

PLANNING ACT 2008 (as amended)

INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE)
RULES 2010

Response to ExA Questions Round 2

SUBJECT: Immingham Green Energy Terminal

APPLICANT: Associated British Ports

INTERESTED PARTY:

**NORTH EAST LINCOLNSHIRE
COUNCIL – Ref: IMGN-002**

YOUR REF: TR030008

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Introduction

Below are the answers from North East Lincolnshire Council in regard to the Examining Authorities (ExA) Written Questions (ExAQ2) of the 17th May 2024 and final written questions of 28th February 2024.

CC 2.1 – Requirement to Secure Low Carbon Hydrogen Certificate

NELC have reviewed this question and consider that this is a technical matter of the proposed development and so it the view of the LPA that this matter should be considered by the ExA during examination. It is unlikely at NELC would have the expertise to effectively review such complex processes in order to consider Enforcement action in the event of a potential breach.

BIO 2.3 – S.106 Agreement – Compensatory Woodland

It is anticipated that this matter will be finalised prior to the end of examination.

BIO 2.4 – Ornithology

NELC are satisfied that the proposed compensatory woodland would adequately mitigate the Moderate Adverse Impact identified on Breeding Birds in the ES.

BIO 2.5 – South Humber Gateway Mitigation Zone

In regard to the proposed development and Policy 9 of the NELLP NELC have considered this matter and comment below accordingly.

West Site

This site benefits from an extant planning permission (DM/1027/13/OUT) for industrial development and a Certificate of Lawfulness DM/0823/17/CEA has been approved confirming this. The extant permission has been implemented and the original permission pre-dated the current NELLP and so does not call for a contribution towards the Strategic Mitigation. NELC accept a pragmatic approach can be taken, given that the fall back position should IGET not go ahead would be that the site could be developed without the contribution, so a contribution compliant with Policy 9 is not required. NELC acknowledge the applicants position that this site is not specifically Functionally Linked Land itself.

East Site

The development on the east site is for a temporary construction laydown area. The dDCO requires the site to be returned to agricultural land following construction of the development, through the OCEMP. The impact is therefore only temporary and NELC acknowledge the applicants position that this site is not specifically Functionally Linked Land itself.

NELC have considered the information supplied and consider that no further compensation is required.

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LV 2.2 – Queens Road Properties

NELC concur with the approach set out by the applicant in REP3-065 and consider that the method of demolition and how the site is left following demolition can be suitably dealt with through either the Prior Notification/Approval process or the Planning Application process.

LV 2.4 – Land Directly Northwest of no.1 Queens Road

The group of trees referred are not covered by a Tree Preservation Order and have no other formal protection measures.

FR 2.2 – Coherence of Flood Risk and COMAH Emergency Measures

This is a matter that the ExA should explore with the HSE, Environment Agency and the Emergency Planning Officer .

MAH 2.2 – Current Hazardous Zone Classifications

NELC are not in a position to release this information as the Register is kept by the HSE. It is suggested that the ExA request this information from the HSE.

DEC 2.1 – Temporal Scope

NELC have reviewed this question and can confirm that the Temporal Scope as it has been considered in the ES is agreed. The 25-year life span exceeds the current Local Plan time period and it is not possible to consider how the proposed development and associated zones may affect future land use beyond the current Local Plan period but it would be a land use planning consideration in itself in the future. On the basis of the information so far presented and considered in regard to zones NELC do not object to the proposal, the final zones will be decided by the HSE through the Hazardous Substance Consent at which point NELC as the decision-making authority will be able to consider the final impacts of the associated zones.

DCO 2.3 – Definition of Commence

NELC consider the current wording to satisfy the new guidance from 30th April 2024 and no comment to make.

DCO 2.9 – Discharge of Requirements Cost Recovery

Fees for the discharging of Requirements are under discussion and will be included in the dDCO in due course.