such as the leathery sea squirt, <i>Styela clava</i>, which has been recorded in the area, and for others yet to be identified. The MMO consider that the impacts of INNS that may recruit on infrastructure should be considered further and included in any monitoring assessment following construction.</p> <p>...</p>	<p><u>Marine impact – invasive species</u></p> <p>Noted. Consideration of the potential for non-natives to colonise piles and other structures has been included within the Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] (operational phase, Section 9.8) and in the Outline Construction Environmental Management Plan [TR030008/APP/6.5] secured by a condition on the deemed marine licence.</p>	<p>The jetty design process has continued to ensure the impacts on the marine environment, and in particular the inter-tidal mudflats, have been minimized as far as possible. This includes consideration of the alignment of the jetty and the berth pocket.</p>	<p>Best practice guidance has been developed on how to manage marine biosecurity risks and invasive non-native species (INNS) at sites and when undertaking activities through the preparation and implementation of biosecurity plans (Cook et al., 2014). This has been used to develop measures</p>	<p>Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]</p> <p>And</p> <p>Outline Construction Environmental Management Plan [TR030008/APP/6.5]</p>

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						<p>that will be secured in the CEMP and will be followed during the dredging process:</p> <ul style="list-style-type: none"> • 'Check, Clean and Dry' method: <p>Following the 'Check, Clean and Dry' method, prior to use, marine construction equipment will be checked for mud, aquatic animals or plant material and anything found will be removed. Equipment will be cleaned thoroughly, and allowed to fully dry to kill off any organisms that may have attached. This process will</p>	

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						<p>also be undertaken once relevant marine construction activities are completed and before equipment is removed from the site.</p> <ul style="list-style-type: none"> • Hull Cleaning: The hulls of any vessels used during construction will be maintained through regular cleaning to minimise the number of fouling organisms present. Hull cleaning can take place on land or in-water. In both cases, care will be taken to prevent the organisms and coating particles from being released into the water. 	

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						<ul style="list-style-type: none"> • Protective Coatings: The use of protective coatings on any vessels used during construction will be employed to reduce the fouling of the vessel's hull and other below-water surfaces. These coatings usually contain a toxic chemical (such as copper) or an irritant (such as pepper) that discourages organisms from attaching. Other coatings, such as those that are silicone-based, provide a surface that is more difficult to adhere to 	

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						firmly, making cleaning of the hull less laborious. The type and concentration of coatings that can be applied to a boat hull is regulated and can vary between countries.	
			<p>... Coastal Processes 1.2. Section 9.7.28 indicates that the development would be a very minor intervention in the sediment cycling within the estuary volumes and Table A10 (Appendix 16A) suggests that the mud transport model reproduces the essential features of the sediment system. However, Plate A21 (Appendix 16A) shows that the suspended sediment concentrations (SSC) model yields a good overall pattern but a (very) large number of observations of SSC are well in excess of the modelled curve, i.e., actual total suspended sediment is very often substantially underestimated by the model. The PEIR should comment on how the modelled (under-) estimates used might (or not) have affected the impact assessment. ...</p>	<p><u>Marine impact – Suspended Sediment Concentration (SSC)</u> In response to Para 1.2 of the MMO response on coastal processes, additional data has been included from survey within Chapter 16: Physical Processes (Appendix 16.A) [TR030008/APP/6.2], to include focus on natural excess SSC events' in order to provide context to the predicted dredge/disposal impacts. Additional review and description of the model performance against the measured data has been included in the ES Chapter 16: Physical processes (Appendix 16.A) [TR030008/APP/6.4].</p>	No	No	Chapter 16: Physical Processes [TR030008/APP/6.2]
			<p>... Fisheries and Fish Ecology 3. 1.3. For the purpose of the Environmental Statement (ES), it is not appropriate to quantify habitat loss for fish receptors as a percentage of total available habitat. Fish do not use habitat uniformly and may use discrete locations for feeding and spawning activities which will vary from year to year and season to season. ...</p>	<p><u>Marine impact – fish ecology</u> The assessment in the ES provides further detail on the individual receptors sensitivities to suspended sediment concentrations ("SSC") and also considers the temporal aspect in terms of how often particularly high background SSC occurs and the timing of this and the spatial aspect and characteristics of the plume in relation to swimming behaviour. Further information is provided on feeding and spawning habitats for sensitive receptors in ES Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2].</p>	The jetty design process has continued to ensure the impacts on the marine environment, and in particular the inter-tidal mudflats, have been minimized as	No	Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]

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					far as possible. This includes consideration of the alignment of the jetty and the berth pocket.		
			<p>...</p> <p>4. 1.4. At this stage, the MMO do not support the preliminary assessment conclusion that impacts from changes in water and sediment quality as a result of dredging are not significant for fish. The justification for this conclusion is based on the following; fish receptors in the Humber estuary are anticipated to be well adapted to living in an area with variable and typically high SSC; fish are expected to move to avoid areas of adverse conditions; plumes resulting from dredging and dredge disposal are expected to be localised and short lived due to strong hydrodynamic conditions in the area. Regarding salmonids and other migratory fish, the PEIR acknowledges that these species can be sensitive to elevated SSC, however, it is assumed that they would be able to avoid the sediment plumes. However, the assessment has not considered the effect of high background levels on SSC in-combination with elevated SSC as a result of capital dredging, which could result in SSCs and reduced water quality that exceed background levels. Furthermore, the timing of dredging (and piling) activity has not been discussed in the context of the migratory seasons of diadromous fish. Avoidance of an impacted area by migratory species may not always be possible for some species, particularly those in their juvenile stages or using selective tidal stream transport to move up/downstream from their natal grounds and especially when dredging is proposed on a 24/7 basis. In addition, avoidance of an impacted area can lead to additional stressors such as increased expenditure of energy and increased respiration which may reduce overall levels of fitness at critical life stages. The MMO recommend that the final assessment for changes in water and sediment quality in the ES provides consideration of the above comments, particularly in respect of the timing of dredging activity in relation to the timing of migratory period of fish in the Humber.</p> <p>...</p>	<p><u>Marine impact - dredging</u> Further information on migration periods of key species and timing of dredging and marine piling operations has been provided alongside more detail on the temporal and spatial characteristics of the dredge plume and on the zone of influence from underwater noise from marine piling in ES Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2].</p>	The jetty design process has continued to ensure the impacts on the marine environment, and in particular the inter-tidal mudflats, have been minimized as far as possible. This includes consideration of the alignment of the jetty and the berth pocket.	No	Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]
			<p>...</p> <p>5. 1.5. Changes to fish populations and habitat due to maintenance dredging and disposal has been scoped out of the ES as the impacts are anticipated to be equivalent to or lower</p>	<p><u>Marine impact – maintenance dredging</u> In response to Paras 1.5, 1.6 and 1.7 in the MMO response on fisheries and fish ecology, further information on maintenance dredging</p>	The jetty design process has continued to	No	Chapter 9: Nature Conservation (Marine

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			<p>than the capital dredging and comparable to or lower than existing maintenance dredging regime. The maintenance dredge footprint and proposed disposal site are considered unlikely to provide important nursery or spawning functions for fish species as a result of the disturbed nature of these habitats. Whilst the MMO generally agree with this assessment, the scope of the maintenance dredging is yet to be fully determined in the PEIR, and therefore it is difficult to fully assess the potential impacts. If this is to be equivalent to the planned capital dredging (as stated in the report), then this should be taken forward for further assessment in the upcoming ES.</p> <p>6. 1.6. Changes in water and sediment quality due to maintenance dredging and disposal has been scoped out of the ES as changes in water quality are expected to be lower than for capital dredging and similar to existing maintenance dredging. Whilst the MMO generally agree with this assessment, as per point 1.4., the scale of the maintenance dredging is still yet to be clearly stated, but will be set out in the upcoming ES. If the scale of the maintenance dredging is to be potentially similar in scale to the capital dredging this should also be taken forward for further assessment within the ES and should be properly characterised and quantified before it can be excluded.</p> <p>7. 1.7. Underwater noise due to maintenance dredge and dredge disposal has been scoped out of the assessment on the basis that under the worst-case scenarios the impact of underwater noise due to dredging activities on fish receptors will be insignificant. The MMO disagree with this statement. Firstly, the underwater noise assessment states that dredging could cause moderate behavioural impacts on all types of fish receptors (physostomous and physoclistous) at the intermediate distances (i.e. hundreds of metres from the source). This might seem insignificant in the context of the Humber estuary, however there may be potential for cumulative impacts with other activities. Secondly, if the impacts of underwater noise due to maintenance dredging are anticipated to be similar to capital dredging activities, this should also be taken forward for assessment within the ES. ...</p>	<p>has been provided in ES Chapter 9: Nature Conservation (Marine Ecology) (Section 9.8) [TR030008/APP/6.2] including an assessment of potential effects relating to this pathway. The need for future maintenance dredging within the new berth pocket is expected to be very limited (if required at all). It is considered that the likely impacts on marine receptors as a result of maintenance dredging will be comparable to the existing maintenance dredge regime. The magnitude of potential impacts is also considered to be lower than the capital dredge. On this basis, potential effects associated with all the maintenance dredging pathways that have been assessed as insignificant.</p>	<p>ensure the impacts on the marine environment, and in particular the inter-tidal mudflats, have been minimized as far as possible. This includes consideration of the alignment of the jetty and the berth pocket.</p>		<p>Ecology) [TR030008/APP/6.2]</p>
			<p>... 8. 1.8. The impact of lighting due to vessel operations has been scoped out of the assessment as impacts are expected to be small and localised within the context of the Humber estuary. The MMO agree with the assessment, however, recommend that where practicable, and safe to do so, lighting should be directed to best avoid unnecessary light-spill on the water. ...</p>	<p><u>Light pollution</u> Lighting design has been reviewed and optimised to avoid any unnecessary light-spill on the water Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] (Section 9.8).</p>	<p>Lighting design has been reviewed and optimised to avoid any unnecessary light-spill on the water</p>	<p>No</p>	<p>Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]</p>

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			<p>...</p> <p>9. 1.9. The report makes a brief reference to the potential limitations of the fisheries surveys data used to inform the assessment. For the ES, the MMO would expect to see limitations such as differing gear selectivity and timings of the surveys explored in more depth in the 'Limitations and Assumptions' section 9.4.3 – 9.4.6 in Chapter 9 of the PEIR.</p> <p>...</p>	<p><u>Fisheries surveys data</u> Potential limitations of the fisheries surveys data used to inform the assessment has been included in the Limitations and Assumptions section of Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] (Section 9.4).</p>	No	No	Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]
			<p>...</p> <p>10. 1.10. The MMO support the proposal to use soft-start procedures on commencement of piling. Soft-start procedures, in accordance with JNCC guidelines (2010) should be adopted as part of the developer's 'best-practice' mitigation. This will enable fish to distance themselves from the source of impact as the sound source gradually increases. However, whilst soft-start measures may allow resident species to leave the area of greatest disturbance (and thereby potentially reducing the total number of dangerous exposures in terms of auditory damage), such measures may not necessarily be appropriate (or of benefit) for migratory species, when the primary concerns is that underwater noise may create a temporary acoustic barrier in the river, impeding travel/migration.</p> <p>11. 1.11. The MMO appreciate and welcome the suggestion of temporal/seasonal piling restrictions specifically for migratory fish receptors, though no details of these restrictions have been submitted at this point. As mentioned above, the exact dates when piling and dredging activities are to take place have not been stated so it is not possible to determine whether seasonal/temporal restrictions will be required for piling or dredging. The requirement for seasonal/temporal mitigation should be determined on the basis of the outcomes of the final EIA and will be subject to the timing of construction activities.</p> <p>...</p>	<p><u>Marine impact – fish ecology</u> Noted. In response to Paras 1.10 and 1.11 of the MMO response, suitable mitigation for migratory fish has been developed further in consultation with the MMO and based on underwater noise modelling and further assessment work as set out in Chapter 9: Nature Conservation (Marine Ecology)] (Section 9.9) [TR030008/APP/6.2]</p> <p>It is anticipated that piling works for Work No. 1, seaward of the mean highwater mark, would be undertaken between the working hours of sunrise and sunset in the summer months and 07:00 and 19:00 in the winter months (1 October to 31 March inclusive), seven days a week. Other marine construction activities for Work No. 1 including dredging, are assumed to be undertaken on a 24-hour basis and continue until completion for safety or quality reasons. The marine construction working hours would be secured through the Deemed Marine Licence. For further details please refer to Chapter 2: The Project [TR030008/APP/6.2].</p>	The jetty design process has continued to ensure the impacts on the marine environment, and in particular the inter-tidal mudflats, have been minimized as far as possible. This includes consideration of the alignment of the jetty and the berth pocket.	No	Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] and Chapter 2: The Project [TR030008/APP/6.2]
			<p>...</p> <p>12. 1.12. It should be noted that as piling will only occur during daylight hours (7am – 7pm) a night-time piling restriction is only likely to be of benefit to those species with nocturnal habitats such as European eel. Whilst a night-time restriction on piling will provide a 12-hour period of quiet 'downtime' for all fish receptors, the proposal to carry out dredging on a 24/7 basis will result in increased noise, increased SSC and reduced water quality, and thus potential impacts to fish receptors during hours of darkness are still a concern.</p> <p>...</p>	<p><u>Marine impact – fish ecology</u> Noted. In response to Para 1.12 of the MMO response, suitable mitigation for migratory fish has been developed further in consultation with the MMO and based on underwater noise modelling and further assessment work with respect to marine piling as set out in Chapter 9: Nature Conservation (Marine Ecology) (Section 9.9) [TR030008/APP/6.2]. The maximum impact marine piling scenario is for three tubular piles to be installed each day using up to two marine piling rigs pile driving at any one time, involving approximately 270 minutes of impact marine piling per day and 60</p>	The jetty design process has continued to ensure the impacts on the marine environment, and in particular the inter-tidal mudflats, have been minimized as	No	Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
				minutes of vibro marine piling per day in a 12-hour shift. There will, therefore, be significant periods over a 24-hour period when fish will not be disturbed by any marine piling noise. The actual proportion of impact marine piling is estimated to be at worst around 23% (based on 270 minutes of impact marine piling and 60 minutes of vibro marine piling each working day) over any given construction week.	far as possible. This includes consideration of the alignment of the jetty and the berth pocket.		
			... Shellfisheries 1.13. The information regarding shellfisheries is detailed, relevant and extensive, both in respect of the baseline and the impact assessments conducted. The MMO have identified no significant gaps in respect to shellfisheries. ...	<u>Marine impact – fish ecology</u> Noted, with thanks.	No	No	Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]
			... Underwater Noise 14. 1.14. The MMO note that underwater noise arising from vessel operations maintenance dredge and dredge disposal (during the operational phase) has been scoped out for all marine receptors. Provided that the worst-case dredging assumptions have been considered, then the MMO have no major objections to the scoping out (of a more detailed assessment) of maintenance dredging during the operational phase. Nevertheless, it will still be important to consider any overlap of maintenance dredging operations with key migratory or spawning periods. 15. 1.15. Mitigation measures included in the report are the standard measures expected for this type of development. The MMO recommend that soft start procedures are adopted for all percussive piling. Soft start may help to reduce the total number of dangerous exposures in terms of auditory injury. The MMO also support the use of vibro-piling where possible. Furthermore, it will be important to identify any overlap of construction works with key migratory and spawning periods. Some seasonal or night time restrictions may be necessary to protect sensitive receptors. ...	<u>Construction impact – underwater noise, maintenance dredging</u> In response to Para 1.14, further information on maintenance dredging has been provided in Chapter 9: Nature Conservation (Marine Ecology) (Section 9.8) [TR030008/APP/6.2] including an assessment of potential effects of underwater noise relating to this pathway. The need for future maintenance dredging within the new berth pocket is expected to be very limited (if required at all). <u>Construction impact – underwater noise and migratory fish</u> In response to Para 1.15, soft start procedures will be adopted for all percussive piling. Suitable mitigation for migratory fish (including seasonal and night-time restrictions) has been developed further in consultation with the MMO and based on underwater noise modelling and further assessment work with respect to marine piling as set out in Chapter 9: Nature Conservation (Marine Ecology) (Section 9.9) [TR030008/APP/6.2] . These will be secured in the dML. As set out in ES Chapter 9: Nature Conservation (Marine Ecology) (Section 9.8) [TR030008/APP/6.2] and Underwater Noise Appendix 9.B (Section 1.9) . The maximum impact marine piling scenario is for 3 tubular piles to be installed each day using up to two marine piling rigs pile driving at any one time, involving approximately 270 minutes of impact marine piling per day	The jetty design process has continued to ensure the impacts on the marine environment, and in particular the inter-tidal mudflats, have been minimized as far as possible. This includes consideration of the alignment of the jetty and the berth pocket.	Mitigation measures have been developed to reduce potential effects arising from underwater noise including: • The application of soft start, • Vibro piling where possible; and • Seasonal, nighttime restrictions. These measures are secured in the Schedule of Mitigation and Monitoring	Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
				and 60 minutes of vibro marine piling per day in a 12-hour shift. There will, therefore, be significant periods over a 24-hour period when fish will not be disturbed by any marine piling noise. The actual proportion of impact marine piling is estimated to be at worst around 23% (based on 270 minutes of impact marine piling and 60 minutes of vibro marine piling each working day) over any given construction week. The locations of the piling rigs have been clarified in the Underwater Noise Appendix 9.B (Section 1.6) to determine whether the worst case in terms of impact range from concurrent piling has been suitably modelled. One of the piling rigs will be located on the jetty approach and one for the jetty platform.		[TR030008/APP/7.2]]	
			... 2. Chapter 16: Physical Processes Coastal Processes 1. 2.1. Exclusion of decommissioning is adequately justified, however the ES should also indicate that any future decommissioning is unlikely to be more impactful than installation. ...	The DCO will not make any provision for the decommissioning of the main elements of the marine infrastructure above and below water level. This is because the jetty, jetty head, loading platforms and access ramps would, once constructed, become part of the fabric of the Port estate and would, in simple terms, continue to be maintained so that it can be used for port related activities to meet a long-term need. It is anticipated that plant and equipment on the jetty topside would be decommissioned in parallel with the decommissioning of the related landside elements. On this basis, potential effects on physical processes from decommissioning have been scoped out.	No	No	Chapter 16: Physical Processes Coastal Processes [TR030008/APP/6.2]
			... 2. 2.2. Calibration/validation of hydrodynamics models is presented in Appendix 16A (volume IV), where it is shown that target accuracies for the current modelling are achieved, but that the wave model appears to underestimate wave heights/periods, (frequently by 50%) in a range of conditions at the calibration location. More comment should be provided on how this performance affects the results of the discrete/extreme events used to derive the results used in the PEIR. For instance, it should be explained why, as per Appendix 16A 1.5.9, "Overall, the performance of the model is considered sufficient for use in the subsequent assessment of potential impact on defined wave events". For example, can it be assumed that the modelled wave height and period at the jetty (impact) location could be	<u>Marine impact – hydrodynamic survey</u> In response to Para 2.2 of the MMO response, model performance has been updated to include the newly collected hydrodynamic survey data, along with explanation of model performance against observed events, see Chapter 16: Physical Processes (Appendix 16.A) [TR030008/APP/6.4] .	The jetty design process has continued to ensure the impacts on the marine environment, and in particular the inter-tidal mudflats, have been minimized as	No	Chapter 16: Physical Processes [TR030008/APP/6.2]

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
			<p><50% of the wave that could really occur in this scenario; and, would the impact of the structure be greater if the waves were actually 100% larger than the modelled case, and if so, is it possible to estimate by how much?</p> <p>...</p>		far as possible. This includes consideration of the alignment of the jetty and the berth pocket.		
			<p>...</p> <p>3. 2.3. In section 16.6.28, it is indicated that additional SSC data will be collected. When presenting this data, focus should be on the extent and duration of natural 'excess SSC events' such as storms. Rather than absolute (discrete) values as already presented (showing excess SSC associated with dredge of up to 600-800 mg/L versus a typical tidal range of 100-1000 mg/L, i.e. order 100% increase) the assessment of the impacts should focus on the temporal dimension – the typical duration of natural excess vs dredge-associated excess SSC (i.e., is a dredge event unusually long and atypical of normal behaviour?).</p> <p>...</p>	<p>Additional data has been included from survey within Appendix 16.A [TR030008/APP/6.4], and within Appendix 16.C [TR030008/APP/6.4], to include focus on natural excess SSC events' in order to provide context to the predicted dredge/disposal impacts.</p> <p>Turbidity values generally ranged between 0-1400 NTU, with values revealing peaks and troughs in phase with tidal conditions, with the lowest values over HW slack. Maximum values typically occur from mid-flood tide level to HW slack (around 3 hours) and then again for a further three hours between HW slack and mid-ebb tide.</p> <p>These data have been used to provide context to the impact assessment within Chapter 16 [TR030008/APP/6.2].</p>	The jetty design process has continued to ensure the impacts on the marine environment, and in particular the inter-tidal mudflats, have been minimized as far as possible. This includes consideration of the alignment of the jetty and the berth pocket.	No.	<p>Appendix 16.A [TR030008/APP/6.4]</p> <p>Chapter 16: Physical Processes [TR030008/APP/6.2]</p> <p>Appendix 16.A [TR030008/APP/6.4]</p> <p>Appendix 16.C [TR030008/APP/6.4]</p>
			<p>...</p> <p>• 2.4. The PEIR indicates that the applied physical process mitigation (16.7.1) includes Embedded Mitigation (minimising dredge requirements by design and location of the jetty) and Standard Mitigation (disposal (if required) evenly to reduce mounds). The MMO suggests that adding beneficial reuse of dredge sediment as a possible 'net gain' mitigation for development impacts more widely should be considered.</p> <p>...</p>	<p><u>Reuse of dredge sediment</u></p> <p>In response to Para 2.4 of the MMO response, the options for beneficial use of dredged material have been considered within Chapter 16: Physical Processes (Appendix 2.A) [TR030008/APP/6.4].</p>	No	No	Chapter 16: Physical Processes [TR030008/APP/6.2]
			<p>...</p> <p>• 2.5. The PEIR seeks generally to positively frame the project but this is possibly overdone in places, for example:</p> <p>• Paragraph 1.3.3 (Chapter 1) indicates that Air Products BR Ltd plans a new facility converting imported renewable ammonia into green hydrogen (to fuel HGVs and buses), supported by a downstream distribution network, and have entered into an</p>	<p><u>Hydrogen usage – lack of infrastructure</u></p> <p>The phrasing 'alteration of the existing harbour facility' in the PEI Report was included to reflect the fact that the marine works would be an extension to the existing port of Immingham but it is acknowledged that the phrasing could have been clearer and indeed as pointed out</p>	No	No	N/A

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			<p>agreement with ABP for 'the alteration of the existing harbour facility'. This final phrase seems incongruous with the actual plans, as the major infrastructure (jetty, pipelines and landside facilities) are almost entirely new and there is no existing port facility that is being modified. It would seem more honest to simply state that the development requires new dedicated infrastructure adjacent to the existing port facilities (e.g., as per paragraph 2.3.44, which explicitly says this is a 'generally undeveloped site'.</p> <ul style="list-style-type: none"> • Similarly, paragraph 5.7.1 illustrates how environmental effects are the consequence of impacts, "by way of example" in which the loss of mature woodland to accommodate a new section of pipeline and association maintenance track has the potential effect of "opening of new views in which this infrastructure becomes a focus point". The environmental case for the IGET scheme is focused strongly in respect of CO2 – in such circumstances, 'opening a view' is not the relevant effect from destruction of a mature woodland and such a framing may seem less positive than is perhaps intended. <p>...</p>	<p>that this is a 'generally undeveloped site' is clear in paragraph 2.3.44. The extent of the 'extension', via way of the new jetty and the relevant landside works was also clear throughout Chapter 2 of the PEIR and on Figures X, Y and Z. The wording alteration of the existing harbour facility' has been removed from the corresponding paragraph in ES Chapter 1: Introduction [TR030008/APP/6.2].</p> <p><u>Tree loss</u></p> <p>The example used in PEIR paragraph 5.7.1 has not been repeated in the ES. A different example has been used to explain the difference between an 'effect' and an "impact" which was the intention of this paragraph and the example. The corresponding paragraph in the ES, now states:</p> <p>'Within this ES, environmental effects are defined as arising as a result of impacts (changes brought about by the Scheme) which act upon receptors (or resources). As an example, a change in air quality generated by the development would be an impact and the response at the receptor, such as a habitat, which may decline in value as a result of the change in air quality, would be the environmental effect. For an effect to occur there has to be a pathway between the impact and the resource or receptor.'</p>			
			<p>...</p> <ul style="list-style-type: none"> • 2.6. The MMO consider that a small number of figures could be amended for readability: • Plate 2-1 is not marked to help locating figures 2.1/2.2 (and Fig 2.2. is just a less detailed version of 2.1, therefore it should be considered whether both are required) and locations only become clear on Figure 3.3. • The spatial scale is not explicit on Fig 16-9 (hydrodynamic impact extents). <p>...</p>	<p>These comments are noted and readability of figures contained within the ES have been considered and improved where possible.</p>	No	No	N/A
			<p>...</p> <p>3. Chapter 17: Marine Water and Sediment Quality</p> <p>3.1. The report states that Cefas Action Levels are not in place for various contaminants, and in their absence, other comparable tools such as the Canadian Sediment Quality Guidelines (CSQGs) or the OSPAR Action Levels of other signatory countries will be used to contextualise the contaminant</p>	<p>It is important to note that proposed updates to Cefas Action Levels are still subject to review and are not yet implemented. However, proposed Cefas Action Levels have been considered where existing Cefas Action Levels are not defined for certain contaminants in Section Error! Reference source not found.</p>	No	No	Chapter 17: Marine Water and Sediment Quality [TR030008/APP /6.2]

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
			<p>concentrations. The MMO agree that this approach can be appropriate in some circumstances, though this will be dependent on the contaminants which will be tested for, i.e. it may be more appropriate to use the proposed Action Levels for PAHs (Mason et al., 2021) rather than the CSQG probable/threshold effect levels.</p> <p>Page 7 of 13</p> <p>...</p>	<p>in Chapter 17: Marine Water and Sediment Quality [TR030008/APP/6.2] and compared with site-specific sediment quality data.</p>			
			<p>...</p> <p>4. Chapter 20: Cumulative and In-combination Effects</p> <p>1. 4.1. The common approach to cumulative assessment contains inherent contradictions, such that it can be stated (25.1.2b) that cumulative effects occur “as a result of a number of developments, which...when considered together with the Project could create a significant cumulative effect on a shared receptor”; but then also stated (25.1.5) that “The CEA does not consider developments that are already constructed and operating, as such existing operational facilities are accounted for in the baseline” (so negating a major implication of ‘cumulative’). Table 25.4 item 26 also seems to indicate that cumulative assessment will only consider temporal overlap of construction phase impacts (rather than non-contiguous and lifetime impacts). Overlap of operational phases is recognised but in Table 25.5 item 16 it is then stated that there is “no certainty at present that cumulative effects can be scoped out” on the basis that changes to physical processes are spatially limited.</p> <p>The MMO strongly consider the retention of this cumulative assessment in any case because spatial overlap need not be the sole criterion for cumulative impacts in the case of impacts to a pathway. It would be of value to illustrate how adjacent development impacts, even where these do not directly join up, create a patchwork of impacted areas and possibly a chain of accumulating impacts along a physical process pathway, e.g. how sources and sinks of sediment may be cumulatively disrupted.</p> <p>2. 4.2. Furthermore, the MMO would expect developments already constructed and operating to be included in the assessment.</p> <p>...</p>	<p><u>Cumulative effects – methodology</u></p> <p>It is not appropriate to consider developments that are already constructed and operating within the CEA. These developments become part of the existing baseline and therefore any cumulative impacts associated with such developments have been considered inherently within each respective technical chapter of the ES as relevant (Chapter 6 – 24 [TR030008/APP/6.2]). The Planning Inspectorate's Advice Note 17 has been used to inform the CEA for the Project, and Table 2 of this advice note clarifies the developments that should be considered within the CEA and the respective tiers that should be assigned when establishing certainty. Each type of development within this table has been considered within the CEA and updated for the ES.</p> <p>ID 22 (Immingham Eastern Ro-Ro Terminal (IERRT)) has been scoped into Stages 3 and 4 of the CEA, and the construction, operation and decommissioning of this Project has been fully assessed in relation to its potential to cumulatively interact with the Project, using information that is readily available in the public domain. Within the Stage 4 CEA, individual environmental topics have specifically addressed the potential for the Project to cumulatively interact with the IERRT scheme (Appendix 25.C [TR030008/APP/6.4]). All phases of the IERRT scheme (construction, operation and decommissioning) have been considered within the updated CEA due to the proximity and scale of this scheme in relation to the Project.</p> <p>The approach to the CEA is consistent with the guidance set out within the Planning Inspectorate's Advice Note 17 and is</p>	No	No	<p>Chapter 25: Cumulative and In-combination Effects [TR030008/APP/6.2].</p>

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				considered to be an established practice that is appropriate and proportionate to assessing the potential cumulative effects of the Project.			
			... 3. 4.3. The cumulative and in-combination assessment provided does not reference fish receptors at this stage. The MMO would have expected to see at least a brief scoping assessment of cumulative impact in the context of marine ecology. ...	<u>Cumulative effects – marine ecology</u> An assessment of Marine Ecology cumulative effects has been undertaken as part of the CEA and is presented in Appendix 25.C [TR030008/APP/6.4] . Fish receptors have been assessed within the ES. This can be found in Section 9.8 of Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] As part of the in-combination effects assessment, the potential for in-combination effects to occur on fish and other marine ecology receptors has been assessed. Following a review of the technical chapters 6-24 [TR030008/APP/6.2], it has been concluded that there will be no in-combination effects on fish. The in-combination effects assessment is presented in Chapter 25: Cumulative Effects and In-combination Assessment [TR030008/APP/6.2] and details any in-combination effects identified on other marine ecology receptors.	No	No	Chapter 25: Cumulative and In-Combination Effects [TR030008/APP/6.2] And Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]
			... 5. Appendix 9B: Underwater Noise Fisheries and Fish Ecology 1. 5.1. The impacts from piling have been assessed as potentially significant for Atlantic salmon (<i>Salmo salar</i>), sea trout (<i>Salmo trutta</i>), European smelt (<i>Osmerus eperlanus</i>), shads (<i>Alosa</i> spp.) and European eel (<i>Anguilla Anguilla</i>). The MMO agree that impacts from piling on migratory fishes should be considered as potentially significant at this stage. However, further assessment and clarification is needed in relation to the underwater noise modelling used to support the conclusions on the significance of effect, and to determine whether additional mitigation is needed. Please see further detail in points 5.2 – 5.5 below. ...	Noted. Please see individual responses to specific points raised below (points 5.2-5.5)."	No	No	Appendix 9.B: Underwater Noise Assessment [TR030008/APP/6.4]
			... 2. 5.2. According to the PEIR, the likely maximum impact piling scenario is for tubular piles to be installed each day using up to four piling rigs. However, it is unclear whether all four rigs will be in operation concurrently. Conversely, Section 1.5.9 of this appendix states that "Piling will be undertaken simultaneously using piling rigs. Adding to identical sources (i.e. doubling the signal)". It is therefore not clear why concurrent piling using two	The project methodology has been updated since the PEI Report and there will now be up to two piling rigs driving piles concurrently during construction. Although it is highly unlikely that the piling hammers will strike in unison to create a cumulative effect, the modelled source level has taken account of two piling sources operating concurrently as a	The jetty design process has continued to ensure the impacts on the marine environment,	No	Appendix 9.B: Underwater Noise Assessment [TR030008/APP/6.4]

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
			<p>rigs has been modelled, if four rigs are going to be in operation concurrently. If four piling rigs are to be operating concurrently then this should be modelled as the worst-case scenario. It would also be beneficial if the locations of the rigs used in the modelling were mapped/described to ascertain whether the worst- case scenario, in terms of impact range from concurrent piling, has been suitably modelled.</p> <p>...</p>	<p>worst case. The locations of the piling rigs have been clarified in the ES to determine whether the worst case in terms of impact range from concurrent piling has been suitably modelled. One of the piling rigs will be located on the jetty approach and one for the jetty head.</p>	<p>and in particular the inter-tidal mudflats, have been minimized as far as possible. This includes consideration of the alignment of the jetty and the berth pocket.</p>		
			<p>...</p> <p>3. 5.3. The range of effect for mortal injury, recoverable injury and behavioural effects are presented in Tables 1.6 and 1.8 for percussive and vibro-piling respectively, but the range of effect for Temporary Threshold Shift (TTS) has not been included. TTS should be modelled and presented in the ES for percussive and vibro-piling.</p> <p>...</p>	<p>The TTS ranges have been modelled and assessed for both percussive and vibro piling in Section 1.9 of Appendix 9.B: Underwater Noise Assessment [TR030008/APP/6.4].</p>	<p>No</p>	<p>No</p>	<p>Appendix 9.B: Underwater Noise Assessment [TR030008/APP/6.4]</p>
			<p>...</p> <p>4. 5.4. Behavioural reactions in fish are predicted to occur across 67% width of the estuary at low water and 46% of the estuary width at high water, and on this basis, the report recognises that there is a risk of a partial acoustic 'barrier' to fish movement in the estuary. In order to consider the likelihood and significance of behavioural impacts from piling on migratory species, the dates (i.e., months) when piling will be carried out should be provided. The timing of piling should be discussed in the context of the periods of migration for fish within the Humber Estuary so that appropriate temporal mitigation measures can be more easily determined.</p> <p>...</p>	<p>The exact timing and programme for the piling has not been confirmed at this stage and, therefore, the assessment has been undertaken on the basis that the works could take place at any time of year as a worst case. Further details of the sensitive seasons for fish species that migrate through the Humber Estuary is provided in Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2].</p>	<p>The jetty design process has continued to ensure the impacts on the marine environment, and in particular the inter-tidal mudflats, have been minimized as far as possible. This includes consideration of the alignment of the jetty and the berth pocket.</p>	<p>No</p>	<p>Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]</p>
			<p>...</p>	<p>The project methodology has been updated since the PEI Report and there will now be</p>	<p>The jetty design</p>	<p>No</p>	<p>N/A</p>

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			<p>5. 5.5. The MMO disagree with the estimates of the time fish receptors will be exposed to piling. Firstly, 200 minutes of piling (i.e., 20 minutes of vibro-piling and 180 minutes of impact piling) per day would amount to approximately 14% not 13% of a 24-hour day. In addition, piling is disproportionally occurring during daylight hours (7am – 7pm), amounting to approximately 28% of a 12-hour shift. This has the potential to disproportionately affect diurnal migration patterns. Although not necessarily significant this should be considered in the upcoming ES.</p> <p>...</p>	<p>approximately 60 minutes of vibro piling and 270 minutes of impact piling per day in a 12 hour shift (Section 1.6). As noted in Section 1.9, the proportion of impact piling is estimated to be at worst around 19 % over a 24 hour period (based on 270 minutes of impact piling each working day). The proportion of vibro piling is estimated to be at worst around 4 % over a 24 hour period (based on 60 minutes of vibro piling each working day). The total estimated time over the period of a day, therefore, that fish receptors will be exposed to any piling (based on 330 minutes of piling each working day) is approximately 23 %.</p>	<p>process has continued to ensure the impacts on the marine environment, and in particular the inter-tidal mudflats, have been minimized as far as possible. This includes consideration of the alignment of the jetty and the berth pocket.</p>		
			<p>...</p> <p>6. 5.6. For all other fish receptors, impacts from piling have been assessed as not significant. As the area is considered unlikely to be a key foraging, spawning or nursery ground for other marine fish receptors, and given that these species do not exclusively rely on the estuary for migration, the MMO is content that significant impacts to non-migratory, marine fishes are unlikely to occur.</p> <p>...</p>	<p>Noted.</p>	<p>No</p>	<p>No</p>	<p>N/A</p>
			<p>...</p> <p>7. 5.7. Impacts from underwater noise resulting from capital dredging have been assessed as not significant for all fish receptors. Based on the Popper et al. (2014) thresholds for continuous noise (e.g. dredging and vessel movements), Table 1.9 of the underwater noise report shows that the threshold for recoverable injury is reached at 10 m and at 46 m for TTS. Given that dredging is proposed on a 24/7 basis, it is not clear if these impact ranges are an accurate prediction. Furthermore, prolonged periods of dredging have the potential to result in an in-combination impact to fish from increased dredging and vessel noise, coupled with prolonged periods of increased SSC and reduced water quality. Therefore, these conclusions should be revisited.</p> <p>...</p>	<p>The assumptions and model input values are set out in Sections 1.4, 1.6 and the thresholds that were applied are set out in Table 3. The consideration of cumulative effects (noise and SSC) has been revisited in the ES (Chapter 9: Nature Conservation (Marine Ecology) and Chapter 25: Cumulative and In-Combination Effects [TR030008/APP/6.2].</p>	<p>No</p>	<p>No</p>	<p>Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 25: Cumulative and In-Combination Effects [TR030008/APP/6.2]</p>

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
			<p>...</p> <p>Underwater Noise Impact piling and fish:</p> <p>5.8. In Section 1.5.8, the 'SEL metric' should be clarified as it is not clear what this is. For impact piling, this should be the single strike sound exposure level (SELss). Furthermore, it is not clear why the Root Mean Square (RMS) source level is 10 dB higher than the SEL source level. In any case, the RMS metric is generally not appropriate for assessing impulsive sources such as impact piling, therefore this should be removed. The relevant metrics for assessing the impacts of impulsive activities are SELcum (calculated by the aggregation of SELss) and SPLpeak.</p> <p>...</p>	<p>The peak, SEL and RMS levels are those that were measured directly in the field and published in the literature that is referenced in Section 1.6 of Appendix 9.B: Underwater Noise Assessment [TR030008/APP/6.4]. The SEL that is reported is effectively the SELss. The RMS metric has not been used in the modelling of impacts of impact piling on fish but is included as a specific variable in the NOAA user spreadsheet tool that has been used to assess the effects of impact piling on marine mammals.</p>	<p>The jetty design process has continued to ensure the impacts on the marine environment, and in particular the inter-tidal mudflats, have been minimized as far as possible. This includes consideration of the alignment of the jetty and the berth pocket.</p>	<p>No</p>	<p>Appendix 9.B: Underwater Noise Assessment [TR030008/APP/6.4]</p>
			<p>...</p> <p>9. 5.9. In Section 1.5.9, it is not clear why two identical sources have been added when it is confirmed that a total of four piling rigs may be used. Furthermore, simultaneous piling from the multiple rigs would likely not increase the received peak pressure levels or the single strike SEL, as the individual pulses (and their peaks) originating from distinct rigs do not generally overlap (due to the distinct timing of the strikes and the propagation paths). Piling from multiple rigs would however increase the total number of strikes and thus the SELcum over 24 hours.</p> <p>...</p>	<p>As noted in a previous response, the Project methodology has been updated since the PEI Report and there will now be up to two piling rigs pile driving concurrently during construction. Although it is highly unlikely that the piling hammers will strike in unison to create a cumulative effect, the modelled source level has taken account of two piling sources as a worst case. The total number of strikes incorporated in the model has taken account of the maximum number of piles (3) that might be installed each day by two piling rigs and is therefore considered to already represent piling from multiple rigs.</p>	<p>No</p>	<p>No</p>	<p>Appendix 9.B: Underwater Noise Assessment [TR030008/APP/6.4]</p>
			<p>...</p> <p>10. 5.10. With regard to Table 1.2 Fish response criteria applied in this assessment, it is appropriate that the assessment refers to noise exposure criteria from Popper et al. (2014) for fish species. However, TTS is missing from this table for piling and it should be included (in addition to mortality and potential mortal injury, and recoverable injury). Popper et al. provided a TTS threshold (based on the cumulative sound exposure level, SELcum) of 186 dB re 1 µPa² ·s for piling, for all fish species.</p> <p>...</p>	<p>TTS has been included in this table 3 in Appendix 9.B: Underwater Noise Assessment [TR030008/APP/6.4]. In addition, the TTS ranges have been modelled and assessed for both percussive and vibro piling.</p>	<p>No</p>	<p>No</p>	<p>Appendix 9.B: Underwater Noise Assessment [TR030008/APP/6.4]</p>

