Immingham Green Energy Terminal

TR030008

Volume 9

9.73 Early Works Applications Note (Tracked)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended)

August 2024

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended)

Immingham Green Energy Terminal

Development Consent Order 2023

9.73 Early Works Applications Note

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EARLY WORKS APPLICATIONS

1 SCOPE OF THIS NOTE

1.1 As indicated in the Applicant's response to Q1.13.1.2 **[REP1-034]** and its cover letter submitted at Deadline 3 **[REP3-001]**, the Applicant and Air Products (BR) Limited (Air Products) proposed to submit separate planning applications to North East Lincolnshire Council ("NELC") for certain "early works". The original version of this note was submitted at Deadline 4 **[REP4-043]** and this updated version is being submitted at Deadline 7.

1.2 In this note, the applications are together referred to as the "Early Works Applications", the works for which permission is sought through the Early Works Applications are in aggregate referred to as the "Early Works" and the permissions which may be granted pursuant to the Early Works Applications are referred to as the "Early Works Permissions".

1.3 The purpose of this note is to:

1.3.1 explain the proposed Early Works and their purpose;

1.3.2 explain the relationship of the Early Works to the Immingham Green Energy Terminal project which is the subject of the application for development consent ("IGET" or "Project");

1.3.3 provide environmental information relating to the Early Works and their implications for the likely significant effects of the Project;

1.3.4 explain the relationship between the control documents (such as the Construction Environmental Management Plan (CEMP)) submitted for the Early Works and the corresponding control documents submitted as part of the DCO Application; and

1.3.5 explain the implications of the Early Works on the drafting of the DCO, the Examination and the decision-making process of the Secretary of State.

1.4 The determining authority for the Early Works Applications is NELC as local planning authority.

2 THE EARLY WORKS APPLICATIONS & THEIR PURPOSE

2.1 In a best-case scenario, with a DCO in place in Q1 2025, the hydrogen production facility forming part of the Project could be operational in Q3 2027, some months after the inbound ammonia from the Middle East is scheduled to be available in Europe (March 2027). As noted

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in paragraph 8.36 of the Explanatory Memorandum **[REP6-006]**, given the urgent imperative of delivering this nationally significant infrastructure project in that context, the Applicant and Air Products are considering all appropriate ways of maintaining an expeditious construction programme to ensure that the hydrogen production facility could be operational as soon as possible in 2027.

2.2 In general terms, the purpose of the Early Works Applications is therefore to help facilitate the delivery of the benefits of the Project (including in particular low carbon hydrogen) as soon as possible. The ability to undertake the Early Works under planning permissions, rather than under the DCO alone, would also help mitigate against the risk of delay to the Project arising from the DCO decision making process or delay in the discharge of the requirements of the DCO. The grant of planning permission for the Early Works Applications would therefore assist with delivering an expeditious construction programme (a) by allowing certain advance works to commence potentially from Autumn 2024 (if a decision is made in respect of the DCO Application in accordance with the statutory timetable, it would be made in February 2025) and (b) if the DCO Application is successful, by allowing works to be undertaken ahead of the requirements of the DCO being discharged.

2.3 A summary of the content of each of the Early Works Applications (referred to as Application 1 and Application 2) is set out below. Further Early Works Applications have been considered, but as at 14 August 2024, no further applications are anticipated.

2.3.1 Application 1 – which was submitted by Air Products on 22 March 2024 and validated on 28 March 2024 seeks approval for the carrying out of test piling at 2 locations off Queens Road on the eastern side of the Port of Immingham, comprising 16 boreholes and including backfilling with concrete and metal reinforcement, the temporary siting of test equipment and associated excavation and infrastructure including temporary access matting and associated work. As at 14 August 2024, the application awaits determination.

2.3.2 Application 2 – which was submitted by Air Products on 23 May 2024, seeks approval for works including the following (and associated works): filling in existing drainage ditches and installation of replacement internal open drainage ditches; installation of temporary fencing around the perimeter of the site; installation of a power cable network; vegetation and tree removal; the creation of two entrances off the A1173; installation of permanent fencing; land levelling, backfilling and soil remediation works; and temporary car parking, compound areas and welfare facilities. As at 14 August 2024, the application awaits determination.

2.4 The test piling works included in Application 1 will inform the final piling design and the production of the piling method statement referred to in the Outline Construction Environmental Management Plan ("OCEMP") **[REP6-009]** (Table 18) for the DCO. The purpose is to enable

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those investigations to be carried out as soon as possible, to allow the piling method statement to be finalised in parallel with consideration of the DCO Application.

2.5 The site preparation works included in Application 2 will facilitate the provision of fenced, cleared and accessible development platforms at the site of Work Nos 3, 5 and 7. If the DCO Application were not to be successful, the development platforms and associated works resulting from the grant and implementation of Application 2 would be of benefit to any future developer of the East Site and West Site (taking account of the allocation of the East Site and West Site for development in the North East Lincolnshire Local Plan 2013-2032).

2.6 Further details on the Early Works Applications, including the anticipated timetable for submission and statutory determination periods and the potential timetable for the undertaking of the Early Works is set out in Appendix 1.

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2.7 There is considerable precedent for the submission and determination of early works applications and implementation of early works permissions, ahead of the determination of development consent order applications. Examples are provided in Appendix 2.

3 RELATIONSHIP OF EARLY WORKS TO THE PROJECT

3.1 All of the Early Works form part of the Project and could be undertaken pursuant to the DCO if made (to the extent that they are not undertaken pursuant to any Early Works Permission and, in relation to the proposal for driven piling as included in Application 1, following adjustment of the OCEMP as explained in paragraph 3.2 below). The grant of any Early Works Permission would not authorise any additional development or any variation to any works that would be authorised by the approval of the DCO.

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3.2 Application 1 comprises test piling works, which form part of the Project. The proposed methodology includes driven piling. By reference to Schedule 1 of the draft Development Consent Order ("dDCO") **[REP6-004]**, piling works are expressly permitted within Work No. 3 (Schedule 1 Part 1 paragraph 3(b)), Work No. 5 (Schedule 1 Part 1 paragraph 5(b)) and Work No. 7 (Schedule 1 Part 1 paragraph 7(e)). The OCEMP for the DCO was adjusted to accommodate driven piling methodologies as a result of the Proposed Further Change Application **[AS-047]**, which was submitted on 26 June 2024 and accepted by the Examining Authority ("ExA") on 12 July 2024 **[PD-016]**.

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Deleted: Consultation is ongoing on a proposed adjustment to the OCEMP for the DCO (and associated environmental information) to accommodate driven piling methodologies, in association with a change application anticipated to be submitted in June 2024. The works are expected to be undertaken in Summer 2024 ahead of any other works associated with the Project.

3.3 The following table explains how the works comprised in Application 2 relate to the Project (again by reference to Schedule 1).

Early Works	DCO Work No & Schedule 1 reference

Filling in existing drainage ditches and installation of internal open drainage ditches (to perimeter of West Site)	Work No.7 - Schedule 1 Part 1 paragraph 7(l): drainage system, associated sumps and pumps and a water retention pond Schedule 1 Part 1 paragraph 11(c): [to the extent the works do not form part of any work number, further associated development within the Order Limits including] … the installation, removal or alteration of the position of services and apparatus including…watercourses, drains… and culverts
Temporary fencing around perimeter (East Site and West Site)	West Site: Work No. 7 - Schedule 1, Part 1, paragraph 7(n): fencing and gates East Site: Work No.3 - Schedule 1, Part 1, paragraph 3(j): fencing and gates Schedule 1, Part 1, paragraph 11(a): [to the extent the works do not form part of any work number, further associated development within the Order Limits including] … site preparation works including… set up (including fencing) Schedule 1, Part 2, paragraph 1(d): [generally, works within the Order limits comprised in] installation of demarcation fencing, stockproof fencing and heras fencing or similar to enable the establishment of construction areas
Installation of power network (West Site)	Work No.7 - Schedule 1, Part 1, paragraph 7(m): utilities, transformers and lighting infrastructure Schedule 1 Part 1 paragraph 11(c): [to the extent the works do not form part of any work number, further associated development within the Order Limits including] … the installation…of services and apparatus including…cables and other conducting media
Realignment of drainage ditch around the north eastern perimeter (East Site)	Work No.3 - Schedule 1, Part 1, paragraph 3(h): drainage system, associated sumps and pumps and a water retention pond Schedule 1, Part 1, paragraph 11(c): [to the extent the works do not form part of any work number, further associated development within the Order Limits including] … the installation, removal or alteration of the position of services and apparatus including…watercourses, drains… and culverts
Vegetation clearance and tree removal (East Site and West Site including NELC controlled land)	Schedule 1, Part 1, paragraph 11(a): [to the extent the works do not form part of any work number, further associated development within the Order Limits including] … site preparation works including site clearance

