

Date: 14 August 2024
Our ref: 484208
Your ref: TR030008

The Planning Inspectorate
Major Applications & Plans
Temple Quay House
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Bristol
BS1 6PN

Imminghamget@planninginspectorate.gov.uk

BY EMAIL ONLY

Dear Inspector,

NSIP Reference Name / Code: TR030008
User Code: 20047066

Title: Natural England's comments in respect of the Immingham Green Energy Terminal Project, promoted by Associated British Ports (Deadline 7).

Examining Authority's submission deadline with a date of 15 August 2024

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

For any further advice on this consultation please contact the case officer Elen Squires at [REDACTED] and copy to consultations@naturalengland.org.uk.

Yours faithfully

Elen Squires
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Part I: Summary and conclusions of Natural England's advice

- 1.1 Natural England's advice is based on information submitted by Associated British Ports (ABP) in support of its application for a Development Consent Order ('DCO) in relation to Immingham Green Energy Terminal (IGET) (*the project*).
- 1.2 This response includes our updated comments on the draft DCO and draft Deemed Marine Licence (DML) only. Please refer to our Deadline 6 response (REP6-030) (01 August 2024) for our most recent detailed advice on other aspects of the application.
- 1.3 Please note that this is our final Examination response. Natural England will be unable to provide a response at Deadline 8.
- 1.4 Please refer to Natural England's advice provided on 23 April 2024 for our comments on the *Proposed Change Notification Report (REP2-024)*.
- 1.5 Please refer to Natural England's advice provided on 14 June 2024 for our comments on the *Proposed Further Changes Notification Report (AS-042)*.
- 1.6 Please note that our Written Representations (13 March 2024) (REP1-087), Deadline 3 response (03 May 2024) (REP3-112), Deadline 4 response (04 June 2024) (REP4-054), Deadline 5 response (REP5-058) (11 July 2024) and Deadline 6 response (REP6-030) (01 August 2024) should be referred to for Natural England's advice on other issues within our remit.
- 1.7 Natural England has been working with Associated British Ports (ABP) to provide advice and guidance on the IGET project since 2022 through Natural England's Discretionary Advice Service.
- 1.8 Natural England have submitted a final Statement of Common Ground to ABP, for submission at Deadline 7.

PART II: Natural England’s detailed comments on the draft Development Consent Order (dDCO), draft Deemed Marine Licence (dDML) and associated documents

Part II of these Representations provides Natural England’s further detailed advice on the draft DCO and draft DML (REP6-004).

Table 1: Natural England’s comments on the draft Development Consent Order.		
Page	DCO/DML or Omission ref	Natural England’s comments
17	Article 18 Discharge of water	Natural England note that the Environment Agency is now content that the principle of the matter outlined in their Relevant Representations (RR-010, 01 December 2023) regarding Habrough Marsh Drain and Stallingborough North Beck outfall being secured via the Protective Provisions in its favour, is agreed. We note that the Environment Agency will confirm its satisfaction on the matter to the Examination when the Protective Provisions are in final agreed form. This comment is therefore considered to be resolved, subject to the Environment Agency’s satisfaction with the final agreed Protective Provisions.
18	Article 19 Authority to survey and investigate the land	<p>Natural England reiterates concerns with Article 19 of the dDCO, which allows powers of entry, surveying, monitoring, investigating (including the making of trial holes and undertaking excavations). When utilising these powers, Natural England are concerned that works additional to those assessed in the DCO application could be done within or in close proximity to Humber Estuary SSSI without appropriate permissions from Natural England.</p> <p>Natural England therefore advise that the DCO needs to be clear that any works which may impact a SSSI, SAC or SPA (whether due to being inside these designated areas or in the close vicinity of) should be subject to the usual consenting provisions in the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017, excepting the works that have been assessed as part of the DCO application.</p>
57	Article 6 Construction Environmental Management Plan	Natural England welcomes the commitment to secure the Construction Environmental Management Plan (CEMP) (REP6-009), and the confirmation that the CEMP has been updated at each deadline to incorporate the mitigation set out in the shadow HRA.
36	Article 45 Powers to dredge	To clarify, Natural England intended to highlight the discrepancy between the level of detail provided in the dDCO and dDML regarding the permitted levels of dredging. Article 45 of the dDCO states: ‘45.—(1) <i>The Company may dredge, deepen, scour, cleanse, alter and improve the river bed and foreshore within any part of the Order limits situated within the River Humber as may be required for the purpose of constructing, maintaining and operating the authorised project</i> ’,

		<p>whereas the dDML Article 4 includes detailed requirements for the depth, locations and disposal sites for the permitted capital dredge.</p> <p>However, if the Marine Management Organisation (MMO) and Examining Authority (ExA) are satisfied that the details of the capital dredge assessed in the DCO application are adequately secured via the dDML, then Natural England have no further comments to make on this issue.</p>
N/A	N/A	Natural England considers that it is the role of the Examining Authority to determine whether the maximum number of vessel movements is adequately secured, as these values are relied upon in the HRA conclusions. Natural England would welcome a Vessel Management and Monitoring Plan, to ensure that vessel movements remain within the assessed limits.

Table 2: Natural England's comments on the draft Deemed Marine Licence.

Page	DCO/DML or Omission ref	Natural England's comments
69 and 71	Articles 8 and 15 Construction Environmental Management Plan	Natural England welcomes the commitment to secure the Construction Environmental Management Plan (REP6-009), and the confirmation that the CEMP has been updated at each deadline to incorporate the mitigation set out in the shadow HRA.
71	Article 16 Piling and marine construction works	Natural England welcomes the further information provided in the <i>Applicant's responses to documentation received at Deadline 4</i> (REP5-049) regarding the reasons why hammer energy is not considered by the applicant to be a key impact parameter. Natural England advises that if the Marine Management Organisation (MMO) and Examining Authority (ExA) are satisfied that it is not necessary to include a maximum hammer energy in the requirement in the DML, then Natural England have no further comments to make on this issue.