



# Immingham Green Energy Terminal

TR030008

Volume 1

1.4 Cover Letter and Section 55 Checklist

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

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### 1.4 Cover Letter and Section 55 Checklist

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<b>Regulation Reference</b>	APFP Regulation 5(2)(q)
<b>Planning Inspectorate Case Reference</b>	TR030008
<b>Application Document Reference</b>	TR030008/APP/1.4
<b>Author</b>	Associated British Ports Air Products BR

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Revision 1	21 September 2023	DCO Application

Associated British Ports  
Dock Office, Immingham Dock  
Immingham,  
North East Lincolnshire  
DN40 2LZ  
United Kingdom

21 September 2023

Mr Ted Blackmore  
Case Manager  
The Planning Inspectorate  
National Infrastructure Planning  
Temple Quay House  
2 The Square  
Bristol, BS1 6PM

Dear Mr Blackmore,

**Planning Act 2008 (as amended)**  
**Application for Development Consent Order for the Immingham Green Energy Terminal**  
**Application Reference: TR030008**

On behalf of Associated British Ports (“ABP” or “the Applicant”), I am pleased to submit to you an application (“the Application”) to the Secretary of State for Transport made under section 37 of the Planning Act 2008 (“PA 2008”) for an Order granting development consent to construct, operate and maintain a multiple user liquid bulk jetty known as the Immingham Green Energy Terminal (“IGET”) and an associated hydrogen production facility at the Port of Immingham (collectively, the “Project”).

## 1 Subject of the Application

- 1.1.1 ABP, as the owner and operator of the Port of Immingham is proposing to construct, operate and maintain a multiple-user liquid bulk green energy terminal, the IGET. Air Products (BR) Limited (“Air Products”) is intending to develop an associated hydrogen production facility, on the eastern side of the Port of Immingham and will be the first user of the IGET with other users of the Terminal coming forward in the future. The IGET and the hydrogen production facility represent the “Project” for which development consent is sought.
- 1.1.2 ABP have entered into an agreement with Air Products (BR) Limited (“Air Products”) for the development of the Terminal and the construction and operation of the associated hydrogen production facility by Air Products.
- 1.1.3 A Development Consent Order (“DCO”) is required because the IGET is classified as a Nationally Significant Infrastructure Project (“NSIP”) under

s14(1)(j), s24(2) and s24(3)(c) of the PA 2008. The Project is defined as an NSIP as it comprises the alteration of harbour facilities (i.e. the Port of Immingham) that are wholly in England and in waters adjacent to England and the effect of the alteration would be to increase the quantity of material the embarkation or disembarkation of which the facilities are capable of handling by at least the relevant quantity of material per year, which in the case of facilities for cargo ships is 5 million tonnes per annum.

- 1.1.4 The associated hydrogen production facility and landside works are associated development under section 115 of the PA 2008. The NSIP and the associated development are described further below.
- a. The NSIP, formally described in **Work No. 1** in Schedule 1 to the Draft DCO and shown on the Works Plans on Sheets 1-4, comprises:
    - i On the marine side, a terminal for liquid bulks: comprising:
      - A. A jetty (defined by **Work No. 1a**) including a loading platform, associated dolphins, fenders and walkways, topside infrastructure but not limited to control rooms, marine loading arms, pipe-racks, pipelines and other infrastructure.
      - B. A single berth, with a berthing pocket with a depth of up to 14.5m below chart datum; and
    - ii Related landside infrastructure including a jetty access ramp, a flood defence access ramp and works to raise the seawall locally under the jetty access ramp.
  - b. The associated development, formally described in Work Nos. 2 to 10 in Schedule 1 of the draft DCO and shown on Works Plan Sheets 4-7 on the landside, comprises:
    - c. A corridor between the new jetty and Laporte Road which would support a private road (the 'jetty access road'), pipe-racks and pipelines to enable the ammonia import to the East Site, as well as security gates, a security building, a power distribution building and associated utilities – (**Work No. 2**).
    - i 'East Site - Ammonia Storage' (**Work No. 3**) on which an ammonia storage tank and related plant including an ammonia tank flare would be constructed (**Work No. 3a**) as well as additional buildings (including welfare building, power distribution building and a process instrumentation building), pipe-racks, pipelines, pipes, cable-racks, utilities and other infrastructure;
    - ii Construction of a culvert (**Work No. 4**) under Laporte Road for pipelines, pipes and cables and other conducting media linking the two parts of the East Site.
    - iii 'East Site – Hydrogen Production Facility' (**Work No. 5**) on which up to three hydrogen production units and associated plant including flue gas stacks and flare stacks would be constructed (**Work No. 5a**) together with additional buildings (including process control building, power distribution buildings, process instrumentation buildings,

- analyser shelters), pipe-racks, pipelines, pipes, utilities and other infrastructure.
- iv Underground pipelines, pipes, cables and other conducting media (**Work No. 6**), between the East and West Sites, for the transfer of ammonia, hydrogen and nitrogen and utilities, with cathodic protection against saline corrosion.
  - v 'West Site' (**Work No. 7**) involving the construction of up to three hydrogen production units with associated flue gas stacks and flare stacks and up to four liquefier units (**Work No. 7a** and **Work No. 7b** combined); hydrogen storage tanks, hydrogen trailer filling stations, a hydrogen vent stack and associated process equipment (**Work No. 7c**); and hydrogen vehicle and trailer filling stations, hydrogen compressors and associated process equipment (**Work No. 7d**) together with additional buildings (including but not limited to control room and workshop building, security and visitor building, contractor building, warehouse, driver administration building, safe haven building, electrical substation and metering station, power distribution buildings, process instrumentation buildings, analyser buildings and additional temporary buildings during construction), process and utility plant including cooling towers and pumps, fire water tank, pipe-racks, pipelines, pipes, cable-racks, utilities and other infrastructure;
  - vi Formation of temporary construction and laydown areas on Queens Road (**Work No. 8**) and off Laporte Road (**Work No. 9**).
  - vii Temporary removal of street furniture and modification of overhead cables on Kings Road (**Work No. 10**) associated with the transport of large construction components from the Port to the Site.
- 1.1.5 In addition to Work No. 1 to 10 which are each spatially defined within the **Works Plans [TR030008/APP/4.2]**, Schedule 1: Authorised Project of the **draft DCO [TR030008/APP/2.1]** includes 'Further associated development' and 'Ancillary Works' which both extend across the full extent of the Site.
- 1.1.6 In broad terms, 'Further associated development' would be the undertaking, as required, of works such as site clearance, creation of additional construction compounds, utility works, landscaping works and street works on a site wide basis.
- 1.1.7 'Ancillary works' constitute works that would not necessarily constitute development, such as vegetation removal, the installation of fencing and the demobilisation of construction works.
- 1.1.8 A technical description of the Project is provided in **Chapter 2: The Project of the Environmental Statement ("ES") [TR030008/APP/6.2]**. An overview of the Project and its likely significant environmental impacts is provided in the **ES Non-Technical Summary [TR030008/APP/6.1]**.
- ## 2 Environmental Impact Assessment
- 2.1.1 As the Project is Environmental Impact Assessment ("EIA") development, the Application is accompanied by an **ES [TR030008/APP/6.2]** in accordance with

the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (the “EIA Regulations”).

- 2.1.2 A Scoping Report was submitted to the Inspectorate on 30 August 2022 under Regulation 10(1) of the EIA Regulations to request a formal opinion as to the scope and level of detail of the information to be included within the ES. The Scoping Opinion, and the advice contained within it regarding assessment methodology, topics and presentation of the ES, together with responses received through consultation and engagement, the design development outcomes, and any new guidance, have been taken into account in the preparation of this ES, as per Regulation 14(3)(a) of the EIA Regulations.