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			<p>...</p> <p>11. 5.11. For behaviour, the assessment refers to thresholds derived from Hawkins et al. (2014). Hawkins et al exposed wild sprat and mackerel to short sequences of repeated impulsive playback sounds at different sound pressure levels, simulating the strikes from a percussive pile driver. Observed behaviour responses included the break up of fish schools, and the incidence of responses increased with increasing sound levels. The sound pressure levels to which the fish schools responded on 50% of the presentations were 163.2 and 163 dB re 1 μPa (peak-to-peak) (and estimated single strike sound exposure levels were 135 dB and 142 dB re 1 μPa² ·s for sprat and mackerel respectively). Such levels correspond to those recorded at tens of kilometres from an operating pile driver. While recognising that the application of simplistic sound level thresholds for behaviour should generally be avoided, these thresholds can be considered to be a conservative indicator for the risk of behavioural responses and potential displacement. Please note that it is not entirely appropriate to convert the peak-to-peak threshold to a zero-to-peak threshold (of 157 dB peak) as has been done.</p> <p>...</p>	Noted. In the absence of any other known published thresholds for fish behaviour, it was considered that this simple threshold could be used in this assessment to help to provide an indication of potential behavioural effect. It is recognised that it is not entirely appropriate to convert a peak-peak threshold to a zero-peak threshold, however, a metric conversion provided by NOAA Fisheries in their spreadsheet tool and associated user manual has been used. Furthermore, this behavioural threshold has previously been accepted by the MMO for other recent marine licence applications in England.	No	No	N/A
			<p>...</p> <p>12. 5.12. Table 1.6 provides the modelled predictions for fish and impact piling look plausible / reasonable for mortality and recoverable injury. For behaviour, the predicted effect range is 1,554 m. As noted above, the report states “behavioural reactions are anticipated to occur across 67 % width of the Humber Estuary at low water and 46 % of the estuary width at high water, therefore, potentially creating a partial temporary barrier to fish movements”. The simple modelling approach can only provide an order of magnitude of the potential effects, rather than definitive ranges and percentages. Furthermore, using the propagation assumptions detailed in the report (i.e., $TL = 17.91 + \alpha R$), a behavioural threshold of 135 dB SELss and a source level of 203 dB (assuming that this is SELss), effects would be expected to be out to ~ 6 km. The developer should clarify whether there is the risk of a temporary barrier effect across part or all of the estuary.</p> <p>...</p>	The assumptions are set out in Table 6 in Appendix 9.B: Underwater Noise Assessment [TR030008/APP/6.4] and the thresholds that were applied are set out in Table 3. As the simple modelling approach is not able to provide exact or definitive ranges, particularly in the near and far-field, this has been clarified in Section 1.4 in Appendix 9.B: Underwater Noise Assessment [TR030008/APP/6.4] and the outputs rounded to the nearest order of magnitude. Applying a behavioural threshold of 135dB SELss to the propagation assumptions detailed in Section 1.4 and a SELss source level of 203 dB for 1 piling rig (and 206 dB for two piling rigs) is predicted to result in an effect out to approximately 2km. If the absorption coefficient (α) is omitted from the model, this results in an output of circa 6km (for a SELss source level of 203 dB) and suggest that the omission of this coefficient in the MMO/Cefas’ estimate accounts for this discrepancy. As noted in previous responses, the potential effects of TTS have been included in the ES.	No	No	Appendix 9.B: Underwater Noise Assessment [TR030008/APP/6.4]
			...	The SEL and RMS source level values of 183 dB quoted in Table 1.7 of the PEI Report are a	No	No	Appendix 9.B: Underwater



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			<p>Vibro-piling and fish: 13. 5.13. There appears to be a discrepancy regarding the source level assumptions for vibro- piling. Specifically, Table 1.7 states that the SEL and RMS source level values of 183 dB have been used as input values in the NOAA calculator, as per section 1.5 of the report. However, section 1.5 of the report states that “the SL for the vibratory driving of tubular piles as part of the proposed development is assumed based on the loudest near-source (10 m from the source) sound pressure measurements (SEL, peak SPL and RMS) that have been published for the vibratory piling installation of the nearest-sized 1.83 m steel pipe piles in a shallow water environment. Back-calculating the sound pressure measurements to 1 m using the simple logarithmic spreading model provides an estimated SL of 198 dB re 1 µPa² s (SEL metric), 213 dB re 1 µPa m (peak SPL metric) and 198 dB re 1 µPa² m (RMS metric). This should be clarified in the report. 14. 5.14. The MMO also presume that the Popper et al. threshold for impulsive noise have been used in the assessment of vibro-piling for fish. Dredging and vessel movements and fish: 5.15. The report states that dredging operations will be undertaken for 24 hours and therefore, the cumulative sound exposure (over 24 hours) should be considered, although the MMO appreciate that there are no defined SELcum thresholds at present for continuous sources and fish. Given that pulse sounds such as percussive piling noise are likely to have a greater effect on fish than continuous sources at the same level (Neo et al., 2014), the Popper thresholds for impact piling could be applied in the assessment of cumulative sound exposure from continuous sources as a precautionary approach (as has presumably been done within this assessment for vibro-piling). The MMO agree that the level of exposure will depend on the position of the fish with respect to the source, the propagation conditions and the individual’s behaviour over time. Nevertheless, given the 24-hour dredging operations, we would expect larger effects than what has been presented.</p>	<p>typographical error and should be 201 dB in line with the values referenced in Section 1.4 for two piling rigs driving piles concurrently "... the unweighted peak SL of concurrent vibro piling by two piling rigs is assumed to be 201 dB re 1 µPa² s (SEL metric), 216 dB re 1 µPa m (peak SPL metric) and 201 dB re 1 µPa m (RMS metric)". This has been clarified and corrected in Appendix 9.B: Underwater Noise Assessment [TR030008/APP/6.4].</p>			Noise Assessment [TR030008/APP/6.4]
			<p>... 14. 5.14. The MMO also presume that the Popper et al. threshold for impulsive noise have been used in the assessment of vibro-piling for fish. Dredging and vessel movements and fish: 5.15. The report states that dredging operations will be undertaken for 24 hours and therefore, the cumulative sound exposure (over 24 hours) should be considered, although the MMO appreciate that there are no defined SELcum thresholds at present for continuous sources and fish. Given that pulse sounds such as percussive piling noise are likely to have a greater effect on fish than continuous sources at the same level (Neo et al., 2014), the Popper thresholds for impact piling could be applied in the assessment of cumulative sound exposure from continuous sources as a precautionary approach (as has presumably been done within this assessment for vibro-piling). The MMO agree that the level of exposure will depend on the position of the fish with respect to the source, the propagation conditions and the individual’s behaviour over time. Nevertheless, given the 24-hour dredging operations, we would expect larger effects than what has been presented.</p>	<p>The Popper et al. cumulative SEL thresholds for pile driving have indeed been used in the assessment of vibro piling for fish.</p>	No	No	N/A
			<p>... Dredging and vessel movements and fish: 5.15. The report states that dredging operations will be undertaken for 24 hours and therefore, the cumulative sound exposure (over 24 hours) should be considered, although the MMO appreciate that there are no defined SELcum thresholds at present for continuous sources and fish. Given that pulse sounds such as percussive piling noise are likely to have a greater effect on fish than continuous sources at the same level (Neo et al., 2014), the Popper thresholds for impact piling could be applied in the assessment of cumulative sound exposure from continuous sources as a precautionary approach (as has presumably been done within this assessment for vibro-piling). The MMO agree that the level of exposure will depend on the position of the fish with respect to the source, the propagation conditions and the individual’s behaviour over time. Nevertheless, given the 24-hour dredging operations, we would expect larger effects than what has been presented.</p>	<p>Noted. Although, the Popper et al. SELcum thresholds for piling are not considered appropriate for continuous noise generating activities such as dredging and vessel movements, the modelling has been revisited and these thresholds have been applied to the assessment of dredging noise, in addition to the RMS guideline thresholds. As noted in a previous response, the Popper et al. thresholds for pile driving have been used in the assessment of vibro piling for fish.</p>	No	No	N/A
			<p>Marine mammals (general): 5.16. The MMO have no major concerns with the predictions for marine mammals for percussive and vibro-piling. In general, they appear to be relatively conservative in most cases. However, the predictions in Table 1.15 for dredging and vessel movements look smaller than expected and it is recommended to check whether the SELcum over 24 hours has been</p>	<p>The assumptions and model input values are set out in Sections 1.4 and 1.6 in Appendix 16.A [TR030008/APP/6.4] and the thresholds that were applied are set out in Table 4. As explained in Section 1.9, NOAA's user spreadsheet tool, has been used in accordance with the guidance provided in NOAA's user</p>	No	No	Appendix 9.B: Underwater Noise Assessment [TR030008/APP/6.4]

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			appropriately assessed. Even if we assume a fleeing receptor, then we would still expect larger TTS effect ranges (over part of the estuary) for harbour porpoise, based on 24-hour exposure.	manual to predict the range which the weighted NOAA SELcum acoustic thresholds for PTS and TTS are reached during the proposed dredging and vessel movements associated with the construction and operation of the proposed development. The assumptions and input values to this spreadsheet are clearly set out in Table 19. These have been revisited and checked and the outputs remain unchanged in the appendix, apart from the rounding of distances to the nearest order of magnitude in response to an earlier comment.			
			Other comments: 5.17. Regarding Table 1.6, the MMO would expect the potential effects of TTS to be considered for fish and impact piling.	TTS has been included in Appendix 9.B Underwater Noise Assessment [TR030008/APP/6.4] (Table 3). In addition, the TTS ranges have been modelled and assessed for both percussive and vibro piling (Section 1.9).	No	No	Appendix 9.B: Underwater Noise Assessment [TR030008/APP/6.4]
			General Comments 6.1. The PEIR correctly identifies that the proposed development is within the East Marine Plan area and the MMO welcomes the developer's commitment to produce a marine plan conformance assessment. This must be produced as the Secretary of State must use the East Marine Plan when making planning decisions for the sea, coast, estuaries and tidal waters, as well as developments that impacts these areas, such as infrastructure. 6.2. The East Marine Plan policies can be accessed using Explore Marine Plans: https://www.gov.uk/guidance/explore-marine-plans	Noted, no comment required.	No	No	N/A
			Conclusion The MMO welcomes the progress Associated British Ports has made to date to assess the environmental impacts of the Immingham Green Energy Terminal Project. However, the MMO requires the points raised in this response to be addressed.	Noted, please refer to the responses above.	No	No	N/A
			Your feedback We are committed to providing excellent customer service and continually improving our standards and we would be delighted to know what you thought of the service you have received from us. Please help us by taking a few minutes to complete the following short survey (https://www.surveymonkey.com/r/MMOMLcustomer). If you require any further information please do not hesitate to contact me using the details provided below.	Noted, no comment required.	No	No	N/A

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9.	HSE	17.02.23	<p>Good afternoon,</p> <p>Please find attached correspondence in response to consultation request.</p> <p>Thanks and regards,</p> <p>NSIP Team</p> <p>CEMHD4 – Health and Safety Executive ----</p> <p>Dear Mr Sir/Madam,</p> <p>SECTION 42 PLANNING ACT 2008: STATUTORY CONSULTATION</p> <p>Chemicals, Explosives and Microbiological Hazards Division – Unit 4 NSIP Consultations Land Use Planning Team Building 1.2, Redgrave Court, Bootle L20 7HS</p> <p>NSIP.applications@hse.gov.uk http://www.hse.gov.uk/</p> <p>Thank you for your email of 9/1/2023 regarding the proposed Immingham Green Energy Terminal proposals: statutory consultation.</p> <p>HSE's Land Use Planning Advice</p> <p>Further to our letter date 26th September, Chapter 22 of the PEI details the legislation that will be applicable to Immingham Green Energy Terminal, including Hazardous Substances Consent Regulations, the Control of Major Hazards regulations and Pipeline Safety Regulations.</p> <p>Within this document they indicate the major sites that are in the vicinity. They also indicate that a hazardous substances</p>	<p>The response from the HSE is noted. A Hazardous Substances Consent application was submitted in March 2023. A COMAH notification was submitted to the HSE on 5 April 2023. For Further details please refer to the ES Chapter 22: Major Accidents and Disasters [TR030008/APP/6.2].</p>	No	No	ES Chapter 22: Major Accidents and Disasters [TR030008/APP/6.2]

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			<p>consent application will be being made to North East Lincolnshire Council shortly. It is through this process that HSE will provide its statutory advice.</p> <p>HSE anticipated the site will be make a COMAH notification and provide a pre-construction safety report in due course.</p> <p>Explosives sites</p> <p>CEMHD 7's response is no comment to make in regards to the proposed development.</p> <p>Electrical safety</p> <p>No comment from a planning perspective</p> <p>During this time, please send any further communication on this project directly to the HSE's designated e-mail account for NSIP applications at nsip.applications@hse.gov.uk.</p> <p>We are currently unable to accept hard copies, as our offices have limited access.</p> <p>Yours faithfully, NSIP Consultation Team CEMHD4</p>				
10.	West Lindsey District Council	17.02.23	<p>Hello,</p> <p>Please find attached the comments from West Lindsey District Council on the PEIR for the Immingham G.E.T. project.</p> <p>regards [REDACTED]</p> <p><i>Contents of attachment below (letter dated 10 Feb):</i></p> <p>Dear Sir/Madam APPLICATION REFERENCE NO: 146122 Guildhall</p>	No response required.	No	No	N/A

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			<p>Marshall's Yard Gainsborough Lincolnshire DN21 2NA</p> <p>Telephone 01427 676676 Web www.west-lindsey.gov.uk Your contact for this matter is: [redacted]</p> <p>10th February 2023</p> <p>PROPOSAL: Written Enquiry - Statutory consultation on proposed application for development consent by associated british ports</p> <p>LOCATION: Immingham Green Energy Terminal Thank you for your consultation on a proposed application for Development Consent Order, Section 42 and Section 43 of the Planning Act 2008, for the installation of an Immingham Green Energy Terminal.</p> <p>...</p>				
			<p>...</p> <p>West Lindsey District Council in principle supports renewable energy development and the reduction of the local and national carbon footprint.</p> <p>...</p>	It is acknowledged and appreciated that West Lindsey District Council (WLDC) supports the principle of the Project.	No	No	N/A
			<p>...</p> <p>The western edge of the Terminal would be approximately 3 miles to the east of the nearest West Lindsey District boundary. Given the distances it is unlikely that the development would have any significant material impact on West Lindsey or its residents.</p> <p>...</p>	Noted. Effects to residents and residential receptors have been assessed within the Environmental Statement chapters where relevant.	No	No	N/A
			<p>...</p> <p>West Lindsey's primary consideration would be the impact of the construction, operation and decommissioning phases on the local highway network if traffic was to be directed through parts of West Lindsey. Chapter 11 of the PEIR does not mention West Lindsey or any of its main highway routes. West Lindsey would request that its highway network is considered in any future traffic and transport assessments even if this is to clarify that its highway network would not be utilised. It would be</p>	No HGV traffic is proposed to be routed through West Lindsey District, with the majority of workers (80%) assumed to be distributed within North East Lincolnshire. The traffic generation and distribution is set out within Chapter 11: Traffic and Transport [TR030008/APP/6.2] .	No	No	Chapter 11: Traffic and Transport [TR030008/APP/6.2]


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			<p>recommended that the Highways Authority at Lincolnshire County Council is consulted for comment.</p> <p>Yours faithfully  Senior Development Management Officer On behalf of West Lindsey District Council</p>	The main traffic impact would be within North East Lincolnshire, with HGVs using the SRN (M180) and then the A1173. It is assumed that both construction and operational workers would primarily reside in Immingham and Grimsby.			
11.	Network Rail	17.02.23	<p>The remainder of Network Rail's response to the first Statutory Consultation can be found in Appendix P.1 Responses relating to matters not addressed in the ES (row 46)</p> <p>...</p> <p>In order to ensure that the scheme does not impact on operational railway safety, the developer must liaise closely with Network Rail Asset Protection to ensure that the haulage routes into the site are appropriate, and the design and construction of the new facility and associated infrastructure will not have an adverse impact on railway operations. It is therefore assumed that a condition of the Order would be that detailed specifications of the proposed scheme and traffic management plans are to be provided and agreed in writing before development can commence.</p> <p>...</p>	The Applicant has engaged with Network Rail Asset Protection and has developed an Outline Construction Traffic Management Plan (OCTMP), which is provided as Appendix 11.A of Chapter 11: Traffic and Transport [TR030008/APP/6.2] , that sets out measures to control construction traffic from the commencement of construction and includes site construction, commissioning and reinstatement of the Temporary Construction Areas. A final detailed Construction Traffic Management Plan (CTMP) will be produced post consent, prior to the commencement of construction, and will be in line with the details set out in the OCTMP.	No	No	<p>Chapter 11: Traffic and Transport [TR030008/APP/6.2]</p> <p>And</p> <p>Outline Construction Traffic Management Plan [TR030008/APP/6.7]</p>
12.	Forestry Commission	18.02.23	<p>Dear Sir / Madam,</p> <p>Please see attached Forestry Commission response for the Immingham Green Energy Terminal Proposals.</p> <p>Could you please acknowledge receipt of this email ?</p> <p>Your Sincerely </p> <p>Content of attachment below</p> <p>18th February 2023</p> <p>By email only</p> <p>Dear Sir/Madam,</p> <p>Immingham Green Energy Terminal Proposals</p>	<p><u>Trees – ancient woodlands</u></p> <p>None of the woodland within the Site is listed on the Ancient Woodland Inventory ("AWI"). The other areas of non-ancient woodland have been added <u>to</u> the assessment and the impact of the Project on these areas is set out in Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2].</p> <p>An outline woodland compensation strategy has been developed which will deliver appropriate compensatory woodland planting, in accordance with NELC policy, and which will be secured by a DCO requirement (see Outline Woodland Compensation Strategy [TR030008/APP/6.8]).</p>	Work number 2 (jetty access road, pipe racks, etc.) has been optimized to minimize the loss of woodlands from Long Strip Woodland TPO.	An outline woodland compensation strategy has been developed which will deliver appropriate compensatory woodland planting, in accordance with NELC policy (see Outline Woodland Compensation Strategy	<p>Chapter 3: Need and Alternatives [TR030008/APP/6.2]</p> <p>Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2]</p>

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			<p>Thank you for seeking the Forestry Commission's advice about the impacts that this application may have on woodland. The Forestry Commission is a statutory consultee for:</p> <p>nationally significant infrastructure projects that could affect forests and woodlands</p> <p>The Forestry Commission is also a non-statutory consultee on development affecting or within 500m of ancient woodland.</p> <p>One of the most important features of ancient woodlands is the quality and inherent biodiversity of the soil; they are relatively undisturbed physically or chemically. This applies both to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS). Direct impacts of development that could result in the loss or deterioration of ancient woodland or ancient and veteran trees include:</p> <p>damaging or destroying all or part of them (including their soils, ground flora or fungi)</p> <p>damaging roots and understory (all the vegetation under the taller trees)</p> <p>damaging or compacting soil around the tree roots</p> <p>potentially polluting the ground and watercourses around them</p> <p>changing the water table or drainage of woodland or individual trees</p> <p>damaging archaeological features or heritage assets</p> <p>It is therefore essential that the ancient woodland identified is considered appropriately to avoid the above impacts.</p> <p>The Forestry Commission has prepared joint standing advice with Natural England on ancient woodland and veteran trees which we refer you to as it notes that ancient woodland is an irreplaceable habitat, and that, in planning decisions, Plantations on Ancient Woodland Sites (PAWS) should be treated equally in terms of the protection afforded to ancient woodland. It highlights the Ancient Woodland Inventory to find out if woodland is ancient.</p> <p>We also particularly refer you to further technical information set out in Natural England and Forestry Commission's Standing</p>			<p>[TR030008/APP/6.4]).</p> <p>Approval of the final woodland compensation strategy and compliance with it is secured by a requirement of the draft DCO.</p>	

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			<p>Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions.</p> <p>We would be keen to highlight the buffering guidance for Ancient Woodland as highlighted in the Standing Advice indicated above. It is also worth noting that there are several other areas of non-ancient woodland that could be affected also by the proposed development.</p> <p>If you would like individual feedback on sites with Forestry Commission Incentives and Regulatory agreements throughout the entire proposed site, please feel free to contact the Forestry Commission as there may be existing obligations on the land in respect to proposed new woodland creation.</p>				
			<p>...</p> <p>As stated in chapter 8.6.8 of the Preliminary Environmental Information Report Volume II – Main Report Chapter 8: Nature Conservation (Terrestrial Ecology) that the woodland to be potentially affected by the proposed development “Long Strip Woodland” has a TPO designation on it and that you have found there is evidence of the woodland being in existence for a long period of time and its loss cannot be easily replaced with an equivalent area of newly planted saplings in an alternative location. We therefore recommend that this woodland is treated as Long Established Woodland.</p> <p>Keepers of Time is the recent government policy that sets out the importance of ancient woodland, ancient and veteran trees, Long Established Woodland, (woodland present since at least 1893), and semi natural woodlands. Keepers of time: ancient and native woodland and trees policy in England - GOV.UK (www.gov.uk).</p> <p>The England Trees Action Plan – also sets out importance of ancient and long established woodlands, and 3.12 commits to introducing ‘Long Established Woodland’ designation. England Trees Action Plan 2021 to 2024 - GOV.UK (www.gov.uk)</p> <p>...</p>	<p><u>Trees – Long Established Woodland and TPOs</u></p> <p>None of the woodland within the Site is listed on the Ancient Woodland Inventory (“AWI”). The other areas of non-ancient woodland have been added to the assessment and the impact of the Project on these areas is set out in Chapter 8: Nature Conservation (Terrestrial Ecology) (section 8.8) [TR030008/APP/6.2]. The oak/ ash woodland in Long Strip meets the definition for “Long Established Woodland” (based on Forestry Commission criteria) and is UK Priority Habitat (Deciduous Woodland); this habitat has been evaluated as being of Borough nature conservation value in the ecological impact assessment (section 8.6 of Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2]).</p> <p>A single veteran ash tree was located in the TPO woodland of the Long Strip during arboricultural surveys (see Arboricultural Impact Assessment at Appendix 8.F [TR030008/APP/6.4] for full details). This veteran tree would be retained and protected during construction to ensure there is no accidental damage to it. The route of the jetty access road and pipe-rack and the associated buildings, which comprise Work No. 2, have been designed to ensure this tree can be</p>	<p>Work number 2 (jetty access road, pipe racks, etc.) has been optimized to minimize the loss of woodlands from Long Strip Woodland TPO.</p>	<p>An outline woodland compensation strategy has been developed which will deliver appropriate compensatory woodland planting, in accordance with NELC policy (see Outline Woodland Compensation Strategy [TR030008/APP/6.8]).</p> <p>Approval of the final woodland compensation strategy and compliance with it is secured by</p>	<p>Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2].</p>


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				<p>retained, as explained further in ES Chapter 3: Need and Alternatives [TR030008/APP/6.2]</p> <p>An outline woodland compensation strategy has been developed which will deliver appropriate compensatory woodland planting in accordance with NELC policy, which will be secured by a DCO requirement (see Outline Woodland Compensation Strategy [TR030008/APP/6.4]).</p>		<p>a requirement of the draft DCO.</p>	
			<p>...</p> <p>The Forestry Commission is aware of the very low woodland cover in this area which is also picked up in your documents we would be keen to see an increase in woodland cover in this area and therefore keen to understand any mitigation / compensation measures that are developed. The Forestry Commission does have information on existing woodland creation schemes in the area including spatial data on where woodland could be best created.</p> <p>...</p>	<p><u>Tree loss</u></p> <p>Some of the Long Strip woodland will be permanently lost and this is assessed in Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2]</p> <p>The assessment presented in Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2] considers the Long Strip woodland as 'Long Established Woodland' as identified in the Forestry Commission guidance.</p> <p>An outline woodland compensation strategy has been developed which will deliver appropriate compensatory woodland planting, in accordance with NELC policy (see Outline Woodland Compensation Strategy [TR030008/APP/6.8]).</p> <p>The Strategy sets out the approach to off-site planting of trees in the Immingham area to ensure that the tree loss from the Long Strip is appropriately compensated, as well as enhancement of existing woodland.</p>	<p>Work number 2 (jetty access road, pipe racks, etc.) has been optimized to minimize the loss of woodlands from Long Strip Woodland TPO.</p>	<p>An outline woodland compensation strategy has been developed which will deliver appropriate compensatory woodland planting, in accordance with NELC policy (see Outline Woodland Compensation Strategy [TR030008/APP/6.8]).</p> <p>Approval of the final woodland compensation strategy and compliance with it is secured by a requirement</p>	<p>Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2]</p>

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						t of the draft DCO.	
			<p>...</p> <p>We recommend a management plan (see https://www.gov.uk/guidance/create-a-woodland-management-plan) is developed for ongoing management of any new established woodland sites, and that management is considered in relation to neighboring or other existing established woodland in the local landscape.</p> <p>...</p>	<p>An outline woodland compensation strategy has been developed which will deliver appropriate compensatory woodland planting, in accordance with NELC policy, and which will be secured by a DCO requirement (see Outline Woodland Compensation Strategy [TR030008/APP/6.8]).</p> <p>The Strategy sets out the approach to off-site planting of trees in the Immingham area to ensure that the tree loss from the Long Strip is appropriately compensated, as well as enhancement of existing woodland. The Strategy includes management and monitoring tasks to ensure successful establishment of woodland habitat, and a reporting framework.</p>	No	<p>An outline woodland compensation strategy has been developed which will deliver appropriate compensatory woodland planting, in accordance with NELC policy (see Outline Woodland Compensation Strategy [TR030008/APP/6.4]).</p> <p>Approval of the final woodland compensation strategy and compliance with it is secured by a requirement of the draft DCO.</p>	Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2]
			<p>...</p> <p>In relation to climate change we recommend that biosecurity, tree health and woodland resilience is considered for all new planting that is associated with the proposed development. The</p>	<p><u>Climate change</u> The Outline Woodland Compensation Strategy (Outline Woodland Compensation Strategy [TR030008/APP/6.8]) and Outline Landscape and Ecology Management Plan ("LEMP")</p>	No, although measures for climate change resilience	Approval of the final woodland compensation strategy	Chapter 8: Nature Conservation (Terrestrial Ecology)

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			<p>following is a useful guide when considering tree and woodland resilience : Responding to the climate emergency with new trees and woodlands.</p> <p>...</p>	<p>[TR030008/APP/6.9] include measures for climate change resilience (e.g. through the sourcing of a percentage of native tree specimens from southern counties in England), disease resilience (e.g. by excluding ash from the planting mix due to its vulnerability to ash dieback disease) and biosecurity (e.g. plant passports).</p>	<p>included within the Outline Woodland Compensation Strategy (Outline Woodland Compensation Strategy [TR030008/APP/6.8]) and Outline LEMP [TR030008/APP/6.9].</p>	<p>and landscape and ecological measures and compliance with these documents, is secured by requirements of the draft DCO.</p>	<p>[TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 13: Landscape and Visual [TR030008/APP/6.2]</p>
			<p>...</p> <p>We hope these comments are helpful to you. If you have any further queries, please do not hesitate to contact the Forestry Commission on the email address provided above.</p> <p>Yours faithfully,</p> <p> Forestry Commission Yorkshire & North East Area Local Partnership Adviser</p>	<p>Noted, no further comment required.</p>	<p>No</p>	<p>No</p>	<p>N/A</p>
13.	Historic England	20.02.23	<p>Dear Sir / Madam</p> <p>Thank you for your letter dated 9th January 2022[3] consulting us as a Statutory Consultee on the Preliminary Environmental Impact Assessment.</p> <p>We note the proposed terrestrial and marine investigations. We consider it premature to conclude environmental impacts in respect of marine and / or terrestrial archaeological remains / wrecks can be classed as less than significant post-mitigation when sufficient survey and deposit modelling work has not yet been carried out / shared.</p> <p>...</p>	<p><u>Archaeological evaluation (marine and terrestrial)</u></p> <p>A programme of archaeological evaluation works was designed for the Site and has now been undertaken. The results of this work are incorporated into Chapter 14: Historic Environment (Terrestrial) [TR030008/APP/6.2]. As a result of this work, where applicable, the assessment has considered new assets, and the significance of assets has been re-evaluated.</p> <p>Archaeological assessment of geophysical survey data (including multibeam echosounder ("MBES") and sidescan sonar ("SSS") , magnetometer ("MAG"), and sub-bottom profiler ("SBP") surveys) has been undertaken and reported on in Appendix 15.A: Marine Archaeology Technical Report [TR030008/APP/6.4]. This report has been prepared in support of ES Chapter 15:</p>	<p>No</p>	<p>No</p>	<p>Chapter 14: Historic Environment (Terrestrial) [TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 15: Historic Environment (Marine) [TR030008/APP/6.2]</p>

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				<p>Historic Environment (Marine) [TR030008/APP/6.2] which presents the findings of the assessment of the likely effects of the Project on the marine historic environment.</p>			
			<p>...</p> <p>We note the submitted Written Scheme of Investigation for terrestrial works but would respectfully point out that this does not present the investigations proposed within a coherent staged strategy that would allow investigations and survey to effectively inform deposit modelling and mitigation through further intrusive investigations, supervision and recording etc. The strategy presented appears to unduly compress this process thereby potentially undermining the management of archaeological and project risks.</p> <p>...</p>	<p><u>Written Scheme of Investigation</u> The work undertaken as set out in the Written Scheme of Investigation ("WSI") (Appendix 14.E [TR030008/APP/6.4]) has consisted of a number of stages, specifically:</p> <ul style="list-style-type: none"> • The production of the Desk Based Assessment (DBA) which incorporates the results of previous archaeological surveys conducted at the Site); • A programme of archaeological field work which has included: <ul style="list-style-type: none"> ○ Geoarchaeological evaluation (with the aim of creating a deposit model); ○ Archaeological Trial Trench evaluation; ○ Geophysical Survey; and ○ Monitoring of GI works. <p>The results of these stages of work are incorporated into the Environmental Statement (ES) Chapter 14: Historic Environment (Terrestrial) [TR030008/APP/6.2] and have informed the necessity of any further archaeological mitigation / evaluation or other works required post consent.</p> <p><u>Programme of works and mitigation</u> The programme of archaeological works has been thorough in its design, implementation and aims (and has been approved by the Heritage Officer for NELC). The results of all of the works have been considered when writing Chapter 14: Historic Environment (Terrestrial) [TR030008/APP/6.4] and the assessment of impact r.</p>	No	Further laboratory analysis of retained palaeoenvironmental samples. Secured in the Outline CEMP [TR030008/APP/6.5] .	Chapter 14: Historic Environment (Terrestrial) [TR030008/APP/6.2]
			<p>...</p> <p>We note also that whilst the methods submitted are presented as a Written Scheme of Investigation this document is not produced by the actual contractors who would undertake the work and as such should be regarded as a consultant's archaeological strategy with the actual WSI's remaining for</p>	<ul style="list-style-type: none"> • The WSI (Appendix 14.E [TR030008/APP/6.4]) was an overarching document which was designed to provide a high-level strategy for the works. • This WSI was supported by individual method statements (prepared by the specialist sub contractors) for each 	No	No	N/A

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			<p>preparation and approval with reference to the expertise of the Local Authority archaeological curator.</p> <p>...</p>	<p>piece of work. These provided the specific detail of the method and aims for each piece of work.</p> <ul style="list-style-type: none"> • The WSI and each method statement were approved by the Heritage Officer for NELC prior to the start of works on site. • All works were undertaken as detailed within the WSI and Method Statements and signed off by the Heritage Officer for NELC. 			
			<p>...</p> <p>As noted in our scoping advice it is important to regard the divide between marine and terrestrial as only the present day boundary and for investigations across this to be well integrated reflecting the shifting relationship through past centuries and millennia in which deposits were formed.</p> <p>As regards marine survey we look forwards to seeing the results of geophysical survey and deposit modelling to provide a more informed understanding both of ancient deposits and remains and the location, significance and importance of wrecks. Again it appears premature to cap the potential impact of capital dredging before this work is done since only with a sound understanding of the resource potential can mitigation through exclusion areas, depth limits and excavation be modelled.</p> <p>See:-</p> <p>https://historicengland.org.uk/research/current/discover-and-understand/coastal-and-marine/marine/</p> <p>https://historicengland.org.uk/images-books/publications/deposit-modelling-and-archaeology/</p> <p>https://historicengland.org.uk/images-books/publications/preserving-archaeological-remains/</p> <p>https://historicengland.org.uk/images-books/publications/planning-archaeology-advice-note-17/</p> <p>yours sincerely</p> <p>...</p>	<p><u>Marine and geophysical survey</u></p> <p>The Marine Archaeological Assessment work is being undertaken by the same company which undertook the terrestrial archaeological evaluation fieldwork. This aids with integration of the results and assessment and presentation of the data collected. The Applicant is working closely and collaboratively with the company to ensure an integrated approach has been taken for the ES, particularly with reference to the transitions between marine and terrestrial archaeology, which, as Historic England rightly point out, can be viewed only as the present-day boundary rather than being fixed throughout prehistoric and historic periods. Again, this is presented within ES Chapter 14: Historic Environment (Terrestrial) [TR030008/APP/6.2] and Chapter 15: Historic Environment (Marine) [TR030008/APP/6.2].</p>	No	No	<p>ES Chapter 15: Historic Environment (Marine) [TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 14: Historic Environment (Terrestrial) [TR030008/APP/6.2]</p>

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14.	Polynt Composites UK Ltd	20.02.23	<p>The issued formal letter of response to Polynt can be found in this appendix (Appendix P.3)</p> <p>We act on behalf of Polynt Composites UK Limited. We now attach our client's formal response to the consultation exercise currently being undertaken in respect of the above potential DCO.</p> <p>We should be grateful if you would kindly acknowledge receipt of this email and enclosures, which have also been sent to you in hard copy in today's post.</p> <p>Kind regards </p> <p><i>Contents of attachment below:</i></p> <p>By post and email to: enquiries@imminhamget.co.uk</p> <p>Your Ref: Our Ref: M-01042556</p> <p>20 February 2023 Dear Sir or Madam,</p> <p>PROPOSED DEVELOPMENT CONSENT ORDER (DCO) IMMINGHAM GREEN ENERGY TERMINAL (IGET PROJECT) REPRESENTATIONS IN RESPONSE TO CONSULTATION EXERCISE</p> <p>Introduction and Background</p> <p>Polynt Group have been active for over 60 years. It is a global market leader in the production, sales, research and development of organic anhydrides and their derivatives, including composites, intermediates and coatings.</p> <p>Polynt Group develops technologies that are utilised internally for production as well as licensed to third parties. We are now a leader in specialty market niches and is ideally positioned to benefit from the expected growth in the target markets and have a presence on four continents, operating in 16 countries, from 36 sites. We employ over 3,000 members of staff and have a turnover of over €2.3billion.</p>	<p>The Applicant notes and acknowledges the receipt of the email and its contents. The Applicant also notes that a number of discussions have taken place with Polynt Composites UK Limited regarding the Project since 26 July 2022.</p>	No	No	N/A

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			<p>The Stallingborough facility (Plant) is a key part of the composites business unit within the Polynt Group, manufacturing Unsaturated Polyester Resins (UPR), gel coat and cleaning solutions with an output capacity of 23,000 tonnes. Polynt is a market leader in the UK for supply of these composite resins, with the majority of sales volume coming from the Stallingborough site. The plant was built in 1965 and acquired by Polynt in 2019, with considerable investment committed to upgrade and expand its operations.</p> <p>The Plant, which is located on Laporte Road and adjacent to the red line boundary for the DCO, is a critical commercial and operational component in the Polynt network and comprises a composite resin production factory together with office, warehousing and bulk storage for chemical components including (amongst others) solvents, resins and additives. There are currently 56 employees working at the Plant, all of whom travel to work through Immingham or using the connecting road network.</p> <p>Polynt Composites UK Limited also own land within the red line boundary for the DCO (Order Land). The Order Land is currently in agricultural use and is actively farmed by a tenant farmer, who grows crops including wheat and oil seed rape. The Order Land is a key interest within the Polynt Group's portfolio and offers significant future development potential as either a chemical manufacturing/processing plant or as warehousing provision given its strategic location.</p> <p>Impact of IGET Project on Polynt</p> <p>Polynt Composites UK Limited has been in discussions with Associated British Ports (ABP) and Air Products Limited (APL) regarding the IGET Project since 26 July 2022. Polynt Composites UK Limited is referred to hereinafter as 'Polynt'. The project proposals for which development consent is being sought will necessitate the temporary acquisition of the Order Land which, according to the supporting documentation made available to date, will be used as a construction compound during the construction phase of the IGET Project.</p> <p>Whilst the Order Land is most immediately affected by the IGET Project, assessing the impact of the same on the operation of</p>				

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			the Plant and its employees is also of critical importance to Polynt.				
			<p>...</p> <p>Polynt does not object to the principle of the IGET Project, however, in the absence of appropriate mitigation, protective and safeguarding measures, the IGET Project could have a significant impact on the operations of the Plant and on the medium to longer term development potential of the Order Land.</p> <p>...</p>	<p>The Applicant notes and appreciates that Polynt does not object to the principle of the Project.</p> <p>As stated in Chapter 23: Socio-economics [TR030008/APP/6.2] of the ES, the Polynt facility is located to the south-east of the Site and discussions have been held and will continue with any likely affected landowners and occupiers in terms of any implications for the safety planning of their operations . It is not anticipated that Polynt would be prevented from trading throughout the operational phase of the Project</p> <p>The impact of the traffic during both the construction and operational phases is set out in ES Chapter 11: Traffic and Transport [TR030008/APP/6.2]. Through the adoption of a final detailed Construction Traffic Management Plan (“CTMP”) based on the submitted Outline CTMP [TR030008/APP/6.7], the chosen contractor would be required to liaise closely with all local businesses to inform them of any peaks in activity so that this can be managed.</p>	No	No	<p>Chapter 23: Socio-economics [TR030008/APP/6.2]</p> <p>And</p> <p>ES Chapter 11: Traffic and Transport [TR030008/APP/6.2]</p>
			<p>...</p> <p>Given the proposed land take required to deliver the IGET Project and the impact this will have on the amenity of the area, traffic and transport and other associated impacts during the construction and operational phases, an optimum solution as regards the internal, physical reconfiguration of the Order Land will need to be identified, programmed and executed. Furthermore, any commercial and operational disruption to the Plant will need to be minimised and proactively managed not only during the carrying out of any reconfiguration works but also, crucially, during the construction and operational phases of the IGET Project.</p> <p>Polynt would be keen to negotiate with ABP/APL to agree heads of terms and the substantive provisions of a land and works agreement which it is hoped will secure the implementation of the aforementioned mitigation, protective and safeguarding measures. However, pending an agreement being reached, a summary of Polynt’s primary concerns in relation to the IGET Project and its anticipated impact on the Plant and Order Land following a review of the information currently available publicly</p>	<p>The extent of land potentially required to implement the Project, referred to as the Site Boundary, is illustrated on Figure 2.2 of the ES [TR030008/APP/6.3]. The Site Boundary represents the proposed Order Limits for the purposes of development consent.</p> <p>The Project for which development consent is sought is defined by Schedule 1: Authorised Project of the draft DCO [TR030008/APP/2.1] and the location of each Work No. within the Site is shown on Figure 2.3 [TR030008/APP/6.3] and on the Works Plans [TR030008/APP/4.2]).</p> <p>The impact of the traffic during both the construction and operational phases is set out in ES Chapter 11: Traffic and Transport [TR030008/APP/6.2]. Through the adoption of a final detailed Construction Traffic Management Plan (“CTMP”) based on the submitted Outline CTMP [TR030008/APP/6.7],</p>	No	No	<p>ES Chapter 2: The Project [TR030008/APP/6.2]</p> <p>And</p> <p>ES Chapter 11: Traffic and Transport [TR030008/APP/6.2]</p>

