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All Interested Parties

Your Ref:

Our Ref: TR030008

Date: 14 May 2024

Dear Sir/Madam

Planning Act 2008 – section 89; and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 9

Application by Associated British Ports for an Order Granting Development Consent for Immingham Green Energy Terminal (IGET)

Examining Authority's Procedural Decisions

We are writing to inform you of a Procedural Decision made by the Examining Authority (ExA) following the Change Application made by the Applicant dated 3 May 2024 [REP3-079]. All documentation referred to in this letter have been published under the 'Documents' tab on the [Immingham Green Energy Terminal - Project information](#) of the National Infrastructure Planning website.

Procedural Decision on Changes to the Application

Following the submission of the Applicant's notification to submit a request for Proposed Changes to its Application [REP2-027], a Proposed Change Notification Report [REP2-024], and our subsequent response, [PD-011], the Applicant submitted their Change Application on 3 May 2024 [REP3-081].

In summary, the Proposed Changes sought by the Applicant are:

- Change One: Change to the number of monopiles forming part of the IGET jetty berth (to be constructed as part of Work No. 1a) from two monopiles in the original application to four monopiles;
- Change Two: Change to the diameter of the piles supporting the jetty (Work No.1) from 1.2m to 1.575m; increase to the distance required between the piles; and an increase to the width of the approach jetty from 14m in the original to 16m;
- Change Three: Amendment to site boundary at the eastern edge of Work No. 7 to include additional land for temporary construction purposes and minor changes to the northern access from the A1173 to Work No. 7 ("AB" on the Street Works and Accesses Plan [APP-016]); and

- Change Four: addition of visual detail to Work No. 1a in the Works Plans [APP-002] to show the walkways linking the jetty head to the mooring dolphins.

More details on the changes sought can be found in the Applicant's Proposed Change Application Report [REP3-079].

Following the submission of the Change Notification [REP2-027], the environmental implications of the proposed changes were discussed at Issue Specific Hearing 4 on 9 April 2024. No substantive issues were raised by any parties at this hearing.

Prior to the submission of the Change Application, the Applicant undertook consultation with Interested and Statutory Parties. Consultation ran from 26 March 2024 to 24 April 2024. Details of the consultation process, along with the responses received was submitted alongside the Applicant's Change Application in their Consultation Report Addendum [REP3-080].

In reaching our conclusions, the ExA has reviewed the information provided and assessed the Applicant's request in line with paragraphs 109 to 115 of the DCLG Guidance 'Planning Act 2008: Examination of Applications for Development Consent' and the Planning Inspectorate's ['Advice Note 16: Requests to change applications after they have been accepted for examination'](#) Version 3 (March 2023).

The ExA concludes that the Proposed Changes, either individually or cumulatively, are not so substantial that they would constitute a materially different project and the Proposed Changes are not considered to lead to the project being different in nature or substance to that which was originally applied for.

Having reviewed the detail before us, whilst the Proposed Change to the site boundary along the eastern edge of Work No. 7, to the rear of 31 Queens Road, would result in a change to the status of the land in that it would be required on a temporary basis to accommodate the laydown of the pipelines, pipeline sleeves and cables ahead of their installation as part of Work No. 6, we are satisfied that the Applicant has demonstrated that s123 of the PA2008 has been complied with. As such, the prescribed procedures of the Compulsory Acquisition Regulations are not triggered. We also note the consent given by the landowner for this temporary use [REP3-079 Appendix 6].

Furthermore, the Proposed Change Application Report [REP3-079] did not identify any change in or new significant effects for any topics assessed in the Environmental Statement. Neither were any identified during the Applicant's consultation on the Proposed Changes. We are therefore also satisfied by the evidence, including the responses from Interested Parties, that there will be no new or different likely significant environmental effects as a result of the Proposed Changes.

For these reasons, the ExA have therefore made the Procedural Decision to accept the Applicant's Change Application and the Proposed Changes, as set out above.

Procedural Decision regarding Applicant's additional submission

The Examining Authority (ExA) has made a Procedural Decision under Rule 9 of the EPR to accept the Applicant's submissions dated 9 May 2024, as Additional Submissions into the Examination. These submissions set out the Applicant's intention to apply for a

second set of changes to the application. We provide our advice on this in the next part of this letter.

ExA's advice on the Applicant's Proposed Second Change Request

The Applicant's submission provides:

- a summary of the proposed changes along with an accompanying justification;
- an assessment of whether the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations) would be engaged by the Proposed Second Changes;
- the Applicant's intended proposals for consultation including a list of consultees; and
- the anticipated timeline for requesting the Proposed Second Changes.

The ExA notes that the submission does not constitute the Applicant's notification of intent to request changes. Therefore, the ExA is not making a Procedural Decision whether it accepts the anticipated Proposed Second Change Request into the Examination.

In line with Step 2 of Figure 1 of '[Advice Note 16: Requests to change applications after they have been accepted for examination](#)', Version 3 (March 2023), the ExA provides advice to the Applicant about the procedural implications of the Proposed Second Changes that the Applicant intends to submit, and about the need, scale and nature of consultation that the Applicant may need to undertake.

On the basis of the information before us, the ExA agrees with the Applicant's assessment that the Compulsory Acquisition Regulations are unlikely to be engaged by the Proposed Second Changes. The ExA agrees with the Applicant's targeted approach to consultation and considers the proposed list of parties to be sound. The ExA however reminds the Applicant that it must make its own judgment on its consultation strategy.

The Applicant's anticipated timeline for requesting the Proposed Second Changes is appropriate, with respect to the Examination.

This letter forms part of the change request recommended procedures as set out in the Planning Inspectorate's '[Advice Note 16: Requests to change applications after they have been accepted for examination](#)', Version 3 (March 2023).

If you have any questions about any of the matters raised in this correspondence, please contact the Case Team using the details provided at the top of this letter.

Yours faithfully

Adrian Hunter

Adrian Hunter
Lead Member of the Panel of Examining Inspectors

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