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**(By email only)**

MMO Reference: DCO/2022/00012  
Planning Inspectorate Reference: TR030008

2 May 2024

Dear Mr Hunter

### **Planning Act 2008, Immingham Green Energy Terminal – Deadline 3 Submission**

On 25 October 2023, the Marine Management Organisation (the “MMO”) received notice under section 55 of the Planning Act 2008 (the “PA 2008”) that the Planning Inspectorate (“PINS”) had accepted an application made by Associated British Ports (the “Applicant”) for determination of a development consent order for the construction, maintenance and operation of the proposed Immingham Green Energy Terminal (the “DCO Application”) (MMO ref: DCO/2022/00012; PINS ref: TR030008).

The DCO application seeks authorisation for the construction, operation, and maintenance of a multi-user liquid bulk terminal which would be located on the eastern side of the Port of Immingham (“the Port”), as well as associated development (collectively termed “the Project”). The associated development would comprise the construction and operation of a green hydrogen facility and landside works for the production of green hydrogen from imported green ammonia on site.

This document comprises the MMO comments in respect of the DCO Application submitted in response to Deadline 3.

The MMO submits the following:

- 1. Comments on any information and submissions received at Deadline 2**
- 2. Comments on points raised at Issue Specific Hearings**

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Yours Sincerely,





Phillipa Koomson  
Marine Licensing Case Officer

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## 1. Comments on any information and submissions received at Deadline 2

### REP2-012 – 9.40 Applicant’s Comments on D1 Submissions from Marine Management Organisation

- 1.1. The MMO thanks the Applicant for confirming that the contingency period will be 60 minutes and is based on a maximum of three piles being driven in a 24-hour period, and the need for 20 minutes soft start per pile. This information addresses previous concerns raised.
- 1.2. Regarding point 4.4.7 of the above document, the MMO notes that the DCO has been updated to define the contingency period, and welcomes that the reporting protocol and contingency period will be conditioned within the DML.
- 1.3. Regarding Q1.5.2.2, the MMO thanks the Applicant for confirming the time of sunrise and sunset will be set in accordance with HM Nautical Almanac Office data. This addresses previous comments relating to the hours for the nighttime piling restriction during June and August and the MMO has no further comments to make regarding this point.
- 1.4. Regarding Q1.5.2.3, the form of noise abatement mitigation had been suggested by the MMO, in consultation with Cefas advisors, as an alternative form of mitigation which would reduce the range of impact during piling, and in some cases, can allow for a more flexible piling schedule, in that restrictions on piling may be temporarily or spatially refined (subject to appropriate modelling to support this). However, the Applicant has highlighted that there may be uncertainty with the effectiveness of bubble curtains for attenuating noise in the high tidal flow environment of the Humber. Given the mitigation measures that are to be conditioned in the DML, and in consideration that the percussive piling reporting protocol will allow for reactive measures if piling exceeds the maximum timeframes stipulated in the licence, the MMO is content that significant adverse effects to migratory fishes are unlikely to occur at a population level.
- 1.5. Regarding Q1.18.3.16, the MMO notes the Applicant’s response regarding this Article, alongside further comments raised at Issue Specific Hearing (ISH) 4, and will review these comments further alongside the updated DCO to be provided by the Applicant at Deadline 3. Therefore, the MMO will provide further comments on this at Deadline 4 on 4 June 2024.

## 2. Comments on points raised at Issue Specific Hearings

- 2.1. The MMO was not in attendance to the recent round of ISHs, however we have listened to the recordings for the ISHs, and note that there was only one action point partly addressed to the MMO, please see point 2.2 regarding this. ISH4 was of particular interest to the MMO and we have provided further commentary regarding the points raised in 2.3 and 2.4 below, with further information to be provided at Deadline 4 following submission of further information by the Applicant.
- 2.2. Regarding Agenda Item 3 of ISH4 Marine Ecology and Habitats Regulation Assessment, the MMO will ensure that item references used in the SoCG are consistent between ourselves and the Applicant.
- 2.3. The MMO notes and supports the Applicant’s comment that piling mitigation measures and the reporting protocol are captured within the outline Construction Environmental Management Plan (CEMP) and within the DML. Please see point 1.1. above regarding the MMO’s views regarding this mitigation. The MMO will provide further comments once the most up-to-date DML is shared at Deadline 3.



2.4. The MMO notes the Applicant's views on Article 46 and agrees that this is likely a point of contention and may be up to the Secretary of State to determine. Discussions are still ongoing with the Applicant regarding this article and other points of the DML, and the MMO will review the updated DCO to be submitted at Deadline 3 alongside further information to be submitted by the Applicant regarding decisions made on other DCOs such as Sizewell C. The MMO still considers that the wording within the Article requires amendment, however, will provide further comments at Deadline 4.

Yours sincerely,



Phillipa Koomson  
Marine Licensing Case Officer

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