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			<p>is set out below. Please note that we reserve the right to supplement these representations as and when further, more detailed, information becomes available.</p> <p>...</p>	<p>the chosen contractor would be required to liaise closely with all local businesses to inform them of any peaks in activity so that this can be managed.</p> <p>Negotiations regarding the terms and provisions of a land and works agreement are ongoing; Air Products sent heads of terms ("HOT") to Polynt. Polynt has invited Air Products to a meeting on 21st September to discuss the HOT and address Polynt's concerns and measures (a non exhaustive list has been sent to Air Products) that may be required to minimise any impacts on Polynt's operation.</p>			
			<p>...</p> <p>Key concerns</p> <p>As stated above, management of the impact on the commercial operation of Polynt's interests at Immingham is a key concern. In this regard we require clarity as to the length of time for which the Order Land is required. In some material there is reference to the construction compound located on the Order Land being required for a period of 2 years, yet elsewhere (including at consultation events) a period of 2-3 years has been mentioned, commencing 2025. We require absolute certainty on this point in order to adequately plan for the future business needs of our operation.</p> <p>...</p>	<p>Up to date details of the construction and operation of the Project are provided in Chapter 2: The Project [TR030008/APP/6.2] of the ES. Schedule 1: Authorised Project of the draft DCO [TR030008/APP/2.1] includes three exclusively temporary components, which are spatially defined on the Work Plans [TR030008/APP/4.2] and comprise Work No. 8 to Work No. 10.</p> <ul style="list-style-type: none"> - Queens Road Temporary Construction Area (Work No. 8) - Laporte Road Temporary Construction Area (Work No. 9) - which includes land owned by Polynt - Temporary Removal of Kings Road Street Furniture and Overhead Cables (Work No. 10) <p>It should be noted that the approach described for each of the compounds is indicative only at this stage in the Project.</p> <p>Laporte Road Temporary Construction Area: The Temporary Construction Area which constitutes Work No. 9 involves the set up and use during Phase 1 of Project construction of a temporary laydown area for the storage of equipment and materials and the formation of a temporary road access to Laporte Road. The</p>	No	No	<p>Chapter 2: The Project [TR030008/APP/6.2]</p>

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				location of the Temporary Construction Area is illustrated on Figure 2.5 [TR30008/APP/6.3]. Once the construction compound is no longer required, which is currently assumed to be after the first phase of construction is completed, a duration of approximately 2.5 to 3 years, the area would be reinstated to its original state through lifting of the ground mat protection. Further details are provided in Chapter 2: The Project [TR30008/APP/6.2].			
			... Whilst Polynt is broadly supportive of the IGET Project, we were unable to discern from the information currently available exactly what alternatives to the current proposed scheme have been considered, and presumably discounted, by ABP and APL. As noted above, our aim is to minimise and mitigate impacts on our interests and we have not seen proposals for an alternative scheme that differs to that which is currently being promoted. ...	The Applicant acknowledges and appreciates that Polynt are broadly supportive of the Project. Further details of the alternatives considered for the Project are contained within Chapter 3: Need and Alternatives [TR030008/APP/6.2] of the ES.	No	No	Chapter 3: Need and Alternatives [TR030008/APP/6.2]

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			<p>...</p> <p>We have significant concerns around the traffic and transport impacts of the IGET Project during both the construction and operational phases of the scheme. The data on these impacts that accompanies the consultation information identifies significant increases in vehicle movements on the surrounding highway network, particularly on Kings Road and Queens Road and the junction of the latter with Laporte Road. This is already a very busy route during rush hour, with queuing traffic waiting to access the docks from Queens Road and Laporte Road. Laporte Road is the only access to our Plant, with traffic (and our employees) approaching via Queens Road or Kiln Lane/Hobson Way. A significant increase in traffic here will cause excessive congestion and queues that would impact on our Laporte Road access, causing issues for members of staff and deliveries in and out of the site. To confirm, 34,000 tonnes of raw materials and finished products arrive, or leave the site per annum, by road.</p> <p>Of further concern is the fact that this increased traffic will comprise a considerable number of HGV movements. As noted, Laporte Road is already a very busy highway being the main access point to the docks at its junction with Queens Road. The proposed access point to the temporary construction compound is circa 200 yards from the entrance to our Plant. We have many HGVs making deliveries to the Plant daily. With no middle right hand turning lane, and limited space at the entrance to our Plant, there are already occasions when the traffic has needed to queue to access the site, leading to a number of near misses in the past with HGV's waiting to gain entry. Increased traffic flow during the construction phase of the IGET Project has the potential to exacerbate this problem and it is not unforeseeable that the queues from the junction with Laporte Road and Queens Road during rush hour could back up to the Plant entrance, restricting access for deliveries, employees and visitors. It is unclear whether any investigation of the potential to use the port to deliver construction materials etc necessary to deliver the scheme has been explored as an alternative measure to reduce/minimise vehicle movements on the local highway network</p> <p>...</p>	<p><u>Traffic and transport</u></p> <p>The impact of the traffic during both the construction and operational phases is set out in ES Chapter 11: Traffic and Transport [TR030008/APP/6.2]. A number of HGVs would need to access the Temporary Construction Area (Work No. 9) at the northern end of Laporte Road but would then be routed along Queens Road and Kings Road to use the A1173 to access the wider highway network via the A180. In terms of construction workers and employees, only those residing within Grimsby are forecast to use Laporte Road.</p> <p>Through the adoption of a final detailed CTMP based on the submitted OCTMP [TR030008/APP/6.7], the chosen contractor would be required to liaise closely with all local businesses to inform them of any peaks in activity so that this can be managed.</p> <p>The construction compound access points and all site entrances have been designed to ensure adequate separation from existing junctions and appropriate sight lines, so that any queueing on the road network is minimised and avoided wherever possible.</p> <p>There would be some localised highway works to Kings Road, Queens Road and Laporte Road associated with culvert works, utilities connections and protective works and the creation of site entrances. These works would be undertaken using powers included within the draft DCO. Liaison would be undertaken with NELC for all works in the highway. Any road closures (for example for the construction of Work No. 4 on Laporte Road) would be managed and agreed with the Local Highway Authority, with suitable diversion routes being available, e.g. via Kiln Lane. No significant disruption is expected. Further details are provided in ES Chapter 11: Traffic and Transport [TR030008/APP/6.2].</p> <p>As described in the Outline Construction Environmental Management Plan [TR030008/APP/6.5], it is anticipated that</p>	No	No	<p>Chapter 11: Traffic and Transport [TR030008/APP/6.2]</p>

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				<p>much of the construction materials and components associated with the construction of the marine works would be delivered by sea to the Port of Immingham, and then taken to site using the A1173 Kings Road. This is also likely to be the case for large, prefabricated elements and large operational plant associated with the hydrogen production facility. Further details are provided in ES Chapter 11: Traffic and Transport [TR030008/APP/6.2], and modularisation and delivery by sea is specified in the Outline CEMP [TR030008/APP/6.5].</p>			
			<p>...</p> <p>In relation to the Order Land, we require further clarity on the extent of the ground investigation work that is proposed at this location. If the IGET Project is to proceed, we will require maximum comfort that the land will be remediated so that there</p>	<p><u>Order Land</u> A detailed Agricultural Land Classification survey has been undertaken by the Applicant, the findings of which are reported in full in Appendix 21.A of Chapter 21: Ground Conditions and Land Quality</p>	No	No	<p>Chapter 21: Ground Conditions and Land Quality</p>

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
			<p>is there is no impact on the Order Land as a result of its temporary use as a construction compound. If the scheme proceeds the Order Land must be restored to its current state (ie. suitable for agricultural use) as a minimum. Thorough investigation work is necessary in order to ensure that any pre-existing conditions are identified and catalogued and a baseline set that can be referred back to and remediated where necessary post construction. This is particularly important as there is the very real risk of uncontrolled run off and accidental release of potential contaminants during both the construction and operational phase.</p> <p>...</p>	<p>[TR030008/APP/6.4] and are summarised as part of the baseline conditions presented in Section 21.6.</p> <p>Matters relating to the potential future viability of farming operations on land required during construction of the Project, and potential effects on operation of the existing Polynt plant, have been considered within Chapter 23: Socio-Economics [TR030008/APP/6.2]. The chapter concludes that the land temporarily used would be returned for use by the agricultural holding with no expected change in condition following construction. On this basis there would be no effect arising from the Project on the agricultural holding.</p>			<p>[TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 23: Socio-Economics [TR030008/APP/6.2]</p>
			<p>...</p> <p>Linked to this, we note that the stated aim for delivery of the IGET Project is to 'minimise waste generation'. Further information as to how waste generation will be 'minimised' during the construction phase. This is particularly important to Polynt as the Order Land will presumably be used for the storage of waste materials awaiting removal from the site.</p> <p>...</p>	<p><u>Waste generation</u></p> <p>The Temporary Construction Area which constitutes Work No. 9 involves the set up and use during Phase 1 of a temporary laydown area for the storage of equipment and materials and the formation of a temporary road access to Laporte Road. The location of the Temporary Construction Area is illustrated on Figure 2.5 [TR30008/APP/6.3]. As outlined in ES Chapter 20: Materials and Waste (section 20.6) [TR030008/APP/6.2], the Project would aim to prioritise waste prevention, followed by preparing for re-use, recycling and recovery and lastly waste disposal to landfill as per the waste hierarchy. In addition, an Outline Site Waste Management Plan ("OSWMP") forms part of the Outline CEMP [TR030008/APP/6.5], which has been prepared and accompanies the DCO application.</p> <p>The OSWMP has been developed to act as a guide to those involved in the construction of the Project on how to manage resources and waste, in accordance with best practice requirements. As secured in the Schedule of Mitigation and Monitoring [TR030008/APP/7.2] the Principal Contractor will be required to use this OSWMP as a framework for producing their own SWMP for use throughout the duration of construction.</p>	No	No	<p>Chapter 20: Materials and Waste [TR030008/APP/6.2].</p> <p>And</p> <p>Chapter 21: Ground Conditions and Land Quality [TR030008/APP/6.2]</p>

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
				<p>With the implementation of embedded and standard mitigation measures, there are no significant material and waste effects anticipated. Further details are provided in ES Chapter 20: Materials and Waste [TR030008/APP/6.2].</p> <p>With regard to ground conditions and land quality, best practice guidance and mitigation measures will be adhered to during construction, in order to prevent or minimise spillage risks and impacts during the construction phase. The measures also address accidental spillages associated with building construction, foundations, concrete usage and the management of concrete batching. These are secured through a requirement of the draft DCO [TR030008/APP/2.1] and the Outline CEMP [TR030008/APP/6.5].</p> <p>Topsoil removal or stockpiling isn't proposed in the Laporte Road Temporary Construction Area as soils will need to be levelled and compacted, prior to use as a laydown area. This area will be subject to light grading, with a breathable heavy duty ground mat protection applied following these works to reduce potential compaction from materials laydown and associated activities. These measures are secured through a requirement of the draft DCO [TR030008/APP/2.1] and the Outline CEMP [TR030008/APP/6.5].</p> <p>To further prevent the potential for surface run-off and mobilisation of potential contaminants, any washing of vehicles and equipment will be undertaken in controlled areas only. Such locations will be defined in the Final CEMP, which will be submitted to, and approved in writing by, the local planning authority. This is secured by requirement in the draft DCO [TR030008/APP/2.1].</p> <p>For further details please refer to Chapter 21: Ground Conditions and Land Quality [TR030008/APP/6.2].</p>			
			<p>...</p> <p>The flood risk implications of the IGET Project are also not assessed adequately in the consultations documentation, with the preliminary information stating that a full Flood Risk</p>	<p><u>Flood risk</u></p> <p>The FRA at Appendix 18.A of ES Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage</p>	No	No	<p>Chapter 18: Water Use, Water Quality, Coastal</p>

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			<p>Assessment is to be submitted at a later date. Given the Plant and Order Land's location adjacent to the Humber, and noting the ongoing affects. of climate change, the risk of flooding affecting our operation is already significant. We will require comfort that the risk of flooding at both the Order Land and the Plant will not be heightened by the IGET Project</p> <p>...</p>	<p>[TR030008/APP/6.4] considers the risk of flooding from all sources to and from the Project over the lifetime of the terrestrial elements of the development in accordance with both the National Policy Statement for Ports and the National Planning Policy Guidance. Mitigation measures are described in Section 18.7 of this chapter which would minimise the risk of flooding and to ensure the development remains safe.</p> <p>The FRA also assesses the impact of the Project on flood risk, particularly from tidal, fluvial and surface water sources. The FRA and the summary provided at Section 18.8 of Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] conclude that given the presence of the tidal flood defences, which would be raised by the Environment Agency (and by the Applicant in the vicinity of the Terminal in connection with the Project) in line with flood management plan proposals in order to maintain the standard of protection along the Humber Estuary in this area, the Project is considered to be at low risk of tidal flooding. It is unlikely, given the extent and depth of flooding along the South Humber Bank should a breach occur, that the Project would increase the risk of flooding off-site to surrounding land over its lifetime as these areas would be flooded to the same depth as the Site. Any increase in flood water level is likely to be insignificant.</p> <p>The Drainage Strategy at Appendix 18.B of ES Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.4] outlines how surface water generated on site would be managed so that the risk of surface water flooding does not increase over the existing scenario.</p>			<p>Protection, Flood Risk and Drainage [TR030008/APP/6.2]</p> <p>And</p> <p>Appendix 18.A Flood Risk Assessment [TR030008/APP/6.4]</p> <p>And</p> <p>Appendix 18.B Drainage Strategy [TR030008/APP/6.4]</p>
			<p>...</p> <p>Finally, and straddling both the construction and operational phases of the IGET Project, we consider that the consultation information contains insufficient information of the assessment</p>	<p>The impact of the land use planning zones on future development is addressed in Chapter 23: Socio-Economics [TR030008/APP/6.2]. All plant and equipment forming part of the hydrogen production facility will be controlled</p>	No	No	Chapter 23: Socio-Economics

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			<p>of the cumulative impacts of introducing another COMAH hazard to this location, particularly given the traffic and transport impacts referred to above. This is a key concern relative to the health and wellbeing of our employees and the ongoing viability of our operation from the Plant.</p> <p>...</p>	<p>under an appropriate safety management system applicable to a level required to satisfy the COMAH Competent Authority (HSE and EA) with regard to a COMAH installation, as discussed in Chapter 22: Major Accidents and Disasters [TR030008/APP/6.2].</p> <p>A key aspect of the COMAH Regulations and Planning (Hazardous Substances) Regulations 2015 is the consideration of the compatibility of certain types of new development, such as the Project, with other land uses, in order to maintain adequate separation from residential areas, buildings and areas of public use around major hazards where the development increases the risk or consequences of a major accident. Any new development should not significantly worsen the situation from a cumulative perspective should a major accident occur. The HSE is a statutory consultee during the planning and hazardous substances consent (HSC) process and is responsible for advising whether the risks associated with a new development such as the Project are at an acceptable level. This decision-making process includes the use of criteria referred to as 'Consultation Distances' which are zones (referred to above as land use planning zones) established by the HSE around major accident hazard sites and pipelines for planning control. The HSE's Consultation zones are categorised as either 'Inner', 'Middle' or 'Outer' and a separate category is applied for the safeguarding zones associated with explosive hazards. Within these zones, the HSE's decision making criteria are based on the type of development which is proposed within the zone, the vulnerability of those likely to be present and the societal tolerance of the associated risk. The Inner Zone is closest to the major hazard where risks and hazards are greatest and restrictions on development are strictest. A full description of these zones is found at HSE: Land Use Planning. The operator will still need to ensure that the overall risk of a major accident is reduced to ALARP in accordance with the COMAH Regulations(. </p>			<p>[TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 22: Major Accidents and Disasters [TR030008/APP/6.2]</p>

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				<p>The methodology used by HSE when providing land use planning advice is based on the following principles:</p> <p>a. The risk considered is the residual risk which remains after all reasonably practicable preventative measures have been taken to ensure compliance with the requirements of the Health and Safety at Work etc. Act 1974 and its relevant statutory provisions.</p> <p>b. Where it is beneficial to do so, advice takes account of risk as well as hazard, that is the likelihood of an accident as well as its consequences.</p> <p>c. Account is taken of the size and nature of the proposed development, the inherent vulnerability of the exposed population and the ease of evacuation or other emergency procedures for the type of development proposed. Some categories of development (e.g. schools and hospitals) are regarded as more sensitive than others (e.g. light industrial), and advice is weighed accordingly.</p> <p>d. Consideration is given to the risk of serious injury, including that of fatality, attaching weight to the risk where a proposed development might result in a large number of casualties in the event of an accident.</p> <p>The Project is within the consultation distances of a number of major hazard sites and pipelines; this cumulative consideration is a key factor which has been taken into account during the Project design and planning and is discussed further in Section 22.8 of Chapter 22 [TR030008/APP/6.2]. An application for HSC has been submitted to NELC in connection with the hydrogen production facility.</p>			
			<p>... Other non-COMAH hazard risks to human health, such as worsening air quality, are also not dealt with adequately in the consultation documentation. Increased levels of harmful dioxins caused by both increased traffic, and queuing traffic in particular, must be fully and adequately assessed and mitigated. ...</p>	<p><u>Non-COMAH hazard risks to human health</u></p> <p>The assessment considers within ES Chapter 24: Human Health and Wellbeing (section 24.8) impacts on air quality as regards human health, with reference to the findings of the Air Quality assessment within ES Chapter 6: Air Quality [TR030008/APP/6.2]. In summary, during construction and operation, the human health effect resulting from air quality effects associated with operational road traffic is assessed to be minor adverse (not significant).</p>	No	No	<p>Chapter 24: Human Health and Wellbeing [TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 6: Air Quality [TR030008/APP/6.2]</p>

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
				The impact of emissions from increased traffic movements and congestion is considered in Chapter 6: Air Quality (section 6.8, paragraph 6.8.37 to 6.8.42 and table 616) [TR030008/APP/6.2] , with reference to relevant guidance published by the Institute of Air Quality Management, National Highways and Defra. In line with those guidance documents, the assessment focuses on the primary pollutants of concern from such emissions. In conclusion, it is considered that the construction phase traffic impact will not contribute to a significant effect on local air quality. Before application of good practice mitigation (See Section 6.7 of Chapter 6: Air Quality [TR030008/APP/6.2]), the effect of the construction phase road traffic emissions impact is not significant.			
			... Concluding remarks Our operations at Stallingborough are a critical part of the Polynt Group's international business. The Plant makes a major contribution to Group performance and plays an integral role in both serving the company's customer base in the UK, and in supporting the wider integrated national, and international, network of Polynt sites. The delivery of the IGET Project, and the public benefits it promises to deliver, should not be at the expense or to the material detriment of such a significant, thriving business (having regard to its economic contribution) and local employer. Please acknowledge these representations as the formal response to the consultation exercise for the IGET Project, closing 20 February 2023. Yours faithfully Polynt Composites UK Ltd	The technical points in formal response are acknowledged and responded to in the rows above.	No	No	N/A
15.	UK Health Security Agency	20.02.23	Dear Sir/Madam Please find attached the UK Health Security Agency's response to the above consultation.	The Applicant notes the comment that the UK Health Security Agency is satisfied with the approach taken. The human health and wellbeing assessment recognises the definition of health stated here. The definition is set out in the methodology of	No	No	Chapter 24: Human Health and Wellbeing [TR030008/APP/6.2]

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			<p>Kind regards</p> <p>Content of attachment below:</p> <p>20th February 2023</p> <p>Dear Sir/Madam,</p> <p>nsipconsultations@ukhsa.gov.uk www.gov.uk/ukhsa Your Ref: TR030008 Nationally Significant Infrastructure Project Immingham Green Energy, Terminal Dock Office Immingham Dock Immingham Public Consultation Section 42 Stage</p> <p>Thank you for your consultation regarding the above development. The UK Health Security Agency (UKHSA) welcomes the opportunity to comment on your proposals and Preliminary Environmental Information Report (PEIR) at this stage of the Nationally Significant Infrastructure Project (NSIP). Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided is sent on behalf of both UKHSA and OHID.</p> <p>Please note that we have replied to earlier consultations as listed below and this response should be read in conjunction with that earlier correspondence:</p> <p>Request for Scoping Opinion 28/08/2022 The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up, to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from, for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.</p> <p>We have considered the submitted documentation and can confirm that we are satisfied with the approach taken in preparing the Environmental Impact Assessment (EIA) and the</p>	<p>Chapter 24: Human Health and Wellbeing (section 24.4) [TR030008/APP/6.2]. The human health and wellbeing assessment incorporates best practice guidance with respect to scoping and assessment of effects as described by IEMA, which also informs the assessment of significance within the chapter.</p>			

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			<p>conclusions drawn. We wish to make no further comment at this time.</p> <p>If you require any clarification on the above points or wish to discuss any particular issues please do not hesitate to contact us.</p> <p>Yours faithfully On behalf of UK Health Security Agency nsipconsultations@ukhsa.gov.uk</p> <p>Please mark any correspondence for the attention of National Infrastructure Planning Administration.</p>				
16.	Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustee Limited	20.02.23	<p>Dear Associated British Ports</p> <p>IMMINGHAM GREEN ENERGY TERMINAL DEVELOPMENT</p> <p>SECTION 42 CONSULTATION RESPONSE</p> <p>We are instructed on behalf of Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustee Limited in the relation to the proposed Immingham Green Energy Terminal Development.</p> <p>Please find attached a response to the section 42 consultation in relation to the proposed development.</p> <p>I would be grateful if you could please confirm receipt of this document.</p> <p>Kind regards</p> <p>Content from attachment below</p> <p>Date: 20 February 2023 Ref: APT IMMINGHAM GREEN ENERGY TERMINAL SECTION 42 CONSULTATION RESPONSE 1 INTRODUCTION 1.1 Associated British Ports (“ABP”) has given notice that it</p>	<p>The issued formal letter of response to Associated Petroleum Terminals (Immingham) Ltd can be found in this appendix (Appendix P.3)</p> <p>The Applicant notes that the response has been submitted on behalf of both APT and Humber Oil Terminals Trustee Limited (“HOTT”) in relation to the existing Immingham Oil Terminal (“IOT”). Discussions are ongoing between the Applicant, Air Products BR Limited (“Air Products”) and the IOT Operators (HOTT and APT) to seek to address the IOT Operators’ concerns and resolve outstanding points and we are grateful for the indication that the IOT Operators would welcome further engagement with ABP and Air Products. We note that since the consultation response was received by ABP, APT took part in the Navigational Simulations and the navigational HAZID workshop for the Project.</p>	No	No	N/A

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			<p>intends to make an application to the Secretary of State under the Planning Act 2008 (“the 2008 Act”) for a Development Consent Order (“DCO”) to construct a new multi-user liquid bulk green energy terminal of up to two berths, including the construction and operation of a hydrogen production facility on the eastern side of the Port of Immingham, North East Lincolnshire, DN40 2LZ. If constructed, the development will be known as the Immingham Green Energy Terminal Development (“IGET Development”). The first customer of the IGET Development will be Air Products BR Ltd (“Air Products”) who will construct and operate a green hydrogen production facility on land which forms part of the IGET Development.</p> <p>1.2 In accordance with the duty under s42 of the 2008 Act, ABP is undertaking a consultation on the IGET Development prior to submission of its application for development consent.</p> <p>1.3 This response is submitted on behalf of Associated Petroleum Terminals (Immingham) Limited (“APT”) and Humber Oil Terminals Trustee Limited (“HOTT”) in response to the statutory consultation. HOTT is the licensee (from ABP) of the Immingham Oil Terminal Jetty (“IOT”) and lessee (from ABP) of the associated oil terminal and tank farm (“Oil Depot”). APT operates IOT and the Oil Depot on behalf of HOTT (HOTT and APT are referred to together in this response as “the IOT Operators”).</p> <p>1.4 The IOT Operators are joint venture companies owned equally by Phillips 66 Limited (“Phillips 66”) and Prax Lindsey Oil Refinery Limited (“Prax”). Phillips 66 is the owner of the Humber Refinery and Prax is the owner of the Lindsey Oil Refinery. The principle activity of the IOT Operators is the operation of marine terminals on behalf of Phillips 66 and Prax. They are also responsible for the operation of much of the pipeline system between the IOT and the two refineries.</p> <p>1.5 The IGET Development is adjacent to the IOT. The IOT Operators have concerns about the IGET Development from a safety perspective. The IOT Operators’ concerns are outlined in the remainder of this document, and relate to the periods of construction, operation and decommissioning of the proposals.</p> <p>1.6 The IOT Operators have been in discussions with ABP as the applicant and Air Products as the initial tenant of the new green hydrogen production facility in order to resolve outstanding issues. These discussions are ongoing and the IOT Operators would welcome further engagement on these matters with ABP and Air Products including taking part in any forthcoming HAZID workshops and jetty simulations in an effort to minimise any impacts on the IOT Operators’ operations.</p> <p>...</p>				

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			<p>2 THE IMMINGHAM OIL TERMINAL</p> <p>2.1 The IOT is located adjacent to the IGET Development. The IOT is indicatively shown outlined blue on the diagram included as an Appendix of this response. The IOT was opened in 1969 and was built to serve the oil refineries that had been built near west of the Immingham Dock site: the Continental Oil Refinery (now the Humber Refinery) and the Lindsey Oil Refinery. The IOT continues to be a critical aspect of the operation of these oil refineries.</p> <p>2.2 The activity of the IOT Operators is almost entirely in response to the requirements of Phillips 66 and Prax for marine movements of feedstock and products to and from the two refineries. The principle aim of the IOT Operators is to maximise the efficiency with which its facilities (including the IOT) are used whilst having proper regard for safety and the environment.</p> <p>The Humber Refinery</p> <p>2.3 Phillips 66 owns and operates the Humber Refinery which sits on a 480 acre site at South Killingholme on the Humber estuary.</p> <p>2.4 The Humber Refinery is at the heart of the Humber region's economy providing highly skilled and high value roles for 1,100 employees and contractors. The Humber Refinery is one of the most complex refineries in Europe. It has an expansive range of upgrading units that allow the refinery to manufacture a range of products, including materials not manufactured elsewhere in the UK or Europe. The Humber Refinery injects over £200 million on an annual basis into the region's economy through salaries, investments and payments for goods and services.</p> <p>2.5 The Humber Refinery is a nationally significant piece of infrastructure. It provides 11% of UK road fuel demand and 20% of all UK demand for petroleum products. The Humber Refinery also produces high grade petroleum coke used to recycle steel and for components in lithium ion batteries used for smart phones, tablets and electric vehicles.</p> <p>2.6 Since 2000, Phillips 66, with the Humber Refinery as its economic engine, has paid approximately £700 million in corporation tax to HM Treasury.</p> <p>The Lindsey Oil Refinery</p> <p>2.7 The Lindsey Oil Refinery is owned by Prax. The refinery extends over 500 acres and incorporates some of the most advanced refining and conversion processes in Europe and has the capacity to process up to 113,000 barrels of oil a day. The refinery is highly valuable to the region's economy and employs approximately 400 staff and another 400 contractors.</p> <p>2.8 The greater part of the refinery's output is petrol and diesel for road vehicles, with the remaining proportion being speciality products such as fuel oil, bitumen, kerosene and aviation fuel.</p> <p>2.9 Together, the Humber Refinery and Lindsey Oil Refinery</p>	<p>The explanation at paragraph 2 of the consultation response of the relationship between the IOT and the refineries and the importance of the IOT to the refineries' operation is noted.</p>	No	No	N/A

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			<p>make up approximately 27% of the UK's refining capacity. The importance of the refineries to the region and wider country's economy is expressly acknowledged in a wide range of economic and development plan policy documents, including for example:</p> <p>(a) Greater Lincolnshire LEP – Strategic Economic Plan: 2014-2030 (at page 27)</p> <p>(b) North Lincolnshire Core Strategy (at 9.39)</p> <p>(c) North East Lincolnshire Council – Local Plan 2013 to 2032 (at 6.9)</p> <p>2.10 Any prejudice to the continuing operation of Humber Refinery or the Lindsey Oil Refinery would be contrary to the public interest.</p> <p>The IOT</p> <p>2.11 The IOT consists of product storage tanks, associated pumps, pipe work and equipment for product transfers between ship and shore and vice versa, operational control facilities, management, maintenance and support facilities , together with a jetty approximately 1,000 metres long with seven berths for ships to dock. These consist of three main berths, two coaster berths and two barge berths. The coaster and barge berths, known as the Finger Pier, would be the closest berths to the IGET Development.</p> <p>2.12 The IOT is essential to the operations of the Humber Refinery and the Lindsey Oil Refinery, as crude oil arrives by tanker at the IOT before being transferred to the refineries by pipeline. Furthermore, approximately 30% of the Humber Refinery's production and 33% of the Lindsey Oil Refinery's production is exported and the IOT is essential to that export capabilities of the refineries. Products from the refinery are transported via pipeline to the IOT and can then be transported onwards via tanker.</p> <p>2.13 Any prejudice to the operations at the IOT would result in prejudice to the continuing operations of the Humber Refinery and the Lindsey Oil Refinery. The IOT Operators are concerned that, as currently designed, the IGET Development would be prejudicial to the IOT. These concerns are detailed below.</p>				
			<p>3 THE STATUS OF THE IOT AND THE IOT OPERATORS</p> <p>Agent of change</p> <p>3.1 The "agent of change" principle permeates the English planning regime. At its simplest, it can be understood as the principle that a person or business introducing a new land use is responsible for managing the impact of that change. It finds expression in the relevant National Policy Statement governing the ABP proposals (as expanded on further below), and the National Planning Policy Framework (the "NPPF") which is also</p>	<p>The position of HOTT and APT regarding the 'agent of change' principle (paragraph 3.1) and how it is said to apply to the Project (paragraph 3.2) is noted. We note that discussions have commenced regarding appropriate protective measures in respect of the IOT (a detailed</p>	No	No	N/A


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			<p>a matter considered to be important and relevant to the Secretary of State's decision-making on any future DCO application.</p> <p>3.2 The IOT is a critically important piece of national infrastructure, for the reasons explained in the preceding section. That increases the level of urgency and sensitivity with which the agent of change principle ought to be applied in these circumstances.</p> <p>Occupation of the IOT by the IOT Operators</p> <p>3.3 HOTT has the benefit of a licence (the "IOT Licence") for the non-exclusive use of the IOT jetty. That licence expires on 14 February 2028 and is capable of being extended in 5 year intervals up to 14 February 2053.</p> <p>3.4 HOTT has the benefit of a lease (the "IOT Lease") for the Immingham oil depot which together with the jetty comprises the IOT. The IOT Lease also expires on 14 February 2028 and is capable of being extended in 5 year intervals up to 14 February 2053.</p> <p>3.5 Both the IOT Licence and IOT Lease recognise that HOTT occupies the IOT through its appointed operator; APT. HOTT and APT are referred to as the "IOT Operators" jointly for ease of reference in the remainder of this document. Strictly, APT is appointed to operate the premises on behalf of HOTT.</p>	<p>response on the principle is not therefore given at this stage).</p> <p>The explanation of occupation of the IOT by the IOT Operators and the basis of their occupation at paragraphs 3.3 – 3.5 of the consultation response is noted.</p>			
			<p>4 IMPACTS OF THE PROPOSAL ON THE IOT</p> <p>4.1 The IOT Operators are concerned about site safety issues relating to the construction, operation and decommissioning phases of the IGET Development.</p> <p>4.2 The IOT Operators have concerns relating to safety from the IGET Development including the risk of major fire, explosion or release of toxic gas. This could occur as a result of the following:</p> <p>(a) Hydrogen leakage from the pipelines that cross the East Site1;</p> <p>(b) Ammonia leakage from the refrigerated ammonia storage tank on the East Site;</p> <p>(c) Hydrogen and/or ammonia leakage from the hydrogen production units on the East Site; and</p> <p>(d) Hydrogen leakage from the hydrogen liquefiers on the East Site.</p> <p>4.3 The IOT Operators are concerned that both ammonia and, to a greater extent, hydrogen, are both flammable substances and a leakage may cause a major fire or an explosion, which may affect the IOT site. In addition, the release of ammonia gas may have impacts on the IOT. These events have the potential to cause significant injuries and loss of life for those working at</p>	<p>The IOT Operators' concerns expressed in paragraph 4 in relation to the Project are noted and as set out above, discussions are continuing with the IOT Operators with a view to addressing outstanding issues.</p> <p>Over the last 6 months, the Applicant and Air Products have held a number of meetings and site visits with the IOT Operators and independent consultants (DNV and BakerRisk). Detailed studies are ongoing as set out below, the results of which will be discussed and evaluated in conjunction with the IOT Operators. IOT representatives have participated in a number of technical workshops and meetings as referred to above.</p> <p>IOT Operators' views as to what it considers to be the major accident hazard risks, arising out of the potential for hydrogen and ammonia leakage at the Project (paragraphs 4.2-4.3), are noted. IOT Operators acknowledge ABP and Air Products' commitment to managing risk (paragraph 4.4) - those commitments are further described in Chapter 22: Major</p>	No	No	<p>Chapter 22: Major Accidents and Disasters [TR030008/APP /6.2]</p>


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			<p>the IOT as well as causing major disruption to the activities of the IOT Operators.</p> <p>4.4 The IOT Operators note the commitments in Chapter 22 of the Preliminary Environmental Information Report (PEIR) on Major Accidents and Disasters that the IGET Development will comply with all relevant safety and environmental legislation for the management of risks on industrial facilities from the construction phase until decommissioning. The chapter also notes that the risks associated with the IGET Development will be reduced by a comprehensive safety and environmental protection programme implemented via engineering design, operational measures and management to achieve a level of risk which is as low as reasonably practicable as required by the Control of Major Accident Hazards (COMAH) Regulations.</p> <p>4.5 The IOT Operators welcome these commitments. However, the IOT Operators request that additional details are provided to demonstrate how the level of risk will be controlled through design and operational measures and management. The IOT Operators also believe that in addition to these obligations, other controls should be introduced to mitigate the risk of damage to IOT infrastructure and employees. This could include the provision of refuge buildings on the IOT site which would allow those working there to be safe from any major fire, explosion or release of toxic gas.</p> <p>4.6 Furthermore, the Applicant would like assurances that the infrastructure on the East Site is constructed, operated and ultimately decommissioned in a safe and suitable manner. This would minimise the risk of any major accident occurring which would impact the IOT. The IOT Operators consider that they should be provided with plans and method statements in advance of construction and decommissioning to ensure that safety measures are being complied with during construction and decommissioning and that adequate monitoring and maintenance will take place during operation. The IOT Operators should be given the opportunity to consider these documents and provide feedback along with providing reasonable requirements or conditions for approval.</p> <p>4.7 It is considered that these measures could be secured through protective provisions or requirements included in the DCO. Other impacts of the IGET Development on the IOT could also be mitigated through the protective provisions.</p> <p>4.8 The IOT Operators would welcome further discussions with ABP and Air Products to understand the impacts of the IGET Development on the IOT including how the risk of major accidents could be minimised to a level acceptable to the IOT Operators. The IOT Operators also require additional</p>	<p>Accidents and Disasters [TR030008/APP/6.2] of the ES submitted with the DCO application.</p> <p>At paragraph 4.5, the IOT Operators request that additional details are provided to demonstrate how the level of risk will be controlled through design and operational measures and management.</p> <p>As the IOT Operators are aware, the Control of Major Accident Hazard (COMAH) Regulations 2015 will apply to the hydrogen production facility, as an “upper tier” establishment (the IOT is also understood to be an upper tier establishment). The “competent authority” enforces the COMAH regime, being the HSE and the Environment Agency acting jointly.</p> <p>The detailed design and operation of the hydrogen production facility will be controlled appropriately through the application of the COMAH regime, including the requirement for the submission of safety reports before commencement of construction and operation. The analysis contained within those safety reports must demonstrate that risks have been reduced to as low as reasonably practicable (“ALARP”) and all measures necessary have been taken to prevent major accidents for the Project to proceed.</p> <p>In the context of the responsibilities of Air Products under the COMAH Regulations, the following studies are being undertaken to inform the detailed design of the Project for the purposes of the safety report:</p> <ul style="list-style-type: none"> As indicated in Chapter 22: Major Accidents and Disasters [TR030008/APP/6.2] of the ES, process safety studies by the independent consultants, commissioned by Air Products, to assess in detail the potential consequences of a loss of containment of hydrogen and 			

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			<p>information to be provided on the concerns outlined above including what protective measures could be offered to mitigate the risk of a major accident taking place on the East Site.</p>	<p>ammonia from the facilities are ongoing.</p> <ul style="list-style-type: none"> The process safety studies include consequence modelling, the output of which will show the distance a release of ammonia could potentially extend to in the event of an accidental loss of containment. This will help inform decision making in respect of the detailed layout of the Project, including the location of emergency shelters and toxic refuges which are buildings in which people can safely take refuge in the event of an emergency such as a release of toxic gas and will include an assessment of impacts on the IOT facilities. Similarly, modelling will help define thermal radiation exposure levels and explosion overpressure levels which could be reached in the event of an incident involving a loss of containment of flammable material. This will inform the detailed location and design of facilities within the Project, particularly occupied buildings such as control rooms and will include an assessment of impacts on the IOT facilities. <p>The output of these studies will be shared with key stakeholders, including the IOT Operators, and will be contained within the safety report submitted to the competent authority under the COMAH Regulations. The parties will also share information in the context of responsibilities under COMAH relating to domino effects.</p> <p>IOT Operators state (paragraph 4.5) that, in addition to the above controls regarding design and operational measures and management, further controls to mitigate the risk of damage to IOT infrastructure and employees should be introduced.</p>			

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				<p>The outcome of the above studies, discussion, evaluation and co-operation will enable the parties to assess potential impacts on the safety of IOT employees and associated infrastructure, and consider appropriate ALARP measures under the COMAH Regulations.</p> <p>The IOT Operators seek assurances that infrastructure on the East Site will be constructed, operated and decommissioned in a safe and suitable manner (paragraph 4.8) in order to minimise the risk of a major accident occurring which would impact the IOT. In particular, the IOT Operators seek plans and method statements in advance of construction and decommissioning and the opportunity to provide feedback, along with providing reasonable requirements or conditions for approval.</p> <p>In terms of major accident hazards, the regime established by the COMAH Regulations provides an appropriate framework for ensuring the safe and suitable construction, operation and decommissioning of the East Site infrastructure, as regulated by the Environment Agency and HSE as competent authorities. The need for an environmental permit will require the application of 'Best Available Techniques'. Air Products are committed to continuing to engage with the IOT Operators during the detailed design process required by the COMAH regime in order to obtain feedback and understand their views.</p> <p>In terms of other impacts during construction and decommissioning, draft outline Construction and Decommissioning Environmental Management Plans (which form part of the DCO application) have been prepared, with the objectives of managing these activities safely and minimising impacts. The final plans will be submitted to and approved by North East Lincolnshire Council, as the relevant local planning authority, under a requirement of the DCO.</p>			

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				<p>IOT Operators note (paragraph 4.7) that appropriate measures could be secured within the DCO documentation including through requirements and protective provisions. ABP and Air Products are committed to ongoing engagement with IOT Operators to seek to address its concerns including assessment, alongside IOT, as to whether protective measures are appropriate or protective provisions required for IOT's existing infrastructure.</p> <p>IOT states that it would welcome further discussions with ABP and Air Products to understand the impacts of the Project on the IOT including how the risk of major accidents could be minimised to an acceptable level to IOT Operators. As outlined above, further discussions have taken place since receipt of the IOT Operators' representations and will continue. Air Products and ABP are committed to working closely with the IOT Operators to minimise risks of major accidents in accordance with their statutory requirements.</p>			
			<p>...</p> <p>5 ASSESSED NEED FOR THE SCHEME</p> <p>5.1 The IOT Operators recognise that the National Policy Statement for Ports2 contains a presumption in favour of granting consent to applications for ports development. However, that presumption is subject to the more specific policies contained within the NPS.</p> <p>5.2 Section 4.17 of the NPS states, amongst other things, that there may be national security considerations where development consent relates to potentially critical infrastructure. The IOT comprises nationally critical infrastructure and should be given due regard when the application for the IGET Development is considered. To be clear, the IOT Operators are not suggesting that the IGET Development is, as a matter of principle, incompatible with the IOT such that national security could be compromised. However, the IOT Operators consider that the status of the IOT means that ABP should give significant consideration in the design of the IGET Development to the potential impacts to the IOT and should be able to demonstrate that they have done so at a future examination of</p>	<p>The Planning Statement [TR030008/APP/7.1] submitted with the DCO application contains a detailed analysis of the Project against the policies in the National Policy Statement for Ports ("NPSfP"), and includes consideration of paragraph 4.17 of that policy on national security.</p> <p>The acknowledgment from APT that there is no suggestion that the Project is, as a matter of principle, incompatible with the IOT such that national security should be compromised is welcomed.</p> <p>As noted above, the status of the IOT facility is recognised and discussions are ongoing between ABP, Air Products and the IOT Operators to seek to minimise the impact of the Project on the IOT operations.</p>	No	No	N/A

