



Immingham Green Energy Terminal

TR030008

Volume 7

7.1 Planning Statement

Appendix A – Project Accordance with the National
Policy Statement for Ports

Planning Act 2008

Regulation 5(2)(p), 5(2)(q) & 6(3)

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

Planning Act 2008

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Procedure) Regulations 2009 (as amended)

Immingham Green Energy Terminal Development Consent Order 2023

7.1 Planning Statement

Appendix A – Project Accordance with the National Policy Statement for Ports

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Planning Statement – Appendix A Project Accordance with the National Policy Statement for Ports

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1 Project Accordance with the National Policy Statement for Ports

Table 1: Project Accordance with the National Policy Statement for Ports, January 2012

Paragraph Number	National Policy Statement for Ports	Project Accordance
1. Introduction	Paragraphs 1.1.1 to 1.7.2 are noted but an IGET specific response is not required.	
2. Localism Act	Paragraphs 2.1.1 to 2.1.2 are noted but an IGET specific response is not required.	
3. Government policy and the need for new infrastructure		
3.1 The essential role of ports in the UK economy		
3.1.1 – 3.1.2	<p>3.1.1 Until the second half of the 20th century, nearly all movements of people and goods into and out of Britain were by sea, through our ports and harbours, with cargoes being unloaded largely by hand. The last 50 years have, however, seen major changes in several areas.</p> <p>3.1.2 The development of air transport has brought radical change in international travel to and from the UK. Now nearly seven times as many visits abroad by UK residents are by air rather than by sea. The opening of the Channel Tunnel also created alternatives for people travelling abroad by rail or car. Overall in 2010, UK airports handled 172 million passengers travelling on international flights and there were a further 17 million passenger journeys through the Channel Tunnel. International sea passengers continue to represent a significant proportion, with 23 million travelling to and from UK ports in 2009.</p>	Paragraphs 3.1.1 – 3.1.2 of the National Policy Statement for Ports (“NPSfP”) are contextual paragraphs which recognise the importance of ports and the role they play in the movement of people and goods.

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<p>3.1.3 – 3.1.4</p>	<p>Freight and bulk movements</p> <p>3.1.3 Fifty years ago, many cargoes were still loaded and unloaded individually. Most of our goods now arrive in trucks and trailers which roll on and off ('ro-ro'), or in large containers. Specialised equipment at terminals conveys grain and other dry goods and liquids ('non unitised flows') from tankers to onshore pipelines. Alongside these changes the volume of freight and bulk movements has continued to grow. In the last 40 years freight traffic through UK ports increased by three-quarters. In 2010, ports in England and Wales handled 410 million tonnes of goods, out of a UK total of 512 million tonnes, representing about 95% of the total volume of UK trade and 75% of its value.</p> <p>3.1.4 For an island economy, there are limited alternatives available to the use of sea transport for the movement of freight and bulk commodities. Air freight is often used for high-value items and express deliveries, and the Channel Tunnel has a significant role in freight as well as passenger transport. But these alternatives are constrained by the volumes that can practically be carried by air, by the capacity of the rail links through the tunnel and in the case of aviation by cost and environmental disadvantages. As a consequence, shipping will continue to provide the only effective way to move the vast majority of freight in and out of the UK, and the provision of sufficient sea port capacity will remain an essential element in ensuring sustainable growth in the UK economy.</p>	<p>Paragraphs 3.1.3-3.1.4 of the NPSfP are contextual paragraphs which explains how freight and bulk movements have evolved over time.</p>
<p>3.1.5</p>	<p>Energy supplies</p> <p>3.1.5 Ports have a vital role in the import and export of energy supplies, including oil, liquefied natural gas and biomass, in the construction and servicing of offshore energy installations and in supporting terminals for oil and gas pipelines. Port handling needs for energy can be expected to change as the mix of our energy supplies</p>	<p>Please refer to Chapter 5: The Need and Benefits of the Project of the Planning Statement [TR030008/APP/7.1] and Chapter 3: Need and Alternatives [TR030008/APP/6.2] which explain how the Project will contribute to ensuring the security of energy supplies through the Port of Immingham.</p>

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	<p>changes and particularly as renewables play an increasingly important part as an energy source. Ensuring security of energy supplies through our ports will be an important consideration, and ports will need to be responsive both to changes in different types of energy supplies needed (and to the need for facilities to support the development and maintenance of offshore renewable sites) and to possible changes in the geographical pattern of demand for fuel, including with the development of power stations fuelled by biomass within port perimeters.</p>	
<p>3.1.7</p>	<p>Wider economic benefits</p> <p>3.1.7 Ports continue to play an important part in local and regional economies, further supporting our national prosperity. In addition to some 70,000 people estimated in 2010 to be working on port related activities or on the port estate, indirect employment (supplying goods and services to companies engaged in port activity) and induced employment (associated with expenditure resulting from those who derive incomes from ports) ranged from 18,000 to 96,000. More recent studies have produced higher estimates. By bringing together groups of related businesses within and around the estate, ports also create a cluster effect, which supports economic growth by encouraging innovation and the creation and development of new business opportunities. And new investment, embodying latest technology and meeting current needs, will tend to increase the overall sector productivity.</p>	<p>Please refer to Chapter 5: The Need and Benefits of the Project of the Planning Statement [TR030008/APP/7.1] and Chapter 3: Need and Alternatives [TR030008/APP/6.2] which sets out the economic benefits of the Project. Chapter 23: Socio-Economics [TR030008/APP/6.2] also provides details of the employment opportunities generated by the Project.</p>

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3.2 The UK port sector		
3.2.1	<p>3.2.1 The UK ports sector is the largest in Europe, in terms of tonnage handled. It comprises a variety of company, trust and municipal ports, all operating on commercial principles, independently of government, and very largely without public subsidy. The private sector operates 15 of the largest 20 ports by tonnage and around two-thirds of the UK’s port traffic. Much of the tonnage handled is concentrated in a small number of ports, with the top 15 ports accounting for almost 80% of the UK’s total traffic.</p>	<p>Please refer to Chapter 5: The Need and Benefits of the Project of the Planning Statement [TR030008/APP/7.1] and Chapter 3: Need and Alternatives [TR030008/APP/6.2] which explain the importance of the Port of Immingham in the context of the UK ports sector.</p>
3.3 Government policy for ports		
3.3.1 – 3.3.2	<p>3.3.1 In summary, the Government seeks to:</p> <ul style="list-style-type: none"> • encourage sustainable port development to cater for long-term forecast growth in volumes of imports and exports by sea with a competitive and efficient port industry capable of meeting the needs of importers and exporters cost effectively and in a timely manner, thus contributing to long-term economic growth and prosperity; • allow judgments about when and where new developments might be proposed to be made on the basis of commercial factors by the port industry or port developers operating within a free market environment; and • ensure all proposed developments satisfy the relevant legal, environmental and social constraints and objectives, including those in the relevant European Directives and corresponding national regulations. 	<p>As demonstrated in the comprehensive body of information that makes up this Development Consent Order (“DCO”) application, the Project will comprise sustainable development and satisfies all relevant constraints and objectives. Please also see the Applicant’s response to the other paragraphs which form part of section 3.3 Government policy for ports of the NPSfP.</p>

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	<p>3.3.2 This fundamental policy enables the Government to meet its external obligations and at the same time reflects that the ports industry has proved itself capable of responding to demand in this way.</p>	
<p>3.3.3 – 3.3.4</p>	<p>3.3.3 In addition, in order to help meet the requirements of the Government’s policies on sustainable development, new port infrastructure should also;</p> <ul style="list-style-type: none"> • contribute to local employment, regeneration and development; • ensure competition and security of supply; • preserve, protect and where possible improve marine and terrestrial biodiversity; • minimise emissions of greenhouse gases from port related development; • be well designed, functionally and environmentally; • be adapted to the impacts of climate change; • minimise use of greenfield land; • provide high standards of protection for the natural environment; • ensure that access to and condition of heritage assets are maintained and improved where necessary; and • enhance access to ports and the jobs, services and social networks they create, including for the most disadvantaged. <p>3.3.4 The reasons for pursuing these outcomes are largely self-explanatory. Moreover, effective infrastructure planning helps to enhance the quality of outcome that might not be realised with reliance on market forces alone.</p>	<p>The Project would help meet the requirements of the Government’s policies on sustainable development as follows:</p> <ul style="list-style-type: none"> • The Project will contribute significantly to local employment, regeneration and development through the creation of employment opportunities as set out in Chapter 23: Socio Economics [TR030008/APP/6.2] • The Project will contribute to the decarbonisation of industry, including in particular hard to abate transport emissions and will help to improve Britain’s energy security and support the Levelling Up agenda. The Project would bolster competition and security of supply through the first proposed use of the terminal for the importation of green ammonia for green hydrogen production. • The Project will preserve, protect and where possible improve marine and terrestrial biodiversity to the extent practicable; details are included in Chapter 8: Nature Conservation (Terrestrial Ecology), Chapter 9: Nature Conservation (Marine Ecology) and Chapter 10: Ornithology [TR030008/APP/6.2]. • The Project will seek to minimise greenhouse gas emissions as demonstrated within Chapter 19: Climate Change [TR030008/APP/6.2] and overall will be beneficial in terms of impacts on greenhouse gases. • The Project is well designed, functionally and environmentally, as explained in the Planning Statement [TR030008/APP/7.1]

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		<ul style="list-style-type: none"> • The Project has been designed to accommodate the likely effects of climate change based on the UKCP18 projections. In respect of climate change resilience, all new assets, structures and buildings will either be designed for projected climatic conditions, for instance, increased average temperatures using appropriate design guidance where available, or adaptive capacity will be built into the design. • The Project has minimised the use of greenfield land by developing part of the Project within previously developed land within an existing operational port. • The Project will provide high standards of protection for the natural environment using best practice embedded, standard and where required additional mitigation measures as explained in Chapters 6-25 of the Environmental Statement (“ES”) [TR030008/APP/6.2]. • The Project, will, as far as is relevant and necessary, maintain access to and condition of heritage assets, as explained in Chapter 14: Historic Environment (Terrestrial) and Chapter 15: Historic Environment (Marine) [TR030008/APP/6.2]. • An Equality Impact Assessment [TR030008/APP/7.8] has been prepared to support the DCO application which demonstrates the Applicant’s commitment to take into account the interests of people who share protected characteristics as defined by the Equality Act 2010.

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3.3.5	<p>And the Government wishes to see port development wherever possible:</p> <ul style="list-style-type: none"> • being an engine for economic growth; • supporting sustainable transport by offering more efficient transport links with lower external costs; and • supporting sustainable development by providing additional capacity for the development of renewable energy 	<p>Chapter 5 of the Planning Statement [TR030008/APP/7.1] demonstrates how the Project accords with the NPSfP at paragraphs 3.3.5.</p>
3.3.6	<p>These underlying policies are intended to support the fundamental aim of improving economic, social and environmental welfare through sustainable development. They recognise the essential contribution to the national economy that international and domestic trade makes. Economic growth is supported by trade but must be aligned with environmental protection, social enhancement and improvement wherever possible. The policies set out below aim to ensure that future port development supports all these objectives.</p>	<p>The Project will support the fundamental aim set out in this paragraph of improving economic, social and environmental welfare by providing sustainable port development and catering for long term growth by providing capacity and infrastructure designed to meet the emerging future demand from the energy sector at the Port of Immingham, thus contributing to long term economic growth and prosperity. Alongside supporting economic growth, the Project is aligned with the other aspects of sustainable development, as set out in the various chapters of the ES [TR030008/APP/6.2] and its appendices [TR030008/APP/6.4] and described in more detail in the paragraphs below.</p>
3.3.7	<p>In addition to the Government’s priority of supporting economic growth, this statement takes full account of the Government's wider policy relating to climate change, both through mitigation and adaptation. It does so by recognising the contribution that port developments can make through good environmental design and by their position in the overall logistics chain. International and domestic shipping and inland transport will be subject to other policies and measures, addressing the issues more directly than planning decisions for new development.</p>	<p>In respect of climate change mitigation and adaptation please refer to the Applicant’s response to sections 4.12 and 4.13.</p>

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	Section 4.12 discusses mitigation of impacts from port development, while 4.13 addresses adaptation.	
3.3.8	The importance of achieving good design in port development is underlined at various points in the statement, with reference to various types of impacts discussed in section 5. Good design is fundamental to mitigating the adverse effects of development, as well as a means to deliver positive aesthetic qualities in an industrial setting.	Please see responses to section 4.10 of the NPSfP which explains the Applicant's accordance with the NPSfP in respect of 'good design'.
3.4 The Government's assessment of the need for new infrastructure		
3.4.1	The total need for port infrastructure depends not only on overall demand for port capacity but also on the need to retain the flexibility that ensures that port capacity is located where it is required, including in response to any changes in inland distribution networks and ship call patterns that may occur, and on the need to ensure effective competition and resilience in port operations. These factors are considered further below.	Please refer to Chapter 5: The Need and Benefits of the Project of the Planning Statement and Chapter 3: Need and Alternatives [TR030008/APP/6.2] . These documents explain the compelling need for the Project to provide port infrastructure for the import and export of liquid bulk energy products in the Humber, to support the transition to net zero and the decarbonisation of the Humber industrial cluster. Specifically, section 5.5 of the Planning Statement sets out how the Applicant has had regard to the approach to need in decision-making as set out in section 3.4 of the NPSfP.
3.4.2	Demand forecasts 3.4.2 Over time and notwithstanding temporary economic downturns, increased trade in goods and, to a lesser extent in commodities, can be expected as a direct consequence of the Government's policies to support sustainable economic growth and to achieve rising prosperity. With 95% of all goods in and out of the UK moving by sea and very limited alternatives, the majority of this increase will need to move through ports around the coast of the United Kingdom.	Please refer to the Applicant's response to paragraph 3.4.1 of the NPSfP.

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3.4.3 – 3.4.4	<p>3.4.3 Forecasts of demand for port capacity in the period up to 2030 by MDS Transmodal (MDST) were published on behalf of the Department for Transport in 2006 and updated in 2007 (Figure 1). The central GB-wide forecasts suggested increases by 2030 over a 2005 base of:</p> <ul style="list-style-type: none"> • 182% in containers, from 7m to 20m teu¹⁴ (excluding transshipment); • 101% in ro-ro traffic, from 85m to 170m tonnes; and • 4% in non-unitised traffic, from 411m to 429m tonnes. <p>3.4.4 Since then, recession has led to a severe downturn in demand, especially for unitised cargo. The full extent of this recession effect on trade through ports still cannot be fully quantified, although early attempts have been made by some to do so. However, the Government's view is that the long term effect will be to delay by a number of years but not ultimately reduce the eventual levels of demand for port capacity, in particular for unitised goods, predicted in these forecasts.</p>	<p>Please refer to the Applicant's response to paragraph 3.4.1 of the NPSfP.</p>
3.4.6 – 3.4.7	<p>3.4.6 The Government may from time to time commission new port freight demand forecasts to be published on its behalf. These new forecasts would then replace the 2006–07 MDS forecasts, and the commentary in the preceding paragraph may be subject to some change in the light of them. It is intended to commission forecasts by 2012.</p> <p>3.4.7 The Government does not, however, expect that any new forecasts will prompt any change in its policy: that it is for each port to take its own commercial view and its own risks on its particular traffic forecasts. The purpose of the national forecasts will, unless expressly stated otherwise as part of a review of the NPS under section 6 of the Act, remain as only to help set the context of overall national capacity</p>	<p>Please refer to Chapter 5: The Need and Benefits of the Project of the Planning Statement [TR030008/APP/7.1] and Chapter 3: Need and Alternatives [TR030008/APP/6.2] which explain how ABP has taken a commercial decision to bring forward the Project to meet the existing and expected demand from the energy sector for port development at the Port of Immingham.</p>

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	need, alongside competition and resilience considerations as set out below.	
3.4.10	Since the 2006–07 forecasts, it has become evident that demand for port capacity to service manufacture, operation and maintenance of offshore windfarms will be substantial, especially in the short term in support of the 'Round 3' offshore developments. To some extent, capacity provided for by container terminal consents may help to contribute, on an interim basis, to meeting this demand. Because of the Government's renewables targets and in light of the policies set out in the Renewable Energy NPS (EN-3), there is a strong public interest in enabling ports to service these developments. Benefits from such developments may include social and economic advantages from attracting business to the UK that would otherwise locate abroad, as well as avoiding transport by road of abnormal loads.	Please refer to the Applicant's response to paragraph 3.4.1 of the NPSfP.
3.4.11 – 3.4.12	<p>Location of development</p> <p>3.4.11 Capacity must be in the right place if it is to effectively and efficiently serve the needs of import and export markets. The location of ports in England and Wales has changed over time, in response to changes in global markets, in the size and nature of ships, and in the transport networks which support them. Currently, the largest container and ro-ro terminals are in the South East, while the west coast has naturally been best placed to meet the needs of transatlantic and Irish traffic. Recent consents for container developments have been in or near deepwater ports in the main coastal estuarial locations. But it is not possible to anticipate future commercial opportunities. New shipping routes and technologies may emerge. The needs of trading partners may change as their economic circumstances develop. So capacity needs to be provided at a wide range of facilities and locations, to provide the flexibility to match the changing demands of</p>	The location of development is addressed within paragraphs 5.4.4-5.4.6 of the Planning Statement [TR030008/APP/7.1] which addresses the need and benefits of the Project.

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	<p>the market, possibly with traffic moving from existing ports to new facilities generating surplus capacity.</p> <p>3.4.12 The forecasts produced by MDS on behalf of DfT did not attempt to predict the locations where demand would manifest, partly because this is dependent on changes in the market, which are difficult to predict now. For the same reason, the Government does not wish to dictate where port development should occur. Port development must be responsive to changing commercial demands, and the Government considers that the market is the best mechanism for getting this right, with developers bringing forward applications for port developments where they consider them to be commercially viable.</p>	
<p>3.4.13</p>	<p>Competition</p> <p>3.4.13 UK ports compete with each other, as well as with neighbours in continental Europe, as primary destinations for long haul shipping, as stops for ships making shorter journeys to and from Europe, along UK coasts and as bases for terminals and associated infrastructure. The Government welcomes and encourages such competition. Competition drives efficiency and lowers costs for industry and consumers, so contributing to the competitiveness of the UK economy. Effective competition requires sufficient spare capacity to ensure real choices for port users. It also requires ports to operate at efficient levels, which is not the same as operating at full physical capacity. Demand fluctuates seasonally, weekly and by time of day, and some latitude in physical capacity is needed to accommodate such fluctuations. The most efficient form of operation also depends on location – the configuration, availability and cost of land – and the availability and cost of labour. These factors may mean that total port capacity in any sector will need to exceed forecast overall demand if the ports sector is to remain competitive. The Government believes the port industry and port developers are best placed to assess their ability to obtain new</p>	<p>Competition is addressed within paragraphs 5.4.9-5.4.10 of section 5 of the Planning Statement [TR030008/APP/7.1] which addresses the need and benefits of the Project.</p>

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	<p>business and the level of any new capacity that will be commercially viable, subject to developers satisfying decision-makers that the likely impacts of any proposed development have been assessed and addressed.</p>	
<p>3.4.14</p>	<p>Coastal shipping</p> <p>3.4.14 Ports can make a valuable contribution to decongestion and to the environment, as well as commercial gain, by facilitating coastal shipping as a substitute for inland freight transport (especially by road haulage) of various commodities. This can mean reduced emissions of pollutants per tonne-mile, with those emissions, and noise, at the same time having much less effect on people close to the transport arteries. Coastal shipping is expected to grow, and developers are expected to provide suitable facilities on a commercial basis, again subject to dealing appropriately with impacts.</p>	<p>Coastal Shipping is addressed within paragraphs 5.4.11-5.4.12 of section 5 of the Planning Statement [TR030008/APP/7.1] which addresses the need and benefits of the Project.</p>
<p>3.4.15</p>	<p>Resilience</p> <p>3.4.15 Spare capacity also helps to assure the resilience of the national infrastructure. Port capacity is needed at a variety of locations and covering a range of cargo and handling facilities, to enable the sector to meet short-term peaks in demand, the impact of adverse weather conditions, accidents, deliberate disruptive acts and other operational difficulties, without causing economic disruption through impediments to the flow of imports and exports. Given the large number of factors involved, the Government believes that resilience is provided most effectively as a by-product of a competitive ports sector.</p>	<p>Resilience is addressed in within paragraphs 5.4.13-5.4.14 of section 5 of the Planning Statement [TR030008/APP/7.1] which addresses the need and benefits of the Project.</p>

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3.4.16	<p>Conclusion</p> <p>3.4.16 Against this background, and despite the recent recession, the Government believes that there is a compelling need for substantial additional port capacity over the next 20–30 years, to be met by a combination of development already consented and development for which applications have yet to be received. Excluding the possibility of providing additional capacity for the movement of goods and commodities through new port development would be to accept limits on economic growth and on the price, choice and availability of goods imported into the UK and available to consumers. It would also limit the local and regional economic benefits that new developments might bring. Such an outcome would be strongly against the public interest.</p>	<p>The Government’s conclusions on the need for new infrastructure is addressed within paragraphs 5.4.15-5.4.17 of section 5 of the Planning Statement [TR030008/APP/7.1] which addresses the need and benefits of the Project.</p>
<p>3.5 Guidance to the decision-maker on assessing the need for additional capacity</p>		
3.5.1 – 3.5.3	<p>3.5.1 For the reasons set out above, when determining an application for an order granting development consent in relation to ports, the decision-maker should accept the need for future capacity to:</p> <ul style="list-style-type: none"> • cater for long-term forecast growth in volumes of imports and exports by sea for all commodities indicated by the demand forecast figures set out in the MDST forecasting report accepted by Government, taking into account capacity already consented. The Government expects that ultimately all of the demand forecast in the 2006 ports policy review is likely to arise, though, in the light of the recession that began in 2008, not necessarily by 2030; • support the development of offshore sources of renewable energy; 	<p>Section 5.5 of the Planning Statement [TR030008/APP/7.1] explains that the future capacity created by the Project would align with the principles set out in paragraphs 3.5.1-3.5.3 of the NPSfP. Section 5 of the Planning Statement explains the need and benefits for the Project.</p>

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	<ul style="list-style-type: none"> offer a sufficiently wide range of facilities at a variety of locations to match existing and expected trade, ship call and inland distribution patterns and to facilitate and encourage coastal shipping; ensure effective competition among ports and provide resilience in the national infrastructure; and take full account of both the potential contribution port developments might make to regional and local economies. <p>3.5.2 Given the level and urgency of need for infrastructure of the types covered as set out above, the IPC should start with a presumption in favour of granting consent to applications for ports development. That presumption applies unless any more specific and relevant policies set out in this or another NPS clearly indicate that consent should be refused. The presumption is also subject to the provisions of the Planning Act 2008.</p> <p>3.5.3 Advice on how to assess the impacts of developments that might meet these planning policies is provided through the guidance on assessment of the impacts of proposed development in section 5 of this NPS.</p>	
<p>4. Assessment principles</p>		
<p>4.1 Key considerations</p>		
<p>4.1.1</p>	<p>In making decisions on proposals for individual port developments, the planning decision-maker should take account of the following key considerations:</p>	<p>The ES assessments have been undertaken in line with the relevant statutory requirements under UK and EU legislation. Each technical chapter of the ES [TR030008/APP/6.2] sets out the relevant requirements assessed for the respective topics in the respective third section of the chapters.</p>