### 3 Consent Flexibility – Rochdale Envelope

- 3.1.1 A number of the detailed design aspects and features of the Project cannot be confirmed at this stage. Use of design parameters has therefore been adopted in order to present a reasonable worst-case assessment of potential likely significant environmental effects of the Project.
- 3.1.2 The EIA has therefore been undertaken adopting the principles of the ‘Rochdale Envelope’, as described in the Planning Inspectorate Advice Note 9: Rochdale Envelope (July 2018). This involves assessing the maximum (and where relevant, minimum) parameters for the Project where flexibility needs to be retained. Further details on the Applicant’s approach to the Rochdale Envelope is set out within **Chapter 5: EIA Approach** of the **ES [TR030008/APP/6.2]** and **Chapter 2: The Project of the ES [TR030008/APP/6.2]** which describes the parameters for the Project.
- 3.1.3 The **Draft DCO [TR030008/APP/2.1]** and supporting **Works Plans [TR030008/APP/4.2]** which form part of the Application propose an appropriate degree of flexibility to allow the Applicant to consider technological advancements which may occur post-consent.
- 3.1.4 An overview of the approach to the design of the Project is explained in section 4.3 of the **Planning Statement [TR030008/APP/7.1]**.

### 4 Submission of the Application fee, GIS Shapefile and Application Documentation

- 4.1.1 Prior to the submission of this application, the following have been provided to the Planning Inspectorate (the “Inspectorate”):
- An application acceptance fee of £8,244 was submitted by BACS transfer to the account of the Inspectorate on 12 September 2023.
  - A GIS Shapefile of the Order limits was submitted to the Inspectorate on 14 August 2023.
- 4.1.2 The Application documentation is submitted via OneDrive which has been set up for file transfer of the application document, as agreed with the Inspectorate.
- 4.1.3 The Application is made in the form required by Section 37(3)(b) of the PA 2008 and regulation 5(1) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the “APFP Regulations”). It is accompanied by the documents required to be provided further to regulation

5(2) of the APFP Regulations in the form specified in regulation 5 of the APFP Regulations. The Application also complies with the EIA Regulations and the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. The Application has also taken the guidance and advice contained in the Department for Communities and Local Government's 'Planning Act 2008: Nationally significant infrastructure projects – Application form guidance' (June 2013) and the Planning Inspectorate's 'Advice Note Six: Preparation and submission of application documents' (September 2021).

- 4.1.4 The **Guide to the Application [TR030008/APP/1.3]** has been prepared to assist the Examining Authority and interested parties to understand what the latest version of the Application documents are as the Application evolves through examination, as well as providing a record of all new documents prepared. The **Introduction to the Application [TR030008/APP/1.2]** provides details of the content of each document submitted as part of this DCO Application.
- 4.1.5 The DCO Application will be published on the project page of the National Infrastructure Planning website following the acceptance of the application by the Inspectorate. The Applicant requests that the Book of Reference is published in redacted form until such time that the application is accepted for Examination and the information can be published for a statutory purpose.
- 4.1.6 A Section 55 Checklist has been completed by the Applicant to assist with the Inspectorate's compliance check of the Application and can be found at **Appendix A** of this **Cover Letter [TR030008/APP/1.4]**.
- 4.1.7 Copies of newspaper notices are contained in the Consultation Report at Appendix C for the first Statutory Consultation and Appendix D for the second Statutory Consultation **[TR030008/APP/5.2]**.

## 5 Habitats Regulations Assessment

- 5.1.1 The Application includes a **Shadow Habitats Regulations Assessment [TR030008/APP/7.6]** which identifies all relevant European sites and provides sufficient information for the competent authority to determine whether the Project is likely to have an adverse effect on the integrity of any site protected under the Conservation of Habitats and Species Regulations 2017 (as amended). The **Shadow Habitats Regulations Assessment [TR030008/APP/7.6]** has been prepared in accordance with the Inspectorate's 'Advice Note 10: Habitats Regulations Assessments' (August 2022) and Regulation 5(2)(g) of the APFP Regulations.
- 5.1.2 The assessment, as detailed in the **Shadow Habitats Regulations Assessment [TR030008/APP/7.6]** has concluded there will be no Adverse Effect On the Integrity (AEOI) of any European sites either alone or in combination with other projects and plans. Despite the Applicant's conclusion in the Shadow HRA **[TR030008/APP/7.6]** it has nevertheless submitted a Shadow HRA Derogation Report **[TR030008/APP/7.3]** on a without prejudice basis to the finding in the Shadow HRA. The Derogation Report concludes that in the event of a negative assessment by the Secretary of State (i.e a conclusion that an adverse effect on integrity of the European Sites from the Project cannot be ruled out), the Project should nevertheless proceed because there are no alternatives to the Project, there are imperative reasons of overriding public

interest as to why the Project should be permitted to proceed, and a suitable compensation proposal has been identified and can be secured.

## 6 Compulsory Acquisition

6.1.1 The land over which the Applicant is seeking powers of compulsory acquisition of land, rights and interests and powers of temporary possession is set out in the **Book of Reference [TR030008/APP/3.1]** and shown on the **Land Plans [TR030008/APP/4.5]**.

6.1.2 The **Book of Reference [TR030008/APP/3.1]** has been prepared and submitted in compliance with Regulation 5(2)(d) of the APFP Regulations, and in accordance with the Department for Communities and Local Government guidance 'Planning Act 2008: Guidance related to procedures for compulsory acquisition of land' (September 2013).

6.1.3 The **Statement of Reasons [TR030008/APP/3.2]** also provides details of the powers sought and their justification, together with a summary of the negotiations with affected parties to date. A **Funding Statement [TR030008/APP/3.3]** explains how the Project, including any compulsory acquisition of land, will be funded. The Statement of Reasons and Funding Statement are submitted in compliance with Regulation 5(2)(h) of the APFP Regulations.

## 7 Deemed Marine Licence and other Consents and Licences

7.1.1 It should be noted that the core approval for the development includes a deemed marine licence at Schedule 3 of the **draft Development Consent Order [TR030008/APP/2.1]**.

7.1.2 However, a summary of the other consents and licences likely to be required in addition to those being requested as part of the draft DCO is provided in the **Consents and Agreements Position Statement [TR030008/APP/7.4]**.

## 8 Pre-application consultation

8.1.1 The Applicant has had careful regard to the pre-application consultation requirements of the PA 2008 and the APFP Regulations, the Secretary of State's guidance on pre-application consultation, and the Inspectorate's advice on that consultation, the responses received during pre-application consultation and its pre-application discussions held with the Inspectorate.

8.1.2 As required by Section 37(3)(c) and 37(7) of the PA 2008, the Application is accompanied by a **Consultation Report [TR030008/APP/5.1]** which provides details of the Applicant's compliance with sections 42, 46, 47, 48 and 49 of the PA 2008, the APFP Regulations, and the EIA Regulations. In accordance with Regulation 5(5) of the APFP Regulations, the Applicant retains all responses to the consultation carried out under Part 5 of the PA 2008 and can make them available at the request of the Inspectorate.



## 9 Pre-application engagement with the Inspectorate

- 9.1.1 The Applicant has actively engaged with the Inspectorate with regard to the Project since June 2022.
- 9.1.2 Further to this, the Applicant formally notified the Inspectorate on 6 January 2023 under s46(1) of the PA 2008 of its intention to submit the DCO application under s37 of the PA 2008. The Applicant submitted a further notification to the Inspectorate under s46 of the PA 2008 for the second statutory consultation on 23 May 2023.
- 9.1.3 The Applicant has undertaken several discussions in the form of meetings with the Inspectorate since June 2022 to discuss a number of matters under s51 of the PA 2008, a record of which is published on the project page on the Planning Inspectorate's website. This includes Scoping and ES matters, project programme, statutory consultations, the overview of Schedule 1 of the draft DCO and associated Work Plans and numbering.
- 9.1.4 The Applicant also made use of the Inspectorate's document review service for NSIPs and submitted draft documents and plans in May 2023. The Applicant has considered the Inspectorate's feedback received on the draft documents and sought to incorporate changes within these application deliverables where applicable.