	Schedule 1, Part 2, paragraph 1(b): [generally, works within the Order limits comprised in] vegetation removal
Creation of two entrances off the A1173 (West Site)	Work No. 7 - Schedule 1, Part 1, paragraph 7(j): road access from the public highway to the site at two locations from Kings Road and two locations from the A1173
Installation of permanent fencing (East Site and West Site)	West Site: Work No. 7 - Schedule 1 Part 1 paragraph 7(n): fencing and gates East Site: Work No.3 - Schedule 1 Part 1 paragraph 3(j): fencing and gates
Land levelling, soil remediation and backfilling works (East Site and West Site)	Schedule 1 Part 1 paragraph 11(a): [to the extent the works do not form part of any work number, further associated development within the Order Limits including] … site preparation works including …earthworks (including soil stripping and storage, ground preparation, site levelling, lowering and raising)
Temporary car parks, compound areas, welfare facilities and other associated works (West Site)	Schedule 1 Part 1 paragraph 11(b): [to the extent the works do not form part of any work number, further associated development within the Order Limits including] temporary site construction compounds including (in each case temporary) fencing, storage areas (including waste and spoil), welfare facilities, buildings, lighting infrastructure, access, parking and drainage infrastructure

3.4 Accordingly, all of the Early Works could be undertaken pursuant to the DCO if made.

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4 ENVIRONMENTAL INFORMATION & BIODIVERSITY NET GAIN

4.1 The test piling works (Application 1) are limited in scale and nature and are not considered to have any likely significant environmental effects in isolation or cumulatively. An environmental statement has not been submitted for Application 1 (the works which would be authorised under Application 1 do not comprise Schedule 1 or Schedule 2 development under the Town and Country Planning

(Environmental Impact Assessment) Regulations 2017), but relevant assessments of any impacts have been provided as part of Application 1. As noted above, the OCEMP for the DCO was adjusted to accommodate driven piling methodologies as a result of the Proposed Further Change Application **[AS-047]**. Whilst those works could be completed pursuant to the DCO, they are anticipated to be completed ahead of other works forming part of the Project under the permission sought by Application 1. On the basis that the works proposed pursuant to Application 1 are not considered to have any likely significant environmental effects (as further explained in Appendix 3), no further environmental information is provided by way of this note.

4.2 Application 2 is accompanied by an environmental statement considering those works in isolation and any cumulative effects. Any works comprised in Application 2 that are undertaken under the relevant Early Works Permission will not be undertaken pursuant to the DCO. Appendix 3 therefore provides a systematic assessment on a topic-by-topic basis of the impact on the Project environmental impact assessment if all the Early Works comprised in Application 2 are undertaken in full under the relevant Early Works Permission. This demonstrates that there is not anticipated to be any change in the likely significant effects, or any new likely significant effects, compared to those reported in the DCO Environmental Statement (the "DCO ES") **[APP-042, APP-043, AS-069, APP-045 – APP-066, REP5-009, AS-071]** as a result of the undertaking of the works comprised in Application 2 under the Early Works Permission rather than under the DCO.

4.3 In the event that some of the Early Works are not undertaken under the Early Works Permissions and are instead undertaken under the DCO, the above conclusions would not change. The DCO ES assumes that all the Early Works would be undertaken under the DCO in any event, and the DCO environmental impact assessment was undertaken on that basis. Accordingly, the conclusions of the DCO ES are robust whether or not the Early Works are undertaken in their entirety under the Early Works Permissions, undertaken in their entirety under the DCO or partly undertaken under the Early Works Permissions and partly under the DCO.

4.4 AECOM (the environmental lead for the terrestrial elements of the Project) has also confirmed that the environmental impact assessment is not sensitive to the particular timing of any of the Early Works (see Appendix 3). There is not anticipated to be any change in the likely significant effects, nor any new likely significant effects, compared to those reported in the DCO ES, irrespective of whether some or all of the Early Works are undertaken under the Early Works Permissions and irrespective of *when* any of the Early Works are constructed.

4.5 An Appropriate Assessment is not required for Application 1 or Application 2. A Habitats Regulations Assessment ("HRA") screening assessment was submitted for each application explaining that, for all impact pathways that were considered (loss of functionally linked land, noise and visual disturbance and atmospheric pollution), likely significant effects on the qualifying features of the Humber Estuary

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The proposed works covered by both applications are a considerable distance, a minimum

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SAC / SPA / Ramsar site have been screened out both alone and in-combination with other plans and projects as no pathways are present between the potential sources of impact and the receptors.

4.6 Application 1 was submitted before the statutory biodiversity net gain ("BNG") requirements took effect, but the need to provide BNG must be considered for Application 2 and any subsequent remaining Early Works Applications. A BNG Report was submitted with Application 2.

4.7 If permission is granted pursuant to Application 2 and is implemented, any associated BNG requirements (which will be secured by a condition imposed on the relevant Early Works Permission) will be met – even if all the Early Works consented by the relevant Early Works Permission are not undertaken in full pursuant to the relevant Early Works Permission and are instead partly undertaken pursuant to the DCO. This is addressed further in section 6.4 below and is a benefit associated with the relevant Early Works Permissions.

4.8 If an Early Works Permission to which a BNG requirement attaches is not implemented, then the associated BNG will not be delivered. There is currently no statutory requirement for BNG in association with applications for development consent. This position therefore simply reflects the Government's transitional arrangements whereby statutory BNG requirements have been brought into effect for applications under the Town and Country Planning Act 1990 (the "TCPA") earlier than for applications under the Planning Act 2008. However, as noted above, should any works be commenced under an Early Works Permission subject to statutory BNG conditions, those conditions will remain enforceable such that the associated BNG will still be delivered.

5 CONTROL DOCUMENTS

5.1 The works comprised in the Project must – through the DCO - comply with five key control documents relevant to construction:

5.1.1 CEMP - Requirement 6(2) (Schedule 2 dDCO) provides that no works forming part of Work No. 2 (except the clearance of trees or other vegetation from Long Strip), Work No. 3, Work No. 4, Work No. 5, Work No. 6, Work No. 7, Work No. 8 or Work No. 9 may be commenced until a CEMP for those works has been submitted to and approved by NELC, following consultation with the Environment Agency and Natural England on matters related to their function. The CEMP must be in general accordance with the OCEMP **[REP6-009]**.

5.1.2 construction traffic management plan ("CTMP") – Requirement 7(1) (Schedule 2 dDCO) provides that no part of the authorised project outside of the UK marine area (except the clearance of trees or other vegetation from Long Strip) may be commenced

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In both cases, the submitted Planning Statement (Application 1) or Planning Design

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until the CTMP for that part has been submitted to and approved by NELC. The CTMP must be in general accordance with the outline CTMP submitted as part of the DCO Application [AS-045].

5.1.3 drainage strategy – Requirement 12(1) (Schedule 2 dDCO) provides that no part of Work No. 1 outside of the UK marine area, Work No. 2, Work No. 3, Work No. 5 or Work No. 7 (except the clearance of trees or other vegetation from Long Strip) may be commenced until the drainage strategy for that part has been submitted to and approved by NELC, following consultation with the Environment Agency and the North East Lindsey Drainage Board on matters related to their respective functions. The drainage strategy must be in general accordance with the outline drainage strategy ("DCO Outline Drainage Strategy") contained in Appendix 18.B of the Environmental Statement [APP-210].

5.1.4 flood risk assessment ("FRA") – Requirement 13(1) (Schedule 2 dDCO) provides that the authorised project outside of the UK marine area must be carried out and operated in accordance with the approved FRA ("DCO FRA") contained in Appendix 18A of the Environment Statement [AS-134], unless otherwise approved by NELC.

5.1.5 remediation strategy – Requirement 15(1) (Schedule 2 dDCO) (as proposed to be amended) provides that no part of Work No. 1 outside of the UK marine area, Work No. 2, Work No. 3, Work No. 4, Work No. 5, Work No. 6 or Work No. 7 (except the clearance of trees or other vegetation from Long Strip) may be commenced until a written remediation strategy applicable to that part to deal with any contamination of that part which is likely to cause significant harm to persons or pollution of controlled waters or the environment has been submitted to and approved by NELC, following consultation with the Environment Agency on matters related to its function. The remediation strategy must be in general accordance with the outline remediation strategy ("DCO ORS") contained in Appendix 21.C of the Environmental Statement [APP-217].