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	<ul style="list-style-type: none"> • the applicant's assessment should be conducted in a manner that is consistent with statutory requirements under UK and EU legislation; • the applicant's assessment should be conducted in a way that takes into account all of the Government's objectives for transport, including the need: <ul style="list-style-type: none"> - to promote economic growth through improving networks and links for passengers and freight, as well as ensuring an efficient and competitive transport sector both nationally and internationally; - to create a cleaner and greener transport system through improving the environmental performance of ports and associated developments, including transport, as well as to help changing to support infrastructure needed for green technologies; and - to strengthen the safety and security of transport; • the applicant's assessment could follow the standard framework designed by the DfT and recommended to all port applicants (A Project Appraisal Framework for Ports, 2005, which allows all the material considerations to be taken into account in a systematic manner using both quantitative and qualitative indicators; • the applicant's assessment should take account of other relevant UK policies and plans, including the Marine Policy Statement (MPS)16 and any existing marine plans provided for by the Marine and Coastal Access Act 2009. The decision-maker must have regard to these in taking any decision which relates to the exercise of any function capable of affecting the whole or any part of the UK marine area. To avoid conflict between plans, marine plans will 	<p>The Planning Statement [TR030008/APP/7.1] at chapter 5 explains the benefits of the Project including in relation to economic growth.</p> <p>More broadly, the Project has been developed to provide essential port infrastructure, capacity and resilience to support the growth and changing strategic needs of the energy sector to support decarbonisation within the Humber Industrial Cluster and the Humber Enterprise Zone.</p> <p>The Project will provide capacity to support import and export of a range of liquid bulk energy products including (i) green ammonia (NH₃) to produce green hydrogen to help decarbonise the United Kingdom's (UK) industrial activities and in particular the heavy transport sector and (ii) carbon dioxide (CO₂), to facilitate carbon capture and storage, both of which would assist transition towards net zero.</p> <p>The Planning Statement at chapter 2 [TR030008/APP/7.1] sets out the relevant UK legislative and policy context, including the Marine Policy Statement, in respect of the Project. Where relevant, an assessment of compliance of the Project against this policy is contained at Chapter 7 of the Planning Statement.</p> <p>Additionally, the Consultation Report [TR030008/APP/5.1] demonstrates how the Applicant has had regard to feedback from prescribed consultees under s42 (1) (a-d) of the Planning Act 2008 ("PA 20082). the technical Chapters 6-25 of the ES [TR030008/APP/6.2] also demonstrate how the Project has responded to relevant comments raised by consultees, including s42 consultees.</p> <p>Paragraph 4.1.1 of the NPSfP highlights the possibility of using the appraisal methodologies contained within the Project Appraisal Framework for Ports 2005 ("PAFP"). The use of methodologies contained within this document is not, however, a requirement of the NPSfP, rather it is made clear that such methodologies 'may be undertaken' and the Applicant's assessment 'could follow' such</p>

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	<p>need to be in accordance with the NPS for purposes of decision making, given the national significance of the infrastructure;</p> <ul style="list-style-type: none"> the assessment should also be informed, as to the material points for consideration, by the points raised by s.42 consultees; information sought from applicants should be proportionate to the scale of proposed development and associated impacts, including its likely impact on and vulnerability to climate change, as well as all other aspects of conformity with this NPS; and for applications relating to Wales, the decision-maker should take account of the Welsh Government’s policies and plans in relevant devolved areas, particularly in respect of transport and planning. 	<p>methodologies. To note, the PAFP is a document which is now out of print.</p>
<p>4.2 Consideration of benefits and impacts</p>		
<p>4.2.1 - 4.2.3</p>	<p>4.2.1 In this NPS, the terms ‘effects’, ‘impacts’ or ‘benefits’ should be understood to mean likely significant effects, impacts or benefits.</p> <p>4.2.2 Where the decision-maker reaches the view that a proposal for port infrastructure is in accordance with this NPS, it will then have to weigh the suggested benefits, including the contribution that the scheme would make to the national, regional or more local need for the infrastructure, against anticipated adverse impacts, including cumulative impacts.</p> <p>Benefits</p> <p>4.2.3 Economic, environmental and social benefits could include those identified in the NPS at a national level, as well as local benefits identified at the project-specific level. The decision-maker should ensure they take account of any longer-term benefits that have been identified (such as job creation) as well as the costs of development, or</p>	<p>Chapter 7 of the Planning Statement [TR030008/APP/7.1] provides an assessment of the Project against the NPSfP. Chapter 8 concludes that the very substantial benefits of the Project, including the contribution that the Project would make to the national, regional and local need for port infrastructure, clearly and decisively outweighs the anticipated adverse impacts, including cumulative impacts.</p>

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	<p>any wider benefits to national, regional or local economies, environment or society.</p> <p>Adverse impacts</p> <p>4.2.4 Adverse impacts may be identified in a number of ways: in the local impact report which relevant local authorities are invited to submit following the acceptance of an application; in an Environmental Statement which accompanies an application; or in written or oral representations made. The NPS in broad terms ascribes weight to be applied to benefits or impacts, including multiple and cumulative impacts of projects, and the decisionmaker must take these into account in reaching the decision. The precise nature of the impact will, however, vary depending on a number of factors, including matters such as, for example, the type of infrastructure, the specific location of the proposed project, heritage assets and the local geology or biodiversity.</p>	
<p>4.3 Economic impacts: general overview</p>		
<p>4.3.1 – 4.3.3</p>	<p>4.3.1 Ports enable international trade, including essential imports, and so contribute to enhancing gross national product. They provide opportunities for foreign direct investment. They generate tax revenues for the Exchequer and for local government.</p> <p>4.3.2 At regional and local level, economic benefits from port developments include regeneration and employment opportunities. As commercial developments, ports can also generate agglomeration effects by bringing together businesses, with varying degrees of mutual interaction, and producing economic benefits over and above those reflected in the value of transactions among those businesses.</p>	<p>Please refer to Chapter 23: Socio-economics [TR030008/APP/6.2] and section 7.16 of the Planning Statement [TR030008/APP/7.1] which set out the need and benefits of the Project, and employment generated from the construction and operation phases.</p>

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	<p>4.3.3 Ports can contribute to the enhancement of people’s skills and of technology, as embodied in equipment used by ports and port-related activities, with wider longer-term benefits to the economy.</p>	
<p>4.3.4 – 4.3.7</p>	<p>Guidance for the decision-maker</p> <p>4.3.4 The AoS [Appraisal of Sustainability] accompanying this NPS assesses the broad nature and scale of these effects in relation to port development generally. The decision-maker may need also to quantify the benefits of an individual application. For example:</p> <ul style="list-style-type: none"> • in cases where a port development affects a protected habitat, and in the absence of alternative solutions, the decision-maker may need to consider whether there are any imperative reasons of overriding public interest (IROPI) in allowing the development to proceed. In such circumstances, the contribution the development will make toward meeting the national demand for port capacity, as set out in the most up to-date forecasts available, will provide a partial estimate for the national economic benefits offered by the development. See section 5.1 on biodiversity impacts; • in considering whether to reject an application on the grounds that the adverse effects outweigh the benefits, the decision-maker should take into account positive economic externalities. In these circumstances, an assessment using WebTAG17 economic impact methodology and the Project Appraisal Framework for Ports may be undertaken, which should indicate the degree of weight attaching to these elements. If such an assessment is not feasible, a qualitative assessment may be made. The weight attached to benefits should take account of the level of uncertainty and must avoid double counting, for example by scoring net benefits in one region while ignoring net losses elsewhere. 	<p>The Planning Statement [TR030008/APP/7.1] sets out at section 5 the need for and benefits of the Project. The economic benefits are summarised in the Applicant’s response to section 4.2 of the NPSfP.</p> <p>A Shadow Habitats Regulation Assessment [TR030008/APP/7.6] concludes that there will be no adverse effect on the integrity of the European sites with the proposed mitigation measures secured in the deemed marine licence, and therefore no harm to biodiversity.</p> <p>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 Shadow HRA Derogation Report [TR030008/APP/7.3] 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> <p>Refer to section 7.5 of the Planning Statement.</p>

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	<p>External effects remote from the development in space, nature of activity or time are likely to be uncertain;</p> <ul style="list-style-type: none"> where a port development is likely to lead to a substantial net increase in employment (of 5,000 or more) which would require inward migration to the area, the effect on demand for local public services (such as affordable housing, education and healthcare) should be assessed. <p>4.3.5 The decision-maker should give substantial weight to the positive impacts associated with economic development, in line with the policy set out in this NPS.</p> <p>4.3.6 Expansion of the ports sector through market-oriented investment may stimulate extra employment and training benefits which, as noted above, may be taken into account in accordance with WebTAG, WeITAG where applicable and the Project Appraisal Framework for Ports.</p> <p>4.3.7 Transport congestion and its mitigation, as well as costs to hauliers, are recognised as economic issues, but transport impacts are bracketed together under environmental impacts at 5.4 below for ease of presentation.</p>	
4.4 Commercial impacts		
4.4.1	<p>Ports in England and Wales operate on commercial lines, without public subsidy and with investment from their own operating profits or from the private sector investors. Port developers must therefore plan to make a commercial return from the investment being made. The decision-maker may need to make judgements as to whether possible adverse impacts would arise from the impact of the development on other commercial operators.</p>	<p>Please refer to Chapter 23: Socio-economics [TR030008/APP/6.2] which provides an assessment of the Project’s effects on socio-economics which includes other commercial businesses within the study area. It concludes that there are no likely significant adverse impacts on commercial businesses as a result of the Project construction and operation. Chapter 23 notes that businesses adjacent to the Site Boundary and within the vicinity, are compatible with the operation of the hydrogen processing facility and, save as explained</p>

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		above, will be able to continue to trade during construction, operation and decommissioning. Discussions with any likely affected landowners and occupiers in terms of any implications for the safety planning of their operations have taken place and will be ongoing. In respect of port owners and operators, the Applicant is the port owner and operator and there are no others relevant to the Project.
4.4.2 – 4.4.3	<p>Guidance for the decision-maker</p> <p>4.4.2 In cases where the adverse impacts would only arise in the event of the success of the project (e.g. through the increased traffic generated by a thriving development), the decision-maker should consider the adequacy of the mitigation proposed in such an event, rather than the likelihood of the impact arising.</p> <p>4.4.3 Objections from port users adversely affected by the development should be assessed in the light of the proposal from the applicant to mitigate those impacts, taking into account any benefits the decision-maker believes, on the evidence presented, will accrue to those users from the development.</p>	Please refer to the Applicant’s response to paragraph 4.4.1 of the NPSfP.
4.5 Competition		
4.5.1	In some cases, particularly if port developments are occurring in parallel, it may be necessary to make some assessment of the effects of competition in assessing the demand on inland access links and on the phasing of road, rail and other infrastructure demands. This is discussed further in section 5.4 on transport.	Please refer to Chapter 23: Socio-economics [TR030008/APP/6.2] and section 1.4 of Appendix D Planning History and Land Use Designations of the Planning Statement [TR030008/APP/7.1] .
4.6 Tourism		

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4.6.2	Port development may have an adverse impact on tourism, for example if it severs or diverts footpaths or bridleways, has a detrimental impact on the surrounding landscape or seascape, or affects the space available for local leisure activities such as windsurfing or wildfowling. (See section 5.13 on open space.)	The Planning Inspectorate’s Scoping Opinion at Appendix 1.B [TR030008/APP/6.4] confirmed the Applicant’s view that significant effects on Tourism and Public Rights of Way (“PRoW”) links (during the operational phase) are unlikely. Accordingly, these matters were scoped out of consideration in the ES.
4.6.3 – 4.6.4	<p>Applicant's assessment</p> <p>4.6.3 The WebTAG methodology (and WeITAG in Wales) for appraisal of wider economic impacts may be used where tourism benefits or adverse impacts appear potentially significant.</p> <p>Mitigation</p> <p>4.6.4 Good design can deliver benefits for tourism and minimise any adverse impacts.</p> <p>4.6.5 Good environmental quality of water bodies and beaches may also support local tourism and associated businesses, supporting the weight that should be attached to fulfilment of Water Framework Directive requirements.</p>	The Planning Inspectorate’s Scoping Opinion at Appendix 1.B [TR030008/APP/6.4] confirmed the Applicant’s view that significant effects on Tourism and PRoW links (during the operational phase) are unlikely. Accordingly, these matters were scoped out of consideration in the ES.
4.7 Environmental Impact Assessment		
4.7.1	All proposals for projects that are subject to the European Environmental Impact Assessment Directive must be accompanied by an Environmental Statement (ES) describing the aspects of the environment likely to be significantly affected by the project. The Directive specifically covers ‘trading ports...which can take vessels over 1,350 tonnes’ within Annex I 8(b) and ‘construction of...harbours and port installations, including fishing harbours (projects not included in Annex I)’ within Annex II 10(e). The Directive also specifically refers to effects on human beings, fauna and flora, soil, water, air, climate,	The Project is subject to mandatory Environmental Impact Assessment (“EIA”) procedures, as set out within paragraph 8(2) of Schedule 1 of the EIA Regulations as it comprises ‘Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes’. As such, an EIA is required for the Project and an ES [TR030008/APP/6.1/6.2/6.3/6.4] has been prepared in accordance with the EIA Regulations to accompany the Application.

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	<p>the landscape, material assets and cultural heritage, and the interaction between them. The Directive requires a description of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, short-, medium and long-term, permanent and temporary, positive and negative effects of the project, and also of the measures envisaged for avoiding or mitigating significant adverse effects. When considering a proposal, the decisionmaker should ensure that likely significant effects at all stages of the project have been adequately assessed and should request further information where necessary.</p>	<p>In compliance with this paragraph, the ES provides an assessment of the effects of the Project on human beings, fauna and flora, soil, water, air, climate, the landscape, material assets and cultural heritage, and Chapter 25: Cumulative and In-combination Effects [TR030008/APP/6.2] provides an assessment of the interaction between them. The likely significant effects of the Project on the environment, including direct, indirect, secondary, cumulative, medium and long term, permanent and temporary, and positive and negative effects of the Project are set out in the relevant chapters of the ES. It also sets out embedded, standard and additional mitigation and enhancement measures that help the Project avoid or mitigate significant adverse effects.</p>
4.7.2	<p>To consider the potential effect, including benefits of a proposal for a project, the decision-maker will find it helpful if the applicant also sets out information on the likely significant social and economic effects of the development and shows how any likely significant negative effects would be avoided or mitigated. This information could include matters such as employment, equality, community cohesion and well-being.</p>	<p>Please refer to Chapter 23: Socio-economics which sets out the likely socio-economic effects of the Project [TR030008/APP/6.2]. Section 7.16 of the Planning Statement [TR030008/APP/7.1] describes the significant beneficial effects associated with the construction period which relate to construction employment generation (major beneficial) and generation of gross value added (moderate beneficial). During operation, likely residual significant effects relate to operational employment generation (moderate beneficial) and the loss of residential properties (moderate-adverse). Please refer to Section 7.16 of the Planning Statement [TR030008/APP/7.1] for a full appraisal of the Project against the NPSfP in respect of social and economic effects.</p>
4.7.3	<p>When considering cumulative effects, the ES should provide information on how the effects of the applicant’s proposal would combine and interact with the effects of other development (including projects for which consent has been sought or granted, as well as those already in existence). The decision-maker may also have other evidence before it, for example from appraisals of sustainability of</p>	<p>Please refer to Chapter 25: Cumulative and In-Combination Effects which assesses the likely effects of in-combination and cumulative schemes [TR030008/APP/6.2] and section 7.17 of the Planning Statement [TR030008/APP/7.1] which provides an assessment of the</p>

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	relevant NPSs or development plans, on such effects and potential interactions. Any such information may assist the decision-maker in reaching decisions on proposals and on mitigation measures that may be required.	Project’s compliance with the NPSfP in respect of cumulative and in-combination effects.
4.7.4	The IPC should consider how the accumulation of, and interrelationship between, effects might affect the environment, economy or community as a whole, even though they may be acceptable when considered on an individual basis with mitigation measures in place.	Please see the Applicant’s response to paragraph 4.7.3 of the NPSfP.
4.7.5	To help the decision-maker consider thoroughly the potential effects of a proposed project in cases where the EIA Directive does not apply to a project, and an ES is not therefore required, the applicant should instead provide information proportionate to the project on the likely significant environmental, social and economic effects. References to an ES in this NPS should be taken as including a statement which provides this information, even if the EIA Directive does not apply.	The EIA Directive applies to the Project, therefore paragraph 4.7.5 of the NPSfP is not relevant.
4.8 Habitats and Species Regulations Assessment		
4.8.1	Prior to granting a development consent order, the decision-maker must, under the Habitats and Species Regulations, consider whether the project may have a significant effect on a European site, or on any site to which the same protection is applied as a matter of policy, either alone or in combination with other plans or projects. Further information on the requirements of the Habitats and Species Regulations can be found in a Government Circular, Applicants should also refer to section 5.1 on biodiversity and geological conservation. The applicant should seek the advice of Natural England and/or the Countryside Council for Wales and provide the decision-maker with	<p>A Shadow Habitats Regulations Assessment (“HRA”) Report [TR030008/APP/7.6] has been produced as part of the Application. The Shadow HRA Report has been prepared having regard to consultation that has been carried out with Natural England.</p> <p>The Shadow HRA Report [TR030008/APP/7.6] provides all of the information that is reasonably required by the decision maker to undertake an appropriate assessment.</p>

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	<p>such information as it may reasonably require to determine whether an appropriate assessment is required. In the event that appropriate assessment is required, the applicant must provide the decision-maker with such information as may reasonably be required to enable it to conduct the appropriate assessment. This should include information on any mitigation measures that are proposed to minimise or avoid likely effects.</p>	
<p>4.9 Alternatives</p>		
<p>4.9.1 – 4.9.2</p>	<p>4.9.1 In any planning case, the relevance or otherwise to the decision-making process of the existence (or alleged existence) of alternatives to the proposed development is in the first instance a matter of law, detailed guidance on which falls outside the scope of this NPS. From a policy perspective this NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option.</p> <p>4.9.2 However:</p> <ul style="list-style-type: none"> • applicants are obliged to include in their ES factual information about the main alternatives they have studied. This should include an indication of the main reasons for the applicant’s choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility; and • in some circumstances there are specific legislative requirements, notably under the habitats Directive, for the applicant and decision-maker to consider alternatives. These should also be identified in the ES by the applicant. 	<p>The Applicant recognises that the NPSfP does not contain any general requirement to consider alternatives or to establish whether the Project represents the best option. However, Chapter 3: Need and Alternatives [TR030008/APP/6.2] sets out a section (section 3.4) on Alternatives to address the requirements of the EIA Regulations and paragraph 4.9.2 of the NPSfP.</p> <p>A Shadow Habitats Regulation Assessment [TR030008/APP/7.6] concludes that there will be no adverse effect on the integrity of the European sites with the proposed mitigation measures secured in the deemed marine licence, and therefore no harm to biodiversity.</p> <p>Despite the Applicants conclusion in the Shadow HRA [TR030008/APP/7.6] it has nevertheless submitted a Without Prejudice Shadow HRA Derogation Report [TR030008/APP/7.3] on a without prejudice basis to the finding in the Shadow HRA. The Without Prejudice Shadow HRA Derogation Report [TR030008/APP/7.3] 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</p>

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		<p>proceed, and a suitable compensation proposal has been identified and can be secured.</p> <p>Refer to section 7.5 of the Planning Statement.</p>
<p>4.9.3</p>	<p>Where there is a legal requirement to consider alternatives, the applicant should describe the alternatives considered in compliance with these requirements. Given the public interest in provision of new port infrastructure, the decision-maker should, subject to any relevant legal requirements (e.g. under the habitats Directive) which may indicate otherwise, be guided by the following principles when deciding what weight should be given to alternatives:</p> <ul style="list-style-type: none"> • the consideration of alternatives in order to comply with policy requirements should be carried out in a proportionate manner; • whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security and climate change benefits) in the same timescale as the proposed development; • the decision-maker should not reject an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site, and it should have regard as appropriate to the possibility that other suitable sites for port infrastructure of the type proposed may be needed for future proposals; • alternatives not among the main alternatives studied by the applicant (as reflected in the ES) should only be considered to the extent that the decision-maker thinks they are both important and relevant to its decision; • if the IPC, which must (subject to the exceptions set out in the 2008 Act) decide an application in accordance with the relevant 	<p>Chapter 3: Needs and Alternatives [TR030008/APP/6.2] describes the need and objectives for the Project and the alternatives that have been assessed. Firstly, it sets out why there is a need for the port infrastructure comprised in the Project in the Humber Estuary and secondly explains why it is assessed that the Project is most suitable to meet the identified needs.</p> <p>Also, refer to the Without Prejudice Shadow HRA Derogation Report [TR030008/APP/7.3] which concludes that there are no alternatives to the Project.</p>

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	<p>NPS, concludes that a decision to grant consent to a hypothetical alternative proposal would not be in accordance with the policies set out in this NPS, the existence of that alternative is unlikely to be important and relevant to the IPC's decision;</p> <ul style="list-style-type: none"> • suggested alternative proposals which mean the primary objectives of the application could not be achieved, for example because the alternative proposals are not commercially viable or alternative proposals for sites would not be physically suitable, can be excluded on the grounds that they are not important and relevant to the decision; • it is intended that potential alternatives to a proposed development should, wherever possible, be identified before an application is made in respect of it (so as to allow appropriate consultation and the development of a suitable evidence base in relation to any alternatives which are particularly relevant). Where, therefore, an alternative is first put forward by a third party after an application has been made, the person considering that application may place the onus on the person proposing the alternative to provide the evidence for its suitability as such, and the applicant should not necessarily be expected to have assessed it. 	
<p>4.10 Criteria for 'good design' for port infrastructure</p>		
<p>4.10.1 – 4.10.2</p>	<p>4.10.1 The visual appearance of a building is sometimes considered to be the most important factor in good design. But high quality and inclusive design goes far beyond aesthetic considerations. The functionality of an object – be it a building or other type of infrastructure – including fitness for purpose and sustainability, is equally important. Applying 'good design' should produce sustainable infrastructure sensitive to place, efficient in the use of natural resources and energy</p>	<p>Appendix F of the Planning Statement [TR030008/APP/7.1] sets out the evolution of the design of the Project, describing how it has developed since the Project's inception.</p> <p>Section 7.2 in Chapter 7 of the Planning Statement [TR030008/APP/7.1] demonstrates how the Project has had regard to</p>

