



Immingham Green Energy Terminal

9.20 Draft Statement of Common Ground between
Associated British Ports, Air Products (BR) Limited and
Associated Petroleum Terminals (Immingham) Limited and
Humber Oil Terminals Trustees Limited (IOT Operators)

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Status of the Statement of Common Ground

Associated British Ports and Air Products (BR) Limited considers that this draft Statement of Common Ground (SoCG) is an accurate description of the matters raised and the current status of each matter.

On Behalf of Associated British Ports

Name	[REDACTED]
Position	Project Development Manager
Organisation	Associated British Ports
Signature	[REDACTED]

On Behalf of Air Products (BR) Limited

Name	[REDACTED]
Position	Commercial Director
Organisation	Air Products
Signature	[REDACTED]

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1. Introduction

Overview

- 1.1 This Statement of Common Ground (“SoCG”) has been prepared to accompany an application made to the Secretary of State for Transport (the Application”) under section 37 of the Planning Act 2008 (“PA 2008”) for a development consent order (“DCO”) to authorise the construction and operation of the proposed Immingham Green Energy Terminal (“the Project”).
- 1.2 The Application is submitted by Associated British Ports (ABP). ABP was established in 1981 following the privatisation of the British Transport Docks Board. The **Funding Statement [APP-010]** provides further information on ABP.
- 1.3 The Project as proposed by ABP falls within the definition of a Nationally Significant Infrastructure Project (“NSIP”) as set out in Sections 14(1)(j), 24(2) and 24(3)(c) of the PA 2008.

The Project

- 1.4 ABP is seeking to construct, operate and maintain the Immingham Green Energy Terminal, comprising a new multi-user liquid bulk green energy terminal located on the eastern side of the Port of Immingham (the “Port”).
- 1.5 The Project includes the construction and operation of a green hydrogen production facility, which would be delivered and operated by Air Products (BR) Limited (“Air Products”). Air Products will be the first customer of the new terminal, whereby green ammonia will be imported via the jetty and converted on-site into green hydrogen, making a positive contribution to the UK’s net zero agenda by helping to decarbonise the United Kingdom’s (UK) industrial activities and in particular the heavy transport sector.
- 1.6 A detailed description of the Project is included in **Chapter 2: The Project** of the Environmental Statement (“ES”) [APP-44].

Parties to this Statement of Common Ground

- 1.7 This SoCG has been prepared by (1) ABP (as the Applicant), (2) Air Products and (3) Associated Petroleum Terminals (Immingham) Limited (“APT”) and Humber Oil Terminals Trustees Limited (“HOTT”).
- 1.8 ABP is the promoter of the Project and the owner and operator of the Port of Immingham.
- 1.9 Air Products is to be the first user of the new terminal with the construction of its green hydrogen production facility.
- 1.10 HOTT is the licensee (from ABP) of the Immingham Oil Terminal Jetty (“IOT”) and lessee (from ABP) of the associated oil terminal and tank farm (“Oil Depot”). APT operates the Immingham Oil Terminal and the associated Oil Depot on behalf of HOTT. HOTT and APT are referred to together as the Immingham Oil Terminal (“IOT”) Operators.

- 1.11 In this SoCG, ABP, Air Products and Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustees Limited are collectively referred to as “the Parties”.

Purpose and Structure of this Document

- 1.12 The purpose of this document is to identify and summarise any agreement, disagreement or matters outstanding between the parties on matters relevant to the examination so as to assist the Examining Authority in its consideration of the Application.
- 1.13 In preparing this SoCG, the guidance provided in ‘Planning Act 2008: examination of application for development consent’ (Department for Communities and Local Government (as it then was), March 2015) has been fully taken into account. In addition, this SoCG has had due regard to the Examining Authority’s **Rule 6 letter [PD-005]**.
- 1.14 Section 1 of this SoCG is designed to act as a general introduction to the Project and to the parties concerned.
- 1.15 Section 2 of this SoCG sets out a summary of the correspondence and engagement between the parties to date.
- 1.16 Section 3 of this SoCG sets out the matters which have been agreed or which remain outstanding, together with any matters upon which it has not been possible to reach agreement.
- 1.17 The Tables in Section 3 use a colour coding system to indicate the status of the matters between the Parties as follows:
- (a) Green – matter agreed;
 - (b) Orange – matter ongoing; and
 - (c) Red – matter not agreed.