## 10 Other matters

- 10.1.1 In accordance with Regulation 5(3) of the APFP Regulations, all plans, drawings or sections are no larger than A0 size, are drawn to an identified scale (no smaller than 1:2500) and, in the case of plans, show the direction of north. In accordance with Regulation 5(4), where a plan comprises three or more separate sheets, it is accompanied by a key plan showing the relationship between the sheets. Further, Chapter 3 of the **Book of Reference [TR030008/APP/3.1]** how the plots and powers sought are identified on the Land Plans.
- 10.1.2 Under Regulation 5(2)(l) of the APFP Regulations, an application is required to provide a plan of certain nature conservation sites and features and an assessment of any effects on those sites and features likely to be caused by the proposed development. There is an equivalent requirement under Regulation 5(2)(m) in relation to certain historic sites and features. This information is set out in signpost documents, the **Statutory and Non-Statutory Nature Conservation Plans [TR030008/APP/4.10]** and **Historic Environment Plans [TR030008/APP/4.11]**. The assessment of the likely effects of the Project on both the terrestrial and marine natural and historic environments are included within the following chapters of the ES **[TR030008/APP/6.2]**:
- Chapter 8: Nature Conservation (Terrestrial Ecology)**
  - Chapter 9: Nature Conservation (Marine Ecology)**
  - Chapter 14: Historic Environment (Terrestrial)**
  - Chapter 15: Historic Environment (Marine)**

- 10.1.3 It should also be noted that a plan showing trees and hedgerows is included within the **Plan of Potentially Affected Hedgerows and Trees Subject to Tree Preservation Orders [TR030008/APP/4.9]**.
- 10.1.4 Under Regulation 6(3) of the APFP Regulations, an application for the alteration of harbour facilities must be accompanied by a statement setting out (in summary) why the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner or facilitating the efficient and economic transport of goods by sea. This Harbour Improvement Statement is set out at **Appendix F of the Planning Statement [TR030008/APP/7.1]**.
- 10.1.5 The Application is accompanied by a **Planning Statement [TR030008/APP/7.1]** which sets out the basis for decision-making in respect of Section 104 of the PA 2008. It outlines the need case for the Project and explains the broad range of benefits associated with the Project. The Planning Statement provides an assessment of the planning balance, having considered in detail the Project's accordance against the NPSfP, and other policy where relevant.
- 10.1.6 The Applicant will keep all Application documents under review and may provide updates (where it considers it necessary to do so) during the Examination of the DCO Application having regard to questions and comments received from the Examining Authority and interested parties.

We look forward to hearing from you in relation to a formal acceptance of this Application. If we can be of any assistance, please do not hesitate to contact us using the details provided below.

Yours sincerely,



On behalf of Associated British ports

NAME: James Good, Partner  
ADDRESS: Bryan Cave Leighton Paisner LLP, Governor's House, 5 Laurence Pountney Hill, London EC4R 0BR  
TEL NO.: 020 3400 1000  
EMAIL: james.good@bclplaw.com

Enclosure: Section 55 Checklist

# Appendix A Section 55 Checklist



The Planning Inspectorate  
Yr Arolygiaeth Gynllunio

## Section 55

### Acceptance of Applications Checklist

**Appendix 3** of [Advice Note Six: Preparation and submission of application documents](#)

## Section 55 Acceptance of Applications Checklist

Section 55 of the Planning Act 2008 can be viewed at legislation.gov.uk, here: <http://www.legislation.gov.uk/ukpga/2008/29/section/55>

**DISCLAIMER:** This Checklist is for information only and is not a formal application document. It is a non-statutory checklist for the Planning Inspectorate to complete. Completion or self-assessment by the Applicant does not hold weight at the Acceptance stage. Unless specified, **all references to the Planning Inspectorate are made in relation to functions being carried out on behalf of the Secretary of State for Housing, Communities and Local Government.**

Section 55(2) Acceptance of Applications				
1	Within 28 days (starting day after receipt) the Planning Inspectorate must decide whether or not to accept the application for Examination.	Date received	28 day due date	Date of decision
Section 55(3) – the Planning Inspectorate may only accept an application if it concludes that:			Planning Inspectorate comments	
Section 55(3)(a) and s55(3)(c): It is an application for an order granting development consent				
2	Is the development a Nationally Significant Infrastructure Project <sup>1</sup> (NSIP) (or does it form part of an NSIP); and does the application state on the face of it that it is an application for a Development Consent Order <sup>2</sup> (DCO) under the Planning Act 2008 (the PA2008), or equivalent words? Does the application specify the development to which it relates (i.e. which	<b>Yes.</b>	A Development Consent Order (“DCO”) is required because the Project is classified as a Nationally Significant Infrastructure Project (“NSIP”) under s14(1)(j), s24(2) and s24(3)(c) of the PA 2008. The Project is defined as an NSIP as it comprises the alteration of harbour facilities (i.e. the Port of Immingham) that are wholly in England and in waters adjacent to England and the effect of the alteration would be to increase the quantity of material the embarkation or disembarkation of which the facilities are capable of handling	

<sup>1</sup> NSIP is defined generally in s14 with the detailed thresholds for each of the specified categories being set out in ss15 to 30

<sup>2</sup> Development consent is required for development to the extent that the development is or forms part of an NSIP (s31 of the PA2008)

	<p>category or categories in ss14 to 30 does the Proposed Development fall)?</p> <p>If the development does not fall within the categories in ss14 to 30, has a direction been given by the Secretary of State under s35 of the PA2008 for the development to be treated as development for which development consent is required?</p>	<p>by at least the relevant quantity of material per year, which in the case of facilities for cargo ships is 5 million tonnes per annum. As such the Project requires an application for a DCO to be submitted to the Planning Inspectorate (the Inspectorate) for determination by the Secretary of State for Transport (“the SoS”) under Section 37 of the PA 2008.</p> <p>This is consistent with the summary provided in the <b>Application Form [TR030008/APP/1.1]</b> which concludes that the development is a NSIP.</p>
3	<p><b>Summary: Section 55(3)(a) and s55(3)(c)</b></p>	
<p><b>Section 55(3)(e): The Applicant in relation to the application made has complied with Chapter 2 of Part 5 (pre-application procedure)</b></p>		
4	<p>In accordance with the EIA Regulations<sup>3</sup>, did the Applicant (prior to carrying out consultation in accordance with s42) either (a) request the Planning Inspectorate adopt a Screening Opinion in respect of the development to which the application relates, or (b) notify the Planning Inspectorate in writing that it proposed to provide an Environmental Statement in respect of that development?</p>	<p><b>Yes.</b></p> <p>The Applicant submitted a Scoping Report to the SoS on 30 August 2022.</p> <p>The Applicant notified the Planning Inspectorate that it proposed to provide an Environmental Statement in respect of the Project. A copy of the letter dated 6 January 2023 is provided <b>Appendix I.1</b> of the <b>Consultation Report [TR030008/APP/5.1]</b>.</p> <p>The scope of the Environmental Statement was agreed with the Planning Inspectorate and a copy of the Scoping Opinion is included in <b>Appendix 1.B</b> of the <b>Environmental Statement Appendices [TR030008/APP/6.4]</b>.</p> <p>A copy of the Scoping Report can also be found on the Project’s page on the Planning Inspectorate website.</p>
5	<p>Have any Adequacy of Consultation Representations<sup>4</sup> been received from ‘A’, ‘B’, ‘C’ and ‘D’ local</p>	<p>It is anticipated that following submission of the application for development consent the Planning Inspectorate will invite relevant local authorities to provide a statement</p>

<sup>3</sup> Regulation 8 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (2017 EIA Regulations), or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 6 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (2009 EIA Regulations)

<sup>4</sup> Section 55(4) of the PA2008 provides that the Planning Inspectorate must have regard to the Consultation Report and Appendices, and any Adequacy of Consultation Representations received

<p>authorities; and if so, do they confirm that the Applicant has complied with the duties under s42, s47 and s48?</p>	<p>relating to the adequacy of the consultation. This is set out in the Planning Inspectorate’s Advice Note Fourteen (Republished February 2021 (version 3)).</p> <p>The following local authorities were identified as “B” authorities for the purposes of s43 of the PA 2008:</p> <p>a. North East Lincolnshire Council (“NELC”)</p> <p>The following local authorities share a boundary with the “B” authorities and are therefore “A” authorities for the purposes of s43 of the PA 2008:</p> <p>a. North Lincolnshire Council b. West Lindsey District Council c. East Lindsey District Council d. Lincolnshire County Council</p> <p>As NELC is a unitary authority, there is no upper-tier county council (i.e. a ‘C’ authority as defined in and for the purposes of section 43 of the 2008 Act). Therefore, there are also no ‘D’ authorities in respect of the Project.</p> <p>As well as consulting with the above bodies, ABP also consulted with other local authorities in the vicinity of the development which were consulted with on a neighbouring project, albeit these are not technically Category A, B,C or D authorities in respect of the Project:</p> <p>a. South Yorkshire Mayoral Combined Authority b. West Yorkshire Combined Authority c. East Riding of Yorkshire Council d. Kingston-Upon-Hull City Council (Hull City Council)</p>
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**Section 42: Duty to consult**

Did the Applicant consult the applicable persons set out in s42 of the PA2008 about the proposed application?