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			the DCO. The IOT Operators expect ABP to have taken active steps to mitigate against any risks and impacts to the IOT.				
			<p>6 CONCLUSION</p> <p>6.1 For the reasons outlined in this consultation response, the IOT Operators have substantial concerns about certain safety aspects of ABP's proposals. The IOT Operators are particularly concerned about the potential risk of major accidents occurring at the proposed East Site of the IGET Development. This could cause injuries and loss of life for those working at the IOT and cause major disruption to the activities of the IOT Operators.</p> <p>6.2 In order to fully understand these concerns, the IOT Operators have requested further information from ABP about various aspects of the proposals and have asked for certain plans and documents to be shared or prepared jointly between ABP and the IOT Operators at the earliest opportunity, to inform the assessment or risk presented by the IGET Development. As the initial tenants of the East Site, it is envisaged that Air Products would also form a key part of these.</p> <p>6.3 Subject to further discussions and the provision of information requested above by the IOT Operators, it is also expected that any or all of the following measures may be required to be included in ABP's future application for development consent:</p> <p>(a) Protective provisions for the benefit of the IOT Operators' existing infrastructure during the construction of the ABP proposals; and / or</p> <p>(b) Requirements controlling the manner in which the ABP proposals are constructed, operated and decommissioned for the protection of the IOT and the IOT Operators' equipment installed on it.</p> <p>Yours sincerely </p>	The summary of APT's concerns is noted and understood. The Project team looks forward to continued discussions with the IOT Operators with a view to minimising the impact of the Project on their operations and to the continued sharing of information between the parties.	No	No	N/A
17.	Royal Mail	20.02.23	<p>Dear Immingham Green Energy Terminal Team</p> <p>On behalf of our client, Royal Mail, please find attached their response to the statutory consultation which closes today, Monday 20th February 2023, of this project.</p> <p>We would be grateful if you could confirm receipt of this response.</p> <p>Should you require anything further, please do not hesitate to contact myself/my colleague Dan (copied).</p>	<p>The Applicant acknowledges receipt of Royal Mail's response.</p> <p>Through the adoption of a final detailed CTMP based on the submitted OCTMP [TR030008/APP/6.7] and secured through a requirement of the draft DCO [TR030008/APP/2.1], the chosen contractor would be required to liaise closely with all local businesses (including Royal Mail) to inform</p>	No	No	Chapter 11: Traffic and Transport [TR030008/APP/6.2]

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			<p>Kind regards </p> <p><i>Content from attachment here:</i></p> <p>Proposed DCO Application by Associated British Ports for Immingham Green Energy Terminal Royal Mail Group Limited's response to s42 Scoping Consultation Introduction</p> <p>Royal Mail and its consultants BNP Paribas Real Estate have reviewed the consultation material for the above project and wish to submit this holding response as part of this consultation. Royal Mail previously submitted a response to the EIA scoping consultation in September 2022.</p> <p>In order to assess the potential impact on this scheme on the road network and on Royal Mail's property assets and business interests, the following documents have been reviewed:</p> <ul style="list-style-type: none"> • Preliminary Environmental Information Report ("PEIR", Dec 2022), including its accompanying Non-Technical Summary ("NTS"), figures, and appendices; and • Draft Statement of Community Consultation (Jan 2023). <p>Royal Mail – relevant information</p> <p>Under section 35 of the Postal Services Act 2011, Royal Mail has been designated by Ofcom as a provider of the Universal Postal Service. Royal Mail is the only such provider in the United Kingdom. The Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service.</p> <p>Royal Mail is under some of the highest specification performance obligations for quality of service in Europe. Its performance of the Universal Service Provider obligations is in the public interest and this should not be affected detrimentally by any statutorily authorised project.</p> <p>The Government imposes financial penalties on Royal Mail if its Universal Service Obligation service delivery targets are not met. These penalties relate to time targets for:</p>	<p>them of any peaks in activity so that its effects can be managed.</p> <p>The construction compound access points and all site entrances have been designed to ensure adequate separation from existing junctions and appropriate sight lines, so that any queueing on the road network is minimised and avoided wherever possible.</p> <p>There would be some localised highway works to Kings Road, Queens Road and Laporte Road associated with culvert works, utilities connections and protective works and the creation of site entrances.</p> <p>These works would be undertaken using powers included within the draft DCO. Liaison would be undertaken with NELC for all works in the highway and as mentioned above, Royal Mail would be notified of any diversions and closures.</p> <p>Wording has been added to the OCTMP [TR030008/APP/6.7] to state that parties may need to be consulted (e.g. Royal Mail) where required (depending on the works and location) and a copy of the CTMP approved pursuant to this OCTMP, along with information on working hours and proposals for traffic management or works on the highways network (including any road closures, diversions or alternative access arrangements) that have potential to affect these parties will be provided at least one month before the relevant works are anticipated to commence.</p>			

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			<ul style="list-style-type: none"> • collections, • clearance through plant, and • delivery. <p>Royal Mail’s postal sorting and delivery operations rely heavily on road communications. Royal Mail’s ability to provide efficient mail collection, sorting and delivery to the public is sensitive to changes in the capacity of the highway network.</p> <p>Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail’s operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk to Royal Mail’s business.</p> <p>Royal Mail position</p> <p>Royal Mail has operational properties within 12 miles of the proposed works:</p> <ul style="list-style-type: none"> • BE 2701, Immingham DO – c. 1.1 miles north-west; • BE 2834, Grimsby DO– c. 5 miles south-east; • BE 2708, Grimsby RTW – c. 5 miles south-east; • BE 2713, Barton upon Humber DO – c. 11.5 miles north-west; and • BE 3211, Barton Antelope Road PAR – c. 11.5 miles north-west. <p>The PEIR sets out that the following roads on the highway network may be used and therefore potentially affected by the proposed scheme:</p> <ul style="list-style-type: none"> • A1173; • A160; • A180; • M180; and • Local roads. <p>The PEIR states “the main approach to mitigating potential traffic impacts would be the use of management measures to reduce as far as is possible the number of vehicle trips on the local highway network”. Royal Mail notes a Construction Traffic</p>				

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			<p>Management Plan (“CTMP”) and a Construction Worker Travel Plan (“CWTP”) will be prepared and submitted as part of the DCO application, and prior to the construction phase of the scheme. The PEIR NTS states these the CTMP would be prepared to “control Heavy Goods Vehicle Movements” and the CWTP “to control the trips made by construction workers (including encouraging car sharing) and thus reduce the impact of the workforce upon the highway network.” Specifically, these Plans would “set out measures and controls to limit the number of trips on the network in peak hours, and as such would aim to limit the traffic impact of the construction phase as far as possible”.</p> <p>Every day, in exercising its statutory duties Royal Mail vehicles use all of the main roads that may potentially be affected by the proposed Immingham Green Terminal (“IGT”).</p> <p>Any periods of road disruption / closure, night or day, on or to the roads immediately connected to the IGT or the surrounding highway network will have the potential to impact operations and may consequently disrupt Royal Mail’s ability to meet its Universal Obligation service delivery targets.</p> <p>Royal Mail’s performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project. Accordingly, Royal Mail seeks to take all reasonable steps to protect its assets and operational interests from any potentially adverse impacts of proposed development.</p> <p>Royal Mail does not wish to stop or delay the IGT works from occurring. However, Royal Mail does wish to ensure the protection of its future ability to provide an efficient mail sorting and delivering service to the public from and to the above identified operational facilities in accordance with its statutory obligations.</p> <p>In order to protect Royal Mail’s position, it is requested that wording is added to the future Construction Transport Management Plan (“CTMP”) to secure the following mitigations:</p> <p>1. The CTMP includes specific requirements that during the construction phase Royal Mail is notified by Associated British Ports or its contractors at least one month in advance on any proposed road closures / diversions / alternative access</p>				

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			<p>arrangements, hours of working;</p> <p>2. Where road closures / diversions are proposed, Associated British Ports or its contractors liaise with Royal Mail at least one month in advance to identify and make available alternative highway routes for operational use, where possible; and</p> <p>3. The CTMP includes a mechanism that informs Royal Mail about works affecting the local highways network (with particular regard to Royal Mail's distribution facilities near the proposed works, as identified above). Royal Mail also wishes to reserve its position to submit representations to the future Public Examination, if required.</p> <p>In the meantime, any further consultation information on this infrastructure project and any questions of Royal Mail should be sent to: [redacted] Senior Planning Lawyer, Royal Mail Group Limited [redacted] Director, BNP Paribas Real Estate [redacted] Graduate Planner, BNP Paribas Real Estate</p> <p>Please can you confirm receipt of this consultation response by Royal Mail.</p>				
18.	Anglian Water	20.02.23	<p>FAO [redacted]</p> <p>Dear [redacted] and Immingham GET team</p> <p>Please find attached Anglian Water's response to the project's Statutory Consultation.</p> <p>We look forward to continued joint working at our meeting on 16 March 2023.</p> <p>Contents of attachment below:</p> <p>[redacted] DCO Lead for the Project Immingham GET enquiries@imminghamget.co.uk 20 February 2023</p> <p>Immingham Green Energy Terminal Statutory consultation Anglian Water Services Thorpe Wood House Thorpe Wood Peterborough</p>	<p>The Utilities Statement [TR030008/APP/7.7] sets out the existing water and sewer assets that will require diversion or protection (such protection to be secured through protective provisions set out in the draft DCO [TR030008/APP/2.1]).</p> <p>Diversion of part of the potable water main running beneath the disused highway off Laporte Road near the East Site is required. Discussions are ongoing with Anglian Water regarding the route of the diversion or removal of this section of line. The portion of the water main that runs along Laporte Road is to remain in place.</p> <p>There are also protections required for potable, non-potable and effluent pipelines as described below:</p> <p>Protection of the remainder of the potable water main running the length of Laporte Road</p>	No	No	<p>Chapter 2: The Project [TR030008/APP/6.2]</p> <p>And</p> <p>Utilities Statement [TR030008/APP/7.7]</p> <p>And</p> <p>Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]</p>

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			<p>PE3 6WT</p> <p>www.anglianwater.co.uk</p> <p>Dear [REDACTED]</p> <p>Our ref StatC.IGET.NSIP.23.ds</p> <p>Thank you for your email of 9 January 2023 and the opportunity to comment on the statutory consultation under sections 42, 47 and 48 of the 2008 Act for the Immingham Green Energy Terminal project (IGET) which is within North East Lincolnshire. We note at this point that discussions are on-going with the project and as part of the wider assessment being led by the Environment Agency on the Humber industrial cluster. Our response seeks to set out the current position and specifically our intention for the project and Anglian Water to work together to assess the project's requirements and effects so that it could sustainably contribute to the UK's transition to a net zero economy. Anglian Water is the appointed water and sewerage undertaker for the site and is the wholesaler who supplies water in Lincolnshire and the south Humber. Businesses can choose their water retailer and Anglian Water supplies water to retailers including Wave. The following response is submitted on behalf of Anglian Water in its statutory capacity and relates to potable water, non-potable supply, and water assets along with wastewater and water recycling assets. This letter builds upon our response scoping response to PINS in October 2022. We concur that Anglian Water is also a relevant consultation body under Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 including Regulations 11 and 13.</p> <p>The Scheme – Existing infrastructure and services</p> <ul style="list-style-type: none"> • Water network and diversions <p>There are significant existing Anglian Water assets including water mains along the south side of the site and within the roads to the north and east. Water recycling (sewerage) assets including rising mains also run to the south, east and north of the site. Anglian Water understands that as of 31 January 2023, no diversions are required by the project. Discussions with our network and diversions team on the options to reduce the need for diversions – and the attendant capital carbon in those works – would be coordinated by [REDACTED] Anglian Water's Senior</p>	<p>and the non-potable water main that also runs the length of Laporte Road will be required.</p> <p>Protection of the final effluent discharge line which runs underground from the water treatment works located at the south side of the East Site to the Humber estuary will be required.</p> <p>Further details are provided within the Utilities Statement [TR030008/APP/7.7] and Chapter 2: The Project [TR030008/APP/6.2].</p> <p>The Utilities Statement also sets out the existing and new utility requirements for the Project. The utilities identified in this Statement are electricity, gas, surface water drainage, potable and non-potable water, sewerage and telecommunications.</p> <p>The presence of Anglian Water assets is noted and this information has been used to inform Project planning and design.</p> <p>Air Products is actively working with Anglian Water to agree a statement of common ground.</p> <p>The Applicant can confirm that protective provisions for relevant Anglian Water assets are included in the draft DCO [TR030008/APP/2.1].</p>			

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			<p>Contracts Manager.</p> <p>██████████</p> <p>The protection of existing infrastructure through stand-off distances for example and the process for agreeing diversions will be required to be set out with Protective Provisions and Requirements in the draft DCO Order. The draft DCO should be agreed with Anglian Water's team in advance of submission of the application to the Planning Inspectorate. Discussions and progression of draft provisions is led by Anglian Water's Regulation Solicitor, [redacted]</p> <p>...</p>				
			<p>...</p> <p>• Water resources and supply</p> <p>For completeness we attach a set of template Protection Provisions (PPs) and Requirements which our agent Jacobs has previously provided to the project. We would ask that discussions on PPs and Requirements commence without delay given the published intention to submit the application to the Planning Inspectorate in Q2 2023.</p> <p>Anglian Water welcomes the approach by the project in 2022 seeking advice on a new water connection. Anglian Water's Wholesale Developer Services team lead on responses to connection requests and our contacts for the new connections remain ██████████. At a meeting on 8 February Anglian Water, with the water retailer Wave and the Environment Agency set out the water resource constraints in the region. Anglian Water identified that through the development of statutory Water Resources Management Plan (WRMP) that there was insufficient water supplies available to meet the new and expanded water demands from planned non-household (NHH) projects in the South Humber cluster. We set out that the regulatory position is that NHH demands are not permitted to jeopardise domestic supplies to households (current and future).</p> <p>In this context we asked that existing and new NHH customers and projects set out their planned water demands by 29 March 2023. To meet our economic and environmental regulatory requirements, Anglian Water will therefore be proposing through the WRMP that new or expanding NHH demands will be assessed against the available headroom in the Water Resource Zone. Air Products have sought confirmation on the availability of 3.5 MI/d of non- potable water for the project. The</p>	<p>Protective provisions are included in the draft DCO [TR030008/APP/2.1] and will be the subject of further discussions with Anglian Water.</p> <p><u>Water demand</u></p> <p>Following with discussions, a commercial agreement has been reached with AWS for supply of water the covers all phases.</p>	N/A	N/A	N/A

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			<p>water is currently available although we understand that Air Products aren't currently in a position to enter into a contract to secure this maximum daily demand (MDD). Air Products have been made aware that the headroom may not be available at a later date. That position may change after discussions with other projects or when Anglian Water's three stage approach to new non household (NHH) is made public as part of the Water Resource Management Plan (WRMP) process in or about June 2023.</p> <p>...</p>				

		<p>...</p> <p>Demand and Supply</p> <p>The site is within North East Lincolnshire district. Housing growth in the district for the last three years of available figures is some 300 homes a year. The site is in the East Lincolnshire Water Resource Zone (WRZ), which supplies water to Grimsby the eastern parts of Lincolnshire and communities and business as far south as Boston. The total deployable output in the WRZ is 181.5 MI/d. Taking into account sustainable abstraction reductions, required allowances for outage and net exports from the WRZ, this will reduce to 104.5 MI/d of water available in 2050.</p> <p>Total housing growth across the WRZ is forecast to be 16% over the 25 years to 2050, resulting an increased population of 432,800 people by 2050. Anglian Water's WRMP indicates that household demand reduces from 56.1 MI/d to 55.8 MI/d in 2050 (Dry Year Annual Average) even accounting for the increase in population. However, by this measure and without interventions, the WRZ is forecast to go into deficit by 2040. Demand management including smart metering is forecast to reduce average per capita consumption from 134.9 l/d to 112.0 l/d in 2050. With demand management, total demand is forecast to be 95.4 MI/d.</p> <p>In our draft WRMP, NHH demand (Dry Year Annual Average - DYAA) was forecast to change from 32.7 MI/d to 32.2 MI/d in 2050. This 2022 forecast did not include the project's water demands or that of other hydrogen, carbon capture or low carbon economy projects. Cuts in household demand and a flat NHH demand meant that abstraction reductions to protect the environment could be delivered with an overall supply demand balance in the WRZ (DYAA).</p> <p>In our Scoping response Anglian Water noted that whilst the scoping considered water environment impacts, it did not look at water resources. As the site is within an area of 'serious water stress' designated by the Environment Agency (EA) and water is used in the project construction and operation, Anglian Water directed that water resources should be assessed in the EIA, learning lessons from previous projects such as Sizewell C and Keadby.</p> <p>The reductions in available water supply coupled with the likely environmental impacts of continuing to abstract from current sources or to construct and utilise new sources such as desalination as 'upstream' effects mean that under the project EIA is required to assess these likely significant effects. Anglian Water would want to work with the project to ensure this assessment is appropriate and dovetails with our WRMP and if required, DWMP process. For example, one solution may be to utilise final effluent (FE) from water recycling (sewage) works as a feedstock for the project or other new uses and so provide either raw water or potable water to projects whose technical requirements limit its supply to non-FE sources.</p>	<p>Further detail on the Project's water use and supply requirements are provided in Chapter 2: The Project [TR030008/APP/6.2] and also in Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage (section 18.7) [TR030008/APP/6.2].</p> <p>Air Products has been engaged with Anglian Water services and their commercial arm Wave from an early stage of the Project. Between January to July 2023 Air Products has worked closely with Anglian Water, including at a number of meetings to clearly define the Project's needs in terms of water, and how it can be optimised (see Consultation Report, table 35: Summary of meetings held throughout Ongoing Engagement from July 2022 – August 2023).</p> <p>The majority of the Project demand is for non-potable water for process cooling. Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] details the water demands for the complete project. Agreement has been reached in principle with Anglian Water for the provision of non-potable water to the required standards suitable for use in the site cooling towers for the hydrogen production facility, sufficient for the full Project (Phases 1-6). This water is to be transferred to the site from an existing Anglian Water resource. The use of non-potable water for this application will reduce the pressure of the Project on an already water stressed Water Resource zone within the UK. The offer received from Anglian Water meets the full requirements for the Project, as described further in Chapter 18</p> <p>Air Products is actively working with Anglian Water to agree a statement of common ground on these matters including for foul water connection.</p>	<p>Design of the hydrogen production facility includes options for both water and air cooling. The ability to use air cooling for the later phases of development is expected to reduce the demand for non-potable water.</p>	<p>No</p>	<p>Chapter 2: The Project [TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]</p>
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The project timeline proposing submission in summer 2023 means that the NSIP is ahead of Anglian Water's WRMP (and DWMP) timelines which would only provide certainty of water supply and options such as non-potable or final effluent (FE) supply in 2024 following Regulator sign off. It may be possible through collaborative working with the project to put in place agreements including MDD which provide sufficient certainty for the Examining Authority as advised by the EA and others in Spring 2024 such that, subject to regulatory approval the Secretary of State in making their decision in or about Winter 2024, would be cognisant of approval of Anglian Water's WRMP (and DWMP). If that were not possible, then water supply options may need to be considered outside of the economic regulatory framework which introduces additional commercial and environmental uncertainties. Those solutions may also involve a significantly higher carbon footprint if new infrastructure is required which would be contrary to the projects and UK decarbonisation policy.

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			<p>... Exhibition Boards and Project Plans</p> <p>Anglian Water supports the project's objectives and to make 'effective use of available land, water, transport, and utility connections', and to enhance the 'local and regional economy' as these align with our company articles to support environmental and social prosperity in the region and our focus on being net zero by 2030. We note that the Terminal description includes disposal of wastewater and so Anglian Water will need to undertake an assessment of the quantum of wastewater requiring treatment via the public sewer network to assess network and treatment capacity as so inform the project design and then the relevant sections in the EIA.</p> <p>The images on the Boards and Plans indicate that whilst Anglian Water pipeline diversions in roads and adjacent land may not be necessary the project is able to meet the required standoff distances in project design, construction and operation including retaining suitable easements to access water infrastructure.</p> <p>...</p>	<p>The Applicant acknowledges Anglian Water's support of the Project objectives.</p> <p>The Project's sewerage requirements in respect of the number of users were provided to Anglian Water at an early stage.</p> <p>Similarly the requirements of the Project in respect of cooling water blowdown wastewater treatment, which would drain to the foul sewer, have been shared with Anglian Water.</p> <p>Air Products is actively working with Anglian Water to agree a statement of common ground, covering matters including foul water connection.</p>	No	No	Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]
			<p>... FAQs</p> <p>No comments</p> <p>Statement of Community Consultation</p> <p>Anglian Water welcomes the inclusion (section 2.9) of water in the list of environmental impacts to be assessed, minimised, and mitigated. This will also assist the local Councils, MPs, community, and businesses to be assured that water supply for domestic and existing customers won't be jeopardised and the abstraction or water and management of wastewater does not degrade the environment.</p> <p>Anglian Water supports the reference to other projects (section 4) as the cumulative impact of the projects including their need for water supplies and wastewater treatment can be assessed to seek to future proof the environmental gains from the transition to a low carbon economy.</p> <p>...</p>	<p>Noted. The full assessment is available in Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2].</p>	No	No	Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]
			<p>... PEIR Non-Technical Summary</p>	<p>Noted and acknowledged, the full assessment is available in Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] and the revised</p>	No	No	N/A

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			<p>We recognise that in drafting the PEIR in December 2022, it may not have been possible for the project to consider all comments provided in the October 2022 Scoping Opinion. We also appreciate that the sign off by Regulators of our WRMP and the subsequent commencement of consultation and then engagement with the project means that the issue of water supply may not have been considered at a level of importance or indeed project criticality in terms of impacts and consideration of alternatives. Anglian Water would want to ensure that water and wastewater are considered within the final EIA and this assessment includes consideration of Anglian Water and related parties such as the EA advice and solutions. Our comments below relate to the headings in the Non-Technical Summary.</p> <p>...</p>	<p>Non Technical Summary is submitted as part of the DCO application.</p>			
			<p>...</p> <p>Need: Anglian Water supports the decarbonisation role of the project and is both a user of hydrogen and a potential developer of smaller scale hydrogen production as one element of our net zero strategy.</p> <p>...</p>	<p>The Applicant acknowledges and appreciates the support for the decarbonisation role of the Project.</p>	No	No	N/A
			<p>...</p> <p>Alternatives: Anglian Water recognises the potential locational advantages of Immingham including CCS. We are not in position now to advise whether alternative locations or technologies would be more sustainably located to supply the required quantum of water or whether required regulatory approvals would be forthcoming to serve the site or would be more sustainable and viable for the environment and customers in alternative locations. For example, larger scale hydrogen facilities proposed elsewhere in the UK may have more sustainable access to water supplies. The spatial options for water resources may be an appropriate matter for forthcoming National Policy Statements (NPS) which themselves may be guided by the recently launched National Infrastructure Commission NPS review.</p> <p>...</p>	<p>Further details of the alternatives considered for the Project are contained within Chapter 3: Need and Alternatives [TR030008/APP/6.2] of the ES.</p>	No	No	Chapter 3: Need and Alternatives [TR030008/APP/6.2]
			<p>...</p> <p>The Project: We note the timeline (Table 3.2) for the Green Hydrogen Production Facility indicating that construction would be determined by market demand and would take from 3 to 11 years to completely build out capacity. Build out and operation of one hydrogen production unit by year 3 and a second by year 5 would potentially limit</p>	<p>Agreement has been reached in principle with Anglian Water for the provision of non-potable water to the required standards suitable for use in the site cooling towers for the hydrogen production facility, sufficient for the full project (Phases 1-6) (described further in Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]. This water is to be</p>	No	No	N/A

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			<p>Anglian Water's ability through the WRMP to supply water (and/ or wastewater recycling capacity) to meet those new demands in 2025 to 2030 (the AMP8 regulated investment cycle).</p> <p>...</p>	<p>transferred to the site from an existing Anglian Water resource. The use of non-potable water for this application will reduce the pressure of the Project on an already water stressed Water Resource zone within the UK.</p>			
			<p>...</p> <p>Summary of Effects:</p> <p>5.1.2 Anglian Water has sought through our engagement to flag the potentially project critical issue of water supply to the project. We again advocate that the water supply and related wastewater topic is considered against the process set out in 5.1.2.</p> <p>...</p>	<p>Further detail on the Project's water use and supply requirements are provided in Chapter 2 The Project [TR030008/APP/6.2] and also at Section 18.7 of Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage. Agreement has been reached in principle with Anglian Water for the provision of non-potable water to the required standards suitable for use in the site cooling towers for the hydrogen production facility, sufficient for the full project (Phases 1-6). This water is to be transferred to the site from an existing Anglian Water resource. The use of non-potable water for this application will reduce the pressure of the Project on an already water stressed Water Resource zone within the UK.</p>	No	No	<p>Chapter 2: The Project [TR030008/APP /6.2]</p> <p>And</p> <p>Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP /6.2]</p>
			<p>5.1.3 Given the fortuitous timing of the WRMP (and DWMP) and supporting SEA, the project could consider the new baseline and future position up to 2050 in the project EIA including HRA and other assessments. The impact of curtailed water supply to domestic customers could also be assessed including consideration of the Socio- Economic effects of the use of water for the project in the context of growth and climate change as well the potential impacts on communities and business.</p> <p>...</p>	<p>The majority of the water needs of the Project can be met from a non-potable source. Domestic customers will not be affected.</p>	No	No	
			<p>...</p> <p>5.4 and 5.5 The impact of water supply provision to the project (and wastewater) on nature is not evident in the summary. For example, should this not include the potential impact from increased abstraction of water from groundwater sources within the port. This then may indicate that water sources from elsewhere have the potential to be less damaging on ecology. Similarly, the impact from wastewater particularly on marine ecology should also be summarised in the PEIR. This then enables the subsequent full EIA to consider those impacts and</p>	<p>No abstractions from groundwater are proposed for this development and no related impacts on ecology are anticipated.</p> <p>The impacts of the Project on marine receptors are addressed in Chapter 17: Marine Water and Sediment Quality [TR030008/APP/6.2] and Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2].</p>	No	No	<p>Chapter 17: Marine Water and Sediment Quality [TR030008/APP /6.2]</p> <p>And</p> <p>Chapter 9: Nature Conservation (Marine</p>

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			effects and advise on whether those upstream impacts have a level of significance requiring mitigation. ...				Ecology) [TR030008/APP /6.2]
			5.7 The traffic and transport chapter should include the impacts of HGV and plant during construction and operation on buried utilities including Anglian Water's pipelines. Alternatively, this could be included in Chapter 22 Accidents and Disasters or Chapter 23 Socio- Economics or Chapter 24 Human Health to ensure that consideration is given to impacts on residents and business from distribution of water and water recycling services caused by an increased frequency of traffic movements on buried infrastructure. Water supply network assets for example run along Kings Road, Queens Road and the southern boundary of the site. ...	No damage to Anglian Water infrastructure (or indeed any buried utilities) is predicted. Anglian Water infrastructure (primarily pipelines) is generally buried in the highway and will not be damaged by traffic movements. The Outline Construction Traffic Management Plan [TR030008/APP/6.7] (secured through a requirement in the DCO) requires the Contractor to undertake a pre-condition survey of the roads prior to construction activities commencing. The Contractor will agree the condition of the existing highway network with North East Lincolnshire Council and will seek to rectify any defects identified as a result of construction activities. The Applicant can confirm that protective provisions for relevant Anglian Water assets are included in the draft DCO [TR030008/APP/2.1] and the assets to be protected by such PPs are summarised in the Utilities Statement [TR030008/APP/7.7]. The impact on residents and business from the interruption of distribution of water and water recycling services caused by an increase in the frequency of traffic movements on buried infrastructure is not within the scope of the EIA, as the buried infrastructure will not be damaged by traffic movements.	No	No	Outline Construction Traffic Management Plan [TR030008/APP /6.7]
			... 5.14 Anglian Water welcomes the inclusion of the impact of the project on water bodies, groundwater etc – including those utilised for water supply – in Chapter 18. The Chapter as currently headed Water Quality does enable consideration of the impact of the water demands of the project through the lens of Water Quality. We suggest however that the Chapter is called Water Supply, Water Quality, Coastal Protection, Flood Risk	Chapter 18 has been renamed " Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage " [TR030008/APP/6.2]	No	No	Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP /6.2]

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			and Drainage to ensure then end to end consideration is captured. ...				
			... 5.14.7 We recognise that further work is needed by the project with Anglian Water and the Environment Agency when considering our current draft WRMP consultation to bring forward solutions that enable a similar conclusion to be reached on the magnitude of the residual impacts from water supply and wastewater management. That assessment should include the carbon costs of water and wastewater infrastructure. This assessment may equally be considered in Chapter 19: Climate Change. At this point it is important to re state that Anglian Water is committed to being net zero by 2030. ...	Further detail on the Project's water supply requirements are provided in Chapter 2: The Project [TR030008/APP/6.2] and also at Section 18.7 of Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]. Chapter 19: Climate Change [TR030008/APP/6.2] covers construction activities of the design of the Project.	No	No	Chapter 2: The Project [TR030008/APP/6.2] And Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage".[TR030008/APP/6.2] And Chapter 19: Climate Change TR030008/APP/6.2].
			... 5.16 We conclude from Chapter 20 that wastewater will be covered entirely in Chapter 18. ...	Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] covers wastewater.	No	No	Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]
			... 5.21 The draft nature of the WRMP (and DWMP) means that any solutions to water supply or wastewater are not at a stage which could be considered as reasonably foreseeable future projects. The water demands and wastewater requirements of known projects such as the Immingham RoRo or CCS projects can though be assessed in Chapter 25. The domestic water supply and wastewater position and non-household trajectory	The water use needs for the Project have been met by the agreement in principle with Anglian Water. The receipt of this commercial offer from Anglian Water means that no further assessment is required of any impacts associated with water demand or supply. The Water Resources Management Plan process carried out by Anglian Water will therefore have taken this supply agreement into account for the Project (as discussed in Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]) and will have considered	No	No	Chapter 25: Cumulative and In-Combination Effects [TR030008/APP/6.2] And Chapter 18: Water Use, Water Quality,

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			without factoring these projects can be drawn from the draft WRMP and DWMP. ...	the water use requirements for other proposed developments within the Cumulative Environmental Assessment study area. Therefore, it is considered that there will not be any significant cumulative effects for water use. As well as this, the water needs for other proposed developments and any agreements with Anglian Water that they may have are unknown and commercially sensitive, preventing further assessment being carried out.			Coastal Protection, Flood Risk and Drainage [TR030008/APP /6.2])
			... Table 6.1 It is probable that the water supply assessment in Chapter 18 will be a Significant Effect. This may require consideration to interim solutions which require further regulatory decisions where the outcome of which cannot be certain. If the project working with Anglian Water despite the national importance of hydrogen to decarbonisation and net zero, could not secure such decisions, then the project would need alternative options which themselves may constitute an NSIP. ...	The assessment included Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] does not conclude that there will be any significant effects on water resources. Arising from discussions with Anglian Water, a commercial offer has been made to provide a sub-potable supply of water from a non-potable water main within Laporte Road. This water will originate from an existing Anglian water source with capacity and will be transferred to the site for use via a non-potable water main.	No	No	Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP /6.2]
			... Glossary The inclusion of the Water Framework Directive is a timely reminder of the importance of water bodies to ecology and indeed human health as a source of water supply and the vehicle by which most of our treated wastewater is recycled. ...	A Water Framework Directive ("WFD") compliance assessment has been undertaken for the Project and is presented in Appendix 17.A: Water Framework Compliance Assessment [TR030008/APP/6.4] .	No	No	Appendix 17.A: Water Framework Compliance Assessment [TR030008/APP /6.4])
			... PEIR Chapter 18 We note that the project has considered Anglian Water's comments in the Scoping response. Many of the points require on-going dialogue and joint work including discussions with the	Air Products has been engaged with Anglian Water services and their commercial arm WAVE from an early stage of the Project. Over the last few months (January to July 2023) Air Products has worked closely with the regional water supplier, Anglian Water, including having a number of meetings to clearly define the	No	No	Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage

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			<p>Environment Agency. As set out above the key issue for the project is the impact of local water resources, which the PEIR at 18-4 advises:</p> <p>‘Water requirements will be discussed with Anglian Water in order to determine Project impacts on local water resources. Potential Project impacts will be reported in the ES.’</p> <p>On the question of a ‘local sewer network’ (18-3) connection, the PEIR is silent. Given the potential for water recycling to be part of the solution for water supply to the project including greywater and rainwater harvesting for site operatives use, Anglian Water looks forward to resolving the question of sewer network connections with the project. With reference to 18.4.18 and 18.4.19 the project may conclude that no connection is required to Anglian Water’s sewer network. We would anticipate that a detail Drainage Strategy would be a matter for a post consent Requirement approval by the LPA and that Anglian Water would be a consultant if any connections including surface water were proposed to the public sewer network.</p> <p>...</p>	<p>Project’s needs in terms of water, and how it can be optimised (see Consultation Report, table 35: Summary of meetings held throughout Ongoing Engagement from July 2022 – August 2023)..</p> <p>The majority of the Project demand is for non-potable water for process cooling. Discussions have included assessment of demand reduction possibilities, and also water re-use potential. Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] explains how the water demands for the complete Project can be met within the constraints of the regional stresses on water,</p> <p>Applicant and Air Products has water efficiency as one of its five top objectives for the Project. The use of all economically viable methods to support regional water resources is acknowledged.</p> <p>Arising from discussions with Anglian Water, a commercial offer has been made to provide a sub-potable supply of water from a non-potable water main within Laporte Road. This water will originate from an existing Anglian water source with capacity and will be transferred to the site for use via a non-potable water main. The offer received from Anglian Water meets the full requirements for the Project.</p> <p>The Applicant can confirm that protective provisions for relevant Anglian Water assets are included in the draft DCO [TR030008/APP/2.1] and the assets to be protected by such PPs are summarised in the Utilities Statement [TR030008/APP/7.7].</p> <p>Air Products is actively working with Anglian Water to agree a statement of common ground on these matters including for foul water connection.</p> <p>A Drainage Strategy has been produced for the Project Appendix 18.B [TR030008/APP/6.4]. There is no plan to discharge surface water to the sewer network. There is a robust ditch network around and through the site which would be used as a discharge location.</p>			<p>[TR030008/APP/6.2]</p> <p>And</p> <p>Appendix 18.B: Drainage Strategy [TR030008/APP/6.4]</p>

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			<p>...</p> <ul style="list-style-type: none"> • Next steps <p>On 16 March 2023, Anglian Water will be meeting with Wave and the project and others in the outh Humber cluster at decarbonisation water resource surgeries to further understand the water demands from the projects and to start to scope options for providing a significant and sustainable increase in NHH supplies to meet those demands.</p> <p>Further advice on water and wastewater capacity and options can be obtained by contacting Anglian Water's Pre-Development Team at: planningliasion@anglianwater.co.uk Yours sincerely, [REDACTED] Spatial Planning Manager</p> <p>Please copy me into to all correspondence with Anglian Water colleagues to ensure we record progress on all matters including progression of a Statement of Common Ground to be submitted with the application. Please do not hesitate to contact me should you require clarification on the above response or during the pre- application to decision stages of the project.</p>	<p>The Applicant notes the feedback. The project team will copy [REDACTED] into all correspondence pertaining to the development of a Statement of Common Ground.</p>	No	No	N/A

19.	CLdN	20.02.23	<p>Please see attached response to the PEIR consultation.</p> <p>Please send all future communication to me by email or at the address in the letter.</p> <p>Regards</p> <p>██████████</p> <p><i>Attachment in full:</i></p> <p>Dear Sirs</p> <p>Immingham Green Energy Terminal</p> <p>CLdN Ports Killingholme Limited is the owner and operator of CLdN Ports Killingholme, a six-berth RoRo terminal located up-river from the proposed Immingham GET. We note that elements of the project are still being designed and that material areas of assessment are not included in the PEIR materials. We are not able to provide a detailed response but draw you attention to the following:</p> <p>1. The PEIR states that only 12 of the 400 vessel calls will be associated with the green hydrogen production facility, which is the only associated development element of the GET project. The construction phasing shows completion of the two berths within 4-5 years of construction starting. The full development/use of the hydrogen facility would take 11 years from start of construction. This means that up to 398 vessel calls per annum will relate to other uses of Immingham GET. We assume the services provided to other vessels will require shoreside development. However, this development is not identified now and does appear to be included in the scope of the EIA even though delivery of that will be facilitated by the completion of the berths, and within a foreseeable period. For the purposes of consultation, it is not possible to understand the cumulative impacts of the project, which we do not consider can be artificially divorced from delivery of the berths.</p> <p>2. The consultation materials do not include a navigation risk assessment, although we note you intend to do this in due course. We would draw your attention to the fact that the majority of the services calling at CLdN Ports Killingholme operate on fixed schedules. Construction vessel movements, construction zones and other construction operations should not interfere with the operation of scheduled services. This includes scheduled services taking priority over construction vessels, such as barges removing dredged material. Please inform us when you propose to undertake a full HAZID.</p> <p>We would also expect to see information and assessment of the</p>	<p>The issued formal letter of response to CLdN can be found in this appendix (Appendix P.3)</p> <p>1. Vessel calls</p> <p>Following the first Statutory Consultation, the jetty design was revised varying the two berth design to a single berth. Following this change in berth design the maximum forecast vessel arrivals for the jetty are now 292 vessels per annum of which up to 12 per year would be ammonia carriers. The maximum forecast throughput for the jetty has been assumed as a reasonable worst case assumption for both the navigational risk assessment (“NRA”) and for the environmental impact assessment (“EIA”) which have been undertaken for the Project.</p> <p>A total of 27 simulation runs were conducted based on a two berth layout, but adapted to cover the most challenging manoeuvres for a single berth layout which was also being considered as an option at the time of the runs. Subsequent to completing the simulation study, the final Project design was reviewed by HR Wallingford and it was confirmed that the conclusions for the simulation (in respect of the layout option in line with the IOT) were applicable to the final design. The NRA is contained within Appendix 12.A: Navigational Risk Assessment [TR030008/APP/6.4]. We note that CLdN participated in the workshops for the HAZID and NRA.</p> <p>2. Absence of NRA or supporting information</p> <p>As explained above, an NRA has been undertaken for the Project and is contained within Appendix 12.A: Navigational Risk Assessment [TR030008/APP/6.4]. The NRA considers the consequences and impacts of the proposed Project on navigation, both during the construction and its consequent operation. The scope of the EIA includes the appraisal of new and existing vessel activity arising as a result of the construction of the new marine infrastructure.</p> <p>We note the references to concerns regarding impact on scheduling of existing services. Vessels moving to and from the Port of Immingham are managed by the Port of Immingham Statutory Harbour Authority and Humber Statutory Harbour Authority (operating</p>	Following the first Statutory Consultation, the jetty design was revised varying the two berth design to a single berth. Following this change in berth design the maximum forecast vessel arrivals for the jetty are now 292 vessels per annum of which up to 12 per year would be ammonia carriers.	No	<p>Chapter 12: Marine Transport and Navigation [TR030008/APP/6.2]</p> <p>And</p> <p>Appendix 12.A: Navigational Risk Assessment [TR030008/APP/6.4]</p>
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impacts of up to 400 new vessel movements per annum anticipated during the operational phase, giving consideration to the type/size of vessels calling at Immingham GET, and whether any sailing speed restrictions will apply to other services sailing past the new berths, including extension eastwards of Immingham Oil Terminal of the existing 5 knot speed restrictions.

We request that you provide information on navigational impacts and the navigation risk assessment in due course. We are able to provide responses to that prior to any application. We also request to participate in any HAZID workshops.

