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All Interested Parties

Your Ref:

Our Ref: TR030008

Date: 12 July 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

Examining Authority's Procedural Decision

We are writing to inform you of a Procedural Decision made by the Examining Authority (ExA) following the Proposed Further Change Application made by the Applicant dated 26 June 2024 [[AS-047](#)]. All documentation referred to herein has been published under the 'Documents' tab on the [Immingham Green Energy Terminal - Project information](#) of the National Infrastructure Planning website.

Procedural Decision on Further Changes to the Application

Following the submission of the Applicant's notification to submit a request for Proposed Further Changes to its Application [[AS-038](#)], a Proposed Further Changes Notification Report [[AS-042](#)], and our subsequent response [[PD-013](#)], the Applicant submitted their Proposed Further Change Application on 26 June 2024 [[AS-047](#)].

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

- Proposed Further Change 5a: minor adjustment to the accesses from the A1173 to Work No. 7;
- Proposed Further Change 5b: minor reduction in the area of public highway proposed to be permanently stopped up to the south of Laporte Road and associated minor reduction in Work No. 3;
- Proposed Further Change 5c: adjustments to the speed limit change proposed along Laporte Road to introduce a new section with a 40mph speed limit and reduce the section proposed to be subject to a 30mph speed limit;

- Proposed Further Change 6: new area of permanent stopping up in the vicinity of an access from Kings Road to Work No. 7;
- Proposed Further Change 7: reduction in the area of Work No. 9;
- Proposed Further Change 8: change to the ground protection methodology for Work No.9 to allow the installation of a geotextile layer and a layer of compacted fill material instead of the installation of ground matting; and
- Proposed Further Change 9: change to the terrestrial piling methodology to include the potential use of driven piling in Work Nos. 3, 5 and 7.

More details on the changes sought can be found in the Applicant's Proposed Further Change Application Report [[AS-144](#)].

Prior to the submission of the Proposed Further Change Application, the Applicant undertook consultation with Interested and Statutory Parties. Consultation ran from 21 May 2024 to 16 June 2024. Details of the consultation process, along with the responses received was submitted in the Applicant's Further Consultation Report Addendum [[AS-143](#)].

Following the submission of the Proposed Further Change Application [[AS-047](#)], the environmental implications of the Proposed Further Changes, in particular Proposed Further Change 9, were discussed at Issue Specific Hearing 8 on 2 July 2024. No substantive issues were raised by any parties at this hearing.

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 Further Changes, either individually or cumulatively, are not so substantial that they would constitute a materially different project and the Proposed Further Changes are not considered to lead to the project being different in nature or substance to that which was originally applied for. We are also satisfied that the Proposed Further Changes do not require any new powers of compulsory acquisition. As such, the prescribed procedures of the Compulsory Acquisition Regulations are not triggered by the Proposed Further Changes.

Furthermore, the Proposed Further Change Application Report [[AS-144](#)] did not identify any change in, or any new significant effects for any topics assessed in the Environmental Statement. Neither were any identified during the Applicant's consultation. 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 Further Changes.

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

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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