

PLANNING ACT 2008

ASSOCIATED BRITISH PORTS (IMMINGHAM GREEN ENERGY TERMINAL) DEVELOPMENT CONSENT ORDER

TR030008

Response to the Applicant Response to the Relevant Representation of PD Port Services Limited (IP No. 20047065)

Date	26 March 2024
-------------	---------------

Applicant Response to RR	PDPS Response
<p>The Applicant notes the representation made by PD Port Services Limited ("PDPS"), including the description of PDPS's site and operations and welcomes PDPS's support for the Project in principle.</p> <p>The Applicant acknowledges PDPS's concerns raised regarding the potential for the construction and operation of the Project to adversely affect PDPS's operations. The Applicant welcomes the confirmation that PDPS are seeking to work positively with the Applicant and the Applicant confirms that it is continuing to engage with PDPS in relation to the Project. A meeting took place on 15 February via Teams between representatives of the Applicant, Air Products and PDPS to give PDPS an update on the Project and discuss the concerns raised in their relevant representation.</p> <p>For ease of reference, the Applicant has used the same paragraph numbering as is contained within the PDPS representation in this response.</p>	<p>Noted.</p>
Vehicle Route	
<p>The Applicant welcomes the confirmation that PDPS do not have any objection to the reduced speed limit (Paragraph 2.5).</p> <p>The Applicant notes PDPS's concern that any closure of Laporte Road will have a significant impact on PDPS's operations and will require a 3-mile detour, which PDPS are concerned may encourage customers to find an alternative provider (Paragraph 2.5).</p> <p>The Applicant acknowledges that, during installation of the culvert and pipeline under Laporte Road, the passage of traffic along that road will be affected. The works are anticipated to take between 2–4 weeks. There are various possible construction methods (as follows) – the length of any closure (if required) will depend on which one is adopted:</p> <ul style="list-style-type: none"> • Construction of the culvert using two prefabricated boxes, which could potentially be done in two halves, with temporary traffic lights on Laporte Road • Closure of Laporte Road to place oversized sleeves across the road and then reinstatement of the road (which may result in a 	<p>With regard to the alternative construction techniques, PDPS has raised further queries with the Applicant regarding how this order of preference may be secured and what commitments can be given in this respect in the DCO (protective provisions / requirements). If these installation methods and associated traffic management is to be subject to requirements, then PDPS would wish to be expressly noted as a consultee. Responses from the applicant are awaited.</p> <p>Whilst section 6.1 of the Outline Construction Traffic Management Plan [APP-223] provides for a formal process of liaison between all relevant parties, PDPS is not specifically named. There is therefore no guarantee that PDPS will be consulted.</p> <p>Requirement 7 of Schedule 2 of the draft Development Consent Order provides that that the project may not commence before the CTMP is approved in general accordance with the outline, however it does not name</p>

<p>shorter road closure) – the pipes and cables would then be placed through the sleeves without any further closure</p> <ul style="list-style-type: none"> • Full construction of the culvert across Laporte Road with the closure of the road <p>The design of the culvert and sleeves is not finalised and depends on design constraints such as water table level and utilities in the road.</p> <p>The Applicant and Air Products will liaise with PDPS over the installation of the culvert pipeline on Laporte Road with a view to minimising the impact on PDPS as far as is possible. The Construction Traffic Management Plan (section 6.1 of the Outline Construction Traffic Management Plan [APP-223]) will provide a formal process of liaison between the parties, in particular the provision of prior notice of significant events. Final Construction Traffic Management Plans are secured by requirement 7 (Schedule 2 of the draft Development Consent Order [PDA-004]).</p>	<p>PDPS as a consultee, therefore there is no guarantee that PDPS will be consulted.</p>
<p>Temporary access off Laporte Road</p>	
<p>PDPS have raised queries regarding the extent of time that the temporary access from Laporte Road will be in place and have sought comfort that the access and traffic generated will not interfere with their operations (Paragraphs 2.6 and 2.7).</p> <p>It is anticipated that most of the works to construct the access will be able to be constructed 'off the highway'. Whilst the tie into Laporte Road will require works on the public highway, the Applicant does not envisage that this would need a closure of Laporte Road. Temporary traffic lights may be installed if required.</p> <p>The temporary access road will provide access to the field opposite PDPS as shown indicatively on Plate 10 of APP-223. This field is proposed to be used during construction for parking and material laydown. The access is on the opposite side of the road to the access to the PDPS site and therefore access to the PDPS site will not be adversely affected.</p> <p>Traffic movements to and from this temporary access will be limited. As confirmed in APP-223 (Table 6) the East Site is expected to generate a peak of 59 HGVs per day, of which only a portion will use this access. This is less than 6 HGVs per hour and will have no material impact on safety or operation of adjacent access for PDPS.</p>	<p>The Applicant has been able to confirm that the temporary construction and laydown area would be used predominantly for the laydown of large equipment/components and access would not be frequent, with abnormal loads typically to be brought in during the night.</p> <p>Further queries have been raised with the Applicant in relation to this around where the above has been documented and what commitment can be given in this respect in the DCO (protective provisions / requirements). Responses are awaited.</p>