Yours faithfully
[Redacted]

as Humber Estuary Services, "HES"). Both authorities have a legal duty to carefully manage all marine movements to facilitate the safe and efficient functioning of the harbour areas. The marine scheduling activities for the Port of Immingham, and all other port facility harbour authorities on the Humber have to dovetail with the overarching marine scheduling role of HES. The process of arranging and managing shipping movements seeks to ensure the equitable use of available port infrastructure and revolves around the efficient timetabling and scheduling of vessel movements.

3. Impacts from reduced sailing speeds in vicinity of the Project

The Terminal would be able to accommodate vessels of length up to 250m and draught up to 14m. These vessels will require tugs for berthing, as well as line handling/mooring vessels as required. The assessments undertaken for the Project take into account the type and size of vessels calling at the new jetty.


The effect of the Project on future marine traffic is assessed with regards to any additional identified hazards, embedded controls that are already in place on the Humber, and potential future control/mitigation measures in the NRA and **Chapter 12: Marine Transport and Navigation [TR030008/APP/6.2]** of this ES. Marine congestion is managed by Humber Vessel Traffic Service ("VTS") as part of the wider port movements planning / live traffic plan. The existing 5 knot speed limit for Immingham Oil Terminal ("IOT") will be extended to the east to cover the Project berth. A maximum speed limit of 5 knots will apply to vessels passing the Project berth when a vessel is mooring, moored or unmooring (the same as at IOT).

The statutory harbour authorities are together required to ensure the safety of navigation and marine operation and in accordance with the requirements of the Port Marine Safety Code, have a duty to review and approve current and proposed controls and processes to ensure that the safety of navigation is maintained.

4. NRA/HAZID workshops

We note CldN's request to be involved in the NRA/HAZID workshops. The navigational

				<p>assessments undertaken for the Project included a HAZID workshop and risk ranking process in which CLdN participated. The completed NRA is contained within Appendix 12.A: Navigational Risk Assessment [TR030008/APP/6.4] of this ES. The NRA reports on the workshop, which was undertaken and takes into account the comments within the Hazard Log, which informs the EIA which has been undertaken and is presented in Chapter 12: Marine Transport and Navigation [TR030008/APP/6.2] of this ES on Marine Transport and Navigation.</p>			
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	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
20.	Lincolnshire Wildlife Trust	20.02.23	<p>Good evening,</p> <p>Please find the attached response on behalf of the Lincolnshire Wildlife Trust to the Statutory Consultation phase and Preliminary Environmental Information Report (PEIR) for the Immingham Green Energy Terminal (IGET) development. Within the response, LWT have outlined some key concerns regarding the proposed development that we believe will require addressing. We will be monitoring progress against these concerns throughout the planning process. Please feel free to contact me directly with questions and LWT would welcome an invitation to discuss the issues raised in this response.</p> <p>Best wishes, </p> <p>Attachment in full:</p> <p>To Whom it May Concern, 20 February 2023</p> <p>The Lincolnshire Wildlife Trust's response to the Statutory Consultation and Preliminary Environmental Information Report for the Immingham Green Energy Terminal. Lincolnshire Wildlife Trust (LWT) welcomes the opportunity to comment during the Statutory Consultation process and on the Preliminary Environmental Information Report (PEIR) for the Immingham Green Energy Terminal (IGET) development. LWT is not a statutory consultee at the pre-application stage of the planning process, and we are therefore providing our comments directly to the Applicant. Please accept this letter, and details herein, in place of the online feedback form.</p> <p>It should be noted that the LWT supports the sustainable development of decarbonisation and renewable energy infrastructure as part of the UK's energy policy and ambition to reach the legally binding net zero target by 2050. However, development should not be done at the expense of the environment, and LWT strongly advocates a 'right technology, right place' approach.</p> <p>There are few critical points regarding the PEIR that LWT would like to highlight as areas that will need evaluation by the Applicant with regards to impacts and mitigation. We appreciate that these have been properly flagged by the Applicant in the PEIR, but we will be closely monitoring progress against these key issues going forward. Should LWT feel that there is not proper due diligence taken to address these concerns, we will be forced to object to this development. Our main concerns are:</p>	<p>The Applicant welcomes the support from LWT the sustainable development of decarbonisation and renewable energy infrastructure as part of the UK's energy policy and ambition to reach the legally binding net zero target by 2050.</p>	No	No	N/A

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
			<ul style="list-style-type: none"> • Impacts/loss of TPO protected and irreplaceable woodland within the Long Strip Wood o We also recommend scoping terrestrial invertebrates into further assessments based on presence of white-letter hairstreak Satyrium w-album, a Priority Species • Proper assessment and commitment to Biodiversity Net Gain • Proper evaluation of marine works impacts o We give notes about data sources and noise modelling below <p>...</p>				
			<p>...</p> <p>Impacts to Long Strip Wood Long Strip Wood was surveyed as a potential LWS in 2008. No ancient woodland indicators were recorded and the site was not selected. However, this was using the first or second edition of the LWS Guidelines. It is uncertain what status this site would be with updated survey data and using the current LWS guidelines (third edition). Regardless, because of its naturalness—consisting almost entirely of native trees and shrubs appropriate to the area— this site has potential to be classified as Lowland Mixed Deciduous Woodland Priority habitat:</p> <ul style="list-style-type: none"> • Lowland mixed deciduous woodland includes woodland growing on the full range of soil conditions, from very acidic to base-rich, and it takes in most semi-natural woodland in southern and eastern England, and in parts of lowland Wales and Scotland. <p>Furthermore, white-letter hairstreak Satyrium w-album, a Priority Species, has been recorded on site between at least 2003 and 2020.</p> <p>Given its age, rarity and significance, the Long Strip Wood is considered by LWT to be irreplaceable and invaluable to local biodiversity and heritage. LWT would urge the developers to make further efforts to avoid ‘predicted loss of woodland’ within the Long Strip Wood following the mitigation hierarchy. While we understand that the scale of woodland loss is unknown to the Applicant at this time, we are concerned that ‘it is expected to be a large part of the woodland’. Currently, we do not find this acquiescence to remove such a large area of irreplaceable woodland to be acceptable. There should be more efforts to avoid this impact in the design of the development. Were losses to the Long Strip Wood deemed to indeed be unavoidable following the mitigation hierarchy, LWT would expect</p>	<p><u>Need and alternatives</u> As explained within ES Chapter 3: Need and Alternatives [TR030008/APP/6.2], there is a very clear and specific need for the Project. The wider assessment undertaken also demonstrates the acceptability of the location for the Project.</p> <p><u>Impact/loss of TPO protected and irreplaceable woodland</u> Long Strip woodland is considered as UK Priority Habitat (Deciduous Woodland) and Long Established Woodland in the ES (see Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2]).</p> <p>An Outline Woodland Compensation Strategy has been prepared to support the Application [TR030008/APP/6.8]. The Strategy sets out the approach to off-site planting of trees in the Immingham area to ensure that the tree loss from the Long Strip is appropriately compensated in accordance with NELC policy, as well as enhancement of existing woodland.</p> <p>No requirement for further terrestrial invertebrate surveys has been identified, since relevant species are not specifically protected and appropriate enhancement of retained woodland, as well as compensatory woodland planting, will maintain habitat availability for invertebrates. The ES acknowledges the recorded presence of white-letter hairstreak within the woodland. However, further survey for this species is not merited since its presence has already been confirmed.</p>	<p>Work No. 2 (jetty access road, pipe racks, etc.) has been optimized to minimize the loss of woodland from Long Strip Woodland TPO.</p>	<p>Approval of the final woodland compensation strategy and LEMP, and compliance with these documents, is secured by requirements of the draft DCO.</p>	<p>Chapter 3: Need and Alternatives [TR030008/APP/6.2], And Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2], And Outline Woodland Compensation Strategy [TR030008/APP/6.8]. And Outline Landscape and Environmental Management Plan [TR030008/APP/6.9]. And Appendix 8.B: Preliminary Ecological</p>

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			<p>commitments that go well beyond ‘appropriate mitigation/compensation’ to be put forward. This would need to include a significant effort and commitment to mitigating impacts and losses to this site, as well as a minimum delivery of 10% Biodiversity Net Gain—with encouragement from LWT to aim for targets beyond the minimum 10%.</p> <p>Lastly, given that recent surveys at Long Strip Wood found evidence of white-letter hairstreak, LWT would recommend that terrestrial invertebrates be scoped into further assessments.</p> <p>...</p>	<p>Justification for scoping out terrestrial invertebrate surveys is set out in Appendix 8.B (Preliminary Ecological Appraisal Report) of Chapter 8: Terrestrial Ecology [TR030008/APP/6.4]. White-letter hairstreak is dependent on the presence of elms and while some elms will be removed in association with Work No 2, some elms would also be retained.</p> <p>Biodiversity Net Gain As a nationally significant infrastructure project (“NSIP”), the Project is not subject to the requirement to deliver 10% biodiversity net gain (“BNG”) under The Environment Act 2021, as the requirement is yet to come into force. Biodiversity Net Gain calculations are therefore not mandatory for NSIPs and have not been undertaken.</p> <p>An Outline Landscape and Environmental Management Plan (Outline LEMP) [TR030008/APP/6.9] has been prepared to support the Application. The Outline LEMP defines the opportunities which are available within the operational site boundaries to provide landscape and ecological enhancements to enhance the operational layout.</p>			Appraisal [TR030008/APP/6.4].
			<p>Biodiversity Net Gain Biodiversity Net Gain (BNG) is an approach to development that aims to leave the natural environment in a measurably better state than beforehand, through assessing habitats to quantify the impact on biodiversity. Schedule 15 of the Environment Act 2021 makes provision about biodiversity gain in relation to development consent for nationally significant infrastructure projects (NSIPs), but implementation details are not yet clear and not likely to come into force until November 2025. Regardless, LWT urges all developers, whether working on local developments or NSIPs, to follow the net gain approach and demonstrate at least a 10% measurable net gain in biodiversity within proposals for developments. LWT agrees with Natural England that, ‘Major infrastructure developments should set the highest environmental standards and deliver significant gains’, as stated in their response to the Scoping Report for this development. Given that BNG was</p>	<p>As a nationally significant infrastructure project (“NSIP”), the Project is not subject to the requirement to deliver 10% biodiversity net gain (“BNG”) under The Environment Act 2021, as the requirement is yet in force. Biodiversity Net Gain calculations are therefore not mandatory for NSIPs.</p> <p>An Outline Landscape and Ecology Management Plan [TR030008/APP/6.9] (Outline LEMP) has been produced. The Outline LEMP defines the opportunities which are available within the operational site boundaries to provide landscape and ecological enhancements.</p> <p>An outline woodland compensation strategy has been developed which will deliver</p>	Work number 2 (jetty access road, pipe racks, etc.) has been optimized to minimize the loss of woodlands from Long Strip Woodland TPO.	Approval of the final woodland compensation strategy and LEMP, and compliance with these documents, is secured by requirements of the draft DCO.	Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2] And Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]

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			<p>included in the Scoping Opinion, LWT is disappointed not to find committed effort towards assessing and delivering BNG within the PEIR. LWT would urge proper, detailed assessment of BNG (both terrestrial and marine), using the appropriate metrics, going forward. For reference, the main requirements for BNG include:</p> <ul style="list-style-type: none"> • Minimum 10% gain required, calculated using the Biodiversity Metric • Approval of a biodiversity plan • Habitat is secured for at least 30 years via planning obligations and/or conservation covenants. <p>We will be monitoring assessment and delivery of BNG (terrestrial and marine) going forward.</p>	<p>appropriate compensatory woodland planting, in accordance with NELC policy (see Outline Woodland Compensation Strategy [TR030008/APP/6.8]). The Woodland Compensation Strategy includes long-term management of retained habitat within Long Strip Woodland, as well as newly planted woodland.</p> <p>There is no current adopted net gain policy for the marine environment in the UK, although Defra undertook a consultation on the principles of marine net gain in 2022 and it may therefore be adopted in the future.</p>			
			<p>...</p> <p>Assessment of Marine Impacts</p> <p>Given the extent of dredging and marine construction described in the PEIR, it is prudent that the Applicant properly evaluates potential impacts on features within the Humber Estuary. This would require current, site-specific data on distributions of species of interest in the local and surrounding areas. While the Applicant has provided several sources to help establish a baseline, LWT would argue that several of these datasets are not current (older than five years) or are too far to be relevant to the local area in question (questionable data sources listed below). While these datasets may be used to help establish a historic baseline and understanding for expected species, LWT does not feel that these datasets alone are sufficient to determine an ecological baseline or to directly inform potential impacts and mitigation for the proposed project. Therefore, these historic datasets would need to be supplemented with more current, site-specific data.</p> <p>Table 1. Benthic datasets older than five years.</p> <p>Data Source Date Collected</p> <p>Able Marine Energy Park Benthic Surveys Humber Estuary SAC Intertidal Sediment Survey 2015 and 2016 2014</p> <p>South Humber Channel Marine Studies 2010</p> <p>HU056 Disposal Site Monitoring 2017</p> <p>Clay Huts Disposal Benthic Monitoring 2008</p> <p>Table 2. Fish datasets older than five years. Bold datasets are used for the fish species records presented in Tables 9.7 and 9.8.</p> <p>Data Source Date Collected</p> <p>South Humber Channel Marine Studies 2010</p> <p>EA TraC Fish Monitoring 2017</p> <p>EA Review of fish population data 2013</p>	<p><u>Impact on marine environment</u></p> <p>Impacts to benthic ecology and fish have been assessed in Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2].</p> <p>With respect to benthic data, Project-specific benthic data (grab samples) were collected from within and near the potential development footprint in 2022. All the faunal samples collected over the survey area were very impoverished in nature with commonly occurring species recorded and assemblages similar to recent previous samples collected nearby for the proposed Immingham Eastern Ro-Ro Terminal ("IERRT") project in 2021 (<0.5-1 km away). Based on an understanding of the subtidal ecology of the local area more generally, the samples are considered representative of the impoverished subtidal communities found in this section of the Humber Estuary which are subject to physical disturbance as a result of strong tidal currents and sediment movement. On this basis there is considered to be no requirement for the collection of any additional benthic samples. With respect to fish survey data, it is acknowledged that some of the data sources are more than five years old, and while relatively near to the development footprint, do not directly overlap. However, given the wide variety of surveys and studies undertaken on</p>	No	No	<p>Chapter 9: Nature Conservation (Marine Ecology)</p> <p>[TR030008/APP/6.2]</p>

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			<p>Ellis et al. 2012 – Spawning and nursery grounds 2012 ...</p>	<p>fish in the region as well as the mobile nature of fish, the surveys are considered broadly representative of the fish assemblage that could be present within the dredge footprint and surrounding local area. Furthermore, based on an understanding of potential impacts it is likely to be diadromous migratory fish (which would not be targeted by fish survey methods in the development footprint) rather than other fish species which are considered most likely to be sensitive to potential impacts. On this basis, site-specific fish survey data is not considered to be needed to inform the assessment.</p>			
			<p>...</p> <p>The dynamic and localised nature of benthic ecology necessitates comprehensive, localised data to properly establish a baseline for ecological assessment. Furthermore, data outside the proposed Site Boundary would likely be required given the type of sediment and extent of dredging and pile-driving that are proposed for this project. LWT recognises that current data from grab samples have been provided in Appendix 9.A; however, we would argue that this level of data is insufficient (sample size of eight taken during a single day of sampling) to establish a clear understanding of the local and surrounding benthic habitat that is likely to be impacted by such an extensive level of construction and dredging. Therefore, LWT would recommend that further surveys be undertaken prior to approval of dredging and construction.</p> <p>...</p>	<p><u>Benthic data</u></p> <p>Project specific benthic data (grab samples) were collected from within and near the potential development footprint in 2022. The scale of the sampling was considered comparable to those undertaken for other recent developments and proportionate based on an understanding of the subtidal assemblages known to occur in the local area. All the faunal samples collected over the survey area were very impoverished in nature with commonly occurring species recorded and assemblages similar to recent previous samples collected nearby for the proposed IERRT project in 2021 (<0.5-1 km away). Based on an understanding of the subtidal ecology of the local area more generally, the samples are considered representative of the impoverished subtidal communities found in this section of the Humber Estuary which are subject to physical disturbance as a result of strong tidal currents and sediment movement. On this basis there is no requirement for the collection of any additional benthic samples. Impacts to benthic ecology and fish have been assessed in Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2].</p>	No	No	<p>Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]</p>
			<p>...</p> <p>Marine Noise Impacts and Modelling LWT appreciates the Underwater Noise report provided in Appendix 9.B. However, we believe that this exercise did not go</p>	<p>Underwater noise</p> <p>The underwater noise assessment in Appendix 9.B [TR030008/APP/6.4] is based on the worst case assumption that any</p>	Yes	<p><u>Underwater noise</u> Mitigation measures</p>	<p>Chapter 9: Nature Conservation (Marine</p>

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			<p>far enough to properly assess potential risk or impacts to marine fauna. Currently, the assessment only provides noise propagation models for construction/dredging, known hearing sensitivities and responses of marine fauna, and characterisations of proposed development activities. We believe that this exercise could have been improved by modelling species distributions based on current data in conjunction with noise propagation models based on the location and time of year of the construction phase¹. This type of investigation might be used to quantify potential risk to sensitive species based on the anticipated timing of construction and predicted habitat use, and therefore would be a valuable tool for avoiding/mitigating impacts (e.g., timing construction based on anticipated risk and interaction with sensitive species). ...</p>	<p>sensitive marine species that are known to occur in the study area (i.e. the Humber Estuary) have the potential to overlap with the underwater noise generated by the proposed development activities. It takes account of the published evidence on marine species' temporal and spatial distribution that is reviewed in Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] to identify the key species that require to be assessed but it does not attempt to quantify the risk through modelling which is likely to have inherent uncertainties associated with it and potential to misrepresent or underestimate the effects. Furthermore, this approach was not identified as a requirement at the scoping stage of the Project.</p>		<p>(see section 9.9 of Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]) have been developed to reduce potential effects arising from underwater noise including:</p> <ul style="list-style-type: none"> • The application of soft start, • vibropiling where possible; and • Seasonal, night time restrictions. 	<p>Ecology) [TR030008/APP/6.2] And Appendix 9.B: Underwater Noise Assessment [TR030008/APP/6.4]</p>
			<p>... Capital Dredging and Maintenance Dredging LWT recognises that marine works (capital dredging and piles) have been scoped in and we will be monitoring further assessments of pile-driving impacts, capital dredging impacts and dredge disposal. We have provided details above that will</p>	<p><u>Dredging</u> The scope of dredging requirements has changed since the PEI Report. The need for future maintenance dredging within the new berth pocket is expected to be very limited (if required at all). Further information on</p>	<p><u>Dredging</u> The dredging requirement has been minimised through the</p>	<p>No</p>	<p>Chapter 9: Nature Conservation (Marine Ecology)</p>

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			<p>facilitate assessments of dredging and construction impacts. However, we do not agree with the scoping out of maintenance dredging in the operational phase. While the Applicant has claimed that 'the predicted impacts on benthic habitats and species as a result of maintenance dredging are considered to be equivalent or lower than capital dredge and comparable to the existing maintenance dredge regime', it is currently unclear how this proposed maintenance would contribute to cumulative impacts of ongoing works within the Humber Estuary. Therefore, we recommend that maintenance dredging is scoped into further assessment, and that both capital dredging and maintenance dredging are included in future cumulative impact assessments.</p> <p>...</p>	<p>maintenance dredging has been provided in Chapter 9: Nature Conservation (Marine Ecology) (Section 9.8) [TR030008/APP/6.2]. The assessment considers the impact on habitats of maintenance dredging during the operational phase. Cumulative effects of dredging are considered in Chapter 25: Cumulative and In-Combination Effects [TR030008/APP/6.2].</p> <p><u>Cumulative impacts</u></p> <p>The cumulative impact of the Project and maintenance dredge disposal within Grimsby and Immingham and the Sunk Dredged Channel (ID 115) has been assessed within the Stage 4 CEA, presented in Appendix 25.C of Chapter 25: Cumulative Effects and In-Combination Assessment [TR030008/APP/6.2].</p> <p>Further information on the impact of maintenance dredging on habitats during the operational phase has been provided within Section 9.8 of Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2].</p>	design of a single berth pocket in relation to the existing bathymetry in the area.		<p>[TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 25: Cumulative and In-Combination Effects [TR030008/APP/6.2]</p> <p>And</p> <p>Appendix 25.C Assessment of Cumulative Effects (Stage 4) [TR030008/APP/6.4]</p>
			<p>Future Endorsement and Final Remarks</p> <p>LWT will consider endorsement of IGET provided that the above concerns are addressed appropriately. LWT request a meeting with IGET to discuss the issues detailed in this response. LWT will continue to work with the developers during the planning process to ensure the correct data is gathered and assessed in order to address our concerns.</p> <p>Yours sincerely, {REDACTED} Conservation Officer Lincolnshire Wildlife Trust 1 Mortensen et al., (2021) 'Agent-based models to investigate sound impact on marine animals: bridging the gap between effects on individual behaviour and population level consequences', Oikos, 130(7), pp. 1074-1086</p>	<p>A meeting was held between the Applicant, the Applicant's ecologist and LWT on 10 August 2023 to discuss the issues in the LWT response (see Consultation Report, table 35: Summary of meetings held throughout Ongoing Engagement from July 2022 – August 2023).</p>	No	No	N/A
21.	Natural England	16.03.23	<p>Dear Immingham Green Energy Terminal Project Team, Thank you for consulting Natural England on the Immingham Green Energy Terminal and apologies again for the delay in our response. Please find attached our response letter for your consideration.</p> <p>If you have any further questions about this consultation</p>	<p>The Applicant notes the feedback from Natural England. Please refer to below responses in this table.</p>	No	No	N/A

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			<p>response, please do not hesitate to contact me. Kind regards, [REDACTED]</p> <p>Response in full below:</p> <p>Dear [REDACTED]</p> <p>Planning consultation: Immingham Green Energy Terminal Development. Pre-application consultation in accordance with Section 42 Planning Act 2008 (as amended).</p> <p>Location: Port of Immingham, North East Lincolnshire, DN40 2LZ</p> <p>Thank you for your consultation on the above dated 09 January 2023 which was received by Natural England on the same date, and for the additional time extension to provide a response. Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.</p> <p>In responding to your consultation, we have reviewed only those chapters that we consider to be most relevant to our statutory purpose. Therefore, our response is based on the following sections of the Preliminary Environmental Impact Report (PEIR):</p> <ul style="list-style-type: none"> - Chapter 6 Air Quality - Chapter 8 Nature Conservation (Terrestrial Ecology) - Chapter 9 Nature Conservation (Marine Ecology) - Chapter 10 Ornithology - Chapter 16 Physical Processes - Chapter 17 Marine Water and Sediment Quality - Chapter 25 Cumulative and In-combination Effects <p>We note that the detailed design of the project has not yet been finalised and therefore the following comments may be subject to change, we reserve the right to amend comments, if required, when the final design has been agreed.</p> <p>SECTION 42 PLANNING ACT 2008 CONSERVATION OF HABITATS & SPECIES REGULATION 2017 (AS AMENDED)</p> <p>...</p>				
			<p>...</p> <p>Internationally and nationally designated sites The application site is in close proximity to European designated sites (also referred to as Habitat sites), and therefore has the potential to affect their interest features. European sites are</p>	<p>A Shadow Habitat Regulations Assessment has been produced [TR030008/APP/7.6] which considers potential effects on the Humber Estuary SAC, SPA and Ramsar site. Marine ecology features of Humber Estuary Site of Special Scientific Interest ("SSSI") are</p>	No	No	<p>Chapter 9: Nature Conservation (Marine Ecology)</p>

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			<p>afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The application site is within and adjacent to the Humber Estuary Special Area of Conservation (SAC) and Special Protection Area (SPA) which are European sites. The site is also listed as Humber Estuary Ramsar site1 and notified at a national level as Humber Estuary Site of Special Scientific Interest (SSSI).</p> <p>Our advice regarding the potential impacts upon the Humber Estuary SSSI coincides with our advice regarding potential impacts upon the Humber Estuary SAC/SPA/Ramsar as detailed above.</p> <p>Natural England notes that the application site is in close proximity to the Humber Estuary SSSI and North Killingholme Haven Pits SSSI. Based on the plans submitted, Natural England considers that the proposed development could have potential significant effects on the interest features for which the sites have been notified.</p> <p>The consultation documents provide some screening information for the Habitats Regulations Assessment (HRA). It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. You should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.</p> <p>...</p>	<p>considered in Section 9.8 of Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] and ornithology features of the SSSI in Section 10.8 of Chapter 10: Ornithology [TR030008/APP/6.2]. Potential effects on the North Killingholme Haven Pits SSSI are considered in Section 10.8 of Chapter 10: Ornithology [TR030008/APP/6.2].</p>			<p>[TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 10: Ornithology [TR030008/APP/6.2]</p> <p>And</p> <p>Shadow Habitats Regulations Assessment [TR030008/APP/7.6]</p>
			<p>...</p> <p>PEIR Appendix 9.C HRA screening</p> <p>Natural England has reviewed PEIR Appendix 9C which provides the results of a preliminary screening exercise identifying the potential impact pathways.</p> <p>Natural England is broadly in agreement with the high-level impact pathways set out in Table 3: Potential effects on the European sites, however future iterations will need to drill down further into the impacts on the individual qualifying features of the designated sites and demonstrate a much greater level of detail of when these impacts may arise.</p> <p>...</p>	<p>The Shadow Habitat Regulations Assessment [TR030008/APP/7.6] considers potential effects on the Humber Estuary SAC, SPA and Ramsar site in detail.</p>	No	No	<p>Shadow Habitats Regulations Assessment [TR030008/APP/7.6]</p>
			<p>...</p> <p>The summary of preliminary conclusions at 3.4 presents a list of features that have been screened in for further assessment, but where features have been screened out there is no explanation provided. Natural England considers that it is important to provide justification related to the screening of features,</p>	<p>The Shadow Habitat Regulations Assessment [TR030008/APP/7.6] provides a detailed justification on the screening of features and pathways into the Appropriate Assessment.</p>	No	No	<p>Shadow Habitats Regulations Assessment</p>

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			<p>particularly where an impact pathway has been screened out. We appreciate that this information may be within other chapters of the PEIR, if so, there should be clear links to the relevant sections.</p> <p>...</p>				[TR030008/APP /7.6]
			<p>...</p> <p>Chapter 6: Air Quality Potential air quality impacts from traffic during construction and operation phases Paragraph 6.3.13 states that Institute of Air Quality Management (IAQM) and Environmental Protection UK (EPUK) guidance has been used to inform the assessment. Natural England guidance NEA0012 should also be followed when undertaking the assessment.</p> <p>...</p>	<p><u>Air quality impacts from traffic during construction and operation</u> It is assumed that the Natural England reference to the guidance "NEA0012" is intended to refer to the guidance NEA001. The method of assessment of road traffic emissions impacts is set out in Chapter 6: Air Quality (section 6.4) Paragraph 6.4.14 to 6.4.21 and Appendix 6.B [TR030008/APP/6.4]. The assessment is undertaken in line with this and other relevant and appropriate guidance.</p>	No	No	Chapter 6: Air Quality [TR030008/APP /6.2
			<p>...</p> <p>Ammonia (NH₃), along with nitrous oxides (NO_x), can contribute to N-deposition in the soil and potential eutrophication of habitats. Whereas background levels of nitrous oxides have shown a steady decline over time due to reduced emissions from vehicles and other sources, levels of ammonia have remained relatively stable over the last 30 years. Ammonia can be emitted from vehicle exhaust emissions as a by-product of the catalytic conversion process designed to reduce emissions of nitrogen oxide. Ammonia emissions from road traffic could make a significant difference to nitrogen deposition close to roads. As traffic composition transitions toward more petrol and electric cars (i.e., fewer diesel cars on the road), catalytic converters may aid in reducing NO_x emissions but result in increased ammonia emissions (see https://www.aqconsultants.co.uk/news/february-2020-(1)/ammonia-emissions-from-roads-for-assessing-impacts). Therefore, we advise that further consideration is needed within the air quality assessment.</p> <p>There are currently two models which can be used to calculate the ammonia concentration and contribution to total N deposition from road sources. One of these models is publicly available and called CREAM (Air Quality Consultants - News - Ammonia Emissions from Roads for Assessing Impacts on Nitrogen-Sensitive Habitats (aqconsultants.co.uk), and there is another produced by National Highways.</p> <p>...</p>	<p><u>Ammonia pollution</u> Noted. <u>Ammonia emissions from road traffic</u> Ammonia from vehicle emissions has not been quantified as part of this assessment. The reason for this being there are no nationally or internationally designated nature conservation sites with 200m of a road affected by the Project. The nearest road to an SAC/SPA/RAMSAR site that exceeds the National Highways Design Manual for Roads and Bridges ("DMRB") screening criteria during the construction phase is Queens Road, to southwest of the West Site egress. This road is approximately 1.5km away from the nearest SAC and approximately 3km from the nearest section of sensitive habitat within that SAC/SPA/RAMSAR site. During the operational phase, there are no roads that exceed the DMRB screening criteria. The assessment reported in Chapter 6: Air Quality [TR030008/APP/6.2] includes consideration of ammonia emissions, where it is released from non-road sources. Such emissions occur due to ammonia slip from Selective Catalytic Reduction technology from landside site emissions and emissions from vessels that comply with MARPOL Regulation 13 Tier III emission standards.</p>	No	No	Chapter 6: Air Quality [TR030008/APP /6.2]

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				<p><u>Ammonia concentration and contribution to total N deposition</u> Modelled road traffic emissions do not account for ammonia due to the distance of any affected road from a sensitive habitat.</p>			
			<p>... Paragraph 6.8.47 states that it is likely that during operation the traffic movements will equal approximately 96 two-way movements per day, which is below the significance threshold identified in Natural England guidance NEA001. We recommend that this is still considered within the HRA, particularly if these numbers are subject to change. ...</p>	<p>Traffic movements Noted – the screening of operational road traffic impacts during the operation of the Project is described in Chapter 6: Air Quality [TR030008/APP/6.2] Paragraphs 6.8.63 to 6.4.64. The number of additional vehicle movements generated by the Project falls below the relevant screening criteria on all roads. For this reason, the potential effect of changes in air quality arising from operational road traffic impacts was screened out of the impact assessment in Chapter 9 (see Table 9-21 in Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] and the Shadow Habitats Regulations Assessment [TR030008/APP/7.6].</p>	No	No	<p>Chapter 6: Air Quality [TR030008/APP/6.2] Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] Shadow Habitats Regulations Assessment [TR030008/APP/7.6]</p>
			<p>... Potential air quality impacts from marine vessels during construction phase Paragraph 6.8.32 states that although the construction vessel working area is adjacent to the SAC, receptors sensitive to air pollution impacts are not present in the vicinity of the vessels, and the nearest sensitive receptor (saltmarsh) is 3km from the location. Natural England advises that this should be clearly explained within the HRA. ...</p>	<p>Air quality sensitive receptors within the SAC included in the air quality assessment are illustrated on Figure 6.1 [TR030008/APP/6.3]. Selected receptors represent the nearest SAC saltmarsh habitat to the Project. The nearer SAC mudflat habitat to the Project is not considered sensitive to air quality impacts, as discussed in Chapter 6: Air Quality [TR030008/APP/6.2] Paragraphs 6.4.38 and 6.8.20. This is also clarified in Table 3 of the Shadow Habitats Regulations Assessment [TR030008/APP/7.6].</p>	No	No	<p>Chapter 6: Air Quality [TR030008/APP/6.2] Shadow Habitats Regulations Assessment [TR030008/APP/7.6]</p>
			<p>... Potential dust emissions during construction phase We note that at 6.8.7 a 50m buffer for ecological receptors within nature conservation sites has been used. Natural England advises that designated site ecological receptors within 200m should be assessed for potential impacts from dust emissions. However, we agree with paragraph 6.8.19 which states that tidal mudflat has been identified as not being sensitive to dust</p>	<p>The assessment of construction phase dust impacts has been undertaken in line with relevant guidance published by the Institute of Air Quality Management guidance, as set out in Chapter 6: Air Quality [TR030008/APP/6.2] Paragraphs 6.4.5 to 6.4.8 and Appendix 6.A [TR030008/APP/6.4]. Natural England's comment on mudflat habitat is noted and it is confirmed that within the</p>	No	No	<p>Chapter 6: Air Quality [TR030008/APP/6.2] Appendix 6.A: Construction Phase Assessment</p>

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			impacts, therefore we advise that if all ecological receptors within 200m are mudflat then this impact pathway can be screened out. ...	nationally and internationally designed nature conservation sites within 200m of the construction site boundary, the only habitat is intertidal mudflat.			Method [TR030008/APP/6.4]
			... Potential air quality impacts from marine vessel emissions and landside plant emissions during operation phase Natural England notes that paragraphs 6.8.38 – 6.1.2 consider the combined emissions from both the marine vessel emissions and the landside plant emissions together, it would be useful to understand the contributions from each of these impact pathways, as this will be useful to inform the effectiveness of any mitigation put in place. ...	Chapter 6: Air Quality [TR030008/APP/6.2] Section 6.8 reports the air quality impact assessment, including the contribution from vessel emissions and landside plant (see Paragraph 6.8.60). The mitigation measures are set out in Sections 6.7 and 6.9 . Those measures will target sources where modelled impacts identify that mitigation is required and reduce emissions through the implementation of good practice.	No	No	Chapter 6: Air Quality [TR030008/APP/6.2]
			... Paragraph 6.3.21 states that “NO2 and NH3 also contribute to nitrogen deposition, which is another pollutant that is harmful to nature conservation sites. Flares on site will be required to operate in an emergency or during plant start-up to burn off the release of NH3, which will therefore also be a source of NOx emissions”. We advise that as well as contributing to N-deposition, the release of NH3 may also lead to direct damage to vegetation, and it is not clear if there is potential for release of unreacted ammonia through this process. ...	Chapter 6: Air Quality [TR030008/APP/6.2] Section 6.4 sets out and considers all emissions sources and pollutants with the potential to contribute to a significant effect, with reference to applicable guidance. Paragraph 6.4.29 and 6.4.33 discuss sources that emit NH ₃ and their contribution to NH ₃ concentrations and the contribution of NH ₃ to N-deposition.	No	No	Chapter 6: Air Quality [TR030008/APP/6.2]
			... We note that PEIR Figures 6.3c and 6.3d include the ecological receptors used as part of the air quality assessment, however, we cannot find any explanation of the reasons for picking these receptors and the habitat types represented at each receptor. ...	The selection of AQ sensitive receptors is reported in Chapter 6: Air Quality [TR030008/APP/6.2] Paragraph 6.4.36 to 6.4.40 and Section 6 of Appendix 6.B Operational Phase Assessment Method [TR030008/APP/6.4] .	No	No	Chapter 6: Air Quality [TR030008/APP/6.2] and Appendix 6.B Operational Phase Assessment Method [TR030008/APP/6.4]
			... We note that ecological receptor E2 appears to be located at North Killingholme Haven Pits SSSI. Assessment should be undertaken to determine potential impacts to the SSSI. ...	Noted. The assessment described in Chapter 6: Air Quality [TR030008/APP/6.2] Section 6.8 includes consideration of impacts on the North Killingholme Haven Pits SSSI, which is receptor O_E11, as illustrated on Figure 6.1 [TR030008/APP/6.3] .	No	No	Chapter 6: Air Quality [TR030008/APP/6.2]

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			<p>...</p> <p>The PEIR Figures 6.3c and 6.3d indicate that the process contributions exceed 1% of the environmental benchmarks for annual mean NO_x and N-deposition at several of the ecological receptors. There does not appear to be figures for annual mean NH₃ and sulphur dioxide. At this stage, the assessment provided is very preliminary and therefore Natural England will review in further detail once we are consulted on the ES and HRA. Natural England notes at paragraph 6.8.45 that it concludes that "the additional predicted contribution from nitrogen emissions from the Project does not result in any exceedance of the Critical Load range for saltmarsh, and it is concluded that there will be no adverse effect on the Humber Estuary designated site." However, we consider that detailed ecological justification would be required to understand the reasoning for not using the lower critical load range for upper saltmarsh. This should be based on habitat surveys and frequency of tidal inundation. We would find it useful for the HRA to refer to the notified habitat features of the SAC. Even using the higher critical load, we note that the process contribution for annual mean NO_x is predicted to be 11% of the critical load, at ecological receptor (E11) defined as worst affected. E11 receptor is also adjacent to the Able Marine Energy Compensation site (Cherry Cobb Sands Tidal Exchange/ managed realignment site), which is due to be constructed. Saltmarsh surveys have been undertaken recently as part of this project.</p> <p>...</p>	<p>Figure 6.3 [TR030008/APP/6.3] illustrates the impact and spatial variation of impacts for annual mean NO_x emissions and nitrogen deposition rates. The figure does not illustrate the impacts of NH₃ or sulphur dioxide, because the contribution of those pollutants by the Project is negligible. The impact of pollutants not illustrated in Figure 6.3 are presented in Chapter 6: Air Quality [TR030008/APP/6.2] Section 6.8 Table 6 19 and Table 6 20 and Appendix 6.B [TR030008/APP/6.4] Section 10.</p> <p>At the time the PEI Report assessment was undertaken, APIS had published a Critical Load for saltmarsh habitat as 20-30 kgN/ha/yr. Since the publication of the PEI Report, APIS have revised the Critical Load for saltmarsh habitat as 10-20 kgN/ha/yr. The Critical Load range relevant to that habitat considered in this assessment is 10 to 20 kgN/ha/yr.</p> <p>This comment from Natural England refers to the higher Critical Load in relation to process contribution for annual mean NO_x. The Applicant notes that there are no lower or higher criteria for annual mean NO_x and the one appropriate standard is the Critical Level of 30 µg/m³.</p> <p>The Applicant notes that Natural England highlight the impact reported in the PEI Report for receptor E11 and states that E11 is adjacent to the Able Marine Energy Compensation Site. The Applicant notes that receptor E11 in the PEI Report was located on the northern shore of the Humber Estuary. The Able Marine Compensation Site is located on the southern shore and is approximately 5km away from the location of E11.</p> <p>The assessment reported in Chapter 6: Air Quality [TR030008/APP/6.2] Section 6.8 provides the description of impacts on nature conservation sites (see Table 6 19 and Table 6 20 and Appendix 6.B Section 10 [TR030008/APP/6.4]). The effect and relevant justification for the determination of whether effects are significant or not is provided in Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] and the HRA [TR030008/APP/7.6]. The impact of cumulative</p>	No	No	<p>Chapter 6: Air Quality [TR030008/APP /6.2]</p> <p>And</p> <p>Appendix 6.B: Dispersion Modelling Assessment Method [TR030008/APP /6.4]</p> <p>And</p> <p>Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP /6.2]</p> <p>And</p> <p>Appendix 25.C: Assessment of Cumulative Effects [TR030008/APP /6.2]</p>

