



Immingham Green Energy Terminal

9.28 Written Summary of the Applicant's Oral
Case at Preliminary Meeting with Appendices

March 2024
Version 1.0

Planning Inspectorate Scheme Ref: TR030008

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1 INTRODUCTION

- 1.1 This document summarises the submissions made by Associated British Ports ("the Applicant"), at the Preliminary Meeting at 10.00am on 20 February 2024 for the Immingham Green Energy Terminal project ("the Project").
- 1.2 The Rule 6 letter containing the agenda (at Annex A) for the meeting was published on the Planning Inspectorate's website on 8 January 2024 [\[PD-005\]](#). The Applicant submitted its Response to the Rule 6 Letter dated 6 February 2024 at Procedural Deadline A [\[PDA-001\]](#). The Applicant's submissions on the points raised broadly follow the items set out in the Examining Authority's ("Ex A") agenda.

2 REPRESENTATION ON BEHALF OF THE APPLICANT

- 2.1.1 Hereward Phillpot K.C., Counsel instructed jointly by Bryan Cave Leighton Paisner LLP (BCLP) and Charles Russell Speechlys LLP (CRS), appeared at the Preliminary Meeting on behalf of the Applicant.

3 AGENDA ITEM 2: THE EXA'S REMARKS ABOUT THE EXAMINATION PROCESS (ANNEX B TO THE RULE 6 LETTER)

- 3.1 The Applicant made no submissions in relation to Item 2.

4 AGENDA ITEM 3: INITIAL ASSESSMENT OF PRINCIPAL ISSUES (ANNEX C TO THE RULE 6 LETTER)

- 4.1 The Applicant made no submissions in relation to Item 3.

5 AGENDA ITEM 4: DRAFT EXAMINATION TIMETABLE (ANNEX D TO THE RULE 6 LETTER)

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Issue Discussed	Summary of oral submissions on the part of the Applicant
i. Local Impact Report from North East Lincolnshire Council (“NELC”)	
Request from NELC to submit the Local Impact Report after Deadline 1	The Applicant noted that they would welcome a draft report even if this included caveats about its status so as to allow for ample time to review this ahead of Deadline 2 where the Applicant’s comments are expected to be submitted under the Examination Timetable.
ii. Matters raised by Fiona Wakeham on behalf of the Harbour Master	
Request from the Harbour Master, Humber to schedule navigational issues, dDCO and deemed marine licence conditions when their appointed Counsel is available in w/c 15 April 2024 [check]	The Applicant raised no objections to this request and noted that the Applicant would welcome further detail as regards likely topics for future hearings as soon as this is available to ensure that the relevant technical specialists can be made available when required to appear at hearings.

6 ITEM 5: PROCEDURAL DECISIONS (ANNEX F TO THE RULE 6 LETTER)

Issue Discussed	Summary of oral submissions on the part of the Applicant
i. Applicant’s Proposed Change Request	
Proposed changes to the DCO Application by the Applicant	<p>The Applicant advised that the proposed changes are broadly as set out in the Applicant’s response to the Ex A’s Rule 6 Letter [PDA-001].</p> <p>In summary the changes are:</p> <p>(a) Two design changes to the jetty, the first of which is to include two additional monopiles in front of the berth platform to accommodate an alternative fender design that is required. The second of which is a change to the pile diameter to support the jetty loading beneath the pipe racks. As a result of the increased diameter, the piles will need to be placed further apart which will slightly increase the total width of the jetty.</p>

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	<p>(b) Following detailed discussions with Cadent Gas, who have a high-pressure gas pipeline which crosses Work No. 7, it has become necessary to move the development forming part of the hydrogen production facility 10-15 metres to the north of this gas pipeline. as a consequence the location of a permanent access road to Work No.7 will need to move north of the pipeline, and an additional area of land will be needed temporarily during construction to accommodate a pipeline sleeve before it is installed.</p> <p>The Applicant explained that the proposed changes were not expected to change the conclusions reached in the Environmental Statement submitted with the DCO application and do not require any further mitigation or compensation to be provided. However, the change application when prepared will be accompanied by environmental information to confirm the expected position.</p>
<p>Timeline and process of the proposed change application</p>	<p>The Applicant confirmed that it intends to submit its change notification on the same date at which the Applicants consultation on the proposed application changes will begin. This represents a slight change to the process set out in PINS advice note 16. The rationale for this approach is to streamline the process so that the change application can be submitted Ex A as soon as possible.</p> <p>Following this approach, the Applicant proposed to write to the Ex A with a proposed list of consultees ahead of the change notification to confirm their acceptance before beginning the formal change process.</p> <p>The Applicant noted in respect of the additional land needed temporarily during construction that the Applicant is already in conversation with the landowner concerning the temporary use of that land.</p> <p>The Applicant proposed the following timescales for the change application:</p> <ul style="list-style-type: none"> (a) Change notification, accompanied by all the relevant information to be submitted to the Ex A by the end of March; (b) The targeted consultation period will run from the submission of the change notification through April; (c) The list of proposed consultees on the proposed changes will be submitted to the Ex A for their comment and approval during the two weeks following the Preliminary Meeting.

