



Immingham Green Energy Terminal – TR030008

Section 51 advice regarding draft application documents submitted by Associated British Ports by 23 May 2023

Associated British Ports submitted the following draft documents for review by the Planning Inspectorate as part of its Pre-application Service¹:

1. Environmental Statement – Chapter 2 Project Description
2. Consultation Report incl. Response Table example
3. Land, Works and Crown Plans
4. Draft Development Consent Order
5. Explanatory Memorandum
6. Book of Reference

The advice recorded in the table below relates solely to matters raised upon the Planning Inspectorate's review of the draft application documents listed above. The advice is limited by the maturity of the documentation provided by the Applicant and the time available for consideration and is raised without prejudice to the acceptance decision or the final decision about whether development consent should be granted.

¹ See <https://infrastructure.planninginspectorate.gov.uk/application-process/pre-application-service-for-applicants/>



Environmental Statement – Chapter 2 Project Description		
Ref No.	Paragraph/Section	Comment/Question
1.	General	<p>The capacity of vessel calls per year during operation of the Proposed Development is set out in paragraph 2.6.1 and the fleet of vessels required to support the jack-up barge during construction is described in paragraph 2.5.61. However, an estimate of vessel movements required during construction is not provided in the project description. A reasonable worst-case estimate of vessel movements during construction should be provided in the Environmental Statement (ES).</p> <p>Should quay wall repairs or installation be included within the scope of the Proposed Development these should be consistently referenced as part of the description. If works include quay wall implications, the description should clarify whether cathodic protection is proposed. The Marine Management Organisation (MMO) in particular will be interested in such detail and the methodology for such. If new infrastructure is needed for the provision of potable water supplies to the berth, again these should be referenced.</p>
2.	Paragraph 2.1.2	The ES refers to 'green ammonia' and 'green hydrogen', a definition of these terms should be provided in the ES.
3.	Plate 2-1	The Plan of the Port of Immingham is low resolution and unreadable in places. Can this be rectified if possible.
4.	Paragraph 2.3.44	The description of land quality is based on the Provisional Agricultural Land Classification (ALC) Grade Map from the MAGIC Map Application, which does not distinguish between subgrades 3a and 3b. The ES should indicate whether any areas of best and most versatile land are being impacted.
5.	Paragraph 2.4.3	Work No. 7 is described in ES paragraph 2.4.3(b)(vi) as including the construction of up to three hydrogen liquefier units, however the draft DCO includes one hydrogen liquefier unit at Work No. 7 (a)(ii) and up to three at Work No. 7 (b)(ii) (totalling four overall). Please rectify this discrepancy.



Environmental Statement – Chapter 2 Project Description		
Ref No.	Paragraph/Section	Comment/Question
6.	Paragraph 2.6.19	Paragraph 2.6.19 sets out the requirement for maintenance dredging during operation of the Proposed Development. There is a note in the ES to state that an estimate of the annual future maintenance dredge volume is to be confirmed. In addition to this, the ES should provide an estimate for how often maintenance dredging activities would be required and how/where maintenance dredge arisings would be disposed of.
7.	Paragraph 2.3.17	There is a grammatical error in paragraph 2.3.17. “ <i>To the east the East Site is the Long Strip...</i> ” should read as ‘ <i>To the east of the East Site...</i> ’. Can this be rectified if possible.
8.	Paragraph 2.3.47	Paragraph 2.3.47 states that the site is located entirely within Flood Zone 3. The ES should set out the area of the site located within Flood Zone 3a and 3b.
9.	Paragraph 2.4.3 (vi), Table 2-2	Paragraph 2.4.3 (vi) states that the West Site involves the construction of up to three liquefier units, but Table 2-2 includes a total of four liquefier units across the construction phase within column 5 (West Site). Please rectify this discrepancy.
10.	Tables 2-6 and 2-8	The ES states that natural gas would be supplied from the local main gas network but that connection details are not yet available. The ES should explain why these details are yet to be provided and indicate when they will be available. If this information is held elsewhere in the ES, then it should be signposted to.
11.	Table 2-5 and 2-7	Table 2-5 and Table 2-7 provide the proposed buildings and structures for the East and West sites respectively. The Applicant is requested to ensure that consistent terminology is used within these Tables, the Indicative site layout drawings, indicative 3D visualisations, and the overview of the green hydrogen production process proposed to be provided in Appendix 2.A. Paragraph 2.4.40 refers to cooling water towers yet it is not clear what structure listed in Table 2-7 would include these. Please clarify this.