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				emission sources is provided in Appendix 25.C Assessment of Cumulative Effects [TR030008/APP/6.4] . The Shadow Habitat Regulations Assessment [TR030008/APP/7.6] refers to the notified habitat features of the SAC.			
			<p>...</p> <p>Chapter 8: Nature Conservation (Terrestrial Ecology) We have not reviewed this section in detail, as we note that there are several species' survey reports that will be submitted as part of the Environmental Statement (ES) and therefore we will provide detailed comments once the Environmental Statement has been submitted via our relevant representation.</p> <p>Natural England has adopted standing advice for protected species, which includes guidance on surveys and mitigation measures, we advise you to refer to this advice. A separate protected species licence from Natural England or Defra may be required.</p> <p>We recommend that you check to see if a mitigation licence is required via Wildlife licences: when you need to apply⁴ webpages. You can also make use of Natural England's charged service Pre Submission Screening Service⁵ for a review of any draft wildlife licence application. Please see Advice Note Eleven, Annex C – Natural England and the Planning Inspectorate National Infrastructure Planning⁶ for details of the Letter Of No Impediment (LONI) process. 3 https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals 4 https://www.gov.uk/guidance/wildlife-licences 5 https://www.gov.uk/guidance/pre-submission-screening-service-advice-on-planning-proposals-affecting-protected-species</p> <p>...</p>	<p>The Applicant notes that Natural England will provide detailed comments once the Environmental Statement has been submitted. The results of ecology surveys undertaken since the PEIR was submitted are presented in Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2]. Construction phase mitigation has been identified for impacts on breeding birds, water vole, and bats, and draft precautionary working method statements have been prepared for water vole, bats and reptiles as part of the Ouline Construction Environmental Management Plan (CEMP) [TR030008/APP/6.5]. Works to ditches supporting water voles will be undertaken under a Natural England Water Vole Class Licence, as the limited impact of the works falls within the remit of this approach (bankside impacts <50m). A water vole method statement would be prepared by the relevant contractor as part of the final CEMP to be prepared in accordance with the Outline CEMP [TR030008/APP/6.5]. Removal of trees supporting transient/ summer roosts for small numbers of common species of bats will be undertaken under a Natural England Low Impact Bat Licence.</p>	Work No. 2 (jetty access road, pipe racks, etc.) has been optimized to minimize the loss of woodland from Long Strip Woodland TPO.	Ecology mitigation within CEMP will be secured by DCO requirements.	Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2] And Outline Construction Environmental Management Plan [TR030008/APP/6.5]
			<p>...</p> <p>Chapter 9: Nature Conservation (Marine Ecology) Marine ecology related comments in Chapter 2: The Project Natural England notes the change in design plans to include two berths on the jetty instead of a single berth as stated in Chapter 2: The Project (paragraph 2.4.38). However, we consider that the creation of another berth may have additional impacts and should be assessed. Natural England welcomes the inclusion of the impact of maintenance dredging on the marine environment in the</p>	<p><u>Marine ecology</u> Noted. Chapter 2: The Project [TR030008/APP/6.2] of the ES provides a full description of the Project. Only a single berth is now proposed. The remainder of this comment has been noted. <u>Assessment of impacts on benthic habitats and species</u> Noted. Potential effects on benthic habitats and species have been assessed in Chapter 9:</p>	The jetty design process has continued to ensure the impacts on the marine environment, and in particular the inter-tidal	Mitigation measures have been developed to reduce potential disturbance effects to birds, fish and marine mammals	Chapter 2: The Project [TR030008/APP/6.2] And Chapter 9: Nature Conservation

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			<p>Environmental Statement as stated in Chapter 2: The Project (paragraph 2.4.5f). We note that the capital dredge methodology has not yet been finalised for this project (paragraph 2.6.4). We also note that the exact the marine construction methodology and sequencing for the marine works is still being developed (paragraph 2.6.6). Therefore, the comments below are on the basis of current available information and may be subject to change as more details on the project are provided.</p> <p>Assessment of impacts on benthic habitats and species At this time, Natural England have not fully considered the potential impacts on benthic habitats and species, and we will provide detailed comments on the ES. However, we have some initial comments below.</p> <p>...</p>	<p>Nature Conservation (Marine Ecology) [TR030008/APP/6.2]</p>	<p>mudflats, have been minimized as far as possible. This includes consideration of the alignment of the jetty and the berth pocket.</p>	<p>and will be secured through the Deemed Marine Licence.</p>	<p>(Marine Ecology) [TR030008/APP/6.2]</p>
			<p>...</p> <p>Potential effects from permanent direct loss of intertidal and subtidal habitat during construction and operation phases</p> <p>Natural England notes that the proposed development will result in loss of 0.017 ha of intertidal habitat as a result of the proposed jetty piles. In addition, it is noted that piling activities will result in a direct loss of 0.035 ha of subtidal habitat. Natural England advises that the assessment considers the potential for adverse effects as a result of loss of both intertidal and subtidal habitat. This should include the combined loss of SAC habitat (i.e., Estuaries and Mudflats and sandflats not covered by seawater at low tide) as well as the loss of supporting habitat for SPA bird species.</p> <p>...</p>	<p><u>Potential effects from permanent direct loss of intertidal and subtidal habitat during construction and operation phases</u> Habitat loss values have been updated to reflect the latest scheme design. The assessment has considered the potential for adverse effects as a result of loss of both intertidal and subtidal SAC habitat in Section 9.8 of Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] and supporting habitat for SPA bird species in Section 10.8 of Chapter 10: Ornithology [TR030008/APP/6.2]. Loss of marine and terrestrial from within a European site has been screened-in for further assessment in the Appropriate Assessment as part of the Shadow Habitat Regulations Assessment [TR030008/APP/7.6]. The Information to support the Appropriate Assessment has been prepared in view of the European sites' conservation objectives which has been used as a basis for the assessment. The supplementary advice and advice on operations has also been used to inform the conclusion.</p>	<p>No</p>	<p>No</p>	<p>Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] And Chapter 10: Ornithology [TR030008/APP/6.2] And Shadow Habitats Regulations Assessment [TR030008/APP/7.6]</p>
			<p>...</p> <p>Natural England considers that any credible risk of a measurable loss of marine or terrestrial habitat, no matter how small, from within a European site is a 'likely significant effect' and the full significance of its impact on site integrity should be screened-in and further tested by an Appropriate Assessment. It is Natural England's advice that a lasting and irreparable loss of</p>	<p>Noted. Loss of marine and terrestrial habitat from within a European site has been screened-in for further assessment in the Appropriate Assessment as part of the Shadow Habitat Regulations Assessment [TR030008/APP/7.6].</p>	<p>No</p>	<p>No</p>	<p>Shadow Habitats Regulations Assessment [TR030008/APP/7.6].</p>

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			European Site habitat will prevent a conclusion of no adverse effect on site integrity being reached, unless an Appropriate Assessment can clearly demonstrate it is ecologically inconsequential. ...				
			... Furthermore, the appropriate assessment should be made in view of the European sites' conservation objectives, which provides a list of attributes contributing to site integrity that can provide a checklist for the assessment process, the detailed supplementary advice and advice on operations should also inform the conclusion. ...	The Information to support the Appropriate Assessment in the Shadow Habitat Regulations Assessment [TR030008/APP/7.6] has been prepared in view of the European sites' conservation objectives which has been used as a basis for the assessment. The supplementary advice and advice on operations has also been used to inform the conclusion.	No	No	Shadow Habitats Regulations Assessment [TR030008/APP/7.6]
			... Potential effects from capital and maintenance dredging and disposal of dredged material to sea during construction and operation phases During the construction phase, potential changes to benthic habitats and species as a result of the proposed capital dredge have been scoped in, on the basis that dredging could result in changes in species' abundance and distribution through damage, mortality or relocation to a disposal site. It is not clear why the same impact pathway has been scoped out for the proposed maintenance dredging. ...	<u>Potential effects from capital and maintenance dredging and disposal of dredged material to sea during construction and operation phases.</u> Changes to benthic habitats and species as a result of removal of sediment during maintenance dredging have been scoped into the assessment (Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]).	No	No	Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]
			... In addition, Table 9.12 acknowledges that the predicted impacts on benthic ecology receptors as a result of maintenance dredging could be equivalent to the predicted impacts as a result of the capital dredge regime. We consider that changes in species' abundance and distribution are also possible during the maintenance dredging through the same mechanisms identified for the capital dredge. ...	Changes to benthic habitats and species as a result of removal of sediment during maintenance dredging have been scoped into the assessment (Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]). This has considered the expected frequency of maintenance dredging to better understand potential recoverability. The assessment has considered the subtidal habitat in the dredge footprint as a component of the 'Estuaries' feature rather than 'Sandbanks which are slightly covered by sea water all the time' as the project specific benthic grab samples recorded mud sediment types (mud or sandy mud) rather than being characterised by predominantly sand sediment fractions.	No	No	Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]

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			<p>...</p> <p>In addition, paragraph 9.7.25 states that the infaunal community could re-establish themselves in less than 1-2 years, however it is unclear whether the benthic community in the area of seabed requiring periodic maintenance dredging would have the ability to recover as the frequency of this dredging activity has not been provided.</p> <p>...</p>	<p>Changes to benthic habitats and species as a result of removal of sediment during maintenance dredging have been scoped into the assessment (Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]). This has considered the expected frequency of maintenance dredging to better understand potential recoverability.</p>	No	No	<p>Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]</p>
			<p>...</p> <p>In addition, we also consider that the statement "Subtidal habitats in areas around the Port of Immingham are considered to be typically of limited ecological value" is not a suitable justification for scoping out the impact of maintenance dredging regarding changes to benthic habitats and species. Subtidal muddy sand, which primarily constitutes the project area, is a sub-type of the Annex I notified feature "H1110 Sandbanks which are slightly covered by sea water all the time" and is part of the Humber Estuary SAC. Therefore, this should be scoped into the assessment.</p> <p>...</p>	<p>Changes to benthic habitats and species as a result of removal of sediment during maintenance dredging have been scoped into the assessment (Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]).</p> <p>The assessment (Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]) has considered the subtidal habitat in the dredge footprint as a component of the 'Estuaries' feature rather than 'Sandbanks which are slightly covered by sea water all the time' as the project specific benthic grab samples recorded mud sediment types (mud or sandy mud) rather than being characterised by predominantly sand sediment fractions.</p>	No	No	<p>Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]</p>
			<p>...</p> <p>Natural England notes that a maintenance dredging protocol has not been referred to within the PEIR.</p> <p>...</p>	<p><u>Maintenance dredging protocols</u> The Maintenance Dredge Protocols ("MDP") for the Humber Estuary has been considered as a basis for the assessment for maintenance dredging in Chapter 9: Nature Conservation (Marine Ecology), Section 9.8 [TR030008/APP/6.2].</p>	No	No	<p>Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]</p>
			<p>...</p> <p>Natural England continues to support the production (including reviews) of Maintenance Dredge Protocols (MDP) as industry best practice, providing a foundation for consistent and informed decision making by all competent authorities. The MDP provides a strategic approach to considering the impacts of maintenance dredge activity within a defined port or estuary and can support demonstration of compliance with The Conservation of Habitats and Species Regulations 2017 as amended (The Habitats Regulations). It also negates the need to produce an</p>	<p>The Maintenance Dredge Protocols ("MDP") for the Humber Estuary has been considered as a basis for the assessment for maintenance dredging in Chapter 9: Nature Conservation (Marine Ecology), Section 9.8 [TR030008/APP/6.2].</p>	No	No	<p>Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]</p>

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			environmental assessment for individual consent applications, thereby providing efficiencies through the consenting process. This enables a clear baseline and audit trail for compliance with the Habitats Regulations to support dredging activities (and any potential marine licence applications as required) for all statutory harbour authorities in the area. ...				
			... We note that ABP will be undertaking site-specific sediment sampling to establish the likelihood of remobilisation of contaminated sediment. We acknowledge that the assumptions within the PEIR are based upon previous surveys undertaken at the Immingham site which were found to be low. However, until the survey data confirms this, this impact pathway cannot be ruled out. As a result, Therefore, NE cannot agree with the conclusion reached in paragraph 9.7.54 as the sampling results will inform the assessment. ...	<u>Site specific sediment sampling</u> The assessment has been based on the project-specific sediment contamination survey results provided in Chapter 17: Marine Water and Sediment Quality [TR030008/APP/6.2] .	No	No	Chapter 17: Marine Water and Sediment Quality [TR030008/APP/6.2] .
			... Assessment of impacts on Sea and River Lamprey (migratory fish) during the construction phase The following advice is provided on the assumption that the underwater noise modelling used in the assessment in Appendix 9B is correct and we defer to Cefas advice as to the accuracy of the modelling. ...	<u>Assessment of impacts on Sea and River Lamprey (migratory fish) during the construction phase</u> Mitigation requirements are discussed in Section 9.9 of Chapter 9: Nature Conservation (Marine Ecology), [TR030008/APP/6.2] for fish have been developed as part of the assessment process (including the Shadow Habitat Regulations Assessment [TR030008/APP/7.6]) and through engagement with statutory authorities and will be secured through the deemed marine licence.	No	No	Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] And Shadow Habitats Regulations Assessment [TR030008/APP/7.6]
			... NE note in paragraph 9.8.1, that there are a number of mitigation measures being considered for fish and marine mammals including “the use of soft start procedures, the use of vibro piling where possible with seasonal/night time piling restrictions specifically for migratory fish species and JNCC piling protocols for marine mammals” it also states that these mitigation measures would be further developed, if required, through ongoing	Mitigation requirements as set out in Section 9.9 of Chapter 9: Nature Conservation (Marine Ecology), [TR030008/APP/6.2] for fish have been developed as part of the assessment process (including the Shadow Habitat Regulations Assessment [TR030008/APP/7.6]) and through engagement with statutory authorities and will be secured through the deemed marine licence.	No	No	Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] And

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			<p>engagement with statutory authorities as part of the statutory consultation process and taking into account the final scheme design information and latest understanding of potential effects. We agree that the mitigation set out would be effective in reducing impacts to migratory fish and Page 6 of 11 should be considered within the assessment. The outcome of the HRA will identify the mitigation required.</p> <p>...</p>				<p>Shadow Habitats Regulations Assessment [TR030008/APP/7.6]</p>
			<p>...</p> <p>We welcome the commitment to engage with Natural England to further develop mitigation measures considering the final design and understanding of potential effects.</p> <p>...</p>	<p>The Applicant notes the response from Natural England. Mitigation requirements (Section 9.9 of Chapter 9: Nature Conservation (Marine Ecology), [TR030008/APP/6.2]) have been developed as part of the assessment process (including the Shadow Habitat Regulations Assessment [TR030008/APP/7.6]) and through engagement with statutory authorities. This will be secured through the deemed marine licence</p>	No	No	<p>Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]</p> <p>And</p> <p>Shadow Habitats Regulations Assessment [TR030008/APP/7.6]</p>
			<p>...</p> <p>Assessment of impacts on marine mammals during construction and operation phases</p> <p>As above, the following advice is provided on the assumption that the modelling used in the underwater noise assessment in Appendix 9B is correct and we defer to Cefas advice as to the accuracy of the modelling.</p> <p>...</p>	<p><u>Assessment of impacts on marine mammals during construction and operation phases</u></p> <p>The assessment has been based on the results of the underwater noise modelling (Underwater Noise Assessment Appendix 9.B [TR030008/APP/6.4]) and has taken into account factors such as marine piling method, pile diameter, duration. Mitigation has been developed based on an understanding of the population ecology of the marine mammal species in the area. Where possible a broad estimation of the number of animals predicted to be within the potential zone of effect of marine piling has been determined and presented as a proportion of the relevant reference population (e.g., Management Unit population).</p> <p>Mitigation requirements for marine mammals have been developed as part of the assessment process (including the Shadow</p>	No	No	<p>Appendix 9.B Underwater Noise Assessment [TR030008/APP/6.3]</p> <p>And</p> <p>Shadow Habitats Regulations Assessment [TR030008/APP/7.6]</p>

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
				Habitat Regulations Assessment [TR030008/APP/7.6] and through engagement with statutory authorities.			
			... NE broadly agrees with the scope of the assessment during the construction phase of the project. Nonetheless, we advise that the assessment should reflect the key impact parameters including hammer energy, pile diameter, timing, and duration. An assessment based on these parameters should present the ranges/zones of injury and disturbance to marine mammals. The number of animals predicted to be within the impact zones should be determined and presented as a proportion of the relevant reference population (e.g., Management Unit population for EIA purposes). Note that we consider it likely that marine mammals could be within the construction impact zones, based on their highly mobile nature and the evidence presented by the Application such as the sightings of harbour porpoise approximately 2km from the project area and grey seals are regularly recorded foraging in the Immingham area.	The assessment in Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] has been based on the results of the underwater noise modelling and has taken into account factors such as marine piling method, pile diameter, duration. Mitigation has been developed based on an understanding of the population ecology of the marine mammal species in the area. Where possible a broad estimation of the number of animals predicted to be within the potential zone of effect of marine piling has been determined and presented as a proportion of the relevant reference population (e.g., Management Unit population). Mitigation requirements for marine mammals have been developed as part of the assessment process (including Shadow Habitat Regulations Assessment [TR030008/APP/7.6]) and through engagement with statutory authorities.	No	No	Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP /6.2] And Shadow Habitats Regulations Assessment [TR030008/APP /7.6]
			... Once the risk of exposure is identified, appropriate mitigation should be considered. The outcome of the HRA will identify the mitigation required. We welcome the commitment to engage with Natural England to further develop mitigation measures considering the final design and understanding of potential effects. ...	Mitigation requirements for marine mammals have been developed as part of the assessment process (including the Shadow Habitat Regulations Assessment [TR030008/APP/7.6]) and through engagement with statutory authorities.	No	No	Shadow Habitats Regulations Assessment [TR030008/APP /7.6]
			Chapter 10: Ornithology Potential Impacts on Greater Wash SPA Your assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, Natural England concurs with this view.	The Applicant notes that Natural England concurs with the view that there will be no potential impacts on the Greater Wash SPA. The rationale for screening out the Greater Wash SPA is provided in the Shadow Habitat Regulations Assessment [TR030008/APP/7.6] .	No	No	Shadow Habitats Regulations Assessment [TR030008/APP /7.6]
			... Key points in relation to Humber Estuary SPA/ Ramsar birds Associated British Ports (ABP) has collected bird data for bird	<u>Bird Baseline Data</u> Relevant tables and figures have been updated (including winter 2022/23 data) in Chapter 10: Ornithology and Appendix A of the Shadow Habitat Regulations Assessment	No	No	Chapter 10: Baseline Ornithology Data

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			<p>survey Sector C of Immingham frontage for October to March inclusive for several years. In relation to this development, data has been collected for August and September 2021 and April to August 2022. Natural England advises that the data for winter and summer bird counts for 2021 and 2022 should be combined to give a complete picture of bird activity throughout these years. We understand that bird data is being collected for terrestrial fields adjacent to the Humber Estuary to assess their value as functionally linked land.</p> <p>- Once the additional bird data is available, the relevant tables and figures (including figures 10.3 and 10.4 which relate to bird data within bird survey sector C of Immingham frontage) need to be updated so that we have a more complete picture of bird use on the site. Please also indicate clearly the sources of data for each figure/ table, whether it is Wetland Bird Survey (WeBS) or ABP's own data.</p> <p>- Once additional data is available, more detailed assessment of the data is needed, including identification of the months that have significant numbers of SPA/ Ramsar species (over 1% of the latest WeBS five-year mean peak) and identification of the key species. This information is currently presented as data for October to March winter period (Table 10.7) and data for months outside October to March winter period (Table 10.8)</p> <p>- More information about mitigation measures will be required if significant numbers of birds are recorded. The HRA should also explain how the mitigation measures proposed will avoid or reduce the effect and the level of certainty that mitigation measures will be effective.</p> <p>- The intertidal areas adjacent to proposed jetty and the terrestrial habitat are likely to be the areas with the highest potential for impacts on SPA/Ramsar birds.</p> <p>...</p>	<p>[TR030008/APP/7.6]. The source of the data has been highlighted in the respective tables or figures. In addition, Appendix 10.A [TR030008/APP/6.3] and Appendix A of the HRA[TR030008/APP/7.6] includes both winter and passage months so counts through the year are presented.</p> <p>1). Noted.</p> <p>2). Relevant tables and figures have been updated (including winter 2022/23 data) within this chapter. The source of the data has been highlighted in the respective tables or figures. In addition, Appendix 10.A [TR030008/APP/6.3] and Appendix A of the Shadow Habitat Regulations Assessment [TR030008/APP/7.6] include both winter and passage months so counts through the year are presented.</p> <p>3). More detailed assessment based on the data has been undertaken including identifying those months that have significant numbers of Special Protection Areas ("SPA")/ Ramsar species (over 1% of the latest estuary-wide Wetland Bird Survey ("WeBS") five-year mean peak).</p> <p>4). Mitigation requirements for coastal waterbirds have been developed based on the bird survey results and as part of the assessment process (including the HRA) and through engagement with statutory authorities. These are provided in Section 10.9 of Chapter 10: Ornithology [TR030008/APP/6.2]</p> <p>5). Noted.</p>			<p>[TR030008/APP /6.2]</p> <p>And</p> <p>Shadow Habitats Regulations Assessment [TR030008/APP /7.6]</p>
			<p>...</p> <p>Natural England's response refers to the following tables:</p> <p>Table 10.10 Potential effects during construction scoped in/ out of further detailed assessment</p> <p>In terms of construction impacts, we consider that this table equates to the likely significant effect test in the HRA for effects on SPA/ Ramsar birds during the construction period. Natural England agrees that maintenance dredging and dredge disposal is unlikely to impact SPA/ Ramsar birds due to the distance of the berth from any intertidal habitat. The assessment of impacts on SPA/ Ramsar birds during the construction period will be</p>	<p>The Applicant notes the comment. The rationale for scoping in ornithology pathways into the ES is provided in Chapter 10: Ornithology Section 10 of the ES [TR030008/APP/6.2] and also with respect to screening in Section 3 of the Shadow Habitat Regulations Assessment [TR030008/APP/7.6].</p>	No	No	<p>Chapter 10: Ornithology [TR030008/APP /6.2]</p> <p>And</p> <p>Shadow Habitats Regulations Assessment</p>

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
			<p>informed by the additional bird data and analysis of this data. Natural England will provide advice on the outputs of the assessments once the additional information is available.</p> <p>...</p>				[TR030008/APP /7.6]
			<p>...</p> <p>Table 10.11 Potential effects during operation scoped in/ out of further detailed assessment (berth operations during operation phase)</p> <p>The following impacts have been screened in for further assessment and Natural England supports this approach.</p> <ul style="list-style-type: none"> - Direct changes to intertidal foraging and roosting habitat as a result of marine infrastructure footprint. - Airborne noise and visual disturbance to coastal waterbirds using intertidal habitats. - Airborne noise and visual disturbance to waterbirds using terrestrial habitats. <p>The assessment of impacts on SPA/ Ramsar birds during the operational period will be informed by the additional bird data and analysis of this data. Natural England will provide advice on the outputs of the assessments once the additional information is available.</p> <p>...</p>	<p>The Applicant notes the comment. The rationale for scoping in ornithology pathways into the ES is provided in Chapter 10: Ornithology Section 10 of the ES [TR030008/APP/6.2] and also with respect to screening in Section 3 of the Shadow Habitat Regulations Assessment [TR030008/APP/7.6].</p>	No	No	<p>Chapter 10: Ornithology [TR030008/APP /6.2]</p> <p>And</p> <p>Shadow Habitats Regulations Assessment [TR030008/APP /7.6]</p>
			<p>...</p> <p>Table 10.12 Summary of potential impact, mitigation, and residual effects</p> <p>We cannot comment on this table until all the bird data is available, the HRA has been carried out and we better understand the expected impacts and what mitigation measures are required.</p> <p>...</p>	<p>The Applicant notes the comment. Bird mitigation measures are provided in Chapter 10: Ornithology [TR030008/APP/6.2] of the ES [TR030008/APP/6.2] and in the Shadow Habitat Regulations Assessment [TR030008/APP/7.6] and will be secured through the deemed marine licence.</p>	No	No	<p>Chapter 10: Ornithology [TR030008/APP /6.2]</p> <p>And</p> <p>Shadow Habitats Regulations Assessment [TR030008/APP /7.6]</p>
			<p>...</p> <p>Below is a summary of the expected scenarios/ locations for disturbance of SPA/ Ramsar birds during construction and operation phases. We have highlighted any additional issues that we advise should be considered in the assessment:</p> <p>62. 1) Disturbance to birds during construction in the marine environment (Table 10.10)</p>	<p>Based on a detailed review (presented in Section 10.8 of the ES Chapter 10: Ornithology [TR030008/APP/6.2] and Section 4.10 of the Shadow Habitat Regulations Assessment [TR030008/APP/7.6]), the assessment has been based on the application of a 200m disturbance zone rather than 300m as the</p>	No	No	<p>Chapter 10: Ornithology [TR030008/APP /6.2]</p> <p>And</p>

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			<p>Natural England supports the use of the 300m disturbance zone for birds.</p> <p>Mitigation measures such as soft start piling, and cold weather restrictions have been mentioned. However, the HRA should look in detail at the impacts of the development on SPA/ Ramsar birds and identify what/why mitigation measures will be required. The Environment Agency has implemented seasonal working restrictions for the Stallingborough 3 flood alleviation scheme (avoiding working during the winter months), so this will be a consideration.</p> <p>...</p>	<p>evidence suggests the response of waterbirds to disturbance stimuli is relatively limited at distances over 200m, particularly in areas subject to already high levels of existing anthropogenic activity (as found in the Port). The assessment has also been based on Natural England advice provided as part of the consultation for the nearby IERRT project which stated that '<i>peak levels below 55 dBA can be regarded as not significant, while peak noise levels approaching 70 dBA and greater are most likely to cause an adverse effect. Therefore, levels over 65.5 dBA may cause disturbance to SPA birds. Birds may habituate to regular noise below 70 dBA, but irregular noise above 50 dBA should be avoided</i>'. It should be noted that noise modelling of marine piling (i.e. in subtidal and intertidal) predicts that noise levels will be lower than 70 dBA at distances of more than 200m away with the use of a noise suppression system and also in the range of background noise levels that can occur on the foreshore in the Port of Immingham area. Mitigation requirements for coastal waterbirds have been developed based on the bird survey results and as part of the assessment process (including the HRA) and through engagement with statutory authorities and will be secured through the deemed marine licence. These are provided in Section 10.9 of the ES Chapter 10: Ornithology [TR030008/APP/6.2] and Section 4.10 of the Shadow Habitat Regulations Assessment [TR030008/APP/7.6],</p>			<p>Shadow Habitats Regulations Assessment [TR030008/APP/7.6].</p>
			<p>...</p> <p>63. 2) Disturbance to birds during construction in the terrestrial environment (Table 10.10)</p> <p>Currently the assessment only considers the field adjacent to the estuary where the construction compound will be temporarily located. There may be other terrestrial areas which are within the red line boundary which could be used by SPA/ Ramsar birds, so this also requires consideration. It is stated that the flood bank and the Long Strip plantation will provide screening for the construction works in the estuary, which is relevant. However, as tree works are proposed in Long Strip plantation, an assessment is needed to explain whether these works will</p>	<p>Wintering bird surveys have not recorded any SPA/ Ramsar bird species >1% of the Humber Estuary populations in terrestrial habitats within the red line boundary, and therefore no land within the terrestrial part of the Site meets the threshold for functionally linked land as stated in Chapter 10: Ornithology [TR030008/APP/6.2]). This pathway was therefore not assessed.</p> <p>The potential screening of construction activities by Long Strip woodland, to reduce disturbance to SPA/ Ramsar birds using terrestrial habitat in the adjacent field (within</p>	No	No	<p>Chapter 10: Ornithology [TR030008/APP/6.2]</p>


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			impact on birds using the adjacent fields (if this field is still being used by birds during the tree works). ...	Work No. 9), has also not been assessed for the reasons stated above.			
			... 64. 3) Disturbance to birds during operation in the marine environment (Table 10.11) Most impacts on birds in the marine environment during operation have been screened out and given the distance of the berthing operations for the intertidal area, Natural England agrees with this assessment. However, further information is needed about the impact on birds using the intertidal areas within 300m of the new port infrastructure (jetty). ...	Noted. More detailed information has been provided on bird numbers in proximity to the new port infrastructure (Section 10.8) and Section 4.2 of the Shadow Habitats Regulations Assessment [TR030008/APP/7.6] .	No	No	Chapter 10: Ornithology [TR030008/APP /6.2] And Shadow Habitats Regulations Assessment [TR030008/APP /7.6]
			... 65. 4) Disturbance to birds during operation in terrestrial environment (Table 10.11) The fields adjacent to the estuary where the site compounds will be temporarily located have been scoped into the assessment, this is supported by Natural England. Natural England has based its advice on the fact that the construction compounds will have been removed by the start of the operational phase, however clarity about this and the expected length of the construction period will be important. There may be other fields that will be part of the development that could be used by SPA/ Ramsar birds and should also be included in the assessment. It is stated that the flood bank and the Long Strip plantation will both have a screening effect for birds using the fields adjacent to the estuary. However, as works are proposed on the plantation as part of the development, the effect of the tree works on the screening function needs to be considered. ...	Chapter 10: Ornithology [TR030008/APP/6.2] has considered the fields adjacent to the estuary as part of the Project and the effects of the tree works on the screening function has also been considered. This is covered in Section 10.8 of Chapter 10: Ornithology [TR030008/APP/6.2] Wintering bird surveys have not recorded any SPA/ Ramsar species in terrestrial habitats >1% of the Humber Estuary populations, and therefore no land within the terrestrial part of the Site meets the threshold for functionally linked land.	No	No	Chapter 10: Ornithology [TR030008/APP /6.2]
			... 66. 5) Loss of supporting marine habitat for SPA/ Ramsar birds (Table 10.10) Natural England agrees that the impacts from capital dredge and dredge disposal and indirect effects on estuarine processes	Capital dredge and dredge disposal have been considered in the Shadow Habitats Regulations Assessment [TR030008/APP/7.6] in context of supporting habitat for SPA/ Ramsar birds.	No	No	Shadow Habitats Regulations Assessment [TR030008/APP /7.6]

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			<p>can be screened out of further assessment within the ES, but they should be considered in the HRA.</p> <p>Changes to intertidal habitat from berth operation and infrastructure effects have been screened in for further assessment, Natural England supports this approach.</p> <p>The HRA should consider whether the same numbers and species of SPA/ Ramsar waterbirds are likely to use the site post construction.</p> <p>No mitigation measures have been proposed so far, however the requirement for mitigation measures will be determined through the HRA process.</p> <p>...</p>	<p>Changes to waterbird habitat as a result of infrastructure has been considered in the Shadow Habitats Regulations Assessment [TR030008/APP/7.6].</p> <p>Mitigation requirements for coastal waterbirds have been developed based on the bird survey results and as part of the assessment process (including the HRA) and through engagement with statutory authorities and will be secured through the deemed marine licence. These are provided in Section 10.9 of the ES Chapter 10: Ornithology [TR030008/APP/6.2] and Section 4.10 of the Shadow Habitat Regulations Assessment [TR030008/APP/7.6].</p>			And ES Chapter 10: Ornithology [TR030008/APP/6.2]
			<p>...</p> <p>67. 6) Loss of supporting terrestrial habitat for SPA/ Ramsar birds (Table 10.10)</p> <p>Loss of habitat is screened in for further assessment, which Natural England supports. The bird data that is currently being gathered will inform the detailed assessment. The HRA should indicate the period over which the terrestrial habitat will be unavailable due to construction compounds and other uses. Natural England has been working with North East Lincolnshire Council and other estuary stakeholders for many years to deliver a strategic approach to mitigation within the South Humber Gateway (for impacts associated with the loss of land functionally linked to the Humber Estuary SPA/Ramsar site). Natural England believes this is the most effective way to mitigate for impacts on functionally linked land. We therefore support the commitment to further discussion with North East Lincolnshire Council with respect to the South Humber Gateway Mitigation scheme.</p> <p>As the proposed development site falls within the South Humber Bank mitigation zone, you should liaise with North East Lincolnshire Council regarding how you should contribute to the strategic approach. This forms a key policy in the North East Lincolnshire local plan (see policy 9 https://www.nelincs.gov.uk/assets/uploads/2020/10/The-NEL-Local-Plan-adopted-2018.pdf).</p> <p>...</p>	<p>Wintering bird surveys undertaken in 2022/23 have not recorded any SPA/Ramsar waterbird species in numbers >1% of the Humber Estuary populations in terrestrial habitats, and therefore no land meets the threshold for functionally linked land (Chapter 10: Ornithology Paragraphs 10.5.42 – 10.5.44 [TR030008/APP/6.2]).</p> <p>This pathway has therefore been scoped out of the impact assessment in this Chapter 10: Ornithology [TR030008/APP/6.2] and is also screened out of the Shadow Habitats Regulation Assessment [TR030008/APP/7.6] at the Likely Significant Effects (“LSE”) screening stage. Policy 9 therefore does not apply to this Project.</p>	No	No	Chapter 10: Ornithology [TR030008/APP/6.2] And Shadow Habitats Regulations Assessment [TR030008/APP/7.6]
			<p>...</p> <p>Chapters 16 and 17: Physical Processes and Marine Water and Sediment Quality</p>	<p>Sediment sampling has been undertaken and the results are presented in Chapter 17: Marine Water and Sediment Quality, Section 17.6 [TR030008/APP/6.2]. This data has</p>	No	No	Chapter 17: Marine Water and Sediment Quality

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			<p>Based on our current understanding, Natural England broadly agrees with the scope of the assessment set out in Chapters 16 and 17 of the PEIR, however, we note that the sediment sampling and physical process modelling is currently incomplete and therefore we may provide additional comments. We note that the Humber Estuary SSSI should be included in the assessment. Scope of Chapters 9, 16 and 17.</p> <p>Natural England advises that your assessment clearly sets out where and how potential effects on the physical aspects of notified features of the Humber Estuary SSSI and SAC will be assessed. These effects could be considered in Chapter 9 Marine Ecology, Chapter 16 Physical Processes, or Chapter 17 Marine Water and Sediment Quality but do not appear to have been covered in any chapter.</p> <p>...</p>	<p>informed the assessment in Section 17.8. Physical processes modelling has also been undertaken and the results are presented in Chapter 16: Physical Processes, Section 16.8 [TR030008/APP/6.2].</p> <p>The assessment of impacts on physical processes and on water and sediment quality, in Chapter 16 and Chapter 17 respectively, have informed the assessment of effects on marine ecological receptors in Chapter 9: Nature Conservation (Marine Ecology), Section 9.8 [TR030008/APP/6.2]. This includes an assessment of the relevant features of the Humber Estuary SSSI and the Humber Estuary SAC.</p>			<p>[TR030008/APP/6.2] And Chapter 16: Physical Processes [TR030008/APP/6.2] And Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]</p>
			<p>Chapter 25: In-Combination Screening Assessment The HRA will need to consider in-combination impacts from other relevant projects and plans. The in-combination requirement makes sure that the effects of numerous small proposals, which alone would not result in a significant effect, are assessed to determine whether their combined effect would be significant enough to require more detailed assessment. Plans or projects that should be considered in the in-combination assessment include the following:</p> <ul style="list-style-type: none"> i. The incomplete or non-implemented parts of plans or projects that have already commenced; ii. Plans or projects given consent or given effect but not yet started; iii. Plans or projects currently subject to an application for consent or proposed to be given effect; iv. Projects that are the subject of an outstanding appeal; v. Ongoing plans or projects that are the subject of regular review; vi. Any draft plans being prepared by any public body; vii. Any proposed plans or projects published for consultation prior to application. <p>Natural England has no specific comments to make on this Chapter but will provide further detailed advice on the in-combination assessments undertaken as part of the HRA.</p>	<p>All relevant plans and projects have been screened for potential cumulative effects with the Project (in Chapter 25: Cumulative and In-Combination Effects [TR030008/APP/6.2] and the Shadow Habitat Regulations Assessment [TR030008/APP/7.6]) and where the screening indicated the potential for likely significant effects, these have been assessed.</p>	No	No	<p>Chapter 25: Cumulative and In-Combination Effects [TR030008/APP/6.2] And Shadow Habitat Regulations Assessment [TR030008/APP/7.6]</p>

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			These will need to consider all of the impact pathways that has been discussed within this letter.				
			<p>Other advice In addition, Natural England would advise on the following issues.</p> <p>Local sites and priority habitats and species You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the National Planning Policy Framework (NPPF) and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.</p>	This has been taken into account when preparing Appendix 8B (PEA Report) [TR030008/APP/6.4] and Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2].	N/A	N/A	<p>Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2]</p> <p>And</p> <p>Appendix 8.B Preliminary Ecological Assessment [TR030008/APP/6.4]</p>
			Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found on Gov.uk.	This has been taken into account when preparing Appendix 8B (PEA Report) [TR030008/APP/6.3] and Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2].	N/A	N/A	<p>Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2]</p> <p>Appendix 8.B Preliminary Ecological Assessment [TR030008/APP/6.4]</p>
			Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.	This has been taken into account when preparing Appendix 8B (PEA Report) [TR030008/APP/6.3] and Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2].	N/A	N/A	Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2]

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							Appendix 8.B Preliminary Ecological Assessment [TR030008/APP/6.4]
			<p>Environmental and Biodiversity Enhancement Further details of the ecological enhancements that are proposed will be provided as part of the ES submission and we would welcome inclusion of such detail.</p>	Details of ecological enhancements and replacement woodland planting are set out in Section 8.9 of Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2]	No	No	Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2]
			As a Nationally Significant Infrastructure Project (NSIP), the project does not fall directly within the remit of the national policy requirement within The Environment Bill to deliver the minimum ten per cent Biodiversity Net Gain (BNG). However, the Government has committed to amending the Environment Bill to include mandatory BNG for NSIPs down to mean low water. Please be advised that the Defra metric should not be used to assess impacts and calculate compensation for habitat damage or loss in designated sites or irreplaceable habitats. Any impacts on such habitats and sites should be assessed in accordance with planning policy and via environmental assessments, such as an Appropriate Assessment where European sites are concerned, with any necessary mitigation or compensation requirements dealt with separately from BNG provision.	It is anticipated the secondary legislation mandating the need for 10% net gain will be in place by November 2023 for development within the Town Country Planning Act, and November 2025 for NSIPs. Current guidance indicates that NSIPs accepted for examination before the specified commencement date would not be required to deliver mandatory biodiversity net gain, and therefore formal calculations using the Department for Environment, Food & Rural Affairs (“DEFRA”) metric have not been undertaken for the Project. However, a qualitative approach to biodiversity enhancements will be taken and the following commitments are made within Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2] .	No	No	Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2]
			<p>Rights of Way, Access land, Coastal access, and National Trails Paragraphs 100 and 174 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts. If you have any queries relating to the advice in this letter, please contact me at Hannah.Gooch@naturalengland.org.uk. For any new consultations, or to provide further information on</p>	Public Rights of Way (PRoW), Access Land, Coast Access and National Trails have been assessed from the health perspective within Chapter 24: Human Health and Wellbeing [TR030008/APP/6.2] and from a socio-economics perspective in Chapter 23: Socio-Economics [TR030008/APP/6.2] . The impact on users of PRoW has also been considered within these chapters. , focusing on the impact of severance of existing routes and the resulting changes in journey lengths and times, and local travel patterns. This has also been assessed within Chapter 22: Major	No	No	Chapter 24: Human Health and Wellbeing [TR030008/APP/6.2] And Chapter 23: Socio-Economics [TR030008/APP/6.2] And

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			<p>this consultation please send your correspondence to consultations@naturalengland.org.uk.</p> <p>Yours sincerely</p> <p></p> <p>Sustainable Development Senior Adviser Yorkshire and Northern Lincolnshire Area Team</p>	Accidents and Disasters [TR030008/APP/6.2].			Chapter 22: Major Accidents and Disasters [TR030008/APP/6.2]
22.	Local resident	Feedback form (ref. row 15 Q2)	Requested more information in comment box on expected noise levels in Immingham during operation of plant and increased road transport.	<p>Chapter 7: Noise and Vibration (Section 7.9) [TR030008/APP/6.2] presents an assessment of the impacts and effects of noise during the construction, operational and decommissioning phases of the Project on local Noise Sensitive Receptors (NSRs), including the closest receptors in Immingham. The operational assessment in Section 7.9 covers both daytime and night-time periods. Measures to avoid significant adverse effects, and minimise and mitigate other adverse effects at NSRs, in accordance with national noise policy, is presented in Section 7.10 of Chapter 7: Noise and Vibration (Section 7.9) [TR030008/APP/6.2], as appropriate.</p> <p>The impact of the traffic during both the construction and operational phases is set out in ES Chapter 11: Traffic and Transport [TR030008/APP/6.2].</p>	No	No	<p>Chapter 7: Noise and Vibration [TR030008/APP/6.2]</p> <p>And</p> <p>ES Chapter 11: Traffic and Transport [TR030008/APP/6.2]</p>
23.	Local resident	Feedback form (ref. row 2 Q3)	Requested details on whether domestically produced energy is cheaper for consumption (compared to imported energy).	<p>The purpose of the project is not to produce power for sale to the grid. As set out in Chapter 3: Need and Alternatives [TR030008/APP/6.2], one of the Project objectives is:</p> <p><i>'To provide capacity to support the import and export of a range of liquid bulk energy products including (i) ammonia (NH₃) (to produce green hydrogen) to help the decarbonisation of industrial activities and in particular the heavy transport sector and (ii) carbon dioxide (CO₂) to facilitate carbon capture and storage, both of which will help assist the UK's transition towards net zero.'</i></p>	No	No	Chapter 3: Need and Alternatives [TR030008/APP/6.2]
24.	Local resident		Support for the scheme on the basis that the project will result in fewer emissions	The support for the Project is noted with thanks by the Applicant.	No	No	Chapter 3: Need and