5.2 Accordingly, each of Requirements 6, 7, 12 and 15 are anticipated to be discharged by reference to parts of the Project. Before each part of the Project comes forward, a detailed CEMP, CTMP, remediation strategy and drainage strategy (Detailed DCO Control Documents) will be approved for that part and the terms of those documents and the DCO FRA will apply to construction of that part. Those Detailed DCO Control Documents must accord with the relevant outline document identified above (Outline DCO Control Documents).

5.3 As can be seen from Appendix 1, each of the Early Works Applications has or will be accompanied by its own appropriate control documents as follows ("Early Works Control Documents"):

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5.3.1 Application 1 is accompanied by a CEMP and FRA. No CTMP or remediation strategy is considered necessary (any risks arising out of the test piling are addressed in a separate piling risk assessment). The works do not affect the proposed drainage of the site and therefore a drainage strategy is not considered necessary.

5.3.2 Application 2 is accompanied by a CEMP, CTMP and FRA. The drainage works have been developed in accordance with the principles established in the DCO Outline Drainage Strategy **[APP-210]** and any relevant works would accord with the principles established in the DCO ORS.

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5.4 The Early Works Control Documents are derived from the relevant Outline DCO Control Documents produced in connection with the DCO, amplified as appropriate to reflect the detailed proposals for the Early Works contained in the relevant Early Works Application (or, where relevant, the proposed works comply with the requirements of the Outline DCO Control Documents). To the extent relevant, the Early Works Control Documents are therefore equivalent to the documents that would have been submitted and approved pursuant to the relevant Requirement, had the relevant Early Works been undertaken under the DCO rather than the relevant Early Works Permission. The Early Works Control Documents are therefore consistent with the Outline DCO Control Documents and the anticipated Detailed DCO Control Documents produced or to be produced as a result of the DCO.

5.5 It should be noted that the determining authority for both the Early Works Applications and the discharge of the Requirements (and by extension the approving authority for the Early Works Control Documents and the Detailed DCO Control Documents) will be NELC. In respect of the discharge of the Requirements, NELC will be required to consult with the parties identified above, who are also consultees on the Early Works Applications and therefore the Early Works Control Documents.

6 IMPLICATIONS FOR THE DCO DRAFTING

6.1 Appendix 4 sets out the detailed proposals for changes to the dDCO to reflect the Early Works Permissions.

6.2 It is anticipated that the definition of “existing early works planning permission” in the dDCO will refer to permissions granted before the DCO is made and the definition of “new early works planning permission” would capture any permissions granted after that time. As at 14 August 2024, neither of the anticipated early works planning permissions have been granted.

6.3 New provisions would require the Applicant to serve notice before beginning each of Work No. 2, Work No. 3, Work No 5 or Work No. 7 confirming whether works have been begun and, if so whether they have been completed, pursuant to any such existing early works planning permission or new early works planning permission (as defined in the dDCO).

6.4 From service of that notice, the relevant works would be continued under the DCO rather than under the existing early works planning permission or new early works planning permission. The conditions to which the relevant existing early works planning permission or new early works planning permission are subject would cease to apply to the relevant works from the point of the notice – mirroring the existing draft in Article 55(2) of the dDCO. This would not apply in the case of any existing breach of a condition. Further, conditions relating to statutory biodiversity net gain under the TCPA will not cease to apply, thereby ensuring that the provision of biodiversity net gain remains secured. For the avoidance of doubt, the intended effect of the proposed drafting is that the relevant BNG condition(s) should continue to be enforceable by NELC pursuant to the Early Works Permission in question, rather than the condition being 'imported' into the DCO. Any breach of the BNG condition would not therefore be a breach of the DCO (attracting criminal liability), but only a breach of the condition of the relevant Early Works Permission. This approach is consistent with the fact that BNG is not required for NSIPs and therefore a requirement in the DCO which obliged the undertaker to provide BNG would fail the tests of necessity and reasonableness.

6.5 The proposed provisions would also allow the Applicant to agree with NELC that where certain details, documents, plans, works or any other matters have been imposed as a condition, or approved or agreed pursuant to a condition, of any existing early works planning permission or new early works planning permission prior to the date on which the Applicant serves notice as above, those details, documents, plans, works or other matters are deemed to have been discharged, approved, agreed, obtained or undertaken for the purposes of the Requirements. This will avoid the need to submit duplicate applications under the Early Works Permissions and under the DCO.

6.6 The Explanatory Memorandum has been updated to reflect the above.

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7 IMPLICATIONS FOR THE EXAMINATION

7.1 By way of an overview, the implications of the Early Works Applications for the Examination arise as follows.

7.2 The ExA needs to be aware that some or all of the Early Works may be completed pursuant to the Early Works Permissions and therefore may not be completed pursuant to the DCO. However, at the point in time at which the Examination ends, it will not be known which (if any) Early Works Permissions will be granted or what works will be done under those Early Works Permissions.

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7.3 The ExA should take account of the environmental information contained in Appendix 3, as summarised in section 4, which concludes that there is not anticipated to be any change in the likely significant effects, or any new likely significant effects, compared to those reported in the DCO Environmental Statement **[APP-042, APP-043, AS-069, APP-045 – APP-066, REP5-009, AS-071]** as a result of carrying out works under the Early Works Permissions rather than pursuant to the DCO.

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7.4 The ExA should also examine the proposed drafting of the dDCO as contained in Appendix 4 and summarised in section 6 above, which is intended to address the interaction between the dDCO and any existing early works planning permission or new early works planning permission. The ExA should consider whether the proposed provisions are effective and appropriate to achieve the stated purpose and report accordingly to the Secretary of State.

8 IMPLICATIONS FOR DECISION MAKING

8.1 On receiving the report from the ExA, it is expected that the Secretary of State may wish to request an update from the Applicant, NELC and any other relevant Interested Parties on the matters addressed in this note, particularly the details of any Early Works Permissions which have been granted, any Early Works Applications which are pending and any Early Works which have been undertaken.

8.2 The Secretary of State should take account of the environmental information contained in Appendix 3, as summarised in section 4 and as may be updated as above to reflect any future Early Works Applications.

8.3 Should the Secretary of State decide to make the DCO, the Secretary of State should consider the appropriateness and effectiveness of the proposed new provisions to reflect the details of any Early Works Permissions which have been granted.

APPENDIX 1: EARLY WORKS APPLICATIONS

	Application 1: Test Piling	Application 2: Site preparation
Description	Test piling at 2 locations off Queens Road on the eastern side of the Port of Immingham including the drilling of 16 boreholes, backfilling with concrete and metal reinforcement, temporary siting of test equipment and associated excavation and infrastructure including temporary access matting.	Site preparation works comprising: • installation of a new open drainage network and associated relocation of internal drainage ditches and creation of two water retention ponds • installation of temporary fencing around the perimeter of the site • installation of a temporary power network for construction power • vegetation and tree removal • the creation of two temporary entrances off the A1173 • installation of permanent fencing • land levelling, backfilling and soil remediation works • car parking, compound areas and welfare facilities
Purpose	To establish the load-carrying capacity, integrity and behaviour of the piles under different conditions in order to inform the safety and reliability of the foundation system for the hydrogen production facility (or any other development on site). This will facilitate the production of the detailed design of the piling for the hydrogen production facility.	To enable preliminary site preparation works to be undertaken to speed up the construction programme. The works would be of benefit to any alternative development of the sites given they will result in accessible development platforms.
Timing	Test piling could be undertaken following grant of permission and discharge of any pre-commencement conditions.	The works could be undertaken following grant of permission and discharge of any pre-commencement conditions and could last for approximately 9 months.
Status	Submitted to NELC and validated on 28 March 2024. Planning application reference: DM/0326/24/FUL	Submitted to NELC and validated on 14 June 2024. Planning application reference: DM/0512/24/FUL
Statutory determination period	Ends 23 May 2024	Ends 4 October 2024

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Deliverables submitted / to be submitted	• Covering Letter • Application form • Planning Statement • CEMP • Arboricultural Impact Assessment • FRA • Landowner Notice • Piling Risk Assessment • HRA Screening report	• Covering Letter • Application form • Planning, Design and Access Statement • Environmental Statement • AIA • BNG report • CEMP • CTMP • FRA • HRA Screening report

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APPENDIX 2: PRECEDENT

There are multiple examples of made DCOs where the promoter also obtained one or more separate planning permissions under the TCPA for associated early works. Two examples are explored further below.

