

# Immingham Green Energy Terminal

Preliminary Environmental Information Report

Appendix 1.B – Scoping Opinion

Associated British Ports

December 2022



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# **SCOPING OPINION:**

## Proposed Immingham Green Energy Terminal

**Case Reference: TR030008**

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Adopted by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

**10 October 2022**



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### **APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED**

### **APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES**

# 1. INTRODUCTION

- 1.1.1 On 30 August 2022, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from Associated British Ports (the Applicant) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Immingham Green Energy Terminal (the Proposed Development). The Applicant notified the Secretary of State (SoS) under Regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development and by virtue of Regulation 6(2)(a), the Proposed Development is 'EIA development'.
- 1.1.2 The Applicant provided the necessary information to inform a request under EIA Regulation 10(3) in the form of a Scoping Report, available from:
- 1.1.3 <http://infrastructure.planninginspectorate.gov.uk/document/TR030008-000015>
- 1.1.4 This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the Proposed Development as currently described by the Applicant. This Opinion should be read in conjunction with the Applicant's Scoping Report.
- 1.1.5 The Inspectorate has set out in the following sections of this Opinion where it has / has not agreed to scope out certain aspects / matters on the basis of the information provided as part of the Scoping Report. The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the Applicant from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects / matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.
- 1.1.6 Before adopting this Opinion, the Inspectorate has consulted the 'consultation bodies' listed in Appendix 1 in accordance with EIA Regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in Appendix 2. These comments have been taken into account in the preparation of this Opinion.
- 1.1.7 The Inspectorate has published a series of advice notes on the National Infrastructure Planning website, including [Advice Note 7: Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping \(AN7\)](#). AN7 and its annexes provide guidance on EIA processes during the pre-application stages and advice to support applicants in the preparation of their ES.
- 1.1.8 Applicants should have particular regard to the standing advice in AN7, alongside other advice notes on the Planning Act 2008 (PA2008) process, available from:

1.1.9 <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/>

1.1.10 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicant in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (e.g. on formal submission of the application) that any development identified by the Applicant is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.

## 2. OVERARCHING COMMENTS

### 2.1 Description of the Proposed Development

(Scoping Report Section 2)

ID	Ref	Description	Inspectorate's comments
2.1.1	2.4.11	Maintenance dredging	The Scoping Report states that maintenance dredging may be required. The ES must establish a reasonable worst case maintenance dredging scenario and outline the assumptions upon which this is based.
2.1.2	2.4.12 (d)	Energy demand and use	The Scoping Report explains that the hydrogen production process is endothermic and the catalytic bed sits within a furnace. The ES should explain the fuel type used to fire the furnace and provide an estimate of the energy used in the process.
2.1.3	2.4.16	Landside infrastructure and production process	The Scoping Report states that a nitrogen pipeline would be required to supply nitrogen from the generator on the West Site for use on the East Site. Further explanation is required in the ES to clarify what purpose the nitrogen would serve.  The description of the East Site suggests that the conversion of ammonia to hydrogen would occur within converters located at the East Site. It is unclear therefore why converters are also required at the West Site. This should be clarified within the ES.
2.1.4	2.4.47	Decommissioning of marine infrastructure	As the DCO would not include the provision for decommissioning of the marine facilities of the Proposed Development, the Inspectorate

ID	Ref	Description	Inspectorate's comments
			agrees to scope out the decommissioning of marine infrastructure from the assessment.
2.1.5	5.6.8	Energy plant	The Air Quality Chapter refers to modelling of multiple emission release heights from stacks and/ or vents to encourage optimal dispersion of emissions, as well as Selective Catalytic Reduction. The project description of the ES needs to describe the energy plant in detail. The maximum height of any stack(s) must be provided and any assumptions regarding minimum stack heights should also be set out.
2.1.6	15.4.8	Design life	Paragraph 15.4.8 states that the jetty will not be decommissioned and is likely to remain part of the port estate. An engineering standard of 50 years has been given for the development. If the jetty is to remain in place longer than 50 years, the assessments need to reflect this in an appropriate design life for the marine element of the proposed development.
2.1.7	n/a	Vessel movements	The Scoping Report does not provide an estimate of construction or operational vessel movements. The ES must include a reasonable worst case estimate of vessel movements, related to the phasing of the project, and outline the assumptions upon which this is based.

## 2.2 EIA Methodology and Scope of Assessment

(Scoping Report Section 4)

ID	Ref	Description	Inspectorate's comments
2.2.1	n/a	Confidential Annexes	Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable ecological features. Specific survey and assessment data relating to the presence and locations of species such as badgers, rare birds and plants that could be subject to disturbance, damage, persecution, or commercial exploitation resulting from publication of the information, should be provided in the ES as a confidential annex. All other assessment information should be included in an ES chapter, as normal, with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request.



### 3. ENVIRONMENTAL ASPECT COMMENTS

#### 3.1 Air Quality

(Scoping Report Section 5)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.1.1	5.4.5, Table 5.1	Impacts arising from decommissioning of landside infrastructure	<p>The Scoping Report seeks to scope out impacts arising from decommissioning of landside infrastructure on the grounds that the impacts would be uncertain, working practices unknown, and impacts are likely to be no worse than those arising from the construction and operation phases. Paragraphs 2.4.48 – 2.4.49 commit to producing an Outline Decommissioning Strategy with the application to be secured within the DCO. Subject to the provision of this Outline Decommissioning Plan, the Inspectorate agrees to scope out this matter from the ES.</p> <p>For the decommissioning of marine infrastructure please refer to Table 2.1 of this report.</p>
3.1.2	5.6.8	Vessel emissions	<p>Paragraph 5.6.8 suggests that the operational phase assessment would consider emissions from vessel energy plant when vessels are docked at the facility, and not include an assessment of emissions from vessels in transit. The Scoping Report does not provide an estimate of operational vessel movements therefore the Inspectorate is not in a position to scope out an assessment of operational vessel movements. The Inspectorate considers that the air quality assessment should include the emissions to air from operational vessel movements where significant effects are likely to occur and</p>

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
			that such consideration should be based on the application of relevant threshold criteria.
3.1.3	5.4 and 23.4	Identification of Potential Effects - odour	The effect of odour during operation has not been scoped into the assessment or reasons provided why this has been scoped out. This matter should be considered as part of the assessment made for air quality effects, as well as part of the health and well-being assessment, should significant effects be likely to occur.

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.1.4	5.2	Study area	The study area is based on screening criteria for assessments of dust and road traffic emissions. The Scoping Report does not discuss how the study area would be established for the assessment of emissions to air from vessel movements and energy plant process contributions. The ES should describe the study area for the assessment, and this should be established in line with relevant guidance and in consultation with relevant consultation bodies. The study areas should be based on the zone of influence (ZOI) for all sources associated with the Proposed Development including on site plant/machinery and vessel movements serving the site. Figure(s) should be used to illustrate the extent of the study area.
3.1.5	5.3	Planned surveys	The Scoping Report proposes to rely on existing air quality survey data. The Inspectorate supports the use of existing data in principle; however the Applicant should ensure that the data is up to date and geographically accurate and is advised to seek agreement with North East Lincolnshire Council (NELC) on the survey requirements.

ID	Ref	Description	Inspectorate's comments
3.1.6	5.4	Pollutants and planned surveys	The Scoping Report does not specify which pollutants would be included in the assessments and provides baseline information on NO <sub>2</sub> and PM <sub>10</sub> only. The Applicant is advised to seek agreement with NELC on the range of pollutants to be included in the assessments, this should include consideration of PM <sub>2.5</sub> , NO <sub>x</sub> , NH <sub>3</sub> and SO <sub>2</sub> where relevant.

## 3.2 Noise and Vibration

(Scoping Report Section 6)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.2.1	6.6.16 Table 6.1	Construction and decommissioning vibration effects from the West Site on residential noise sensitive receptors (NSRs) represented by NSR2 and NSR3	<p>The Scoping Report states that given the significant distance (over 450m) from the West Site to residential NSRs represented by NSR2 and NSR3, significant vibration effects are not expected to result from the proposed construction works (or decommissioning works) and seeks to scope out further assessment on these grounds.</p> <p>Given the distance from the DCO site boundary and these receptors, the Inspectorate agrees that this matter can be scoped out of the ES.</p>
3.2.2	Table 6.4	Effects on residential NSRs due to noise and vibration from works in the East Site and at the new Jetty during construction and decommissioning	<p>The Scoping Report proposes to scope out this matter owing to the large distance to identified sensitive receptors. As noted above, given the distance from the DCO site boundary and these receptors, the Inspectorate agrees that this matter can be scoped out of the ES.</p>
3.2.3	Table 6.4	Effects on existing nearby buildings due to vibration from on-site operations during operation	<p>The Scoping Report states that no sources of vibration are expected that could significantly affect buildings, however the assessment would be scoped back in where such sources are identified during the EIA.</p> <p>The Inspectorate agrees that this matter can be scoped out of the ES providing a detailed description of the Proposed Development demonstrates that no significant effects from vibration sources from on-site operations would not have any significant effects.</p>

ID	Ref	Description	Inspectorate's comments
3.2.4	6.4	Potential effects	The Scoping Report refers broadly to "construction activities on-site" but it is not clear whether this includes noise associated with construction vessel movements. Construction vessel noise should be included as a pathway for effects within the assessment.

### 3.3 Nature Conservation (Terrestrial Ecology)

(Scoping Report Section 7)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.1	7.3.2	Bat foraging/ commuting activity at the West Site	<p>The Scoping Report proposes to scope out further surveys for bat foraging and commuting activity at the West Site due to the prevalence or low quality or unsuitable habitat and because usage would likely be on an occasional and transient basis by small numbers of foraging/ commuting common species of bats.</p> <p>In light of the evidence provided in Appendix C, the Inspectorate agrees that further bat surveys can be scoped out for the West Site only.</p>
3.3.2	7.3.2	Bat roosting	<p>The Scoping Report notes there are a large number of mature oak and ash trees within Long Strip woodland (Pipeline area) that may be suitable for roosting bats, but it assumes that all mature trees would be avoided by the Proposed Development. It states that should it become necessary to remove/ prune any mature trees, further assessment work for bats would be undertaken to inform mitigation/ licensing requirements as necessary.</p> <p>The Inspectorate does not agree that this matter can be scoped out at this time. Suitable trees should be evaluated for their roosting potential and this information should be used to inform design development and the assessment of effects. Should substantial bat populations be identified the potential for impacts on foraging/commuting would need to be revisited.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.3.3	7.3.2	Reptiles	<p>The Scoping Report states that none of the habitats within the Proposed Development's DCO site boundary have been found to be suitable for reptiles, as they lack the diverse habitat mosaic and varied topography favoured by species of reptiles for basking, refuge and hibernation and adds that in context with the lack of known reptile populations in this part of the county, it is reasonable to conclude that they are likely absent.</p> <p>The Scoping Report also states that the low risk of presence of grass snake on the main drain at the foot of the flood embankment can be addressed through a precautionary approach/ method statement for vegetation clearance during construction.</p> <p>The Inspectorate agrees that this matter can be scoped out of the assessment on this basis. The ES should set out the relevant precautionary working methods proposed to be adopted.</p>
3.3.4	Table 7.5	Direct and indirect impacts on Humber Estuary European Marine Site (EMS)	<p>Impacts on designated marine ecology features would be assessed in accordance with ES Chapter 8 and impacts on designated ornithology features would be assessed in accordance with Chapter 9.</p> <p>The Inspectorate agrees that this matter can be scoped from terrestrial ecology assessment on the basis that no impacts are anticipated on the Humber Estuary Special Area of Conservation (SAC), Special Protection Area (SPA), Ramsar and Site of Special Scientific Interest (SSSI), collectively referred to as the Humber EMS, and as impacts on marine ecology and ornithology for these designated sites will be assessed elsewhere in the ES.</p>

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
3.3.5	Table 7.5	Direct impacts on Local Wildlife Sites (LWS) - construction and decommissioning	The Inspectorate agrees that this matter can be scoped out on the basis that there are no locally designated sites that would be directly impacted by the project construction activities.
3.3.6	Appendix C	Specific surveys for white-clawed crayfish.	<p>The preliminary ecological appraisal (Appendix C of the Scoping Report) states that ditches within the Proposed Development site boundary are unsuitable for white-clawed crayfish and therefore the species will not be considered further.</p> <p>The appraisal appears to relate only to the West Site of the Proposed Development site. The Inspectorate agrees that this matter may be scoped out for the West site but does not agree that this matter can be scoped out for the other parts of the site unless evidence demonstrating that ditches are unsuitable for white-clawed crayfish is provided for the other parts of the Proposed Development site in the ES or information which demonstrates agreement with the relevant consultation bodies and the absence of a likely significant effect.</p>

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.3.7	7.2.8	Designated sites	The Scoping Report considers the Humber Estuary Site of Special Scientific Interest (SSSI) may be affected by the Proposed Development but does not explicitly refer to other SSSIs or SSSI impact risk zones. The Inspectorate advises that all relevant SSSI designated sites and impact risk zones should be considered in the assessment (including North Killingholme Haven Pits SSSI and The Lagoons SSSI) and evidence which demonstrates that the Proposed



<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
			Development is unlikely to have any significant adverse effects on these should be provided in the ES.

### 3.4 Nature Conservation (Marine Ecology)

(Scoping Report Section 8)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.4.1	8.1.3	Commercial shellfisheries	The Scoping Report states that there are no classified commercial shellfish (bivalve) beds in the Humber Estuary and the areas around the Proposed Development and dredged sediment disposal sites do not support other commercial shellfisheries (such as crab/ lobsters using creels or the collection of whelks) and therefore seeks to scope out impacts on commercial shellfisheries. The Inspectorate agrees that this matter can be scoped out of the assessment on this basis.
3.4.2	8.4.4 a. i	All marine ecology receptors (benthic habitats and species, fish and marine mammals) during construction for - - Changes to seabed habitats and species as a result of sediment deposition during piling;	The Scoping Report states that the amount of sediment that settles out of suspension back onto the seabed as result of piling is expected to be negligible and benthic habitats and species are not expected to be sensitive to this level of change. The Inspectorate agrees that this impact pathway is not likely to have a significant effect and can be scoped out.
3.4.3	8.4.4 a. ii	All marine ecology receptors (benthic habitats and species, fish and marine mammals) during construction for - - Indirect changes to seabed habitats and species as a result of changes to hydrodynamic and	The Scoping Report states that the pile structures have the potential to result in changes to hydrodynamic and sedimentary processes but such effects are anticipated to be negligible and highly localised (which would be confirmed by the physical processes assessment) and marine habitats and species are not expected to be sensitive to this level of change.  The Inspectorate does not agree that this matter should be scoped out of the assessment as there is insufficient evidence that changes

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
		sedimentary processes due to the presence of piles	to hydrodynamic and sedimentary processes would not have any adverse significant effects.
3.4.4	8.4.4 a. iii	All marine ecology receptors (benthic habitats and species, fish and marine mammals) during construction for - - Changes in water and sediment quality during piling	The Scoping Report states that the expected negligible, highly localised and temporary changes in suspended sediment levels (and related changes in sediment bound contaminants and dissolved oxygen) associated with bed disturbance during piling is considered unlikely to produce adverse effects in any marine species.  The Inspectorate agrees that this impact pathway is not likely to have significant adverse effects on marine species.
3.4.5	8.4.4 b. i	Indirect changes to seabed habitats and species as a result of changes to hydrodynamic and sedimentary processes due to the capital dredge and disposal (Impacts on fish during construction)	The Scoping Report proposes to scope impacts on fish from the capital dredge and disposal on the basis that the scale of the predicted changes are unlikely to cause anything more than negligible changes to fish habitats (feeding, spawning and nursery areas).  The Inspectorate does not agree that this matter should be scoped out as changes in water and sediment quality during capital dredging and dredge disposal have been scoped into the assessment and there is insufficient evidence in the Scoping Report to demonstrate that changes to hydrodynamic and sedimentary processes would not have any adverse significant effects on fish habitats.
3.4.6	8.4.4 c. i	Direct loss or changes in marine mammal foraging habitat during construction	The Scoping Report proposes to scope out an assessment of impacts on marine mammals as a result of changes to marine mammal foraging habitat and prey resources on the basis that the footprint of the Project only covers a highly localised area that constitutes a

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			<p>negligible fraction of the known ranges of local marine mammal populations.</p> <p>Given the limited scale of the area affected, the Inspectorate agrees that this matter can be scoped out of the assessment.</p>
3.4.7	8.4.4 c. ii	Visual disturbance of hauled out seals during construction	<p>The Scoping Report proposes to scope out the potential for disturbance to hauled out seals on the basis of the distance between breeding populations and haul out sites to the proposed works (i.e. the closest haul out site is observed to be on the north bank of the Humber Estuary, 3-4 km from the dredge disposal sites and 4km from the DCO boundary).</p> <p>Given the large distances involved, the Inspectorate agrees that this matter should be scoped out of the assessment.</p>
3.4.8	8.4.4 c. iii	Collision risk with marine mammals during construction	<p>Impacts from vessels involved in construction and dredging activity are proposed to be scoped out on the basis that they would mainly be stationary or travelling at low speeds, making the risk of collision low.</p> <p>The Inspectorate agrees that this matter can be scoped out of the assessment on the basis that the collision risk is low and is not likely to have any adverse significant effects on marine mammals.</p>
3.4.9	8.4.4 c. iv	Water quality impacts during piling, capital dredging and dredge disposal on marine mammals during construction	<p>The Scoping Report proposes to scope out water quality impacts arguing that (1) the changes in suspended sediment levels would be localised, temporary and unlikely to result in adverse effects on marine mammals; (2) they are adapted to highly turbid conditions, and (3) contamination levels would be unlikely to produce lethal effects in these highly mobile species.</p>

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
			In the absence of further data regarding sediment contamination levels and the potential water quality effect of the capital dredge, the Inspectorate is unable to scope this matter out of the assessment.
3.4.10	8.4.6 a. i	Visual disturbance of hauled out seals during operation	<p>The Scoping Report proposes to scope out the potential for visual disturbance to hauled out seals because of the distance between breeding populations and haul out sites to the proposed works.</p> <p>The Inspectorate agrees that this matter can be scoped out of the assessment on this basis.</p>
3.4.11	8.4.6 a. ii	Collision risk to marine mammals during operation	The Scoping Report proposes to scope out this matter owing to the existing heavy shipping traffic and anticipated slow speeds of operational vessels (including maintenance dredging/ dredge disposal). The Inspectorate agrees that this matter can be scoped out of the assessment on the basis that the collision risk is low and is not likely to have any adverse significant effects on marine mammals.
3.4.12	8.4.6 a. iii	Water quality impacts during maintenance dredging and dredge disposal on marine mammals during operation	<p>The Scoping Report proposes to scope out water quality impacts arguing that (1) the changes in suspended sediment levels would be localised, temporary and unlikely to produce adverse effects marine mammals; (2) they are adapted to highly turbid conditions, and (3) contamination levels would be unlikely to produce lethal effects in these highly mobile species.</p> <p>In the absence of further data regarding sediment contamination levels and the potential water quality effect of the capital dredge, the Inspectorate is unable to scope this matter out of the assessment.</p>

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.4.13	8.2.5	Baseline	In addition to the Humber Estuary European sites, the Proposed Development may also impact on the Greater Wash SPA and this should be considered within the ES.
3.4.14	8.4.3	Direct changes to benthic habitats and species underneath the raised pier structures	In addition to the assessment of the direct loss of intertidal and subtidal habitats and species as a result of the piles, the ES should also assess the potential for direct changes to benthic habitats and species underneath the raised pier structures, to determine their effect on the ecological function of the mudflats beneath.
3.4.15	n/a	Pelagic ecology	The impact of sediment resuspension and hydro-morphological changes on pelagic ecology receptors such as phytoplankton should be considered in the assessment of effects, unless otherwise robustly justified and agreed with relevant consultation bodies.