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	<p>(d) The formal application to change the DCO application would be submitted in early May.</p> <p>The Applicant confirmed that in the event the Compulsory Acquisition Regulations were triggered by the inclusion of the parcel of land for temporary use, an alternative timetable for the change application and details of the implications for the DCO Examination would be provided.</p>
ii. Statements of Common Ground	
Update from the Applicant on progress of the Statements of Common Ground	<p>The Applicant provided an update on the status of the Statements of Common Ground (SoCG) for each of the following</p> <ul style="list-style-type: none">(a) NELC: A draft SoCG was issued to NELC on 22 January 2024. The Applicant confirmed that positive discussions continue in relation to woodland compensation for the loss of tress in the Long Strip.(b) Environment Agency: A draft SoCG was issued to the Agency on 16 February 2024 following a meeting between all parties on 7 January 2024.(c) National Highways: A draft SoCG is due to be issued to National Highways later in the w/c 19 February 2024 following a meeting between all parties held on 8 February 2024.(d) Health and Safety Executive: The Applicant confirmed through engagement with the HSE, that they do not intend to enter into a SoCG. Nevertheless, a draft SoCG is due to be issued in the w/c 19 February 2024.(e) Marine Management Organisation: The Applicant confirmed a draft SoCG is due to be issued in the w/c 19 February 2024.(f) Natural England: The Applicant confirmed that a draft SoCG is due to be issued in the w/c 19 February 2024.(g) North East Lincolnshire Drainage Board: A first draft SoCG was issued 22 January 2024. A second draft SoCG was issued 13 February 2024. The Applicant confirmed that positive discussions continue.

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	<p>(h) Harbour Master, Humber and Humber Estuary Services: A first draft SoCG was issued 22 December 2023 and a second draft was issued on 21 February 2024. The Applicant confirmed that positive discussions continue.</p> <p>(i) IOT Port Operators: Meetings held 23 January 2024 and 6 February 2024. The Applicant is aiming to issue a draft SoCG to the IOT Operators in the w/c 26 February 2024. The Applicant would seek to ensure an agreed draft of the SoCG could be provided at Deadline 1.</p> <p>(j) Historic England: A draft SoCG is expected to be issued later in the w/c 19 February 2024.</p> <p>(k) Trinity House: A part-signed SoCG was returned on 16 February 2024 and is expected to complete shortly.</p> <p>(l) CLDN – A meeting was held on 15 February 2024 and following this, the Applicant anticipates issuing the draft SoCG in the w/c 19 February 2024.</p> <p>(m) Marine and Coastal Agency: The MCA confirmed that a SoCG is not required.</p> <p>(n) Network Rail: A draft SoCG was issued on 15 February 2024.</p> <p>(o) Stena line: The Applicant sent an email asking whether Stena Line would want to enter into a SoCG on 19 February 2024. <i>Post-hearing note: Stena Line have since confirmed that a SoCG is not required.</i></p> <p>(p) Royal Mail: The Applicant sent an email asking whether Royal Mail would want to enter into a SoCG on 15 February 2024. <i>Post-hearing note: Royal Mail have since confirmed that a SoCG is not required.</i></p> <p>(q) Anglian Water: A draft SoCG was issued on 19 February 2024.</p> <p>(r) PD Ports: The Applicant anticipates that a brief SoCG may be required and is in discussions with PD Ports as to what shape this will take.</p> <p>(s) Cadent Gas: A draft SoCG was issued on 15 February 2024.</p>
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	(t) Northern PowerGrid: A draft SoCG was issued on 15 February 2024.
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7 **ITEM 6: ANY OTHER MATTERS**

7.1 The Applicant made no submissions in relation to Item 6.