Sizewell C (Nuclear Generating Station) Order 2022

The Sizewell C (Nuclear Generating Station) Order 2022 was made on 20 July 2022 coming into force on 11 August 2022 (the "Sizewell C DCO"). As set out in Schedule 1 to the Sizewell C DCO, Works No. 1D and 1E related to works associated with certain Sizewell B power station facilities.

Separate planning permission was obtained under the TCPA by EDF Energy Nuclear Generation Ltd ("EDF Energy NGL") for works equivalent to Work No. 1D and Work No. 1E in advance of the DCO being granted. The planning statement confirmed that EDF Energy NGL intended to undertake the relocation of some Sizewell B power station facilities in advance of development consent being secured for Sizewell C, so that development was not delayed and ensuring the earlier delivery of Sizewell C than if the relocation proposals were only included in the application for development consent.

On 13 November 2019, East Suffolk Council granted hybrid permission DC/19/1637/FUL for "*1. In outline, comprising a Visitor Centre (maximum 2,000sq.m GEA) and a maximum of 9,500sq.m (GEA) of floorspace to provide administration, storage, welfare and canteen facilities with all matters reserved apart from access. 2. In full, for the demolition of the existing Outage Store, Laydown Area, Operations Training Centre, Technical Training Facility, Visitor Centre, and Rosery Cottage garage; removal of technical training and pool car park (63 spaces), Coronation Wood car park (21 spaces), Visitor Centre car park (16 spaces) and northern outage car park (576 spaces); meantime use of the Technical Training Centre as an interim Visitor Centre followed by its demolition; and erection of new (all floorspace in GEA) Outage Store (2,778sq.m), Laydown Area (11,990sq.m) including New Western Access Road, Yardman's Office (23sq.m), Training Centre (4,032sq.m), Rosery Cottage garage (30sq.m), Replacement Car Park (2,363sq.m) providing 112 spaces, and Outage Car Park (15,525sq.m) providing (576 spaces) including new access road (and alternative access to bridleway), footpath and amended junction at Sizewell Gap; and associated landscaping earthworks/recontouring, tree felling and boundary treatment*" (this permission is defined in the Sizewell C DCO as the Sizewell B relocated facilities permission 1).

The above permission was judicially reviewed and, in the intervening period, further land within Sizewell A became available, enabling the reconfiguration of the proposals for the relocated facilities and resulting in a further application for permission under the TCPA. On 18 February 2021, East Suffolk Council granted a further hybrid permission DC/20/4646/FUL for "*outline planning permission, with all matters reserved, for up to 9,500 square metres Gross External Area (GEA) to provide administration, storage, welfare and canteen facilities and a visitor centre of up to 1,000 square metres GEA. Detailed planning permission is sought for demolition of some existing structures and redevelopment to include a*

training centre and interim visitor centre, an outage store, laydown area, car and cycle parking, landscaping, associated infrastructure (including utilities, plant and highway works), tree felling and other relevant works" (this permission is defined in the Sizewell C DCO as the Sizewell B relocated facilities permission 2).

Article 5 (Effect of the Order on the Sizewell B relocated facilities permissions) of the Sizewell C DCO establishes how the DCO and the TCPA permissions sit alongside each other, in particular, including the below extracts from Article 5:

(1) If the undertaker serves a notice on East Suffolk Council that it intends to commence Work No. 1D or Work No. 1E—:

(a) *the undertaker must cease to carry out development under the Sizewell B relocated facilities permission 1, Sizewell B relocated facilities permission 2 and any new Sizewell B relocated facilities permission; and*

(b) *the conditions of the Sizewell B relocated facilities permission 1, Sizewell B relocated facilities permission 2 and any new Sizewell B relocated facilities permission will be unenforceable, except in respect of any breach that occurred prior to the undertaker serving notice under this paragraph.*

(2) The undertaker may not carry out either Work No. 1D or 1E until such notice has been served….

…

(4) Notwithstanding paragraph (2), the undertaker may exercise any other powers under this Order in respect of any part of the authorised development prior to or following service of notice under paragraph (1).

(5) Without prejudice to the generality of paragraph (4), the undertaker may discharge any requirement in Schedule 2 of this Order at any time prior to or following the service of notice under paragraph (1).

(6) Where details, plans, works or any other matters have been approved or agreed by East Suffolk Council pursuant to a condition of the Sizewell B relocated facilities permission 1 in column (1) of Schedule 8 Part 1 (deemed approval of requirements relating to Sizewell B relocated facilities permission 1 and 2) prior to the date on which the undertaker serves notice under paragraph (1) the corresponding requirement to that condition in column (2) of Schedule 8 15 Part 1 (deemed approval of requirements relating to Sizewell B relocated facilities permission 1 and 2) will be deemed to have been approved insofar as it relates to Work No. 1D).

(7) Where details, plans works or any other matters have been approved or agreed by East Suffolk Council pursuant to a condition of the Sizewell B relocated facilities permission 2 in column (1) of Schedule 8 Part 2 (deemed approval of requirements relating to Sizewell B relocated facilities permission 1 and 2) prior to the date on which the undertaker serves notice under paragraph (1) the corresponding requirement to that condition in column (2) of Schedule 8 Part 2 (deemed approval of requirements relating to Sizewell B relocated facilities permission 1 and 2) will be deemed to have been approved insofar as it relates to Work No. 1E

(8) Where details, plans, (except for those plans which are also Approved Plans relating to Work No. 1D or Work No. 1E) works or any other matters have been imposed as a condition, or approved or agreed pursuant to a condition, of any new Sizewell B relocated facilities permission prior to the date on which the undertaker serves notice under paragraph (1), East Suffolk Council and the undertaker will agree in writing which details, documents, plans, works or other matters under the new Sizewell B relocated facilities permission will be deemed to have been discharged, approved, agreed, obtained or undertaken for the purposes of the requirement relating to Work No. 1D or Work No. 1E (as the case may be).

Schedule 8 of the Sizewell C DCO sets out in a table the relevant conditions of the Sizewell B relocated facilities permissions and their corresponding DCO requirement. Under Article 5(6) and (7), where details submitted under the specified conditions are approved by the local planning authority, the corresponding requirement is deemed approved for the purposes of the Sizewell DCO.

A428 Black Cat to Caxton Gibbet Development Consent Order 2022

The A428 Black Cat to Caxton Gibbet Development Consent Order 2022 was made on 18 August 2022 coming into force on 8 September 2022 and includes reference to an "advanced works permission". This was a planning permission obtained under the TCPA in respect of land to the West of Hills Farm, Station Road, Tempsford SG19 2BP for archaeological excavation and associated engineering works granted by Central Bedfordshire Council on 8 April 2021 (reference 20/04185/FULL).

In respect of these works, Article 55 (The Cadent Diversion Works) of the Black Cat DCO provided:

(1) If the undertaker implements the advanced works permission and Cadent or the undertaker undertakes the works described in Work No. 51 pursuant to planning permission granted under Part 3 of the 1990 Act then the requirements contained in Part 1 of Schedule 2 will not have effect in so far as they relate to those works unless Cadent or the undertaker serve written notice on the Secretary of State and the relevant planning authority confirming that it will—

(a) cease to rely on planning permission granted under Part 3 of the 1990 Act; and

(b) carry out Work No. 51 under this Order (in accordance with the requirements contained in Part 1 of Schedule 2).

(2) Cadent or the undertaker must not carry out Work No. 51 under this Order unless notice has been served under paragraph (1).

(3) Notwithstanding paragraph (2), the undertaker may exercise any other powers under this Order in respect of Work No. 51.

APPENDIX 3: ENVIRONMENTAL INFORMATION

Immingham Green Energy Terminal

TR030008

Volume 9

9.73 - Appendix 3 - Early Works Applications Environmental Information

Planning Act 2008

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended)

August 2024

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Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (as amended)

Immingham Green Energy Terminal

Development Consent Order 2023

9.73 – Appendix 3 - Early Works Applications Environmental Information

Planning Inspectorate Case Reference	TR030008
Application Document Reference	TR030008/APP/9.73
Author	Associated British Ports Air Products BR

Version	Date	Status of Version
Version 1	4 June 2024	Deadline 4
Version 2	15 August 2024	Deadline 7

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Regulation Reference ...