### 3.5 Ornithology

(Scoping Report Section 9)

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
3.5.1	Table 9.3 9.4.5 a.	Direct changes to waterbird foraging habitat as a result of the capital dredge and dredge disposal during construction	<p>The Scoping Report proposes to scope out this matter as the dredge and disposal sites do not overlap the intertidal area and the seabed habitat is already highly dynamic and not known to support large populations of diving birds/ seabirds.</p> <p>The Inspectorate agrees this matter can be scoped out of the assessment given the low value of the habitat as a prey resource.</p>
3.5.2	Table 9.3 9.4.5 b.	Indirect changes to intertidal foraging and roosting habitat as a result of the capital dredge and dredge disposal during construction	<p>In the absence of agreement with Natural England, the Inspectorate does not agree that this matter should be scoped out of the assessment because insufficient information has been provided to conclude that no significant effects would result from the scale of predicted changes on intertidal habitats. Evidence on this should be provided in the ES to demonstrate that there will be no likely adverse significant effects.</p>
3.5.3	Table 9.3 9.4.5 c.	Changes to seabed habitats and species as a result of sediment deposition during piling (during construction)	<p>The Scoping Report states that the resuspension of sediment onto the seabed as result of piling is expected to be negligible and benthic habitats and species are not expected to be sensitive to this level of change. The Inspectorate agrees that there is unlikely to be an effect on coastal waterbird habitat and prey resources and this matter can therefore be scoped out of the assessment.</p>
3.5.4	Table 9.3	Indirect changes to seabed habitats and species as a result of	<p>The Scoping Report states that the presence of the piled structures has the potential to result in changes to hydrodynamic and</p>

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
	9.4.5 d.	changes to hydrodynamic and sedimentary processes due to the presence of the piles during construction	<p>sedimentary processes but this is anticipated to be negligible and highly localised and marine habitats and species are not expected to be sensitive to this level of change.</p> <p>The Inspectorate does not agree to scope out this matter from the assessment until the physical processes assessment and other evidence provides sufficient evidence that there will be no significant adverse effects on marine habitats and species.</p>
3.5.5	Table 9.3 9.4.5 e.	Noise and visual disturbance during capital dredge disposal during construction	<p>The Scoping Report states that during capital dredging and dredge disposal, there is potential for the dredging vessel to cause noise and visual disturbance for bird populations but that the area is subject to high levels of vessel movements from the regular disposal of maintenance dredge arisings and shipping and that any potential disturbance stimuli caused by the capital dredge disposal would be highly temporary and localised. The Scoping Report adds that these areas are also not known to support large populations of diving birds/seabirds.</p> <p>The Inspectorate does not agree this matter should be scoped from the assessment because there is insufficient evidence to conclude that the additional noise and visual disturbance would not have a significant adverse effect on bird species because of noise and visual disturbance during capital dredge disposal.</p>

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.5.6	n/a	n/a	n/a



### 3.6 Traffic and Transport

(Scoping Report Section 10)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.6.1	10.4.7	Decommissioning of landside infrastructure	<p>The Scoping Report proposes that no assessment of the decommissioning aspect of the Proposed Development be undertaken because the number of vehicles and the future baseline cannot be predicted at this time, and any assessment would not be accurate.</p> <p>Subject to the provision of the Outline Decommissioning Plan secured within the DCO, the Inspectorate agrees to scope out this matter from the ES.</p>

ID	Ref	Description	Inspectorate's comments
3.6.2	10.2	Study Area	The ES should provide robust justification for the study area, supported with figures where necessary to show the extent of the affected road network (ARN) considered and any agreement regarding the approach with relevant consultation bodies.
3.6.3	10.3 Figure 10.1, Appendix A	Planned surveys	<p>The Automated Traffic Counts (ATCs) and Manual Classified Counts (MCCs) surveys should be clearly explained and justified as part of the methodology used to determine likely effects.</p> <p>The proposed ATC/ MCC locations should be included in the ES, supported by figures which clearly identify these, and the locations should be agreed on with the relevant consultation bodies, where possible.</p>

### 3.7 Marine Transport and Navigation

(Scoping Report Section 11)

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
3.7.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.7.2	11.2	Baseline Environment – data sources	The main data sources from which information would be obtained to inform the current and future marine transportation and navigational baseline should be agreed with relevant consultation bodies, where possible.
3.7.3	11.6	Assessment methodology	No details are provided on the assessment methodology to be used to determine likely significant effects, and this method should be clearly set out and justified based on evidence in the ES to demonstrate any conclusions reached.

### 3.8 Landscape and Visual Impact

(Scoping Report Section 12)

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
38.1	Table 12.1	Landscape/ seascape – operational stage	<p>The Scoping Report seeks to scope out this matter on the grounds that because of the existing industrial character of the area and the immediate surrounding area, landscape and seascape effects during the operational phase would be insignificant.</p> <p>The Inspectorate does not agree that this matter can be scoped out of further assessment and advises the Applicant to provide a comprehensive project description in the ES which includes the maximum dimensions of all the structures associated with the Proposed Development and visual representations to give the Examining Authority confidence that no significant environmental effects would arise.</p>

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
38.2	12.5	Night-time character assessment and lighting design	<p>Design measures to reduce the landscape and visual impacts of the Proposed Development are to be considered, such as lighting design.</p> <p>The ES should include a night-time character assessment prepared in co-ordination with a lighting assessment, demonstrating how the lighting design has been developed to minimise impacts.</p>
38.3	12.6.1 - 12.6.7	Representative views	<p>The ES should include photomontages from representative viewpoints to support the visual impact assessment, including from Immingham Town. Photomontages should be prepared in line with relevant</p>

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
			Landscape Institute guidance and viewpoints should be agreed with consultation bodies where possible.

### 3.9 Historic Environment (Terrestrial)

(Scoping Report Section 13)

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
3.9.1	13.8.1 & Table 13.4	Impacts to buried archaeology during operation and decommissioning	The Scoping Report seeks to scope out this matter on the grounds that project operation and decommissioning would not result in additional impacts to buried archaeological remains to those experienced during construction. The Inspectorate agrees that this matter can be scoped out of the assessment.
3.9.2	13.8.1 & Table 13.4	Impacts to built heritage during construction and operation	The Scoping Report seeks to limit the scope of the assessment of built heritage to the impacts on the setting of two non-designated rows of terraced housing on Queens Road, as other assets within the study area are sufficiently distant from the site and shielded by other development. In light of the evidence provided in Appendix D - Cultural Heritage Desk Based Assessment, the Inspectorate agrees with the proposed scope of the built heritage assessment.
3.9.3	13.8.1 & Table 13.4	Impacts to historic landscape during construction and operation	The Scoping Report seeks to limit the scope of the assessment of impacts to historic landscape character to the western fringe of the Proposed Development area. In light of the evidence provided in Appendix D - Cultural Heritage Desk Based Assessment, the Inspectorate agrees with the proposed scope of the built heritage assessment.
3.9.4	13.8.1 & Table 13.4	Decommissioning	The Scoping Report does not refer to decommissioning within its proposals for scoping in/out with respect to impacts on built heritage and historic landscape. Subject to the provision of the Outline Decommissioning Plan secured within the DCO to detail measures to

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
			avoid or reduce impacts on built heritage and historic landscape, the Inspectorate agrees to scope out this matter from the ES.

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.9.5	13.3.2	Archaeological evaluation	The Scoping Report proposes a staged programme of archaeological evaluation, stating only that geophysical survey or evaluation trenching may be required. However, Appendix D paragraph 4.58 states that archaeological potential of the site is high for some features, and paragraph 6.6 recommends that archaeological evaluation is undertaken including geoarchaeological investigation and targeted trial trenching. The extent of survey activity should be agreed as part of a Written Scheme of Investigation with NELC, where possible. Where necessary intrusive investigations should be completed prior to submission of the DCO application.
3.9.6	13.4	Changes in drainage	The Proposed Development has potential to alter drainage patterns and this could indirectly affect below ground heritage assets. The ES should provide commentary on the likelihood of indirect impacts on heritage assets to arise and outline any necessary mitigation measures to address significant effects where they are likely to occur.
3.9.7	13.4	Non designated assets	The Applicant's attention is drawn to the consultation response from Immingham Town Council regarding the historical value of 31 Queen's Road.

### 3.10 Historic Environment (Marine)

(Scoping Report Section 14)

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
3.10.1	14.4.5	Setting of marine archaeological and cultural heritage receptors (construction and operation)	The Scoping Report proposes to scope out impacts to the setting of marine archaeological and cultural heritage receptors, as given the existing industrial character of the DCO site, the Applicant considers it is unlikely for there to be any material additional impacts on the setting of known and unknown heritage receptors during construction or operation. Given the context of the existing baseline environment, the Inspectorate agrees that significant effects to the setting of marine heritage receptors are unlikely to occur, and this matter can be scoped out.
3.10.2	14.4.5	Disposal of dredged material (construction and operation)	The Scoping Report proposes to scope out impacts on marine archaeology as a result of disposal of dredge arisings, as this activity would take place at licensed marine disposal sites that have been characterised for this purpose, and any heritage conditions associated with the use of such sites would be adhered to. Given the receiving locations and regulatory regime in place, the Inspectorate agrees that this matter can be scoped out of the ES.

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.10.3	n/a	n/a	n/a

### 3.11 Physical Processes

(Scoping Report Section 15)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.11.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment

ID	Ref	Description	Inspectorate's comments
3.11.2	15.6.3	Physical receptors	The Scoping Report refers to physical environmental receptors "such as the local coastline and the nearshore sandbank and channel system, along with existing berth and jetty infrastructure". The ES must clearly describe the receptors to be considered in the assessment and explain how/why they were identified. The ES should consider whether the changes to physical processes would impact on sea defences through changes to wave patterns or sedimentation, and the likelihood of impacts on any telemetry devices in the area of Immingham docks.
3.11.3	15.6.3	Methodology	The Scoping Report states that for impacts on physical receptors (i.e. local coastline, sandbank and channel system, existing infrastructure) an assessment of effect significance would be undertaken following the methodology presented in section 4.6 of Chapter 4 The EIA Process. The ES should explain and justify how the evaluation of the importance/ value and sensitivity of relevant physical processes receptors has been undertaken, and how the magnitude of impact has been defined for this aspect.



ID	Ref	Description	Inspectorate's comments
3.11.4	15.6.9	Local policy	Item J mentions relevant local policy and we would highlight the need to consider the relevant Shoreline Management Plan and Humber Estuary schemes/plans in relation to this topic.

### 3.12 Marine Water and Sediment Quality

(Scoping Report Section 16)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.12.1	16.4.5 & 16.4.8	Changes to levels of contaminants in water (construction and operation)	<p>The Scoping Report seeks to scope this matter out of the assessment on the grounds that the Proposed Development would not directly introduce contaminants to the marine environment and good practice measures would be used to minimise and mitigate the potential for accidental spillages during dredging and disposal. The Scoping Report does not specify what these measures would be although reference is made to 'Guidance for Pollution Prevention: Works and maintenance in or near water'). However, no other detail on the likely measures has been provided. Furthermore, the Scoping Report refers to accidental spillages during dredging and disposal but makes no mention of the potential for accidental spillages during operational activities (e.g. water discharges to the Humber, accidental spillages of fuel and cargo of liquid bulk vessels). In the absence of information such as evidence demonstrating clear agreement with relevant statutory bodies, the Inspectorate is not in a position to agree to scope these matters from the assessment. Accordingly, the ES should include an assessment of these matters or the information referred to demonstrating agreement with the relevant consultation bodies and the absence of a likely significant effect. This should cross reference to Chapter 21 Major Accidents and Disasters.</p>

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.12.2	16.2.1	Data sources	In addition to the data sources listed in paragraph 16.2.1, the Applicant is directed to water quality data available on the Open WIMS database at <a href="https://environment.data.gov.uk/water-quality/view/landing">https://environment.data.gov.uk/water-quality/view/landing</a>
3.12.3	16.4.4 and 16.4.6	Potential impact pathways	The ES should assess the potential for chemical contamination to accumulate at the dredge disposal sites.
3.12.4	16.6	Methodology	The methodology does not describe how the significance of effects would be determined, or how the general methodology described in Chapter 4 of the Scoping Report would be applied to this aspect specifically. The ES should clearly explain how likely significant marine water and sediment quality effects have been identified.
3.12.5	16.6.3	Contaminant concentration guidelines	Paragraph 16.6.3 indicates that contaminant concentrations in sediments would be compared to Cefas Guideline Action Levels for the Disposal of Dredged Material. These don't exist for all of the contaminants which could potentially be observed. The Applicant should consider if there is any potential to explore alternative guidance levels (e.g. those used by other agencies/countries) for contaminants not covered by the Cefas Guidelines.

### 3.13 Water Quality, Coastal Protection, Flood Risk and Drainage

(Scoping Report Section 17)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.13.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment

ID	Ref	Description	Inspectorate's comments
3.13.2	17.2.14	Flood risk	Paragraph 17.2.14 considers that the residual risk from overtopping or failure of defences is low. The Applicant's attention is drawn to the EA's consultation response and paragraph 024 of the Planning Practice Guidance (Flood risk and coastal change) which states that information on the probability of flood defence failure is unsuitable for planning purposes given the substantial uncertainties involved in such long-term predictions. The Applicant is advised to use the EA Coastal Hazard Mapping when considering residual flood risk and agree the detailed flood risk methodology and mitigation with the Environment Agency where possible.
3.13.3	17.2.15, 17.4.5	Drainage	Paragraph 17.2.5 notes that tide-locking is an existing problem for Habrough Marsh Drain and North Beck Drain. The Inspectorate draws attention to concerns within the consultation response from North East Lindsey Drainage Board that offshore infrastructure in proximity to the gravity outfall of Habrough Marsh Drain could impede drainage. The ES should consider any likely impacts arising from the construction and operation of the offshore infrastructure on the function of drains outfalls and implications for flood risk onshore.

### 3.14 Climate Change

(Scoping Report Section 18)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.14.1	18.3.4	Greenhouse gas emissions (GHG) from maintenance activities (operation)	The Scoping Report proposes to scope out GHG emissions arising from operational maintenance activities on the grounds that emissions from maintenance works are likely to be minimal in relation to the overall GHG emissions from the Proposed Development. However, the Scoping Report does not provide any supporting evidence for this statement. In the absence of such evidence, and particularly given the uncertainty around dredging requirements, Inspectorate is not in a position to agree to scope these matters from the assessment. Accordingly, the ES should include an assessment of these matters or further justification that the works are likely to give rise to minimal GHG emissions.
3.14.2	18.3.7 & 18.3.12	Impacts of wind on the Proposed Development	The Scoping Report proposes to scope out the impacts of wind from both the climate change resilience (CCR) assessment and the in-combination climate change impact (ICCI) assessment, on the basis that there is no evidence to suggest that climate change is increasing high wind events (referencing the Met Office (2020) State of the UK Climate report). The Inspectorate notes that Environment Agency guidance (2021) Refineries and fuel: examples for your adapting to climate change risk assessment, specifically considers wind stating " <i>there is risk to: jetties with higher sideways loadings due to wave and wind action</i> ". In light of this guidance and in absence of agreement with the relevant statutory body, the Inspectorate is not in a position to agree to scope this matter from the assessment.

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.14.3	18.2.10	Future baseline	The ES should state which emissions scenario will be applied from the UK Climate Projection 2018 (UKCP18) data as this is not currently clear from the Scoping Report. The ES should be based on up to date climate projections at the point of submission.
3.14.4	Table 18.3	Sources of GHG emissions	The transportation and disposal of waste is listed as source of emissions but dredging and disposal of dredged material is not explicitly included within this. The ES should consider emissions from these activities.

