



Meeting note

Project name	Immingham Green Energy Terminal
File reference	TR030008
Status	Final
Author	The Planning Inspectorate
Date	12 July 2022
Meeting with	Associated British Ports
Venue	Microsoft Teams
Meeting objectives	Project Update Meeting
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Description of the NSIP and Associated Development

Associated British Ports (the 'Applicant') explained that the onshore facility is necessary to support the operation of the jetty superstructure and the justification for it being treated as associated development. The Inspectorate confirmed they had read the position set out in the note on Associated Development which the Applicant had provided in advance of the meeting.

The Applicant indicated that it queried whether the scale of the infrastructure is a factor which the Inspectorate should consider in determining whether infrastructure could be considered associated development. The Inspectorate agreed to look at the guidance around what constitutes associated development, specifically regarding scale.

The Inspectorate advised that when describing the onshore facility and the relationship with the jetty superstructure, the Applicant should provide clarity on the term 'subordinate' in respect of the aspects which the Applicant considers are Associated Development.

The Inspectorate queried whether the Proposed Development could be considered a Hazardous Waste NSIP under Section 30 of the Planning Act 2008. The Applicant confirmed that ammonia is not classified as a waste product. The Applicant stated that it would clearly explain this within its suite of application documents.

As the Applicant explained that it does not currently have a confirmed customer for the full capacity of the jetty, the Inspectorate queried how the jetty capacity would be assessed in the Environmental Statement (ES). The Applicant was advised to be clear and consistent in the ES regarding the parameters of the Proposed Development and future operational scenarios. The Applicant confirmed that the ES would be clear on the jetty capacity that had been assessed in the ES and this would be the jetty capacity as predicted by the Applicant.

The Inspectorate sought more information about the production of hydrogen and the movement of Heavy Goods Vehicles (HGVs) across the United Kingdom; and whether this would fluctuate over time. The Applicant explained that the product would be distributed via HGVs. The Applicant explained that customers including in locations such as Gatwick, Birmingham and Liverpool will use the hydrogen to decarbonise the transportation sector. The Applicant noted that the project would be capable of reducing the emissions from vehicles which would otherwise have used diesel fuel by at least 580,000 tonnes of CO₂ per year (the equivalent of taking 20,000 diesel HGVs off the road).

The Inspectorate advised that the scoping report and ES should clearly and consistently establish the project description and assessment assumptions and scenarios. Both parties agreed that the Applicant should have regard to the *Finch v Surrey County Council [2022] EWCA Civ 1871* to inform how the ES will assess direct and indirect effects of the Proposed Development and how it would approach the end use of the hydrogen products (downstream effects) so that the benefits of the scheme are assessed proportionately.

Jetty Capacity and Infrastructure

The Inspectorate advised the Applicant to clearly explain the capacity of the jetty.

The Applicant explained that the jetty will have a capacity of significantly in excess of 5 million tonnes per year and therefore they consider it is a NSIP. The Applicant further clarified that although they do not currently have a customer confirmed to use the jetty to its full capacity the draft DCO and the Environmental Assessment and all other related documents will be prepared on the basis of the jetty operating at maximum capacity, to ensure the full envelope of effects are assessed.

The Applicant explained that a deemed marine licence for the jetty superstructure would be included in the Development Consent Order.

Local Plan

The Inspectorate queried whether there was any conflict between the Proposed Development and the Northeast Lincolnshire Local Plan. The Applicant explained that the Local Planning Authority is supportive of the proposals.

Scoping and ES Matters

¹ Note that the decision of the Court of Appeal in respect of *Finch* is now being appealed to the Supreme Court.

The Applicant explained that it anticipates submitting a request for a Scoping Opinion to the Inspectorate in August 2022. Ahead of submission of the scoping request, the Inspectorate:

- reminded the Applicant of its ten working day timeframe for GIS shapefile submission ahead of the scoping request and noted that the format should align with that set out in Advice Note Seven.
- requested that the Applicant provide grid references for the location of the Proposed Development upfront in the scoping report, as this is becoming a common request from consultees. The Applicant confirmed this could be included in the project description.
- advised the Applicant to ensure that any confidential information (e.g., location of protected species) be made sufficiently general or be highlighted as confidential.
- Reminded the Applicant to ensure page and paragraph numbering were correct; and to avoid including any personal information or signatures for data protection purposes.

Project Timings and Publication

The Inspectorate queried whether there would be any changes to the expected submission date. The Applicant anticipates submitting an application to the Secretary of State in May 2023. The Inspectorate asked if consultation would occur after scoping. The Applicant confirmed that statutory consultation will commence in October 2022.