2. Summary of Engagement

2.1 A summary of the consultation and engagement between ABP, Air Products and Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustees Limited up to the date of this SoCG in relation to the Project generally and concerning the matters raised in this SoCG specifically is presented in Table 2-1.

2.2 It is agreed by the Parties to this SoCG that Table 2-1 is an accurate record of the meetings and key correspondence between the Parties.

Table 2-1 – Record of Engagement

Date	Form of Contact	Summary with key outcomes and points of discussion
Pre-Application		
18 October 2022	Meeting	Discussions with IOT Operators regarding: <ul style="list-style-type: none"> • COMAH zones • Mitigation plans
10 December 2022	Meeting	Discussions with IOT Operators regarding: <ul style="list-style-type: none"> • COMAH zones • Mitigation plans
14 December 2022	Meeting	Discussions with IOT Operators regarding: <ul style="list-style-type: none"> • Process safety • Landside General Arrangement / Access
20 February 2023	IOT Operators response to First Statutory Consultation	<p>The IOT Operators provided their response to the First Statutory Consultation, detailing their position on site safety issues relating to the construction, operation and decommissioning phases of the proposals, which may affect the IOT site, including the risk of major accidents occurring at the proposed East Site of the IGET Development.</p> <p>The IOT Operators requested further information from ABP about various aspects of the proposals and asked for certain plans and documents to be shared or prepared jointly between ABP and the IOT Operators at the earliest opportunity.</p> <p>The IOT Operators also confirmed that they would welcome further engagement on these matters with ABP and Air Products, including taking part in any forthcoming HAZID workshops and jetty simulations.</p>
23 May 2023	Meeting	Discussions with the IOT Operators, covering the followings aspects: <ul style="list-style-type: none"> • Changes to the proposed Site Boundary • Bank seat details

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Date	Form of Contact	Summary with key outcomes and points of discussion
		<ul style="list-style-type: none"> • Jetty access road • Removal of informal public access up to APT jetty. • Speed limit changes. •
19 June 2023	IOT Operators response to Second Statutory Consultation	The IOT Operators provided their response to the First Statutory Consultation, reiterating their concerns outlined in their response to the First Statutory Consultation.
4 July 2023	Meeting	Meeting with the IOT Operators to discuss: <ul style="list-style-type: none"> • DCO submission • Design layout • Environment Agency access • Emergency egress route • NRA • Baker risk • Progress workshops
12 July 2023	HAZID Workshop	The IOT Operators were participants in the Combined Hazid Workshops, held at ABP Grimsby Port Office.
20 July 2023	Meeting	Meeting with Air Products, APT and BakerRisk to discuss blast safety study, covering the methodology for the evaluation of impact on buildings of APT site due to blast scenarios from AP Immingham project.
3 August 2023	Meeting	Site visit for APT, Air Products and BakerRisk to obtain information about the buildings within the boundary of the APT facility. Following the meeting drawings of engineering and control buildings were shared by APT, alongside the current Occupied Buildings Risk Assessment report. The collected information was used by BakerRisk for their assessment.
July to August 2023	Email correspondence	Email regarding movement of buoy regarding Immingham Eastern Ro-Ro Terminal (IERRT) and potential IGET impacts.
21 September 2023	Email issued to IOT Operators in response to Statutory Consultation feedback	Email responding to the points made in the APT response to the First Statutory Consultation, noting APT's concerns.
Post DCO Submission		
23 January 2024	Meeting	Meeting with IOT Operators to discuss: <ul style="list-style-type: none"> • Project update • DCO examination timetable • IOT emergency egress routes