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	<p>used in their construction and operation, matched by an appearance that demonstrates good aesthetic as far as possible. It is acknowledged, however, that the nature of much port infrastructure development will often limit the extent to which it can contribute to the enhancement of the quality of the area.</p> <p>4.10.2 Good design is also a means by which many policy objectives in the NPS can be met, for example the impact sections show how good design and use of appropriate technologies can help mitigate adverse impacts such as noise.</p>	<p>and satisfied the ‘Good Design’ Principles set out in section 4.10 of the NPSfP.</p>
<p>4.10.3</p>	<p>In the light of the above, and given the importance which the Planning Act 2008 places on good design and sustainability, the decision-maker needs to be satisfied that port infrastructure developments are sustainably designed and, having regard to regulatory and other constraints, are as attractive, durable and adaptable (including taking account of natural hazards such as flooding) as they can be. In so doing, the decision-maker should satisfy itself that the applicant has taken into account both functionality (including fitness for purpose and sustainability) and aesthetics (including its contribution to the quality of the area in which it would be located) as far as possible. Whilst the applicant may have no or very limited choice in the physical appearance of some port infrastructure, there may be opportunities for the applicant to demonstrate good design relative to existing landscape character, landform and vegetation.</p>	<p>Please see the Applicant’s responses to paragraphs 4.10.1-4.10.2 and 4.10.4 of the NPSfP.</p> <p>The Project has been designed to take account of the existing landscape. The area is characterised by heavy industry and port related development, with associated lighting and infrastructure. The form and nature of the Project would comprise similar characteristics to existing developments, which once constructed would integrate with and form part of the existing industrialised landscape. The design evolution of the Project also illustrates through optioneering work where design changes have been made to reduce impacts and to improve the design of the Project.</p>
<p>4.10.4</p>	<p>Applicants should be able to demonstrate in their application documents how the design process was conducted and how the proposed design evolved. Where a number of different designs were considered, applicants should set out the reasons why the favoured choice has been selected. In considering applications, the decision-maker should take into account the ultimate purpose of the</p>	<p>Please see the Applicant’s responses to paragraphs 4.10.1-4.10.2 and 4.10.4 of the NPSfP.</p> <p>Additionally, Chapter 3: Needs and Alternatives [TR030008/APP/6.2] provides an explanation of the alternatives assessed as part of the design.</p>

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	infrastructure and bear in mind the operational, safety and security requirements which the design has to satisfy.	
4.10.5	At an early stage, applicants and the decision-maker should consider seeking professional and independent advice on what constitutes 'good design' of a proposal.	<p>The Applicant has engaged with key stakeholders throughout the design development process in order to inform the final DCO application design.</p> <p>No independent advice was sought on what constitutes 'good design' in respect of the Project as the primary driver of the design is that the Project must be fit for purpose from an engineering perspective, and as there are strict safety and operational requirements, there are limited opportunities to influence the layout and visual appearance of the Project. However, opportunities have been identified for landscaping in the Outline Landscape and Ecology Management Plan [TR030008/APP/6.9].</p>
4.11 Pollution control and other environmental regulatory regimes		
4.11.1 – 4.11.2	<p>4.11.1 Issues relating to discharges or emissions from a proposed project which affect air quality, water quality, land quality and the marine environment, or which include noise and vibration, may be subject to separate regulation under the pollution control framework or other consenting and licensing regimes.</p> <p>4.11.2 The planning and pollution control systems are separate but complementary. The planning system controls the development and use of land in the public interest. It plays a key role in protecting and improving the natural environment, public health and safety, and amenity, for example by attaching requirements to allow developments which would otherwise not be environmentally acceptable to proceed, and preventing harmful development which cannot be made acceptable even through requirements. Pollution control is concerned</p>	<p>The Consents and Agreements Position Statement [TR030008/APP/7.4] sets out the other consents, licenses and permits to be obtained outside the DCO.</p>

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	<p>with preventing pollution through the use of measures to prohibit or limit to the lowest practicable level the releases of substances to the environment from different sources. It also ensures that ambient air and water quality meet standards that guard against impacts to the environment or human health.</p>	
<p>4.11.3</p>	<p>In considering an application for development consent, the decision-maker should focus on whether the development itself is an acceptable use of the land and on the impacts of that use, rather than the control of processes, emissions or discharges themselves. The decision-maker should work on the assumption that the relevant pollution control regime, other environmental regulatory regimes, including those on land drainage, water abstraction and biodiversity will be properly applied and enforced by the relevant regulator. It should act to complement but not seek to duplicate it.</p>	<p>Section 7.15 of the Planning Statement assesses the Project against the NPSfP in respect of land use. Appendix D: Planning History and Land Use Designations of the Planning Statement [TR030008/APP/7.1] describes the allocated land for employment development within the North East Lincolnshire Local Plan (“NELLP”) and how the Project accords with this allocation.</p> <p>The Consents and Agreements Position Statement [TR030008/APP/7.4] sets out the other consents, licenses and permits to be obtained outside the DCO.</p>
<p>4.11.4</p>	<p>The applicant should consult the Marine Management Organisation (MMO) in England, or the Welsh Government in Wales on nationally significant projects which would affect, or would be likely to affect, any relevant marine areas as defined in the Planning Act 2008 (as amended by s.23 of the Marine and Coastal Access Act 2009). The development consent may include a deemed marine licence, and the MMO will advise on what conditions should apply to the deemed marine licence. The decision-maker and MMO (or the Welsh Government) should co-operate closely to ensure that nationally significant infrastructure projects are licensed in accordance with any relevant draft or adopted marine plan, as well as environmental legislation, including European directives.</p>	<p>The Applicant has consulted with the Marine Management Organisation (“MMO”) in accordance with Section 42(1)(aa), as the project would affect waters in England.</p> <p>The project falls within the thresholds set out under Section 149A of the Planning Act 2008, which allows for a DCO to include provision deeming a marine licence to have been issued under Part 4 of the Marine and Coastal Access Act 2009. The Consents and Agreements Position Statement [TR030008/APP/7.4] explains that the draft DCO [TR030008/APP/2.1] incorporates the deemed marine licence at Schedule 3.</p>

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<p>4.11.5 – 4.11.6</p>	<p>4.11.5 Projects covered by this NPS may be subject to the Environmental Permitting regime, which also incorporates operational waste management requirements for certain activities. When a developer applies for an Environmental Permit, the relevant regulator (usually the Environment Agency, but sometimes the local authority) requires that the application demonstrates that processes are in place to meet all relevant Environmental Permitting requirements. In considering the impacts of the project, the decision-maker may wish to consult the regulator on any management plans that would be included in an Environmental Permit application.</p> <p>4.11.6 Applicants are advised to make early contact with relevant regulators, including the Environment Agency (EA) or the Welsh Government, and the MMO, to discuss their requirements for environmental permits and other consents. This will help ensure that applications take account of all relevant environmental considerations and that the relevant regulators are able to provide timely advice and assurance to the decision-maker. Wherever possible, applicants are encouraged to submit applications for Environmental Permits and other necessary consents at the same time as applying to the decision-maker for development consent.</p>	<p>The Consents and Agreements Position Statement [TR030008/APP/7.4] sets out the other permits, consents, licences and agreements required to be attained by the Applicant in respect of the Project separately to the DCO.</p>
<p>4.11.7 – 4.11.8</p>	<p>4.11.7 The decision-maker should be satisfied that development consent can be granted, taking full account of environmental impacts. This will require close co-operation with the Environment Agency and/or the pollution control authority, the Welsh Government and other relevant bodies, such as the MMO, Natural England or the Countryside Council for Wales, Drainage Boards and water and sewerage undertakers, to ensure that, in the case of potentially polluting developments:</p>	<p>Please refer to volumes 1-4 of the ES [TR030008/APP/6.1, 6.2, 6.3, 6.4] to understand how the Applicant has assessed the Project to understand any potential environmental impacts.</p> <p>The Consultation Report [TR030008/APP/5.1] demonstrates how the Applicant has engaged with key stakeholders which are listed in paragraphs 4.11.7-4.11.8 of the NPSfP.</p> <p>A list of the other consents, licenses and permits required to be obtained by the Applicant outside of the DCO itself is contained in the</p>

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	<ul style="list-style-type: none"> the relevant pollution control authority is satisfied that potential releases can be adequately regulated under the pollution control framework; and the effects of existing sources of pollution in and around the site are not such that the cumulative effects of pollution when the proposed development is added would make that development unacceptable, particularly in relation to statutory environmental quality limits. <p>4.11.8 The decision-maker should not refuse consent on the basis of regulated impacts unless it has good reason to believe that any relevant necessary operational pollution control permits or licences or other consents will not subsequently be granted.</p>	<p>Consents and Agreements Position Statement [TR030008/APP/7.4].</p>
<p>4.12 Climate change mitigation</p>		
<p>4.12.1 – 4.12.2</p>	<p>4.12.1 Port developments may have an effect on greenhouse gases, particularly through their impact on sea and road transport. This impact may be positive, if the development results in transmodal shifts from road to shipping (including coastal shipping) or to rail transport, and the benefits from these shifts are greater than any additional emissions that may be associated with the proposed development.</p> <p>Applicant's assessment: shipping</p> <p>4.12.2 Given the international nature of shipping and the difficulties in estimating and attributing greenhouse gas emissions from ships, measures to address emissions from ships on international journeys are currently being taken forward on an international basis and are not included in the national targets recommended by the Committee on Climate Change.</p>	<p>Chapter 19: Climate Change [TR030008/APP/6.2] provides an assessment of the Project's effects on Climate Change and vice versa during construction, operation and decommissioning. The assessment concludes that the Project has a significant beneficial effect in terms of the greenhouse gas ("GHG") impact assessment, and no significant effects in respect of the climate change resilience impact assessment and the in-combination climate change impact assessment, with mitigation measures in place. This aligns with guidance from the Institute of Environmental Management and Assessment where emissions from a Project can be assessed minor adverse where they are compatible with the budgeted, science based 1.5°C trajectory and comply with up-to-date policy and good practice. This Project aligns with Government policy to decarbonise the UK economy and help meet net zero obligations.</p>

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		Section 7.3 of the Planning Statement also provides an assessment of the Project against the NPSfP section 4.12: Climate Change mitigation.
<p>4.12.3 - 4.12.6</p>	<p>Guidance for the decision-maker</p> <p>4.12.3 The decision-maker does not need to consider the impact of a new port development on greenhouse gas emissions from ships transiting to and from the port.</p> <p>4.12.4 Emissions from ships in ports are unlikely to be significant contributors to climate change but, where an Environmental Statement is required, it should set out any measures taken to minimise the local effect of emissions and how these are likely to affect greenhouse gases.</p> <p>4.12.5 Inland transport. Where a development will lead to significant increases in inland transport needs, the estimated impact on CO₂, and other greenhouse gases if significant, will need to be covered in the Environmental Statement. A transport assessment will also normally be required. See section 5.4 and NATA/WebTAG (and, in Wales, WelTAG) guidance.</p> <p>4.12.6 The decision-maker should attach limited weight to the estimated likely net carbon emissions performance of port developments. However, it may be appropriate to agree requirements or obligations that will cement cost effective ways to minimise greenhouse gas emissions in operation. Consent might be withheld if the applicant refused to accept reasonable requirements or obligations related to design, or arising from the transport assessment (again see section 5.4 on transport).</p>	<p>Please refer to the Applicant’s response to paragraphs 4.12.1-4.12.2.</p>
<p>4.12.7 – 4.12.10</p>	<p>Mitigation</p>	<p>Chapter 19: Climate Change [TR030008/APP/6.2] sets out the mitigation measures which have been embedded in the design of the project. The Project has been designed as far as possible to avoid and</p>

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	<p>4.12.7 Good design can minimise emissions, and new developments should be designed with a view to fuel efficiency in the operation of buildings and of outdoor plant and machinery, as well as with the maximum use of renewable energy sources.</p> <p>4.12.8 The decision-maker should consider the extent to which the applicant has considered the use of renewable energy on the port estate. Where renewable energy is not planned to be used for a major port development, the reasons should be scrutinised.</p> <p>4.12.9 Inter-tidal habitat creation could be one way of offsetting emissions, as well as complying with habitats Regulations where appropriate.</p> <p>4.12.10 The provision of shore-side fixed electrical power to replace the use of ships' generators in port ('cold ironing') may reduce carbon emissions, but the effects will be small. Paragraph 5.7.13 offers more detail on cold ironing.</p>	<p>minimise impacts and effects of climate change through the design development.</p> <p>Section 7.3 of the Planning Statement sets out the Applicant's assessment of the Project against the NPSfP in respect of Climate Change Mitigation. Overall, the Project will have a beneficial impact in terms of the GHG assessment, as the Project's residual emissions will be outweighed by the savings of emissions resulting from the use of low carbon hydrogen energy produced by the Project, and the Project aligns with and will contribute to the UK net zero transition scenario. Additional benefits will arise from the shipping of CO₂ and its sequestration, rather than emission to the atmosphere.</p>
<p>4.13 Climate change adaption</p>		
<p>4.13.1 – 4.13.5</p>	<p>4.13.1 Section 10(3)(a) of the Planning Act requires the Secretary of State to have regard to the desirability of mitigating, and adapting to, climate change in designating an NPS.</p> <p>4.13.2 Section 4.12 of this NPS covers climate change mitigation. While climate change mitigation is essential to minimise the most dangerous impacts of climate change, previous global greenhouse gas emissions have already committed us to some degrees of continued climate change for at least the next 30 years.</p> <p>4.13.3 Climate change is likely to mean that the UK will experience hotter, drier summers and warmer, wetter winters. There is a likelihood of increased flooding, drought, heat-waves, intense rainfall events and</p>	<p>Please refer to the Applicant's responses to paragraphs 4.13.6-4.13.8 and 4.13.9-4.13.15.</p>

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	<p>other extreme events such as storms, as well as rising sea levels. Adaptation is therefore necessary to deal with the potential impacts of these changes that are already happening.</p> <p>4.13.4 To support planning decisions, the Government produces a set of UK Climate Projections and is developing a statutory National Adaptation Programme. In addition, the Government's Adaptation Reporting Power will ensure that reporting authorities (a defined list of public bodies and statutory undertakers, including port operators) assess the risks to their organisation presented by climate change. The decision-maker may take into account reports from port operators to the Secretary of State when considering adaptation measures proposed by an applicant for new port infrastructure.</p> <p>4.13.5 In certain circumstances, measures implemented to ensure a port can adapt to climate change may give rise to additional impacts, e.g. as a result of protecting against flood risk there may be consequential impacts on coastal change.</p>	
<p>4.13.6 – 4.13.8</p>	<p>Applicant's assessment</p> <p>4.13.6 New port infrastructure will typically be long-term investments which will need to remain in operation over many decades, in the face of a changing climate. Consequently, applicants must consider the impacts of climate change when planning the location, design, build and operation of new port infrastructure. Proposals that are subject to the European Environmental Impact Assessment Directive must be accompanied by an Environmental Statement (ES) describing the aspects of the environment likely to be significantly affected by the project. The ES should set out how the proposal will take account of the projected impacts of climate change. While not required by the EIA Directive, this information will be needed by the decision-maker.</p>	<p>Table 19-2 of Chapter 19: Climate Change [TR030008/APP/6.2] demonstrates how the Project has assessed the guidance for the Applicant's Assessment set out in paragraphs 4.13.6 to 4.13.8 of the NPSfP.</p>

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	<p>4.13.7 Applicants should use the latest set of UK Climate Projections to ensure they have identified appropriate adaptation measures. Applicants should apply, as a minimum, the emissions scenario that the independent Committee on Climate Change suggests the world is currently most closely following – and the 10%, 50% and 90% estimate ranges. These results should be considered alongside relevant research which is based on the climate change projections such as Environment Agency (EA) Flood Maps.</p> <p>4.13.8 In addition, where port infrastructure has safety-critical elements (e.g. storage of gas, petro-chemicals) the applicant should apply the high emissions scenario (high impact, low likelihood) to those elements critical to the safe operation of the port infrastructure.</p>	
<p>4.13.9 – 4.13.15</p>	<p>Guidance for the decision-maker</p> <p>4.13.9 The decision-maker should satisfy itself that applicants for new port infrastructure have taken into account the potential impacts of climate change using the latest UK Climate Projections available at the time the ES was prepared to ensure they have identified appropriate adaptation measures. This should cover the estimated lifetime of the new infrastructure. Should a new set of UK Climate Projections become available after the preparation of the ES, the decision-maker should consider whether it needs to request further information from the applicant.</p> <p>4.13.10 If any adaptation measures give rise to consequential impacts, the decisionmaker should consider the impact of those in relation to the application as a whole and the impacts guidance set out elsewhere in this NPS (e.g. on flood risk, water resources and coastal change).</p> <p>4.13.11 The decision-maker should satisfy itself that there are not critical features of the design of new ports infrastructure which may be seriously affected by more radical changes to the climate beyond that</p>	<p>Section 7.3 of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project accords with the NPSfP at paragraphs 4.13.9 - 4.13.15.</p>

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	<p>projected in the latest set of UK Climate Projections, taking account of the latest credible scientific evidence on, for example, sea level rise (e.g. by referring to additional maximum credible scenarios from the Intergovernmental Panel on Climate Change or EA) and that necessary action can be taken to ensure the operation of the infrastructure over its estimated lifetime.</p> <p>4.13.12 Any adaptation measures should be based on the latest set of UK Climate Projections, the Government’s latest national Climate Change Risk Assessment and in consultation with the EA.</p> <p>4.13.13 Adaptation measures can be required to be implemented at the time of construction where necessary and appropriate to do so.</p> <p>4.13.14 Where adaptation measures are necessary to deal with the impact of climate change and that measure would have an adverse effect on other aspects of the application and/or surrounding environment (e.g. coastal processes), the decision-maker may consider requiring the applicant to ensure that the adaptation measure could be implemented should the need arise, rather than at the outset of the development (e.g. increasing height of an existing, or requiring a new, sea wall).</p> <p>4.13.15 The generic impacts advice in this NPS provides additional information.</p>	
<p>4.14 Common law nuisance and statutory nuisance</p>		
<p>4.14.1 – 4.14.3</p>	<p>4.14.1 Section 158 of the Planning Act 2008 confers statutory authority for carrying out development consented to by, or doing anything else authorised by, a development consent order. Such authority is conferred only for the purpose of providing a defence in any civil or criminal proceedings for nuisance. This would include a defence for proceedings for nuisance under Part III of the Environmental</p>	<p>The Applicant has prepared a Statutory Nuisance Statement [TR030008/APP/7.5] which provides an assessment of the Project against Section 79 of the Environmental Protection Act 1990.</p>

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	<p>Protection Act (EPA) 1990 (statutory nuisance), but only to the extent that the nuisance is the inevitable consequence of what has been authorised. The defence does not extinguish the local authority's duties under Part III of the EPA 1990 to inspect its area and take reasonable steps to investigate complaints of statutory nuisance and to serve an abatement notice where satisfied of its existence, likely occurrence or recurrence. The defence is not intended to extend to proceedings where the matter is 'prejudicial to health' and not a nuisance.</p> <p>4.14.2 It is very important that, at the application stage of an NSIP, possible sources of nuisance under section 79(1) of the 1990 Act and how they may be mitigated or limited are considered by the decision-maker so that appropriate requirements can be included in any subsequent order granting development consent.</p> <p>4.14.3 The decision-maker should note that the defence of statutory authority is subject to any contrary provision made by the decision-maker in any particular case in a development consent order (section 158(3)). Therefore, subject to paragraph 4.14.1, the decision-maker can disapply the defence of statutory authority in whole or in part, in any particular case, but in doing so should have regard to whether any particular nuisance is an inevitable consequence of the development.</p>	
4.15 Hazardous substances		
4.15.1 – 4.15.3	<p>4.15.1 All establishments wishing to hold stocks of certain hazardous substances above a threshold quantity need hazardous substances consent. Applicants should consult the Health and Safety Executive (HSE) at pre-application stage if the project is likely to need hazardous substances consent. Where hazardous substances consent is applied for, the decision-maker will consider whether to make an order directing that hazardous substances consent shall be deemed to be</p>	<p>Please refer to Section 7.4 of the Planning Statement [TR030008/APP/7.1] for a summary of how the Project accords with paragraphs 4.15.1-4.15.3 of the NPSfP.</p> <p>Additionally, section 2.4.9-2.4.11 of the Planning Statement [TR030008/APP/7.1] provides details of the Hazardous Substances</p>

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	<p>granted alongside making an order granting development consent. The decision-maker should consult HSE about this.</p> <p>4.15.2 HSE will assess the risks based on the development consent application. Where HSE does not advise against the decision-maker granting the consent, it will also recommend whether the consent should be granted subject to any conditions.</p> <p>4.15.3 HSE sets a consultation distance around every site with hazardous substances consent and notifies the relevant local planning authorities. The applicant should therefore consult the local planning authority at preapplication stage to identify whether its proposed site is within the consultation distance of any site with hazardous substances consent and, if so, should consult HSE for its advice on locating the particular development there.</p>	<p>Consent which has been submitted to North East Lincolnshire Council (“NELC”) by Air Products.</p>
<p>4.16 Health</p>		
<p>4.16.1 – 4.16.5</p>	<p>4.16.1 Ports have the potential to affect the health, well-being and quality of life of the population.</p> <p>4.16.2 Port developments can have direct impacts on health, including increasing traffic, air pollution, dust, odour, polluting water, hazardous waste and pests.</p> <p>4.16.3 New port developments may also affect the composition, size and proximity of the local population, and in doing do may have indirect health impacts – for example if they affect access to key public services, transport or the use of open space for recreation and physical activity.</p> <p>4.16.4 These impacts may affect people simultaneously, so the applicant and the decision-maker should consider the cumulative impact on health.</p>	<p>Chapter 24: Human Health and Wellbeing [TR030008/APP/6.2] presents an assessment of the likely effects of the Project on human health and wellbeing during the construction, operation and decommissioning of the Project.</p>

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	4.16.5 The applicant should identify any adverse health impacts and identify measures to avoid, reduce or compensate for these impacts as appropriate.	
4.17 Security considerations		
4.17.1 – 4.17.6	<p>4.17.1 Development proposed at ports should not prejudice the interests of national defence. In case of doubt, the Ministry of Defence should be consulted.</p> <p>4.17.2 National security considerations apply across all national infrastructure sectors. The Department for Transport acts as the Sector Sponsor Department for the ports sector and in this capacity has lead responsibility for security matters in that sector and for directing the security approach to be taken. It works closely with government security services, including the Centre for the Protection of National Infrastructure (CPNI), to reduce the vulnerability of the most ‘critical’ infrastructure assets in the sector to terrorism and other national security threats.</p> <p>4.17.3 Government policy is to ensure that, where possible, proportionate protective security measures are designed into new infrastructure projects at an early stage in the project development. Where applications for development consent for infrastructure covered by this NPS relate to potentially ‘critical’ infrastructure, there may be national security considerations.</p> <p>4.17.4 DfT will be notified at pre-application stage about every likely future application for port NSIPs, so that any national security implications can be identified. Where national security implications have been identified, the applicant should consult with relevant security experts from CPNI and DfT, to ensure that physical, procedural and personnel security measures have been adequately</p>	<p>As a port development, the Project is bound by the International Ship and Port Facility Security (“ISPS”) Code which came into force on July 1, 2004. This provides the framework through which ships and port facilities can co-operate to detect and deter acts which pose a threat to maritime security. The ISPS Code is applicable to ports which serve ships over 500 tonnes on international voyages.</p> <p>The Project will comprise an extension to the existing port security zone and the applicant will apply the same security measures to the relevant parts of the Project.</p> <p>The Secretary of State for Transport, on behalf of DfT was notified of the Project via two rounds of statutory consultation that were undertaken from 9 January 2023 to 20 February 2023 and 24 May 2023 to 20 July 2023 and no security concerns were raised.</p>