Environmental Statement – Chapter 2 Project Description		
Ref No.	Paragraph/ Section	Comment/Question
12.	Table 2-8	Limited information is provided regarding the source of the cooling water. Further information is requested regarding the approach to water supply and water recycling.

Consultation Report		
Ref No.	Chapter/ Paragraph	Comment/Question
13.	General	The Applicant should ensure that the final Consultation Report contains full information about the targeted section 42 consultation as both consultations will be considered during any Acceptance.
14.	General	Justification should be provided in the Consultation Report for any bodies that have not been consulted, including MMO, Greater London Authority, relevant Statutory parties and Local Authorities.
15.	General	The Applicant should ensure that all Appendices referenced in the draft Consultation Report are included in the final version.
16.	General	During any Acceptance, the Inspectorate compares the list of section 42 consultees prescribed under the Planning Act 2008, against the Book of Reference. The Applicant should carry out its own review of this ahead of any submission and any discrepancies between the documents should be explained in the Consultation Report.
17.	General	References to publication of notices should be explicit regarding the full dates of publication. Copies of notices/ newspaper clippings should be included to evidence compliance.



Consultation Report		
Ref No.	Chapter/ Paragraph	Comment/Question
18.	General	Further detail should be provided to demonstrate compliance with section 47 regarding consultation with Local Authorities on the draft Statement of Community Consultation (SoCC) and regard to any responses. Copies of any consultation letters should be included.
19.	Paragraph 2.1.3	The Applicant is reminded to take a consistent approach across all application documents and where abbreviations are used for the first time that it be spelled out in full i.e. “CLdN”.
20.	Paragraph 2.1.20	Without sight of the sample letters, it is assumed that the description provided here would be consistent with statutory consultation letters issued under section 42 etc.
21.	Chapter 2	Reference is made to The Planning Act 2008: Application Form Guidance . Paragraph 20 states: <i>...Applicants are also encouraged to provide other supporting evidence, such as written statements or correspondence, where matters relevant to their application have been agreed with other organisations.</i>
		Paragraph 2.1.34 and onwards, describes the consultation process and activities under sections 42, 47, 48 etc, however it is unclear when sections 46(1) and (2) of the PA2008 “Duty to Notify” was issued to the Planning Inspectorate and without sight of the sample letters, it may be beneficial to the reader to make this clear from the outset and signpost accordingly.
		Paragraph 2.1.34 (b), (c) and (d), where reference is made to statutory consultation, it may be beneficial to the reader to signpost to the relevant Annex or supporting material associated to each consultation undertaken i.e. responses, sample letters, consultees etc within the report.
		Paragraph 2.1.37, where reference is made to the first and second SoCC, it may be beneficial to the reader to signpost to the relevant Annex or supporting material associated to the preparation and/or consultation on these documents.



Consultation Report		
Ref No.	Chapter/ Paragraph	Comment/Question
22.	Figure 0.1 and Table 0.1	<p>It is assumed within Chapter 2 of the report that these Figures and Tables should be referenced as 2.1 respectively. This is assumed based on Chapter 3 where Tables are referenced as 3.1, 3.2 etc.</p> <p>Table 0.1 it is assumed item 7 should be referring to the second SoCC?</p> <p>The Applicant should review the full set of documentation and ensure a consistent approach.</p>
23.	Paragraph 3.1.17	<p><i>This process was repeated for the second Statutory Consultation, as outlined in Table 5.6 below.</i></p> <p>There is no Table 5.6. We would encourage the Applicant to review the Consultation Report in full and ensure consistency across the document.</p>
24.	Chapter 3	<p>The Applicant may wish to consider splitting this chapter into 2 Sections i.e. Section 1 describing all consultation undertaken in association with the 1st Statutory Consultation, incl. SoCC, Consultees, notified/consulted, response etc and Section 2 describing all consultation undertaken in association with the 2nd Statutory Consultation. Upon review of the Chapter, it appears to jump back and forth between the periods of Statutory Consultation, which isn't helpful to the reader.</p> <p>Paragraph 3.1.15 describes those parties approached prior to Statutory Consultation being undertaken. The following are the Local Authorities (LAs) identified:</p> <p>North East Lincolnshire Council, North Lincolnshire Council, East Lindsey District Council, Lincolnshire County Council, West Lindsey District Council, South Yorkshire Mayoral Combined Authority, West Yorkshire Combined Authority, East Riding of Yorkshire Council, and Hull City Council.</p>