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Date	Form of Contact	Summary with key outcomes and points of discussion
		<ul style="list-style-type: none"> • EA floodwall access • Jetty access road route • Status and outcomes of risk studies • Timeline of further risk studies • Points for agreement
06 February 2024	Meeting	<p>Meeting with IOT Operators to discuss:</p> <ul style="list-style-type: none"> • SoCG position on key items: • Risk mitigation measures, • Navigational Risk Assessment (NRA), • Jetty Access Road routing, • Measures to address IOT Operator's concerns

3. Matters Agreed and Matters Not Agreed

- 3.1 It is agreed that the record of engagement included in the **Consultation Report [APP-022]** submitted with the Application sets out the consultation and engagement undertaken between the Parties in relation to the Application. In particular, the following sections:
- 3.1.1 Chapter 6: Ongoing Engagement; Table 32: summary of engagement activity throughout Ongoing Engagement from July 2022 – September 2023.
 - 3.1.2 Appendix P: Response Tables – first Statutory Consultation.
 - 3.1.3 Appendix Q: Response Tables – second Statutory Consultation.
- 3.2 Table 3-1 contains a list of ‘matters agreed’ (shaded green); a list of matters in respect of which discussion is ongoing (shaded orange) and a list of matters not agreed (shaded red) at the date of the Examination along with a concise commentary of what the item refers to and how it came to be agreed between the Parties (as applicable).

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Table 3-1 - List of Matters Agreed, Matters Outstanding and Matters Not Agreed

ID	Matter	Reference	IOT Operators Position	ABP Position	Air Products Position	Status	Date
1	Stakeholder Engagement	5.1 Consultation Report [APP-022]		ABP confirms the record of engagement as set out in the Consultation Report [APP-022] and Table 2-1 of this SoCG is accurate.	As per ABP position.	Discussion ongoing	
2	Site Safety	Relevant Representation [RR-014] 6.2 Environmental Statement - Chapter 22: Major Accidents and Disasters [APP-064]	IOT Operators remain concerned about site safety issues relating to the construction, operation and decommissioning phases of the IGET development, including the risk of major fire, explosion or release of toxic gas. IOT Operators note ABP's response to the safety concerns in Chapter 22 of the Environmental Statement [APP-064]. However, these measures are not included in the proposed requirements or protective provisions of the DCO. ABP's assessment of safety concerns refers to certain safety studies which needed to be concluded, and the outcomes of which are not	ABP and Air Products, in agreement with APT, have commissioned process safety consultants (namely DNV and BakerRisk) in order to provide initial assessments of the impact of certain scenarios on APT. The results have been shared by ABP and Air Products with APT. Following in person meetings at ABP's office in Immingham on 23 January 2024 and 6 February 2024 and subsequent correspondence, the parties have agreed the outline of measures to address APT's concerns as presented and are working together to agree the details and an appropriate securing mechanism for delivery of any agreed measures outside of the terms of the DCO.	As per ABP position.	Discussion ongoing	

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ID	Matter	Reference	IOT Operators Position	ABP Position	Air Products Position	Status	Date
			<p>presented in its application. The IOT Operators are disappointed that the application was submitted without these studies, which may recommend additional mitigation measures which do not currently form part of ABP's DCO application.</p> <p>The IOT Operators await submission of those reports by ABP, and engagement from ABP on any additional safety measures they require.</p> <p>It will be critical to the assessment of the proposed IGET Development that all safety measures, including any required by ABP's new safety studies, are appropriately secured under the DCO through protective provisions or requirements.</p>	<p>The above assessments are not generally disclosed to the public (and will not be submitted to the Examination) due to the sensitive nature of the material they contain in terms of public safety, which is often also commercially sensitive. The outcome of the studies will be submitted to the HSE and Environment Agency as part of the safety report submitted under the COMAH Regulations 2015.</p>			
3	Refuges for fugitive emissions on IOT jetty	<p>Notes from meeting 23 January and follow up meeting 6 February</p> <p>Letter of 12 February 2024</p>	<p>Table 22-5 of Chapter 22 of the ES [APP-064] indicates that safe havens will be located on Site and on or at the foot of the IGET jetty, to allow operators to shelter in the event of an ammonia</p>	<p>The IOT Operator's concerns here are noted. The parties have agreed the outline of measures to address APT's concerns as presented by them and are working together to agree the details</p>	As per ABP position.	Discussion ongoing	