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1 Introduction

1.1 Overview

1.1.1 This document forms **Appendix 3** to a note entitled **Early Works Applications** prepared to explain the early works applications associated with the IGET Project. The likely significant environmental effects of the IGET Project are reported upon in the **Environmental Statement ("ES")** prepared as part of the application for development consent for that project ("IGET Project ES") **[APP-043 to REP5-015].** Application 1 is addressed in **Paragraphs 1.1.6** and **1.1.7** below (no likely significant environmental effects arise). The likely significant effects of the early works comprised in Application 2 are reported upon in the ES ("Application 2 ES") prepared for application. The works which are subject to Application 2 have been assessed within the IGET Project ES as they also form part of that project (although they are not explicitly identified as early works in the IGET Project ES).

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1.1.2 This document considers the assessments of the Early Works within the Application 2 ES and the IGET Project ES in **Table 1**. **Table 1** only addresses those topics which are 'scoped in' to both environmental impact assessments and does not address the marine topics, given the Early Works subject to Application 2 comprise terrestrial works only. The IGET Project ES included a cumulative effects assessment for the IGET Project. Application 2 simply reflects a potential change in programme by the bringing forward of the Early Works earlier in time. It is not therefore considered necessary to consider and assess the IGET Project as a cumulative development with the Early Works subject to Application 2, as the potential for overlap between any of the Early Works under an Early Works Permission and the 'remainder' of the IGET Project under the Development Consent Order ("DCO") has already been considered within the IGET Project ES for the construction period. Put simply, if an element of the Project is undertaken under an Early Works Permission, such as the installation of drainage or permanent fencing, it would not then need to be undertaken again under the DCO. Any environmental effects would not reoccur simply because there are two consents in place.

1.1.3 The report concludes, as demonstrated in **Table 1,** that there are no new or different likely significant effects associated with the Early Works being applied for within Application 2, when the effects are compared to the IGET Project ES. As would be expected, the effects reported in the Application 2 ES sit within the 'envelope of effects' determined within the IGET Project ES.

1.1.4 It is also concluded that, as a result of the scale and nature of the Early Works subject to Application 2, no new or different likely significant environmental effects arise in respect of the construction of the 'remainder' of the IGET Project pursuant to the DCO if all of those Early Works are completed pursuant to a separate permission.

1.1.5 Consideration has also been given as to whether the environmental impact assessment is sensitive to the particular timing of any of the Early Works comprised in Application 2. It is confirmed that there is not anticipated to be any change in the likely significant effects, nor any new likely significant effects, compared to those reported in the IGET Project DCO Application ES, irrespective of whether some or all of the Early Works are completed under the Early Works Permissions (rather than the IGET Project DCO) and irrespective of when any of the Early Works are constructed.

1.1.6 As explained within the main body of the **Early Works Applications note**, the application for the carrying out of test piling ("Application 1") is not considered to have any likely significant environmental effects in isolation or cumulatively. This was reported upon in standalone environmental reports which accompanied Application 1. The test piling applied for within Application 1 does not comprise Schedule 1 or Schedule 2 development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

1.1.7 As described in the reports which accompanied Application 1, the test piling is considered to be in keeping with the surrounding landscape character, and given the temporary nature of the works, would have negligible impacts on visual amenity and flood risk. No tree or vegetation removal is required to facilitate the test piling and no protected and priority species or sites designated for their biodiversity value were identified within the test piling site boundary. Given the distance of the test piling site boundary from the existing sea wall, no disturbance to birds on the foreshore is anticipated. The test piling is not anticipated to impact upon any designated or non-designated heritage assets and impacts from the test piling upon the peat deposits and organic alluvial deposits, identified within the IGET Project site, would be mitigated by ongoing analytical work. With the application of additional mitigation, such as acoustic shrouds, the test piling is not anticipated to cause any significant noise and vibration effects, and with the application of appropriate control measures, it is also not anticipated to impact upon the ground conditions of the test piling site. Given the above, no likely significant effects are anticipated as a result of the test piling and Application 1 is not considered further within this appendix.

Table 1: Comparison of likely significant environmental effects reported (i) in the Application 2 ES and (ii) for the construction phase in the IGET Project ES

Topic	Likely Significant Effects identified in the Application 2 ES[1]	Likely Significant Effects identified during construction in the IGET Project ES	Comparison of Effects
Air Quality	Most of the impact pathways defined in the IGET Project ES were not relevant in the Application 2 ES because the Early Works relate to limited terrestrial works only. The impact pathways which were scoped in were assessed as causing no likely significant effects during the Early Works due to the limited scale of the works and the location of sensitive receptors. Any releases of emissions during the Early Works would be controlled via best practice measures secured in the detailed construction environmental management plan ("Application 2 CEMP") which was produced to accompany Application 2.	No likely significant effects are expected to occur as a result of the IGET Project.	Same level of effect reported (**not significant**). No change in effects for the IGET Project if the Early Works subject to Application 2 are completed ahead of the 'remainder' of the IGET Project pursuant to the DCO.
Noise and Vibration	Whilst there is potential for a moderate / major adverse (significant) effect upon NSR1 (Queens Road) on Saturday afternoons, with the implementation of additional mitigation measures (i.e. temporary acoustic barriers and screens) secured by the Application 2 CEMP, the	Whilst there is potential for a moderate adverse (significant) effect (during the daytime) and major adverse (significant) effect (Saturday afternoons) upon NSR1 and NSR2, with the implementation of additional mitigation measures (i.e. temporary acoustic barriers and screens) secured by the Construction Environmental Management	Same level of effects reported (**not significant**), although potential for minor adverse (**not significant**) effect on only one receptor for the Early Works, but two receptors for the IGET Project (should the properties on Queens

[1] The Early Works are only applicable to the terrestrial elements of the IGET Project, as such the marine topics which were scoped in for the IGET Project ES have been scoped out for the Application 2 ES.

Topic	Likely Significant Effects identified in the Application 2 ES[1]	Likely Significant Effects identified during construction in the IGET Project ES	Comparison of Effects
	residual effects on NSR1 would be minor adverse (**not significant**).	Plan to be submitted and approved under the requirements of the DCO ("DCO Final CEMP"), the residual effects on NSR1 and NSR2 would be minor adverse (**not significant**).	Road remain occupied during the construction works). No change in effects for the IGET Project if the Early Works subject to Application 2 are completed ahead of the 'remainder' of the IGET Project pursuant to the DCO.
Nature Conservation (Terrestrial Ecology)	No potential for significant adverse effects on terrestrial ecology features. The Early Works generally coincide with land of low biodiversity value, and consequently (a) there is little potential for protected and notable species to occur, and (b) surveys have concluded the minimal presence or likely absence of such species. No likely significant ecological effects on designated nature conservation sites, habitats or species are predicted.	There is potential for a moderate adverse (significant) effect due to pipe-rack and jetty access road construction resulting in loss of / damage to mature deciduous woodland habitat from the Long Strip woodland. Although the pipe rack and jetty access road have been designed to minimise the woodland loss as far as possible, it is not possible to mitigate the effect of permanent woodland loss, therefore the residual likely significant effect is still moderate adverse (**significant**).	No likely significant effects reported within the Application 2 ES (as these works do not impact the Long Strip woodland), but a moderate adverse (**significant**) effect reported in the IGET Project ES (due to impact on the Long Strip woodland). No change in effects for the IGET Project if the Early Works subject to Application 2 are completed ahead of the 'remainder' of the IGET Project pursuant to the DCO, as removal of vegetation from the Long Strip woodland is not part of the Early Works' scope of works.
Ornithology	No potential for significant adverse effects on ornithology receptors, given the distance	There is potential for a minor / moderate adverse (significant) effect due to airborne	No likely significant effects reported within the Application 2

Topic	Likely Significant Effects identified in the Application 2 ES[1]	Likely Significant Effects identified during construction in the IGET Project ES	Comparison of Effects
	between the Early Works and the sea wall (450m) and the low ('site' only) value for terrestrial (non-SPA) species. Embedded mitigation will be implemented to avoid vegetation clearance during the nesting bird season (March – August) secured by the Application 2 CEMP.	noise and visual disturbance upon coastal waterbirds using intertidal habitats; however, with the implementation of additional mitigation measures, the residual effect is minor adverse (**not significant**). There is potential for a moderate adverse (significant) effect upon breeding birds (non-SPA/Ramsar) due to the permanent loss of Long Strip woodland. It is not possible to mitigate this effect, therefore the residual likely significant effect is still moderate adverse (**significant**).	ES, but a moderate adverse (**significant**) effect reported in the IGET Project ES, which arises because of the works in the Long Strip woodland. No change in effects for the IGET Project if the Early Works subject to Application 2 are completed ahead of the 'remainder' of the IGET Project pursuant to the DCO.
Traffic and Transport	The Early Works are anticipated to generate 188 HGV movements per day two way (94 in and 94 out), with peak construction activity anticipated to be in May 2025. No significant traffic and transport effects anticipated, taking into account the adoption of the measures secured in the Construction Traffic Management Plan ("Application CTMP") and associated Construction Worker Travel Plan ("Application CWTP") produced to accompany Application 2.	The IGET Project is anticipated to generate around 200 HGV movements per day two way (100 in and 100 out), with peak construction anticipated in 2026. No significant traffic and transport effects are anticipated when taking into account the construction traffic management plan ("DCO Final CTMP") (and appended construction worker travel plan ("DCO Final CWTP")) to be submitted and approved under the requirements of the DCO.	The same level of effect has been reported in both Environmental Statements (**not significant**). The peak number of HGVs for the Early Works within Application 2 is expected to be very similar but slightly lower than the peak number for the IGET DCO Project given the backfill works included in Application 2 give rise to the majority of HGV movements anticipated in connection with the IGET DCO Project construction phase. No change in effects for the IGET Project if the Early Works subject to Application 2 are completed