### 3.15 Materials and Waste

(Scoping Report Section 19)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.15.1	19.6.3 (a) Table 19.7	Waste arising from extraction, processing and manufacture of construction components and products (construction)	The Scoping Report assumes that waste arising from the extraction, processing and manufacture of construction components and products that would be used during the Project are being produced in manufacturing facilities with their own waste management plans, facilities, and supply chain (outside of the geographical scope of the assessment) and therefore seeks to scope this matter out of the assessment. The Inspectorate is content to scope this matter out on this basis.
3.15.2	19.6.3 (b) Table 19.7	Other environmental impacts associated with the management of waste (construction)	The Scoping Report states that other impacts associated with the management of waste (e.g. on water resources, air quality, noise or traffic resulting from the generation, handling, on-site temporary storage or off-site transport of materials and waste) are addressed separately in other relevant chapters of the ES and can therefore be scoped out of this aspect chapter. The Inspectorate agrees that this impact pathway should be considered separately in the other relevant chapters of the ES. The Materials and Waste aspect chapter should however cross reference to where this has been assessed elsewhere.
3.15.3	19.6.3 (c) Table 19.7	Direct impacts on safeguarded/ allocated mineral sites (construction)	The Scoping Report seeks to scope out this matter as the project site is not in the vicinity of any safeguarded/ allocated mineral sites. The Inspectorate agrees that this matter can be scoped out due to the absence of this type of receptor in the development study area.

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
3.15.4	19.6.3 (d) Table 19.7	Direct impacts on Mineral Safeguarding Areas (MSAs) (construction)	The Scoping Report seeks to scope out this matter as the project site is not in the vicinity of any Mineral Safeguarding Areas. The Inspectorate agrees that this matter can be scoped out due to the absence of this type of receptor in the development study area.
3.15.5	19.6.3 (e)	Materials arising from marine dredging	The Scoping Report states that dredged materials would not be brought onshore for disposal and the effects associated would be addressed separately in other relevant chapters within the ES (Chapter 8 Nature Conservation (Marine), Chapter 9 Ornithology, Chapter 11 Marine Transport and Navigation, Chapter 14 Historic Environment (Marine), Chapter 15 Physical Processes, Chapter 16 Marine Water and Sediment Quality). On the basis that dredging arisals will not be disposed onshore, the Inspectorate considers that this matter is adequately addressed in the other aspect chapters and can therefore be scoped out of the materials and waste chapter.
3.15.6	19.6.3 (f) Table 19.7	Effects on the availability of materials during operation	The Scoping Report considers that any forecast effects (using professional judgement) on the availability of materials during operation would be negligible in relation to the scale and nature of the development. The Inspectorate agrees given the nature of the development operational materials use can be scoped out of the assessment.
3.15.7	19.6.3 (g) Table 19.7	Effects associated with decommissioning of landside infrastructure	The Scoping Report argues that it is not possible to assess waste and material resources effects of decommissioning, since waste infrastructure, technologies and good practices are likely to be substantially different to those currently in place. It states that an outline of the approach to decommissioning will be provided within the ES, which will detail measures envisaged to be implemented to



<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
			<p>avoid or reduce impacts during the decommissioning of the landside elements.</p> <p>Given the nature and scale of the development the Inspectorate agrees that this matter can scoped out of the ES, however the ES must provide an estimate of the types of quantities of waste that would arise from decommissioning.</p>

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.15.8	n/a	n/a	n/a

### 3.16 Ground Conditions and Land Quality

(Scoping Report Section 20)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.16.1	Table 20.11	Impacts on soils during operation	The Scoping Report proposes to scope out impacts on soil during the operational phase as any effects would have already occurred during construction. The Inspectorate agrees that new effects on soils would be likely to occur during normal operations and therefore this matter can be scoped out of the ES.

ID	Ref	Description	Inspectorate's comments
3.16.2	20.3.2	Agricultural Land Classification	The Scoping Report states that an Agricultural Land Classification survey <i>may be</i> required to determine the subdivision of land classified as Grade 3 into either Grade 3a or 3b. The ES should confirm the agricultural land grade based on a recognised approach (such as Natural England's TIN049) and demonstrate how the Proposed Development has sought to avoid use of areas of best and most versatile land. The impact of the Proposed Development on existing farming activities in the area should also be explained in the ES.
3.16.3	20.6.9	Guidance	Paragraph 20.6.9 on 'relevant legislation, policy and technical guidance' focuses on legislation and policy. The ES should list the guidance applied. Where relevant, the ES should take into account the following guidance:

ID	Ref	Description	Inspectorate's comments
			<ul style="list-style-type: none"> <li>Ministry of Agriculture, Fisheries and Food (1988) The Agricultural Land Classification of England and Wales: revised guidelines and criteria for grading the quality of agricultural land.</li> <li>Natural England (2012) Technical Information Note TIN049, Agricultural Land Classification: protecting the best and most versatile agricultural land</li> <li>Stapleton, C., Reed, E., Gemmell, L., Adams, K. (eds) (2021) IEMA Guide: A New Perspective on Land and Soil in Environmental Impact Assessment.</li> </ul>

### 3.17 Major Accidents and Disasters

(Scoping Report Section 21)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.17.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment

ID	Ref	Description	Inspectorate's comments
3.17.2	21.2 Figure 2.1 Appendix A	Study Area	<p>The Scoping Report states that study area for the assessment of major accidents and disasters is not defined within regulatory guidance or standardised methodology, but that the study area is based on experience and judgement and includes nearby major hazard sites, pipelines other sites whose land use planning zones may encroach on any part of the Proposed Development.</p> <p>The ES should contain a robust justification to support the chosen study area and sensitive receptors selected for the purposes of the ES assessment, based on professional guidance such as the Institute of Environmental Management and Assessment (IEMA)'s 'Major Accidents and Disasters in EIA: A Primer (September 2020)'.</p> <p>The study area should be consulted on and agreed with relevant consultation bodies where possible.</p> <p>Figure 2.1 in Appendix A is stated to provide a figure showing the site boundary with respect to infrastructure and industrial sites and natural features and protected environmental sites, however this does</p>

ID	Ref	Description	Inspectorate's comments
			<p>not appear to map any major hazard sites or receptors near to the Proposed Development. A figure showing relevant receptors and potential major hazard risks should be provided in the ES.</p>
3.17.3	21.6	Assessment methodology	<p>The assessment should consider the vulnerability of the Proposed Development to a potential accident or disaster and the Proposed Development's potential to cause an accident or disaster including the use of Very Large Gas Carriers (VLGCs). The ES should also provide consideration of future hazards associated with transportation and storage of CO<sub>2</sub>.</p> <p>The assessment should consider how any surrounding hazardous installations may impact on the major accident hazards arising from the Proposed Development's site operation. Any assessment should include consideration of the impact on surrounding hazardous installations including potential cumulative effects from multiple major accidents which the Proposed Development could become part of cumulatively.</p> <p>Where qualitative assessments are made the professional qualifications and experience of the assessors should be made clear in the ES.</p>

### 3.18 Socio-economics

(Scoping Report Section 22)

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
3.18.1	Table 22.6	Effects on tourism – construction, operation and decommissioning	<p>The Scoping Report seeks to scope out this matter as there are no tourism receptors in proximity to the Proposed Development, therefore it is unlikely there would be any impact experienced by tourists.</p> <p>Given the location of the development, the absence of sensitive tourism receptors (other than the England Coast Path which is being assessed separately) the Inspectorate agrees that it is unlikely that significant effects on tourism would arise and this matter can be scoped out of the assessment on this basis.</p>
3.18.2	22.4.1	Effects on public rights of way (PRoW) - operation	<p>Two PRoWs are in proximity to the Proposed Development and it is proposed to scope this out of the assessment as user experience during operation would be as it is currently.</p> <p>The Inspectorate agrees that this matter can be scoped out on this basis.</p>

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.18.3	22.2.2	Study area - figures	The Scoping Report states that the ES would include a figure to denote the relevant study areas. This should include the relevant

ID	Ref	Description	Inspectorate's comments
			<p>Lower Super Output Areas (LSOAs) and the Grimsby travel to work area (TTWA) in relation to the Proposed Development.</p> <p>Residential and business properties on Queens Road within the Proposed Development order limits should be clearly identified in any figures to help residents and businesses to identify likely impacts.</p>
3.184	22.2	Baseline - Census data	<p>The Applicant refers to 2011 Census data and the Inspectorate notes that the 2021 Census data is now made available through the Office for National Statistics. As the DCO application will be submitted after the release of the 2021 Census data, this data should be used to inform the Socio-economic assessment.</p>
3.185	22.2	Housing availability	<p>The Scoping Report proposes to assess the impact of a changing influx of workers, however it does not explicitly refer to effects on housing availability and effects on social cohesion in this chapter. The Inspectorate notes these matters are referenced under the chapter on health and well-being (para 23.4.3). The assessment in the ES should consider if any likely significant effects would arise from the influx of construction workers on the local housing and rental market. This should cross-refer to the other relevant sections of the ES such as the assessment of health and well-being.</p>

### 3.19 Human Health and Well-being

(Scoping Report Section 23)

<b>ID</b>	<b>Ref</b>	<b>Applicant's proposed matters to scope out</b>	<b>Inspectorate's comments</b>
3.19.1	Table 23.3	Accessibility to open space and active travel during operation	<p>The Scoping Report seeks to scope out this matter on the grounds that no adverse effects are expected as no direct effects are anticipated on public rights of way (PRoW) and no open space has been identified in the vicinity of the Proposed Development.</p> <p>Given the user experience of the PRoW during project operation would not be dissimilar to what it is currently, the Inspectorate agrees that this matter can be scoped out of the assessment. See also impacts to PRoW during operation in Chapter 22: Socio-economics.</p>
3.19.2	n/a	Effects on mental health – concern over safety over transportation of hydrogen gas in the pipeline network	The Scoping Report does not refer to potential local public concern through perception of risk from the transportation of hydrogen gas from the site. The Inspectorate considers that this matter should be scoped in to the assessment of human health and well-being.

<b>ID</b>	<b>Ref</b>	<b>Description</b>	<b>Inspectorate's comments</b>
3.19.3	n/a	n/a	n/a



### 3.20 Cumulative Effects and In-Combination Assessment

(Scoping Report Section 24)

ID	Ref	Applicant's proposed matters to scope out	Inspectorate's comments
3.20.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment

ID	Ref	Description	Inspectorate's comments
3.20.2	24.2.3	Significance of effects	The Scoping Report states that the significance of intra-project effects would be determined using professional judgement, and no further details are provided on methodology. The ES should explain how potential interactions are identified and provide justification for the conclusions reached.
3.20.3	24.2.4	Other developments	The Scoping Report does not suggest any other developments for inclusion on the longlist. The Applicant is advised to agree the list of developments with NELC, where possible. The ES should include a summary table, with relevant developments' current stage, location and timing of the proposed works to help to identify potential overlaps between activities that could lead to cumulative impacts
3.20.4	n/a	Location of other developments	The ES should include a figure depicting the locations and extent of cumulative developments in relation to the Proposed Development.

## APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

**TABLE A1: PRESCRIBED CONSULTATION BODIES<sup>1</sup>**

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Integrated Care Board	NHS Humber and North Yorkshire Integrated Care Board
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England
The relevant fire and rescue authority	Humberside Fire and Rescue Service
The relevant police and crime commissioner	Humberside Police and Crime Commissioner
The relevant parish council(s)	Immingham Town Council
	Stallingborough Parish Council
The Environment Agency	The Environment Agency
The Maritime and Coastguard Agency	Maritime and Coastguard Agency
The Maritime and Coastguard Agency - Regional Office	The Maritime and Coastguard Agency - Hull marine office
The Marine Management Organisation	Marine Management Organisation (MMO)
The relevant Highways Authority	North East Lincolnshire Council
The relevant strategic highways company	National Highways
The Coal Authority	The Coal Authority
The relevant internal drainage board	North East Lindsey Drainage Board

<sup>1</sup> Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

<b>SCHEDULE 1 DESCRIPTION</b>	<b>ORGANISATION</b>
Trinity House	Trinity House
UK Health Security Agency	UK Health Security Agency
The Crown Estate Commissioners	The Crown Estate
The Secretary of State for Defence	Ministry of Defence

**TABLE A2: RELEVANT STATUTORY UNDERTAKERS<sup>2</sup>**

<b>STATUTORY UNDERTAKER</b>	<b>ORGANISATION</b>
The relevant Integrated Care Board	NHS Humber and North Yorkshire Integrated Care Board
The National Health Service Commissioning Board	NHS England
The relevant NHS Trust	Yorkshire and the Humber Ambulance Service NHS Trust
Railways	Network Rail Infrastructure Ltd
	Highways England Historical Railways Estate
Dock and Harbour authority	Port of Grimsby - Associated British Ports
	Port of Immingham - Associated British Ports
	Humber Sea Terminal
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The relevant Environment Agency	The Environment Agency
The relevant water and sewage undertaker	Anglian Water
The relevant public gas transporter	Cadent Gas Limited

<sup>2</sup> 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
	Northern Gas Networks Limited
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	Wales and West Utilities Ltd
	Energy Assets Pipelines Limited
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	Harlaxton Gas Networks Limited
	GTC Pipelines Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Leep Gas Networks Limited
	Last Mile Gas Ltd
	Quadrant Pipelines Limited
	Squire Energy Limited
	National Grid Gas Plc
The relevant electricity distributor with CPO Powers	Eclipse Power Network Limited
	Energy Assets Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited

STATUTORY UNDERTAKER	ORGANISATION
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited
	Mua Electricity Limited
	Optimal Power Networks Limited
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited
	Northern Powergrid (Northeast) Limited
	National Grid Electricity Transmission Plc
	National Grid Electricity System Operator Limited

**TABLE A3: SECTION 43 LOCAL AUTHORITIES (FOR THE PURPOSES OF SECTION 42(1)(B))<sup>3</sup>**

LOCAL AUTHORITY <sup>4</sup>
East Lindsey District Council
Lincolnshire County Council
North East Lincolnshire Council
North Lincolnshire Council
West Lindsey District Council

**TABLE A4: NON-PRESCRIBED CONSULTATION BODIES**

<sup>3</sup> Sections 43 and 42(B) of the PA2008

<sup>4</sup> As defined in Section 43(3) of the PA2008

<b>ORGANISATION</b>
East Riding of Yorkshire Council
Royal National Lifeboat Institution

## **APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES**

<b>CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:</b>
The Coal Authority
East Riding of Yorkshire Council
The Environment Agency
Health and Safety Executive
Historic England
Immingham Town Council
Marine Management Organisation (MMO)
Maritime and Coastguard Agency
Ministry of Defence
National Grid Electricity Transmission Plc
National Grid Gas Plc
Natural England
North East Lindsey Drainage Board
Royal Mail Group
Scotland Gas Networks Plc
Trinity House
UK Health Security Agency
Wales and West Utilities Ltd
West Lindsey District Council



**The Coal  
Authority**

Resolving the **impacts** of mining

200 Lichfield Lane  
Mansfield  
Nottinghamshire  
NG18 4RG  
T: 01623 637 119

E: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

[www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

Stephanie Newman  
EIA and Land Rights Advisor  
on behalf of the Secretary of State

[By email: [imminhamget@planninginspectorate.gov.uk](mailto:imminhamget@planninginspectorate.gov.uk)]

Your ref: TR030008

08 September 2022

Dear Stephanie

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11**

**Application by Associated British Ports (the Applicant) for an Order granting Development Consent for the Imminham Green Energy Terminal (the Proposed Development)**

**Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested**

Thank you for your notification of 31 August 2022 on what relevant matters should be 'Scoped In' to any forthcoming Environmental Statement for the above site.

I have reviewed the site location plan against our coal mining information and can confirm that, whilst the site falls within the coalfield, it is located outside the Development High Risk Area as defined by the Coal Authority; meaning that there are no recorded coal mining legacy hazards at shallow depth that could pose a risk to land stability at the surface.




Accordingly, if you consider that the application is EIA development, there is no requirement for the applicant to consider coal mining legacy as part of their Environmental Impact Assessment. In addition, there is no requirement for you to consult us on any subsequent planning application for this site.

In the event that planning permission is granted as part of any formal application, it is requested that the following wording is included as an Informative Note:

***The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.***

I hope that this is helpful however please do not hesitate to contact me if you require any further assistance with this matter.

Yours sincerely



**Deb Roberts** *M.Sc. MRTPI*  
**Planning & Development Manager**

Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

**From:** [REDACTED]  
**To:** [Immingham Green Energy Terminal](#)  
**Cc:** [REDACTED]  
**Subject:** Re: Non-statutory scoping consultation - Immingham Green Energy Terminal (your reference TR030008)  
**Date:** 07 September 2022 23:49:17  
**Attachments:** [REDACTED]

---

Good Evening

Thank you for your email and attached consultation.

The application site is on the southern bank of the Humber Estuary outside the administrative boundary of the East Riding of Yorkshire.

I can confirm East Riding of Yorkshire Council has no comments to make.

Kind Regards

Matthew Sunman  
Principal Planning Officer - Minerals and Waste

[REDACTED]  
CertHE, MPhysGeog (Hons), MSc Urban and Regional Planning,  
MRTPI

---

**From:** Planning <planning@eastriding.gov.uk>  
**Sent:** Wednesday, August 31, 2022 12:17 PM  
**To:** James Chatfield <[REDACTED]>  
[REDACTED]  
**Subject:** FW: Non-statutory scoping consultation - Immingham Green Energy Terminal

Many thanks

Sarah

**Planning and Development Management**  
**East Riding of Yorkshire Council**  
[Email: planning@eastriding.gov.uk](mailto:planning@eastriding.gov.uk)



**Your East Riding... where everyone matters**

Ms Stephanie Newman  
EIA and Land Rights Advisor  
The Planning Inspectorate  
Environmental Services  
Central Operations  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**Our ref:** AN/2022/133474/01-L01  
**Your ref:** TR030008  
**Date:** 26 September 2022

Dear Ms Newman

**Application by Associated British Ports for an Order granting Development Consent for the Immingham Green Energy Terminal Immingham Docks, North Lincolnshire**

Thank you for consulting us on the Scoping Report for the above proposal on 31 August 2022.

We have reviewed the Scoping Report and set out our comments below, under the relevant chapter headings, for issues that fall within our remit.