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	<p>considered in the design process and that adequate consideration has been given to the management of security risks. If CPNI and DfT, as appropriate, are satisfied that security issues have been adequately addressed in the project when the application is submitted to the decision-maker, they will provide confirmation of this to the decision-maker, and the decision-maker should not need to give any further consideration to the details of the security measures in its examination.</p> <p>4.17.5 The applicant should only include sufficient information in the application as is necessary to enable the IPC to examine the development consent issues and make a properly informed decision on the application.</p> <p>4.17.6 In exceptional cases, where examination of an application would involve public disclosure of information about defence or national security. Which would not be in the national interest, the Secretary of State can intervene and examine a part or the whole of the application. In that case, the Secretary of State may appoint an examiner to consider evidence in closed session, and the Secretary of State would be the decision-maker for the application.</p>	
<p>5. Generic Impacts</p>		
<p>5.1 Biodiversity and geological conservation</p>		
<p>5.1.1 – 5.1.3</p>	<p>5.1.1 Biodiversity is the variety of life in all its forms and encompasses all species of plants and animals and the complex ecosystems of which they are a part. Geological conservation relates to the sites that are designated for their geology and/or their geomorphological importance.</p> <p>5.1.2 The various legislative provisions at the international and national level that can be relevant to planning decisions affecting biodiversity</p>	<p>The Applicant has assessed biodiversity within this DCO Application within the following documents:</p> <ul style="list-style-type: none"> - Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2] - Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2]

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	<p>and geological conservation issues are set out in a Government Circular. A separate guide sets out good practice in England in relation to planning for biodiversity and geological conservation. Guidance for Wales is set out in Technical Advice Note 5, Nature Conservation and Planning. Sea ports are necessarily located on coasts and estuaries. These areas are often of fundamental importance to biodiversity, particularly to bird and fish life, acting as the prime nursery grounds for a range of commercial species and as critical migration pathways for other species.</p> <p>5.1.3 Construction and operation of port infrastructure can have an adverse impact on biodiversity and/or geodiversity, including through:</p> <ul style="list-style-type: none"> • dredging to maintain declared depths and to deepen waters to accommodate large ships. This can have implications for sediment transport, which can in turn affect marine wildlife and can cause remobilisation of toxic substances and nutrients, increased suspended solids, reduced visibility and reduction in dissolved oxygen; • cargo handling and storage, which may cause run-off, spills, or leakages to the marine environment, which could possibly include toxic or harmful material, including organic matter or oily compounds. Water pollution and bottom contamination resulting from these effluents may lead to deterioration of aquatic biota and fishery resources; • discharge of ships' ballast water: risks include the possible introduction of non-native species; • erosion of habitats resulting from vessel movements; • noise, which can have impacts on fish and marine mammalian behaviour patterns; and 	<ul style="list-style-type: none"> - Chapter 10: Ornithology [TR030008/APP/6.2] - Outline Woodland Compensation Strategy [TR030008/APP/6.8] - Outline Landscape and Ecological Management Plan [TR030008/APP/6.9] - Section 7.5 Biodiversity of the Planning Statement [TR030008/APP/7.1]

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	<ul style="list-style-type: none"> light, which can alter or hinder the migration of fish through estuaries. 	
<p>5.1.4 – 5.1.5</p>	<p>Applicant’s assessment</p> <p>5.1.4 Where the development is subject to EIA, the applicant should ensure that the ES clearly sets out any effects on internationally, nationally and locally designated sites of ecological or geological conservation importance, on protected species and on habitats and other species identified as being of principal importance for the conservation of biodiversity. The applicant should provide environmental information proportionate to the infrastructure where EIA is not required to help the decision-maker consider thoroughly the potential effects of a proposed project.</p> <p>5.1.5 The applicant should show how the project has taken advantage of opportunities to conserve and enhance biodiversity and geological conservation interests.</p>	<p>Please refer to the following documents for details on how the Applicant’s EIA has addressed the advice in paragraphs 5.1.4-5.1.5 of the NPSfP:</p> <ul style="list-style-type: none"> - Chapter 8: Nature Conservation (Terrestrial Ecology) - Chapter 9: Nature Conservation (Marine Ecology) - Chapter 10: Ornithology
<p>5.1.6 – 5.1.9</p>	<p>Guidance for the decision-maker</p> <p>5.1.6 The Government’s biodiversity strategy is set out in Working with the Grain of Nature and in the new England Biodiversity Strategy. Its aim is to ensure:</p> <ul style="list-style-type: none"> a halting, and if possible a reversal, of decline in priority habitats and species, with wild species and habitats as part of healthy, functioning ecosystems; and the general acceptance of biodiversity’s essential role in enhancing the quality of life, with its conservation becoming a natural consideration in all relevant public, private and non-governmental decisions and policies. 	<p>Section 7.5 of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project accords with the NPSfP at paragraphs 5.1.6-5.1.9. It demonstrates the extensive work undertaken in respect of biodiversity (terrestrial, marine, ornithology) which has been informed by national targets for biodiversity and nature conservation monitoring and reporting when scoping ecology surveys and undertaking the ecological impact assessment and overall assessment of the Project with the NPSfP in respect of Biodiversity.</p>

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	<p>5.1.7 This aim needs to be viewed in the context of the challenge of climate change: failure to address this challenge will result in significant impact on biodiversity. The policy set out in the following sections recognises the need to protect the most important biodiversity and geological conservation interests.</p> <p>5.1.8 As a general principle, and subject to the specific policies below, development should aim to avoid significant harm to biodiversity and geological conservation interests, including through mitigation and consideration of reasonable alternatives. Where significant harm cannot be avoided, then appropriate compensation measures should be sought.</p> <p>5.1.9 In taking decisions, the decision-maker should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; habitats and other species of principal importance for the conservation of biodiversity; and to biodiversity and geological interests within the wider environment.</p>	
<p>5.1.10</p>	<p>International Sites</p> <p>5.1.10 The most important sites for biodiversity are those identified through international conventions and European Directives. The Habitats Regulations provide statutory protection for these sites, but do not provide statutory protection for potential Special Protection Areas (pSPAs) before they have been agreed with the European Commission. For the purposes of considering development proposals affecting them, as a matter of policy, the Government wishes pSPAs to be considered in the same way as if they had already been designated. Listed Ramsar sites should, also as a matter of policy, receive the same protection.</p>	<p>Please refer to section 7.5 of the Planning Statement [TR030008/APP/7.1] for details on how the Project has assessed International sites in accordance with paragraph 5.1.10 of the NPSfP.</p>

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<p>5.1.11 – 5.1.12</p>	<p>Sites of Special Scientific Interest (SSSIs)</p> <p>5.1.11 Many SSSIs are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs not covered by an international designation, should be given a high degree of protection. All National Nature Reserves are notified as SSSIs.</p> <p>5.1.12 Where a proposed development on land within or outside a SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), development consent should not normally be granted. Where an adverse effect, after mitigation, on the site’s notified special interest features is likely, an exception should only be made where the benefits (including need) of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs. The decision-maker should use requirements and/or planning obligations to mitigate the harmful aspects of the development and, where possible, to ensure the conservation and enhancement of the site’s biodiversity or geological interest.</p>	<p>Please refer to section 7.5 of the Planning Statement [TR030008/APP/7.1] for details on how the Project has assessed SSSIs in accordance with paragraphs 5.1.11-5.1.12 of the NPSfP.</p>
<p>5.1.13</p>	<p>Marine Conservation Zones</p> <p>5.1.13 Marine Conservation Zones (MCZs), introduced under the Marine and Coastal Access Act 2009, are areas that have been designated for the purpose of conserving marine flora or fauna, marine habitats or types of marine habitat or features of geological or geomorphological interest. The protected feature or features and the conservation objectives for the MCZ are stated in the designation order for the MCZ, which provides statutory protection for these areas. Measures to restrict damaging activities will be implemented by the MMO and other relevant organisations. As a public authority, the</p>	<p>Please refer to section 7.5 of the Planning Statement [TR030008/APP/7.1] for details on how the Project has assessed Marine Conservation Zones in accordance with paragraph 5.1.13 of the NPSfP.</p>

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	<p>decision-maker is bound by the duties in relation to MCZs imposed by sections 125 and 126 of the Marine and Coastal Access Act 2009.</p>	
<p>5.1.14</p>	<p>Regional and Local Sites</p> <p>5.1.14 Sites of regional and local biodiversity and geological interest, which include Regionally Important Geological Sites, Local Nature Reserves and Local Sites, have a fundamental role to play in meeting overall national biodiversity targets; contributing to the quality of life and the well-being of the community; and in supporting research and education. The decision-maker should give due consideration to such regional or local designations. However, given the need for new infrastructure, these designations should not be used in themselves to refuse development consent.</p>	<p>Please refer to section 7.5 of the Planning Statement [TR030008/APP/7.1] for details on how the Project has assessed regional and local sites of biodiversity and geological interest in accordance with paragraph 5.1.14 of the NPSfP.</p>
<p>5.1.15</p>	<p>Ancient woodland and veteran trees</p> <p>5.1.15 Ancient woodland is a valuable biodiversity resource, both for its diversity of species and for its longevity as woodland. Once lost, it cannot be recreated. The decision-maker should not grant development consent for any development that would result in its loss or deterioration, unless the benefits (including need) of the development, in that location, outweigh the loss of the woodland habitat. Aged or ‘veteran’ trees found outside ancient woodland are also particularly valuable for biodiversity, and their loss should be avoided. Where such trees would be affected by development proposals, the applicant should set out proposals for their conservation or, where their loss is unavoidable, the reasons why.</p>	<p>There is no ancient woodland within the Order Limits. Section 7.5 of the Planning Statement [TR030008/APP/7.1] describes how the Project describe how the Project has avoided and retained a Veteran Tree within the Long Strip Woodland. Appendix G Design Evolution of the Planning Statement also describes how the design has evolved to avoid and retain the Veteran Tree.</p>

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5.1.16	<p>Biodiversity within developments</p> <p>5.1.16 Development proposals provide many opportunities for building in beneficial biodiversity or geological features as part of good design. When considering proposals, the decision-maker should maximise such opportunities in and around developments, using requirements or planning agreements where appropriate.</p>	<p>An Outline Landscape and Ecology Management Plan [TR030008/APP/6.9] has been prepared to accompany the DCO Application. This plan sets out the measures which will be taken relating to landscape and biodiversity on site. Implementation of the proposed measures would be secured by a Requirement of the draft DCO [TR030008/APP/2.1]. Additionally, the Outline Woodland Compensation Strategy [TR030008/APP/6.8] has been prepared which sets out the approach which will be used to compensate for the tree loss from the Long Strip woodland. The approach is to provide compensatory tree planting on a defined area within ABP’s wider Immingham Port Estate. Approval of the final strategy and its implementation would be secured by Requirement 11 of the draft DCO [TR030008/APP/2.1].</p>
5.1.17 – 5.1.18	<p>Protection of other habitats and species</p> <p>5.1.17 Many individual wildlife species receive statutory protection under a range of legislative provisions.</p> <p>5.1.18 Other species and habitats have been identified as being of principal importance for the conservation of biodiversity in England and Wales and thereby requiring conservation action. The decision-maker should ensure that these species and habitats are protected from the adverse effects of development, where appropriate, by using requirements or planning agreements. The decision-maker should refuse consent where harm to the habitats or species and their habitats would result, unless the benefits (including need) of the development clearly outweigh that harm.</p>	<p>Please refer to section 7.5 of the Planning Statement [TR030008/APP/7.1] for the Applicant’s assessment of accordance with the NPSfP in respect of habitats and species.</p> <p>Additionally, Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2] provides an assessment of potential impacts and effects on terrestrial habitats and species. Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] sets out the potential effects of the Project on marine habitats and species.</p> <p>Chapter 10: Ornithology [TR030008/APP/6.2] has assessed the potential impacts of the Project on coastal waterbird species and supporting habitats including those which are features of internationally, nationally and locally designated sites of ecological importance.</p>

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<p>5.1.19 – 5.1.21</p>	<p>Mitigation</p> <p>5.1.19 The applicant should include appropriate mitigation measures as an integral part of the proposed development. In particular, the applicant should demonstrate that:</p> <ul style="list-style-type: none"> • during construction, it will seek to ensure that activities will be confined to the minimum areas required for the works; • during construction and operation, best practice will be followed to ensure that risk of disturbance or damage to species or habitats is minimised, including as a consequence of transport access arrangements; • habitats will, where practicable, be restored after construction works have finished; and • opportunities will be taken to enhance existing habitats and, where practicable, to create new habitats of value within the site landscaping proposals. <p>5.1.20 Where the applicant cannot demonstrate that appropriate mitigation measures will be put in place, the decision-maker should consider what appropriate requirements should be attached to any consent and/or planning obligations entered into.</p> <p>5.1.21 The decision-maker will need to take account of what mitigation measures may have been agreed between the applicant and Natural England (or the Countryside Council for Wales) or the Marine Management Organisation (MMO), and whether Natural England (or the Countryside Council for Wales) or the MMO has granted or refused, or intends to grant or refuse, any relevant licences, including protected species mitigation licences.</p>	<p>Please refer to the following documents for details on how the Project has addressed paragraphs 5.1.4-5.1.5 of the NPSfP:</p> <ul style="list-style-type: none"> - Section 8.7 for embedded mitigation measures, impact avoidance and standard mitigation and Section 8.9 for additional mitigation and enhancement measures of Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2] - Section 9.7 for embedded mitigation measures, impact avoidance and standard mitigation and Section 9.9 for additional mitigation and enhancement measures of Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2] - Section 10.7 for embedded mitigation measures, impact avoidance and standard mitigation and Section 10.9 for additional mitigation and enhancement measures of Chapter 10: Ornithology [TR030008/APP/6.2]

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<p>5.1.22 – 5.1.25</p>	<p>Additional guidance on dredging</p> <p>5.1.22 Capital dredging: where capital dredging is required as part of the development, this will need to be subject to full environmental impact assessment, including likely effects on protected European sites or species. As a physical modification, it will need to be tested under the Water Framework Directive (2000/60/EC). The deposit of dredged material on land for recovery or disposal will be subject to the need for a permit or the registration of an exemption.</p> <p>5.1.23 Maintenance dredging: the Maintenance Dredging Protocol guides operators and regulators on maintenance dredging activities that could potentially affect European sites around the coast of England. The Water Framework Directive is also relevant.</p> <p>5.1.24 The Protocol provides for the environmental assessment of maintenance dredging as a programme, avoiding any need to re-assess separately every time an individual dredge is to be undertaken. This should highlight any requirement to dump or use arisings on land, rather than at sea. The applicant should indicate what effect (if any) the development will have on maintenance dredging requirements, and where necessary should ensure that a draft appropriate assessment under the habitats Directive forms part of the environmental statement for the development as a whole.</p> <p>5.1.25 Re-use of clean dredged arisings may in some cases help to create new inter-tidal habitats as managed re-alignments. Marine licences (either deemed or directly granted by MMO) will be required for the placement of any dredged materials into the sea and other tidal waters anywhere below mean High Water Spring Tide. In Wales, the IPC will not be able to automatically deem marine licences. A licence may, therefore, be required from the Welsh Government.</p>	<p>Please refer to the following ES chapters, figures and appendices [TR030008/APP/6.2/6.3/6.4] for details on how the Project has assessed dredging as per paragraphs 5.1.22-5.1.25 of the NPSfP:</p> <ul style="list-style-type: none"> - Chapter 9: Nature Conservation (Marine Ecology) - Chapter 12: Marine Transport and Navigation - Chapter 15: Historic Environment (Marine) - Chapter 16: Physical Processes - Chapter 17: Marine Water and Sediment Quality - Figure 17.1: Water Framework Directive ("WFD") water bodies - Appendix 17.A - Water Framework Directive Screening Assessment

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5.2 Flood risk		
<p>5.2.1 – 5.2.3</p>	<p>5.2.1 Flooding is a natural process that plays an important role in shaping the natural environment. However, flooding threatens life and causes substantial damage to property. The effects of weather events on the natural environment, life and property can be increased in severity, both as a consequence of decisions about the location, design and nature of settlement and land use, and as a potential consequence of future climate change. Although flooding cannot be wholly prevented, its adverse impacts can be avoided or reduced through good planning and management.</p> <p>5.2.2 Climate change over the next few decades is likely to mean milder, wetter winters and hotter, drier summers in the UK, while sea levels will continue to rise. Within the lifetime of nationally significant infrastructure projects, these factors will lead to increased flood risks in areas susceptible to flooding, and to an increased risk of flooding in some areas which are not currently thought of as being at risk. The applicant and the decision-maker should take account of the policy on climate change adaptation in section 4.13.</p> <p>5.2.3 The aims of planning policy on development and flood risk are to ensure that flood risk from all sources of flooding is taken into account at all stages in the planning process, to avoid inappropriate development in areas at risk of flooding and to direct development away from areas at highest risk. Where new development is, exceptionally, necessary in such areas, including ‘water compatible’ development, policy aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall. Port development is water-compatible development and therefore acceptable in high flood risk areas.</p>	<p>Flood Risk is assessed in the following documents:</p> <ul style="list-style-type: none"> - Flood Risk Assessment (“FRA”) Appendix 18.A – Flood Risk Assessment [TR030008/APP/6.2] - Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] - Section 7.6 of the Planning Statement [TR030008/APP/7.1] demonstrates Project accordance with the relevant policies on flood risk within the NPSfP.

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5.2.4 – 5.2.6	<p>Applicant’s assessment</p> <p>5.2.4 All applications for port development of 1 hectare or greater in Flood Zone 1 in England or Zone A in Wales, and all proposals for projects located in Flood Zones 2 and 3 in England or Zones B or C in Wales, should be accompanied by a flood risk assessment (FRA). An FRA will also be required where a project less than 1 hectare may be subject to sources of flooding other than rivers and the sea (e.g. surface water), or where the Environment Agency, Internal Drainage Board or other body has indicated that there may be drainage problems. This should identify and assess the risks of all forms of flooding to and from the project and demonstrate how these flood risks will be managed, taking climate change into account.</p> <p>5.2.5 The minimum requirements for FRAs are that they should:</p> <ul style="list-style-type: none"> • be proportionate to the risk and appropriate to the scale, nature and location of the project; • consider the risk of flooding arising from the project, in addition to the risk of flooding to the project; • take the impacts of climate change into account, clearly stating the development lifetime over which the assessment has been made; • be undertaken by competent people, as early as possible in the process of preparing the proposal; • consider both the potential adverse and beneficial effects of flood risk management infrastructure, including raised defences, flow channels, flood storage areas and other artificial features, together with the consequences of their failure; • consider the vulnerability of those using the site, including arrangements for safe access; 	<p>The FRA in Appendix 18.A Appendices [TR030008/APP/6.4] has addressed the guidance set out in paragraph 5.2.4 to 5.2.6 of the NPSfP, identifying and assessing the risks from all forms of relevant flooding to and from the Project, and demonstrates how these flood risks will be managed, taking account of climate change. To note, the FRA meets the minimum requirements set out in paragraph 5.2.5 of the NPSfP.</p>

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	<ul style="list-style-type: none"> • consider and quantify the different types of flooding (whether from natural or human sources and including joint and cumulative effects) and identify flood risk reduction measures, so that assessments are fit for the purpose of the decisions being made; • consider the effects of a range of flooding events, including extreme events on people, property, the natural and historic environment and river and coastal processes; • include the assessment of the remaining (known as ‘residual’) risk after risk reduction measures have been taken into account and demonstrate that this is acceptable for the particular project; • consider how the ability of water to soak into the ground may change with development, along with how the proposed layout of the project may affect drainage systems; • consider if there is a need to be safe and remain operational during a worst case flood event over the development’s lifetime; and • be supported by appropriate data and information, including historical information on previous events. <p>5.2.6 Further guidance can be found in the Practice Guide which accompanies Planning Policy Statement 25 (PPS25) or successor documents. Guidance for Wales is set out in Technical Advice Note 15, Development and Flood Risk.</p>	
5.2.7 – 5.2.8	<p>5.2.7 Applicants for projects which may be affected by, or may add to, flood risk should arrange pre-application discussions with the decision-maker and the Environment Agency, and, where relevant, other bodies such as Internal Drainage Boards, sewerage undertakers, navigation authorities, highways authorities and reservoir owners and operators.</p>	<p>Consultation was undertaken with North East Lindsey Internal Drainage Board (NELIDB), NELC and Anglian Water to inform the FRA for the Project Appendix 18.A [TR030008/APP/6.4].</p> <p>Moreover, the Applicant has been actively engaging with the Environment Agency throughout the various stages of the DCO</p>

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	<p>Such discussions should identify the likelihood and possible extent and nature of the flood risk, to help scope the FRA, and identify the information that will be required by the decision-maker to reach a decision on the application when it is submitted. The decision-maker should advise intending applicants to undertake these steps where they appear necessary but have not yet been addressed.</p> <p>5.2.8 If the Environment Agency has concerns about the proposal on flood risk grounds, the applicant should discuss these concerns with the Environment Agency and take all reasonable steps to agree ways in which the proposal might be amended, or additional information provided, which would satisfy the Environment Agency’s concerns.</p>	<p>process to discuss the consent and permits to be obtained outside the DCO in respect of agreement on methodology and impacts on water quality/resources.</p> <p>Please refer to the following documents for the Project’s accordance with paragraphs 5.2.7 – 5.2.8 of the NPSfP:</p> <ul style="list-style-type: none"> - FRA for the Project Appendix 18.A [TR030008/APP/6.4] - Consents and Agreements Position Statement [TR030008/APP/7.4] for details of other environmental permits and consents which would be required outside of the DCO.
<p>5.2.9</p>	<p>Guidance for the decision-maker</p> <p>5.2.9 In determining an application for development consent, the decision-maker should be satisfied that, where relevant:</p> <ul style="list-style-type: none"> • the application is supported by an appropriate FRA; • the Sequential Test has been applied as part of site-selection, as appropriate; • the proposal is in line with any relevant national and local flood risk management strategy; • a sequential approach has been applied at the site level to minimise risk by directing the most vulnerable uses to areas of lowest flood risk; • priority has been given to the use of sustainable drainage systems (SuDS) and the requirements set out in the next paragraph on National Standards have been met; and 	<p>Please refer to the following documents for Project accordance with the NPSfP at paragraph 5.2.9:</p> <ul style="list-style-type: none"> - FRA at Appendix 18.A [TR030008/APP/6.4] - Section 7.6 Planning Statement [TR030008/APP/7.1] sets out a detailed explanation of the Sequential and Exception Tests and how they apply to the Project and meet the relevant requirements of those tests. - Chapter 3: Need and Alternatives [TR030008/APP/6.2] - SuDS proposed for the Project are described in the Drainage Strategy Appendix 18.B o [TR030008/APP/6.4]

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	<ul style="list-style-type: none"> in flood risk areas the project is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed over the lifetime of the development. 	
5.2.10	<p>For construction work which has drainage implications, approval for the project's drainage system will form part of the development consent issued by the decision-maker. The decision-maker will therefore need to be satisfied that the proposed drainage system complies with any National Standards published by Ministers under paragraph 5(1) of Schedule 3 to the Flood and Water Management Act 2010. In addition, the development consent order, or any associated planning obligations, will need to make provision for the adoption and maintenance of any SuDS, including any necessary access rights to property. The decision-maker should be satisfied that the most appropriate body is being given the responsibility for maintaining any SuDS, taking into account the nature and security of the infrastructure on the proposed site. The responsible body could include, for example, the applicant, the landowner, the relevant local authority, or another body, such as the Internal Drainage Board.</p>	<p>Please refer to the Drainage Strategy which is included at Appendix 18.B [TR030008/APP/6.4] for the potential construction effects associated with the Project in respect of drainage and flood risk.</p>
5.2.11	<p>If the Environment Agency continues to have concerns and objects to the grant of development consent on the grounds of flood risk, the decisionmaker can grant consent, but would need to be satisfied before deciding whether or not to do so that all reasonable steps have been taken by the applicant and the Environment Agency to try to resolve the concerns.</p>	<p>The Applicant has been actively engaging with the Environment Agency (“EA”) throughout the pre-application stage. A record of the EAs response to the First Statutory Consultation and how the Applicant has had regard to this response is set out in the Consultation Report Appendix P [TR030008/APP/5.2] and for the Second Statutory Consultation, please refer to Consultation Report Appendix Q [TR030008/APP/5.2]. A Statement of Common Ground will be submitted at the appropriate time which will set out a record of engagement between the Applicant and the EA.</p>