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		Feedback form (ref. row 3 Q3)	...	Air Products would be the first user of the Green Energy Terminal. As set out in Chapter 3: Need and Alternatives [TR030008/APP/6.2] , future energy cargoes, such as carbon dioxide, that would support the transition to net zero could also be accommodated.			Alternatives [TR030008/APP/6.2]
			... but highlighted the potential for harm caused to sea life.	Potential effects on marine life have been assessed in detail in the Chapter 9: Nature Conservation (Marine Ecology) and the Shadow Habitat Regulations Assessment [TR030008/APP/7.6] . In summary, residual effects on marine life are insignificant to minor.	No	No	Chapter 9: Natural Conservation (Marine Ecology) [TR030008/APP/6.2] And Shadow Habitat Regulations Assessment [TR030008/APP/7.6]
25.	Local resident	Feedback form (ref. row 14 Q3)	Expressed personal opposition to scheme in feedback form due to increased noise ... Original comment on feedback form, in full, is: <i>"No - increased noise, increased risk from hydrogen and ammonia storage"</i>	Chapter 7: Noise and Vibration [TR030008/APP/6.2] (Section 7.8) , presents an assessment of the impacts and effects of noise during the construction, operational and decommissioning phases of the Project on local NSRs, including from project related road traffic. Measures to avoid significant adverse effects, and minimise and mitigate other adverse effects at NSRs, in accordance with national noise policy, are presented in Section 7.9 of Chapter 7: Noise and Vibration [TR030008/APP/6.2] as appropriate and included within the Outline Construction Environmental Management Plan (OCEMP) [TR030008/APP/6.2] .	No	No	Chapter 7: Noise and Vibration [TR030008/APP/6.2] And Outline Construction Environmental Management Plan (OCEMP) [TR030008/APP/6.5]
			... and risk posed by hydrogen and ammonia storage.	From a human health perspective, perception of risk has been considered within the relevant assessment in Chapter 24: Human Health and Wellbeing (Section 24.6) . Identified	No	No	Chapter 24: Health and Wellbeing

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				<p>measures are such that no significant adverse effects will be expected to arise.</p> <p>Chapter 22: Major Accidents and Disasters [TR030008/APP/6.2] contains an assessment of the potential risk events associated with the offloading and storage of ammonia and the production and storage of hydrogen. This sets out how risks are regulated. Risk events will be assessed in further detail within the safety studies described in Section 22.8 of Chapter 22: Major Accidents and Disasters and where risks cannot be eliminated, mitigation measures will reduce risks to a level demonstrated to be As Low as Reasonably Practicable (“ALARP”).</p>			<p>[TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 22: Major Accidents and Disasters [TR030008/APP/6.2]</p>
26.	Local residents	Feedback forms (ref: Q4 - R2, R13, R14, R23; Q6 – R3, R4, R9, R11, R12, R13, R16, R17; Q7 – R6; Q8 – R7, R10)	Support for scheme on basis of creation of local employment and benefits to local economy.	<p>Support for the Project is noted with thanks by the Applicant.</p> <p>As the assessment within Chapter 23: Socio Economics, Potential Impacts and Effects (Section 23.7) [TR030008/APP/6.2], demonstrates a wide variety of FTE roles will be created during both construction and operation of the Project.</p> <p>Jobcentre Plus has also offered to support with employability and skills training to maximise the local community benefits of the Project.</p>	No	No	Chapter 23: Socio-Economics [TR030008/APP/6.2]
27.	Local resident	Feedback form (ref. row 2 Q7)	Requested further information on the project’s impact on Immingham’s infrastructure, particularly in relation to the delivery of a carbon capture facility.	<p>An objective of the Project is to provide capacity to support the import and export of liquid bulk energy products, to support the decarbonization of industrial activities and to facilitate carbon capture and storage, which will assist in the UK’s transition towards net zero.</p> <p>The routing of construction vehicles will be managed through the implementation of the Outline Construction Traffic Management Plan (OCTMP) [TR030008/APP/6.7] and which is to be secured by DCO requirement, with the final CTMP being agreed with the NELC prior to construction commencing on site. There would be some localised highway works to Kings Road, Queens Road and Laporte Road associated with culvert works, utilities connections and protective works and</p>	No	No	<p>Chapter 3: Need and Alternatives [TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 11: Traffic and Transport [TR030008/APP/6.2]</p> <p>And</p> <p>Outline Construction Traffic Management</p>

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				<p>the creation of site entrances. These works would be undertaken using powers included within the draft DCO. Liaison would be undertaken with NELC for all works in the highway. Any road closures (for example for the construction of Work No. 4 on Laporte Road) would be managed and agreed with the Local Highway Authority, with suitable diversion routes being available, e.g. via Kiln Lane. No significant disruption is expected, as discussed in Chapter 11: Traffic and Transport [TR030008/APP/6.2]. All construction traffic would be routed via the Strategic Road Network with no construction traffic routed through the town of Immingham.</p> <p>The OCTMP [TR030008/APP/6.7] also requires the Contractor to undertake a precondition survey of the existing highway and then rectify any defects, in this way the highway infrastructure will be protected and not be left worse off as a result of the construction phase.</p> <p>As set out in Chapter 11 Traffic and Transport, [TR030008/APP/6.2] no adverse traffic effects are expected on the town of Immingham.</p>			Plan (OCTMP) [TR030008/APP/6.7]
28.	Local resident	Feedback form (ref. row 9 Q7)	Requested information on whether any temporary disturbance to the environment will be rectified.	<p>As set out in Chapter 5: EIA Process [TR030008/APP/6.2], a comprehensive Environmental Impact Assessment (EIA) has been completed as part of the DCO application.</p> <p>The assessments set out in the Environmental Statement include measures to avoid, prevent or reduce likely significant effects on the environment arising as a result of the Project.</p>	No	No	Chapter 5: EIA Process [TR030008/APP/6.2]
29.	Local resident	Feedback form (ref. row 2 Q8)	Noted that the project should be paid for by the Applicant as local councils can't afford project ...	<p><u>Funding of the project</u></p> <p>The DCO is being brought forward by the Applicant, ABP. Air Products will be the first customer to use the new facility for the production of the green hydrogen. It is being funded by both the Applicant and Air Products</p>	No	No	Funding Statement [TR030008/APP/3.3]

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				as outlined in the Funding Statement [TR030008/APP/3.3] .			
			... Expressed concern with fire risks associated with storing ammonia and hydrogen, as well as concern with the impact of the project on local traffic. ...	<p><u>Fire risk associated with ammonia and hydrogen storage</u></p> <p>Chapter 22: Major Accidents and Disasters [TR030008/APP/6.2] contains an assessment of the potential risk events associated with the offloading and storage of ammonia and the production and storage of hydrogen. Whilst all risks cannot be eliminated, mitigation measures will reduce risks to a level demonstrated to be as low as reasonably practicable (ALARP).</p> <p>These measures include a comprehensive safety and environmental protection programme implemented via engineering design, operational measures and management.</p> <p>Demonstration of ALARP is required by the applicable regulations including those relating to COMAH, Environmental Permitting, Hazardous Substances and Pipeline Safety . Engagement with regulatory bodies is ongoing, with a Hazardous Substances Consent application submitted in March 2023 and pre-construction COMAH notification submitted on the 5th April 2023.</p> <p>Risk management will be part of an ongoing process throughout the lifecycle of the hydrogen production facility which will be regulated under COMAH.</p> <p><u>Impact on local traffic</u> The impact of the traffic during both the construction and operational phases is set out in ES Chapter 11: Traffic and Transport [TR030008/APP/6.2].</p> <p>ES Chapter 11: Traffic and Transport [TR030008/APP/6.2] considers the impact local traffic on the Project, and an assessment of the vehicle movements associated with the</p>	No	No	<p>Chapter 22: Major Accidents and Disasters [TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 11: Traffic and Transport [TR030008/APP/6.2]</p> <p>And</p> <p>ES Chapter 11: Traffic and Transport [TR030008/APP/6.2]</p>

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				construction and operational phases are presented within Section 11.8 . Full details of trip generation and distribution of traffic for both the construction and operational phases are included within Section 11.7 .			
			... Requested details on user of facility. ...	<p><u>User of the facility</u></p> <p>Chapter 1: Introduction [TR030008/APP/6.2], provide details on the user of the facility, Air Products. Air Products is a world-leading industrial gases company that has been in operation for nearly 80 years, and more than 60 years in the UK and Ireland. It has over 1,000 UK and Ireland employees working across 35 production facilities, in addition to a number of hydrogen refuelling stations and hydrogen, nitrogen and oxygen plants. The company develops, engineers, builds, owns and operates some of the world's largest industrial gas projects.</p> <p>Air Products and the Applicant have entered into an agreement for the alteration of the existing harbour facility at the Port to provide a new terminal and associated landside development at the Port to facilitate the delivery of ammonia and its storage and processing to produce green hydrogen.</p>	No	No	Chapter 1: Introduction [TR030008/APP/6.2]
30.	Local resident	Feedback form (ref. row 6 Q8)	<p>Expressed concern at the environmental impact of the project; notably the potential for dust, noise and danger to the wider environment.</p> <p>...</p> <p>Original comment on feedback form, in full, is:</p> <p>"If we in this area have to put up with more eg coal dust iron ore dust animal feed dust green dust and charcoal dust and traffic noise and danger to environment it must benefit here in Immingham not miles away no nice green posh areas.</p> <p>As Trump says Immingham first."</p>	<p>Chapter 6: Air Quality [TR030008/APP/6.2] presents an assessment of the impact of emissions during the construction and operation of the Project and the effect on local air quality sensitive receptors. Measures to avoid significant adverse effects and minimise and mitigate other adverse effects at receptors are presented in Sections 6.7 and 6.9 of Chapter 6. These sections demonstrate that existing air quality within the study area is of a good standard and the effect of Project impacts is not significant.</p> <p>Chapter 7: Noise and Vibration [TR030008/APP/6.2] presents the findings of the assessment regarding the likely noise and vibration impacts during the construction and operation of the Project on human Noise</p>	No	No	<p>Chapter 6: Air Quality [TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 7: Noise and Vibration. [TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 5: EIA Process [TR030008/APP/6.2]</p>

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				<p>Sensitive Receptors (“NSRs”). With the mitigation measures to minimise and avoid significant adverse effects which are presented in Sections 7.8 and 7.10 . there will be no significant adverse effects during construction and operation.</p> <p>As set out in Chapter 5: EIA Process [TR030008/APP/6.2], a comprehensive Environmental Impact Assessment (EIA) has been completed as part of the DCO application.</p> <p>The assessments set out in the Environmental Statement include measures to avoid, prevent or reduce likely significant effects on the environment arising as a result of the Project.</p>			
			<p>...</p> <p>Stated the project should primarily benefit local people in Immingham, not areas “miles away” - see full response above</p>	<p><u>Benefits to local people in Immingham</u></p> <p>As set out in Chapter 23: Socio-Economics (Section 23.8 Potential Impacts and Effects) [TR030008/APP/6.2], on average across North East Lincolnshire, 30% of those working in the area, live outside of it. Therefore, if also applied to the Project, it is assumed that 70% of employment opportunities would remain within North East Lincolnshire.</p> <p>As stated within Chapter 23: Socio-Economics [TR030008/APP/6.2], a wide variety of roles will be created during both construction and operation of the Project.</p> <p>It is not yet known how many employment opportunities will be taken by local residents as recruitment has not taken place at this early stage.</p> <p>Jobcentre Plus has also offered to support with employability and skills training to maximise the local community benefits of the Project.</p> <p>The Applicant also has established relationships with local schools and training providers such as CATCH, which can be utilised to build awareness and opportunities among people in Immingham.</p>	No	No	Chapter 23: Socio-Economics [TR030008/APP/6.2]

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31.	Local resident	Feedback form (ref. row 9 Q8)	Noted that Immingham should benefit from the project	<p>As set out in Chapter 23: Socio Economics [TR030008/APP/6.2], on average across North East Lincolnshire, 30% of those working in the area, live outside of it. Therefore, if also applied to the Project, it is assumed that 70% of employment opportunities would remain within North East Lincolnshire.</p> <p>As stated within Chapter 23: Socio-Economics [TR030008/APP/6.2], it is proposed that a wide variety of FTE roles will be created during both construction and operation of the Project.</p> <p>It is not yet known how many employment opportunities will be taken by local residents as recruitment has not taken place at this early stage.</p> <p>Jobcentre Plus has also offered to support with employability and skills training to maximise the local community benefits of the Project.</p> <p>The Applicant also has established relationships with local schools and training providers such as CATCH, which can be utilised to build awareness and opportunities among people in Immingham.</p> <p>As also set out in Chapter 23: Socio-Economics [TR030008/APP/6.2], there will also be wider economic benefits associated with Project in Gross Value Added terms, with over £25 million predicted to remain within North East Lincolnshire.</p> <p>The Planning Statement [TR030008/APP/7.1] also sets out the benefits of the Project.</p>	No	No	<p>Chapter 23: Socio-Economics [TR030008/APP/6.2]</p> <p>And</p> <p>Planning Statement (including DAS) [TR030008/APP/7.1]</p>
32.	Local resident	Feedback form (ref. row 11 Q8)	Expressed concern at the potential impact of the project on local house prices.	<p>As set out within Chapter 23: Socio-Economics (Section 23.6: Baseline Conditions) [TR030008/APP/6.2], a number of properties located within the Site are used wholly or partly for residential purposes, which is not considered compatible with the proposed hydrogen production facility. It is intended that these will be acquired through agreement (or powers of acquisition proposed to be included in the DCO if agreement cannot be reached) such that they will no longer be used for residential purposes. As set out in Chapter 7: Noise and Vibration [TR030008/APP/6.2], there are properties which are located on the</p>	No	No	<p>Chapter 2: The Project. [TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 7: Noise and Vibration [TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 13: Landscape and</p>

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				<p>edge of the study area, approximately 460m-500m away. Due to the separation distance between these receptors and the Site, it is predicted that worst case construction noise would result in short term, temporary, very low adverse impacts. If impact avoidance measures and additional noise specific mitigation measures are implemented, residual effects at these residential NSRs during operation is assessed in Chapter 7: Noise and Vibration [TR030008/APP/6.2] to be minor adverse (not significant).</p> <p>As also set out in Chapter 13: Landscape and Visual [TR030008/APP/6.2] the Project has been designed, as far as possible, to avoid and minimise impacts and effects to landscape/seascape and visual receptors through the process of design development and by embedding mitigation measures into the design. As also explained in Chapter 2: The Project [TR030008/APP/6.2], the area surrounding the Port is already industrial in nature, being dominated by chemical manufacturing, oil processing and power generation facilities and beyond this, the wider area is largely agricultural. Therefore, it is not anticipated that the Project will adversely affect local house prices.</p>			<p>Visual Impact [TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 23: Socio-Economics [TR030008/APP/6.2]</p>
33.	Local resident	Feedback form (ref. row 14 Q8)	Request for details on total lifespan of project; ...	<p><u>Lifespan of project</u></p> <p>As set out in Chapter 2: The Project [TR030008/APP/6.2] the construction of the Project is anticipated to take place in phases over an eleven year period. The landside elements of the Project (except the jetty access road) have a design life of approximately 25 years. The operational life could be longer, depending on its integrity and market conditions at that time. When appropriate, this infrastructure would be decommissioned. The plant and equipment on the jetty topside associated with hydrogen production would be decommissioned in parallel with the decommissioning of the related landside elements.</p>	No	No	Chapter 2: The Project [TR030008/APP/6.2]

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			... total time required for production to begin on site following initiation of project; ...	The terminal (the jetty and related topside infrastructure) would become part of the permanent port infrastructure and refurbished accordingly as required. This and the approach to decommissioning is explained in greater detail in ES Chapter 2: The Project [TR030008/APP/6.2]	No	No	Chapter 2: The Project [TR030008/APP/6.2]
34.	Local business owner	13.01.23	As a business owner on Prince Charles Drive, My only big concern, is the environmental impact to the water table. As this project is to be built on marshland, is there going to be improvements to the sewer system, drainage and dykes. Will you be putting a policy in place as an assurance to local residences for compensation due to flooding.	A Flood Risk Assessment has been undertaken for the Project (Appendix 18.A [TR030008/APP/6.2]) which has considered all potential sources of flooding both to and from the Project, including tidal, fluvial, land drainage, overland flow, artificial sources and sewer drainage arrangements. The Flood Risk Assessment concludes that risk from flooding will be managed and will be compliant with the National Policy Statement for Ports and the guidance set out in the Planning Policy Guidance. Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] concludes that effects on water quality will not be significant. A Drainage Strategy (Appendix 18.B [TR030008/APP/6.4]) has also been prepared for the Project which describes the surface and foul water drainage strategies associated with the landside development forming part of the Project. It also details the applicable design standards, policies, and key design criteria that have been applied in developing a technically viable and compliant concept drainage strategy.			Appendix 18.A Flood Risk Assessment Appendix 18.B Drainage Strategy [TR030008/APP/6.4] Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] Drainage Strategy (Appendix 18.B [TR030008/APP/6.4])
35.	Local resident	23.01.23	What noise does it make which may affect life in Immingham? The oil refinery can make a noise at night disturbing sleep to some people when they use pumps. Do you use wind power for your electricity that also disturbs some property?	The Site will be operated in accordance with an Environmental Permit, issued and regulated by the Environment Agency, which will require the operational noise from the hydrogen facility to be controlled through the use of Best Available Technologies. The operational noise assessment included in Chapter 7: Noise and Vibration [TR030008/APP/6.2] has concluded that there will be no significant effects during operation.	No	No	Chapter 7: Noise and Vibration [TR030008/APP/6.2] And


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				<p>The operational noise will also be controlled by a scheme to be approved by NELC.</p> <p>From a human health perspective, and specifically in regard to emissions, noise has been assessed in Chapter 24 Human health and Wellbeing [TR030008/APP/6.2] with reference to noise assessments conducted in Chapter 7: Noise and Vibration [TR030008/APP/6.2]. Taken account of this, the assessment has concluded that there will be no significant effects in respect of operational noise.</p> <p>The Project does not include the construction of any wind turbine generators to generate power for the Hydrogen Production Facility.</p>			Chapter 24 Human Health and Wellbeing [TR030008/APP/6.2]
36.	Local resident	22.01.23	Consider biodiversity and ecological impacts of proposed actions and work to avoid negative impacts where possible and mitigate when avoidance is not possible. Consider all approaches before making any decisions and taking action.	An assessment of the impacts of the Project on biodiversity is included in Chapter 8: Nature Conservation (Terrestrial Ecology) and Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] along with proposed mitigation.	No	No	<p>Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]</p>
37.	Local resident	08.02.23	"1. Proposed West site is partially developed with road structure and drainage? facilities for say 10 factory units with 10 - 20 employees each + support. Say 200 potential jobs. Did the initial developer get any council or government grants/support? Is this now all lost? 2. West site illustration showing what appears to be a road in the foreground is misleading. Visitors questioned whether that was the A1173. Google shows it as a minor track accessing land off Queens road. Is this information being used as part of safety review? 3. Proposed tanker entrance onto busy	"1. As set out in Section 23.8: Assessment of Likely Impacts and Effects of Chapter 23: Socio-Economics [TR030008/APP/6.2] of the ES, it is estimated that approximately 134 direct roles will be created during the operation of the Project. There is nothing to suggest the initial developer received a grant or government support for the site.	No	No	<p>Chapter 2: The Project [TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 22: Major Accidents and Disasters</p>

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			<p>A1173. Why not the quieter Queens road? 4. Are properties and businesses on Queens road subject to compulsory purchase? Is this safety related? If so, why not the industrial units across Queens road. These properties and businesses are a similar distance to Kings road and Ings lane properties. 5. There appears to be land around the proposed east site. Some is being used as a construction site. Other land ex Fisons is largely redundant cleared and used for coal storage (short term?) Is this subject to development? Could this be considered as an option to confine the proposed facility to a single development with significantly less infrastructure costs? 6. Will the two existing gas fired "power facilities" be affected by the proximity of hydrogen production and pipelines between sites? 7. Tronox land to be used as a construction site. Have Tronox been approached about selling this land to confine the proposed facility to one area away from housing? The illustrations show the land within the spans of the jetties so cannot be developed riverside? 8. Recent events at Conoco, Buncefield, and previously Flixboro have all resulted in massive explosions. All highly developed industrial sites let down by human error. Safety case is to reduce risk primarily. Mitigation of risk is not the same thing and human error will always be a factor. Building a facility like this so near to the town could be easily avoided at this stage of development 7. How many million litres of high pressure hydrogen will be produced and stored at west site nearest the town and what is the potential blast zone? 8. Taking into account recent explosions at Conoco Refinery and Flixboro. Personnel and offices are being moved away from potential danger. This proposal seems to ignore that being built so closely to houses in Immingham. 9. Land within the docks area could be used with less development leaving the proposed west site to its original plans or further development of ABP core business of docks, storage and transport "</p>	<p>2. The Applicant is engaged in ongoing discussions with the HSE and the hazardous substance consent application was submitted in April 2023. The HSE will consider all surrounding land uses in their assessment, the approach for which is outlined on their web site. These assessments take account of the fact that road users on all surrounding roads will typically be present next to the plant for short periods which means any potential risk of harm is very much lower. (see Chapter 22: Major Accidents and Disasters for further information).</p> <p>3. The tanker entrance will be on the Queens Road, there will be an emergency entrance on the A1173</p> <p>4. A study undertaken on behalf of Air Products in line with the Heath and Safety Executive methodology on land use planning zones conclude that once the hydrogen production facility on the West Site is fully operational, the continued use of the residential properties on Queens Road will be incompatible with the operation of the hydrogen production facility, as stated in Chapter 22: Major Accidents and Disasters [TR030008/APP/6.2]. Discussions are ongoing with the owners and occupiers with a view to negotiating the acquisition of the property by agreement. Where it is not possible to acquire the properties through negotiation, compulsory acquisition powers are sought through the DCO. As explained in Chapter 2: The Project [TR030008/APP/6.2], a number of businesses are also present in the same area on the west side of Queens Road. It is considered that the ongoing operation of those businesses will be compatible with the operation of the hydrogen production facility.</p> <p>5. A suitable location for the Hydrogen Production facility within and around the Port was identified taking into account available space, the Port's existing development plans, ground conditions, presence of existing structures and services including existing</p>			<p>[TR030008/APP/6.2]</p> <p>Chapter 3: Needs and Alternatives [TR030008/APP/6.2]</p> <p>And</p> <p>Outline Construction Traffic Management Plan [TR030008/APP/6.7]</p> <p>And</p> <p>Chapter 23: Socio-Economics [TR030008/APP/6.2]</p>

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				<p>transport corridors, proximity to residential conurbations, access, and proximity to the jetty. The two plots of land identified as the proposed location of the Hydrogen production facility were selected as the most suitable. Further details are given in Chapter 3, Needs and Alternatives, section 3.5.</p> <p>6. There will be no impact on the existing power facilities either during construction or operation.</p> <p>7. A suitable location for the Hydrogen Production facility within and around the Port was identified taking into account all available space, the Port's existing development plans, ground conditions, presence of existing structures and services including existing transport corridors, proximity to residential conurbations, access, and proximity to the jetty. The two plots of land identified as the proposed location of the Hydrogen production facility were selected as the most suitable. Further details are given in Chapter 3, Needs and Alternatives, section 3.5.</p> <p>8. Whilst accepting that major accidents do occur, those mentioned primarily related to ageing plant and equipment with a more complex root cause than just human error. The design, build, operation and maintenance of any new COMAH installation, operating within the governance of UK Statutory Law, requires both Technical and Management prioritisation at all levels to mitigate the overall risk. In light of this, a competent operator will have a clear understanding of major accident risks and the safety critical equipment and systems designed to control them. This understanding exists within competent organisations from the senior management down and between all organisations involved in supplying, installing, maintaining and operating these controls. Such activities under a COMAH operating regime will be embedded into the operating Policies and Procedures required to satisfy the Competent Authorities that the risk is ALARP.</p>			

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				<p>There will be systems, and a culture, in place to detect signals of failure in safety critical equipment and to respond to them quickly and effectively.</p> <p>Engineering design and operational maintenance regimes will be fit for purpose and a comprehensive management of change process in operation to avoid even the simplest task or modification being undertaken without appropriate risk assessments.</p> <p>The Competent Operator will be required to ensure sufficient time and resources for process safety management is allocated and this is, and will be, a key Board agenda item.</p> <p>The pressures on staff and managers will be understood and managed so that they have the capacity to apply procedures and systems essential for safe operation.</p> <p>There will be effective auditing systems in place which test the quality of management systems and ensure that these systems are actually being used in practice and are effective.</p> <p>At the core of managing a major hazard business there should be clear and positive process safety leadership with board-level involvement and competence to ensure that major hazard risks are properly managed. This forms part of any modern-day competent company operating with a high inherent risk within an applicable regulated environment.”</p> <p>7. Up to 250 Tonnes of liquid hydrogen will be stored at the West Site prior to export via road tankers. The ammonia tank will be located on the East Site which is located as far as possible from local residents. An assessment to identify and describe all potential, credible risk scenarios has been completed for the Project and associated risks will be reduced by a comprehensive safety and environmental protection programme implemented via engineering design, operational measures and management to achieve a level “As low as reasonably practicable”, as required by the COMAH Regulations. The hydrogen production facility will be regulated by the COMAH competent authority and will require hazardous</p>			

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				<p>substances consent, from NELC , for which an application was made in April 2023. These authorities fully consider the societal risks before granting permissions Further explanation is given in Chapter 22 MajorAccidents and Disasters</p> <p>8. A suitable location for the hydrogen production facility within and around the Port was identified taking into account all available space, the Port's existing development plans, ground conditions, presence of existing structures and services including existing transport corridors, proximity to residential conurbations, access, and proximity to the jetty. The two plots of land identified as the proposed location of the hydrogen production facility were selected as the most suitable. Further details are given in Chapter 3: Need and Alternatives [TR030008/APP/6.2].</p> <p>During the development and operation of the Project, the risks associated with the production and storage of flammable substances with the potential to form explosive atmospheres will be appropriately managed by a comprehensive safety and environmental protection programme. This is implemented via engineering design, operational procedures and management to achieve a level of risk which can be demonstrated to be ALARP, as required by regulations applicable to the Project, including COMAH, Environmental Permitting, Hazardous Substances and Pipeline Safety Regulations.</p>			
38.	Local business owner	20.02.23	The site has external air intakes for cooling and combustion air. Increased airborne particulates and pollution from nearby construction have a detrimental effect on the equipment. Will dust/pollution be monitored and mitigated for during construction, would you install dust monitoring on our site? The site currently has the capacity to use a natural gas/hydrogen blend, are there any plans to provide piped hydrogen to gas users in the local vicinity?	The assessment of construction dust impacts determines the level of mitigation required to ensure that a significant effect will not occur, in line with Institute of Air Quality Management guidance. Mitigation measures are set out in Chapter 6: Air Quality, Section 6.7 [TR030008/APP/6.2] , and included within the Outline Construction Environmental Management Plan [[TR030008/APP/6.5] . Details on the required level of dust monitoring are provided within the Outline Construction	No	No	Chapter 6: Air Quality [TR030008/APP /6.2] And Outline Construction Environmental

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				<p>Environmental Management Plan [TR030008/APP/6.5].</p> <p>It is initially proposed to supply hydrogen for use as fuel for heavy goods vehicles. Going forward opportunities to supply local businesses by pipeline will be explored.</p>			Management Plan [TR030008/APP/6.5]
39.	Local resident	13.01.23	Yes, the local roads and upgrades to these, possibly look at introducing traffic management in the area with reduced speed limits and weight limits / restrictions.	The Outline Construction Traffic Management Plan [TR030008/APP/6.7] includes how HGV movements will be confined to suitable routes, namely the A1173 and the A180, and this along with the Annex: Outline Construction Worker Travel Plan [TR030008/APP/6.7] aims to reduce the impact from the construction phase of traffic as far as is possible	No	No	Outline Construction Traffic Management Plan [TR030008/APP/6.7]
40.	Cadent Gas	15.02.23	<p>Dear Sirs,</p> <p>Please find attached our consultation response on behalf of Cadent Gas.</p> <p>If all future correspondence can be directed to us, we can deal with accordingly.</p> <p>I trust the enclosed is in order and look forward to hearing from you.</p> <p>Kind Regards </p> <p><i>Contents of Attachment:</i></p> <p>Date: 14 February 2023</p> <p>Cadent Gas Limited Pilot Way Ansty Coventry CV7 9JU cadentgas.com</p> <p>Submitted via email to: enquiries@imminhamget.co.uk Imminham Green Energy Terminal</p> <p>Statutory consultation under section 42 of the Planning Act 2008 and the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (the APFP Regulations)</p>	<p>The Applicant is in contact with the new connections and existing infrastructure teams within Cadent as per the request to be contacted from the covering letter (application reference number 130031744) regarding project gas requirements, existing easements, potential diversions, and protection of existing Cadent infrastructure.</p> <p>Existing gas infrastructure is listed in the Utilities Statement, Table 2-2 and in Plan 2 of Appendix A.</p> <p>Regarding gas supplies and changes to existing gas infrastructure, the Project requires a gas feed, dependent on heater design and configuration, of up to 1700 Nm³ /h for operations in Phase 1 of the Project (indicative construction phases are set out in Table 2-9 of ES Chapter 2: The Project [TR030008/APP/6.2] with further details of infrastructure per phase in Table 2-10 rising to 4900Nm³ /h when all phases are operational. This will be provided by Cadent Gas from a tie-in to an existing intermediate pressure gas main located in Queens Road. Air Products will internally distribute gas across the West Site and via the Pipeline Corridor to the East Site – Ammonia Storage. A separate gas connection to the East Site – Hydrogen Production is required in the later phases of the Project from the existing Cadent Gas governor compound on Laporte Road. Utilities Statement Table 3-3 sets out the new gas infrastructure that would</p>	N/A	N/A	<p>ES Chapter 2: The Project [TR030008/APP/6.2]</p> <p>Utilities Statement [TR030008/APP/7.7]</p> <p>Draft DCO [TR030008/APP/1.1]</p>

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			<p>I refer to your email dated 9th January 2023 regarding the above proposed DCO. Cadent has reviewed the consultation documents and has the following comments:</p> <p>Cadent Infrastructure within or in close proximity to the development. In respect of existing Cadent infrastructure, Cadent will require appropriate protection for retained apparatus including compliance with relevant standards for works proposed within close proximity of its apparatus, Cadent has identified the following apparatus within the redline boundary or within the vicinity of the proposed works:</p> <ul style="list-style-type: none"> • High Pressure (above 2bar) Gas Pipelines and associated equipment • Medium Pressure mains and associated equipment • Intermediate Pressure mains and associated equipment • Low Pressure mains and associated equipment <p>Note: No liability of any kind whatsoever is accepted by Cadent Gas Limited or their agents, servants or contractors for any error or omission.</p> <p>Please note that Cadent has existing easements for these pipelines which prevents the erection of permanent / temporary buildings/structures, change to existing ground levels or storage of materials etc within the easement strip.</p> <p>Diversions:</p> <p>Where diversions of apparatus are required to facilitate the scheme, Cadent will require adequate notice and discussions should be started at the earliest opportunity. Please be aware that diversions for high pressure apparatus can take in excess of two years to plan and procure materials.</p> <p>Where diversions of apparatus are required to facilitate the scheme, Cadent will require the party requesting the diversion works to obtain any necessary planning permissions and other consents to enable the diversion works to be carried out. Details of these consents should be agreed in writing with Cadent before any applications are made. Cadent would ordinarily require a minimum of C4/Conceptual Design study to have been</p>	<p>be required, while Plan A at Appendix B of the Utilities Statement [TR030008/APP/7.7] indicates the approximate location of the new gas infrastructure tie-ins.</p> <p>The Applicant notes response on the New Service Crossing and on the Pipeline Crossing.</p> <p>A Statement of Common Ground will be developed with Cadent Gas following submission of the draft DCO application. Protective provisions are included in the draft DCO [TR030008/APP/1.1] and will be the subject of discussions with Cadent Gas..</p>			

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			<p>carried out to establish an appropriate diversion route ahead of any application being made.</p> <p>Adequate land rights must be granted to Cadent (e.g. following the exercise of compulsory powers to acquire such rights included within the DCO) to enable works to proceed, to Cadent's satisfaction. Cadent's approval to the land rights powers included in the DCO prior to submission is strongly recommended to avoid later substantive objection to the DCO. Land rights will be required to be obtained prior to construction and commissioning of any diverted apparatus, in order to avoid any delays to the project's timescales. A diversion agreement may be required addressing responsibility for works, timescales, expenses and indemnity.</p> <p>Protection/Protective Provisions:</p> <p>Where the Promoter intends to acquire land, extinguish rights, or interfere with any of Cadent's apparatus, Cadent will require appropriate protection for retained apparatus and further discussion on the impact to its apparatus and rights including adequate Protective Provisions. Operations within Cadent's existing easement strips are not permitted without approval and will necessitate a Deed of Consent being put in place. Any proposals for work in the vicinity for Cadent's existing apparatus will require approval by Plant Protection under the Protective Provisions and early discussions are advised.</p> <p>Key Considerations:</p> <ul style="list-style-type: none"> • Cadent has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent / temporary buildings/structures, change to existing ground levels or storage of materials etc within the easement strip. • Please be aware that written permission is required before any works commence within the Cadent easement strip and a Crossing Agreement may be required if any apparatus needs to cross the Cadent easement strip. The below guidance is not exhaustive and all works in the vicinity of Cadent's asset shall be subject to review and approval from Cadent's plant protection team in advance of commencement of works on site. <p>General Notes on Pipeline Safety:</p>				

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			<ul style="list-style-type: none"> • You should be aware of the Health and Safety Executives guidance document HS(G) 47 “Avoiding Danger from Underground Services”, and Cadent’s specification for Safe Working in the Vicinity of Cadent High Pressure gas pipelines and associated installations – requirements for third parties GD/SP/SSW22. Digsafe leaflet Excavating Safely – Avoiding injury when working near gas pipes. There will be additional requirements dictated by Cadent’s plant protection team. • Cadent will also need to ensure that our pipelines remain accessible throughout and after completion of the works. • The actual depth and position must be confirmed on site by trial hole investigation under the supervision of a Cadent representative. Ground cover above our pipelines should not be reduced or increased. • If any excavations are planned within 3 metres of Cadent High Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed then the actual position and depth of the pipeline must be established on site in the presence of a Cadent representative. A safe working method agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline. • Below are some examples of work types that have specific restrictions when being undertaken in the vicinity of gas assets therefore consultation with Cadent’s Plant Protection team is essential: <ul style="list-style-type: none"> ○ Demolition ○ Blasting ○ Piling and boring ○ Deep mining ○ Surface mineral extraction ○ Land filing ○ Trenchless Techniques (e.g. HDD, pipe splitting, tunnelling etc.) ○ Wind turbine installation ○ Solar farm installation ○ Tree planting schemes <p>Pipeline Crossings:</p>				

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			<ul style="list-style-type: none"> • Where existing roads cannot be used, construction traffic should ONLY cross the pipeline at agreed locations. • The pipeline shall be protected, at the crossing points, by temporary rafts constructed at ground level. The third party shall review ground conditions, vehicle types and crossing frequencies to determine the type and construction of the raft required. • The type of raft shall be agreed with Cadent prior to installation. • No protective measures including the installation of concrete slab protection shall be installed over or near to the Cadent pipeline without the prior permission of Cadent. • Cadent will need to agree the material, the dimensions and method of installation of the proposed protective measure. • The method of installation shall be confirmed through the submission of a formal written method statement from the contractor to Cadent. • A Cadent representative shall monitor any works within close proximity to the pipeline. <p>New Service Crossing:</p> <ul style="list-style-type: none"> • New services may cross the pipeline at perpendicular angle to the pipeline i.e. 90 degrees. • Where a new service is to cross over the pipeline a clearance distance of 0.6 metres between the crown of the pipeline and underside of the service should be maintained. If this cannot be achieved the service shall cross below the pipeline with a clearance distance of 0.6 metres. • A new service should not be laid parallel within an easement strip. • A Cadent representative shall approve and supervise any new service crossing of a pipeline. • An exposed pipeline should be suitable supported and removed prior to backfilling. • An exposed pipeline should be protected by matting and suitable timber cladding. • For pipe construction involving deep excavation (<1.5m) in the vicinity of grey iron mains, the model consultative 				

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			<p>procedure will apply therefore an integrity assessment must be conducted to confirm if diversion is required.</p> <p>Guidance</p> <p>To download a copy of the HSE Guidance HS(G)47, please use the following link: http://www.hse.gov.uk/pubns/books/hsg47.htm Dial Before You Dig Pipelines Guidance: https://documents.cadentgas.com/view/719428500/</p> <p>Essential Guidance document: https://cadentgas.com/getattachment/digging-safely/Promo-work-safely-library/Essential_Guidance.pdf</p> <p>Excavating Safely in the vicinity of gas pipes guidance (Credit card): https://cadentgas.com/nggdwsdev/media/Downloads/Digging%20Safely/Excavating_Safely_Leaflet_Gas-1.pdf</p> <p>Copies of all the Guidance Documents can also be downloaded from the Cadent website: https://cadentgas.com/help-advice/digging-safely</p> <p>Specification for Safe Working in the Vicinity of Cadent Assets: https://cadentgas.com/nggdwsdev/media/Downloads/Digging%20Safely/CADSPSSW22-Specification-for-safe-working-in-the-vicinity-of-Cadent-assets-August-2021.pdf</p> <p>Tree Planting Guidance: https://cadentgas.com/nggdwsdev/media/Downloads/Digging%20Safely/Tree-planting-guidance-Cadent-for-web.pdf</p>				
41.	North East Lincolnshire Council	17.02.23	<p>Dear Sirs,</p> <p>Please find attached the consultation response from NELC. We look forward to continued working with ABP/AIR Products.</p> <p>Many Thanks</p> <p>Content of attachment:</p>	No response required.	No	No	N/A

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			<p>STATUTORY CONSULTATION UNDER SECTION 42 OF THE PLANNING ACT 2008 INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017. IMMINGHAM GREEN ENERGY TERMINAL Introduction This is the response of North East Lincolnshire Council (NELC) to the Statutory Consultation in regard to the above NSIP project for the Immingham Green Energy Terminal. The applicants Associated British Ports (ABP) and Air Products Limited (APL) entered into pre-application discussions with NELC in 2022 to seek the advice of the Local Planning Authority (LPA) and input from internal consultees over key issues. This has been a collaborative process between the LPA and ABP/APL The project consists of works both on landside and within the marine environment. As the LPA's jurisdiction ceases at the low tide mark the focus has been on the physical development on the landside and the subsequent impacts of the development as a whole on the wider area. In compiling this response the LPA has had regard to the Preliminary Environmental Information Report (PEIR), Non Technical Summary of the PEIR and the Statement of Community Consultation (SoCC). Sections 1. Economy and Growth 2. Ecology 3. Highways 4. Landscape 5. Drainage 6. Environmental Health 7. Archaeology and Heritage 8. Comments on SoCC ...</p>				
			<p>... 1. Economy and Growth The development presents a significant investment into the port of Immingham. This will in turn secure numerous jobs in direct association with the maintenance and upkeep of the infrastructure. This development also ties in closely with the recent announcement of Humber Freeport Status and add to the wider economic growth of the Humber Region. It is this growth that the NELLP is based upon and the principle of such development is therefore supported. ...</p>	<p><u>Employment and investment</u> The Applicant appreciates the support and notes the response regarding the Project aligning with planned local and wider economic growth. Chapter 23: Socio-economics (section 23.8) assesses the employment opportunities available as a result of the construction and operation of the Project as well as Gross Value Added in the local economy as a result of direct and indirect employment opportunities.</p>	No	No	<p>Chapter 23: Socio-Economics [TR030008/APP /6.2]</p>