**Chapter 3 Legislative and Consenting Framework**

The Applicant has correctly identified that a hazardous substances consent and an Environmental Permit for the processing facility will be required. The site also falls to be regulated under the Control of Major Accidents and Hazards (COMAH). The Report indicates that, alongside being a new import facility, the project will use technology for the conversion of 'green' liquid ammonia into hydrogen. We strongly recommend that the Applicant engages with the Environment Agency's National Permitting Services for enhanced pre-application advice regarding the use of this technology at the earliest possible opportunity. Further information on this service can be found at [Get advice before you apply for an environmental permit - GOV.UK \(www.gov.uk\)](https://www.gov.uk/get-advice-before-you-apply-for-an-environmental-permit). We would also draw the Applicant's attention to the recently revised Planning Inspectorate Advice Note Ten, which strongly advises the submission of Environmental Permit applications at least 6 months prior to Development Consent Order submission. This is particularly important where new/unfamiliar technology is proposed.

We note that there are residential properties along Queens Road, which appear to be within the Scoping (red line) boundary of the site. It is unclear if the Report is acknowledging the presence of these properties (as it only states that there are residential properties "*adjacent to the site*") and whether they will be included in the

Environmental Impact Assessment (EIA). We request that the assessment is clear in its consideration of these properties (and any others that are adjacent to the site) given their proximity to the proposed COMAH facility, as well as from the perspective of operational (noise, dust/emissions) and amenity impacts.

### **Chapter 5 Air Quality**

The Environment Agency will only undertake a detailed review of any air quality assessment when determining an application for an Environmental Permit. We are aware that there are receptors in the area, which are sensitive to dust (e.g. storage of new cars) and it may be prudent for the developer to be aware of this and engage with relevant local stakeholders.

Paragraph 5.6.13 does not make explicit reference to [Air emissions risk assessment for your environmental permit - GOV.UK \(www.gov.uk\)](http://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit), however, it is referred to in paragraph 5.6.8. This guidance (although written for environmental permitting) will also be useful for the assessment.

### **Chapter 6 Noise and Vibration**

Again, although written for environmental permitting, guidance entitled [Noise and vibration management: environmental permits - GOV.UK \(www.gov.uk\)](http://www.gov.uk/guidance/noise-and-vibration-management-environmental-permits) is not discussed in this chapter, but will also be useful.

### **Chapter 8 Nature Conservation (Marine Ecology)**

Paragraph 8.2 makes no mention of pelagic ecology, in particular phytoplankton communities – these should be considered (even if they are scoped out) as there is a pathway for impact on this ecological element for example, as a result of sediment resuspension, contaminant release, changes to hydromorphology (these are highlighted in the physical processes and water quality sections). Neither is there any explicit mention of saltmarsh baseline data (although saltmarshes are discussed in the ‘current baseline’ sections). The Environment Agency holds saltmarsh data for the Humber Transitional waterbodies. We recommend the Applicant search on the Environment Agency’s Ecology and Fish data explorer to see if additional data are available at <https://environment.data.gov.uk/ecology/explorer/>

We are satisfied with the survey rationale outlined in section 8.3.

### **Chapter 15 Physical Processes**

This Chapter sets out what will be done to assess the changes to physical processes and what these impacts will be. We are pleased that at this stage no issues have been scoped out. However, we would like the assessment to also specifically consider whether the changes to physical processes would have an impact on sea defences through changes to wave patterns or sedimentation.

Paragraph 15.4.8 states that the jetty will not be decommissioned and is likely to remain part of the port estate. An engineering standard of 50 years has been given for the development. If the jetty is to remain in place longer than 50 years, the assessments need to reflect this in an appropriate design life for the marine element of the proposed development.

Paragraph 15.6.9 summarises the relevant legislation, policy and technical guidance, which will be cross-referenced as appropriate. Item J mentions relevant local policy and we would highlight the need to consider the relevant Shoreline Management Plan and Humber Estuary schemes/plans in relation to this topic.

## **Chapter 16 Marine Water and Sediment Quality**

In addition to the data sources listed in paragraph 16.2.1, we would direct the Applicant to water quality data, which is available on the Open WIMS database at <https://environment.data.gov.uk/water-quality/view/landing>.

The Report does not specifically discuss water discharges to the Humber. Paragraph 16.4.8 states that “*Changes to levels of contaminants in water (including accidental spillages) during operation*” is scoped out. Under the COMAH regulations, the site will be required to complete an unmitigated assessment of the environmental impact in the event of incidents. As such, undertaking this assessment of potential impact now may provide an early indication if the project will be required to go beyond best practice.

If the project intends to discharge directly to the Humber it will need to follow this guidance [Surface water pollution risk assessment for your environmental permit - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/surface-water-pollution-risk-assessment-for-your-environmental-permit) in support of its permit application.

Paragraph 16.6.3 indicates that contaminant concentrations in sediments would be compared to Cefas Guideline Action Levels. These don't exist for all of the contaminants which could potentially be observed. The Applicant should consider if there is any potential to explore alternative guidance levels (e.g. those used by other agencies/countries).

## **Chapter 17 Water Quality, Coastal Protection, Flood Risk & Drainage**

Paragraph 17.2.14 considers that the residual risk from overtopping or failure of defences is low and as a result, the potential impacts of this are given little weight in the remainder of the Report. The flood risk assessment will need to recognise that the probability of defence failure is not suitable for planning purposes; we would refer the Applicant to paragraph 024 of the recently updated Planning Practice Guidance (Flood risk and coastal change section) for further information on what is required in this respect. To help with considering the residual risk the Environment Agency has produced Coastal Hazard Mapping which covers the site (this is not referenced as a data source in paragraph 17.2.1). To obtain this information the Applicant is advised to make a formal enquiry to our Customers and Engagement team at [LNenquiries@environment-agency.gov.uk](mailto:LNenquiries@environment-agency.gov.uk). Please request a Product 3/8. There is no charge for this information.

COMAH regulated sites are expected to consider the level of flood risk and appropriate resilience. This is set out in the [Inspection of COMAH Operator Flood Preparedness](#) delivery guide. The delivery of this is not specifically required within the EIA for planning purposes, but it will need to be considered as part of the pre-operation Safety Report. As such, it would be prudent to consider this alongside planning guidance on flood risk so that any additional mitigation standards, which may be required during site operation (e.g. for the storage of hazardous substances), can be included from the outset.

Although physical processes are considered in Chapter 17, we would also like to see a discussion (or cross-reference to any discussion in Chapter 15) regarding geomorphology resulting from said processes.

## **Chapter 18 Climate Change**

Paragraph 18.3.7 advises that wind change has been ruled out for the climate change resilience review. Environment Agency [guidance on climate change adaption for](#)

[refineries](#) specifically considers wind stating “*there is risk to: jetties with higher sideways loadings due to wave and wind action*”. Accordingly, we would suggest it may be relevant to scope in this issue.

The Applicant may also find it useful to refer to government guidance on [Adapting to climate change: industry sector examples for your risk assessment - GOV.UK \(www.gov.uk\)](#), with specific consideration to the guidance for the ‘Chemical’ and ‘refineries and fuel’ sectors, as the closest relevant sectors.

We would also ask that the EIA is clear about which emissions scenario will be used from the UKCP18 data as this is not currently clear from the Scoping Report.

### **Chapter 19 Materials and Waste**

We are pleased to see the acknowledgement in paragraph 19.6.2 that any waste producers have a legal duty to manage their wastes in accordance with regulations: wastes produced or imported must be moved with due regard to the legal requirements for registered Waste Carriers under The Waste (England and Wales) Regulations 2011.

If wastes are used for any construction they must be stored at an appropriately permitted or exempt site, in accordance with the Environmental Permitting (England & Wales) Regulations 2016. Any direct transfer and reuse of clean naturally occurring soil materials between sites must be done in accordance with the Definition of Waste: Development Industry Code of Practice.

Site drainage must be engineered to prevent pollution to the environment. Any potentially contaminated or contaminating liquids must be held and disposed of appropriately.

### **Chapter 20 Ground Conditions and Land Quality**

We have reviewed this chapter and can advise that we are satisfied with the scope and methodology proposed to assess ground conditions and land quality.

### **Chapter 21 Major Accidents and Disasters**

The Environment Agency will have a role in regulating the site in line with COMAH and has no comments to make on the proposed assessment for planning purposes. However, we welcome the acknowledgement that the proposed development will present major accident hazards and identifies the importance of the Humber as a receptor.

### **Chapter 23 Human Health and Well-being**

Emissions of dust, noise, vibration, and odours are only scoped in for assessment during construction and decommissioning. Odour during operation could potentially be an issue that needs to be scoped in; however, it may be appropriate to consider this under Chapter 5 Air Quality, as it does not appear to be covered elsewhere in the Report. The guidance that the Applicant will be expected to follow for environmental permitting can be accessed at [Environmental permitting: H4 odour management - GOV.UK \(www.gov.uk\)](#). We highlight the importance of the consideration of these issues in light of the close proximity of the residential properties mentioned under Chapter 3 above.

### **Further pre-application consultation**

Should the Applicant wish us to review any technical documents or want further advice to address the environmental issues, we can do this as part of our charged for service.

Further engagement at the pre-application stage will speed up our formal response to their application and provide them with certainty as to what our response to the Development Consent Order application will be. It should also result in a better quality and more environmentally sensitive development. As part of our charged for service, we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per hour, plus VAT. The terms and conditions of our charged for service are available at [Planning and marine licence advice: standard terms for our charges - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/planning-and-marine-licence-advice-standard-terms-for-our-charges).

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

**Annette Hewitson**  
**Principal Planning Adviser**

Direct dial [REDACTED]

Direct e-mail [REDACTED]

For the attention of: **Stephanie Newman**  
The Planning Inspectorate  
Temple Quay House  
Temple Quay  
Bristol  
BS1 6PN

Chemicals, Explosives and  
Microbiological Hazards  
Division – Unit 4

NSIP Consultations  
Land Use Planning Team  
Building 1.2,  
Redgrave Court,  
Bootle L20 7HS

**Date: 26<sup>th</sup> September 2022**

[NSIP.applications@hse.gov.uk](mailto:NSIP.applications@hse.gov.uk)

**References: CM9 Ref: 4.2.1.7014.  
NSIP Ref: TR030008**

<http://www.hse.gov.uk/>

Dear Planning Inspectorate,

**PROPOSED DEVELOPMENT CONSENT FOR THE IMMINGHAM GREEN ENERGY TERMINAL  
PROPOSAL BY ASSOCIATED BRITISH PORTS  
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017  
(as amended) REGULATIONS 10 and 11**

Thank you for your letter of 31<sup>st</sup> August 2022 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

**HSE's Land Use Planning Advice**

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records the proposed site is in the vicinity of a number of major accident hazard installations with Hazardous Substances Consent. Given the nature of the proposal the site will need to consider all the major hazards associated with its proposed operations including both the impact on the surrounding hazardous Installations and how these installations may impact on the major accident hazards arising from the site operation. The site would likely need to be included in a domino group of sites.

Also according to our record the site is in close proximity to a major hazards pipeline operated by Cadent Gas Ltd.

It is noted that the EIA recognise the potential impact of these major hazard operations on to the site but consideration also needs to be given to the impact of the site onto these sites through the lifecycle of the facility including construction

Hazardous Substance Consent and other relevant legislation

The proposal laid out in the EIA recognises the operation of the will involve the presence of hazardous substances on, over or under land at or above set threshold quantities (Controlled Quantities) will therefore require Hazardous Substances Consent (HSC) under the Planning (Hazardous Substances) Act 1990 as amended, as set out in The Planning (Hazardous Substances) Regulations 2015 as amended.

Table 21.3 of the EIA recognises that HSC would be required given the proposal involves the handling of Named Hazardous Substances or Categories of Substances at or above the controlled quantities set



out in Schedule 1 of these Regulations. The proposal also recognises the site will be within the scope of Control of Major Accident Hazard Regulations 2015 and will therefore require notification to the COMAH competent authority prior to construction. However what is not identified in this table is whether notification is required under the Pipeline Safety Regulation 1996 in relation to the construction and operation of the pipelines that are proposed within the application. It is recommended that details of the proposed pipelines and whether they come within the scope of PSR are included in future consultation documentation.

#### Explosives sites

CEMHD 7's response is no comment to make in regards to the proposed development as there are no HSE licenced sites in the vicinity of the proposed development.

#### Electrical safety

No comment from a planning perspective

At this time, please send any further communication on this project directly to the HSE's designated e-mail account for NSIP applications at [nsip.applications@hse.gov.uk](mailto:nsip.applications@hse.gov.uk). We are currently unable to accept hard copies, as our offices have limited access.

Yours faithfully,

**NSIP Consultation Team**  
**CEMHD4 – Health and Safety Executice**



Historic England

Ms Stephanie Newman  
The Planning Inspectorate - Environmental  
Services  
Central Operations  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Direct Dial: 01216256827

Our ref: PL00788483

13 September 2022

Dear Ms Newman

## **IMMINGHAM GREEN ENERGY TERMINAL ENVIRONMENTAL IMPACT ASSESSMENT (EIA) - SCOPING REPORT**

Thank you for your letter of 31st August 2022 consulting Historic England about the above EIA Scoping Report. We are in general agreement regarding the content of the Scoping Report (AECOM: August 2022) and the areas of the Historic Environment which are to be scoped in and out of the assessment. It is important to make sure that the area of the terrestrial and maritime heritage assessments abut or overlap so that no assets are missed and the setting of assets can be assessed as a whole.

This development could, potentially, have an impact upon a number of designated and un-designated terrestrial and maritime heritage assets and their settings in the area around the site. In line with the advice in the National Planning Policy Framework (NPPF), we would expect the Environmental Statement to contain a thorough assessment of the likely effects which the proposed development might have upon those elements which contribute to the significance of these assets.

Given the heights of the structures associated with the proposed development and the surrounding landscape character, this development is likely to be visible across a very large area and could, as a result, affect the significance of heritage assets at some distance from this site itself. We would expect the assessment to clearly demonstrate that the extent of the proposed study area is of the appropriate size to ensure that all heritage assets likely to be affected by this development have been included and can be properly assessed.

It is important that the assessment is designed to ensure that all impacts are fully understood including associated activities (such as construction, servicing and maintenance, and associated traffic) might have upon perceptions, understanding and appreciation of the heritage assets in the area. Section drawings and techniques such as photomontages are a useful part of this. The likelihood of alterations to drainage patterns should also be considered as this may lead to in situ decomposition or



THE FOUNDRY 82 GRANVILLE STREET BIRMINGHAM B1 2LH

Telephone 0121 625 6888  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



*Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any information held by the organisation can be requested for release under this legislation.*



Historic England

destruction of below ground archaeological remains and deposits, and the subsidence of buildings and monuments.

We would strongly recommend that you involve the Historic Environment Officers at North and North East Lincolnshire Councils in the development of this assessment. They are best placed to advise on: local historic environment issues and priorities; how the proposal can be tailored to avoid and minimise potential adverse impacts on the historic environment; the nature and design of any required mitigation measures; and opportunities for securing wider benefits for the future conservation and management of heritage assets.

If you have any queries about any of the above, or would like to discuss anything further, please contact me.

Yours sincerely,

Alison MacDonald  
Assistant Inspector of Ancient Monuments



cc: Sarah-Lee Bootland, Development Control, North Lincolnshire Council



THE FOUNDRY 82 GRANVILLE STREET BIRMINGHAM B1 2LH

Telephone 0121 625 6888  
[HistoricEngland.org.uk](http://HistoricEngland.org.uk)



*Historic England is subject to both the Freedom of Information Act (2000) and Environmental Information Regulations (2004). Any Information held by the organisation can be requested for release under this legislation.*

**From:** [REDACTED]  
**To:** [Immingham Green Energy Terminal](#)  
**Subject:** Immingham Green Energy Terminal  
**Date:** 28 September 2022 10:38:30

---

Immingham Town Council would like to raise the following points about the Immingham Green Energy Terminal:

There is some confusion from the documents as to whether the residential and business properties on Queens Road are contained within the development area.....they are within the "red line" on some maps in the document and not included on others! This needs to be clarified and amended either way.

Residents and businesses are rightly concerned about the potential Compulsory Purchase of their properties and land. Resulting in loss of jobs and homes. If they are not included, as some maps indicate they need to be informed to ease their minds. If they are included it seems unnecessary as there is so much other land on the development that consideration should be given to leaving them alone.

The proximity of this hazardous site to existing premises seems to close.

The development results in the loss of more green space. How does this fit not the Local Planning Policy?

One of the properties, 31 Queens Road, appears to have some historical value to the area, as it is unique and was built for the Pastor of the Seaman's Mission. This should be protected.

Kind regards

Andy Hopkins  
Town Clerk  
Immingham Town Council

**Andy Hopkins**  
**Town Clerk**  
**Immingham Town Council**

Civic Centre, Pelham Road  
Immingham DN40 1QF  
[REDACTED]

Please be aware that I am not in the office all the time. I will respond when I can. If urgent please call 01469 727272 who may be able to help.

This message and any attachments are confidential and should only be read by those to whom they are addressed. Access to this message by anyone else is unauthorised. If you are not the intended recipient, any disclosure, copying, or distribution of the message, or any action or omission taken by you in reliance on it, is prohibited and may be unlawful. As a public body, Immingham Town Council may be required to disclose this email or any response to it under the Freedom of Information Act 2000, unless the information in it is covered by one of the exemptions in the Act. Please immediately contact the sender if you have received this message in error. If you are not the intended recipient, please contact us immediately, delete the message from your computer and destroy any copies.

Internet communications are not always secure and therefore Immingham Town Council does not accept legal responsibility for this message. The recipient is responsible for verifying its authenticity before acting on the contents. Any views or opinions presented are solely those of the author and do not necessarily represent those of Immingham Town Council.

**From:** [REDACTED]  
**To:** [Immingham Green Energy Terminal](#)  
**Subject:** FW: Scoping consultation - Immingham Green Energy Terminal  
**Date:** 23 September 2022 14:42:44  
**Attachments:** [REDACTED]

---

## **Marine Licensing, Wildlife Licences and other permissions**

-  
Dear Sir/Madam,

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

### **Response to your consultation**

The Marine Management Organisation (MMO) is a non-departmental public body responsible for the management of England's marine area on behalf of the UK government. The MMO's delivery functions are; marine planning, marine licensing, wildlife licensing and enforcement, marine protected area management, marine emergencies, fisheries management and issuing European grants.