Culvert	
<p>PDPS note (Paragraphs 2.8 and 2.9) that, in relation to the installation of the proposed culvert under Laporte Road, it is unclear what works will take place on the highway. The Applicant notes PDPS's concern that those works may affect the strength of Laporte Road and lead to weight restrictions being imposed.</p> <p>The Applicant confirms its proposed highway works will be designed so they will not generate a requirement for any weight restriction on Laporte Road (it is understood that there is no existing weight restriction in place).</p>	<p>The Applicant has been able to confirm that the culvert across Laporte Road will be engineered to withstand heavy loads and will be of similar strength to the rest of the public highway.</p> <p>Further queries have been raised with the Applicant in relation to how such assurances/commitment will be secured in the DCO. The highways works associated with the culvert design do not appear to form part of proposed requirement 8 (Highways Works); it is suggested that approval of the culvert works are added to this requirement and that PDPS should be named as a consultee.</p>
COMAH status/restrictions	
<p>PDPS expresses concern in Paragraphs 2.11 and 2.12 regarding the implications of the proposed Control of Major Accident Hazards ("COMAH") status of the Project for the operation and use of the PDPS site.</p> <p>The Port is already subject to land use planning zones due to the existence of a number of facilities with consent to handle hazardous substances (the Immingham Oil Terminal ("IOT") located at the Port East Gate for example). Part of PDPS's property is within the composite land use planning inner zone. The rest of PDPS's property (closest to Laporte Road) is within the middle zone.</p> <p>Once the Health and Safety Executive ("HSE") have completed the assessment and proposed revision of land use planning zones associated with the hazardous substance consent related to the proposed hydrogen production facility, it is likely that the inner zone will cover a larger portion of PDPS's property.</p> <p>HSE categorise 'Development Types' which fall within defined 'Sensitivity Levels'. The Development Type of PDPS's activities is 'workplace', which HSE categorise as Sensitivity Level 1 (for the specified detail and size - see extract in Table 1). The matrix on which HSE base their advice states that Sensitivity Level 1 activities in the inner zone or middle zone are</p>	<p>The Applicant has provided that the incorporation within a further COMAH zone would not prevent or restrict the storage of any article at the site. The site may be provided with further emergency planning guidance, but this will likely be familiar to workers at the site.</p> <p>No further enquiries have been raised with the Applicant as a result of this assurance.</p>

classed as 'DAA' which means that HSE 'Do not Advise Against' any such development.

As explained above, the potential change for PDPS from a land use planning perspective would be that part of their property will change from middle zone to inner zone. In this area of change, as can be seen from Table 2, HSE is likely to advise against development which is of Sensitivity Level 2 (which would typically be acceptable in the middle zone but not the inner zone). Level 2 Sensitivity is based on the general public – at home and those involved in normal activities. It is unlikely that Sensitivity Level 2 activities would be proposed in this location given the PDPS activities and the size of the area available within the current middle zone. There would be no change in respect of the part of the site that is already in the inner zone.

As part of its compliance with the COMAH Regulations 2015 (including the preparation of the pre-construction safety report and Major Accident Prevention Policy), the Applicant will engage with neighbouring operators including PDPS and inform them about any new relevant major accident hazard scenarios and any emergency actions that would need to be taken by them in such scenarios. Environmental Statement Chapter 22: Major Accidents and Disasters [APP-064] submitted with the Development Consent Order ("DCO") application contains an assessment of relevant major accident and disaster risk event scenarios (see Table 22-5) and the proposed mitigation measures to reduce the level of risk to as low as reasonably practicable. In conclusion, it is not expected that any changes to the land use planning zones arising out of the Project would interfere with PDPS's operations, type of products stored or likely use of their property.