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5.2.12	<p>The decision-maker should not consent development in Flood Zone 2 (in England or Zone B in Wales), unless it is satisfied that the Sequential Test requirements have been met. It should not consent development in Flood Zone 3 (or Zone C) unless it is satisfied that the Sequential and Exception Test requirements have been met (see below). However, when seeking development consent on a site allocated in a development plan through the application of the Sequential Test, informed by a strategic flood risk assessment, applicants need not apply the Sequential Test, but should apply the sequential approach to locating development within the site.</p>	<p>Section 7.6 Planning Statement [TR030008/APP/7.1] sets out a detailed explanation for how the of the Sequential and Exception Tests and how they apply to the Project and how the Project meets the relevant requirements of those tests.</p>
5.2.13	<p>The Sequential Test</p> <p>5.2.13 Preference should be given to locating projects in Flood Zone 1 (in England or Zone A in Wales). If there is no reasonably available site in Flood Zone 1, then projects can be located in Flood Zone 2 (or Zone B). If there is no reasonably available site in Flood Zones 1 or 2 (or Zones A or B), then essential infrastructure (including nationally significant infrastructure) projects can be located in Flood Zone 3 (or Zone C) subject to the Exception Test.</p>	<p>Please refer to the Applicant’s response to paragraph 5.2.12 of the NPSfP.</p> <p>The Sequential Test has been considered on a precautionary basis as the hydrogen production facility does not strictly fall within the use classes for which parts of the Site are allocated due to hazardous substances requirements. Paragraphs 7.6.8-7.6.21 of the Planning Statement [TR030008/APP/7.1] demonstrate that no other sites are reasonably available in close proximity to the Port of Immingham. Since all of the South Humber falls within flood zone 2/3a, there are no alternative sites available that would be at a lower risk of flooding than the Site.</p>
5.2.14 – 5.2.16	<p>The Exception Test</p> <p>5.2.14 If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the project to be located in zones of lower probability of flooding than Flood Zone 3 (or Zone C), the Exception Test can be applied. The test provides a method of managing flood risk while still allowing necessary development to occur.</p>	<p>Please refer to the Applicant’s response to paragraph 5.2.12 of the NPSfP.</p> <p>Specifically, paragraphs 7.6.22-7.6.35 of the Planning Statement [TR030008/APP/7.1] assess the Project against the NPSfP and NPPG in relation to the Exception Test, which includes consideration of the Project against all three elements of the Exception Test as outlined in paragraph 5.2.16 of the NPSfP. The overall conclusion is that the</p>

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	<p>5.2.15 The Exception Test is only appropriate for use where the Sequential Test alone cannot deliver an acceptable site, taking into account the need for essential infrastructure to remain operational during floods. It may also be appropriate to use it where, as a result of the alternative site(s) at lower risk of flooding being subject to national designations such as landscape, heritage and nature conservation designations, e.g. Areas of Outstanding Natural Beauty (AONBs), Sites of Special Scientific Interest (SSSIs) and World Heritage Sites (WHS), it would not be appropriate to require the development to be located on the alternative site(s).</p> <p>5.2.16 All the three elements of the Exception Test will have to be passed for development to be consented. For the Exception Test to be passed:</p> <ul style="list-style-type: none"> • it must be demonstrated that the project provides wider sustainability benefits to the community that outweigh flood risk; • the project should be on developable previously-developed land or, if it is not on previously-developed land, that there are no reasonable alternative sites on developable previously-developed land; and • an FRA must demonstrate that the project will be safe, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall. 	<p>Project passes the Exception Test, demonstrating that flood risk can be managed in accordance with the NPSfP and relevant guidance within the NPPG.</p>
<p>5.2.17 – 5.2.18</p>	<p>Risks within ports</p> <p>5.2.17 In broad terms it will be in port operatives’ promoters’ own interests that full account of climate change impacts and the increased probability of extreme weather events is taken in applications, in order to ensure, so far as reasonably possible, that no commercial loss will be experienced through inadequacy of infrastructure.</p>	<p>Please refer to the Applicant’s response to sections 4.12 Climate Change mitigation and 4.13 Climate Change adaptation of the NPSfP above.</p>

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	<p>5.2.18 The Government's view is that there is no 'public good' need, on national resilience grounds, to require a higher specification than will secure commercial resilience of the individual facility, notwithstanding that some types of severe weather may affect all ports in a region or along a particular stretch of coastline, for example from a storm surge. This NPS provides more generally for resilience and diversity of ports provision. Applicants will be in the best position to make a commercial judgement on the required appropriate adaptation measures to reduce the risk from long-term climate change as it affects their own facilities.</p>	
<p>5.2.19</p>	<p>Flood risk outside the port area</p> <p>5.2.19 The decision-maker should ensure that the applicant has considered the impact of the port development on the risk of flooding outside the port area and has taken reasonable measures to reduce this as far as possible. Exceptionally, where an increase in flood risk elsewhere cannot be avoided or wholly mitigated, the decision-maker may grant consent if it is satisfied that the increase in flood risk can be mitigated to an acceptable level, taking account of the benefits of port infrastructure as set out in section 1 above. Applications should also assess the impact on coastal processes – see 5.3 below.</p>	<p>Please refer to the FRA at Appendix 18.A of the ES for the Applicant's assessment of flood risk outside the port area [TR030008/APP/6.4]. It concludes that, it is considered that there will be no off site impact as a result of the Project in relation to flood risk.</p>
<p>5.2.20</p>	<p>Associated development</p> <p>5.2.20 Associated development may include facilities that do not have to be located on or close to the port estate. Wherever technically feasible and economically reasonable, land-based facilities should be directed to sites at low probability of flooding from all sources. In addition to the above requirements, a Sequential Test should be applied to demonstrate that there are no reasonably available sites which would be appropriate to the type of development or land-use proposed, in areas with a significantly lower probability of flooding.</p>	<p>Please refer to the FRA at Appendix 18.A for the Applicant's assessment of the flood risks in respect of the Associated Development [TR030008/APP/6.4].</p>

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<p>5.2.21 – 5.2.25</p>	<p>Mitigation</p> <p>5.2.21 To satisfactorily manage flood risk, arrangements are required to manage surface water and the impact of the natural water cycle on people and property.</p> <p>5.2.22 In this document the term Sustainable Drainage Systems (SuDS) refers to the whole range of sustainable approaches to surface water drainage management, including, where appropriate:</p> <ul style="list-style-type: none"> • source control measures, including rainwater recycling and drainage; • infiltration devices to allow water to soak into the ground, which can include individual soakaways and communal facilities; • filter strips and swales, which are vegetated features that hold and drain water downhill, mimicking natural drainage patterns; • filter drains and porous pavements to allow rainwater and run-off to infiltrate permeable material below ground and provide storage if needed; • basins and ponds to hold excess water after rain and allow controlled discharge that avoids flooding; and • flood routes to carry and direct excess water through developments to minimise the impact of severe rainfall flooding. <p>5.2.23 Site layout and surface water drainage systems should cope with events that exceed the design capacity of the system, so that excess water can be safely stored on or conveyed from the site without adverse impacts.</p> <p>5.2.24 The surface water drainage arrangements for any project should be such that the volumes and peak flow rates of surface water</p>	<p>Please refer to the Drainage Strategy which is included at Appendix 18.B [TR030008/APP/6.4] which explains the drainage mitigation measures proposed as part of the Project.</p>

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	<p>leaving the site are no greater than the rates prior to the proposed project, unless specific off-site arrangements are made and result in the same net effect.</p> <p>5.2.25 It may be necessary to provide surface water storage and infiltration to limit and reduce both the peak rate of discharge from the site and the total volume discharged from the site. There may be circumstances where it is appropriate for infiltration attenuation storage to be provided outside the project site, if necessary through the use of a planning obligation.</p>	
5.2.26	<p>The Sequential Test should be applied to the layout and design of the project. More vulnerable uses should be located on parts of the site at lower probability and residual risk of flooding. Applicants should seek opportunities to use open space for multiple purposes, such as amenity, wildlife habitat and flood storage uses. Opportunities should be taken to lower flood risk by reducing the built footprint of previously-developed sites and using SuDS.</p>	Please see response to paragraph 5.2.9 and 5.2.12.
5.2.27	<p>Essential infrastructure which has to be located in flood risk areas should be designed to remain operational when floods occur.</p>	Please refer to the Drainage Strategy which is included at Appendix 18.B [TR030008/APP/6.4] .
5.2.28	<p>The receipt of and response to warnings of floods is an essential element in the management of the residual risk of flooding. Flood warning and evacuation plans should be in place for those areas at an identified risk of flooding. Applicants should take advice from the emergency services when producing an evacuation plan for the project as part of the FRA. Any emergency planning documents, flood warning and evacuation procedures that are required should be identified in the FRA.</p>	Please refer to the FRA at Appendix 18.A [TR030008/APP/6.4] which provides details of emergency response proposals in respect of the Project. Section 6.7 of the FRA sets out details of the Flood Warning and Emergency Plan which will be developed to ensure the residual risk to the Site is sufficiently managed and mitigated. This plan will be prepared in consultation with the Environment Agency and the LLFA.

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5.3 Coastal change		
5.3.1 – 5.3.3	<p>5.3.1 For the purpose of this section, coastal change means physical change to the shoreline, i.e. erosion, coastal landslip, permanent inundation and coastal accretion. Where onshore infrastructure projects are proposed on the coast, coastal change is a key consideration. Some kinds of coastal change happen very gradually; others over shorter timescales. Some are the result of purely natural processes; others, including potentially significant modifications of the coastline or coastal environment resulting from climate change, are wholly or partly man-made. This section is concerned both with the impacts which port infrastructure can have as a driver of coastal change and with how to ensure that developments are resilient to ongoing and potential future coastal change.</p> <p>5.3.2 The construction of a port development may involve, for example, dredging, dredge spoil deposition, marine landing facility construction and flood and coastal protection measures, which could result in direct effects on the coastline, seabed, heritage assets and marine ecology and biodiversity.</p> <p>5.3.3 Additionally, indirect changes to the coastline and sea bed might arise as a result of a hydrodynamic response to some of these direct changes. This could lead to localised or more widespread coastal erosion or accretion and changes to offshore features such as submerged banks and ridges and marine biodiversity.</p>	<p>The Applicant has assessed Coastal Change within this DCO Application within the following documents:</p> <ul style="list-style-type: none"> - Chapter 16: Physical Processes [TR030008/APP/6.2] - Chapter 17: Marine Water and Sediment Quality [TR030008/APP/6.2] - Section 7.7 Coastal Change of the Planning Statement [TR030008/APP/7.1] provides an assessment of how the Project accords with the policies within the NPSfP in respect of Coastal Change.
5.3.4 – 5.3.7	<p>Applicant’s assessment</p> <p>5.3.4 Where relevant, applicants should undertake coastal geomorphological and sediment transfer modelling to predict and</p>	<p>Table 16-2 of Chapter 16: Physical Processes [TR030008/APP/6.2] demonstrates how the Project has addressed the guidance for the Applicant’s Assessment set out in paragraphs 5.3.4 to 5.3.7 of the NPSfP.</p>

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	<p>understand impacts and help identify relevant mitigating or compensatory measures.</p> <p>5.3.5 The ES (see section 4.7) should include an assessment of the effects on the coast. In particular, applicants should assess:</p> <ul style="list-style-type: none"> • the impact of the proposed project on coastal processes and geomorphology, including by taking account of potential impacts from climate change. If the development will have an impact on coastal processes, the applicant must demonstrate how the impacts will be managed to minimise adverse impacts on other parts of the coast; • the implications of the proposed project on strategies for managing the coast, as set out in Shoreline Management Plans, any relevant marine plans, River Basin Management Plans and capital programmes for maintaining flood and coastal defences; • the effects of the proposed project on marine ecology, biodiversity and protected sites; • the effects of the proposed project on maintaining coastal recreation sites and features; and • the vulnerability of the proposed development to coastal change, taking account of climate change, during the project’s operational life and any decommissioning period. <p>5.3.6 For any projects involving dredging or disposal into the sea, the applicant should consult the Marine Management Organisation (MMO) or the Welsh Government at an early stage.</p> <p>5.3.7 The applicant should be particularly careful to identify any effects on the integrity and special features of Marine Conservation Zones, Special Areas of Conservation (SACs) and candidate SACs, Special Protection Areas (SPAs) and potential SPAs, Ramsar sites, actual and</p>	<p>Additionally, the Applicant has engaged with the MMO in respect of the Project. A record of the MMOs response to the First Statutory Consultation and how the Applicant has had regard to this response is set out in the Consultation Report Appendix P [TR030008/APP/5.2] and for the Second Statutory Consultation, please refer to Consultation Report Appendix Q [TR030008/APP/5.2].</p>

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	potential Sites of Community Importance and Sites of Special Scientific Interest.	
<p>5.3.8 – 5.3.14</p>	<p>Guidance for the decision-maker</p> <p>5.3.8 The decision-maker should be satisfied that the proposed development will be resilient to coastal change, taking account of climate change, during the project’s operational life and any de-commissioning period.</p> <p>5.3.9 The decision-maker should not normally consent new development in areas of dynamic shorelines where the proposal could inhibit sediment flow or have an impact on coastal processes at other locations. Impacts on coastal processes must be managed to minimise adverse impacts on other parts of the coast. Where such proposals are brought forward, consent should only be granted where the decision-maker is satisfied that the benefits (including need) of the development outweigh the adverse impacts.</p> <p>5.3.10 The decision-maker should ensure that applicants have restoration plans for areas of foreshore disturbed by direct works and will undertake pre- and post-construction coastal monitoring arrangements with defined triggers for intervention and restoration.</p> <p>5.3.11 The decision-maker should examine the broader context of coastal protection around the proposed site, and the influence in both directions, i.e. coast on site, and site on coast.</p> <p>5.3.12 The decision-maker should consult MMO or the Welsh Government on projects which could impact on coastal change, particularly those requiring a marine licence, since the MMO or the Welsh Government may also be involved in considering other projects which may have coastal impacts.</p>	<p>Matters related to coastal change, including the impacts of climate change and extreme weather are addressed in the responses under section 5.2 of the NPSfP above.</p> <p>Impacts on coastal processes are set out in the following chapters of the ES [TR030008/APP/6.2]</p> <ul style="list-style-type: none"> - Chapter 16: Physical Processes - Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage <p>Please refer to section 7.7 of the Planning Statement [TR030008/APP/7.1] for how the Applicant has addressed paragraphs 5.3.8-5.3.14 of the NPSfP, and considers that Chapter 16: Physical Processes of the ES [TR030008/APP/6.2] demonstrates that the Project will not impact upon coastal processes, taking into account climate change through adoption of a future baseline scenario relating to rising sea levels. Additionally, the benefits of and need for the Project are explained in Chapter 5 of the Planning Statement.</p> <p>The Applicant has engaged with the MMO throughout the pre-application process on a number of matters, some of which form part of the deemed Marine Licence. Details of engagement with the MMO at the time of the submission of this DCO Application are included in Table 35 of the Consultation Report. The draft Deemed Marine License is at Schedule 3 of the draft DCO [TR030008/APP/2.1].</p>

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	<p>5.3.13 In addition to this NPS, the decision-maker must have regard to the Marine Policy Statement, as provided for in the Marine and Coastal Assess Act 2009. The decision-maker may also have regard to any relevant Shoreline Management Plans and Coastal Change Management Areas.</p> <p>5.3.14 Substantial weight should be attached to the risks of flooding and coastal erosion. The applicant must demonstrate that full account has been taken of the policy on assessment and mitigation in section 5.2 above of this NPS on flood risk, taking account of the potential effects of climate change on these risks as discussed above.</p>	
<p>5.3.15</p>	<p>Mitigation</p> <p>5.3.15 Applicants should propose appropriate mitigation measures to address adverse physical changes to the coast, in consultation with the MMO, the Welsh Government or the Environment Agency, Local Planning Authorities, other statutory consultees, Coastal Partnerships and other coastal groups, as it considers appropriate. Where this is not the case, the decision-maker should consider what appropriate mitigation requirements might be attached to any grant of development consent.</p>	<p>Please refer to the following documents for details on how the Project has addressed paragraph 5.3.15 of the NPSfP:</p> <ul style="list-style-type: none"> - Section 16.7 for embedded mitigation measures, impact avoidance and standard mitigation and Section 16.9 for additional mitigation and enhancement measures of Chapter 16: Physical Processes [TR030008/APP/6.2] - Section 17.7 for embedded mitigation measures, impact avoidance and standard mitigation and Section 17.9 for additional mitigation and enhancement measures of Chapter 17: Marine Water and Sediment Quality [TR030008/APP/6.2]
<p>5.4 Traffic and transport impacts</p>		
<p>5.4.1 -</p>	<p>5.4.1 Goods enter and leave the port by various combinations of road, rail and water transport (and in some cases by pipeline). The balance of modes used can have a variety of impacts on the surrounding road, rail and water infrastructure and consequently on the existing users of this infrastructure. Passengers and employees of ports and port-</p>	<p>The Applicant has assessed Traffic and Transport impacts within the Application within the following documents:</p> <ul style="list-style-type: none"> - Chapter 11: Traffic and Transport [TR030008/APP/6.2]

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	<p>related businesses use both public and private transport, mainly road, and their travel can also affect congestion on connecting networks.</p> <p>5.4.2 The most significant of these impacts, in the case of unitised traffic, is likely to be on the surrounding road infrastructure. The impact from increased traffic would, unless mitigating measures are taken, be likely to be an increase in congestion. There are also environmental impacts of road transport as compared with rail and water transport in terms of noise and emissions.</p> <p>5.4.3 Delays at ports can occur for a number of reasons, including adverse weather conditions and industrial relations issues. Such delays can often result in a significant backlog of goods waiting to depart by ship. This kind of event can have an adverse impact on connecting road infrastructure if the port estate is not able to provide sufficient capacity for the parking of heavy goods vehicles (HGVs).</p>	<ul style="list-style-type: none"> - Chapter 12: Marine Transport and Navigation [TR030008/APP/6.2] - Section 7.8 Traffic and Transport of the Planning Statement [TR030008/APP/7.1] - Outline Construction Traffic Management Plan (“OCTMP”) [TR030008/APP/6.7] has been prepared to control HGV movements and impacts, abnormal loads and a programme of monitoring to assess the effectiveness of the measures proposed, and an Outline Construction Worker Travel Plan (“OCWTP”) which seeks to promote and encourage the use of sustainable transport modes and reduce the reliance on the private car is appended to the OCTMP.
<p>5.4.4 – 5.4.8</p>	<p>Applicant's assessment</p> <p>5.4.4 If a project is likely to have significant transport implications, the applicant's ES (see section 4.7) should include a transport assessment, using the WebTAG methodology stipulated in Department for Transport guidance, WebTAG for developments in Wales, or any successor to such methodology. Applicants should consult the Highways Agency and/or the relevant highway authority, as appropriate, on the assessment and mitigation. The assessment should distinguish between the construction, operation and decommissioning project stages as appropriate.</p> <p>5.4.5 Where appropriate, the applicant should prepare a travel plan, including demand management measures to mitigate transport impacts. The applicant should also provide details of proposed measures to improve access by public transport, walking and cycling,</p>	<p>Table 11-2 of Chapter 11: Traffic and Transport and Table 12-2 of Chapter 12: Marine Transport and Navigation [TR030008/APP/6.2] demonstrate how the Project has addressed the guidance for the Applicant's Assessment set out in paragraphs 5.3.4 to 5.3.7 of the NPSfP.</p> <p>Additionally, the OCTMP [TR030008/APP/6.7] seeks to control HGV movements and impacts, abnormal loads and provide a programme of monitoring to assess the effectiveness of the measures proposed. Also, the OCWTP, which is appended to the OCTMP [TR030008/APP/6.7] seeks to control trips made by the construction workers by promoting sustainable transport measures.</p>

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	<p>to reduce the need for parking associated with the proposal and to mitigate transport impacts.</p> <p>5.4.6 If additional transport infrastructure is proposed, applicants should discuss with network providers the possibility of co-funding by Government for any third-party benefits. Guidance has been issued in England which explains the circumstances where this may be possible, although the Government cannot guarantee in advance that funding will be available for any given uncommitted scheme at any specified time. For developments in Wales, the matter should be discussed with the Welsh Government.</p> <p>5.4.7 In the case of container terminal development, account should be taken of the projected proportion of transshipment of containers and its variation over time as, for example, the proportion of direct-call may grow with overall demand.</p> <p>5.4.8 Transport assessment should include private traffic accessing and leaving the port, where significant, even where not generated by the development under application.</p>	
<p>5.4.9 – 5.4.10</p>	<p>Guidance for the decision-maker</p> <p>5.4.9 A new nationally significant infrastructure project may give rise to substantial impacts on the surrounding transport infrastructure, and the IPC should therefore ensure that the applicant has sought to mitigate these impacts, including during the construction phase of the development. Where the proposed mitigation measures are insufficient to reduce the impact on the transport infrastructure to acceptable levels, the IPC should consider conditions to mitigate adverse impacts on transport networks arising from the development, as set out below. Applicants may also be willing to enter into planning obligations for funding infrastructure and otherwise mitigating adverse impacts.</p>	<p>Please refer to section 7.8 of the Planning Statement [TR030008/APP/7.1] for details on how the Project has addressed paragraphs 5.4.9 to 5.4.10 of the NPSfP.</p> <p>Additionally, the OCWTP and OCTMP [TR030008/APP/6.7] describes mitigation measures proposed in respect of traffic and transport.</p>

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	<p>5.4.10 Provided that the applicant is willing to enter into planning or transport obligations, or conditions can be imposed to mitigate transport impacts identified in the WebTAG/WelTAG transport assessment, with attribution of costs calculated in accordance with the Department for Transport's guidance, then development consent should not be withheld and appropriately limited weight should be applied to residual effects on the surrounding transport infrastructure.</p>	
<p>5.4.11 – 5.4.13</p>	<p>Mitigation: demand management</p> <p>5.4.11 Where mitigation is needed, possible demand management measures must be assessed and, if feasible and operationally reasonable, required before considering conditions for the provision of new inland transport infrastructure to deal with remaining transport impacts is determined.</p> <p>5.4.12 Demand management measures may in particular include lorry-booking arrangements aimed at spreading peak traffic within the working day. When the reasonableness of such measures is being determined, inflexibility of timing for arrival or departure at the other end of the journey (for example, at a distribution depot), should not be accorded great weight. This is because it is the Government's policy to encourage flexibility at both ends of the journey wherever possible.</p> <p>5.4.13 The decision-maker should have regard to the cost-effectiveness of demand management measures compared with new transport infrastructure, as well as the aim to secure more sustainable patterns of transport development when considering mitigation measures.</p>	<p>As indicated in the Applicant's response to paragraph 5.4.4-5.4.8, the OCWTP and OCTMP describes mitigation measures proposed in respect of demand management [TR030008/APP/6.7].</p>
<p>5.4.14 – 5.4.21</p>	<p>Mitigation: modal share</p> <p>5.4.14 The modal share of traffic entering and leaving the port needs to be considered objectively in the context of external congestion and</p>	<p>As indicated in the Applicant's response to paragraph 5.4.4-5.4.8, the OCWTP and OCTMP [TR030008/APP/6.7] describes mitigation measures proposed in respect of modal share. Additionally, shipping</p>