### **Marine Licensing**

**Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009.**

Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence.

Applicants should be directed to the MMO's online portal to register for an application for marine licence

<https://www.gov.uk/guidance/make-a-marine-licence-application>

You can also apply to the MMO for consent under the Electricity Act 1989 (as amended) for offshore generating stations between 1 and 100 megawatts in English waters.

The MMO is also the authority responsible for processing and determining Harbour Orders in England, together with granting consent under various local Acts and orders regarding harbours.

A wildlife licence is also required for activities that that would affect a UK or European protected marine species.

The MMO is a signatory to the [coastal concordat](#) and operates in accordance with its principles. Should the activities subject to planning permission meet the above criteria then the applicant should be directed to the follow pages: [check if you need a marine licence](#) and asked to quote the following information on any resultant marine licence application:

- local planning authority name,
- planning officer name and contact details,
- planning application reference.

Following submission of a marine licence application a case team will be in touch with the relevant planning officer to discuss next steps.

### **Environmental Impact Assessment**

With respect to projects that require a marine licence the [EIA Directive \(codified in Directive 2011/92/EU\)](#) is transposed into UK law by [the Marine Works \(Environmental Impact Assessment\) Regulations 2007 \(the MWR\), as amended](#). Before a marine licence can be granted for projects that require EIA, MMO must ensure that applications for a marine licence are compliant with the MWR.

In cases where a project requires both a marine licence and terrestrial planning permission, both the MWR and The Town and Country Planning (Environmental Impact Assessment) Regulations

<http://www.legislation.gov.uk/uksi/2017/571/contents/made> may be applicable.

If this consultation request relates to a project capable of falling within either set of EIA regulations, then it is advised that the applicant submit a request directly to the MMO to ensure any requirements under the MWR are considered adequately at the following link

<https://www.gov.uk/guidance/make-a-marine-licence-application>

### **Marine Planning**

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. MMO as such are responsible for implementing the relevant Marine Plans for their area, through existing regulatory and decision-making processes.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations. Marine plans are a statutory consideration for public authorities with decision making functions.

At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers. As marine plan boundaries extend up to the level of the mean high water spring tides mark, there will be an overlap with terrestrial plans which generally extend to the mean low water springs mark.

A [map](#) showing how England's waters have been split into 6 marine plan areas is available on our website. For further information on how to apply the marine plans please visit our [Explore Marine Plans](#) service.

Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure that necessary regulations are adhered to. All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the [Marine and Coastal Access Act](#) and the [UK Marine Policy Statement](#) unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our [online guidance](#) and the [Planning Advisory Service soundness self-assessment checklist](#). If you wish to contact your local marine planning officer you can find their details on our [gov.uk page](#).

### **Minerals and waste plans and local aggregate assessments**

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

If you require further guidance on the Marine Licencing process, please follow the link <https://www.gov.uk/topic/planning-development/marine-licences>

Regards  
Andy

Andy Davis| Administration Officer Business Support Team | His Majesty's  
Government – Marine Management Organisation [REDACTED]

[REDACTED] | Lancaster House, Hampshire Court,  
Newcastle Business Park, Newcastle upon Tyne, NE4 7YH

[Website](#) | [Twitter](#) | [Facebook](#) | [Linkedin](#) | [Blog](#) | [Instagram](#) | [Flickr](#) | [YouTube](#) |

[Google+](#) | [Pinterest](#)

During the current health emergency, the Marine Management Organisation is continuing to provide vital services and support to our customers and stakeholders. We are in the main working remotely, in line with the latest advice from Government, and continue to be contactable by email, phone and on-line. Please keep in touch with us and let us know how we can help you  
<https://www.gov.uk/mmo>

**Our MMO Values:** Together we are **Accountable**, **Innovative**, **Engaging** and **Inclusive**







Maritime &  
Coastguard  
Agency

Helen Croxson  
**Maritime and Coastguard Agency**  
Bay 2/24  
Spring Place  
105 Commercial Road  
Southampton  
SO15 1EG

[www.gov.uk/mca](http://www.gov.uk/mca)

22 September 2022

Via email: [imminghamget@planninginspectorate.gov.uk](mailto:imminghamget@planninginspectorate.gov.uk).

Dear Stephanie,

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11**

**Application by Associated British Ports (the Applicant) for an Order granting Development Consent for the Immingham Green Energy Terminal (the Proposed Development)**

**Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested**

Thank you for your letter dated 31 August 2022 inviting comments on the Scoping Report for the proposed development for the Immingham Green Energy Terminal. The Scoping Report has been considered by representatives of UK Technical Services Navigation, and the MCA would like to respond as follows:

We note that the development aims to construct and facilitate the operation by multiple users of a liquid bulk jetty, to be located on the eastern side of the Port of Immingham. The marine components include a new approach trestle, jetty platform, berthing and mooring dolphins with link walkways, and topside infrastructure for the handling of liquid bulks, including loading arms and pipework.

The MCA has an interest in the works associated with the marine environment, and the potential impact on the safety of navigation, access to ports, harbours and marinas and any impact on our search and rescue obligations.

The MCA would expect any works in the marine environment to be subject to the appropriate consents under the Marine and Coastal Access Act 2009 before carrying out any marine licensable works. We note that on this occasion the works fall within the jurisdiction of a Statutory Harbour Authority (SHA) – Associated British Ports (ABP). ABP are therefore responsible for the safety of navigation within

their waters. They may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works, as deemed necessary.

We note that the applicant intends to undertake a Navigational Risk Assessment and will be provided within the DCO application. Section 4.13.10 states that *'the navigational risk will be a consideration by the Harbour Authority in its role as SHA. As part of the NRA process, a hazard identification workshop will be held with relevant navigational stakeholders for the area to identify the potential impacts associated with the Project'*. The MCA welcomes this approach.

Section 4.13.11 also states that *the NRA will determine the likely risk to navigational safety and, if necessary, establish risk control measures to reduce that risk to be 'as low as reasonably practicable'*. *The outputs from the NRA will inform Chapter 11 Marine Transport and Navigation and will form an appendix to the ES.* It is noted that there are no shipping and navigation related impact pathways which are proposed to be scoped out of the ES during both construction and operation of the development.

Finally, to address the ongoing safe operation of the marine interface for this project, the MCA would like to point the developers in the direction of the Port Marine Safety Code (PMSC) and its Guide to Good Practice. They will need to liaise and consult with the SHA and develop a robust Safety Management System (SMS) for the project under this code. From the Guide to Good Practice, section 7 Conservancy, a Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port. The harbour authority also has a duty of reasonable care to see that the harbour is in a fit condition for a vessel to be able to use it safely. Section 7.8 Regulating harbour works covers this in more detail.

We hope you find this information useful at scoping stage.

Yours sincerely,



Helen Croxson  
Marine Licensing and Space Launch lead  
UK Technical Services Navigation

cc'd: James Hannon – Ports and VTS Policy Manager  
Kalvin Baugh – Ports and VTS Advisor  
Hull (Beverly) Marine Office



# Ministry of Defence

Stephanie Newman  
Environmental Services  
Central Operations  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

# Defence Infrastructure Organisation

Ministry of Defence  
Safeguarding Department  
St George's House  
DIO Headquarters  
DMS Whittington  
Lichfield  
Staffordshire  
WS14 9PY

Tel: 07815484477

E-mail: [DIO-safeguarding-statutory@mod.gov.uk](mailto:DIO-safeguarding-statutory@mod.gov.uk)

[www.mod.uk/DIO](http://www.mod.uk/DIO)

Your reference: TR030008  
Our reference: DIO10056170

07 September 2022

Dear Stephanie

## **MOD Safeguarding – SITE OUTSIDE SAFEGUARDING AREA (SOSA)**

**Proposal:** Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11  
Application by Associated British Ports (the Applicant) for an Order granting Development Consent for the Immingham Green Energy Terminal (the Proposed Development)  
Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

**Location:** Immingham Green Energy Terminal

**Grid Ref:** Easting: 520783      Northing: 415271

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

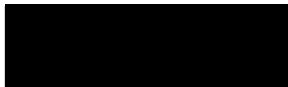
The development is an EIA Screening for the construction a new jetty with infrastructure and capacity to receive liquid bulk products.

This application relates to a site outside of Ministry of Defence safeguarding areas. I can therefore confirm that the Ministry of Defence has no safeguarding objections to this proposal.

The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed in the developer's document titled Environmental Impact Assessment Scoping Report dated 26/08/2022. Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response'

I trust this is clear however should you have any questions please do not hesitate to contact me.

Yours sincerely



Kaye Noble  
Assistant Safeguarding Manager  
DIO safeguarding

**Complex Land Rights**

Ellie Laycock  
Development Liaison Officer  
UK Land and Property

www.nationalgrid.com

SUBMITTED ELECTRONICALLY:  
[imminghamget@planninginspectorate.gov.uk](mailto:imminghamget@planninginspectorate.gov.uk)

23 September 2022

Dear Sir/Madam

**APPLICATION BY ASSOCIATED BRITISH PORTS (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE IMMINGHAM GREEN ENERGY TERMINAL (THE PROPOSED DEVELOPMENT)**

**SCOPING CONSULATION REPONSE**

I refer to your letter dated 31<sup>st</sup> August in relation to the above proposed application. This is a response on behalf of National Grid Electricity Transmission PLC (NGET).

Having reviewed the scoping report, NGET has no apparatus within or in close proximity to the proposed site boundary.

If you require any further information, please do not hesitate to contact me.

Yours faithfully

  
**Ellie Laycock**  
Development Liaison Officer, Complex Land Rights

**From:** [REDACTED]  
**To:** [Immingham Green Energy Terminal](#)  
**Cc:** [REDACTED]  
**Subject:** Scoping Consultation - Associated British Ports- Immingham Green Energy Terminal - National Grid Gas Plc  
**Date:** 02 September 2022 09:59:28  
**Attachments:** [REDACTED]

---

Dear Sir/Madam

I write on behalf of National Grid Gas Plc. Having reviewed the scoping consultation for the Immingham Green Energy Terminal, I confirm that National Grid Gas has no assets located within or in close proximity to this proposed development and therefore has no comments to make at this stage. National Grid Gas still wishes to be consulted as the scheme develops and will provide ongoing updates as to impact.

Kind Regards  
Vicky



Date: 28 September 2022  
Our ref: 406010  
Your ref: PA/SCO/2022/9



The Planning Inspectorate  
[imminghamget@planninginspectorate.gov.uk](mailto:imminghamget@planninginspectorate.gov.uk)

Consultations  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
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CW1 6GJ

T 0300 060 900

Dear Sirs,

**Environmental Impact Assessment Scoping consultation under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulation 11**

**Proposal:** EIA SCOPING Order granting Development Consent for the Immingham Green Energy Terminal TR030008

**Location:** Associated British Ports, Dock Office, Immingham Dock, Immingham DN40 2LZ

Thank you for seeking our advice on the scope of the Environmental Statement (ES) in the consultation dated 01 September 2022..

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

Case law<sup>1</sup> and guidance<sup>2</sup> has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.

A robust assessment of environmental impacts and opportunities, based on relevant and up to date environmental information, should be undertaken prior to an application for a Development Consent Order. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for the proposed development.

### **1.5.3 Approach**

Natural England notes the EIA Scoping Report consultation's stated purpose – summarised as follows:

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<sup>1</sup> Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)

<sup>2</sup> *Note on Environmental Impact Assessment Directive for Local Planning Authorities* Office of the Deputy Prime Minister (April 2004) available from <http://webarchive.nationalarchives.gov.uk/+http://www.communities.gov.uk/planningandbuilding/planning/sustainability/environmental/environmentalimpactassessment/noteenvironmental/>

To invite comment/s on;

- Provide a summary of the Project and the alternatives considered during its development to date.
- Set out the Applicant's proposed scope of work and methodologies to be applied in carrying out the EIA.
- Set out the content of the ES and the anticipated likely significant environmental effects that will be identified through the EIA

**Previous Advice to the applicant Associated British Ports (ABP)**

Natural England has not provided the applicant any previous advice on the proposed Immingham Green Energy Terminal.

Detailed advice on the scope of Environmental Statement is available in the Annex below.

For any further advice on this consultation please contact the case officer James Hughes and copy to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

James Hughes  
Planning and Conservation Lead adviser  
Yorkshire and Northern Lincolnshire area team



## **Annex A – Natural England Advice on EIA Scoping report (dated 28 August 2022)**

### **General Principles**

Regulation 11 of the Infrastructure Planning Regulations 2017 - (The EIA Regulations) sets out the information that should be included in an Environmental Statement (ES) to assess impacts on the natural environment. This includes:

- A description of the development – including physical characteristics and the full land use requirements of the site during construction and operational phases
- Appropriately scaled and referenced plans which clearly show the information and features associated with the development
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen
- A description of the aspects and matters requested to be scoped out of further assessment with adequate justification provided<sup>3</sup>.
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation etc.) resulting from the operation of the proposed development
- A description of the aspects of the environment likely to be significantly affected by the development including biodiversity (for example fauna and flora), land, including land take, soil, water, air, climate (for example greenhouse gas emissions, impacts relevant to adaptation, cultural heritage and landscape and the interrelationship between the above factors
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium, and long term, permanent and temporary, positive, and negative effects. Effects should relate to the existence of the development, the use of natural resources (in particular land, soil, water and biodiversity) and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment
- An outline of the structure of the proposed ES

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the ‘in combination’ effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

### **Cumulative and in-combination effects**

A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure should be included within the assessment.

The ES should include an impact assessment to identify, describe and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment, (subject to available information):

- a. existing completed projects;
- b. approved but uncompleted projects;

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<sup>3</sup> National Infrastructure Planning ([planninginsepectorate.gov.uk](http://planninginsepectorate.gov.uk)) Insert 2 – information to be provided with a scoping request, Advice Note Seven, Environmental Impact Assessment, Process, Preliminary Environmental Information and Environmental Statements

- c. ongoing activities;
- d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
- e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

### **Environmental data**

Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at <http://www.naturalengland.org.uk/publications/data/default.aspx>.

Detailed information on the natural environment is available at [www.magic.gov.uk](http://www.magic.gov.uk). This includes Marine Conservation Zone GIS shapefiles.

Natural England's SSSI Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

### **Biodiversity and Geodiversity**

The assessment will need to include potential impacts of the proposal upon sites and features of nature conservation interest as well as opportunities for nature recovery through biodiversity net gain (BNG). There might also be strategic approaches to take into account.

Ecological Impact Assessment (EclA) is the process of identifying, quantifying, and evaluating the potential impacts of defined actions on ecosystems or their components. EclA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal. [Guidelines](#) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM).

### **Designated nature conservation sites - International and European sites**

The development site is within or may impact on the following European/internationally designated nature conservation site(s):

- Humber Estuary Special Area of Conservation (SAC);
- Humber Estuary Special Protection Area (SPA);
- Humber Estuary Ramsar site.
- The Greater Wash Special Protection Area (SPA)

8.4.3 Natural England broadly agrees with this section of the Scoping Report which detail the potential impact pathways on the designated sites during both construction and operation phases of the proposed development.

8.4.4 In addition, in the benthic habitats and species sections, we advise that direct changes to benthic habitats and species underneath the raised pier structures should also be assessed, to determine if it could affect the ecological function of the mudflats beneath.

(b i) Natural England do not concur with this conclusion when 'Changes in water and sediment quality during capital dredging and dredge disposal' have been scoped in. We would seek further clarification on this

8.4.6 Impacts that maintenance dredging will have refer to notified feature having  
A (iii) no sensitivity due 'to the scale of changes in SSC anticipated during capital dredging'. These are two very different impacts therefore Natural England advise further consideration is given to the impacts of maintenance dredging will have on water quality.

8.5 Natural England welcome the commitment to determine mitigation measure through the statutory consultation process.

9.3.2 Bird survey data is required which covers the full period when significant numbers of birds are likely to be using the site, in order to inform a thorough assessment of the potential impacts of the development. As the surveys which relate to Immingham Outer Harbour cover the period October to March this will not cover the passage periods, in particular, we know that the Autumn passage period (August and September) is likely to be significant for SPA birds in this part of the estuary. In addition, bird data will be required which covers the low tide period as well as the high tide period, in order to have sufficient data to assess the construction and operational effects of the proposed development. It is not currently clear if this is the case for the data from Immingham Outer Harbour. Therefore additional bird surveys are likely to be required which cover the passage periods (particularly August and September) and potentially the low tide period.

9.4.5 Changes to intertidal feeding and roosting habitat at whatever scale need to be  
(b) quantified, Natural England seek clarification on the justification for scoping this impact out of EIA.

(e) Additional noise will disturb local bird populations. Natural England have not seen the bird surveys mentioned in para 9.3.3 but these along with additional surveys programmed will indicate the level of disturbance on notified bird populations.

9.4.7 Natural England seeks clarification on this comment, does this mean that all impacts scoped in during the construction phase are also scope in during the operational phase?

9.7.1 Again Natural England welcome the commitment to consult all statutory bodies.

The ES should thoroughly assess the potential for the proposal to affect internationally designated sites of nature conservation importance / European sites, including marine sites where relevant. This includes Special Protection Areas (SPA), Special Areas of Conservation (SAC), listed Ramsar sites, candidate SAC and proposed SPA.

Article 6 (3) of the Habitats Directive requires an appropriate assessment where a plan or project is likely to have a significant effect upon a European Site, either individually or in combination with other plans or projects.

Note regarding Habitats Regulation Assessment

Under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 an appropriate assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European site (either alone or in combination with

other plans or projects) and (b) not directly connected with or necessary to the management of the site.

Should a Likely Significant Effect on a European/Internationally designated site be identified or be uncertain, the competent authority (in this case the Secretary of State) may need to prepare an Appropriate Assessment, in addition to consideration of impacts through the EIA process.

Natural England's Impact Risk Zones incorporate internationally designated sites and features and can be used to help identify the potential for the development to impact on a European Site. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

European site conservation objectives are available on our internet site <http://publications.naturalengland.org.uk/category/6490068894089216>

### **Nationally designated sites - Sites of Special Scientific Interest**

Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981 (as amended). Further information on the SSSI and its special interest features can be found at [www.magic.gov](http://www.magic.gov).