Consultation Report		
Ref No.	Chapter/ Paragraph	Comment/Question
		<p>When comparing the LAs identified under paragraph 3.1.15 against those listed in paragraph 4.1.6 to 4.1.10 (see comments under Ref.No.25 below) we have noted some inaccuracies, in particular Hull City Council referenced in par 4.1.8 and 4.1.10.</p> <p>With regards to table 3.8 and 3.9, it appears that the Applicant requested feedback responses from 7 LAs on the 1st SoCC and subsequently only 6 feedback responses from LAs on the 2nd SoCC, is this correct? If so, the Applicant may wish to provide some clarification as to why fewer LAs were requested to provide feedback on the 2nd SoCC prior to undertaking their further statutory consultation.</p> <p>There is inconsistency across Tables 3.2, 3.8 and 3.9, when read in conjunction with paragraph 3.1.15 and those paragraphs referenced in Ref.No.25 below. Table 3.8 identifies 7 LAs, whilst Table 3.9 only identifies 6. If the Applicant has reasons for not consulting all identified LAs this should be explained.</p> <p>Attention is drawn to The Planning Act 2008: Application Form Guidance, paragraph 3 states: <i>The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application..., be accompanied by the consultation report...</i></p> <p>The Inspectorate is unclear based on the draft Consultation Report and without sight of sample letters, whether the Applicant has taken a consistent approach in their Statutory Consultation, when seeking views from the relevant LAs on both SoCCs and/or whether all LAs were consulted.</p>
25.	Para 4.1.6 to 4.1.10	<p>These paragraphs underpin the Local Authorities whom the Applicant Consulted, namely:</p> <p>North East Lincolnshire Council North Lincolnshire Council, West Lindsey District Authority, East Lindsey District Authority, Lincolnshire County Council, *Kingston-Upon-Hull City Council, South Yorkshire Mayoral Combined Authority,</p>



Consultation Report		
Ref No.	Chapter/ Paragraph	Comment/Question
		<p>West Yorkshire Combined Authority, East Riding of Yorkshire Council, and *Hull City Council</p> <p>In total 10 LAs are identified. See further responses above under Ref.No.24.</p> <p>*It appears under paragraphs 4.1.8 and 4.1.10 the Applicant has duplicated Hull City Council as an “A” Authority and/or other Authority respectively. The Applicant should ensure consistency or provide reasons as to why this Local Authority is identified twice to avoid confusion.</p>
26.	Box 6 - Section 42	A list of section 42 consultees has been provided. However, no sample letter has been supplied for evidence. Ensure this is provided in the Appendix when preparing any submission.

Land Plans		
Ref No.	Plan ref	Comment/Question
27.	General Land Plan: Sheet 0 of 6	<p>The Planning Act 2008: Application Form Guidance, paragraph 7 states:</p> <p><i>Where any plans consists of three or more separate sheets, the applicant must provide a key plan that shows the relationship between the different sheets.</i></p> <p>It would be useful if the Applicant considered renaming this sheet from “Sheet 0 of 6” to “Key Plan”.</p> <p>The application form guidance further states at paragraph 23:</p> <p><i>...The applicant may also include other information on this plan if it so wishes, provided that the plan is clear, and the approach is explained.</i></p>