6	Section 42(1)(a) persons prescribed <sup>5</sup> ?	<p><b>Yes.</b></p> <p>The first statutory consultation period for the Project was held between Monday 9 January 2023 to Monday 20 February 2023 during which the Applicant consulted with all applicable parties, including the relevant parties prescribed under s42(1)(a).</p> <p>The second statutory consultation took place from Wednesday 24 May to Thursday 20 July 2023. This consultation sought the view of Statutory Consultees, the local community and other interested groups and individuals on a series of minor amendments to the proposed Project as a response to design refinements and the feedback from the first statutory consultation.</p> <p>A list of all those prescribed parties consulted during the first statutory consultation and second statutory consultation is set out in <b>Appendices H and K</b> of the <b>Consultation Report Appendices [TR030008/APP/5.2]</b>.</p>
7	Section 42(1)(aa) the Marine Management Organisation <sup>6</sup> ?	<p><b>Yes.</b></p> <p>The Applicant has consulted with the Marine Management Organisation (“MMO”) in accordance with Section 42(1)(aa), as set out in the <b>Consultation Report [TR030008/APP/5.1]</b>.</p>
8	Section 42(1)(b) each local authority within s43 <sup>7</sup> ?	<p><b>Yes.</b></p> <p>Section 4.1.29 of the <b>Consultation Report [TR030008/APP/5.1]</b> lists the relevant authorities that were identified and consulted under s43.</p> <p>The following local authorities were identified as “B” authorities for the purposes of s43:</p>

<sup>5</sup> Statutory consultees set out in Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations)

<sup>6</sup> In any case where the Proposed Development would affect, or would be likely to affect, any of the areas specified in s42(2) of the PA2008

<sup>7</sup> Definition of ‘local authority’ in s43(3) of the PA2008: The ‘B’ authority where the application land is in the authority’s area; the ‘A’ authority where any part of the boundary of A’s area is also a part of the boundary of B’s area; the ‘C’ authority (upper tier) where the application land is in that authority’s area; the ‘D’ authority (upper tier) where such an authority shares a boundary with a ‘C’ authority

		<p>a. North East Lincolnshire Council (NELC)</p> <p>The following local authorities share a boundary with the “B” authorities and are therefore “A” authorities for the purposes of s43:</p> <ul style="list-style-type: none"> <li>a. North Lincolnshire Council</li> <li>b. West Lindsey District Council</li> <li>c. East Lindsey District Council</li> <li>d. Lincolnshire County Council</li> </ul> <p>As NELC is a unitary authority, there is no upper-tier county council (i.e. a ‘C’ authority as defined in and for the purposes of section 43 of the 2008 Act).</p> <p>As well as consulting with the above bodies, ABP also consulted with other local authorities in the vicinity of the development which were consulted with on a neighbouring project, albeit these are not technically Category A, B, C or D authorities in respect of the Project:</p> <ul style="list-style-type: none"> <li>a. South Yorkshire Mayoral Combined Authority</li> <li>b. West Yorkshire Combined Authority</li> <li>c. East Riding of Yorkshire Council</li> <li>d. Kingston-Upon-Hull City Council (Hull City Council)</li> </ul> <p>A full list of the prescribed consultees that were consulted in respect of the two statutory consultations for the Project is set out in <b>Appendices E.1 and F.1</b> of the <b>Consultation Report Appendices [TR030008/APP/5.2]</b>.</p>
9	Section 42(1)(c) the Greater London Authority (if in Greater London area)?	<p><b>This is not applicable.</b></p> <p>The Project does not fall within the Greater London Authority area.</p>



10	Section 42(1)(d) each person in one or more of s44 categories <sup>8</sup> ?	<p><b>Yes.</b></p> <p>For the purposes of the first statutory consultation, the Applicant consulted with all relevant parties as defined under s44 of the PA 2008 which included:</p> <p>Category 1 – comprising owners, lessees, tenants (whatever the tenancy period) or occupiers of the land</p> <p>Category 2 – comprising persons that are interested in the land or have the power to sell and convey, or to release, the land</p> <p>Category 3 – comprising those parties that may be able to make a relevant claim as a result of the Order being made and fully implemented.</p> <p><b>Paragraph 4.1.38 of the Consultation Report [TR030008/APP/5.1]</b> states that all persons identified under s42(1)(d) were consulted in respect of both statutory consultations. Hard copies of letters were sent on 9 January 2023 to inform them of the start of the first statutory consultation. Further information on consultation in respect of s42 of the PA 2008 is set out in <b>paragraphs 4.1.26-4.1.46 of the Consultation Report [TR030008/APP/5.1]</b>.</p> <p>Additionally, during the second statutory consultation, newly identified parties with an interest in land within the Order limits and newly identified parties that may be able to make a relevant claim were consulted. Table 17 of the Consultation Report lists these additional parties. Hard copies of letters were sent to all prescribed consultees on 24 May 2023 for the second statutory consultation.</p> <p>A full list of consultees identified in accordance with section 42(1)(d) of the PA 2008 is set out in the <b>Book of Reference [TR030008/APP/3.1]</b>.</p>
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<sup>8</sup> Category 1: owner, lessee, tenant or occupier of land; Category 2: person interested in the land or has power to sell and convey the land or to release the land; Category 3: persons who would or might be entitled to make a relevant claim. There is no requirement on the Planning Inspectorate to check the accuracy of the list(s) provided or whether the Applicant has made diligent inquiry

### Section 45: Timetable for s42 consultation

11	<p>Did the Applicant notify s42 consultees of the deadline for receipt of consultation responses; and if so was the deadline notified by the Applicant 28 days or more starting with the day after receipt of the consultation documents?</p>	<p><b>Yes.</b></p> <p><b>Paragraph 4.1.85</b> of the <b>Consultation Report [TR030008/APP/5.1]</b> states that all persons identified under s42(1)(d) were sent a letter on 9 January 2023 to inform them of the start of the first statutory consultation, which commenced on Monday 9 January 2023 and closed on Monday 20 February 2023, providing more than the minimum required time (43 days) for receipt of responses. The letters provided an overview of the Project, explained that it was EIA development and set out details on how to respond. Copies of the letters can be found in <b>Appendix H.1</b> of the <b>Consultation Report Appendices [TR030008/APP/5.2]</b>.</p> <p>Those persons identified under s42, and newly identified parties with an interest within the Order limits and newly identified parties that may be able to make a relevant claim were sent a letter to inform them of the second statutory consultation on Wednesday 24 May. The letters, posted or emailed to arrive on or before the first day of the second statutory consultation period provided an overview of the Project, explained that it was EIA development, outlined the proposed changes subject to the second statutory consultation and how to respond to the consultation. The second statutory consultation period ran from Wednesday 24 May to Thursday 20 July 2023.</p> <p>The Applicant undertook the same approach for the second statutory consultation with letters and emails drafted to accompany a brochure and feedback form. As confirmed in <b>paragraph 5.1.31</b> of the <b>Consultation Report [TR030008/APP/5.1]</b>, the Applicant sent hard copies of letters to all prescribed consultees in respect of the second statutory consultation on 24 May 2023. Copies of the letters can be found in <b>Appendix K.1</b> of the <b>Consultation Report Appendices [TR030008/APP/5.2]</b>.</p>
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### Section 46: Duty to notify the Planning Inspectorate of proposed application