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
			<p>...</p> <p>2. Ecology The PEIR leads on from the EIA Scoping process that was undertaken for the development in 2022. The scope of the EIA as agreed by PINS, in relation to Ecology, considers the relevant designations of the Humber Estuary and the potential landside impacts. The NELC Ecologist supports [REDACTED] the scope and extent of the PEIR and subsequent EIA. [REDACTED] (Ecology Manager)</p> <p>...</p>	<p><u>Tree loss</u></p> <p>The extent of tree removal is presented in the Arboricultural Impact Assessment at Appendix 8.G of Chapter 8: Terrestrial Ecology [TR030008/APP/6.4]. Consultation with NELC regarding appropriate compensation for woodland loss is ongoing. Further details are provided below in Chapter 8: Terrestrial Ecology (section 8.7). The Applicant welcomes the support of NELC on the scope and extent of the ecology survey and preliminary assessment work undertaken in the PEIR, which has informed the preparation of Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2].</p> <p>The ecological impact assessment results are largely the same as those reported in the PEIR, with a significant residual effect reported on Long Established/ UK Priority Habitat (Deciduous Woodland) woodland habitat as a result of the permanent loss of woodland from Long Strip (within Work No. 2 and the terrestrial element of Work No. 1).</p>	<p>Work number 2 (jetty access road, pipe racks, etc.) has been optimized to minimize the loss of woodlands from Long Strip Woodland TPO.</p> <p>No</p>	<p>NoAn outline woodland compensation strategy has been developed which will deliver compensatory woodland planting, in accordance with NELC policy (see Appendix 8.F Outline Woodland Compensation Strategy [TR030008/APP/6.4]).</p> <p>The Approval of the final woodland compensation strategy and compliance with it is secured by a DCO requirement of the draft DCOs.</p>	<p>Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2]</p>
			<p>...</p> <p>3. Highways The proposed project will attract a reasonable number of associated vehicle movements in relation to the development but it is likely that the most significant impact of the development will come through the construction phase. Various meetings</p>	<p><u>Vehicle movements</u></p> <p>Chapter 11: Traffic and Transport [TR030008/APP/6.2] Chapter 11: Traffic and Transport considers the impact of the Project, and an assessment of the vehicle movements associated with the construction phase is</p>	<p>No</p>	<p>No</p>	<p>Chapter 11: Traffic and Transport [TR030008/APP/6.2]</p>

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			<p>have taken place with the applicants, North East Lincs Highways Authority to look at such impacts and the management of the construction phase.</p> <p>The Highway Authority look forward to the full and final Transport Assessment being submitted and will continue to work with the applicants to resolve any highway concerns throughout the process.</p> <p>(personal information redacted)Lara Hattle (Highways Officer)</p> <p>...</p>	<p>presented within Section 11.8 of the chapter. A separate Transport Assessment has not been prepared as the full details of trip generation and distribution for both the construction and operational phases are included within Section 11.7 of the chapter.</p> <p>The operational phase is only expected to generate 96 two-way HGV movements per day (48 arrivals and 48 departures) with a total of 120 staff anticipated to be employed, of which 67 would work on a shift pattern and 53 would travel in the "normal" weekday AM and PM peak periods. This chapter includes an assessment of the construction traffic associated with the Project on the local road network to assess the transport impact during this phase.</p> <p>Furthermore an OCTMP and OCWTP have been submitted alongside the ES Chapter which set out measures to control and limit as far as is possible the impact from both construction HGVs and construction worker traffic.</p>			
			<p>...</p> <p>4. Landscape</p> <p>The applicants have been working with NELC Trees and Landscape to look at initial high level issues and continue to be involved in more detailed discussions:</p> <ul style="list-style-type: none"> • The site meeting we had with the applicant on Wednesday 14th December 2022 was constructive in regards to the ground investigation works required within the Long Strip Plantation. • I am yet to receive any information, plans works specifications, detailing the works outlined at the above meeting. • I am conscious that the construction of the above ground pipe line will likely result in further tree removal, this was not fully addressed at the aforementioned meeting. I look forward to further consultation regarding the extent of tree removal required to implement the scheme. • Regarding the issue of tree removal both that required for the ground investigation works as well as along the route of the pipeline, I will expect this to be ameliorated via a landscape proposal. I welcome further discussion on the detail of this point. Whilst I have no major concerns or points I feel need 	<p>Tree loss</p> <p>The extent of tree removal is presented in the Arboricultural Impact Assessment at Appendix 8.G of Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2] Chapter 8: Terrestrial Ecology [TR030008/APP/6.4].</p> <p>An outline woodland compensation strategy has been developed which will deliver appropriate compensatory woodland planting, in accordance with NELC policy (see Appendix 8.F Outline Woodland Compensation Strategy [TR030008/APP/6.4]).</p> <p>Landscape proposals</p> <p>An Outline Landscape and Ecological Management Plan has been prepared (see Outline LEMP [TR030008/APP/6.9]) which</p>	<p>Work number 2 (jetty access road, pipe racks, etc.) has been optimized to minimize the loss of woodlands from Long Strip Woodland TPO.</p>	<p>An outline woodland compensation strategy has been developed which will deliver appropriate compensatory woodland planting, in accordance with NELC policy (see Appendix 8.F Outline Woodland Compensation</p>	<p>Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 13: Landscape and Visual Impact [TR030008/APP/6.2].</p>

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
			<p>consideration I do note that the possibility of future landscaping is mentioned. Although the issue of landscaping is going to be way down the priority list on this project I feel opportunities to improve the visual amenity should not be overlooked, even if this is only on the periphery of the scheme.</p> <p>Comments from [REDACTED] (NELC Tree Officer) (<i>personal information redacted</i>)</p> <p>...</p>	<p>defines the opportunities which are available within the operational site boundary to provide landscape and ecological measures. These are illustrated on Figure 1 Indicative Landscape and Biodiversity Plan [TR030008/APP/6.9].</p> <p>The measures are proposed to help soften and integrate the Project into the landscape and provide biodiversity benefits so far as practicable.</p>		<p>tion Strategy [TR030008/APP/6.4]).</p> <p>Approval of the final woodland compensation strategy and compliance with it is secured by a requirement of the draft DCO.</p>	
			<p>...</p> <p>5. Drainage</p> <p>North East Lindsey Drainage Board need to be part of this consultation as the surface water drainage for the site is reliant on their infrastructure. However, I believe that they will have been consulted directly by ABP along with the MMO and EA. The site will have to discharge at greenfield rates to manage flood risk, the final discharge rate will be agreed with NELDB however.</p> <p>SuDS will have to be utilised across the development to manage surface water and help improve water quality. Water quality is key in this area due to all the habitat designations in the estuary. SuDS can help to deliver the Biodiversity Netgain requirements in addition to the flood risk management function.</p> <p>They should investigate ways to re-use surface water on the site to make use of surface water if feasible.</p> <p>With it being on the floodplain, any raising of ground levels will displace water elsewhere, if they are required to raise levels, compensatory storage will be required elsewhere, so that flood risk is not increased in the surrounding area.</p> <p>The newer higher 40% climate change allowance should be used within the drainage design on the site. An assessment on the exceedance routes should be undertaken on storms over and above the design 1:100 year plus climate change scenario.</p> <p>We will need to see a drainage strategy for the development at this current stage to agree the principals of the design before</p>	<p><u>Drainage</u></p> <p>A Drainage Strategy forms Appendix 18.B of Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.4] of the ES and identifies the SUDS measures used to meet the discharge rates agreed with NELIDB. Key elements of the consultation with NELIDB is recorded in the report. Locations of high contamination potential would be bunded and would not impact the surface water drainage system. The areas draining into the system are not expected to generate significant contamination and the combination of gravel storage areas and swales/ditches is expected to provide sufficient treatment.</p> <p><u>Re-use of surface water</u></p> <p>Further detail on the Project's water supply requirements are provided in ES Chapter 2: The Project [TR030008/APP/6.2] and also at section 18.7 in Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage.</p> <p>Arising from discussions with Anglian Water, a commercial offer has been made to provide a non-potable supply of water from a non-potable water main within Laporte Road. This water is from an existing Anglian water source with</p>	<p>Revised finished elevations and storage solutions on 'West Site' to ensure that agreed discharge rates can be achieved (introduced as part of Change 3 in the second Statutory Consultation)</p>	<p>Revised finished elevations and storage solutions on 'West Site' to ensure that agreed discharge rates can be achieved (introduced as part of Change 3 in the second Statutory Consultation).</p>	<p>Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]</p> <p>And</p> <p>Appendix 18B.: Drainage Strategy [TR030008/APP/6.4]</p>

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
			<p>the detailed design starts. Comments from Daniel Harrison (NELC Drainage Officer):</p> <p>...</p>	<p>capacity and will be transferred to the site for use within via a non-potable water main.</p> <p>The re-use of surface water for operational use is not considered viable because it in the absence of large storage volumes, which are not possible within a limited site area, this possible source would not provide a sufficiently reliable supply.</p> <p><u>Flood risk associated with raising level of the site</u></p> <p>The Environment Agency Flood Map for Planning shows the Site is located in Flood Zone 3a (tidal) when the tidal flood defences are not accounted for. The Site benefits from the presence of flood defences up to and including the 0.5% AEP flood event, therefore the actual risk of flooding to the Site from tidal sources is low. However, there remains a residual risk of flooding should there be overtopping or a breach in the flood defences. This is considered further in the FRA, provided at Appendix 18.A [TR030008/APP/6.4] and in Section 18.8 of Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage. Compensatory storage is not required to mitigate for residual <i>tidal</i> flood risks, (but might have been required if the Project had been located within the <i>fluvial</i> Flood Zone 3 extent).</p> <p><u>Climate change</u></p> <p>The Drainage Strategy that is provided at Appendix 18.B [TR030008/APP/6.4] of the Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]ES Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage includes the higher 40% climate change allowance within the conceptual drainage design. The Strategy also assesses</p>			

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
				exceedance flow routes for storms over and above the 1:100 year plus climate change scenario.			
			<p>...</p> <p>6. Environmental Health The environmental Protection Team acknowledges the proposal and anticipates the submission of the relevant environmental assessments. There is an open working relationship with the applicants and we welcome discussions on the various aspects of the PEIR. The construction phase also needs to be considered and detailed construction management measures put in place. We do note that a Hazardous Substance Consent has been submitted to the LPA and is currently going through validation. However, the LPA have reservations over the potential impact of the development and its associated HSE Zones with particular regard to human health, residential amenity and the effect such zones may have on future development. We look forward to working with the applicant to further understand this issue and the impacts of the development.</p> <p>...</p>	<p>The methodology, monitoring locations and measurement durations for the noise and vibration assessment were agreed with the Environmental Protection Officer. The construction phase is assessed in Chapter 7 Noise and Vibration [TR030008/APP/6.2].</p> <p>Noted, the Hazardous Substances Consent application submitted and validated in March 2023.</p> <p>The potential impact of the Project and its associated HSE Zones with particular regard to human health are considered within the relevant paragraphs of the health assessment in Chapter 24: Human Health and Wellbeing [TR030008/APP/6.2]. This concludes that there would be no significant effects.</p> <p>The health assessment also makes reference to the findings of the socio-economics assessment (Chapter 23: Socio-Economics [TR030008/APP/6.2]) which considers impacts on residential receptors and future development. The residential use of all properties on Queens Road within the Site Boundary would cease permanently before the operational phase commences (i.e. when construction commences) and therefore there would be no effect on residents. The consequences for future development land in the vicinity of the Site as a result of the Project's operation are assessed to be not significant. This is on the basis that although the effect would be permanent the existence of other developments with COMAH zones and the industrial nature of the immediate vicinity means that future residential or other sensitive development in this location is considered to be unlikely.</p> <p>With respect to potential public safety risks, Chapter 22: Major Accidents and Disasters</p>	No	No	<p>Chapter 7: Noise and Vibration [TR030008/APP/6.2]</p> <p>And</p> <p>Chapter 24: Human Health and Wellbeing [TR030008/APP/6.2]</p> <p>Chapter 22: Major Accidents and Disasters [TR030008/APP/6.2]</p> <p>Chapter 23: Socio-Economics [TR030008/APP/6.2]</p>

	Consultee	Date & method of feedback received	Feedback	Technical response	Design Change?	Mitigation introduced in response to comment	ES Chapters Referred to / Notes
				[TR030008/APP/6.2] sets out an assessment of safety risk and states that all risks will be mitigated to be ALARP, all operations will be subject to authorisation by the Competent Authority (HSE and Environment Agency ("EA")), and all safety and regulatory requirements will be met in full, including obtaining of hazardous substance consent which will itself require local planning authority consent.			
			... 7. Archaeology and Heritage Currently archaeological investigation work is ongoing on this site, and will be for the next few weeks in order to gather the evidence base to further inform any heritage mitigation on this site. Until this work is complete I am not able to add anything further to my original comments. The scope of works and proposed Heritage Assessment appears to be acceptable and I look forward to working with the applicants throughout the project. Louise Jennings (Heritage Officer) ...	<u>Site heritage assessment</u> Site investigation works, including archaeological investigations, have now been completed. Reports on this work have been passed to the Heritage Officer at NELC, and have been approved for review and comment. The recommendations for further work contained within this document are based on the evidence contained within these reports and agreed in liaison with the Heritage officer for NELC.	No	Further laboratory analysis of retained palaeoenvironmental samples. Secured in the Outline CEMP [TR030008/APP/6.5] .	Paragraphs 14.9.3 and 14.10.2 Chapter 14: Historic Environment (Terrestrial) [TR030008/APP/6.24]
			... 8. Comments on SoCC ABP engaged with the LPA in regard to the SoCC as part of the pre-application process. The scope of the SoCC was adapted to accommodate the comments made by the LPA in particular with regard to engagement with NELC elected members, Parish and Town Councils and local residents. The extent of the letter drop to residents was also extended following discussions with the LPA. ...	<u>Statement of Community Involvement (SoCC)</u> The Applicant notes and appreciates NELC's input into the first SoCC. Comments were taken on board and the consultation radius updated as a result.	No	No	N/A

P.3	Additional relevant correspondence
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Immingham Green Energy Terminal

Draft response to DFDS

DFDS Seaways Plc
Nordic House
Western Access Road
Immingham Dock, Immingham
DN40 2LZ

Dear [REDACTED]

Immingham Green Energy Terminal - PINS reference TR030008

We write in reference to the consultation responses submitted by DFDS to the first and second rounds of statutory consultation for Associated British Ports ("ABP") proposed application for a development consent order ("DCO") for the construction and operation of the Immingham Green Energy Terminal and associated development (the "Project"). Thank you for taking the time to respond to the statutory consultation.

We respond to the points made in the DFDS response in this letter below, using the paragraph numbering from the consultation response to the second Statutory Consultation.

Paragraphs 1.1-1.6 - Introduction

The existing operation of DFDS within the Port of Immingham is acknowledged and understood.

ABP notes that consultation responses have also been made by DFDS to the statutory and supplementary consultations on the Immingham Eastern Roro Terminal ("IERRT") application (PINS Reference TR03007) and is aware of the points made in those responses. ABP further notes that the focus of this consultation response from DFDS in relation to the Project is on the cumulative effects of the Project with the IERRT project.

With regard to cumulative effects of the two projects, ABP can confirm that a cumulative effects assessment of the construction and operation of the Project together with the IERRT project has been undertaken and this will be set out in detail at chapter 25 of the Environmental Statement ("ES") and accompanying appendices which will be submitted with the application for the DCO for the Project.

Paragraph 2 – Absence of IERRT depicted on any visual materials

The IERRT application is an entirely separate project, which is at the examination stage and is not yet consented. Consequently, there is no reason why it would need to be depicted visually on the application materials for the Project.

The construction and operation of IERRT has been taken into account in the navigational risk assessment ("NRA") which has been undertaken for the Project. The NRA will be submitted with the DCO application as an appendix to Chapter 12 of the ES on Marine Transport and Navigation. The cumulative effects of the Project with the proposed IERRT project have been assessed and will be set out in chapter 25 of the ES.

Paragraph 3 - Cumulative effects

There is no inconsistency (as suggested) in the consultation materials for the Project in respect of the consideration of the cumulative effects of the Project and IERRT. The wording in the Statement of Community Consultation that IERRT "is a separate project unrelated to the IGET project and the IGET team will make this clear in all materials and correspondence with stakeholders and the public" was simply to avoid any confusion (primarily amongst members of the public) that the two projects were the same or directly linked due to both projects having the same applicant and thereby avoiding consultation responses being submitted for the wrong application. It is correct to say the two projects are unrelated and this does not mean (and cannot be said to be suggesting) that the two unrelated projects would not have a cumulative effect.

As noted above, an assessment of the cumulative effects of the Project with the proposed IERRT project has been undertaken and will be set out in chapter 25 of the ES. The cumulative effects assessment is also summarised in the non-technical summary of the ES.

Paragraph 4 – Navigational safety (the finger pier)

We note that in relation to the IERRT application, following a full assessment which included a number of HAZID Workshops and navigational simulations and the submission of a comprehensive navigational risk assessment, which has been considered by ABP's HASBoard, it has been concluded that the relocation of the IOT finger pier is not required as part of the IERRT development. As a consequence, the IERRT DCO application does not include the relocation of the finger pier as a mitigation and the relocation is not part of the scope of that application. It follows, therefore, that as such the IGET proposal does not conflict with the IERRT DCO application in this regard.

Paragraph 5 – Navigational safety (methodologies)

The Project is a separate project to IERRT. However, both projects apply the same risk assessment approach which follows the Port Marine Safety Code and its associated Guide to Good Practice on Port Marine Operations. The methodology used for the assessment will be set out in chapter 12 of the ES on Marine Transport and Navigation.

Paragraph 6 – Marine navigation and congestion (tug availability)

The concerns expressed relating to tug availability are noted. As you know, marine navigational planning is a complex process requiring the review of multiple input scenarios to ensure that the passage of merchant vessels is afforded the most expeditious solution. The role of Vessel Traffic Services therefore is an integral part of that process. The provision of towage on the Humber is wholly driven by market forces and it is reasonable to assume – and indeed has been proven in the past – that should demand for additional towage become apparent, tug providers will increase vessel resourcing accordingly.

Paragraph 7 – Marine navigation and congestion – exclusion zone

A 150m safety (exclusion) zone will apply to passing vessels from the berth line. The position of the berth has been aligned with IOT which also has a 150m exclusion zone, to ensure the channel width available to passing vessels is maintained. Simulations have been carried out to successfully demonstrate there is adequate space for passing vessels. This has been assessed within the NRA, including a HAZID Workshop attended by existing port users.

Paragraph 8 – marine ecology

This comment relates to the IERRT Project, which is not part of this application. Cumulative effects of the two projects have been assessed on Marine Ecology and will be set out in chapter 25 of the ES and its appendices.

Paragraph 8 - traffic and transport

We note the comments made relating to the adequacy of the proposed mitigation measures for traffic effects relates to the IERRT project which is not part of this application. With regard to the comments relating to the adequacy of the assessment undertaken for the Project we would just note that preliminary environmental information has been consulted upon. This information confirmed that a cumulative impact assessment would be carried out for the Project and will be provided as part of the DCO application for the Project which is submitted.

The likely significant effects on traffic and transport for the Project have been assessed and will be set out in chapter 11 of the ES. A cumulative impact assessment has been undertaken of the likely significant effects

Immingham Green Energy Terminal

Draft response to DFDS

of the two projects on traffic and transport and the results of that assessment will be set out in chapter 25 of the ES and its appendices.

Paragraph 9 – Conclusion

As noted above the Marine Transport and Navigation chapter for the ES (chapter 12) will identify the mitigation measures proposed for the Project in respect of marine navigation and safety and (where appropriate) such measures will be listed in the Schedule of Mitigation. Marine safety has not been scoped out of the assessment. A cumulative impact assessment has been undertaken of the likely significant effects of the two projects and the results of that assessment will be set out in chapter 25 of the ES and its appendices.

Yours sincerely

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Immingham Green Energy Terminal

Draft response to CLdN

CLdN Ports Killingholme Limited
Haven House
Clough Lane
North Killingholme
North Lincolnshire
DN40 3JS

Dear [REDACTED]

Immingham Green Energy Terminal - PINS reference TR030008

We write in reference to the consultation responses submitted by CLdN dated 20 February 2023 and 28 June 2023 to the first and second rounds of statutory consultation for Associated British Ports ("ABP") proposed application for a development consent order ("DCO") for the construction and operation of the Immingham Green Energy Terminal and associated development (the "Project"). Thank you for taking the time to respond to the statutory consultation.

We respond below to the points made in the CLdN consultation responses. We reply using the four numbered points in the letter of 28 June 2023 but drawing on the relevant points made in the 20 February 2023 response (as appropriate).

1. Vessel calls

As noted in your second consultation response, following the first Statutory Consultation the jetty design was revised varying the two berth design to a single berth. Following this change in berth design the maximum forecast vessel arrivals for the jetty are now 292 vessels per annum of which up to 12 per year would be ammonia carriers. The maximum forecast throughput for the jetty has been assumed as a reasonable worst case assumption for both the navigational risk assessment ("NRA") and for the environmental impact assessment ("EIA") which have been undertaken for the Project.

A total of 27 simulation runs were conducted based on a two berth layout, but adapted to cover the most challenging manoeuvres for a single berth layout which was also being considered as an option at the time of the runs. Subsequent to completing the simulation study, the final Project design was reviewed by HR Wallingford and it was confirmed that the conclusions for the simulation (in respect of the layout option in line with the IOT) were applicable to the final design. The NRA will be submitted with the DCO application as an appendix to Chapter 12 of the Environmental Statement ("ES") on Marine Transport and Navigation. We note that CLdN participated in the workshops for the HAZID and NRA.

2. Absence of NRA or supporting information

As explained above, an NRA has been undertaken for the Project and will be submitted with the DCO application as an appendix to Chapter 12 of the ES. The NRA considers the consequences and impacts of the proposed Project on navigation, both during the construction and its consequent operation. The scope of the EIA includes the appraisal of new and existing vessel activity arising as a result of the construction of the new marine infrastructure.

We note the references to concerns regarding impact on scheduling of existing services. Vessels moving to and from the Port of Immingham are managed by the Port of Immingham Statutory Harbour Authority and Humber Statutory Harbour Authority (operating as Humber Estuary Services, "HES"). Both authorities have a legal duty to carefully manage all marine movements to facilitate the safe and efficient functioning of the harbour areas. The marine scheduling activities for the Port of Immingham, and all other port facility harbour authorities on the Humber have to dovetail with the overarching marine scheduling role of HES. The process of arranging and managing shipping movements seeks to ensure the equitable use of available port infrastructure and revolves around the efficient timetabling and scheduling of vessel movements.

3. Impacts from reduced sailing speeds in vicinity of the Project

The Terminal would be able to accommodate vessels of length up to 250m and draught up to 14m. These vessels will require tugs for berthing, as well as line handling/mooring vessels as required. The assessments undertaken for the Project take into account the type and size of vessels calling at the new jetty.

The effect of the Project on future marine traffic is assessed with regards to any additional identified hazards, embedded controls that are already in place on the Humber, and potential future control/mitigation measures in the NRA and Chapter 12 of the ES on Marine Transport and Navigation. Marine congestion is managed by Humber Vessel Traffic Service ("VTS") as part of the wider port movements planning / live traffic plan. The existing 5 knot speed limit for Immingham Oil Terminal ("IOT") will be extended to the east to cover the Project berth. A maximum speed limit of 5 knots will apply to vessels passing the Project berth when a vessel is mooring, moored or unmooring (the same as at IOT).

The statutory harbour authorities are together required to ensure the safety of navigation and marine operation and in accordance with the requirements of the Port Marine Safety Code, have a duty to review and approve current and proposed controls and processes to ensure that the safety of navigation is maintained.

4. NRA/HAZID workshops

We note CLdN's request to be involved in the NRA/HAZID workshops. The navigational assessments undertaken for the Project included a HAZID workshop and risk ranking process in which CLdN participated. The completed NRA will be included in the DCO application as Appendix 12.A to the ES. The NRA reports on the workshop, which was undertaken and takes into account the comments within the Hazard Log, which informs the EIA which has been undertaken and is presented in Chapter 12 of the ES on Marine Transport and Navigation.

Yours sincerely,

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Immingham Green Energy Terminal

Draft response to APT

Associated Petroleum Terminals (Immingham) Ltd
Queens Road
Immingham
N E Lincolnshire
DN40 2PN

Dear [REDACTED]

Immingham Green Energy Terminal - PINS reference TR030008

We write in reference to the consultation response submitted by Associated Petroleum Terminals (Immingham) Limited ("APT") dated 20 February 2023 to the first statutory consultation for Associated British Ports ("ABP") proposed application for a development consent order ("DCO") for the construction and operation of the Immingham Green Energy Terminal and associated development (the "Project"). We note that APT also replied to the second Statutory Consultation resubmitting the earlier consultation response. Thank you for taking the time to respond to the statutory consultation.

We respond to the points made in the APT response in this letter below, using the paragraph numbering from the consultation response submitted.

Introduction – paragraphs 1.1-1.6

We note that the response has been submitted on behalf of both APT and Humber Oil Terminals Trustee Limited ("HOTT") in relation to the existing Immingham Oil Terminal ("IOT"). Discussions are ongoing between ABP, Air Products BR Limited ("Air Products") and the IOT Operators (HOTT and APT) to seek to address the IOT Operators' concerns and resolve outstanding points and we are grateful for the indication that the IOT Operators would welcome further engagement with ABP and Air Products. We note that since the consultation response was received by ABP, APT took part in the Navigational Simulations and the navigational HAZID workshop for the Project.

The Immingham Oil Terminal – paragraph 2

The explanation at paragraph 2 of the consultation response of the relationship between the IOT and the refineries and the importance of the IOT to the refineries' operation is noted.

The status of IOT and the IOT Operators - paragraph 3

The position of HOTT and APT regarding the 'agent of change' principle (paragraph 3.1) and how it is said to apply to the Project (paragraph 3.2) is noted. We note that discussions have commenced regarding appropriate protective measures in respect of the IOT (a detailed response on the principle is not therefore given at this stage).

The explanation of occupation of the IOT by the IOT Operators and the basis of their occupation at paragraphs 3.3 – 3.5 of the consultation response is noted.

Impacts of the Project on the IOT – paragraph 4

The IOT Operators' concerns expressed in paragraph 4 in relation to the Project are noted and as set out above, discussions are continuing with the IOT Operators with a view to addressing outstanding issues.

Over the last 6 months, ABP and Air Products have held a number of meetings and site visits with the IOT Operators and independent consultants (DNV and BakerRisk). Detailed studies are ongoing as set out below,

Immingham Green Energy Terminal

Draft response to APT

the results of which will be discussed and evaluated in conjunction with the IOT Operators. IOT representatives have participated in a number of technical workshops and meetings as referred to above.

IOT Operators' views as to what it considers to be the major accident hazard risks, arising out of the potential for hydrogen and ammonia leakage at the Project (paragraphs 4.2-4.3), are noted. IOT Operators acknowledge ABP and Air Products' commitment to managing risk (paragraph 4.4) - those commitments are further described in Chapter 22 of the Environmental Statement ("ES") on Major Accidents and Disasters submitted with the DCO application.

At paragraph 4.5, the IOT Operators request that additional details are provided to demonstrate how the level of risk will be controlled through design and operational measures and management.

As the IOT Operators are aware, the **Control of Major Accident Hazard (COMAH) Regulations 2015** will apply to the hydrogen production facility, as an "upper tier" establishment (the IOT is also understood to be an upper tier establishment). The "competent authority" enforces the COMAH regime, being the HSE and the Environment Agency acting jointly.

The detailed design and operation of the hydrogen production facility will be controlled appropriately through the application of the COMAH regime, including the requirement for the submission of safety reports before commencement of construction and operation. The analysis contained within those safety reports must demonstrate that risks have been reduced to as low as reasonably practicable ("**ALARP**") and all measures necessary have been taken to prevent major accidents for the Project to proceed.

In the context of the responsibilities of Air Products under the COMAH Regulations, the following studies are being undertaken to inform the detailed design of the Project for the purposes of the safety report:

- As indicated in Chapter 22 of the ES, process safety studies by the independent consultants, commissioned by Air Products, to assess in detail the potential consequences of a loss of containment of hydrogen and ammonia from the facilities are ongoing.
- The process safety studies include consequence modelling, the output of which will show the distance a release of ammonia could potentially extend to in the event of an accidental loss of containment. This will help inform decision making in respect of the detailed layout of the Project, including the location of emergency shelters and toxic refuges which are buildings in which people can safely take refuge in the event of an emergency such as a release of toxic gas and will include an assessment of impacts on the IOT facilities.
- Similarly, modelling will help define thermal radiation exposure levels and explosion overpressure levels which could be reached in the event of an incident involving a loss of containment of flammable material. This will inform the detailed location and design of facilities within the Project, particularly occupied buildings such as control rooms and will include an assessment of impacts on the IOT facilities.

The output of these studies will be shared with key stakeholders, including the IOT Operators, and will be contained within the safety report submitted to the competent authority under the COMAH Regulations. The parties will also share information in the context of responsibilities under COMAH relating to domino effects.

IOT Operators state (paragraph 4.5) that, in addition to the above controls regarding design and operational measures and management, further controls to mitigate the risk of damage to IOT infrastructure and employees should be introduced.

Immingham Green Energy Terminal

Draft response to APT

The outcome of the above studies, discussion, evaluation and co-operation will enable the parties to assess potential impacts on the safety of IOT employees and associated infrastructure, and consider appropriate ALARP measures under the COMAH Regulations.

The IOT Operators seek assurances that infrastructure on the East Site will be constructed, operated and decommissioned in a safe and suitable manner (paragraph 4.8) in order to minimise the risk of a major accident occurring which would impact the IOT. In particular, the IOT Operators seek plans and method statements in advance of construction and decommissioning and the opportunity to provide feedback, along with providing reasonable requirements or conditions for approval.

In terms of major accident hazards, the regime established by the COMAH Regulations provides an appropriate framework for ensuring the safe and suitable construction, operation and decommissioning of the East Site infrastructure, as regulated by the Environment Agency and HSE as competent authorities. The need for an environmental permit will require the application of 'Best Available Techniques'. Air Products are committed to continuing to engage with the IOT Operators during the detailed design process required by the COMAH regime in order to obtain feedback and understand their views.

In terms of other impacts during construction and decommissioning, draft outline Construction and Decommissioning Environmental Management Plans (which form part of the DCO application) have been prepared, with the objectives of managing these activities safely and minimising impacts. The final plans will be submitted to and approved by North East Lincolnshire Council, as the relevant local planning authority, under a requirement of the DCO.

IOT Operators note (paragraph 4.7) that appropriate measures could be secured within the DCO documentation including through requirements and protective provisions. ABP and Air Products are committed to ongoing engagement with IOT Operators to seek to address its concerns including assessment, alongside IOT, as to whether protective measures are appropriate or protective provisions required for IOT's existing infrastructure.

IOT states that it would welcome further discussions with ABP and Air Products to understand the impacts of the Project on the IOT including how the risk of major accidents could be minimised to an acceptable level to IOT Operators. As outlined above, further discussions have taken place since receipt of the IOT Operators' representations and will continue. Air Products and ABP are committed to working closely with the IOT Operators to minimise risks of major accidents in accordance with their statutory requirements.

Assessed Need for the Scheme - paragraph 5

The Planning Statement submitted with the DCO application contains a detailed analysis of the Project against the policies in the **National Policy Statement for Ports ("NPSfP")**, and includes consideration of paragraph 4.17 of that policy on national security.

The acknowledgment from APT that there is no suggestion that the Project is, as a matter of principle, incompatible with the IOT such that national security should be compromised is welcomed.

As noted above, the status of the IOT facility is recognised and discussions are ongoing between ABP, Air Products and the IOT Operators to seek to minimise the impact of the Project on the IOT operations.

Conclusion – paragraph 6

The summary of APT's concerns is noted and understood. The Project team looks forward to continued discussions with the IOT Operators with a view to minimising the impact of the Project on their operations and to the continued sharing of information between the parties.

Yours sincerely

Immingham Green Energy Terminal

Draft response to APT



Polynt Composites UK Ltd
FAO: [REDACTED]
Laporte Road
Stallingborough
Grimsby
DN41 8DR

20 July 2023

Dear [REDACTED]

Following your recent correspondence with Air Products and Polynt's responses to the Immingham Green Energy Terminal Statutory Consultations dated 20 February 2023 and 30 June 2023, we wanted to provide further information on how the project team is taking account of your comments prior to the submission of our development consent order (DCO) application for the construction and operation of the Immingham Green Energy Terminal and associated development (the "Project").

Our teams are preparing the draft application and we refer below to various documents which may be of interest to you on submission, including the Environmental Statement (ES).

Your confirmation in your letter of 20 February 2023 that Polynt is keen to negotiate the provisions of a land and works agreement is helpful. As you are aware from our discussions, we anticipate the agreement covering temporary possession of part of your land currently in agricultural use (referred to in this letter as the Temporary Use Area). We note your comments in your letter regarding the future development potential of that land.

We also note your comments regarding the impact of the Project on the operation of your facility and employees. We do not anticipate that the construction of the Project will interfere with or require you to modify your facility and therefore we do not consider protective provisions will be required. In terms of health and safety (including under the COMAH Regulations 2015), please refer to sections g) and h) below.

Groundwork investigation & baseline assessment

We can confirm that we do not anticipate needing access to your land in order to carry out groundwork investigations at this stage of the process. It was our intention to carry out non-intrusive surveys using radar technology (primarily to identify the location of any potential services) and manual samples to understand the quality of the land. The samples taken and data gathered would have helped us in understanding the condition of the Temporary Use Area ahead of possession being taken.

We propose instead that, in the context of an agreement for temporary possession of the land, we agree what non-intrusive tests or surveys are reasonably required in order to establish the condition of the land and an appropriate process for handing the land back.

The Temporary Use Area is proposed to be used as a temporary construction laydown area. The works to be undertaken to that land are anticipated to be superficial and kept to a minimum; it could include removal of the top soil, levelling, stabilisation and laying of protective matting or similar.

Once the associated construction activities have finished, we would propose to repeat any tests and survey agreed with you (as above) and carry out any appropriate works before handing the site back to you. The process for this can be covered in our agreement.

Your key concerns

In your letter of 20 February 2023, you identify a number of key concerns. We provide below preliminary information in respect of these and also set out where further information will be provided within the DCO application documentation.

- a) Contract duration: The construction work related to the use of the Temporary Use Area is anticipated to start in Q1 2025 for at least three years. [We propose that the agreement to use the land would run [3 years] from the taking of possession.]
- b) Alternatives: The alternatives to the Project will be described in ES Chapter 3 (Needs and Alternatives). In relation to the Temporary Use Land in particular, key factors include the proximity of that land to the construction works comprised for the jetty and the jetty access road (in green below) and what we refer to as the East Site (in yellow below). We also propose to take temporary possession of neighbouring land for the same purposes (also part of the hatched area below).



Extract from the map provided with PEIR – figure2-3 – Site Plan

- c) Traffic and transport impacts during construction and operation: The impact of additional traffic will be assessed in ES Chapter 11: Traffic and Transport.

Saved as set out below, all HGVs are proposed to be required to use the A1173 and only a proportion of those workers and employees residing within Grimsby are forecast to use Laporte Road. Through the adoption of a Construction Traffic Management Plan, the principal contractor will be required to liaise closely with all local businesses to inform them of any peaks in activity so that this can be managed.

HGVs will need access to the temporary construction area (to construct the jetty access road) and the jetty access road (to construct the jetty topsides). HGVs will be used to deliver construction equipment. Access to the temporary construction laydown area will be designed so the equipment can be easily transported in and out without impairing traffic flow on Laporte Road. Access to the Port via Laporte Road will be interrupted temporarily during the construction of a culvert under Laporte Road, but access will remain available via Queens Road and access to Polynt site will remain available from the south via Laporte Road. Equipment delivered to the Project via the Port would be delivered via Kings Road, Queens Road and the north of Laporte Road.

In terms of operations, the Project including the hydrogen production facility is anticipated to create less than 100 two-way (inbound or outbound) HGV movements per day on average at the West Site, from where the hydrogen tankers will operate. The access to the West Site is not located on Laporte Road – it is via the A1173 and on to the A180. Road access to the East Site and the jetty will be kept as a minimum, mostly cars and vans for personnel and maintenance access.

- d) Ground conditions: All necessary ground investigation works relating to the field including Polynt land have completed by accessing the third party area of the field (although further ground investigation works in the TPO area and marine ground investigation will be commencing this month). The contents of ES Chapter 21: Ground Conditions and Land Quality and consideration of the impact on farming in ES Chapters 23: Socio-Economics and Chapter 24: Human Health and Wellbeing may be of interest to you.

As noted above, we would propose to agree any tests or surveys required to establish the condition of the land and the process of handing the land back as part of any agreement with you.

In carrying out operations, measures to manage run off and mitigate the risk of accidental release of contaminants will be undertaken. Those measures will be set out in the construction environmental management plan which will need to be approved and complied with as a requirement of the DCO. An outline of this document will be contained within our application.

- e) Waste generation: Waste management will be addressed in ES Chapter 20 on Materials and Waste. The Project will aim to prioritise waste prevention, followed by preparing for re-use, recycling and recovery and lastly waste disposal to landfill as per the waste

hierarchy. In addition, an outline Site Waste Management Plan (OSWMP) will accompany the DCO application (Appendix 20.A of the ES). The OSWMP has been developed as a guide to those involved in the construction of the Project on how to manage resources and waste, in accordance with best practice requirements. The principal contractor shall use this OSWMP as a framework for producing their own SWMP for use throughout the duration of construction.

- f) Flood risk: A full Flood Risk Assessment (FRA) has been prepared and will accompany the application (Appendix 18.A of the ES) and takes account of climate change. The FRA considers the risk of flooding from all sources to and from the IGET site over the lifetime of the development in line with the National Policy Statement for Ports and the National Planning Policy Framework. Mitigation measures have been designed, as required, to minimise the risk of flooding and to ensure the development remains safe. The FRA also assesses the impact of the Project on flood risk, particularly to tidal, fluvial and surface water sources. A conceptual Drainage Strategy outlines how surface water generated on site will be managed so the risk of surface water flooding is not increased from the existing situation.
- g) COMAH: The health and wellbeing of all employees in the area is of great importance to us. ES Chapter 22 on Major Accidents and Disasters will describe and assess the impacts of operation of the Project as a COMAH regulated facility. Cumulative impacts will be assessed in ES Chapter 25 on Cumulative and In-Combination Effects. Air Products have applied for hazardous substances consent for the hydrogen production facility and the process for determination of that application considers impacts on the surrounding land users. Air Products has begun engagement, and will continue to engage, with local stakeholders regarding emergency plan arrangements required in connection with COMAH.
- h) In terms of other non COMAH risks to human health, ES Chapter 24: Human Health & Wellbeing will assess impacts of changes to air quality on human health, with reference to the findings of the air quality assessment within Chapter 6 of the ES. Chapter 6 also considers the impact of emissions from increased traffic movements and congestion, with reference to relevant guidance published by the Institute of Air Quality Management, National Highways and Defra. In line with that guidance, the assessment focuses on the primary pollutants of concern from such emissions. A key aim of the Project is of course to help decarbonise heavy industry including the heavy transport sector.

In your letter of 30 June 2023, you have raised concerns relating to the inclusion of the southern part of the Long Strip woodland within the DCO and diversion of the public right of way (PROW). No tree removal is proposed for that southern part of the Long Strip woodland, however, access to this area is proposed to be restricted during construction for safety reasons in light of the adjacent temporary construction area. As set out in the PEIR Addendum, the PROW will be temporarily diverted during construction only therefore limiting the impact to local residents or users of these right of way. Once the temporary construction area has been removed, the PROW will be reinstated in its current alignment

and the temporary diversion closed.

We appreciate the importance of your operations at Stallingborough to your business and we look forward to discussing the above with you further.

If you have any questions on the above, please do contact us at enquiries@imminghamget.co.uk – we would be happy to set up a meeting to discuss further.

Yours Sincerely,
Immingham Green Energy Terminal Project Team