

**CORRECTION NOTICE**  
**THE ASSOCIATED BRITISH PORTS (IMMINGHAM GREEN ENERGY TERMINAL)**  
**DEVELOPMENT CONSENT ORDER**  
**(S.I. 2025 No. 165)**

**SCHEDULE 4 TO THE PLANNING ACT 2008**  
**CORRECTION OF ERRORS IN DEVELOPMENT CONSENT DECISIONS**

**30 June 2025**

The Secretary of State received requests for the correction of errors and omissions in the Associated British Ports (Immingham Green Energy Terminal) Development Consent Order 2024 (“the Order”) pursuant to Schedule 4 of the Planning Act 2008. The requests were submitted by Bryan Cave Leighton Paisner sent on behalf Associated British Ports which was received by the Department for Transport on 19 March 2025.

The Secretary of State has made the following corrections to the Order:

**CORRECTION TO ARTICLES**

**Common typographical error**

In articles 2(1) (definition of ‘undertaker’), 3(1)(e), 21(19)(b), 22(2), 23(2), 30(5)(b), and 46(3)(c) and (20)(c), for “article 0” or “articles 0” substitute “article 31” or “articles 31” (as the case may be).

Secretary of State’s rationale: to correct a common typographical error across these articles.

**Part 1 Article 2**

In article 2(1) after “reported in the environmental statement” insert “or in any environmental information supplied under the 2017 Regulations”.

Secretary of State’s rationale: to clarify what constitutes the environmental statement to be updated in accordance with the relevant 2017 Regulations.

In article 2(1) for the text ““maintain is to be construed accordingly;”, substitute ““maintain” is to be construed accordingly;”.

Secretary of State’s rationale: to correct a typographical error.

In article 2(1) for “the authorised development” substitute “the authorised project”.

Secretary of State’s rationale: to clarify that both the ‘authorised development’ and ‘ancillary works’ are covered within the definition of ‘Order limits’.

**Part 2 Article 7**

In article 7(1)(d) after “maintain or renew” omit “the position of”.

Secretary of State's rationale: to remove the unintended effect of preventing maintenance or renewal of apparatus in the streets.

## **Part 2 Article 8**

In article 8(1) for “is to be treated” substitute “are to be treated”.

Secretary of State's rationale: to correct a grammatical error.

In article 8(3)(a) after “(directions as to timing” omit “as to timing”.

Secretary of State's rationale: to correct a typographical error.

## **Part 2 Article 12**

In article 12(1) after “column 3 of that Schedule” insert “and”.

Secretary of State's rationale: to clarify that the obligation to erect a site notice is distinct from the extinguishment of public rights of way described in this article.

## **Part 3 Article 24**

In article 24(2) for “paragraph 5(8)” substitute “paragraph 4(10)”.

Secretary of State's rationale: to correct a typographical error.

## **Part 30 Article 31**

In article 31(1)(c), (d), (e) and (g) for each reference to “sub-paragraph 31” substitute “sub-paragraph (a)”.

Secretary of State's rationale: to correct a typographical error.

In article 31(12) for “paragraph 31” substitute “paragraph (1)(a)”.

Secretary of State's rationale: to correct a typographical error.

## **Part 5 Article 46**

In article 46(10) after “Where the Company has” omit “with”.

Secretary of State's rationale: to correct a typographical error.

## **Part 5 Article 53**

In article 53(1) for “, shrub hedgerow or important hedgerow” substitute “or shrub”.

Secretary of State's rationale: to ensure consistency with the amendment earlier in the provision by the Made DCO.

In article 53(2)(a) after “any tree, shrub or hedgerow” omit “, or important hedgerow”.

Secretary of State's rationale: to correct a typographical error.

In article 53(7) for "paragraph (1)" substitute "paragraph (4)".

Secretary of State's rationale: to allow article 53(7) to remain cross-referring to article 53(1).

## **CORRECTION TO SCHEDULES**

### **SCHEDULE 2 - REQUIREMENTS**

In paragraph 1(h), definition of 'commence' for "advertisements and "commencement", substitute "advertisements,".

Secretary of State's rationale: to correct a typographical error.