Land Plans		
Ref No.	Plan ref	Comment/Question
		<p>The Applicant should consider on the Key plan, to show all land affected by the proposal as depicted on Sheets 1 to 6 i.e. “permanent acquisition”, “Temporary possession and use” etc. This would assist the reader in identifying all land parcels and their status holistically across the Proposed Development.</p> <p>The Applicant may wish to consider reviewing the cut-lines defined on the key plan to identify sheets 1 to 6.</p> <p>The Infrastructure Planning (Applications: Prescribed Forms and Procedures) (APFP) Regulation 5(3) notes that plans “...shall be drawn to an identified scale (not smaller than 1:2500...)” see Ref No.32 below.</p>
28.	Land Plans Sheet 1 to 6	<p>The Applicant has provided a Key Plan, which illustrates the individual sheets and the information expected to be depicted therein. The applicant may wish to review all their sheet plans, upon review thereof the “cut-lines” for each do not reflect those as illustrated on the Key Plan, which has made reviewing these land plans difficult.</p> <p>The Applicant may also wish to consider for each sheet, within the key of the plan, to only represent the land associated to that sheet e.g. Sheet 1 of 6, represents “permanent rights and temporary use” ONLY.</p> <p>The Location Plan, within the key would benefit from the inclusion of the red-line boundary so it is clear what parcels of land are being depicted on the sheet.</p> <p>It is noted that the Key Plan, Sheet 1 to 6 and Inset Sheets 1 to 4 all have distinguishable drawing numbers. The Applicant is reminded when reviewing their draft DCO, Schedule 13 [Article 65] “Documents and Plans to be certified” that this table be updated accordingly.</p>
29.	Sheet 3 of 6	<p>Plot 3/1 in the Book of Reference (BoR) describes the land as “...<i>woodland and public bridleway (No.36), (Laporte Road, Immingham)</i>”, however, it appears from Sheet 3 of 6 that plot 3/1 is north-west of Laporte Road. If this plot of land forms part of this Road, the plan may need to be updated to reflect this or vice versa the BoR may need to update its description.</p>
30.	Sheet 3 of 6	<p>Plot 3/26 is identified twice on the Land Plan, which may be in error. The BoR refers to this plot as being part of Laporte Road, however the Land Plan identifies it as part of “Long Strip”. The Applicant may wish to update the Land Plan or the BoR description accordingly.</p>



Land Plans		
Ref No.	Plan ref	Comment/Question
31.	Sheet 3 of 6	The description within the BoR seems to relate to Laporte Road predominately and no other landmarks as identified on the Land Plan. The Applicant may wish to update the land plan or BoR description accordingly.
32.	Sheet 4 of 6	<p>Upon review, this sheet does not correspond to the Key Plan and the land parcels that are expected to be illustrated on this sheet. It would be beneficial if the location plan could include the red-line boundary to make this clear.</p> <p>It is standard practice for “Insets” to be located on the sheet to which the land parcels relate. If the Applicant wishes to illustrate this on a separate sheet, it would assist the reader if this was provided or inserted immediately of the sheet it relates to.</p> <p>We draw your attention to paragraph 23 of the application form guidance as noted above at Ref No.27. The applicant may wish to consider reviewing the information depicted on this plan and consider the best means on illustrating the insets included.</p>
33.	Sheet 4 of 6	Very busy and a little difficult to read and understand given the number of lines and plots. However, the plan indicates that there are insets which do help (4A and 4B). Could this be made clearer in any way, perhaps by increasing the number of insets.
34.	Sheet 4 of 6	Plots 4/53 and 4/63 appear to be the same plot on the Land plan and attention is drawn to the application form guidance regarding this matter.
35.	Sheet 5 of 6	Plot 5/9 as described in the BoR indicates that this plot is “east of A1173”, however, this is only referenced on the plan in the top left corner showing the A1173 to be north of this plot. Is the road running down the left-hand side of the plan the A1173 continued? (Not shown on sheet 6 of 6 either).
36.	Sheet 6 of 6	Inset 6C and 6D has been provided to illustrate the entirety of Works No.10. The Applicant may wish to take a common approach by including the entire junction known as Works No.10 into inset 6B.



Land Plans		
Ref No.	Plan ref	Comment/Question
37.	Sheet 6 of 6	Plot 6/1 is described in the BoR on Pelham road, however this is not illustrated on Land Plan Sheet 6 of 6, should it not instead reference “west of Kings Road”?