12	<p>Did the Applicant supply information to notify the Planning Inspectorate of the proposed application; and if so, was the information supplied to the Planning Inspectorate on or before the date it was</p>	<p><b>Yes.</b></p>
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	<p>sent to the s42 consultees? Was this done on or before commencing consultation under s42?</p>	<p>The Applicant gave notice to the Planning Inspectorate under s46 of the PA 2008 on 6 January 2023 of its intent to apply for development consent for the Project under s37 of the PA 2008. This letter was sent prior to the commencement of s42 consultation.</p> <p>Acknowledgement of the receipt of the s46 notification was given by the Planning Inspectorate on 6 January 2023. A copy of the s46 notification letter and notification acknowledgement letter from the Planning Inspectorate is provided at <b>Appendix I</b> of the <b>Consultation Report Appendices [TR030008/APP/5.2]</b>.</p> <p>The Applicant submitted a further notification under s46 of the PA 2008 for the second statutory consultation on 23 May 2023, a copy of which is included at <b>Appendix L</b> of the <b>Consultation Report Appendices [TR030008/APP/5.2]</b>. This letter was sent prior to the commencement of s42 consultation. Acknowledgement of the receipt of the s46 notification was given by the Planning Inspectorate on 23 May 2023.</p> <p>Additionally, the Applicant engaged in pre-application discussions under s51 of the PA 2008 with the Inspectorate on a number of matters including the Project programme and timing of the Applicant's intention to submit the DCO Application and the two rounds of statutory consultation. Further information can be found in <b>section 9</b> of the <b>Cover Letter [TR030008/APP/1.4]</b>.</p>
<p><b>Section 47: Duty to consult local community</b></p>		
<p>13</p>	<p>Did the Applicant prepare a Statement of Community Consultation (SoCC) on how it intended to consult people living in the vicinity of the land?</p>	<p><b>Yes.</b></p> <p>The Applicant prepared a draft SoCC in respect of both the first and second statutory consultations which set out how it proposed to consult people living in the vicinity of the Project about the proposed application in accordance with s47 of the PA 2008 and Regulation 12 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations). In accordance with s47(2) of the PA 2008, the Applicant consulted with North East Lincolnshire Council on the contents of the draft SoCC for both the first and second statutory consultation.</p> <p>The Applicant published the final SoCC for the first statutory Consultation on 9 January 2023 and the final SOCC for the second statutory consultation on 24 May 2023. A copy of the final SoCC for the first statutory consultation is provided at <b>Appendix A.4</b> of the</p>

		<p><b>Consultation Report Appendices [TR030008/APP/5.2]</b> and a copy of the SOCC for the second statutory consultation is provided at <b>Appendix B.4</b> of the <b>Consultation Report Appendices [TR030008/APP/5.2]</b>.</p>
14	<p>Were 'B' and (where relevant) 'C' authorities consulted about the content of the SoCC; and if so, was the deadline for receipt of responses 28 days beginning with the day after the day that 'B' and (where applicable) 'C' authorities received the consultation documents?</p>	<p><b>Yes.</b></p> <p>In accordance with s47(2) of the PA 2008 and Regulation 12 of the EIA Regulations, the Applicant undertook consultation with a number of local authorities on the proposed methods for consulting people living in the vicinity of the Project as set out in the SoCC.</p> <p>The neighbouring local authorities of North Lincolnshire Council, Lincolnshire County Council, West Lindsey District Council, East Lindsey District Council, East Riding of Yorkshire Council and Hull City Council were consulted.</p> <p>The responses provided are set out in <b>Appendix A.3</b> of the <b>Consultation Report Appendices [TR030008/APP/5.2]</b>.</p> <p>A second SoCC was consulted upon in respect of the second statutory consultation and was consulted upon and published in the same manner as the first statutory consultation, in accordance with s47 of the PA 2008. The responses provided are set out in <b>Appendix B.3</b> of the <b>Consultation Report Appendices [TR030008/APP/5.2]</b>.</p>
15	<p>Has the Applicant had regard to any responses received when preparing the SoCC?</p>	<p><b>Yes.</b></p> <p>Copies of the responses from the local authorities consulted on the draft SoCC and how the draft SoCC was updated to incorporate this feedback are provided in <b>Appendices A.3</b> and <b>B.3</b> of the <b>Consultation Report Appendices [TR030008/APP/5.2]</b> for the respective statutory consultations. A copy of the published SoCC is included in <b>Appendices A.4</b> and <b>B.4</b> of the <b>Consultation Report Appendices [TR030008/APP/5.2]</b>. Additionally, Tables 4 and 16 of the <b>Consultation Report [TR030008/APP/5.1]</b> summarise the feedback from local authorities on the first and second SoCC.</p>
16	<p>Has the SoCC been made available for inspection in a way that is reasonably convenient for people living in the vicinity of the land; and has a notice been published in a newspaper circulating in the vicinity of</p>	<p><b>Yes.</b></p> <p>In accordance with the requirements of s47(6) of the PA 2008, the Applicant published a s47 notice (combined with the S48 notice) in two newspapers circulating in the vicinity of the Project stating where and when the SoCC could be inspected for both the first and</p>

<p>the land which states where and when the SoCC can be inspected?</p>	<p>the second statutory consultation. The SoCC was made available on the Project website (<a href="https://imminghamget.co.uk">https://imminghamget.co.uk</a>).</p> <p>In relation to the first statutory consultation, the SoCC was made available at two deposit locations – the Immingham Civic Centre and North East Lincolnshire Council Offices - from Monday 9 January 2023 to Monday 20 February 2023 as set out in paragraph <b>4.1.22</b> of the <b>Consultation Report [TR030008/APP/5.1]</b> and at six public consultation events, as listed in paragraphs <b>4.1.127-4.1.130</b> in the <b>Consultation Report [TR030008/APP/5.1]</b>.</p> <p>The first SoCC remained on display beyond the first Statutory Consultation period to allow those who were newly identified Land Interest consultees the opportunity to view a physical copy of the SoCC before sharing any comments. This meant that there was a period from 24 May 2023, when both the first and second SoCCs were both available to be viewed in hard copy at the above locations.</p> <p>A combined section 47 and section 48 notice was published in respect of both the first and second statutory consultations. The Applicant’s response to section 19 of this section 55 checklist sets out the precise dates of publication and lists all newspapers that the notices were published in.</p> <p>In respect of the second statutory consultation, the Applicant replicated the approach to publication of the first SoCC as outlined in <b>paragraph 3.1.32-3.1.35</b> of the <b>Consultation Report [TR030008/APP/5.1]</b>.</p> <p>To publicise the second SoCC, the section 47 notice was again drafted and combined with the section 48 notice publicising the proposed application and the second statutory consultation. This combined notice was published in the local press circulating in the vicinity of the Project site on 24 May, in the Grimsby Telegraph. A copy of the notice, as published, in the Grimsby Telegraph is provided at <b>Appendix D.4</b> of the <b>Consultation Report Appendices [TR030008/APP/5.2]</b>.</p> <p>As the section 47 and section 48 notices were combined, the section 47 notice publicising the SoCC was also published in the publications.</p> <p>The second SoCC was also available on the project website to view and download free of charge from 24 May 2023 and physical copies of the second SoCC were available to view at the locations below from 24 May 2023:</p> <p>a) Immingham Civic Centre, Pelham Rd, Immingham DN40 1QF</p>
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		<p>b) NELC Offices: Municipal Offices, Town Hall Square, Grimsby DN31 1HU</p> <p>The SoCC remained on display beyond the second statutory consultation period to allow those who were interested the opportunity to view a physical copy of the SoCC.</p>
17	Does the SoCC set out whether the development is EIA development <sup>9</sup> ; and does it set out how the Applicant intends to publicise and consult on the Preliminary Environmental Information?	<p><b>Yes.</b></p> <p>Paragraph 2.10 of both the first and second SoCCs explains that due to its potential environmental impacts, the Project is EIA development as defined by the EIA Regulations. Chapter 3 of both the first and second SoCCs set out how the Applicant intended to publicise and consult on the preliminary environmental information (PEI). The published SoCCs can be found in <b>Appendices A.4 and B.4</b> of the <b>Consultation Report Appendices [TR030008/APP/5.2]</b>.</p>
18	Has the Applicant carried out the consultation in accordance with the SoCC?	<p><b>Yes.</b></p> <p><b>Paragraph 4.1.178</b> of the <b>Consultation Report [TR030008/APP/5.1]</b> explains that the Applicant has complied with the commitments made in the SoCC, in accordance with the s47(7) of the PA 2008. It signposts to Appendix B.5 which demonstrates the Applicant's compliance in respect of the first and second SoCC. <b>Paragraph 4.1.22 and 4.1.23</b> of the <b>Consultation Report [TR030008/APP/5.1]</b> set out that the first and second SoCC were available in the deposit locations during the first Statutory Consultation period which ran between Monday 9 January 2023 to Monday 20 February 2023 and the second statutory consultation period which ran from Wednesday 24 May to Thursday 20 July 2023.</p>
<b>Section 48: Duty to publicise the proposed application</b>		
19	Did the Applicant publicise the proposed application in the prescribed manner set out in Regulation 4(2) of the APFP Regulations?	<p><b>Yes.</b></p> <p>In accordance with s48(1) of the PA 2008, a notice publicising the Project was published in the prescribed manner in accordance with Regulation 4(2) and with reference to Regulation 4(3) of The Infrastructure Planning (Applications: Prescribed</p>

<sup>9</sup> Regulation 12 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 10 of the 2009 EIA Regulations

Forms and Procedure) Regulations 2009 (APFP Regulations). The s48 notice was published for at least two successive weeks in one or more local newspapers circulating in the vicinity of the Project site, and once in each of the following (i) a national newspaper, (ii) the London Gazette, (iii) Lloyd’s List and (iv) an appropriate fishing trade journal.