Topic	Likely Significant Effects identified in the Application 2 ES[1]	Likely Significant Effects identified during construction in the IGET Project ES	Comparison of Effects
			ahead of the 'remainder' of the IGET Project pursuant to the DCO.
Landscape and Visual Impact Assessment	The majority of impact pathways defined in the IGET Project ES were not considered relevant to the assessment due to the scale and nature of the Early Works proposed to be undertaken. Impacts on the Site and its immediate setting as a result of the Early Works in isolation are anticipated to be minimal, given (i) that the Early Works are largely screened by existing vegetation in adjacent areas, which is to be retained, (ii) the limited scale of the temporary laydown area, and (iii) the removal of vegetation is much smaller than for the whole construction phase of the IGET Project. No likely significant effects are therefore expected to occur as a result of the Early Works.	There is potential for a moderate adverse (significant) effect on landscape character to the Site and its immediate setting. It is not possible to mitigate this effect, therefore the residual likely significant effect is moderate adverse (**significant**). There is potential for major adverse (significant) visual effects upon recreational users at Viewpoints 2 and 3 and residential receptors at Viewpoint 11. It is not possible to mitigate these effects, therefore the residual likely significant effects are major adverse (**significant**).	No likely significant effects reported within the Application 2 ES, but a moderate adverse (**significant**) effect reported in the IGET Project ES. This difference arises primarily from the large structures (e.g. jetty, pipelines, hydrogen production facility) which would be erected for the IGET Project, but which do not form part of the Early Works. No change in effects for the IGET Project if the Early Works subject to Application 2 are completed ahead of the 'remainder' of the IGET Project pursuant to the DCO, as the effects reported upon Viewpoints 2, 3 and 11 are not as a result of the Early Works, and the effect upon landscape character would simply last longer, but this would not change the significance of the effect.
Historic Environment (Terrestrial)	There is potential for a major adverse (significant) effect upon peat deposits and organic alluvial deposits through the partial or complete, permanent truncation / removal	There is potential for a moderate adverse (significant) effect upon Long Strip woodland through partial or complete permanent truncation / removal of below ground	The same level of effects is reported (**not significant**), although the potential for minor adverse (**not significant**) effects

Topic	Likely Significant Effects identified in the Application 2 ES[1]	Likely Significant Effects identified during construction in the IGET Project ES	Comparison of Effects
	of below ground remains. However, with the implementation of additional mitigation secured in the Application 2 CEMP, the residual effect is minor adverse (**not significant**).	remains; however, with the implementation of additional mitigation in the DCO Final CEMP, the residual effect is minor adverse (**not significant**). There is potential for a major adverse (significant) effect upon peat deposits and organic alluvial deposits through the partial or complete, permanent truncation / removal of below ground remains. However, with the implementation of additional mitigation in the DCO Final CEMP, the residual effect is minor adverse (**not significant**).	only arises for one receptor for the Early Works, but for two receptors for the IGET Project as a whole. No change in effects for the IGET Project if the Early Works subject to Application 2 are completed ahead of the 'remainder' of the IGET Project pursuant to the DCO.
Water Use, Water Quality, Flood Risk & Drainage	There is potential for moderate / major and minor / moderate adverse effects (significant) upon North Beck, Habrough Marsh drain and local drains through direct spillage, runoff contamination, alteration in fluvial and overland flow, and increased risk of blockage of drains. However, with the implementation of additional mitigation secured through the Application 2 CEMP, the residual effects are negligible / minor adverse (**not significant**). There is potential for a moderate adverse (significant) effect upon local land drainage ditches through the increased risk of fluvial / surface water flooding (both during and post the Early Works); however, with the implementation of additional mitigation	There is potential for moderate / major and minor / moderate adverse effects (significant) upon North Beck, Habrough Marsh drain and local drains through direct spillage, runoff contamination, alteration in fluvial and overland flow, and increased risk of blockage of drains during construction, operation and decommissioning of the IGET Project. However, with the implementation of additional mitigation secured through the DCO Final CEMP, the residual effects are negligible / minor adverse (**not significant**). There is potential for a moderate adverse (significant) effect upon North Beck Drain, Habrough Marsh drain and Immingham Pump Drain through the increased risk of fluvial / surface water flooding during construction, operation and decommissioning of the IGET Project; however, with the	The same level of effects is reported (**not significant**), although the potential for minor adverse effects (**not significant**) relates to fewer receptors for the Early Works than for the IGET Project. No change in effects for the IGET Project if the Early Works subject to Application 2 are completed ahead of the 'remainder' of the IGET Project pursuant to the DCO.

Topic	Likely Significant Effects identified in the Application 2 ES[1]	Likely Significant Effects identified during construction in the IGET Project ES	Comparison of Effects
	secured through the Application 2 CEMP, the residual effect is minor adverse (**not significant**). There is potential for very large / large adverse effects (significant) upon construction workers, operatives and site visitors through exposure to floodwater (both during and post the Early Works); however, with the implementation of additional mitigation secured through the Application 2 CEMP, the residual effect is minor adverse (**not significant**).	implementation of additional mitigation secured through the DCO Final CEMP, the residual effects are negligible / minor adverse (**not significant**). During operation of the IGET Project, there is potential for a moderate adverse effect upon North Beck Drain, Habrough Marsh Drain, Immingham Pump Drain and local land drainage ditches through the increased risk of fluvial / surface water flooding. However, with the implementation of additional mitigation secured through the DCO Final CEMP, the residual effects become negligible / minor adverse (**not significant**) during construction and decommissioning, and minor beneficial (**not significant**) during operation. There is potential for very large / large adverse effects (significant) upon construction workers, operatives and site visitors through exposure to floodwater (during both construction, operation and decommissioning of the IGET Project); however, with the implementation of additional mitigation secured through the DCO Final CEMP, the residual effect is minor adverse (**not significant**).	
Climate Change	The effect of greenhouse gas ("GHG") emissions during the Early Works (GHG assessment) and the potential for the Early Works to be adversely subjected to impacts	A GHG assessment, CCR assessment and an ICCI assessment were undertaken to assess the IGET Project's potential impact on the climate. It was concluded the adverse	Same level of effect reported (**not significant**).

Topic	Likely Significant Effects identified in the Application 2 ES[1]	Likely Significant Effects identified during construction in the IGET Project ES	Comparison of Effects
	from climate change (Climate Change Resilience ("CCR") assessment) are not considered to be significant due to the scale and nature of the Early Works. While effects of climate change on the Early Works and surrounding receptors (In-combination climate change impact ("ICCI") assessment) are considered to have a low to moderate effect, with the implementation of the mitigation measures secured in the Application 2 CEMP, no significant ICCIs have been identified.	effects of the IGET Project's residual GHG emissions would be outweighed by the savings of emissions resulting from the use of low carbon hydrogen produced by the IGET Project which aligns with and will contribute to the UK net zero transition scenario. In terms of climate change resilience, effects were assessed to be low to moderate, and following the implementation of standard mitigation measures such as those secured in the DCO Final CEMP, residual effects are expected to be **not significant**. The ICCI assessment identified no significant ICCIs following the implementation of standard mitigation and good practice measures secured in the DCO Final CEMP.	No change in effects for the IGET Project if the Early Works subject to Application 2 are completed ahead of the 'remainder' of the IGET Project pursuant to the DCO.
Materials and Waste	An assessment of materials and waste was undertaken for the Early Works to understand the effect of the Early Works on landfill capacity, key construction material availability and the impact of the Early Works on safeguarded waste sites. The Early Works have the potential to impact upon the availability of key construction materials, landfill capacity and changes to safeguarded waste sites. However, due to the scale and nature of the Early Works, no likely significant effects are anticipated as a result of material use or landfill capacity. In addition, the Early Works	An assessment of materials and waste was undertaken for the IGET Project to understand the effect of the Project on landfill capacity, key construction material availability and the impact of the Project on safeguarded waste sites. With adherence to mitigation measures such as following the waste hierarchy and the production of a Site Waste Management Plan (as part of the DCO Final CEMP), no likely significant effects are expected to occur as a result of the IGET Project.	Same level of effect reported (**not significant**). No change in effects for the IGET Project if the Early Works subject to Application 2 are completed ahead of the 'remainder' of the IGET Project pursuant to the DCO.