Works Plans		
Ref No.	Plan ref	Comment/Question
38.	General	The Draft Works Plans appear to meet the requirements of Regulation 5(2)(j)(i) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 in so far as the Draft Works Plans show the proposed location and alignment of the development and works.
39.	General	<p>The Draft Works Plans do not appear to meet the requirements of Regulation 5(2)(j)(ii) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 as the Draft Works Plans do not clearly show the limits of deviation described in Article 6 of the draft Development Consent Order (dDCO).</p> <p>Limits of deviation are not represented in the legend shown on the Draft Works Plans and overall, it is unclear where limits of deviation apply to individual works. The scale of some plans smaller than 1:2500 will exacerbate errors in limits of deviation. If there are no limits of deviation associated to this proposal the Applicant may wish to amend their application documents and ensure consistency.</p>
40.	General	The Draft Works Plans do not appear to meet the requirements of Regulation 5(3) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009. Although the Draft Works Plans are no larger than A0 size and show the direction of North, sheet 1 and 2 of the Draft Works Plans are drawn at a scale of 1:5000, which is smaller than the ‘identified scale’ of 1:2500. Therefore, the scale of the Plans needs to change.



Works Plans		
Ref No.	Plan ref	Comment/Question
41.	General	<p>The Draft Works Plans appear to meet the requirements of Regulation 5(4) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 as a Key Plan showing the relationship between the different sheets has been provided. It is acknowledged that some of the inset drawings are at an appropriate scale.</p> <p>The Applicant has provided a Key Plan, which illustrates the individual sheets and the information expected to be depicted thereon. The Applicant may however wish to review all sheets 1 to 6 as upon review thereof the “cut-lines” for each do not seem to reflect those illustrated on the Key Plan, which may have a knock-on effect to any application documents referring to these plans.</p>
42.	General	<p>The Applicant may also wish to consider for each sheet, within the key of the plan, to only represent the Works associated to that sheet e.g. Sheet 1 of 6, represents “permanent rights and temporary use” ONLY.</p> <p>A Location Plan as provided on the Land Plan may be beneficial, within the key which reflects the red-line boundary and potentially the Works.</p>
43.	Sheet 2 and 3	<p>Schedule 1 of the dDCO states that Work No. 2 is shown on sheet 3, however it appears that this land is also present on sheet 2 of the Draft Works Plans.</p>
44.	Sheet 3	<p>Schedule 1 of the dDCO states that Work No. 6 is for the ‘underground pipeline corridor, including pipelines, power and communications cables and other conducting media, with any required cathodic protection, at a depth no less than 1.5 metres, for the operational transfer of gases and liquids, linking Work Nos. 5 and 7’.</p> <p>It is not clear from sheet 3 how Work No. 6 links to Work No. 5. Should this instead read ‘...linking Work Nos. 3 and 7.’?</p>
45.	Sheet 3, 4, 5, 6 and 7	<p>Schedule 1 of the dDCO states that Work No. 7 is shown on sheets 3, 4 and 5 of the Draft Works Plans.</p> <p>Work No. 7 is not shown on sheet 3 of the Draft Works Plans.</p>



Works Plans		
Ref No.	Plan ref	Comment/Question
		Work No. 7 is shown on sheet 6 of the Draft Works Plans. This should be checked in final submitted versions for clarity.
46.	Sheet 2 of 6	Sheet 2 of 6, of the Works Plan reflects Works No. 1, 2, 5 and 9 within the Legend. Works 2, 5 and 9 is barely visible on this Sheet, however it should be noted that the dDCO under Schedule 1 when describing Works No. 2 states: <i>“Within the area of land shown on sheet 3 of the Works plans Work No.2...”</i> The Applicant is encouraged to undertake a full review of their documents and plans prior to submission to ensure consistency across all application documents. Also consult the application form guidance.
47.	Sheet 5 and 6	Schedule 1 of the dDCO states that Work No. 10 is shown on sheet 6. Work No. 10 is present on sheet 5 of the Works Plan Sheets. Should the description in the dDCO for Work No. 10 therefore state that it is shown on sheet 5 <i>and</i> 6?

Crown Land Plans		
Ref No.	Paragraph/ Section	Comment/Question
48.	General	The Draft Crown Land Plans appear to meet the requirements of Regulation 5(2)(n) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 as a plan accompanying information identifying any Crown land has been submitted.
49.	General	The Crown Land plan should only reflect land associated to Crown land. Sheets 4 to 6 is not required under Reg 5(2)(n), where this is also to be certified under Schedule 13 to the dDCO, unless the Applicant provides reasoning for the inclusion of these additional sheets?



