

From: [Richard Flenley](#)
To: [Immingham OCGT](#); [MCDONALD Nick](#)
Cc: [Alison Crabbe](#); [Jake Barnes-Gott](#)
Subject: RE: Immingham - CAH on 2nd October [PM-AC.FID3422141] [CRSLLP-WORKSITE.FID280314570]
Date: 10 January 2020 16:30:45

Dear Sirs

Further to previous correspondence below, I confirm that terms of agreement have now been reached and my client's objection is therefore withdrawn on the terms provided for in the Crossing Agreement dated 17 December 2019 and made between (1) Air Products (BR) Limited and (2) VPI Immingham B Limited.

Thank you for all your assistance in connection with the same.

Yours faithfully

Richard Flenley | Senior Associate
for and on behalf of **Charles Russell Speechlys LLP**

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From: Immingham OCGT <ImminghamOCGT@planninginspectorate.gov.uk>
Sent: 04 December 2019 09:40
To: MCDONALD Nick <Nick.McDonald@pinsentmasons.com>; Richard Flenley <Richard.Flenley@crsblaw.com>; Immingham OCGT <ImminghamOCGT@planninginspectorate.gov.uk>
Cc: Alison Crabbe <Alison.Crabbe@crsblaw.com>; Jake Barnes-Gott <jake.barnes-gott@dwdllp.com>
Subject: RE: Immingham - CAH on 2nd October [CRSLLP-WORKSITE.FID280314570] [PM-AC.FID3422141]

Dear Mr McDonald and Mr Flenley,

I confirm receipt of your emails providing an update on the CA matters. Thank you.

Kind regards

Ewa

Ewa Sherman
Case Officer
National Infrastructure Planning

The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN

<https://www.gov.uk/government/organisations/planning-inspectorate>

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From: MCDONALD Nick <Nick.McDonald@pinsentmasons.com>
Sent: 03 December 2019 20:52
To: Richard Flenley <Richard.Flenley@crsblaw.com>; Immingham OCGT <ImminghamOCGT@planninginspectorate.gov.uk>
Cc: Alison Crabbe <Alison.Crabbe@crsblaw.com>
Subject: RE: Immingham - CAH on 2nd October [CRSLLP-WORKSITE.FID280314570] [PM-AC.FID3422141]

Dear Sirs

I confirm on behalf of the Applicant that the email below accurately reflects the position agreed between the parties.

Kind regards
Nick

Nick McDonald
Legal Director
for Pinsent Masons LLP

D: [+44 113 368 7689](tel:+441133687689) M: [+44 7771 506 381](tel:+447771506381) I: [827689](tel:827689)

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From: Richard Flenley [<mailto:Richard.Flenley@crsblaw.com>]
Sent: 03 December 2019 16:22
To: Immingham OCGT
Cc: Alison Crabbe; MCDONALD Nick
Subject: [EXTERNAL] RE: Immingham - CAH on 2nd October [PM-AC.FID3854404] [CRSLLP-WORKSITE.FID280314570]
Importance: High

Dear Sirs

Following the chain of emails below, I am aware that the rescheduled CAH is due to take place tomorrow, 4 December 2019.

By way of update, the parties have continued to negotiate the terms of a compromise agreement, the final form of which has been agreed. It had been hoped that completion would take place today but regrettably that has not proved possible.

The parties are however committed to completion and therefore have agreed that (a) our client's objection is currently not withdrawn (b) our client will not be in attendance at the hearing tomorrow so as to save costs (and hopefully the time of the Examining Authority) and (c) in the event that completion has not taken place within the next 7 days, our client is at liberty to request an Oral hearing to hear its objection to the DCO application.

We trust this is acceptable to the Examining Authority in the circumstances and thank you for your

continued assistance with this matter.

The Applicant's solicitors have been copied in for their information and so that they may confirm their agreement on behalf of the Applicant. Should you require any further information, then please do not hesitate to contact us by return.

Yours faithfully

Charles Russell Speechlys LLP
Solicitors for and on behalf of Air Products (BR) Limited

Richard Flenley | Senior Associate
for and on behalf of **Charles Russell Speechlys LLP**

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We'll be donating to charitable partners we've been working with all year, instead of sending Christmas cards. You can [read more about that here](#). From all at Charles Russell Speechlys we wish you a Happy Christmas and a prosperous New Year.

From: MCDONALD Nick <Nick.McDonald@pinsentmasons.com>
Sent: 27 September 2019 14:49
To: Richard Flenley <Richard.Flenley@crsblaw.com>; Immingham OCGT <ImminghamOCGT@planninginspectorate.gov.uk>
Cc: Alison Crabbe <Alison.Crabbe@crsblaw.com>; Ingrid Saffin <Ingrid.Saffin@crsblaw.com>
Subject: RE: Immingham - CAH on 2nd October [CRSLLP-WORKSITE.FID280314570] [PM-AC.FID3854404]

Dear Sir/Madam

I confirm on behalf of the Applicant that the below matches the position discussed and agreed with APBR.

Kind regards

Nick McDonald
Legal Director
for Pinsent Masons LLP

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From: Richard Flenley [<mailto:Richard.Flenley@crsblaw.com>]
Sent: 27 September 2019 14:42
To: Immingham OCGT
Cc: Alison Crabbe; Ingrid Saffin; MCDONALD Nick
Subject: [EXTERNAL] Immingham - CAH on 2nd October [CRSLLP-WORKSITE.FID280314570]

Dear Sirs

In advance of the compulsory acquisition hearing scheduled to take place on 2nd October, I confirm that negotiations are continuing between by client (APBR) and the Applicant regarding my client's objections as summarised in its recent written representations.

Given the progress that has been made in those negotiations (although the negotiations have not yet concluded), we have agreed with the solicitors for the Applicant that our client's objection will not be heard on 2nd October but delayed until one of the hearings scheduled to take place on either 4 or 5 December.

That will enable the Applicant and our client to focus on the negotiations rather than on their open positions within the DCO process (which will inevitably be contrary to the principles being negotiated at the moment). It will also save costs (and hopefully time assuming that agreement can be reached without the need for the objection to be heard in December).

I have copied the Applicant's solicitor into this email so that he may confirm consent on the part of the Applicant. I do though make it clear that my client's objection remains live and my client reserves its rights to make out its objection at a future hearing in the event that agreement cannot be reached with the Applicant prior to that hearing taking place that enables my client's objection to be withdrawn.

Should you have any queries regarding the above, please do contact me by return.

Kind regards

Richard Flenley | Senior Associate
for and on behalf of **Charles Russell Speechlys LLP**

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