Topic	Likely Significant Effects identified in the Application 2 ES[1]	Likely Significant Effects identified during construction in the IGET Project ES	Comparison of Effects
	will not impact upon any safeguarded waste sites.		
Ground Conditions & Land Quality	The Early Works have the potential to impact upon human health, through direct contact with contamination or the inhalation of dust and / or soil derived vapours. The Early Works also have the potential to impact upon geology, hydrology, hydrogeology and soils through the migration of ground gas, migration of contaminants via groundwater and surface run-off or through soil compaction. **No likely significant** effects are however expected to occur during the Early Works due to the scale and nature of the proposed works. Any residual effects will be controlled through the implementation of the Application 2 CEMP Project.	The IGET Project has the potential to impact upon the following: • Human health – through direct contact with contaminated soils or groundwater, the inhalation of dust and / or soil derived vapours • Geology – through piling foundations • Soils – through spoil arising and compaction or loss of potentially versatile agricultural land, Agricultural Land Classification ("ALC") Grade 3b soils • Groundwater – through migration of contaminants, spills and leakages, contaminant mobilisation, potential creation of new preferential pathways, changes to the hydrogeological regime • Surface water – through potential run-off into the Humber Estuary via exposed ground, material stockpiles and spills and leakages from vehicles and materials Any residual effects will be controlled through the implementation of mitigation measures implemented in the DCO Final CEMP such that **no likely significant effects** are expected to occur as a result of the IGET Project.	Same level of effect reported (**not significant**). No change in effects for the IGET Project if the Early Works subject to Application 2 are completed ahead of the 'remainder' of the IGET Project pursuant to the DCO.

Topic	Likely Significant Effects identified in the Application 2 ES[1]	Likely Significant Effects identified during construction in the IGET Project ES	Comparison of Effects
Major Accidents and Disasters ("MAD")	All risk events identified during the Early Works, including contact with high voltage ("HV") electricity, contact with underground gas main or unexploded ordnance, construction incidents such as vehicle collisions and storms / flooding, would be reduced to as low as reasonably practicable ("ALARP") (**no significant effects**) through implementation of mitigation measures detailed in the Application 2 CEMP and the Construction Phase Plans (under the Construction Design and Management ("CDM") Regulations) to be implemented prior to the commencement of construction.	All risk events identified during the construction phase of the IGET Project, which include all risk events assessed in relation to the Early Works as well as fire, explosion / energy release, release of toxic gas, incidents associated with jetty and marine operations and release during road transport off-site, would be reduced to ALARP (**no significant effects**) through implementation of mitigation measures detailed in the DCO Final CEMP and the Construction Phase Plans (under the CDM Regulations) to be implemented prior to the commencement of construction.	Same level of effect reported (**not significant**). No change in effects for the IGET Project if the Early Works subject to Application 2 are completed ahead of the 'remainder' of the IGET Project pursuant to the DCO.
Socio-economics	There is potential for a temporary minor beneficial (**not significant**) effect on NELC's employment generation and Gross Value Added ("GVA"). Due to the scale and nature of the proposed works, no other potential effects are anticipated.	There is potential for a temporary major beneficial (**significant**) effect on NELC's employment generation and temporary moderate beneficial (**significant**) effect on NELC's GVA. There is potential for a moderate adverse (**significant**) effect through the loss of residential properties on Queens Road. It is not possible to mitigate this effect, therefore the residual likely significant effect is still moderate (**significant**) adverse.	No likely significant effects reported within the Application 2 ES, but a major and a moderate beneficial (**significant**) effect and a moderate adverse (**significant**) effect reported in the IGET Project ES. No change in effects for the IGET Project if the Early Works subject to Application 2 are completed ahead of the 'remainder' of the IGET Project pursuant to the DCO, as the beneficial effect on NELC's employment generation would simply last longer, but this

Topic	Likely Significant Effects identified in the Application 2 ES[1]	Likely Significant Effects identified during construction in the IGET Project ES	Comparison of Effects
			would not change the significance of the effect.
Human Health and Wellbeing	The Early Works have the potential to impact upon access to healthcare and other social infrastructure, emissions of dust, noise, vibration and odours, air / noise emissions linked with traffic, accessibility to open space and active travel, access to employment and training and climate change. However, **no likely significant effects** are expected to occur during the Early Works for each relevant health determinant given the scale and nature of the proposed works. Mitigation measures detailed in and secured through the Application 2 ES Chapter 6: Air Quality, Chapter 7: Noise and Vibration, Chapter 10: Traffic and Transport, and Chapter 14: Climate Change, as well as the Application 2 CEMP, Application 2 CTMP and Application 2 CWTP will be adhered to.	The IGET Project has the potential to impact upon access to healthcare services and other social infrastructure, emissions of noise, dust and vibration, air / noise emissions linked with traffic, accessibility to open space and active travel, access to employment and training, climate change and social cohesion and lifetime neighborhoods. **No likely significant effects** are however expected to occur as a result of the IGET Project. Mitigation measures detailed in and secured through the IGET Project ES **Chapter 6: Air Quality**, **Chapter 7: Noise and Vibration**, **Chapter 11: Traffic and Transport**, **Chapter 19: Climate Change**, **Chapter 23: Socio-economics [APP-048 to APP-065]** and **Appendix 2.B: Lighting Strategy [APP-173]**, as well as the DCO Final CEMP, CTMP and CWTP will be adhered to.	Same level of effect reported (**not significant**). No change in effects for the IGET Project if the Early Works subject to Application 2 are completed ahead of the 'remainder' of the IGET Project pursuant to the DCO.
Cumulative and In-Combination Effects	There is potential for a moderate beneficial (**significant**) cumulative socio-economic effect due to the Early Works in combination with either the proposed Immingham Eastern Ro-Ro Terminal ("IERRT") development, construction of a 49.9MWe energy from waste facility on land at South Humber Bank Power Station or a Phillips 66	There is potential for the following large / moderate adverse (significant) effects: • Two large adverse (significant) in-combination effects upon residential properties along Queens Road in relation to construction dust, noise, vibration, visual effects, traffic and transport effects and increases in flood risk	Beneficial (**significant**) effects reported in both the Early Works and IGET Project ES, but large / moderate adverse (**significant**) effects also reported in the IGET Project ES.

Topic	Likely Significant Effects identified in the Application 2 ES[1]	Likely Significant Effects identified during construction in the IGET Project ES	Comparison of Effects
	Ltd post-combustion carbon capture plant on Eastfield Road. If the construction phase of any of these developments overlaps with the Early Works, this has potential to generate more employment in the local economy and a greater amount of GVA could be generated as a result (as opposed to if the developments were constructed in isolation).	• A large adverse (significant) in-combination effect upon commercial receptors along Queens Road in relation to visual effects and increases in flood risk • A large adverse (significant) in-combination effect upon Bridleway 36 in relation to visual and socio-economic effect • A moderate adverse (significant) in-combination effect through construction of the pipe-rack and jetty access road resulting in loss of the Long Strip woodland • Moderate adverse (significant) cumulative landscape effect on the IGET Project site and its immediate setting due to construction of the IGET Project together with two other nearby developments • Three large adverse (significant) cumulative visual effects upon Viewpoint 2, Viewpoint 3 and Viewpoint 11 of the IGET Project due to construction of the IGET Project together with seven other nearby developments It is not possible to mitigate these effects, therefore the residual likely significant effects are still large / moderate adverse (**significant**).	No change in effects for the IGET Project if the Early Works subject to Application 2 are completed ahead of the 'remainder' of the IGET Project pursuant to the DCO. Even if the Early Works are to happen earlier than reported within the IGET Project ES, the in-combination effects upon Bridleway 36, Long Strip Woodland, and residential and commercial properties along Queens Road would still be significant. The significant cumulative landscape and visual effects (upon Viewpoint 11) are due to construction of the flue gas and flare stacks for the IGET Project and are therefore not part of the Early Works scope of works. The significant cumulative visual effects upon Viewpoints 2 and 3 are as a result of the operation of the IGET Project, which the Early Works does not have an effect upon.