Crown Land Plans		
Ref No.	Paragraph/Section	Comment/Question
50.	General	<p>The Draft Crown Land Plans appear to meet the requirements of Regulation 5(4) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 as a Key Plan showing the relationship between the different sheets has been provided.</p> <p>The Applicant has provided a Key Plan, which illustrates the individual sheets and the information expected to be depicted thereon. The applicant may however wish to review all sheets 1 to 6 as upon review thereof the “cut-lines” for each do not seem to reflect those illustrated on the Key Plan, which may have a knock-on effect to any application documents referring to these plans.</p>
51.	General	<p>The Draft Crown Land Plans do not appear to meet the requirements of Regulation 5(3) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009. Although the Draft Crown Land Plans are no larger than A0 size and show the direction of North, sheet 1 and 2 of the Draft Crown Land Plans are drawn at a scale of 1:5000, which is smaller than the ‘identified scale’ of 1:2500. Therefore, the scale of the Plans needs to change.</p>

Draft DCO		
Ref No.	Article/Requirement/Schedule	Comment/Question
52.	Drafting	<p>The DCO should be:</p> <ul style="list-style-type: none">• in the Statutory Instrument (SI) template;• follow guidance and best practice for SI drafting (for example avoiding “shall/should”) in accordance with the latest version of guidance from the Office of the Parliamentary Counsel;



		<ul style="list-style-type: none">• follow best practice drafting guidance from the Planning Inspectorate and the Departments in Advice Note 15 – Drafting development consent orders (and see specific references to Advice Note 15 below);• fully audited to ensure that there are no inconsistencies within the DCO and its constituent parts such as definitions or expressions in the articles, requirements, protective provisions, other schedules and any book of reference and/or any deemed marine licence (including scope of works permitted – deemed marine licence should not permit works outside the scope of those permitted by the DCO itself), that all legislative references in the DCO are to extant provisions and all schedules refer to the correct articles. Also, definitions should be precise, accurate and relatively easily understandable. (e.g. if a definition is drafted in a way that obliges the reader to cross refer to wording in multiple other documents in order to understand the definition, then it is not easily understandable). Where any registered company is referred to in the DCO (or any deemed marine licence) it should be defined by using its full and precise company name and company registration number (as those appear on the register held by Companies House); and• kept under constant review by the Applicant throughout any Examination so that definitions are kept up to date by them as matters evolve – e.g. : any definition of ‘environmental statement’ in the context of how/the purposes for which it is referred to in the DCO; or how plans and drawings are defined (and where possible include drawing/revision numbers). <p>In addition, where the Explanatory Note at the end of a draft DCO states that documents will be available for inspection at a third party location the applicant should be asked to confirm in writing that the stated third party has agreed to that.</p>
53.	Precedents	<p>Notwithstanding that drafting precedent has been set by previous DCOs or similar orders, full justification should be provided for each power/provision taking account of the facts of this particular DCO application.</p> <p>Where drafting precedents in previous made DCOs have been relied on, these should be checked to identify whether they have been subsequently refined or developed in the most recent DCOs so that the DCO provisions reflect the Secretary of State’s current policy preferences. If any general provisions (other than works descriptions and other drafting bespoke to the facts of this particular application and DCO) actually differ in any way from corresponding provisions in the Secretary of State’s most recent made DCOs, it would be preferable for an explanation to be provided as to how and why they differ.</p>
54.	Novel Drafting	<p>The purpose of and necessity for any provision which uses novel drafting and which does not have precedent in a made DCO or similar statutory order should be explained in the Explanatory Memorandum. The Planning</p>