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	<p>environmental costs. Broadly speaking, rail and coastal or inland shipping should be encouraged over road transport, where cost-effective, but requirements or obligations, if they are necessary in order to avoid significant detriment to network users, should be evidence-based and present efficient incentives.</p> <p>5.4.15 Because of the scale economies of consolidated loads, rail share is likely to be viable for unitised traffic in above-threshold container terminals, and there may be a possibility of encouraging some ro-ro traffic onto rail connections. For some forms of bulk traffic, rail may be the commercially predominant inland mode. Coastal shipping and inland waterways may be viable for certain flows.</p> <p>5.4.16 For containers, the gauge clearance of the rail route to the most likely destinations for traffic should be considered, specifically whether clearance to W10 gauge at least is available or should be provided for to enable 9’6” ‘hi-cube’ containers to be transported on conventional wagons.</p> <p>5.4.17 The use of inland waterways for the movement of goods to and from the port should be considered. Similarly, the prospect of promoting coastal shipping as an alternative to road and rail transport should be considered.</p> <p>5.4.18 Obligations or requirements should be structured flexibly so as to keep to a reasonable minimum the risk that either applicants or network providers would be required to incur costs providing infrastructure that turned out to be under-used. Such measures might include various mechanisms, such as traffic-level triggers, shadow-tolling and/or escrow arrangements to guarantee funding.</p> <p>5.4.19 Target modal shares for rail or coastal shipping may sometimes be appropriate, but are not mandatory, and the main emphasis should be on incentive mechanisms rather than rigid target-setting. Such shares should not be regarded as ends in themselves, but as</p>	<p>during construction is considered in Chapter 2: The Project [TR030008/APP/6.2].</p>

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	<p>indicators of the outcome of cost-effective transport obligations. Where such targets are to be set, there should always be an agreed understanding of the broad mechanisms by which they can be achieved, and 'early warning' decision points so that corrective measures may be taken if appropriate.</p> <p>5.4.20 Rail obligations should not be sought to such an extent that the estimated net social cost of delivering them (net of the benefits of road vehicle mileage avoided) exceeds the corresponding net social cost of accommodating the marginal traffic on the roads. In assessing whether this is so, regard should be had to WebTAG (and WeITAG in Wales) or other methodological guidance issued by DfT.</p> <p>5.4.21 Rail (or coastal-shipping) shares should not simply be read across from a previous development to the one under consideration, as the most efficient transport outcome may differ significantly according to all the circumstances of the case.</p>	
<p>5.4.22 – 5.4.23</p>	<p>Mitigation: HGVs</p> <p>5.4.22 Where a development, including any container or ro-ro development, is likely to generate or attract substantial HGV traffic, the decision-maker may attach requirements to a consent that:</p> <ul style="list-style-type: none"> • control numbers of HGV movements to and from the site in a specified period during its construction and possibly on the routing of such movements; • make sufficient provision for HGV parking, either on the port estate or at dedicated facilities elsewhere, to avoid 'overspill' parking on public roads during normal operating conditions. Developments should be designed with sufficient road capacity and parking provision (whether on- or offsite) to avoid the need for prolonged queuing on approach roads, and particularly for uncontrolled on- 	<p>As indicated in the Applicant's response to paragraph 5.4.4-5.4.8, the OCWTP and OCTMP [TR030008/APP/6.7] describes mitigation measures in respect of HGV movement during construction.</p>

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	<p>street HGV parking on nearby public roads in normal traffic operating conditions, and allowing reasonable estimates for peak traffic patterns and fluctuations during normal operations;</p> <ul style="list-style-type: none"> ensure satisfactory arrangements, taking account of the views of road network providers and of the responsible police force(s), for dealing with reasonably foreseeable abnormal disruption. Where such effects are likely to cause queuing on the strategic road network or significant queuing on local roads, the applicant should include the outcome of consultation with the relevant police force(s) as to traffic management measures that will be brought into effect, what the procedures will be for triggering them, and attribution of costs. <p>5.4.23 Ports can provide valuable facilities for the checking of heavy goods vehicles. Port development that includes ro-ro facilities should be planned in such a way that facilities can be provided for enforcement agencies to operate checks as and when appropriate.</p>	
<p>5.4.24 – 5.4.25</p>	<p>Mitigation: access</p> <p>5.4.24 Where development would worsen accessibility, such impacts should be mitigated so far as reasonably possible.</p> <p>5.4.25 Employee travel assessment should be undertaken for all major port development.</p>	<p>As indicated in the Applicant’s response to paragraph 5.4.4-5.4.8, the OCWTP and OCTMP [TR030008/APP/6.7] describes mitigation measures in relation to accessibility of the Site for construction workers.</p>
<p>5.4.26 – 5.4.31</p>	<p>Funding of infrastructure</p> <p>5.4.26 Separate guidance has been issued on developer contributions in England. The essential principle is that the developer is expected to fund provision of infrastructure required solely to accommodate users of the development without detriment to pre-existing users. Where, in the case of a nationally significant infrastructure project (NSIP) such as</p>	<p>A Funding Statement [TR030008/APP/3.3] explains how the Project, including any compulsory acquisition of land and rights, will be funded.</p>

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	<p>a major port development, there is a case for bringing forward schemes which help meet the 'background' growth in 'third-party' traffic, the guidance explains the circumstances in which the Government would expect to 'co-fund' in respect of such benefits and the methodology that should be employed to determine funding shares.</p> <p>5.4.27 The Government cannot guarantee in advance that funding will be available for any given uncommitted scheme at any specified time.</p> <p>5.4.28 Applicants should engage, from the earliest stages of project development, with network providers, to assess whether in the case of a specific major port development co-funding by Government may be appropriate, in recognition of third-party benefits.</p> <p>5.4.29 Parties should endeavour to agree in advance, in as much detail as possible, the scope of works, the precise basis on which costs and risks will be attributed, and arrangements for dispute resolution. If the decision-maker is not satisfied that draft s.106 (Town and Country Planning Act), s.278 (Highways Act) or other forms of agreement are sufficiently precise, it may invite the parties to engage in further negotiations to arrive at a more detailed agreement before the granting of consent will be countenanced.</p> <p>5.4.30 A timetable should be set for such negotiations. With proper frontloading of the application process, it should be possible to get all parties aligned in time to complete any necessary agreements before the decision is made. If there is failure to reach agreement within that time, appropriate requirements may be imposed.</p> <p>5.4.31 If the applicant suggests that the costs of meeting any obligations and/or requirements would make the proposal economically unviable, this should not in itself justify the relaxation by</p>	

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	the decision-maker of any obligations or requirements needed to secure the mitigation.	
5.5 Waste management		
5.5.1 – 5.5.3	<p>5.5.1 Government policy on hazardous and non-hazardous waste is intended to protect human health and the environment by producing less waste and by using it as a resource wherever possible. Where this is not possible, waste management regulation ensures that waste is disposed of in a way that is least damaging to the environment and to human health.</p> <p>5.5.2 Sustainable waste management is implemented through the 'waste hierarchy':</p> <ul style="list-style-type: none"> • prevention; • preparing for re-use; • recycling; • other recovery, including energy recovery; and • disposal. <p>Disposal of waste should only be considered where other waste management options are not available or where it is the best overall environmental outcome.</p> <p>5.5.3 All large infrastructure projects are likely to generate hazardous and non-hazardous waste during the construction, operation and decommissioning phases. The Environment Agency's (EA) Environmental Permitting (EP) regime incorporates operational waste management requirements for certain activities. When an applicant applies to the EA for an Environmental Permit, the EA will require the</p>	<p>The Applicant has assessed Waste Management within this DCO Application in the following documents:</p> <ul style="list-style-type: none"> - Chapter 20: Materials and Waste [TR030008/APP/6.2] - Outline Site Waste Management Plan which forms part of the Outline CEMP [TR030008/APP/6.5] - Section 7.9 Materials and Waste of the Planning Statement [TR030008/APP/7.1] - Consents and Agreements Position Statement [TR030008/APP/7.4] provides details on the environmental permits to be obtained from the EA.

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	application to demonstrate that processes are in place to meet all relevant EP requirements.	
5.5.4	<p>Applicant’s assessment</p> <p>5.5.4 The applicant should set out the arrangements that are proposed for managing any waste produced and prepare a Site Waste Management Plan. The arrangements described and the Management Plan should include information on the proposed waste recovery and disposal system for all waste generated by the development and an assessment of the impact of the waste arising from development on the capacity of waste management facilities to deal with other waste arising in the area for at least five years of operation. The applicant should seek to minimise the volume of waste produced and the volume of waste sent for disposal, unless it can be demonstrated that this is the best overall environmental outcome.</p>	<p>Table 20-2 of Chapter 20: Materials and Waste [TR030008/APP/6.2] demonstrates how the Project has addressed the guidance for the Applicant’s assessment set out in paragraph 5.5.4 of the NPSfP.</p> <p>Additionally, the Outline Construction Environmental Management Plan (“CEMP”) [TR030008/APP/6.5] contains an Outline Site Waste Management Plan (OSWMP) which has been prepared in accordance with the NPSfP paragraph 5.5.4. This 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.</p>
5.5.5	<p>Guidance for the decision-maker</p> <p>5.5.5 The decision-maker should consider the extent to which the applicant has proposed an effective system for managing hazardous and non-hazardous waste arising from the construction, operation and decommissioning of the proposed development. It should be satisfied that:</p> <ul style="list-style-type: none"> • any such waste will be properly managed, both on-site and off-site; • the waste from the proposed facility can be dealt with appropriately by the waste infrastructure which is, or is likely to be, available. Such waste arisings should not have an adverse effect on the capacity of existing waste management facilities to deal with other waste arisings in the area; and 	<p>Please refer to the Applicant’s response to the NPSfP paragraph 5.5.4.</p> <p>Section 7.9 of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project accords with the NPSfP at paragraphs 5.5.5 to 5.5.7.</p> <p>The Consents and Agreements Position Statement [TR030008/APP/7.4] provides details on the environmental permits to be obtained from the EA.</p>

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	<ul style="list-style-type: none"> adequate steps have been taken to minimise the volume of waste arisings, and of the volume of waste arisings sent to disposal, except where that is the best overall environmental outcome. <p>5.5.6 Where necessary, the decision-maker should use requirements or obligations to ensure that appropriate measures for waste management are applied. When giving consent, the decision-maker may wish to include a condition on revision of waste management plans at reasonable intervals.</p> <p>5.5.7 Where the project will be subject to the Environment Agency’s Environmental Permitting regime, waste management arrangements during operations will be covered by the permit and the considerations set out in section 5 will apply.</p>	
5.6 Water quality and resources		
5.6.1 – 5.6.2	<p>5.6.1 Infrastructure development can have adverse effects on the water environment, including groundwater, inland surface water, transitional waters and coastal waters. During the construction, operation and decommissioning phases, it can lead to increased demand for water, involve discharges to water and cause adverse ecological effects resulting from physical modifications to the water environment.</p> <p>5.6.2 There may also be an increased risk of spills and leaks of pollutants to the water environment. These effects could lead to adverse impacts on health or on protected species and habitats (see section on biodiversity at 5.1) and could, in particular, result in surface waters, groundwaters or protected areas failing to meet environmental objectives established under the Water Framework Directive.</p>	<p>The Applicant has assessed Water quality and resources within this DCO Application within the following documents:</p> <ul style="list-style-type: none"> Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] Water Framework Directive Compliance Assessment within Appendix 17.A [TR030008/APP/6.4] Section 7.10 Water quality and resources of the Planning Statement [TR030008/APP/7.1]

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5.6.3 – 5.6.4	<p>Applicant’s assessment</p> <p>5.6.3 Where the project is likely to have effects on the water environment, the applicant should undertake an assessment of the existing status of, and impacts of, the proposed project on water quality, water resources and physical characteristics of the water environment as part of the Environmental Statement (ES) or equivalent.</p> <p>5.6.4 The ES should describe:</p> <ul style="list-style-type: none"> • the existing quality of waters affected by the proposed project and the impacts of the proposed project on water quality, noting any relevant existing discharges, proposed new discharges and proposed changes to discharges; • existing water resources affected by the proposed project and the impacts of the proposed project on water resources, noting any relevant existing abstraction rates, proposed new abstraction rates and proposed changes to abstraction rates (including any impact on or use of mains supplies and reference to Catchment Abstraction Management Strategies); • existing physical characteristics of the water environment (including quantity and dynamics of flow) affected by the proposed project and any impact of physical modifications to these characteristics; • any impacts of the proposed project on water bodies or protected areas under the Water Framework Directive and source protection zones around potable groundwater abstractions; and • any cumulative effects. 	<p>Table 18-2 of Chapter 18: Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2] demonstrates how the Project has addressed the guidance for the Applicant’s Assessment of water quality, water resources and physical characteristics of the water environment as set out in paragraphs 5.6.3 to 5.6.4 of the NPSfP.</p> <p>Cumulative effects are assessed in Chapter 25: Cumulative and In-Combination Effects [TR030008/APP/6.2].</p>

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5.6.5 – 5.6.8	<p>Guidance for the decision-maker</p> <p>5.6.5 Activities that discharge to the water environment are subject to pollution control. The considerations set out in section 5 on the interface between planning and pollution control therefore apply. These considerations will also apply in an analogous way to the abstraction licensing regime regulating activities that take water from the water environment, and to the control regimes relating to works to, and structures in, on, or under a controlled water.</p> <p>5.6.6 The decision-maker will generally need to give impacts on the water environment more weight where a project would have adverse effects on the achievement of the environmental objectives established under the Water Framework Directive.</p> <p>5.6.7 The decision-maker should satisfy itself that a proposal has regard to the River Basin Management Plans and the requirements of the Water Framework Directive (including Article 4.7) and its daughter Directives, including those on priority substances and groundwater. The specific objectives for particular river basins are set out in River Basin Management Plans. The decision-maker should also consider the interactions of the proposed project with other plans such as Marine Plans, Water Resources Management Plans and Shoreline/Estuary Management Plans.</p> <p>5.6.8 The decision-maker should consider whether appropriate requirements should be attached to any development consent and/or planning agreements entered into to mitigate adverse effects on the water environment.</p>	<p>Please refer to the Water Framework Directive: Screening Assessment Report which has been undertaken by the Applicant and can be found at Appendix 17.A [TR030008/APP/6.4]. Additionally, please refer to section 7.10 of the Planning Statement which provides a summary of how the Project accords with the NPSfP at paragraphs 5.6.5-5.6.8.</p>

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<p>5.6.9 – 5.6.12</p>	<p>Mitigation</p> <p>5.6.9 The decision-maker should consider whether mitigation measures are needed for operational, construction and decommissioning phases over and above any which may form part of the project application. A construction management plan may help codify mitigation at that stage.</p> <p>5.6.10 The risk of impacts on the water environment can be reduced through careful design to facilitate adherence to good pollution control practice. For example, designated areas for storage and unloading, with appropriate drainage facilities, should be clearly marked.</p> <p>5.6.11 The impact on local water resources can be minimised through planning and design for the efficient use of water, including water recycling.</p> <p>5.6.12 For mitigation measures on impacts affecting biodiversity, see section 5.1.</p>	<p>Please refer to the following documents for details on how the Project has addressed paragraphs 5.6.9-5.6.12 of the NPSfP:</p> <ul style="list-style-type: none"> - Section 18.8 for embedded mitigation measures, impact avoidance and standard mitigation and enhancement measures of Chapter 18: Water Quality, Coastal Protection, Flood Risk and Drainage [TR030008/APP/6.2]
<p>5.7 Air quality and emissions</p>		
<p>5.7.1 – 5.7.3</p>	<p>5.7.1 Ports can contribute to local air pollution problems, since they bring together several sources of pollutants:</p> <ul style="list-style-type: none"> • large volumes of HGV traffic emit pollutants such as nitrogen oxides and particulates, with emissions exacerbated by congestion and stop-start driving conditions; • emissions (especially sulphur dioxide) from ships entering the port and using coastal routes, estuaries and inland waterways can also be significant; and 	<p>The Applicant has assessed Air Quality within this DCO Application within the following documents:</p> <ul style="list-style-type: none"> - Chapter 6: Air Quality [TR030008/APP/6.2] - Section 7.11 Air Quality of the Planning Statement [TR030008/APP/7.1] assesses the Project against the policies in the NPSfP which relate to air quality.

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	<ul style="list-style-type: none"> • certain cargoes such as cements and aggregates can cause local dust pollution. <p>5.7.2 Infrastructure development can have adverse effects on air quality. The construction, operation and decommissioning phases can involve emissions to air, which could lead to adverse impacts on human health, on protected species and habitats, or on the wider countryside. Impacts on protected species and habitats are covered in section 5.1 on biodiversity and geological conservation.</p> <p>5.7.3 Emissions of sulphur dioxide (SO₂) from shipping are being tackled through the strengthening of emissions standards and the development of SO₂ Emissions Control Areas (SECAs). Emissions from road transport have been falling as a result of technical improvements in engine and catalyst design.</p>	
5.7.4 – 5.7.5	<p>Applicant's assessment</p> <p>5.7.4 Where the project is likely to have adverse effects on air quality, the applicant should undertake an assessment of the impacts of the proposed project as part of the Environmental Statement (ES).</p> <p>5.7.5 The ES should describe:</p> <ul style="list-style-type: none"> • any significant air emissions, their mitigation and any residual effects, distinguishing between the construction and operation stages and taking account of any significant emissions from any road traffic generated by the project; • the predicted absolute emission levels from the proposed project, after mitigation methods have been applied; and • existing air quality levels and the relative change in air quality from existing levels. 	<p>Table 6-2 of Chapter 6: Air Quality [TR030008/APP/6.2] demonstrates how the Project has addressed the guidance for the Applicant's Assessment on air quality set out in paragraphs 5.7.4 to 5.7.5 of the NPSfP.</p>

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5.7.6 – 5.7.7	<p>Guidance for the decision-maker</p> <p>5.7.6 The decision-maker should generally give air quality considerations substantial weight where a project would lead to deterioration in air quality in an area, or leads to a new area, where the air quality breaches any national air quality limits. However, air quality considerations will also be important where substantial changes in air quality are expected, even if this does not lead to any breaches of any national air quality limits.</p> <p>5.7.7 In all cases the decision-maker must take account of relevant statutory air quality limits. Where a project is likely to lead to a breach of such limits, the developers should work with the relevant authorities to secure appropriate mitigation measures to allow the proposal to proceed. In the event that a project will lead to non-compliance with a statutory limit, the decision-maker should refuse consent.</p>	<p>Section 7.11 of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project accords with the NPSfP at paragraphs 5.7.6 – 5.7.7.</p>
5.7.8 – 5.7.15	<p>Mitigation</p> <p>5.7.8 The decision-maker should consider whether mitigation measures are needed both for operational and construction emissions over and above any that may form part of the project application. A construction management plan may help codify mitigation at this stage.</p> <p>5.7.9 In doing so, the decision-maker may refer to the conditions and advice in the Air Quality Strategy or any successor to it.</p> <p>5.7.10 The mitigations identified in the section on transport impacts will help mitigate the effects of air emissions from transport.</p> <p>5.7.11 Ports are able, to an extent, to influence the modal share of inland connections to port facilities, which may help to reduce local air pollution. For example, where peak concentrations of one or more pollutants have a high impact or risk exceedance of limits, vehicle</p>	<p>Please refer to the following documents for details on how the Project has addressed paragraphs 5.7.8 – 5.7.15 of the NPSfP:</p> <ul style="list-style-type: none"> - Section 6.7 for embedded mitigation measures, impact avoidance and standard mitigation and Section 6.9 for additional mitigation and enhancement measures of Chapter 6: Air Quality [TR030008/APP/6.2]

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	<p>booking systems may help to alleviate such effects, as well as minimising congestion. The decisionmaker should consider the extent to which the applicant intends to influence the modal share of inland connections to/from the ports and the robustness of these proposals. See transport assessment at section 5.4 above.</p> <p>5.7.12 Local air pollution may also be abated through the provision of shore-side fixed electrical power to replace ships' generators while in port, this being known as 'cold-ironing'. Problems of frequency compatibility and technical standards are as yet unresolved, and the technology remains most appropriate for large vessels expected to be in berth for prolonged periods. There is possibility that supra-national instruments will require the use of cold-ironing in the future.</p> <p>5.7.13 All proposals should either include reasonable advance provisions (such as ducting and spaces for sub-stations) to allow the possibility of future provision of cold-ironing infrastructure, or give reasons as to why it would not be economically and environmentally worthwhile to make such provision.</p> <p>5.7.14 The decision-maker should consider each case objectively to determine whether provision of cold-ironing infrastructure (rather than provisions to allow this in the future) should be included in the development. This consideration should be based on the dwell time of vessels and technical compatibility of the ships intended to call at the port, as well as on the emissions and other impacts. Where supra-national instruments requiring the use of cold-ironing appear to be imminent, the decision-maker should take this into account.</p> <p>5.7.15 Where cold-ironing infrastructure is proposed, account needs to be taken of the prospective impact on the National Grid of meeting the power demands and therefore the costs to electricity supply providers of doing so without impacts on reliability for other users.</p>	

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5.8 Dust, odour, artificial light, smoke, steam and insect infestation		
5.8.1 – 5.8.3	<p>5.8.1 During the construction, operation and decommissioning of port infrastructure there is potential for the release of a range of emissions such as odour, dust, steam, smoke, artificial light and infestation of insects. All have the potential to have a detrimental impact on amenity or cause a common law nuisance or statutory nuisance under Part III, Environmental Protection Act 1990 (see 4.14.1 above). Insect and vermin infestation may also have implications for public health. Note that pollution impacts from some of these emissions (e.g. dust, smoke) are covered in section 5.7 on air emissions.</p> <p>5.8.2 Because of the potential effects of these emissions and infestation, and in view of the availability of the defence of statutory authority against nuisance claims, as described at 4.14.1 above, it is important that the potential for these impacts is considered by the decision-maker.</p> <p>5.8.3 For nationally significant infrastructure projects of the type covered by this NPS, some impact on amenity for local communities is likely to be unavoidable. The aim should be to keep impacts to a minimum and at a level that is acceptable.</p>	<p>The Applicant has assessed dust, odour, artificial light, smoke and steam within this DCO Application within the following documents:</p> <ul style="list-style-type: none"> - The ES Volumes 1-3 [TR030008/APP/6.2/6.3/6.4] - The Outline CEMP [TR030008/APP/6.5] - Drainage Strategy, Appendix 18B [TR030008/APP/6.4] - Lighting Assessment Report Appendix 2.B [TR030008/APP/6.4] - Statutory Nuisance Statement [TR03000/APP/7.5]
5.8.4 – 5.8.6	<p>Applicant’s assessment</p> <p>5.8.4 The applicant should assess the potential for insect infestation and emissions of odour, dust, steam, smoke and artificial light to have a detrimental impact on amenity, as part of the Environmental Statement.</p> <p>5.8.5 In particular, the assessment provided by the applicant should describe:</p>	<p>Please see the Applicant’s Response to paragraphs 5.8.1-5.8.3 of the NPSfP.</p> <p>The Statutory Nuisance Statement [TR030008/APP/7.5] considers the embedded and essential mitigation measures proposed in the application in relation to ‘statutory nuisances’. It is not anticipated that there will be a breach of Section 79(1) of the EPA 1990 during construction or operation of the Project and therefore the Project will not give rise to a statutory nuisance.</p>