Natural England's SSSI Impact Risk Zones can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the [Natural England Open Data Geoportal](#).

The development site is within or may impact on the following Site of Special Scientific Interest:

- Humber Estuary SSSI
- North Killingholme Haven Pits SSSI;
- The Lagoons SSSI
- Greater Wash SPA.

The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects.

### **Regionally and Locally Important Sites**

7.2.9 We note and welcome the report's consideration of impacts upon local wildlife and geological sites. Local Sites are identified by the local wildlife trust, geoconservation group or a local forum established for the purposes of identifying and selecting local sites. They are of county importance for wildlife or geodiversity.

We welcome the report's inclusion of an assessment of the likely impacts on the wildlife and geodiversity interests of such sites. Further information on local wildlife Sites is available from the Yorkshire Wildlife Trust –01904 659570 or Email: [info@ywt.org.uk](mailto:info@ywt.org.uk)

The ES should set out proposals for mitigation of any impacts and if appropriate, compensation measures and opportunities for enhancement and improving connectivity with wider ecological networks. They may also provide opportunities for delivering beneficial environmental outcomes.

### **Protected Species**

The conservation of species protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017 is explained in Part IV and Annex A

of Government Circular 06/2005 [Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System](#).

Applicants should check to see if a mitigation licence is required using NE guidance on licencing [NE wildlife licences](#). Applicants can also make use of Natural England's (NE) charged service [Pre Submission Screening Service](#) for a review of a draft wildlife licence application.

The ES should assess the impact of all phases of the proposal on protected species (including, for example, great crested newts, reptiles, birds, water voles, badgers and bats). Natural England does not hold comprehensive information regarding the locations of species protected by law. Records of protected species should be obtained from appropriate local biological record centres, nature conservation organisations and local groups. Consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area.

The area likely to be affected by the development should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and, where necessary, licensed, consultants.

Natural England has adopted [standing advice](#) for protected species, which includes guidance on survey and mitigation measures. A separate protected species licence from Natural England or Defra may also be required.

### **Priority Habitats and Species**

Priority Habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. Lists of priority habitats and species can be found [here](#). Natural England does not routinely hold species data. Such data should be collected when impacts on priority habitats or species are considered likely.

Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land. Sites can be checked against the (draft) national Open Mosaic Habitat (OMH) inventory published by Natural England and freely available to [download](#). Further information is also available [here](#).

An appropriate level habitat survey should be carried out on the site, to identify any important habitats present. In addition, ornithological, botanical, and invertebrate surveys should be carried out at appropriate times in the year, to establish whether any scarce or priority species are present.

The Environmental Statement should include details of:

- Any historical data for the site affected by the proposal (e.g. from previous surveys)
- Additional surveys carried out as part of this proposal
- The habitats and species present
- The status of these habitats and species (e.g. whether priority species or habitat)
- The direct and indirect effects of the development upon those habitats and species
- Full details of any mitigation or compensation measures
- Opportunities for biodiversity net gain or other environmental enhancement

## **Biodiversity net gain**

Schedule 15 of The Environment Act 2021 makes provision about biodiversity gain in relation to development consent for nationally significant infrastructure projects but the implementation details including what marine net gain means is not yet clear and not likely to come into force until November 2025.

Biodiversity Net Gain (BNG) is an approach to development that aims to leave the natural environment in a measurably better state than beforehand, through assessing habitats to quantify the impact on biodiversity.

The Environment Bill includes measures to strengthen local government powers in relation to net gain and will mandate a minimum requirement of 10% BNG for all developments when it becomes law. The developer should follow the net gain approach and demonstrate at least a 10% measurable net gain in biodiversity within the proposal. In June Government announced their response to the Dasgupta review which introduced amendments to the Environment Bill. A key feature of this announcement is the amendment to require Nationally Significant Infrastructure Projects (NSIPs) to deliver a 10% BNG outcome. The changes to bring these projects into scope for mandatory BNG is reliant on the timing of the Environment Bill, and until amendments have been made to National Policy Statements for all scenarios net gain remains voluntary. However, Natural England considers that major infrastructure developments should set the highest environmental standards and deliver significant gains.

Should Biodiversity Net Gain be a requirement the ES should use an appropriate biodiversity metric such as [Biodiversity Metric 3.1](#) together with ecological advice to calculate the change in biodiversity resulting from proposed development and demonstrate how proposals can achieve a net gain.

The metric should be used to:

- assess or audit the biodiversity unit value of land within the application area
- calculate the losses and gains in biodiversity unit value resulting from proposed development
- demonstrate that the required percentage biodiversity net gain will be achieved

Biodiversity Net Gain outcomes can be achieved on-site, off-site or through a combination of both. On-site provision should be considered first. Delivery should create or enhance habitats of equal or higher value. When delivering net gain, opportunities should be sought to link delivery to relevant plans or strategies e.g. Green Infrastructure Strategies or Local Nature Recovery Strategies. These are prepared by local planning authorities.

Natural England would ask the planning inspectorate to encourage developers to find out which local sites are designated for nature conservation/ habitat restoration by contacting your Local Nature Partnership [Local Nature Partnerships: map and key contacts - GOV.UK \(www.gov.uk\)](#) to help identify opportunities.

## **Landscape and visual impacts**

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area and landscape together with any physical effects of the development, such as changes in topography.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using [landscape assessment methodologies](#). We encourage the

use of Landscape Character Assessment (LCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment.

In order to foster high quality development that respects, maintains, or enhances, local landscape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The Environmental Impact Assessment process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant [National Character Areas](#) which can be found on our website. Links for Landscape Character Assessment at a local level are also available on the same page.

### **Connecting People with nature**

Natural England encourages any proposal to incorporate measures to help encourage people to access the countryside for quiet enjoyment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways are to be encouraged. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be incorporated where appropriate.

### **Rights of Way, Access land, Coastal access and National Trails**

The EIA should consider potential impacts on access land, public open land, rights of way and coastal access routes in the vicinity of the development. We also recommend reference to the relevant Right of Way Improvement Plans (ROWIP) to identify public rights of way within or adjacent to the proposed site that should be maintained or enhanced.

### **England Coast Path**

The England Coast Path (ECP) is a new National Trail that will extend around all of England's coast with an associated margin of land predominantly seawards of this, for the public to access and enjoy. Natural England takes great care in considering the interests of both land owners/occupiers and users of the ECP, aiming to strike a fair balance when working to open a new stretch. We follow an approach set out in the approved Coastal Access Scheme and all proposals have to be approved by the Secretary of State. We would encourage any proposed development to include provision for the England Coast Path, where appropriate, to maximise the benefits this can bring to the area. This should not be to

the detriment of nature conservation, historic environment, landscape character or affect natural coastal change. Consideration for how best this could be achieved should be made within the Environmental Statement.

As part of the development of the ECP a 'coastal margin' is being identified. The margin includes all land between the trail and the sea. It may also extend inland from the trail if:

- it's a type of coastal land identified in the Countryside and Rights of Way Act 2000 (CROW Act), such as beach, dune or cliff
- there are existing access rights under section 15 of the CROW Act
- Natural England and the landowner agree to follow a clear physical feature landward of the trail.

### **Soils and Agricultural Land Quality**

Soils are a valuable, finite natural resource and should also be considered for the ecosystem services they provide, including for food production, water storage and flood mitigation, as a carbon store, reservoir of biodiversity and buffer against pollution. It is therefore important that the soil resources are protected and sustainably managed. Impacts from the development on soils and best and most versatile (BMV) agricultural land should be considered in line paragraphs 5.168, 5.167 and 5.179 of the NPS for National Networks. Further guidance is set out in the Natural England [Guide to assessing development proposals on agricultural land](#).

The following issues should be considered and, where appropriate, included as part of the Environmental Statement (ES):

- The degree to which soils would be disturbed or damaged as part of the development
- The extent to which agricultural land would be disturbed or lost as part of this development, including whether any best and most versatile (BMV) agricultural land would be impacted.

This may require a detailed Agricultural Land Classification (ALC) survey if one is not already available. For information on the availability of existing ALC information see [www.magic.gov.uk](http://www.magic.gov.uk).

- Where an ALC and soil survey of the land is required, this should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres. The survey data can inform suitable soil handling methods and appropriate reuse of the soil resource where required (e.g. agricultural reinstatement, habitat creation, landscaping, allotments and public open space).
- The ES should set out details of how any adverse impacts on BMV agricultural land can be minimised through site design/masterplan.
- The ES should set out details of how any adverse impacts on soils can be avoided or minimised and demonstrate how soils will be sustainably used and managed, including consideration in site design and master planning, and areas for green infrastructure or biodiversity net gain. The aim will be to minimise soil handling and maximise the sustainable use and management of the available soil to achieve successful after-uses and minimise off-site impacts.

Further information is available in the [Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites and](#)



The British Society of Soil Science Guidance Note [Benefitting from Soil Management in Development and Construction](#).

### **Air Quality**

We note and welcome the report's reference to the assessment of air quality issues arising from traffic generation during the construction and operational lifetime of the scheme (para 5.2.1) and offer the following comments:

Air quality in the UK has improved over recent decades but air pollution remains a significant issue. For example, approximately 85% of protected nature conservation sites are currently in exceedance of nitrogen levels where harm is expected (critical load) and approximately 87% of sites exceed the level of ammonia where harm is expected for lower plants (critical level of 1µg) <sup>[1]</sup>. A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The Government's Clean Air Strategy also has a number of targets to reduce emissions including to reduce damaging deposition of reactive forms of nitrogen by 17% over England's protected priority sensitive habitats by 2030, to reduce emissions of ammonia against the 2005 baseline by 16% by 2030 and to reduce emissions of NO<sub>x</sub> and SO<sub>2</sub> against a 2005 baseline of 73% and 88% respectively by 2030. Shared Nitrogen Action Plans (SNAPs) have also been identified as a tool to reduce environmental damage from air pollution.

The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly, or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The ES should take account of the risks of air pollution and how these can be managed or reduced. This should include taking account of any strategic solutions or SNAPs, which may be being developed or implemented to mitigate the impacts of air quality. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System ([www.apis.ac.uk](http://www.apis.ac.uk)).

Natural England has produced guidance for public bodies to help assess the impacts of road traffic emissions to air quality capable of affecting European Sites. [Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations - NEA001](#)

Information on air pollution modelling, screening and assessment can be found on the following websites:

- SCAIL Combustion and SCAIL Agriculture - <http://www.scail.ceh.ac.uk/>
- Ammonia assessment for agricultural development <https://www.gov.uk/guidance/intensive-farming-risk-assessment-for-your-environmental-permit>
- Environment Agency Screening Tool for industrial emissions <https://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit>
- Defra Local Air Quality Management Area Tool (Industrial Emission Screening Tool) – England <http://www.airqualityengland.co.uk/laqm>

5.6.2 With regard to the construction phase the focus on PM10, set out in this para should be reviewed with regard to its suitability for ecological receptors including designated sites in the context of the APIS information (site relevant critical loads). NO<sub>2</sub> and PM2.5 should also be included in this assessment.

5.7.1 We note the applicants intention to consult Natural England, Should the applicant

---

<sup>[1]</sup> [Report: Trends Report 2020: Trends in critical load and critical level exceedances in the UK - Defra, UK](#)

wish to explore options for avoiding or mitigating effects on the natural environment with Natural England, we recommend that they use our [Discretionary Advice Service](#).

### **Water Quality**

Increases in suspended sediment concentrations (SSC) during construction and operation (e.g. future dredging works) have the potential to smother sensitive habitats. The ES should include information on the sediment quality and potential for any effects on water quality through suspension of contaminated sediments. The EIA should also consider whether increased suspended sediment concentrations resulting are likely to impact upon the interest features and supporting habitats of the designated sites as listed above.

The ES should consider whether there will be an increase in the pollution risk as a result of the construction or operation of the development.

For activities in the marine environment up to 1 nautical mile out at sea, a Water Framework Directive (WFD) assessment is required as part of any application. The ES should draw upon and report on the WFD assessment considering the impact the proposed activity may have on the immediate water body and any linked water bodies. Further guidance on WFD assessments is available here: <https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-and-coastal-waters>.

### **Climate Change**

The [England Biodiversity Strategy](#) published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' ([NPPF](#) Para 174), which should be demonstrated through the ES.

**From:** [REDACTED]  
**To:** [Immingham Green Energy Terminal](#)  
**Cc:** [REDACTED]  
**Subject:** TR030008 - Immingham Green Energy Terminal - Scoping consultation  
**Date:** 15 September 2022 08:20:21

---

ND-6157-2022-PLN

Dear Sir/Madam

**TR030008**

**Application by Associated British Ports (the Applicant) for an Order granting Development Consent for the Immingham Green Energy Terminal (the Proposed Development)  
Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested**

Thank you for the opportunity to comment on the above Scoping Report. The onshore part of the site is within the North East Lindsey Drainage Board area.

Generally the report contains appropriate references to North East Lindsey Drainage Board and the Board has already provided information to the Consultants. We look forward to engaging with the project and agreeing the drainage and access arrangements to the Board maintained watercourses inline with the Board's Byelaws and Land drainage Act as below.

*Under the terms of the Board's Byelaws, the prior written consent of the Board is required for any proposed temporary or permanent works or structures in, under, over or within the byelaw 9m distance of the top of the bank of a Board maintained watercourse.*

*Under the terms of the Land Drainage Act, 1991 the prior written consent of the Board is required for any proposed temporary or permanent works or structures within any watercourse including infilling or a diversion.*

*Any surface water discharges into the systems to be attenuated to an agreed rate. As a brown field site the surface water discharge into the Boards drainage system from any re-development will be expected to be reduced to 70% of the existing 'actual' discharge rate.*

An area of concern is the impact off shore. The proposals show new infrastructure in the Humber near to the gravity outfall of Habrough Marsh Drain, there is concern that this will result in siltation which will impede the discharge. The Flood Risk Assessment should address this and put in place measures to mitigate it.

Regards

Guy Hird  
Head of Technical & Engineering Services

[enquiries@witham3idb.gov.uk](mailto:enquiries@witham3idb.gov.uk)  
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[consents@witham3idb.gov.uk](mailto:consents@witham3idb.gov.uk)

Witham First District Internal Drainage Board  
Witham Third District Internal Drainage Board  
Upper Witham Internal Drainage Board  
North East Lindsey Drainage Board

Witham House,  
Meadow Lane  
North Hykeham,  
LINCOLN,  
LN6 9QU (for sat nav use LN6 9TP)

Four independent statutory Land Drainage and Flood Risk Management Authorities working in partnership.

[www.witham3idb.gov.uk](http://www.witham3idb.gov.uk)

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## **Proposed DCO Application by Associated British Ports for Immingham Green Energy Terminal**

### **Royal Mail Group Limited's response to EIA Scoping Consultation**

#### **Introduction**

Royal Mail and its consultants BNP Paribas Real Estate have reviewed the consultation material for the above project and wish to submit this holding response as part of this consultation.

#### **Royal Mail – relevant information**

Under section 35 of the Postal Services Act 2011, Royal Mail has been designated by Ofcom as a provider of the Universal Postal Service. Royal Mail is the only such provider in the United Kingdom. The Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service.

Royal Mail is under some of the highest specification performance obligations for quality of service in Europe. Its performance of the Universal Service Provider obligations is in the public interest and this should not be affected detrimentally by any statutorily authorised project.

The Government imposes financial penalties on Royal Mail if its Universal Service Obligation service delivery targets are not met. These penalties relate to time targets for:

- collections,
- clearance through plant, and
- delivery.

Royal Mail's postal sorting and delivery operations rely heavily on road communications. Royal Mail's ability to provide efficient mail collection, sorting and delivery to the public is sensitive to changes in the capacity of the highway network.

Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail's operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk to Royal Mail's business.

#### **Royal Mail position**

Royal Mail and its advisor BNP Paribas Real Estate have reviewed the Environmental Impact Assessment ("EIA") Scoping Report, dated 25 August 2022.

Royal Mail has operational properties within 12 miles of the proposed works:

- BE 2701, Immingham DO – c. 1.1 miles north-west;
- BE 2834, Grimsby DO – c. 5 miles south-east;
- BE 2708, Grimsby RTW – c. 5 miles south-east;
- BE 2713, Barton upon Humber DO – c. 11.5 miles north-west; and
- BE 3211, Barton Antelope Road PAR – c. 11.5 miles north-west.



The EIA Report sets out that “during the construction phase there would be temporary increases in traffic flows on parts of the road network that would be used by construction vehicles to access the construction areas. Other aspects of the construction phase could lead to a significant traffic effect, such as:

- a. Significant severance to communities caused by a large increase in traffic for a longer period.
- b. Increased risk of road traffic accidents caused by a large increase in traffic for a longer period.
- c. Temporary road closures, diversions and widening.
- d. Construction traffic using temporary bell mouths and site entrances for access to construction areas.
- e. Temporary closures or diversions of Public Rights of Way (PRoW) and other public access routes.”

Every day, in exercising its statutory duties Royal Mail vehicles use all of the main roads that may potentially be affected by the proposed Immingham Green Terminal (“IGT”).

Any periods of road disruption / closure, night or day, on or to the roads immediately connected to the IGT or the surrounding highway network will have the potential to impact operations and may consequently disrupt Royal Mail’s ability to meet its Universal Obligation service delivery targets.

Royal Mail’s performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project. Accordingly, Royal Mail seeks to take all reasonable steps to protect its assets and operational interests from any potentially adverse impacts of proposed development.

Royal Mail does not wish to stop or delay the IGT works from occurring. However, Royal Mail does wish to ensure the protection of its future ability to provide an efficient mail sorting and delivering service to the public from and to the above identified operational facilities in accordance with its statutory obligations. Due to insufficient information presently being available by which to assess the level of potential risk to its operations and any proposed mitigations for such risk, at this point in time Royal Mail is not able to provide a consultation response. Therefore, Royal Mail wishes to reserve its position to submit a consultation response/s later in the DCO consenting process when sufficient information is available. Royal Mail also wishes to reserve its position to submit representations to the future Public Examination, if required.