		<p>Act 2008 power on which any such provision is based should also be identified in the Explanatory Memorandum. The drafting should</p> <ul style="list-style-type: none"> • be unambiguous; • be precise; • achieve what the Applicant wants it to achieve; • be consistent with any definitions or expressions in other provisions of the DCO; and • follow guidance and best practice for SI drafting referred to above.
55.	General	<p>In terms of the port related development, is there any provision needed to include the extent of the Port Zone security area within the dDCO? In addition, are quay wall repairs or installation included within the scope of the project? If so, these should be consistently referenced as part of the description. If works include quay wall implications, is cathodic protection proposed? Again, this should be referenced for the purposes of clarity and precision. The MMO will be interested in such detail and the methodology for such. If new infrastructure is needed for the provision of potable water supplies to the berth are needed, again these should be referenced.</p>
56.	Page 5	<p>ABP Statutory Harbour Authority” it is advised that the Applicant consider providing a definition or interpretation for “ABP” i.e. Associated British Ports or perhaps abbreviate under Article 1.</p>
57.	Article 1	<p>Reference is made to ‘the Borough of North East Lincolnshire’. Is this the correct terminology? It is referred to elsewhere as North East Lincolnshire District Council.</p>
58.	Article 1	<p>The dredge draught is to be provided but what about the pocket length and width? This should also be replicated in Schedule 3 Article 48, the Deemed Marine License in consultation with the MMO’s requirements.</p>
59.	Page 44 Article 5, Schedule 1, Part 1, Works No.1	<p>It is noted that dredge depth requires inclusion here. It is suggested as 12.6 metres or 12.8 metres elsewhere.</p>
60.	Page 52	<p>The description of the street works for the last entry ‘Private road to water treatment works’ should read ‘Piping works beneath...’.</p>



61.	Page 53 ,	Several entries in column 3, 'The Description of Street Works', have the road in Kings and Queens Road without a capital 'R' which should be corrected.
62.	Article 6	The Applicant is reminded to take a consistent approach to all application documents to be submitted and ensure document referencing and titles are consistent.
63.	Page 69 Part 2	Temporary Prohibition' requires completion.
64.	Page 74 and 75 Schedule 2A	The document constantly refers to Upper Upper Tribunal , this should be a single Upper.
65.	Schedules 11-13	This requires completion.

Explanatory Memorandum		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
66.	2.3(a) 2.3(b)	This should include the provision of a capital dredge to increase the draught to 12.6 metres or 12.8 metres. Utilities is spelt incorrectly.
67.	2.9	Does this include the extension of the Port Zone Security area? If so, provide details.
68.	2.11	'draft' should read 'draught'. How will the dredged material be disposed of? Also, the draught is referenced at 12.8 metres but is referenced as 12.6 metres in other documents. Please ensure consistency in this regard.



Explanatory Memorandum		
Ref No.	Article/ Requirement/ Schedule	Comment/Question
69.	2.15	Have the Health and Safety Executive (HSE) been engaged in relation to the storage and use of Hazardous Substances? If so, an explanation of their requirements should be provided. This should also be replicated in the Statement of Common Ground once prepared.
70.	5.3	This section talks about land side. The MMO's role in the marine related activities should also be noted and recognised.
71.	7.19	Plans to be cross referenced in accordance with the Explanatory Memorandum.
72.	8.7	This refers to powers to dredge for maintenance purposes. The Applicant is reminded to be explicit in terms of the type of dredge needed. If a capital dredge, the MMO interface should be highlighted. Article 5, Schedule 1, Part 1, Works No.1 also includes dredging to a depth of `....m.
73.	General	See Ref No.27 under Land Plans above. The Applicant may wish to undertake a full review of the BoR and ensure all land plot ref numbers are associated to the appropriate Land Plan Sheet, and land description (including square metres) is accurate and consistent.

Book of Reference		
Ref No.		Comment/Question
74.	Part 1	Short descriptors of each Category could be included within the header of the table to help with understanding of each column. This may also help the user, so they do not need to keep going back to the previous notes for clarification.



Other comments		
Ref No.		Comment/Question
75.	General	<p>The Applicant is reminded of Regulation 6(3) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 which explains that, if the application is for the construction or alteration of harbour facilities, it must be accompanied by a statement setting out why the making of the order is desirable in the interests of</p> <p>(a) securing the improvement, maintenance or management of the harbour in an efficient and economical manner; or</p> <p>(b) facilitating the efficient and economic transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships.</p>

1. Where references are provided to other draft application documents it would be beneficial to provide the full title thereof inclusive of document reference number. Should further draft documents be provided for review, the Applicant may wish to consider providing a full list of known application documents (for purpose of signposting) as well as their respective reference number.
2. [\[MHCLG\] Application form guidance](#), paragraph 3, states: “*The application must be of a standard which the Secretary of State considers satisfactory: Section 37(3) of the Planning Act requires the application to specify the development to which it relates, be made in the prescribed form, be accompanied by the consultation report, and be accompanied by documents and information of a prescribed description. The Applications Regulations set out the prescribed form at Schedule 2, and prescribed documents and information at regulations 5 and 6.*”