Topic	Likely Significant Effects identified in the Application 2 ES[1]	Likely Significant Effects identified during construction in the IGET Project ES	Comparison of Effects
		There is potential for a large beneficial (**significant**) cumulative socio-economic effect due to construction of the IGET Project together with ten other nearby developments.	

A.1 Appendix A.2 – Application 2 ES Site Layout Plan

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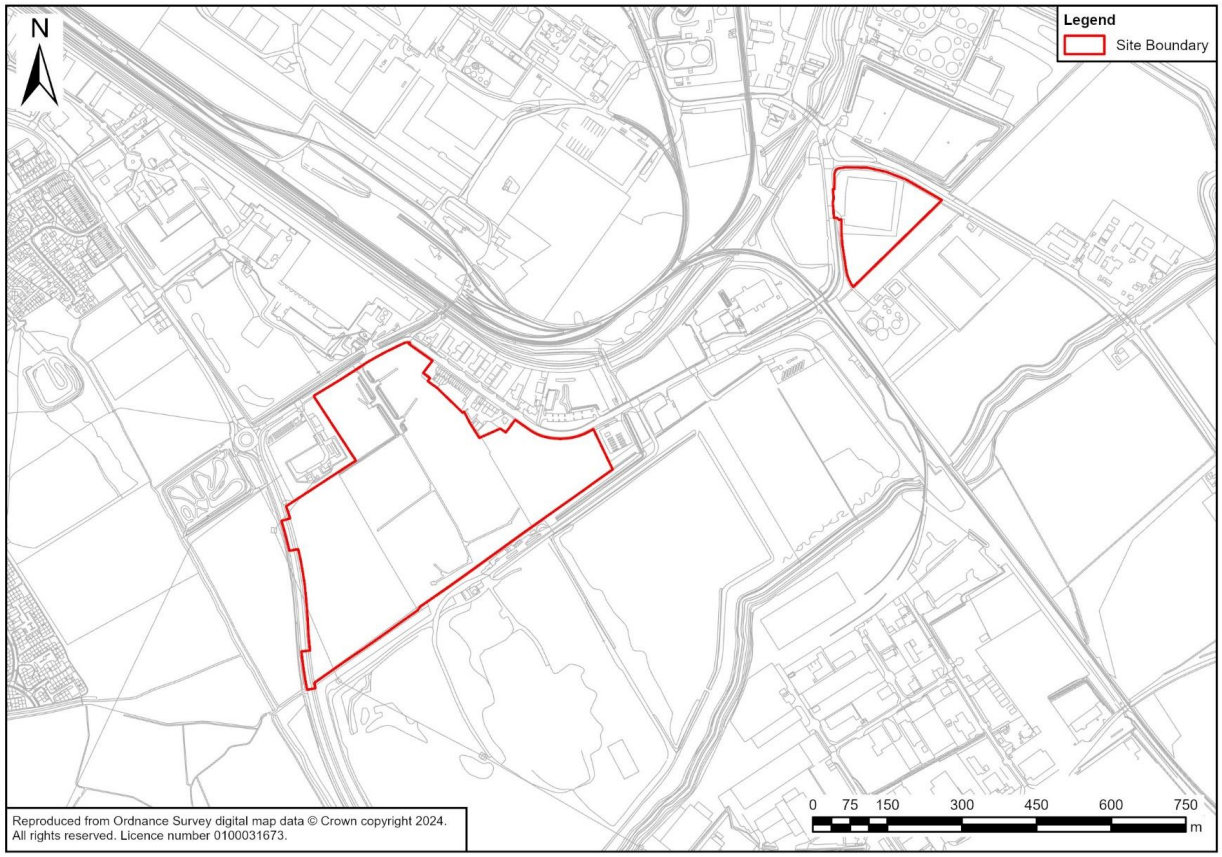

APPENDIX 4: DCO DRAFTING

Article 55(2) of the dDCO states as follows:

Article 55(2) As from the date on which the authorised project is begun for the purposes of section 155 (when development begins) of the 2008 Act if the undertaker serves a notice on the relevant planning authority that any of the conditions attached to a planning permission granted pursuant to section 57 (planning permission required for development) of the 1990 Act prior to the making of this Order and which relate to the Order limits cease to have effect to the extent that they are inconsistent with the authorised project or anything done or approved pursuant to this Order then the notice will immediately have that effect.

Where a separate planning permission has been implemented, this Article therefore allows the Applicant to serve notice on NELC confirming that the conditions attached to that permission will cease to have effect to the extent that they are inconsistent with the Project.

In light of the Early Works proposals, the dDCO is proposed to be updated as follows (based on precedent and particularly Article 5 (Effect of the Order on the Sizewell B relocated facilities permissions) of the Sizewell B DCO and its related definitions).

The following defined terms would be added to Article 2 (Interpretation) of the dDCO:

"existing early works planning permission" means the planning permission granted by the relevant planning authority [i.e. NELC] on [ ] with reference number [ ] and any amendments or variations made or granted in respect of it pursuant to section 96A, section 73, section 73A or section 73B of the 1990 Act;

"new early works planning permission" means any planning permission granted under the 1990 Act prior to service of notice under article 55(3) for works also comprised in Work No. 2, Work No. 3, Work No 5 or Work No. 7 (including any further associated development to which paragraph 11 of Part 1 (authorised development) of Schedule 1 (authorised project) refers) or any part of them, and any amendments or variations made or granted in respect of such planning permission pursuant to section 96A, section 73, section 73A or section 73B of the 1990 Act;

The following paragraphs would be inserted as new paragraphs (3) to (9) of Article 55 (Planning legislation) of the dDCO:

(3) Before beginning Work No. 2, Work No. 3, Work No. 5 or Work No. 7 (as applicable) under this Order, the undertaker must serve notice on the relevant planning authority that it intends to begin Work No. 2, Work No. 3, Work No. 5 or Work No. 7 (as applicable) under this Order and must specify in that notice any existing early works planning permission or new early works planning permission under which works also

comprised within Work No. 2, Work No. 3, Work No 5 or Work No. 7 (as applicable) have begun and whether or not such works have been completed.

(4) From the date of service of any notice pursuant to paragraph (3)-

a) the undertaker must cease to carry out development under any existing early works planning permission or new early works planning permission specified in that notice; and

(b) the conditions to which an existing early works planning permission or new early works planning permission specified in that notice are subject will be unenforceable, except in respect of any breach that occurred prior to the undertaker serving notice under Article XX(1) and except in respect of any conditions of the early works permission or new early works permission that relate to the statutory requirement under the 1990 Act for biodiversity net gain.

(5) The undertaker must not begin Work No. 2, Work No. 3, Work No. 5 or Work No. 7 (as applicable) under this Order until notice has been served under paragraph (3).

(6) Notwithstanding paragraph (4), the undertaker may exercise any other powers under this Order in respect of any part of the authorised development prior to or following service of notice under paragraph (3).

(7) Without prejudice to the generality of paragraph (6), the undertaker may discharge any requirement in Schedule 2 (requirements) of this Order at any time prior to or following the service of notice under paragraph (1).

(8) Where details, documents, plans, works or any other matters have been imposed as a condition, or approved or agreed pursuant to a condition, of any existing early works planning permission or new early works planning permission prior to the date on which the undertaker serves notice under paragraph (3), the relevant planning authority and the undertaker must agree in writing which details, documents, plans, works or other matters under the existing early works planning permission or new early works planning permission will be deemed to have been discharged, approved, agreed, obtained or undertaken for the purposes of the requirements in Schedule 2 (requirements) of this Order relating to all or part of Work No. 2, Work No. 3, Work No. 5 or Work No. 7 (as applicable); and upon that agreement being reached in writing it will immediately have that effect.

(9) In this article "begin" and "begun" mean for the purposes of section 155 (when development begins) of the 2008 Act.

Paragraph (2) of the Article would be amended as follows for drafting consistency:

Article 55(2) As from the date on which the authorised project is begun ~~for the purposes of section 155 (when development begins) of the 2008 Act~~ if the undertaker serves a notice on the relevant planning authority that any of the conditions ~~attached to~~ to which a planning permission granted pursuant to section 57 (planning permission required for development) of the 1990 Act is subject prior to the making of this Order and which relate to the Order limits cease to have effect to the extent that they are inconsistent with the authorised project or anything done or approved pursuant to this Order then the notice will immediately have that effect.