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	<ul style="list-style-type: none"> • the type, quantity and timing of emissions; • aspects of the development which may give rise to emissions; • premises or locations that may be affected by the emissions; • effects of the emission on identified premises or locations; and • measures to be employed in preventing or mitigating the emissions. <p>5.8.6 The applicant is advised to consult the relevant local planning authority and, where appropriate, the Environment Agency (EA) about the scope and methodology of the assessment.</p>	
<p>5.8.7 – 5.8.10</p>	<p>Guidance for the decision-maker</p> <p>5.8.7 The decision-maker should satisfy itself that all reasonable steps have been taken, and will be taken, to minimise any detrimental impact on amenity from insect infestation and emissions of odour, dust, steam, smoke and artificial light.</p> <p>5.8.8 If the decision-maker does grant development consent for a project, it should consider whether there is a justification for all of the authorised project (including any associated development) being covered by a defence of statutory authority against nuisance claims. If it cannot conclude that this is justified, it should disapply in whole or in part the defence through provision in the development consent or harbour order.</p> <p>5.8.9 Where the decision-maker believes it appropriate, it may consider attaching requirements to the development consent, in order to secure certain mitigation measures.</p> <p>5.8.10 In particular, the decision-maker should consider whether to require the applicant to abide by a scheme of management and</p>	<p>Please see the Applicant’s responses to section 5.8.1-5.8.6 of the NPSfP.</p> <p>The assessments undertaken demonstrate that no significant effects are considered likely in respect the outlined matters. Furthermore, relevant mitigation is to be secured through the DCO as appropriate. There is therefore no reason to deny the Project the usual defence of statutory authority against nuisance claims.</p> <p>An Outline CEMP [TR030008/APP/6.5] has been submitted as part of this DCO Application and sets out mitigation measures in relation to the construction phase of the Project.</p>

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	<p>mitigation concerning insect infestation and emissions of odour, dust, steam, smoke and artificial light from the development. The decision-maker should consider the need for such a scheme to reduce any loss to amenity which might arise during the construction, operation and decommissioning of the development. A construction management plan may help codify mitigation at that stage.</p>	
	<p>Mitigation</p> <p>5.8.11 Mitigation measures may include one or more of the following:</p> <ul style="list-style-type: none"> • engineering: prevention of a specific emission at the point of generation; control, containment and abatement of emissions if generated; • lay-out: adequate distance between source and sensitive receptors; reduced transport or handling of materials; and • administrative: limiting operating times; restricting activities allowed on the site; implementing management plans. 	<p>Please refer to the following documents for details on how the Project has considered paragraphs 5.10.11-5.10.13 of the NPSfP:</p> <ul style="list-style-type: none"> - The ES, Volumes 1-3 [TR030008/APP/6.2/6.3/6.4] - The Outline CEMP [TR030008/APP/6.5] - Drainage Strategy, Appendix 18B [TR030008/APP/6.4] - Lighting Assessment Report Appendix 2.B [TR030008/APP/6.4] - Statutory Nuisance Statement [TR03000/APP/7.5]
<p>5.9 Biomass/waste impacts – odour, insect and vermin infestation</p>		
<p>5.9.1</p>	<p>Generic impacts of dust, odour, artificial light, smoke, steam and insect infestation are set out in section 5.8. Insect and vermin infestation may be a particular issue with regard to storage of fuels for energy from waste (EfW) generating stations, as they may be attracted to biodegradable waste stored and processed at the facility. Odour is also likely to arise during the reception, storage and handling/processing of incoming biodegradable waste.</p>	<p>Please refer to the Applicant’s response to paragraph 5.8.1-5.8.3 of the NPSfP.</p>

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5.9.2	<p>Applicant’s assessment</p> <p>5.9.2 The applicant should assess the potential for insect infestation and emissions of odour as set out in section 5.8, with particular regard to the handling and storage of waste for fuel.</p>	<p>This matter has already been responded to in the responses to NPSfP section 5.8.</p>
5.9.3	<p>IPC decision making</p> <p>5.9.3 The IPC should satisfy itself that the proposal sets out appropriate measure to minimise impacts on local amenity from odour, insect and vermin infestation.</p>	<p>This matter has already been responded to in the responses to NPSfP section 5.8.</p>
5.9.4 – 5.9.5	<p>Mitigation</p> <p>5.9.4 In addition to the mitigation measures set out in section 5.8, reception, storage and handling of waste and residues should be carried out within defined areas, e.g. bunkers or silos, within enclosed building at EfW generating stations.</p> <p>5.9.5 To minimise potential for infestation, the time between reception, processing and combustion of waste may be limited by consent requirements.</p>	<p>These mitigation matters are not considered relevant to the Project as indicated in previous responses to sections 5.8 and 5.9 of the NPSfP.</p>
5.10 Noise and vibration		
5.10.1 – 5.10.3	<p>5.10.1 Excessive noise can have wide-ranging impacts on quality of human life and health (e.g. owing to annoyance or sleep disturbance), use and enjoyment of areas of value such as quiet places and areas with high landscape quality. The Government’s policy on noise is set out in the Noise Policy Statement for England. It promotes good health and good quality of life through effective noise management. Similar considerations apply to vibration, which can also cause damage to</p>	<p>The Applicant has assessed Noise and Vibration within this DCO Application within the following documents:</p> <ul style="list-style-type: none"> - Chapter 7: Noise and Vibration [TR030008/APP/6.2] - Section 7.12 Noise and Vibration of the Planning Statement [TR030008/APP/7.1] assesses the Project against the policies in the NPSfP which relate to noise and vibration.

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	<p>buildings. In this section, in line with current legislation, references to 'noise' below apply equally to assessment of impacts of vibration.</p> <p>5.10.2 Noise resulting from a proposed development can also have adverse impacts on wildlife and biodiversity. Noise effects of the proposed development on ecological receptors should be assessed by the decisionmaker in accordance with the Biodiversity and Geological Conservation section of this NPS.</p> <p>5.10.3 Factors which will determine the likely noise impact include:</p> <ul style="list-style-type: none"> • the inherent operational noise from the proposed development, and its characteristics; • the proximity of the proposed development to noise-sensitive premises (including residential properties, schools and hospitals) and noise-sensitive areas (including certain parks and open spaces); • the proximity of the proposed development to quiet or tranquil places and other areas that are particularly valued for their acoustic environment or landscape quality; and • the proximity of the proposed development to designated sites where noise may have an adverse impact on protected species or other wildlife. 	
<p>5.10.4 – 5.10.6</p>	<p>Applicant's assessment</p> <p>5.10.4 Where noise impacts are likely to arise from the proposed development, the applicant should include the following in the noise assessment:</p> <ul style="list-style-type: none"> • a description of the noise-generating aspects of the development proposal leading to noise impacts on the marine and terrestrial 	<p>Table 12-2 of Chapter 12: Noise and Vibration [TR030008/APP/6.2] demonstrates how the Project has addressed the guidance for the Applicant's Assessment set out in paragraphs 5.10.4 to 5.10.6 of the NPSfP.</p> <p>Additionally, the Project's effects on noise sensitive habitats and species are assessed as part of Chapter 8: Nature Conservation (Terrestrial Ecology), Chapter: 9 Nature Conservation (Marine</p>

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	<p>environment, including the identification of any distinctive tonal, impulsive or low-frequency characteristics of the noise;</p> <ul style="list-style-type: none"> • identification of noise-sensitive premises and areas and noise-sensitive species that may be affected; • the characteristics of the existing marine and terrestrial noise environment; • a prediction of how the noise environment will change with the proposed development: <ul style="list-style-type: none"> - in the shorter term during the construction period; - in the longer term during the operating life of the infrastructure; and - at particular times of the day, evening and night as appropriate. • an assessment of the effect of predicted changes in the noise environment on any noise sensitive areas and noise sensitive species; and • measures to be employed in mitigating the effects of noise. <p>The nature and extent of the noise assessment should be proportionate to the likely noise impact.</p> <p>5.10.5 The noise impact of ancillary activities associated with the development, such as increased road and rail traffic movements, or other forms of transportation, should be considered.</p> <p>5.10.6 Operational noise, with respect to human receptors, should be assessed using the principles of the relevant British Standards. For the prediction, assessment and management of construction noise, reference should be made to any relevant British Standards which also give examples of mitigation strategies.</p>	<p>Ecology) and Chapter 10: Ornithology [TR030008/APP/6.2]. The likely effects and mitigation measures in respect of these chapters are explained in the Applicant’s responses to section 5.1 of the NPSfP.</p>

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5.10.7	<p>The applicant should consult the Environment Agency and Natural England, or the Countryside Council for Wales, and the MMO in relation to marine protected species in England, as necessary and in particular with regard to assessment of noise on protected species or other wildlife. The results of any noise surveys and predictions may inform the ecological assessment. The seasonality of potentially affected species in nearby sites may also need to be taken into account.</p>	<p>The Applicant has engaged with the EA throughout the preparation of the DCO application on a number of matters, including noise and vibration. A record of the EAs response to the First Statutory Consultation and how the Applicant has had regard to this response is set out in the Consultation Report Appendix P [TR030008/APP/5.2] and for the Second Statutory Consultation, please refer to Consultation Report Appendix Q [TR030008/APP/5.2]. Matters agreed and outstanding (as required and appropriate) will be presented in a Statement of Common Ground and submitted to the Examination at the appropriate time.</p> <p>Additionally, noise impacts on species are assessed in Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2] and Chapter 9: Nature Conservation (Marine Ecology) [TR030008/APP/6.2].</p>
5.10.8 – 5.10.10	<p>Guidance for the decision-maker</p> <p>5.10.8 The project should demonstrate good design through selection of:</p> <ul style="list-style-type: none"> • the quietest cost-effective plant available; • containment of noise within buildings wherever possible; • optimisation of plant layout to minimise noise emissions; and • where possible, the use of landscaping, bunds or noise barriers or other mechanisms to reduce noise transmission. <p>5.10.9 The decision-maker should be satisfied that the proposals will meet the following aims:</p> <ul style="list-style-type: none"> • avoid significant adverse impacts on the environment, human health and quality of life from noise; 	<p>Section 7.12 of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project accords with the NPSfP at paragraphs 5.10.8 – 5.10.10 and demonstrates how good design mitigation measures in relation to noise have been embedded in the Project.</p>

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	<ul style="list-style-type: none"> mitigate and minimise other adverse impacts on health and quality of life from noise; and where possible, contribute to improvements to health and quality of life through the effective management and control of noise. <p>5.10.10 When preparing the development consent order, the decision-maker should consider including measurable requirements or specifying the mitigation measures to be put in place to ensure that actual noise levels from the project do not exceed those described in the assessment or any other estimates on which the decision-maker's decision was based.</p>	
<p>5.10.11 – 5.10.13</p>	<p>Mitigation</p> <p>5.10.11 The decision-maker should consider whether mitigation measures are needed both for operational and construction noise over and above any which may form part of the project application. In doing so, the decisionmaker may wish to impose requirements. Any such requirements should take account of the guidance set out in Circular 11/95, as revised, The Use of Conditions in Planning Permissions, or any successor to it.</p> <p>5.10.12 Mitigation measures for the project should be proportionate and reasonable and may include one or more of the following:</p> <ul style="list-style-type: none"> engineering: reduction of noise at point of generation and containment of noise generated; lay-out: adequate distance between source and noise-sensitive receptors; incorporating good design to minimise noise transmission through screening by natural barriers or other buildings; 	<p>Please refer to the following documents for details on how the Project has addressed paragraphs 5.10.11-5.10.13 of the NPSfP:</p> <ul style="list-style-type: none"> Section 7.7 for embedded mitigation measures, impact avoidance and standard mitigation and Section 7.9 for additional mitigation and enhancement measures of Chapter 7: Noise and Vibration [TR030008/APP/6.2]

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	<ul style="list-style-type: none"> administrative: limiting operating times of source; restricting activities allowed on the site; specifying acceptable noise limits; and taking into account seasonality of wildlife in nearby designated sites. <p>5.10.13 In certain situations, and only when all other forms of noise mitigation have been exhausted, it may be appropriate for the decision-maker to consider requiring noise mitigation through improved sound insulation to dwellings, or in extreme cases, compulsory purchase of affected properties, as a means of consenting otherwise unacceptable development.</p>	
5.11 Landscape and visual impacts		
<p>5.11.1 – 5.11.2</p>	<p>5.11.1 The landscape and visual effects of proposed projects will vary on a case-by-case basis according to the type of development, its location and the landscape setting of the proposed development. In this context, references to landscape should be taken as covering seascape and townscape, where appropriate.</p> <p>5.11.2 Port development can sometimes have a negative impact on the characteristics and visual amenity of the landscape. This can be a particular problem where the local area is dependent on an acknowledged tourist activity destination and/or important for recreation (see 4.6.1). The impact can be the result of the physical character of the port development as well as its introduction of light pollution and noise to areas that may otherwise have been tranquil.</p>	<p>The Applicant has assessed Landscape and Visual Impacts (LVIA) within this Application within the following documents:</p> <ul style="list-style-type: none"> - Chapter 13: Landscape and Visual [TR030008/APP/6.2] - Section 7.13 Landscape and Visual Impacts of the Planning Statement [TR030008/APP/7.1] assesses the Project against the policies in the NPSfP which relate to landscape and visual impacts.

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<p>5.11.3 – 5.11.5</p>	<p>Applicant’s assessment</p> <p>5.11.3 The applicant should carry out a landscape and visual assessment and report it in the ES. A number of guides have been produced to assist in addressing landscape issues. The landscape and visual assessment should include reference to any landscape character assessment and associated studies, as a means of assessing landscape impacts relevant to the proposed project. The applicant’s assessment should also take account of any relevant policies based on these assessments in local development documents in England and local development plans in Wales.</p> <p>5.11.4 The applicant’s assessment should include the effects during construction of the project and the effects of the completed development and its operation on landscape components and landscape character.</p> <p>5.11.5 The assessment should include the visibility and conspicuousness of the project during construction and of the presence and operation of the project and potential impacts on views and visual amenity. This should include any light pollution effects including on local amenity, rural tranquillity and nature conservation.</p>	<p>Table 13-2 of Chapter 13: Landscape and visual impact [TR030008/APP/6.2] demonstrates how the Project has addressed the guidance for the Applicant’s Assessment set out in paragraphs 5.11.3 to 5.11.5 of the NPSfP.</p>
<p>5.11.6</p>	<p>Guidance for the decision-maker: landscape impact</p> <p>5.11.6 Landscape effects depend on the existing character of the local landscape, its current quality, how highly it is valued and its capacity to accommodate change. All of these factors need to be considered in judging the impact of a project on landscape. Projects need to be designed carefully, taking account of the potential impact on the landscape. Having regard to siting, operational and other relevant constraints, the aim should be to minimise harm to the landscape, providing reasonable mitigation where possible and appropriate.</p>	<p>Section 7.13 of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project has addressed the guidance for the decision-maker in respect of landscape impacts and the Project’s accordance with the NPSfP at paragraphs 5.11.6.</p>

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<p>5.11.7 – 5.11.9</p>	<p>Guidance for the decision-maker: development proposed within nationally designated areas</p> <p>5.11.7 National Parks, the Broads and Areas of Outstanding Natural Beauty (AONB), have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. Each of these designated areas has specific statutory purposes which help ensure their continued protection and which the decision-maker has a statutory duty to have regard to in its decisions. The conservation of the natural beauty of the landscape and countryside should be given substantial weight by the decision-maker in deciding on applications for development consent in these areas.</p> <p>5.11.8 Nevertheless, the decision-maker may grant development consent in these areas in exceptional circumstances. The development should be demonstrated to be in the public interest, and consideration of such applications should include an assessment of:</p> <ul style="list-style-type: none"> • the need for the development, including in terms of any national considerations, and the impact of consenting, or not consenting it, upon the local economy; • the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and • any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated. <p>5.11.9 The decision-maker should ensure that any projects consented in these designated areas should be carried out to high environmental standards through the application of appropriate requirements where necessary.</p>	<p>The Project is not situated in or within close proximity to an Area of Outstanding Natural Beauty (“AONB”) or National Park and therefore these paragraphs are not relevant to the Project.</p>

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<p>5.11.10 – 5.11.11</p>	<p>Guidance for the decision-maker: developments outside nationally designated areas which might affect them</p> <p>5.11.10 The duty to have regard to the purposes of nationally designated areas also applies when considering applications for projects outside the boundaries of these areas which may have impacts within them. The aim should be to avoid compromising the purposes of designation, and such projects should be designed sensitively, given the various siting, operational and other relevant constraints. This should include projects in England which may have impacts on National Scenic Areas in Scotland.</p> <p>5.11.11 The fact that a proposed project will be visible from within a designated area should not in itself be a reason for refusing consent.</p>	<p>The Project is not situated in or within close proximity to an AONB or National Park and therefore these paragraphs are not relevant to the Project.</p>
<p>5.11.12 – 5.11.13</p>	<p>Guidance for the decision-maker: developments in other areas</p> <p>5.11.12 Outside nationally designated areas, there are local landscapes that may be highly valued locally and protected by local designation. Where a local development document in England or a local development plan in Wales has policies based on landscape character assessment, these should be paid particular attention. However, local landscape designations should not be used in themselves as reasons to refuse consent, as this may unduly restrict acceptable development.</p> <p>5.11.13 The decision-maker should consider whether the project has been designed carefully, taking account of environmental effects on the landscape and siting, operational and other relevant constraints, to minimise harm to the landscape, including by reasonable mitigation.</p>	<p>Section 7.13 of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project has addressed the guidance for the decision-maker in respect of development in other areas and the Project’s accordance with the NPSfP at paragraphs 5.11.12 – 5.11.13.</p>

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<p>5.11.14 – 5.11.15</p>	<p>Guidance for the decision-maker: visual impact</p> <p>5.11.14 The decision-maker will have to judge whether the visual effects on sensitive receptors, such as local residents, and other receptors, such as visitors to the local area, outweigh the benefits of the development. Coastal areas are particularly vulnerable to visual intrusion because of the potential high visibility of development on the foreshore, on the skyline and affecting views along stretches of undeveloped coast.</p> <p>5.11.15 It may be helpful for applicants to draw attention, in the supporting evidence to their applications, to any examples of existing permitted infrastructure they are aware of with a similar magnitude of impact on sensitive receptors. This may assist the decision-maker in judging the weight it should give to the assessed visual impacts of the proposed development.</p>	<p>Section 7.13 of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project has addressed the guidance for the decision-maker in respect of visual impacts and the Project's accordance with the NPSfP at paragraphs 5.11.14 to 5.11.15.</p>
<p>5.11.16 – 5.11.18</p>	<p>Mitigation</p> <p>5.11.16 Reducing the scale of a project can help to mitigate the visual and landscape effects of a proposed project. However, reducing the scale or otherwise amending the design of development may result in a significant operational constraint and reduction in function. There may, however, be exceptional circumstances where mitigation could have a very significant benefit and warrant a small reduction in function. In these circumstances, the decision-maker may decide that the benefits of the mitigation to reduce the landscape effects outweigh the marginal loss of function.</p> <p>5.11.17 Within a defined site, adverse landscape and visual effects may be minimised through appropriate siting of infrastructure within that site, design including colours and materials, and landscaping schemes, depending on the size and type of proposed project.</p>	<p>Please refer to the following documents for details on how the Project has addressed paragraphs 5.11.16-5.11.18 of the NPSfP:</p> <ul style="list-style-type: none"> - Section 13.7 for embedded mitigation measures, impact avoidance and standard mitigation and Section 13.9 for additional mitigation and enhancement measures of Chapter 13: Landscape and Visual Impacts [TR030008/APP/6.2] - The Outline Landscape and Ecology Management Plan [TR030008/APP/6.9] sets out a strategy for the establishment and future management of proposed landscape and ecological works associated with the Project.

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	<p>Materials and designs of buildings should always be given careful consideration.</p> <p>5.11.18 Depending on the topography of the surrounding terrain and areas of population, it may be appropriate to undertake landscaping off site. For example, filling in gaps in existing tree and hedge lines would mitigate the impact when viewed from a more distant point.</p>	
<p>5.12 Historic environment</p>		
<p>5.12.1 – 5.12.5</p>	<p>5.12.1 The construction, operation and decommissioning of port infrastructure has the potential to result in adverse impacts on the historic environment.</p> <p>5.12.2 The historic environment includes all aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past human activity, whether visible, buried or submerged, landscaped and planted or managed flora. Those elements of the historic environment that hold value to this and future generations because of their historic, archaeological, architectural or artistic interest are called 'heritage assets'. A heritage asset may be any building, monument, site, place, area or landscape, or any combination of these. The sum of the heritage interests that a heritage asset holds is referred to as its significance.</p> <p>5.12.3 Some heritage assets have a level of significance that justifies official designation. Categories of designated heritage assets are: World Heritage Sites; Scheduled Monuments; Listed Buildings; Protected Wreck Sites; Protected Military Remains; Registered Parks and Gardens; Registered Battlefields (England only); Conservation Areas; and Registered Historic Landscapes (Wales only).</p>	<p>The Applicant has assessed the Historic Environment within this DCO Application within the following documents:</p> <ul style="list-style-type: none"> - Chapter 14: Historic Environment (Terrestrial) [TR030008/APP/6.2] - Chapter 15: Historic Environment (Marine) [TR030008/APP/6.2] - Section 7.14 Historic Environment of the Planning Statement [TR030008/APP/7.1] assesses the Project against the policies in the NPSfP which relate to the historic environment.