In paragraph 1, definition of 'commence' for "and "commenced" are to be construed accordingly," substitute "and "commenced" and "commencement" are to be construed accordingly,".

Secretary of State's rationale: to correct a typographical error.

In paragraph 16(1) for ", pr Work Nos. 2,3, 5 and 7" substitute "or within Work Nos. 2, 3, 5 and 7".

Secretary of State's rationale: to correct a typographical error.

In paragraph 21 (flood defence agreement), omit paragraph 21 and its heading in their entirety.

Secretary of State's rationale: to clarify that requirement 21 was intended to be removed following the legal agreement between the Associated British Ports and the Environment Agency regarding the reconstruction, future ownership, operation and maintenance of the flood defence, in line with the Examining Authority's conclusion.

### **SCHEDULE 11 - MODIFICATION OF COMPENSATION AND COMPULSORY PURCHASE ENACTMENTS FOR THE CREATION OF NEW RIGHTS AND IMPOSITION OF NEW RESTRICTIVE COVENANTS**

In Schedule 11, paragraph (3)(1) for "sub-paragraph 2(2)." substitute "sub-paragraph 3(2).".

Secretary of State's rationale: to correct a typographical error.

In Schedule 11, paragraph (4)(11) for "0 (temporary use of land" substitute "31 (temporary use of land".

Secretary of State's rationale: to correct a typographical error.

### **SCHEDULE 14 – PROTECTIVE PROVISIONS**

In Schedule 14, Part 7, paragraph 92(2) after “Paragraphs 96 and 97” omit “of this Agreement”.

Secretary of State’s rationale: to clarify that the references refer to paragraphs in the protective provisions in favour of Caden Gas at Schedule 14, Part 7 of the Made DCO.

## **SCHEDULE 15 – DOCUMENTS AND PLANS TO BE CERTIFIED**

In Schedule 15, document: ‘works plans’ in column (2), for “TR030008/APP/4.1” substitute “TR030008/APP/4.2”.

Secretary of State’s rationale: to correct a referencing error.

In Schedule 15, document: ‘woodland compensation plan’ in column (3), for “4” substitute “5”.

Secretary of State’s rationale: to correct a typographical error.

### **Corrections which the Secretary of State has not made:**

#### **Heading**

The Applicant requested a correction to correct the Order number omitted in error, and to correct a typographical error in the subject line of the Order.

Secretary of State’s rationale: an error is only a correctable error where it is in the part of the decision document that records the decision. Therefore, while the Secretary of State agrees that the description of the subject is an error, the Secretary of State considers that a correction slip would be more appropriate and can confirm that corrections slip was issued on 17 June 2025.

#### **Part 2 Article 17**

In article 17, article heading, after “Apparatus and rights of statutory undertakers in” omit “temporary”.

Secretary of State’s rationale: the Secretary of State agrees with the error, but considers that this is not part of the decision document that records the decision, as it is not part of the operative provision. As such, this has been subject of the corrections slip issued on 17 June 2025, in the form proposed by the request for correction.

#### **Part 3, Article 31**

The Applicant requested that in article 31(1)(a)(ii) for “sub-paragraph Error! Reference source not found.31” substitute “sub-paragraph (a)”.

Secretary of State's rationale: This error does not appear in the published version of the Order as made.

The Applicant requested that in article 31(2) for "Paragraph Error! Reference source not found." substitute "Paragraph (1)".

Secretary of State's rationale: This error does not appear in the published version of the Order as made.

### **Part 5, Article 46**

The Applicant requested that in article 46(11)(f), for "article 0" substitute "article 31".

Secretary of State's rationale: This error does not appear in the published version of the Order as made.

### **Schedule 13, Heading**

The Applicant requested a correction to correct the cross-reference found in the Schedule heading for the appropriate article.

Secretary of State's rationale: This error does not appear in the published version of the Order as made.

### **Schedule 14, Part 2**

The Applicant requested that in paragraph 20, definition of 'emergency' for "(d) serious flooding (e) serious detrimental impact on drainage (f) serious harm to the environment" substitute "(a) serious flooding; (b) serious detrimental impact on drainage; and (c) serious harm to the environment;"

Secretary of State's rationale: This error does not appear in the published version of the Order as made.