



Meeting note

Project name	Immingham Green Energy Terminal
File reference	TR030008
Status	Final
Author	The Planning Inspectorate
Date	03 July 2023
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.

Transition of ABP/AP point of contact with Planning Inspectorate

The Applicant (ABP) informed the Inspectorate of a change in their main point of contact with the Inspectorate, to align with the approach taken on the proposed Immingham Eastern Ro-Ro Terminal.

Programme update and anticipated application date

The Applicant stated that the Development Consent Order (DCO) submission date will likely fall between 28 August 2023 and 08 September 2023. The Applicant will be looking to narrow this down to a specific date by the next meeting with the Inspectorate.

Second Statutory Consultation

The Applicant explained that they had to extend the deadline to their second Statutory Consultation due to a newspaper used to publicise the consultation making a publication error in respect of the section 48 notice in respect of the consultation. The consultation will now conclude on 20 July 2023. There were two Statutory Consultation events which took place on 22 June and 24 June 2023.

The Applicant explained that responses from those in attendance was positive overall with a focus on jobs being brought to the area. Changes were made from the first Statutory Consultation regarding the jetty access road and the impact it would have had on the woodland areas. The Applicant outlined that this has been reduced and was well received. The Applicant has received 44 emails and 11 feedback forms to date. Statutory Bodies who responded made no further comments from their response to the first Statutory

Consultation. The Applicant is responding to Lincolnshire Wildlife Trust in relation to other concerns raised previously.

Planning Inspectorate comments on draft application documents

The Inspectorate confirmed they would not be discussing the feedback at this stage. Feedback will be issued to the Applicant on 05 July 2023. A meeting can be arranged to discuss the queries on the detail of the feedback at the request of the Applicant or they can be dealt with in correspondence if the queries are straightforward.

Natural England (NE) and Habitat Regulation Assessment (HRA) process update

The Applicant stated that NE had been briefed on the Proposed Development but had not yet discussed any of the detail regarding the HRA assessment. The reason for this was due to the marine modelling work which had only been completed in the previous week (W/C 26 June 2023). The HRA will be written up by mid-July, The Applicant will be engaging with NE from this point to discuss the Proposed Development in further detail. The Applicant also confirmed that NE are aware of the situation on IGET and how it relates to the Examination of the Immingham Eastern Ro-Ro Terminal (IERRT) project.

The Applicant explained that the application will include two reports relating to HRA: the main HRA report setting out the applicants conclusion that there will be no adverse effect on integrity in compliance with the requirement of the Application Regulations , and a second report which will set out the case for a derogation from the requirements of the Habitats Regulations on a “without prejudice” basis to its primary position should Natural England not agree with the conclusion in the main HRA report and advise that the Proposed Development will have an adverse effect on integrity and that advice was accepted by the Examining Authority and / or the Secretary of State. The Applicant explained that the derogations case relates to the loss of habitat and potentially disturbance of birds within the European sites either alone in combination with the adjacent proposed IERRT project. Natural England’s advice on the effect of the Proposed Development on integrity of the designated site is not yet available hence the need for the proposed approach (which was noted by the Applicant as being consistent with the advice in PINS Advice Note 10).

The Applicant stated that they have identified a compensation site which is currently under development at Skeffling on the north bank of the Humber. The Applicant explained that the Skeffling scheme was a joint scheme between the Applicant and the Environment Agency and was already fully consented. The Inspectorate queried how the Applicant planned to reflect these works in the draft DCO and the Applicant described its proposed approach. The Applicant confirmed that Skeffling will not be within the red line boundary and will not be assessed as part of the Proposed Development as it has been assessed previously and has been consented. The Inspectorate confirmed this approach was acceptable to them. The Inspectorate sought the Applicant’s views on any risks presented by this given the complex nature of marine modelling work. The Applicant noted that the methodology applied to the modelling aligned with that previously accepted as appropriate by NE in relation to the IERRT project.

Update on engagement with other stakeholders including affected landowners

ABP and AP confirmed they are currently in discussions with property owners regarding Compulsory Acquisition. ABP and AP confirmed there are eight dwellings left to negotiate and acquire (should that be possible). AP explained that they are also in discussions with

Polynt Composites UK Ltd regarding small areas of their land which may be affected by the Project.

It was also confirmed that the Applicant and AP are having ongoing meetings with the local authority (LA) North East Lincolnshire Council (NELC) and minor issues are being resolved.

Approach to the provision of protective works

The Applicant confirmed this is an ongoing topic and that it is expected that the Development Consent Order (DCO) will include some provisions allowing the carrying out of protective works to building and structures outside the order limits. The Applicant explained that it is anticipated this will include some properties on Queens Road. The Applicant is looking for clarity regarding protective works from the Inspectorate as to whether this would be acceptable. The Inspectorate explained that the DCO should accurately include powers that would allow the protective works the Applicant anticipates it will need to carry to be completed. The Explanatory Memorandum to the DCO should set out the justification for inclusion of those powers outside of the order limits in the DCO. The Inspectorate also suggested looking at previous Orders, notably Tilbury2 and Thames Tideway Tunnel, to help better understand how the Applicant should approach this issue and PINS would consider whether there were any other orders that might assistance or a useful precedent.

Statements of Common Ground (SoCG)

The Applicant confirmed that they are committed to producing SoCGs. It is expected that the Statutory Bodies will engage once they have submitted their Relevant Representations into any Examination.

Interaction with IERRT Project

The Applicant explained how their anticipated programme would relate to that of IERRT. The IERRT Examination is expected to start on 25 July 2023 and should reach its conclusion by or around January 2024. The Applicant asked if the Inspectorate had concerns about having two live applications within close geographic proximity of one another. The Inspectorate reassured the Applicant that this issue can be managed and advised continuous cooperation when arranging Examination events.

Planning Inspectorate meeting notes from 05 June 2023 meeting

The Applicant confirmed they have made slight changes and should be back with the Inspectorate by the end of this week (07 July 2023).

Agreed Actions

The Inspectorate agreed to provide the Applicant with example DCO documents on protective works.

Date of next meeting

07 August 2023. The Applicant will confirm the specific submission date. The Applicant confirmed they may request a meeting on draft document feedback dependant on what is received from The Inspectorate.