The Applicant publicised the application in the prescribed manner for both the first and second Statutory Consultation.

For the first Statutory Consultation, the s48 notice was published in the following newspapers:

Section 48 notice publication dates	
Date published	Newspaper
9 January 2023	The Grimsby Telegraph
9 January 2023	The Lincolnite
9 January 2023	Lloyd’s List
9 January 2023	London Gazette
9 January 2023	The Times
12 January 2023	Fishing News
15 February 2023 (second notification)	The Grimsby Telegraph

A copy of the combined s47 and s48 notice in respect of the first Statutory Consultation is provided at **Appendix C.2** of the **Consultation Report Appendices [TR030008/APP/5.2]**.

For the second Statutory Consultation, the s48 notice was published in the following newspapers:

Section 48 notice publication dates	
Date published	Newspaper
24 May 2023	The Grimsby Telegraph
24 May 2023	The Lincolnite
24 May 2023	Lloyd's List
24 May 2023	The Times
24 May 2023	London Gazette
1 June 2023	Fishing News

A second Grimsby Telegraph notice was due to be published on Wednesday 31 May 2023. However, due to an administrative error this notice was not published. In order to fulfil the requirements of the 2008 Act for notices 'to appear for at least two successive weeks in one or more local newspapers circulating in the vicinity of the Project site' the Applicant undertook to republish all notices and extend the consultation period accordingly.

A copy of the combined s47 and s48 notice in respect of the second Statutory Consultation is provided at **Appendix D.2** of the **Consultation Report Appendices [TR030008/APP/5.2]**.

A second round of notices were therefore published in the following newspapers:

Section 48 notice publication dates	
Date published	Newspaper
14 June 2023	The Grimsby Telegraph
21 June 2023	The Grimsby Telegraph



		14 June 2023	The Lincolnite
		21 June 2023	The Lincolnite
		14 June 2023	Lloyd's List
		20 June 2023	The Times
		15 June 2023	London Gazette
		22 June 2023	Fishing News
		Newspaper(s)	Date
a)	for at least two successive weeks in one or more local newspapers circulating in the vicinity in which the Proposed Development would be situated;	<b>Paragraphs 4.1.14 and 4.1.15</b> (in respect of the first statutory consultation) and <b>Paragraphs 4.1.96 and 4.1.97</b> (in respect of the second statutory consultation) of the <b>Consultation Report [TR030008/APP/5.1]</b> provides details of the two local newspapers that the notice was published in for two successive weeks. <b>Appendices C.2 and D.4</b> of the <b>Consultation Report [TR030008/APP/5.1]</b> sets out details of the newspapers and dates that the s48 notice was published.	
b)	once in a national newspaper;	<b>Paragraph 4.1.15</b> (in respect of the first statutory consultation) and <b>Paragraphs 5.1.49 and 5.1.51</b> (in respect of the second statutory consultation) of the <b>Consultation Report [TR030008/APP/5.1]</b> sets out that the s48 notice was published in The Times as set out in the Applicant's response to section 19 of this s55 checklist above.	
c)	once in the London Gazette and, if land in Scotland is affected, the Edinburgh Gazette; and	<b>Paragraph 4.1.15</b> (in respect of the first statutory consultation) and <b>Paragraphs 5.1.49 and 5.1.51</b> (in respect of the second statutory consultation) of the <b>Consultation Report [TR030008/APP/5.1]</b> sets out that the s48 notice was published	

		once in the London Gazette as set out in the Applicant's response to section 19 of this s55 checklist above.	
d)	where the proposed application relates to offshore development – (i) once in Lloyds List; and (ii) once in an appropriate fishing trade journal?	<b>Paragraph 4.1.15</b> (in respect of the first statutory consultation) and <b>Paragraphs 5.1.49</b> and <b>5.1.51</b> (in respect of the second statutory consultation) of the <b>Consultation Report [TR030008/APP/5.1]</b> sets out that the s48 notice was published in Lloyd's List and Fishing News as set out in the Applicant's response to section 19 of this s55 checklist above.	
20	Did the s48 notice include the required information set out in Regulation 4(3) of APFP Regulations?	<b>Yes.</b> The s48 notice for each statutory consultation is contained in <b>Appendices C.2</b> and <b>D.4</b> of the <b>Consultation Report Appendices [TR030008/APP/5.2]</b> and contains the required information as set out below.	
<b>Information</b>		<b>Paragraph</b>	
a)	the name and address of the Applicant.	Page 1 of both notices	b)
c)	a statement as to whether the application is EIA development	Page 2 of the notice	d)
e)	a statement that the documents, plans and maps showing the nature and location of the Proposed Development are available for inspection free of charge on a website maintained by or on behalf of the Applicant, including the address of the website; the place on the website where the documents, plans and maps may be inspected; and a telephone number which can be used to	Page 3 of both notices	f)
			a statement that the Applicant intends to make an application for development consent to the Secretary of State
			a summary of the main proposals, specifying the location or route of the Proposed Development
			the latest date on which those documents, plans and maps will be available for inspection on the website
			Page 1 of both notices
			Pages 1 and 2 of both notices
			Page 2 of both notices

	contact the Applicant for enquiries in relation to the documents, plans and maps			
g)	whether a charge will be made for copies of any of the documents, plans or maps and the amount of any charge	Page 3 of both notices	h)	details of how to respond to the publicity
i)	a deadline for receipt of those responses by the Applicant, being not less than 28 days following the date when the notice is last published	Page 4 of both notices		
21	Are there any observations in respect of the s48 notice provided above?			
22	Has a copy of the s48 notice been sent to the EIA consultation bodies and to any person notified to the Applicant in accordance with the EIA Regulations <sup>10</sup> ?	<p><b>Yes.</b></p> <p><b>Paragraph 4.1.98 and 5.1.54</b> of the <b>Consultation Report [TR030008/APP/5.1]</b> confirms that in accordance with Regulation 13 of the EIA Regulations, the Applicant sent a s48 notice to the EIA consultation bodies in respect of both the first and second statutory consultations on 10<sup>th</sup> January 2023 (first Statutory Consultation) and 25<sup>th</sup> May 2023 (second Statutory Consultation).</p> <p>No parties were identified by the Planning Inspectorate under Regulation 11(1)(c) of the EIA Regulations.</p> <p>A copy of the s48 notice can be found in <b>Appendices C.2</b> (first Statutory Consultation) and <b>D.4</b> (second Statutory Consultation) of the <b>Consultation Report [TR030008/APP/5.1]</b>.</p>		

<sup>10</sup> Regulation 13 of the 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, Regulation 11 of the 2009 EIA Regulations

**s49: Duty to take account of responses to consultation and publicity**

23	Has the Applicant had regard to any relevant responses to the s42, s47 and s48 consultation?	<p><b>Yes.</b></p> <p><b>Paragraph 4.1.149-4.1.177</b> of the <b>Consultation Report [TR030008/APP/5.1]</b> sets out that the Applicant has had regard to relevant statutory consultation responses and provides a summary of the responses received during the consultation. <b>Appendix P</b> of the <b>Consultation Report Appendices [TR030008/APP/5.2]</b> sets out evidence of the Applicant’s regard to all responses received to the first Statutory Consultation undertaken from 9 January 2023 to Monday 20 February 2023.</p> <p><b>Chapter 5</b> of the <b>Consultation Report [TR030008/APP/5.1]</b> describes the second Statutory Consultation undertaken from Wednesday 24 May to Thursday 20 July 2023 on changes which had been made to the Project following the first Statutory Consultation from Monday 9 January 2023 to Monday 20 February 2023. It explains why the second statutory consultation was undertaken, who was consulted, what was consulted on, and when consultation activities took place, including the approaches used. <b>Appendix Q</b> of the <b>Consultation Report Appendices [TR030008/APP/5.2]</b> sets out evidence of the Applicants regard to all second Statutory Consultation responses.</p> <p><b>Table 17</b> of <b>chapter 5</b> of the <b>Consultation Report [TR030008/APP/5.1]</b> provides details of the newly identified land interest consultation which took place during the second Statutory Consultation. All newly identified land interests were consulted in accordance with Section 42(1)(d) of the PA 2008 and with regard to the principles of pre-application original statutory consultation set out in the PA 2008 and in accordance with Department for Communities and Local Government (DCLG) Guidance ‘The PA 2008: Guidance on the pre-application process’. Consultees were provided with the statutory requirement of a minimum of 28 days within which to respond to the consultation.</p>
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**Guidance about pre-application procedure**