In the meantime, any further consultation information on this infrastructure project and any questions of Royal Mail should be sent to:

**Holly Trotman** ( [REDACTED] ), Senior Planning Lawyer, Royal Mail Group Limited

**Suzy Crawford** ( [REDACTED] ), Associate Director, BNP Paribas Real Estate

**Jia Mei Tristodianto-Lee** ( [REDACTED] ), Graduate Planner, BNP Paribas Real Estate

Please can you confirm receipt of this consultation response by Royal Mail.

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Re: Scoping consultation - Immingham Green Energy Terminal [#66199] 31 August  
**Date:** 2022 18:45:40  
**Attachments:** [REDACTED]

---

Good evening,

Thank you for your email.

I can confirm that the address listed in your attachment falls into Cadent's network area.

Cadent can be contacted on 0800 389 800

Kindest regards

John Forde

Customer Service

E: [customer@sgn.co.uk](mailto:customer@sgn.co.uk)

SGN, Inveralmond House, 200 Dunkeld Road, Perth PH1 3AQ

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**From:** [REDACTED]  
**To:** [Immingham Green Energy Terminal](#)  
**Subject:** RE: Scoping consultation - Immingham Green Energy Terminal  
**Date:** 28 September 2022 14:54:12  
**Attachments:** [REDACTED]

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Good afternoon Stephanie,

With reference to the above consultation, I can confirm that Trinity House is content with this Scoping Report and note that Trinity House's remit is well documented within it.

Kind regards,

**Stephen Vanstone**

Navigation Services Officer | Navigation Directorate | Trinity House

[REDACTED]  
[www.trinityhouse.co.uk](http://www.trinityhouse.co.uk)



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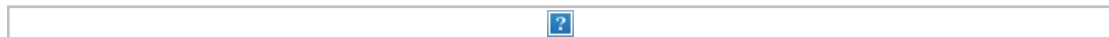


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Your Ref: TR030008  
Our Ref: 60218

Ms Stephanie Newman  
EIA and Land Rights Advisor,  
Planning Inspectorate  
3/20 Eagle Wing, Temple Quay House  
2 The Square  
Bristol BS1 6PN

28<sup>th</sup> September 2022

Dear Ms Newman

**Nationally Significant Infrastructure Project  
Immingham Green Energy Terminal (Ref: TR030008)  
Scoping Consultation Stage**

Thank you for including the UK Health Security Agency (UKHSA) in the scoping consultation phase of the above application. ***Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided below is sent on behalf of both UKHSA and OHID.*** The response is impartial and independent.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

Having considered the submitted scoping report we wish to make the following specific comments and recommendations:

**Environmental Public Health**

We recognise the promoter's proposal to include a health section. We believe the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an Environmental Statement (ES), we recognise that the differing nature of projects is such that their impacts will vary. UKHSA and OHID's predecessor organisation Public Health England produced an advice document *Advice on the content of Environmental Statements accompanying an application under the NSIP Regime*<sup>1</sup>, setting out aspects to be addressed within the Environmental Statement<sup>1</sup>. This advice document and its recommendations are still valid and should be considered when preparing an ES. Please note that where impacts relating to health and/or further assessments are scoped out, promoters should fully explain and justify this within the submitted documentation.

The applicant wishes to scope out further assessment for decommissioning impacts on air quality, changes to marine water and sediment quality, and changes to land quality. The applicant states that this is due to the uncertainties in future conditions and the likelihood that decommissioning impacts would be no worse than those assessed for construction and operation. Additionally, the applicant also states that marine impacts during decommissioning were scoped out due to the development being part of the fabric of Immingham Port Estate once constructed. Land quality impacts were also scoped out by the applicant for the operational phase owing to "any effects on the soil would have occurred during the construction phase". This may need further thought in conjunction with Chapter 21 – Major Accident and Disasters, as an incident could have a detrimental impact on Land Quality as well as neighbouring watercourses/hydrology.

### **Recommendation**

Our position is that pollutants associated with road traffic or combustion, particularly particulate matter and oxides of nitrogen are non-threshold, i.e. an exposed population is likely to be subject to potential harm at any level and that reducing public exposure to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below air quality standards will have potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants, address inequalities (in exposure) and maximise co-benefits (such as physical exercise). We encourage their consideration during development design, environmental and health impact assessment, and development consent.

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<sup>1</sup>  
<https://khub.net/documents/135939561/390856715/Advice+on+the+content+of+environmental+statements+accompanying+an+application+under+the+Nationally+Significant+Infrastructure+Planning+Regime.pdf/a86b5521-46cc-98e4-4cad-f81a6c58f2e2?t=1615998516658>

It is noted that the current proposals do not appear to consider possible health impacts of Electric and Magnetic Fields (EMF)

### **Recommendation**

We request that the ES clarifies this and if necessary, the proposer should confirm either that the proposed development does not impact any receptors from potential sources of EMF; or ensure that an adequate assessment of the possible impacts is undertaken and included in the ES

## **Human Health and Wellbeing – OHID**

### **Human Health and Wellbeing**

This section of OHIDs scoping response, identifies the wider determinants of health and wellbeing we expect the ES to address, to demonstrate whether they are likely to give rise to significant effects. OHID has focused its approach on scoping determinants of health and wellbeing under four themes, which have been derived from an analysis of the wider determinants of health mentioned in the National Policy Statements. The four themes are:

- Access
- Traffic and Transport
- Socioeconomic
- Land Use

Having considered the submitted scoping report OHID wish to make the following specific comments and recommendations:

### **Population and Human health assessment**

The scoping report does not identify the approach to the identification of vulnerable populations. The impacts on health and wellbeing and health inequalities of the scheme may have particular effect on vulnerable or disadvantaged populations, including those that fall within the list of protected characteristics. The identification of vulnerable populations and sensitive populations should be considered.

### **Recommendation**

Baseline health data should be provided, which is adequate to identify any local sensitivity or specific vulnerable populations. The identification of vulnerable populations should be based

on the list provided by the Welsh Health Impact Assessment Support Unit<sup>2</sup> and the International Association of Impact Assessment (IAIA)<sup>3</sup>

### **Methodology - Determination of significant effects**

It is noted that Chapter 23 is drafted with reference to the Healthy Urban Development Unit (HUDU) and the Welsh Health Impact Assessment Support Unit (WHIASU) guidance and as such no assessment of significance is provided for human health.

The lack of an assessment of significance does not conform to the requirements of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (2017 Regulations) and as such an assessment of significance should form part of the Environmental Statement.

HUDU and WHIASU are guidance to support health impact assessments and are not specifically designed to address health within an Environmental Impact Assessment (EIA).

### **Recommendation**

The ES must provide an assessment of significance for those health determinants scoped into the population and human health chapter.

As there is currently not a defined approach to the assessment of significance for population and human health, it is strongly advised that any proposed approach is agreed with OHID/UKHSA and the local public health team. The guidance issued by the International Association of Impact Assessment (IAIA)<sup>4</sup> could be used as a basis for the assessment of significance.

### **Housing affordability and availability / Socio-economic assessment**

The scoping report does not identify the projected numbers of construction workers required for the scheme but does scope in potential social impacts from their presence. The presence of significant numbers of workers could foreseeably have an impact on the local availability of affordable housing, particularly that of short-term tenancies and affordable homes for certain communities. The cumulative impact assessment will need to consider this across

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<sup>2</sup> [WHIASU \(2020\). Health Impact Assessment – A Practical Guide](#)

<sup>3</sup> Cave, B., Claßen, T., Fischer-Bonde, B., Humboldt-Dachroeden, S., Martín-Olmedo, P., Mekel, O., Pyper, R., Silva, F., Vilianni, F., Xiao, Y. 2020. Human health: Ensuring a high level of protection. A reference paper on addressing Human Health in Environmental Impact Assessment. As per EU Directive 2011/92/EU amended by 2014/52/EU. International Association for Impact Assessment and European Public Health Association.

<sup>4</sup> Cave, B., Claßen, T., Fischer-Bonde, B., Humboldt-Dachroeden, S., Martín-Olmedo, P., Mekel, O., Pyper, R., Silva, F., Vilianni, F., Xiao, Y. 2020. Human health: Ensuring a high level of protection. A reference paper on addressing Human Health in Environmental Impact Assessment. As per EU Directive 2011/92/EU amended by 2014/52/EU. International Association for Impact Assessment and European Public Health Association.

the wider study area given the existing plans from Immingham and the number of other large schemes proposed within the region.

Access to accommodation for residents with the least capacity to respond to change, for example, where there may be an overlap between construction workers seeking accommodation in the private rented sector, and people in receipt of housing benefit / low paid employment seeking the same lower-cost accommodation, should be considered.

It should be noted the Housing Needs Assessment for North-East Lincolnshire Council (2019)<sup>5</sup> identifies the private rented sector makes a significant contribution to meeting affordable housing needs. There are a number of infrastructure schemes proposed for the wider region, increasing the potential for non-home-based construction workers to be seeking accommodation.

### Recommendation

The peak numbers of construction workers and non-home-based workers should be established and a proportionate assessment undertaken on the impacts for housing availability and affordability and impacts on any local services.

Any cumulative impact assessment should consider the impact on demand for housing by construction workers and the likely numbers of non-home-based workers required across all schemes.

### **Effects on mental health - Transportation of hydrogen gas in the pipeline network (Risk perception / understanding of risk).**

The scoping report does not make reference to the potential for local public concern through understanding of risk / risk perception. It should be noted that HyNet North West Hydrogen Pipeline Project has this potential impact scoped-in under 'Concern over hydrogen safety'. The effects related to people and communities in the near vicinity of the Project should be identified and addressed through targeted communications and mitigation programmes. For the wider public, general communication programmes in relation to the Project should provide a source of clear and objective information to increase knowledge and awareness. This approach has been accepted by PINS in the SoS Scoping Opinion.

The broad definition of health proposed by the World Health Organization (WHO), includes reference to mental health. Mental well-being is fundamental to achieving a healthy, resilient and thriving population. It underpins healthy lifestyles, physical health, educational attainment, employment and productivity, relationships, community safety and cohesion and quality of life. A scheme of this scale and nature has impacts on the over-arching protective factors, which are:

- Enhancing control

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<sup>5</sup> [North Lincolnshire Local Housing Needs Assessment September 2019](#)

- Increasing resilience and community assets
- Facilitating participation and promoting inclusion.

## Recommendation

The ES should consider potential effects on mental health through risk perception / understanding of risk posed by the handling and processing of hazardous materials.

When estimating community anxiety and stress in particular, a qualitative assessment may be most appropriate. Robust and meaningful consultation with the local community will be an important mitigation measure, in addition to informing the assessment and subsequent mitigation measures. This may involve conducting resident surveys but also information received through public consultations, including community engagement exercises.

The Mental Well-being Impact Assessment Toolkit (MWIA) contains key principles that should be demonstrated in a project's community engagement and impact assessment. We would also encourage you to consult with the local authority's public health team who are likely to have Health Intelligence specialists who will have knowledge about the availability of local data.

The Mental Well-being Impact Assessment Toolkit (MWIA)<sup>6</sup>, could be used as a methodology. The assessment should identify vulnerable populations and provide clear mitigation strategies that are adequately linked to any local services or assets.

Baseline indicators the assessment would benefit from including social cohesion/connectedness, satisfaction with local area and quality of life indicators owing to their established links to mental health and wellbeing.

In terms of sources, we would draw your attention to the following:

- [PHE Fingertips – Mental Health and Wellbeing JSNA](#)
  - Area profiles with various indicators on common mental disorders (including anxiety) and severe mental illness which can be benchmarked with other local areas as well as regional and national data
- [Office for National Statistics - Wellbeing Indicators](#)
  - Range of datasets related to wellbeing available including young people's wellbeing measures, personal wellbeing estimates and loneliness rates by local authority

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<sup>6</sup> [Mental Wellbeing Impact Assessment Toolkit](#), (National MWIA Collaborative (England), 2011) - A toolkit with an evidence-based framework for improving well-being through projects.

Yours sincerely,

On behalf of UK Health Security Agency  
[nsipconsultations@ukhsa.gov.uk](mailto:nsipconsultations@ukhsa.gov.uk)

*Please mark any correspondence for the attention of National Infrastructure Planning Administration.*



**From:** [REDACTED]  
**To:** [Immingham Green Energy Terminal](#)  
**Subject:** RE: Scoping consultation - Immingham Green Energy Terminal  
**Date:** 06 September 2022 12:59:49  
**Attachments:** [REDACTED]

---

Good Afternoon,

I have looked into this and can confirm we do not have any apparatus here.

Kind Regards,

Sophie Dawkins

Plant Protection Team, Administrative Assistant

Tel: [REDACTED] [REDACTED] [REDACTED] [REDACTED]

Wales & West Utilities Ltd | Wales & West House | Spooner Close | Coedkernew |  
Newport | NP10 8FZ



“Our privacy notice can be found on our website (<http://www.wwutilities.co.uk/legal/>) or a paper copy can be provided to you on your request. This sets out how we will collect and use information about you.”



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The Planning Inspectorate  
Environmental Services  
Central Operations  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Your contact for this matter is:  
Ian Elliott

5th September 2022

Dear Sir/Madam

SENT BY EMAIL ONLY ON 2<sup>ND</sup> SEPTEMBER 2022

**APPLICATION REFERENCE NO: 145480**

**PROPOSAL: PINS consultation for comments on the information that should be provided in an Environmental Statement - ref TR030008**

**LOCATION: Immingham Green Energy Terminal**

Thank you for identifying West Lindsey District Council as a consultation body and advising that the Secretary of State will be preparing a Scoping Opinion on the information to be provided in an environmental statement (ES). As the case officer I have read through the Associated British Ports Scoping Report (SR) dated 26th August 2022 with Section 2.4 of the SR describing the works involved in creating the Green Energy Terminal. Overall I consider the SR to be well written and with good content.

#### Planning Policy Context

The site is a good distance outside the West Lindsey District boundary, the statutory development plan for the purposes of S38(6) of the Planning and Compulsory Purchase Act 2004 comprises the adopted plan within the The North East Lincolnshire Local Plan 2021-2032 (adopted 2018). The development plan for West Lindsey is the Central Lincolnshire Local Plan 2012-2036 (CLLP). The CLLP is currently under review and the Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF, the decision maker may give some weight to relevant policies.

The Environmental Statement should consider National Planning Policy and Guidance as follows:

- National Planning Policy Framework (NPPF);
- National Planning Practice Guidance (to include):
  - Climate Change
  - Historic Environment
  - Environmental Impact Assessment
  - Air Quality
  - Light Pollution

- Healthy and Safe Communities
  - Natural Environment including a Net Biodiversity Gain
  - Noise and Vibration
  - Renewable and Low Carbon Energy
  - Travel Plans, Transport Assessments and Statements in Decision-taking
  - Water Supply, Wastewater and Water Quality
- 
- National Design Guide 2019
  - National Design Model Code 2021
  - UK Marine Policy Statement 2011
  - Guidance to the Marine UK Policy Guidance

Landscape and Visual Impact:

The Landscape and Visual Impact Assessment (LVIA) should follow the guidance of the Landscape Institute "Guidelines for Landscape and Visual Impact Assessment 3rd Edition (2013), as proposed. An iterative approach, which guides the layout and scheme design should be followed.

Section 25 of the SR sets out a proposed structure for the Environmental Statement. This appears to be reasonable and acceptable.

The location of the proposed Green Energy Park would be approximately 4 kilometres (2.48 miles) from the nearest shared North East Lincolnshire and West Lindsey district boundary. The scale of the development in terms of height appears to be unknown but it is considered that the development would be in context with the existing nearby Immingham Port Structures. The large settlement of Immingham, areas of grouped trees and a railway line sits between the site and parts of West Lindsey. It would therefore be highly unlikely to be clearly in view from any parts of the West Lindsey District. Therefore it is not considered likely that any viewpoints from West Lindsey are necessary and no residential properties in West Lindsey would be affected.

Yours faithfully

Ian Elliott  
Senior Development Management Officer  
On behalf of West Lindsey District Council

If you want to know more about how we use your data, what your rights are and how to contact us if you have any concerns, please read our privacy notice:

[www.west-lindsey.gov.uk/planning-privacy](http://www.west-lindsey.gov.uk/planning-privacy)

If you require this letter in another format e.g. large print, please contact Customer Services on 01427 676676, by email [customer.services@west-lindsey.gov.uk](mailto:customer.services@west-lindsey.gov.uk) or by asking any of the Customer Services staff



**Anglian Water Services**

Thorpe Wood House  
Thorpe Wood  
Peterborough  
PE3 6WT

[www.anglianwater.co.uk](http://www.anglianwater.co.uk)

Our ref ScpR.IGET.NSIP.22.ds

Stephanie Newman  
EIA Advisor  
The Planning Inspectorate

[imminghamget@planninginspectorate.gov.uk](mailto:imminghamget@planninginspectorate.gov.uk)

4 October 2022

Dear Stephanie

**Immingham Green Energy Terminal  
EIA Scoping Report consultation**

Thank you for the opportunity to comment on the scoping report for the above project which is within North East Lincolnshire. I note at this point that the consultation response is outside of the timescale a response was requested.

Anglian Water is the appointed water and sewerage undertaker for the site shown on Figure 1 in Appendix A. The following response is submitted on behalf of Anglian Water in its statutory capacity and relates to potable water and water assets along with wastewater and water recycling assets.

- The Scheme – Existing infrastructure

There are significant existing Anglian Water assets including water mains along the south side of the site and within the roads to the north and east. Water recycling assets including rising mains also run to the south, east and north of the site. Maps of Anglian Water's assets are available to view at the following address:

<http://www.digdat.co.uk/>

Anglian Water notes that the promoter identifies at page 211 that surface water on site is managed by the Port of Immingham (17.2.21). We conclude from this that no surface water will be managed via the Anglian Water public sewer network. At 17.2.3 the promoter comments on the proximity of an Anglian Water 600mm foul sewer in proximity to the site boundary. The rising main on the southern edge of the site is 450mm, the sewers to the north and east of 300mm with connections of 150mm. These assets are part of and serve the wider Immingham Water Recycling catchment including the town of Immingham to the west.