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	<p>5.12.4 There are heritage assets with archaeological interest that are not currently designated as scheduled monuments, but which are demonstrably of equivalent significance. These include:</p> <ul style="list-style-type: none"> • those that have yet to be formally assessed for designation; • those that have been assessed as capable of being designated but which the Secretary of State has decided not to designate; • those that are incapable of being designated by virtue of being outside the scope of the Ancient Monuments and Archaeological Areas Act 1979. <p>The absence of designation for such heritage assets does not indicate lower significance. If the evidence before the decision-maker indicates to it that a non-designated heritage asset of the type described may be affected by the proposed development then the heritage asset should be considered subject to the same policy considerations as those that apply to designated heritage assets.</p> <p>5.12.5 The decision-maker should also consider the impacts on other non-designated heritage assets, as identified either through the development plan making process (local listing) or through the decision-making process on the basis of clear evidence that the assets have a significance that merits consideration in its decisions, even though those assets are of lesser value than designated heritage assets.</p>	
<p>5.12.6 – 5.12.9</p>	<p>Applicant’s assessment</p> <p>5.12.6 As part of the ES, the applicant should provide a description of the significance of the heritage assets affected by the proposed development and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage assets and no more than is sufficient to understand the</p>	<p>Table 14-2 of Chapter 14: Historic Environment (Terrestrial) and Table 15-2 of Chapter 15: Historic Environment (Marine) [TR030008/APP/6.2] demonstrates how the Project has addressed the guidance for the Applicant’s Assessment set out in paragraphs 5.12.6 to 5.12.9 of the NPSfP.</p>

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	<p>potential impact of the proposal on the significance of the heritage asset. As a minimum, the applicant should have consulted the relevant Historic Environment Record and assessed the heritage assets themselves using expertise where necessary according to the proposed development's impact.</p> <p>5.12.7 Where a development site includes, or the available evidence suggests it has potential to include, heritage assets with an archaeological interest, the applicant should carry out appropriate desk-based assessment and, where such desk-based research is insufficient to properly assess the interest, a field evaluation. Where proposed development will affect the setting of a heritage asset, representative visualisations may be necessary to explain the impact.</p> <p>5.12.8 The possibility of damage to buried features from underwater disposal of dredged material should be taken into account.</p> <p>5.12.9 The applicant should ensure that the extent of the impact of the proposed development on the significance of any heritage assets affected can be adequately understood from the application and supporting documents.</p>	
<p>5.12.10 – 5.12.11</p>	<p>Guidance for the decision-maker</p> <p>5.12.10 In considering applications, the decision-maker should seek to identify and assess the significance of any heritage asset that may be affected by the proposed development, including by development affecting the setting of a heritage asset, taking account of:</p> <ul style="list-style-type: none"> • evidence provided with the application; • any designation records; • Rapid Coastal Zone Assessments by English Heritage where relevant; 	<p>Section 7.14 of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project accords with the NPSfP at paragraphs 5.12.10 to 5.12.20. The significance of heritage assets has been assessed within Chapter 14: Historic Environment (Terrestrial) and Chapter 15: Historic Environment (Marine), taking into account the factors set out in paragraph 5.12.10.</p>

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	<ul style="list-style-type: none"> • the Historic Environment Record and similar sources of information; • the heritage assets themselves; • the outcome of consultations with interested parties; and • where appropriate and when the need arises to understand the significance of the heritage assets, expert advice. <p>5.12.11 In considering the impact of a proposed development on any heritage assets, the decision-maker should take into account the particular nature of the significance of the heritage assets and the value that they hold for this as well as future generations. This understanding should be used to avoid or minimise conflict between conservation of the significance and proposals for development.</p>	
5.12.12	<p>The decision-maker should take into account the desirability of sustaining and, where appropriate, enhancing the significance of heritage assets, the contribution of their settings and the positive contribution they can make to sustainable communities and economic vitality. The decision-maker should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use. The decision-maker should have regard to any relevant local authority development plans or local impact report on the proposed development in respect of the factors set out in footnote 72 below.</p> <p>[For contextual purposes these are listed below]</p> <ul style="list-style-type: none"> • heritage assets having an influence on the character of the environment and an area’s sense of place; 	<p>Section 7.14 of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project accords with the NPSfP at paragraphs 5.12.10 to 5.12.20 and Footnote 72. This considers how the Project affects the significance of the identified heritage assets within the study area and how the Project has sought to incorporate measures to positively contribute to the character and local distinctiveness of the historic environment where reasonably practicable.</p>

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	<ul style="list-style-type: none"> • heritage assets having a potential to be a catalyst for regeneration in an area, particularly through leisure, tourism and economic development; • heritage assets being a stimulus to inspire new development of imaginative and high quality design; • the re-use of existing fabric, minimising waste; and • the mixed and flexible patterns of land use in historic areas that are likely to be, and remain, sustainable. 	
5.12.13	<p>There should be a presumption in favour of the conservation of designated heritage assets and, the more significant the designated heritage asset, the greater the presumption in favour of its conservation should be. Once lost, heritage assets cannot be replaced, and their loss has a cultural, environmental, economic and social impact. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Loss affecting any designated heritage asset should require clear and convincing justification. Substantial harm to or loss of a grade II listed building park or garden should be exceptional. Substantial harm to or loss of designated assets of the highest significance, including Scheduled Monuments; registered battlefields; grade I and II* listed buildings; grade I and II* registered parks and gardens; and World Heritage Sites should be wholly exceptional.</p>	<p>There are no World Heritage Sites, Scheduled Monuments, Grade I or II* listed buildings, conservation areas, registered parks and gardens or registered battlefields within the 2km study area for designated heritage assets.</p> <p>Section 7.14 of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project accords with the NPSfP at paragraphs 5.12.10 to 5.12.20, taking into account the findings of the ES and mitigation proposed as appropriate.</p>
5.12.14	<p>Any harmful impact on the significance of a designated heritage asset should be weighed against the public benefit of development, recognising that, the greater the harm to the significance of the heritage asset, the greater the justification will be needed for any loss. Where the application will lead to substantial harm to or total loss of significance of a designated heritage asset, the decision-maker should</p>	<p>Please see the Applicant’s response to paragraph 5.12.13 of the NPSfP.</p>

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	<p>refuse consent unless it can be demonstrated that the substantial harm to or loss of significance is necessary in order to deliver substantial public benefits that outweigh that loss or harm. Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. The policies in the previous paragraphs apply to those elements that do contribute to the significance. When considering proposals, the decision-maker should take into account the relative significance of the element affected and its contribution to the significance of the World Heritage Site or Conservation Area as a whole.</p>	
<p>5.12.15</p>	<p>Where loss of significance of any heritage asset is justified on the merits of the new development, the decision-maker should consider imposing a condition on the consent or requiring the applicant to enter into an obligation that will prevent the loss occurring until it is reasonably certain that the relevant part of the development is to proceed.</p>	<p>Section 7.14 of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project accords with the NPSfP at paragraphs 5.12.10 to 5.12.20.</p>
<p>5.12.16</p>	<p>When considering applications for development affecting the setting of a heritage asset, the decision-maker should treat favourably applications that preserve those elements of the setting that make a positive contribution to, or that better reveal the significance of, the asset. When considering applications that do not do this, the decision-maker should weigh any negative effects against the wider benefits of the application. The greater the negative impact on the significance of the asset, the greater the benefits that will be needed to justify approval.</p>	<p>Section 7.14 of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project accords with the NPSfP at paragraphs 5.12.10 to 5.12.20.</p>

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<p>5.12.17 – 5.12.20</p>	<p>Recording</p> <p>5.12.17 A documentary record of our past is not as valuable as retaining the heritage asset, and therefore the ability to record evidence of the asset should not be a factor in deciding whether consent should be given.</p> <p>5.12.18 Where loss of the whole or a material part of a heritage asset's significance is justified, the decision-maker should require the developer to record and advance understanding of the asset's significance before this is lost. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Developers should be required to publish this evidence and deposit copies of the reports with the relevant Historic Environment Record. They should also be required to deposit the archive generated to a local museum or other public depository willing to receive it.</p> <p>5.12.19 Where appropriate, the decision-maker should impose requirements on a consent to ensure that such work is carried out in a timely manner in accordance with a written scheme of investigation that meets the requirements of this section and has been agreed in writing with the relevant local authority (and, where the development is in English waters, the Marine Management Organisation and English Heritage or where it is in Welsh waters, the MMO (and Cadw) and that the completion of the exercise is properly secured.</p> <p>5.12.20 Where the decision-maker considers there to be a high probability that a development site may include as yet undiscovered heritage assets with archaeological interest, the decision-maker should consider requirements to ensure that appropriate procedures (for example, a written scheme of investigation) are in place for the survey, identification, analysis and treatment of such assets discovered before and during construction.</p>	<p>Chapter 14: Historic Environment (Terrestrial) [TR030008/APP/6.2] sets out that a desk based assessment and programme of archaeological field work has been undertaken, the results of which are incorporated into the chapter and its appendices.</p> <p>In term of the construction phase, the Outline CEMP [TR030008/APP/6.5] sets out that <i>“If remains which are deemed to be significant in nature are encountered during construction works, the relevant part of the works will be halted and NELC Heritage officer consulted in order to understand if further works are required in relation to the asset in order to characterise, record and understand it”</i></p>

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5.13 Land use including open space, green infrastructure and Green Belt		
<p>5.13.1 – 5.13.2</p>	<p>5.13.1 A port infrastructure project will have direct effects on the existing use of the proposed site and may have indirect effects on the use, or planned use, of land in the vicinity for other types of development. Given the likely locations of port infrastructure projects, there may be particular effects on open space, including green infrastructure.</p> <p>5.13.2 The Government’s policy is to ensure there is adequate provision of high-quality open space, (including green infrastructure) and sports and recreation facilities to meet the needs of local communities. Open spaces, sports and recreational facilities all help to underpin people’s quality of life and have a vital role to play in promoting healthy living. Green infrastructure, in particular, will also play an increasingly important role in mitigating and adapting to the impacts of climate change.</p>	<p>The Applicant has assessed land use including open space, green infrastructure and Green Belt within this DCO Application within the following documents:</p> <ul style="list-style-type: none"> - Chapter 8: Nature Conservation (Terrestrial Ecology) [TR030008/APP/6.2] - Chapter 23: Socio-Economics [TR030008/APP/6.2] - Outline Landscape and Ecology Management Plan [TR030008/APP/6.9] - Section 7.15 Land Use of the Planning Statement [TR030008/APP/7.1] assesses the Project against the policies in the NPSfP which relate to land use
<p>5.13.3</p>	<p>The re-use of previously developed land for new development can make a major contribution to sustainable development by reducing the amount of countryside and undeveloped greenfield land that needs to be used. However, this may not be possible for some forms of infrastructure.</p>	<p>The Project is located partly on previously developed land. The associated development would be located on two parcels of land and linked by a pipeline corridor. Chapter 2: The Project [TR030008/APP/6.2] provides a detailed description of the land within the Order Limits.</p> <p>Chapter 3: Needs and Alternatives [TR030008/APP/6.2] describes the existing port environment and notably how development within the current operational boundaries is heavily constrained by existing infrastructure and there would be no space on the existing deep-water jetties to facilitate the Green Energy Terminal.</p> <p>Appendix D: Planning History and Land Use Designations of the Planning Statement [TR030008/APP/7.1], describes the allocated</p>

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		land for employment development within the NELLP and how the Project accords with this allocation.
5.13.4	Green Belts, defined in a local planning authority's development plan, are situated around certain cities and large built-up areas. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. For further information on the purposes of Green Belt policy see PPG2 or any successor to it.	The Project is not located in the Green Belt therefore paragraph 5.13.4 of the NPSfP is not relevant.
5.13.5	Applicant's assessment 5.13.5 The ES should identify existing and proposed land uses near the project, as well as any effects of replacing an existing development or use of the site with the proposed project or preventing a development or use on a neighbouring site from continuing. Applicants should also assess any effects of precluding a new development or use proposed in the development plan.	Appendix D of the Planning Statement [TR030008/APP/7.1] , describes the relevant Planning History and Land Use Designations within and in close proximity to the Order Limits. Section 7.15 of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project accords with the NPSfP at paragraph 5.13.5.
5.13.6	Applicants will need to consult the local community on their proposals to build on open space, green infrastructure, sports or recreational buildings and land. Taking account of the consultations, applicants should consider providing new or additional open space, including green infrastructure, sport or recreation facilities, to substitute for any losses as a result of their proposal. Applicants should use any up-to-date local authority assessment or, if there is none, provide an independent assessment to show whether the existing open space, sports and recreational buildings and land are surplus to requirements	The Project does not affect any area of open space, sports and recreational buildings and land therefore paragraph 5.13.6 of the NPSfP is not relevant.

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5.13.7	<p>During any pre-application discussions with the applicant, the local planning authority (LPA) should identify any concerns it has about the impacts of the application on land use, having regard to the development plan and relevant applications and including, where relevant, whether it agrees with any independent assessment that the land is surplus to requirements.</p>	<p>The Applicant has been engaging with NELC throughout the pre-application process to discuss a number of matters in relation to the Project. NELC’s response to the First Statutory Consultation and how the Applicant has had regard to this response is set out in the Consultation Report Appendix P [TR030008/APP/5.2] and for the Second Statutory Consultation, please refer to Consultation Report Appendix Q [TR030008/APP/5.2]. Further to this, a Statement of Common Ground will be prepared in conjunction with the Local Planning Authority which identifies matters which have been agreed and those which are outstanding.</p> <p>Section 7.15 Land Use of the Planning Statement assesses the Project against the NPSfP in respect of land use. Appendix D: Planning History and Land Use Designations of the Planning Statement [TR030008/APP/7.1], describes the allocated land for employment development within the NELLP and how the Project accords with this allocation.</p>
5.13.8	<p>Applicants should seek to minimise impacts on the best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification) and preferably use land in areas of poorer quality (grades 3b, 4 and 5), except where this would be inconsistent with other sustainability considerations. Applicants should also identify any effects and seek to minimise impacts on soil quality, taking into account any mitigation measures proposed. For developments on previously developed land, applicants should ensure that they have considered the risk posed by land contamination</p>	<p>Section 7.15 Land Use of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project accords with the NPSfP at paragraph 5.13.8.</p>
5.13.9	<p>Applicants should safeguard any mineral resources on the proposed site as far as possible, taking into account the long-term potential of the land use after any future decommissioning has taken place.</p>	<p>The Project is not located in a minerals safeguarding area and therefore this paragraph of the NPSfP is not considered to be relevant.</p>

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<p>5.13.10 – 5.13.11</p>	<p>The general policies controlling development in the countryside apply with equal force in Green Belts, but there is, in addition, a general presumption against inappropriate development within them. Such development should not be approved, except in very special circumstances. Applicants should therefore determine whether their proposal, or any part of it, is within an established Green Belt and, if it is, whether their proposal may be inappropriate development within the meaning of Green Belt policy – see 5.13.17 below.</p> <p>5.13.11 However, infilling or redevelopment of major developed sites in the Green Belt, if identified as such by the local planning authority, may be suitable for some forms of nationally significant infrastructure. It may help to secure jobs and prosperity without further prejudicing the Green Belt, or even offer the opportunity for further environmental improvement. Applicants should refer to the relevant criteria on such developments in Green Belts.</p>	<p>The Project is not located in the Green Belt and therefore these paragraphs of the NPSfP are not relevant.</p>
<p>5.13.12 – 5.13.18</p>	<p>Guidance for the decision-maker</p> <p>5.13.12 Where the project conflicts with a proposal in a development plan, the decision-maker should take account of the stage which the development plan document in England or local development plan in Wales has reached in deciding what weight to give to the plan for the purposes of determining the planning significance of what is replaced, prevented or precluded. The closer the development plan document in England or local development plan in Wales is to being adopted by the LPA, the greater the weight which can be attached to it.</p> <p>5.13.13 The decision-maker should not grant consent for development on existing open space, sports and recreational buildings and land unless an assessment has been undertaken either by the local authority or independently, which has shown the open space or the buildings and land to be surplus to requirements, or the decision-</p>	<p>Section 7.15 Land Use of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project accords with the NPSfP at paragraph 5.13.12 – 5.13.18.</p>

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	<p>maker determines that the benefits of the project (including need) outweigh the potential loss of such facilities, taking into account any positive proposals made by the applicant to provide new, improved or compensatory land or facilities. The loss of playing fields should only be allowed where applicants can demonstrate that they will be replaced with facilities of equivalent or better quantity or quality in a suitable location.</p> <p>5.13.14 Where networks of green infrastructure have been identified in development plans, they should normally be protected from development and, where possible, strengthened by or integrated within it.</p> <p>5.13.15 The decision-maker should ensure that applicants do not site their scheme on the best and most versatile agricultural land without justification. It should give little weight to the loss of poorer-quality agricultural land (in grades 3b, 4 and 5), except in areas (such as uplands) where particular agricultural practices may themselves contribute to the quality and character of the environment or the local economy.</p> <p>5.13.16 In considering the impact on maintaining coastal recreation sites and features, the decision-maker should expect applicants to have taken advantage of opportunities to maintain and enhance access to the coast. In doing so, the decision-maker should consider the implications for development of the creation of a continuous signed and managed route around the coast, as provided for in the Marine and Coastal Access Act 2009.</p> <p>5.13.17 When located in the Green Belt, port infrastructure projects may comprise ‘inappropriate development’. Inappropriate development is by definition harmful to the Green Belt and there is a presumption against it. The decision-maker will need to assess whether there are very special circumstances to justify inappropriate development. Very</p>	

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	<p>special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the decision-maker will attach substantial weight to the harm to the Green Belt when considering any application for such development.</p> <p>5.13.18 In Wales, ‘green wedges’ may be designated locally. Green wedges give the same protection in Wales as Green Belt in England. Green wedges do not convey the same level of permanence of a Green Belt and should be reviewed by the local authority as part of the development plan review process. As with Green Belt, there is a presumption against inappropriate development, and the decision-maker should assess whether there are very special circumstances to justify any proposed inappropriate development.</p>	
<p>5.13.19 -</p>	<p>Mitigation</p> <p>5.13.19 Applicants can minimise the direct effects of a project on the existing use of the proposed site, or proposed uses near the site, by the application of good design principles, including the layout of the project.</p>	<p>Section 7.15 Land Use of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project accords with the NPSfP at paragraph 5.13.19.</p>
<p>5.13.20</p>	<p>Where green infrastructure is affected, the decision-maker should, if necessary, consider imposing requirements to ensure the connectivity of the green infrastructure network is maintained and any necessary works are undertaken, where possible, to mitigate any adverse impact and, where appropriate, to improve that network and other areas of open space, including appropriate access to new coastal access routes.</p>	<p>Section 7.5 Biodiversity and Section 7.15 Land Use of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project accords with the NPSfP at paragraph 5.13.5.</p>

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5.13.21	<p>The decision-maker should also consider whether mitigation of any adverse effects on green infrastructure or open space is adequately provided for by means of any planning obligations, for example to exchange land and provide for appropriate management and maintenance agreements. Any exchange land should be at least as good in terms of size, usefulness, attractiveness, quality and accessibility. Alternatively, where sections 131 and 132 of the Planning Act 2008 apply, replacement land provided under those sections will need to conform to the requirements of those sections.</p>	<p>Section 7.5 Biodiversity and Section 7.15 Land Use of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project accords with the NPSfP at paragraph 5.13.5.</p>
5.13.22	<p>Where a proposed development has an impact upon a Mineral Safeguarding Area (MSA), the decision-maker should ensure that appropriate mitigation measures have been put in place to safeguard mineral resources.</p>	<p>The Project is not located in a mineral safeguarding area and therefore this paragraph of the NPSfP is not relevant.</p>
5.13.23	<p>Where a project has a sterilising effect on land use, there may be scope for this to be mitigated through, for example, using the land for nature conservation or wildlife corridors, or for parking and storage in employment areas.</p>	<p>The Project does not have a sterilising effect on land use. It makes efficient use of available land.</p> <p>Section 7.15 Land Use of the Planning Statement assesses the Project against the NPSfP in respect of land use. Appendix D: Planning History and Land Use Designations of the Planning Statement [TR030008/APP/7.1], describes the allocated land for employment development within the NELLP and how the Project accords with the substance of this allocation in terms of the nature and type of uses envisaged.</p>

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5.13.24	Rights of way, National Trails and other rights of access to land (e.g. open access land) are important recreational facilities, e.g. for walkers, cyclists and horse riders. The decision-maker should expect applicants to take appropriate mitigation measures to address adverse effects on coastal access, National Trails and other rights of way. Where this is not the case, the decision-maker should consider what appropriate mitigation requirements might be attached to any grant of development consent.	<p>Chapter 23: Socio-Economics [TR030008/APP/6.2] explains there are a number of fishing bays used by recreational sea anglers along Immingham Sea Wall to the east. During construction, as shown on Sheet 3 of the Stopping up and restriction of use of streets and public rights of way plan [TR030008/APP/4.7], the informal access by recreational sea anglers to the area along the sea wall will be permanently removed.</p> <p>Section 7.16 Socio-Economics of the Planning Statement [TR030008/APP/7.1] considers the conclusions of Chapter 23: Socio-Economics [TR030008/APP/6.2] and assesses the Project against the NPSfP in respect of paragraph 5.13.24.</p>
5.14 Socio-economic impacts		
5.14.1	The construction, operation and decommissioning of port infrastructure may have socio-economic impacts at local and regional levels.	<p>The Applicant has assessed socio-economic impacts within this DCO Application within the following documents:</p> <ul style="list-style-type: none"> - Chapter 23: Socio-Economics [TR030008/APP/6.2] - Section 7.16 Land Use of the Planning Statement [TR030008/APP/7.1]
5.14.3 – 5.14.5	<p>5.14.3 This assessment should consider all relevant socio-economic impacts, which may include:</p> <ul style="list-style-type: none"> • the creation of jobs and training opportunities; • the provision of additional local services and improvements to local infrastructure, including the provision of educational and visitor facilities; • effects on tourism; 	<p>Table 23-2 of Chapter 23: Socio-Economics [TR030008/APP/6.2] demonstrates how the Project has assessed the guidance for the Applicant's Assessment set out in paragraphs 5.14.3-5.14.5 of the NPSfP.</p>

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	<ul style="list-style-type: none"> the impact of a changing influx of workers during the different construction, operation and decommissioning phases of the energy infrastructure. This could change the local population dynamics and could alter the demand for services and facilities in the settlements nearest to the construction work (including community facilities and physical infrastructure such as energy, water, transport and waste). There could also be effects on social cohesion, depending on how populations and service provision change as a result of the development; and cumulative effects – if development consent were to be granted to for a number of projects within a region and these were developed in a similar timeframe, there could be some short-term negative effects, for example a potential shortage of construction workers to meet the needs of other industries and major projects within the region. <p>5.14.4 Applicants should describe the existing socio-economic conditions in the areas surrounding the proposed development and should also refer to how the development’s socio-economic impacts correlate with local planning policies.</p> <p>5.14.5 Socio-economic impacts may be linked to other impacts – for example, the visual impact of a development is considered in section 5.11 but may also have an impact on tourism and local businesses.</p>	
<p>5.14.6 – 5.14.8</p>	<p>Guidance for the decision-maker</p> <p>5.14.6 The decision-maker should have regard to the potential socio-economic impacts of new port infrastructure identified by the applicant and from any other sources that the decision-maker considers to be both relevant and important to its decision.</p>	<p>Section 7.16 of the Planning Statement [TR030008/APP/7.1] provides a summary of how the Project accords with the NPSfP at paragraphs 5.14.6-5.14.8. Additionally, Chapter 5 of the Planning Statement outlines the substantial economic benefits of the Project.</p>

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	<p>5.14.7 It is reasonable for the decision-maker to conclude that limited weight is to be given to assertions of socio-economic impacts that are not supported by evidence.</p> <p>5.14.8 The decision-maker should consider any positive provisions the developer has made through developer contributions and any legacy benefits that may arise, as well as considering any options for phasing development in relation to the socio-economic impacts.</p>	
<p>5.14.9</p>	<p>Mitigation</p> <p>5.14.9 The decision-maker should consider whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of the development. For example, high-quality design can improve the visual and environmental experience for visitors and the local community alike.</p>	<p>Please refer to the following documents for details on how the Project has addressed paragraphs 5.14.9 of the NPSfP:</p> <ul style="list-style-type: none"> – Section 23.7 for embedded mitigation measures, impact avoidance and standard mitigation and Section 23.9 for additional mitigation and enhancement measures of Chapter 23: Socio-Economics [TR030008/APP/6.2]