24	To what extent has the Applicant had regard to statutory guidance 'Planning Act 2008: Guidance on the pre-application process' <sup>11</sup> ?	<b>Chapter 4</b> of the <b>Consultation Report [TR030008/APP/5.1]</b> sets out how the Applicant has had regard to the statutory guidance 'PA 2008: Guidance on the pre-application process'.
25	<b>Summary: Section 55(3)(e)</b>	
<b>s55(3)(f) and s55(5A): The application (including accompaniments) achieves a satisfactory standard having regard to the extent to which it complies with section 37(3) (form and contents of application) and with any standards set under section 37(5) and follows any applicable guidance under section 37(4)</b>		
26	Is it made in the prescribed form as set out in Schedule 2 of the APFP Regulations, and does it include: <ul style="list-style-type: none"> <li>• a brief statement which explains why it falls within the remit of the Planning Inspectorate; and</li> <li>• a brief statement that clearly identifies the location of the application site, or the route if it is a linear Project?</li> </ul>	The Application is made in the prescribed form and explains why it falls within the remit of the Secretary of State for Transport in Section 4 of the <b>Application Form [TR030008/APP1.1]</b> . Section 6 of the <b>Application Form [TR030008/APP/1.1]</b> contains a short statement which describes the location of the Project. A more detailed description is provided in <b>Chapter 2: The Project of the Environmental Statement [TR030008/APP/6.2]</b> . The location of the Project is also shown on the <b>Location Plan [TR030008/APP/4.1]</b> .
27	Is it accompanied by a Consultation Report and Appendices?	<b>Yes.</b> A <b>Consultation Report [TR030008/APP/5.1]</b> and <b>Consultation Report Appendices [TR030008/APP/5.2]</b> forms part of this DCO Application.
28	Where a plan comprises three or more separate sheets, has a key plan been provided showing the relationship between the different sheets? <sup>12</sup>	<b>Yes.</b>

<sup>11</sup> The Planning Inspectorate must have regard to the extent to which the Applicant has had regard to guidance issued under s50

<sup>12</sup> Regulation 5(4) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

29	Is it accompanied by the documents and information set out in APFP Regulation 5(2)?	<p><b>Yes.</b></p> <p>The documents and information required by APFP Regulation 5(2) are set out in the documents and locations within the application as listed below.</p>			
Information		Document	Information		Document
a)	Where applicable, the Environmental Statement required under the EIA Regulations <sup>13</sup> and any scoping or screening opinions or directions	<p><b>Yes.</b></p> <p>The application is accompanied by an Environmental Statement which contains four volumes: The Environmental Statement Non-Technical Summary [TR030008/APP/6.1], the Environmental Statement [TR030008/APP/6.2], the Environmental Statement Figures [TR030008/APP/6.3] and the Environmental Statement Appendices [TR030008/APP/6.4].</p>	b)	The draft Development Consent Order (DCO)	<p><b>Yes.</b></p> <p>The application is accompanied by the <b>Draft Development Consent Order [TR030008/APP/2.1]</b></p>
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
c)	An Explanatory Memorandum explaining the purpose and effect of provisions in the draft DCO	<p><b>Yes.</b></p> <p>The application is accompanied by the <b>Explanatory Memorandum [TR030008/APP/2.2].</b></p>	d)	Where applicable, a Book of Reference (where the application involves any Compulsory Acquisition)	<p><b>Yes.</b></p> <p>The application is accompanied by the <b>Book of Reference [TR030008/APP/3.1].</b></p>
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	

<sup>13</sup> The 2017 EIA Regulations, or where Regulation 37 of the 2017 EIA Regulations applies, the 2009 EIA Regulations

	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
e)	A copy of any Flood Risk Assessment	<p><b>Yes.</b></p> <p>The application is accompanied by the Flood Risk Assessment in <b>Appendix 18.A</b> of the <b>Environmental Statement Appendices [TR030008/APP/6.4]</b></p>	f)	A statement whether the proposal engages one or more of the matters set out in section 79(1) of the Environmental Protection Act 1990 (statutory nuisances) and if so how the Applicant proposes to mitigate or limit them	<p><b>Yes.</b></p> <p>The application is accompanied by the <b>Statutory Nuisances Statement [TR030008/APP/7.5]</b>.</p>
	Is this of a satisfactory standard?			Is this of a satisfactory standard?	
h)	A Statement of Reasons and a Funding Statement (where the application involves any Compulsory Acquisition)	<p><b>Yes.</b></p> <p>The application is accompanied by a <b>Statement of Reasons [TR030008/APP/3.2]</b> and a <b>Funding Statement [TR030008/APP/3.3]</b>.</p>	i)	<p>A Land Plan identifying:-</p> <ul style="list-style-type: none"> <li>(i) the land required for, or affected by, the Proposed Development;</li> <li>(ii) where applicable, any land over which it is proposed to exercise powers of Compulsory Acquisition or any rights to use land;</li> <li>(iii) any land in relation to which it is proposed to extinguish easements,</li> </ul>	<p><b>Yes.</b></p> <p>The Application is accompanied by <b>Land Plans [TR030008/APP/4.5]</b>. The Land Plans accord with Regulation 5(2)(i) of the APFP Regulations.</p> <p>There is no special category land within the Order Limits of the Project.</p>

			servitudes and other private rights; and		
			(iv) any special category land and replacement land		
	Is this of a satisfactory standard?		Is this of a satisfactory standard?		
j)	<p>A Works Plan showing, in relation to existing features:-</p> <p>(i) the proposed location or (for a linear Project) the proposed route and alignment of the development and works; and</p> <p>(ii) the limits within which the development and works may be carried out and any limits of deviation provided for in the draft DCO</p>	<p><b>Yes.</b></p> <p>The application is accompanied by <b>Works Plans [TR030008/APP4.2]</b>.</p> <p>The Works Plans accord with Regulations 5(2)(j) of the APFP Regulations and show the proposed limits within which the works are proposed to be carried out.</p>	k)	<p>Where applicable, a plan identifying any new or altered means of access, stopping up of streets or roads or any diversions, extinguishments or creation of rights of way or public rights of navigation</p>	<p><b>Yes.</b></p> <p>The application is accompanied by <b>Street Works and Accesses Plan [TR030008/APP4.6]</b> and a <b>Stopping Up and Restriction of Use of Streets and Public Rights of Way Plan [TR030008/APP/4.7]</b> These are in accordance with Regulation 5(2)(k) of the APFP Regulations.</p>
	Is this of a satisfactory standard?		Is this of a satisfactory standard?		
i)	Where applicable, a plan with accompanying information identifying:-	<p><b>Yes.</b></p> <p><b>Statutory and Non-Statutory Nature Conservation Plans [TR030008/APP/4.10]</b> acts as a</p>	m)	Where applicable, a plan with accompanying information identifying any statutory/ non-statutory	<p><b>Yes.</b></p> <p><b>Historic Environment Plans [TR030008/APP/4.11]</b> acts as a signpost document setting out where the statutory</p>