Registered Office  
Anglian Water Services Ltd  
Lancaster House, Lancaster Way,  
Ermine Business Park,  
Huntingdon,  
Cambridgeshire. PE29 6XU  
Registered in England

We note that other than a reference to a 'main water pipe' (2.2.7) the promoter does not refer to the water supply network assets which run along Kings Road, Queens Road and the southern boundary of the site. Through consultation proposed in 17.7.1 Anglian Water would want to ensure the location and nature of these assets is identified and protected. To reduce the need for diversions and the attendant carbon impacts of those works, ground investigation would enable the promoter to design out these potential impacts and so also reduce the potential impact on services if construction works cause a pipe burst or damage to supporting infrastructure. This approach would accord with Project Objective C. at 2.4.2.

The Scoping Report refers to Anglian Water assets and that:

- the project relies upon a connection to the 'local sewer network' (21.4.7),
- a potable water supply connection is required to a 'local main water network' (2.4.20)
- a 'site wide cooling water system' is required (2.4.22)

In view of the guidance in the National Policy Statements we would have anticipated that the scoping would have included and then considered the approach to water supply, water resources and water recycling assets. Anglian Water requests that these points are assessed early in the EIA to set out how the project will be supplied with water, its wastewater managed, how water assets serving residents and business will be protected and how design has been altered to reduce the need for new water infrastructure or the diversion of existing assets.

We support the inclusion of water (17.5.3) including water infrastructure in the Construction Environment Management Plan and Water Management Plan. The CEMP and a WMP should include steps to remove the risk of damage to Anglian Water assets from plant and machinery including haul roads. Further advice on minimising and then relocating Anglian Water existing assets can be obtained from:

[connections@anglianwater.co.uk](mailto:connections@anglianwater.co.uk)

- Water Resources

The site is in the East Lincolnshire Water Resource Zone (WRZ), which supplies water to Grimsby the eastern parts of Lincolnshire WRZ and serves communities as far south as Boston. We note that whilst the scoping considers water environment impacts it does not look at water resources. As the site is within an area of 'serious water stress' designated by the Environment Agency and water is used in the project construction and operation this indicates that water resources should be assessed in the EIA, learning lessons from previous projects such as Sizewell C. This may include consideration of the Socio- Economic effects of the use of water for the project in the context of growth and climate change as well the potential impacts on communities and business if these services are distributed. There is no reference to assessment of the carbon costs of relocating water infrastructure if assets are impacted during construction or operation.

Anglian Water notes that the applicant has not sought to scope these matters out by providing sufficient information to reach a conclusion that the projects impact regarding water supply as well as water recycling and water quality, are not significant.

- Engagement

Anglian Water would welcome the instigation of discussions with Associated British Ports as the prospective applicant, in line with the requirements of the 2008 Planning Act and guidance. Experience has shown that early engagement and agreement is required between NSIP applicants and statutory undertakers during design and assessment and well before submission of the draft DCO for examination. Consultation at the statutory PEIR stage would in our view be too late to inform design and may result in delays to the project. We would recommend discussion on the following issues:

1. Requirement for potable and raw water supplies
2. Impact of development on Anglian Water's assets including groundwater and water abstraction and the need for mitigation
3. Requirement for water recycling connections
4. The design of the project to minimise interaction with Anglian Water assets and specifically to avoid the need for diversions which have carbon costs
5. Confirmation of the project's cumulative impacts (if any) with Anglian Water projects
6. Draft Protective Provisions

Further advice on water and wastewater capacity and options can be obtained by contacting Anglian Water's Pre-Development Team at:

[planningliasion@anglianwater.co.uk](mailto:planningliasion@anglianwater.co.uk)

Please do not hesitate to contact me should you require clarification on the above response or during the pre-application to decision stages of the project.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Darl Sweetland', with a long horizontal flourish extending to the right.

Darl Sweetland DMS MRTPI  
Spatial Planning Manager



Tedder Hall, Manby Park, Louth, Lincolnshire. LN11 8UP  
T: 01507 601111  
www.e-lindsey.gov.uk

Ms. S. Newman,  
The Planning Inspectorate,

By e-mail:-  
imminghamget@planninginspectorate.gov.uk

**Your Reference:** TR030008

**Our Reference:** N/113/01698/22/IC

**Contact:** Miss Michelle Walker

**Ext:** [REDACTED]

**Email:** [REDACTED]

**Date:** 29 September 2022

Dear Ms Newman,

**APPLICANT:** Associated British Ports,  
**PROPOSAL:** Environmental Impact Assessment (E.E.C. Directive 85/337/E.E.C.  
as amended by Council Directive 97/11E.C.) for a scoping  
opinion/consultation with respect to the proposed Immingham  
Green Energy Terminal - ABP Green Hydrogen.

**LOCATION:** IMMINGHAM ABP GREEN HYDROGEN DEVELOPMENT

Thank you for you for consulting East Lindsey District Council on the EIA Scoping  
Opinion for this project in Immingham.

I can advise that this authority has no comments to make.

Yours sincerely

M. Walker

Michelle Walker  
Deputy Development Manager

Ms Stephanie Newman  
EIA and Land Rights Advisor  
The Planning Inspectorate  
Environmental Services  
Central Operations  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

**Our ref:** AN/2022/133474/01-L01  
**Your ref:** TR030008  
**Date:** 26 September 2022

Dear Ms Newman

**Application by Associated British Ports for an Order granting Development Consent for the Immingham Green Energy Terminal Immingham Docks, North Lincolnshire**

Thank you for consulting us on the Scoping Report for the above proposal on 31 August 2022.

We have reviewed the Scoping Report and set out our comments below, under the relevant chapter headings, for issues that fall within our remit.

**Chapter 3 Legislative and Consenting Framework**

The Applicant has correctly identified that a hazardous substances consent and an Environmental Permit for the processing facility will be required. The site also falls to be regulated under the Control of Major Accidents and Hazards (COMAH). The Report indicates that, alongside being a new import facility, the project will use technology for the conversion of 'green' liquid ammonia into hydrogen. We strongly recommend that the Applicant engages with the Environment Agency's National Permitting Services for enhanced pre-application advice regarding the use of this technology at the earliest possible opportunity. Further information on this service can be found at [Get advice before you apply for an environmental permit - GOV.UK \(www.gov.uk\)](https://www.gov.uk/get-advice-before-you-apply-for-an-environmental-permit). We would also draw the Applicant's attention to the recently revised Planning Inspectorate Advice Note Ten, which strongly advises the submission of Environmental Permit applications at least 6 months prior to Development Consent Order submission. This is particularly important where new/unfamiliar technology is proposed.

We note that there are residential properties along Queens Road, which appear to be within the Scoping (red line) boundary of the site. It is unclear if the Report is acknowledging the presence of these properties (as it only states that there are residential properties "*adjacent to the site*") and whether they will be included in the



Environmental Impact Assessment (EIA). We request that the assessment is clear in its consideration of these properties (and any others that are adjacent to the site) given their proximity to the proposed COMAH facility, as well as from the perspective of operational (noise, dust/emissions) and amenity impacts.

### **Chapter 5 Air Quality**

The Environment Agency will only undertake a detailed review of any air quality assessment when determining an application for an Environmental Permit. We are aware that there are receptors in the area, which are sensitive to dust (e.g. storage of new cars) and it may be prudent for the developer to be aware of this and engage with relevant local stakeholders.

Paragraph 5.6.13 does not make explicit reference to [Air emissions risk assessment for your environmental permit - GOV.UK \(www.gov.uk\)](http://www.gov.uk/guidance/air-emissions-risk-assessment-for-your-environmental-permit), however, it is referred to in paragraph 5.6.8. This guidance (although written for environmental permitting) will also be useful for the assessment.

### **Chapter 6 Noise and Vibration**

Again, although written for environmental permitting, guidance entitled [Noise and vibration management: environmental permits - GOV.UK \(www.gov.uk\)](http://www.gov.uk/guidance/noise-and-vibration-management-environmental-permits) is not discussed in this chapter, but will also be useful.

### **Chapter 8 Nature Conservation (Marine Ecology)**

Paragraph 8.2 makes no mention of pelagic ecology, in particular phytoplankton communities – these should be considered (even if they are scoped out) as there is a pathway for impact on this ecological element for example, as a result of sediment resuspension, contaminant release, changes to hydromorphology (these are highlighted in the physical processes and water quality sections). Neither is there any explicit mention of saltmarsh baseline data (although saltmarshes are discussed in the ‘current baseline’ sections). The Environment Agency holds saltmarsh data for the Humber Transitional waterbodies. We recommend the Applicant search on the Environment Agency’s Ecology and Fish data explorer to see if additional data are available at <https://environment.data.gov.uk/ecology/explorer/>

We are satisfied with the survey rationale outlined in section 8.3.

### **Chapter 15 Physical Processes**

This Chapter sets out what will be done to assess the changes to physical processes and what these impacts will be. We are pleased that at this stage no issues have been scoped out. However, we would like the assessment to also specifically consider whether the changes to physical processes would have an impact on sea defences through changes to wave patterns or sedimentation.

Paragraph 15.4.8 states that the jetty will not be decommissioned and is likely to remain part of the port estate. An engineering standard of 50 years has been given for the development. If the jetty is to remain in place longer than 50 years, the assessments need to reflect this in an appropriate design life for the marine element of the proposed development.

Paragraph 15.6.9 summarises the relevant legislation, policy and technical guidance, which will be cross-referenced as appropriate. Item J mentions relevant local policy and we would highlight the need to consider the relevant Shoreline Management Plan and Humber Estuary schemes/plans in relation to this topic.

## **Chapter 16 Marine Water and Sediment Quality**

In addition to the data sources listed in paragraph 16.2.1, we would direct the Applicant to water quality data, which is available on the Open WIMS database at <https://environment.data.gov.uk/water-quality/view/landing>.

The Report does not specifically discuss water discharges to the Humber. Paragraph 16.4.8 states that “*Changes to levels of contaminants in water (including accidental spillages) during operation*” is scoped out. Under the COMAH regulations, the site will be required to complete an unmitigated assessment of the environmental impact in the event of incidents. As such, undertaking this assessment of potential impact now may provide an early indication if the project will be required to go beyond best practice.

If the project intends to discharge directly to the Humber it will need to follow this guidance [Surface water pollution risk assessment for your environmental permit - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/surface-water-pollution-risk-assessment-for-your-environmental-permit) in support of its permit application.

Paragraph 16.6.3 indicates that contaminant concentrations in sediments would be compared to Cefas Guideline Action Levels. These don't exist for all of the contaminants which could potentially be observed. The Applicant should consider if there is any potential to explore alternative guidance levels (e.g. those used by other agencies/countries).

## **Chapter 17 Water Quality, Coastal Protection, Flood Risk & Drainage**

Paragraph 17.2.14 considers that the residual risk from overtopping or failure of defences is low and as a result, the potential impacts of this are given little weight in the remainder of the Report. The flood risk assessment will need to recognise that the probability of defence failure is not suitable for planning purposes; we would refer the Applicant to paragraph 024 of the recently updated Planning Practice Guidance (Flood risk and coastal change section) for further information on what is required in this respect. To help with considering the residual risk the Environment Agency has produced Coastal Hazard Mapping which covers the site (this is not referenced as a data source in paragraph 17.2.1). To obtain this information the Applicant is advised to make a formal enquiry to our Customers and Engagement team at [LNenquiries@environment-agency.gov.uk](mailto:LNenquiries@environment-agency.gov.uk). Please request a Product 3/8. There is no charge for this information.

COMAH regulated sites are expected to consider the level of flood risk and appropriate resilience. This is set out in the [Inspection of COMAH Operator Flood Preparedness](#) delivery guide. The delivery of this is not specifically required within the EIA for planning purposes, but it will need to be considered as part of the pre-operation Safety Report. As such, it would be prudent to consider this alongside planning guidance on flood risk so that any additional mitigation standards, which may be required during site operation (e.g. for the storage of hazardous substances), can be included from the outset.

Although physical processes are considered in Chapter 17, we would also like to see a discussion (or cross-reference to any discussion in Chapter 15) regarding geomorphology resulting from said processes.

## **Chapter 18 Climate Change**

Paragraph 18.3.7 advises that wind change has been ruled out for the climate change resilience review. Environment Agency [guidance on climate change adaption for](#)

[refineries](#) specifically considers wind stating “*there is risk to: jetties with higher sideways loadings due to wave and wind action*”. Accordingly, we would suggest it may be relevant to scope in this issue.

The Applicant may also find it useful to refer to government guidance on [Adapting to climate change: industry sector examples for your risk assessment - GOV.UK \(www.gov.uk\)](#), with specific consideration to the guidance for the ‘Chemical’ and ‘refineries and fuel’ sectors, as the closest relevant sectors.

We would also ask that the EIA is clear about which emissions scenario will be used from the UKCP18 data as this is not currently clear from the Scoping Report.

### **Chapter 19 Materials and Waste**

We are pleased to see the acknowledgement in paragraph 19.6.2 that any waste producers have a legal duty to manage their wastes in accordance with regulations: wastes produced or imported must be moved with due regard to the legal requirements for registered Waste Carriers under The Waste (England and Wales) Regulations 2011.

If wastes are used for any construction they must be stored at an appropriately permitted or exempt site, in accordance with the Environmental Permitting (England & Wales) Regulations 2016. Any direct transfer and reuse of clean naturally occurring soil materials between sites must be done in accordance with the Definition of Waste: Development Industry Code of Practice.

Site drainage must be engineered to prevent pollution to the environment. Any potentially contaminated or contaminating liquids must be held and disposed of appropriately.

### **Chapter 20 Ground Conditions and Land Quality**

We have reviewed this chapter and can advise that we are satisfied with the scope and methodology proposed to assess ground conditions and land quality.

### **Chapter 21 Major Accidents and Disasters**

The Environment Agency will have a role in regulating the site in line with COMAH and has no comments to make on the proposed assessment for planning purposes. However, we welcome the acknowledgement that the proposed development will present major accident hazards and identifies the importance of the Humber as a receptor.

### **Chapter 23 Human Health and Well-being**

Emissions of dust, noise, vibration, and odours are only scoped in for assessment during construction and decommissioning. Odour during operation could potentially be an issue that needs to be scoped in; however, it may be appropriate to consider this under Chapter 5 Air Quality, as it does not appear to be covered elsewhere in the Report. The guidance that the Applicant will be expected to follow for environmental permitting can be accessed at [Environmental permitting: H4 odour management - GOV.UK \(www.gov.uk\)](#). We highlight the importance of the consideration of these issues in light of the close proximity of the residential properties mentioned under Chapter 3 above.

### **Further pre-application consultation**

Should the Applicant wish us to review any technical documents or want further advice to address the environmental issues, we can do this as part of our charged for service.

Further engagement at the pre-application stage will speed up our formal response to their application and provide them with certainty as to what our response to the Development Consent Order application will be. It should also result in a better quality and more environmentally sensitive development. As part of our charged for service, we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per hour, plus VAT. The terms and conditions of our charged for service are available at [Planning and marine licence advice: standard terms for our charges - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/planning-and-marine-licence-advice-standard-terms-for-our-charges).

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me on the number below.

Yours sincerely

**Annette Hewitson**  
**Principal Planning Adviser**

Direct dial 02030 254924

Direct e-mail [annette.hewitson@environment-agency.gov.uk](mailto:annette.hewitson@environment-agency.gov.uk)

Working in partnership

**Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11**

**Application by Associated British Ports (the Applicant) for an Order granting Development Consent for the Immingham Green Energy Terminal (the Proposed Development)**

Response to the EIA Scoping from North East Lincolnshire Council.

Dear Sirs,

Thank you for the opportunity to comment on the submitted EIA Scoping report provided by the Applicant. On the whole NELC are content with the scope of the proposed EIA, responses from internal consultees are provided at the bottom of this letter.

NELC would like to highlight the importance of fully understanding and considering the extent of any Hazardous Zones associated with the development and the land use planning implications of such zones. This should be through consultation with the Health and Safety Executive.

Many Thanks

Richard  
**Richard Limmer MSc URP**  
Major Projects Planner  
Planning and Development Team  
Places & Communities North – NEL

## Working in partnership

Hi Richard,

I can confirm the proposed methodology for the assessment of both vibration and noise impact on nearest residential receptors is satisfactory.

AQ Officer has read and reviewed the proposed EIA Scoping report I can confirm they are happy with the suggested approach and methodology used to assess the potential air quality impacts and effects of the Project on human receptors.

Shaun has reviewed the submitted report entitled, Immingham Green Energy Terminal Environmental Impact Assessment Scoping Report, dated 26<sup>th</sup> August 2022 and in terms land quality (Section 20) agree with the scope and methodology presented.

Regards

**Vicky Thompson, Environmental Protection Officer,  
Regulation and Enforcement Services, North East Lincolnshire Council**  
Doughty Road Depot, Doughty Road, Grimsby, DN32 0LL  
01472 324833 | [vicky.thompson@nelincs.gov.uk](mailto:vicky.thompson@nelincs.gov.uk) | [www.nelincs.gov.uk](http://www.nelincs.gov.uk)

Hi Richard,

I am happy with the details set out in the scoping document.

Best Wishes

Louise

**Louise Jennings**  
Heritage Officer  
Development Management Services  
Places & Communities North – NEL  
[louise.jennings1@nelincs.gov.uk](mailto:louise.jennings1@nelincs.gov.uk)  
**Tel.** +44 (0) 1472 324266  
**Mob.** +44 (0) 7921399667

## Working in partnership

Hi Richard,

I've looked and I am content with the scope of the EIA.

Thanks

Lara

**Lara Hattle**

Senior Highway Development Control Officer

Highway Assets

Places & Communities – NEL

[Lara.hattle@nelincs.gov.uk](mailto:Lara.hattle@nelincs.gov.uk)

Tel +44 (0) 147 232 4278

Hi Richard

I can confirm that I am happy with the content and scope of the EIA.

Thanks

Rachel

Rachel Graham

NELC Ecologist