<p>(i) any statutory/ non-statutory sites or features of nature conservation eg sites of geological/ landscape importance;</p> <p>(ii) habitats of protected species, important habitats or other diversity features; and</p> <p>(iii) water bodies in a river basin management plan,</p> <p>together with an assessment of any effects on such sites, features, habitats or bodies likely to be caused by the Proposed Development</p>	<p>signpost document setting out where the statutory and non-statutory nature conservation sites, relevant geological sites and relevant landscape sites can be located in the Application.</p> <p>An assessment of the Project effects on habitats of protected species, important habitats and other diversity features is presented in <b>Chapter 8, 9 and 10</b> of the <b>Environmental Statement [TR030008/APP/6.2]</b>. Detailed survey reports, baseline reports and other technical information referenced within <b>Chapter 8, 9 and 10</b> of the Environmental Statement are provided in the <b>Environmental Statement Appendices [TR030008/APP/6.4]</b>.</p> <p>An assessment of the Project effects on water bodies is presented in <b>Chapter 17 and 18</b> of the <b>Environmental Statement [TR030008/APP/6.2]</b>. Water bodies are identified in a river basin management plan within the Water Framework Directive Assessment, contained in <b>Appendix 18.B</b> of the <b>Environmental Statement Appendices [TR030008/APP/6.4]</b>.</p>	<p>sites or features of the historic environment, (eg scheduled monuments, World Heritage sites, listed buildings, archaeological sites and registered battlefields) together with an assessment of any effects on such sites, features or structures likely to be caused by the Proposed Development</p>	<p>and non-statutory historic site plans can be located in the Application.</p> <p>An assessment of the effects on historic environment sites and features is provided in <b>Chapter 14 and 15</b> of the <b>Environmental Statement [TR030008/APP/6.2]</b>.</p>
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n)	Is this of a satisfactory standard?		o)	Is this of a satisfactory standard?	
	Where applicable, a plan with any accompanying information identifying any Crown land	<b>Yes.</b> Crown Land is shown on the Land Plans [TR030008/APP/4.5]		Any other plans, drawings and sections necessary to describe the development consent proposal showing details of design, external appearance, and the preferred layout of buildings/ structures, drainage, surface water management, means of vehicular and pedestrian access, any car parking and landscaping	<b>Yes.</b> The application is accompanied by the following plans and drawings which are provided under Regulation 5(2)(o) of the APFP Regulations 2009 (as amended):  a. Location Plan [TR030008/APP/4.1] b. Illustrative Layouts [TR030008/APP/4.3] c. Illustrative Sections and Elevations [TR030008/APP/4.4] d. Traffic Regulations Measures Plan [TR030008/APP/4.8] e. Plan of Potentially Affected Hedgerows and Trees Subject to Preservation Orders [TR030008/APP/4.9]
p)	Is this of a satisfactory standard?		q)	Are they of a satisfactory standard?	
	Any of the documents prescribed by Regulation 6 of the APFP Regulations:	<b>Yes.</b> The Project is for the construction or alteration of harbour facilities (Port of Immingham). Therefore, under Regulation 6(3) the application is required to be accompanied by a statement		Any other documents considered necessary to support the application	<b>Yes.</b> The application contains additional documents considered necessary to support the application, as listed in the <b>Application Form [TR030008/APP/1.1]</b> . These documents are:

	<p>setting out why the making of the order is desirable in the interests of—</p> <p>(a) securing the improvement, maintenance or management of the harbour in an efficient and economical manner.</p> <p>This statement is set out in Appendix F of the <b>Planning Statement [TR030008/APP/7.1]</b>.</p>		<ul style="list-style-type: none"> <li>a. <b>Introduction to the Application [TR030008/APP/1.2]</b></li> <li>b. <b>Guide to the Application [TR030008/APP/1.3]</b></li> <li>c. <b>Application Cover Letter [TR030008/APP/1.4]</b></li> <li>d. <b>Application Index [TR030008/APP/1.5]</b></li> <li>e. <b>Outline Construction Environmental Management Plan [TR030008/APP/6.5]</b></li> <li>f. <b>Outline Decommissioning Environmental Management Plan [TR030008/APP/6.6]</b></li> <li>g. <b>Outline Construction Traffic Management Plan [TR030008/APP/6.7]</b></li> <li>h. <b>Outline Woodland Compensation Strategy [TR030008/APP/6.8]</b></li> <li>i. <b>Outline Landscape and Ecology Management Plan [TR030008/APP/6.9]</b></li> <li>j. <b>Planning Statement [TR030008/APP/7.1]</b></li> <li>k. <b>Schedule of Mitigation and Monitoring [TR030008/APP/7.2]</b></li> <li>l. <b>Without Prejudice Shadow Habitat Regulations Assessment</b></li> </ul>
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					<p>(HRA) Derogation Report [TR030008/APP/7.3]</p> <p>m. Consents and Agreements Position Statement [TR030008/APP/7.4]</p> <p>n. Shadow Habitat Regulations Assessment [TR030008/APP/7.6]</p> <p>o. Utilities Statement [TR030008/APP/7.7]</p> <p>p. Equality Impact Assessment [TR030008/APP/7.8]</p> <p>q. Sediment Contamination Data [TR030008/APP/7.9]</p> <p>r. Sampling Plan [TR030008/APP/7.10]</p>
	Are they of a satisfactory standard?			Are they of a satisfactory standard?	
30	Are there any observations in respect of the documents provided at Box 29 (a) to (q) above?				
31	Is the application accompanied by a report identifying any European site(s) to which Regulation 48 of The Conservation (Natural Habitats, &c.) Regulations 1994 applies; or any Ramsar site(s), which may be affected by the Proposed Development, together with sufficient information that will enable the Secretary of State to make an appropriate assessment of the	The Application includes a <b>Shadow Habitats Regulations Assessment [TR030008/APP/7.6]</b> which identifies all relevant European sites and provides sufficient information for the competent authority to determine whether the Project is likely to have an adverse effect on the integrity of any European site. The <b>Shadow Habitats Regulations Assessment [TR030008/APP/7.6]</b> has been prepared in accordance with the Inspectorate's 'Advice Note 10: Habitats Regulations Assessments' and Regulation 5(2)(g) of the APFP Regulations 2009.			

	<p>implications for the site if required by Regulation 48(1)?<sup>14</sup></p>	<p>The <b>Shadow Habitats Regulations Assessment [TR030008/APP/7.6]</b> provides sufficient information for the Secretary of State to undertake an appropriate assessment to determine whether the Project would have an adverse effect on the integrity of any European site. The Applicant's assessment, as detailed in the <b>Shadow Habitats Regulations Assessment [TR030008/APP/7.6]</b> has concluded there will be no adverse effect on the integrity of any European sites either alone or in combination with other projects and plans.</p> <p>Despite the Applicant's conclusion in the Shadow HRA <b>[TR030008/APP/7.6]</b> it has nevertheless submitted a Shadow HRA Derogation Report <b>[TR030008/APP/7.3]</b> on a without prejudice basis to the finding in the Shadow HRA. The Derogation Report concludes that in the event of a negative assessment by the Secretary of State (i.e a conclusion that an adverse effect on integrity of the European Sites from the Project cannot be ruled out), the Project should nevertheless proceed because there are no alternatives to the Project, there are imperative reasons of overriding public interest as to why the Project should be permitted to proceed, and a suitable compensation proposal has been identified and can be secured.</p>
32	<p>If requested by the Planning Inspectorate, two paper copies of the application form and other supporting documents and plans<sup>15</sup></p>	<p>None requested.</p>
33	<p>Has the Applicant had regard to statutory guidance 'Planning Act 2008: Application form guidance', and has this regard led to the application being prepared to a standard that the Planning Inspectorate considers satisfactory?</p>	<p><b>Yes.</b></p> <p>The DCLG guidance 'PA 2008: Application form guidance' has been used to prepare the <b>Application Form [TR030008/APP/1.1]</b>. The Applicant considers that the application has been prepared to the standards that the Secretary of State considers satisfactory.</p>
34	<p><b>Summary - s55(3)(f) and s55(5A)</b></p>	

<sup>14</sup> Regulation 5(2)(g) of the APFP Regulations

<sup>15</sup> Regulation 5(2)(r) of the APFP Regulations

<b>The Infrastructure Planning (Fees) Regulations 2010 (as amended)</b>			
<b>Fees to accompany an application</b>			
35	Was the fee paid at the same time that the application was made <sup>16</sup> ?		
Role	Electronic signature	Date	
Case Manager			
Acceptance Inspector			

<sup>16</sup> The Planning Inspectorate must charge the Applicant a fee in respect of the decision by the Planning Inspectorate under section 55 of the PA2008. If the Applicant fails to pay the fee, the Planning Inspectorate need not consider the application until payment is received. The fee must be paid at the same time that the application is made