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			release. It is the IOT Operators' position that equivalent safe havens should be provided on the IOT jetty as well, for the protection of personnel in that location from the risks posed by the IGET proposals. Details, locations and capacity for these havens must be sufficient for the maximum number of personnel potentially affected.	and an appropriate securing mechanism for delivery of any agreed measures outside of the terms of the DCO.			
4	Replacement accommodations	Notes from meeting 23 January and follow up meeting 6 February Letter of 12 February 2024	In light of safety studies carried out to date, the IOT Operators are of the view that blast and toxic proof buildings will need to be provided to replace any existing occupied landside building which is significantly affected by explosion or toxic gas risks, such as the APT office building and engineering block on the APT facilities. Whilst the jetty office building is already blast proof, improvements may also be necessary to protect against toxic gas. The need for such buildings is created directly by the risks created by the IGET	The IOT Operator's concerns here are noted. The parties have agreed the outline of measures to address APT's concerns as presented by them and are working together to agree the details and an appropriate securing mechanism for delivery of any agreed measures outside of the terms of the DCO. The refuges or accommodations (new or re-enforced buildings) will take into account the various type of personnel located on the IOT: - Contractors	As per ABP position.).	Discussion ongoing	

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			proposals and is reinforced by the standard to which ABP is proposing to deliver its own control room on the West Site. The proposed control room is (according to the high-level detail) further from the primary source of any toxic emissions and certain blast risks than the existing office and engineering block on the APT facilities.	<ul style="list-style-type: none"> - Admin personnel - Operations and Maintenance - Control room operators 			
5	Alarms	Notes from meeting 23 January and follow up meeting 6 February Letter of 12 February 2024	Installation of fire and toxic gas detection, with an appropriate alarms system, is required on the IOT jetty and terminal site. The exact details, including sensor locations on IOT jetty and terminal, will need to be determined by modelling. Integration into the IOT Jetty and Terminal's existing alarm system will also need consideration, along with repeater alarms from the proposed site.	The IOT Operator's concerns here are noted. The parties have agreed the outline of measures to address APT's concerns as presented by them and are working together to agree the details and an appropriate securing mechanism for delivery of any agreed measures outside of the terms of the DCO.	As per ABP's position	Discussion ongoing	
6	Primary and secondary escape routes	Notes from meeting 23 January and	A clear primary escape route needs to be identified and provided from the existing	ABP will, in agreement with Air Products, work with APT to agree the details and the location of the escape routes.	Air Products will work with ABP to define the routes	Discussion ongoing	

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		<p>follow up meeting 6 February</p> <p>Letter of 12 February 2024</p>	<p>APT facility (to the South East corner).</p> <p>In addition, a secondary escape route to the North West is also considered necessary, in the event that emissions lead to the primary escape route being inoperable. The exact location of the secondary escape route is to be determined but would be expected to be in the approximate vicinity of the North sea wall and bridge over Harborough Marsh Drain to East Riverside Road.</p>	<p>Current egress to the South East of the APT site will be maintained, with slight adjustments to the route and the provision of paved surfaces.</p>			
7	Jetty Access Road (JAR)	Meeting 6 February 2024	<p>APT would have in principle considered to host the pipelines and Jetty Access Road (JAR) to the new IGET jetty however the reduction of land for operating the site is unacceptable. APT consider the land in question as the only area available for new buildings to be constructed to mitigate against the risk of blast and or toxic release.</p>	<p>ABP agree that putting the JAR through the APT site would result in a loss of land for APT purposes, and reconfiguration of numerous facilities, including emergency facilities (fire water pond and emergency access). As such it is acknowledged and accepted that this would disrupt APT operations significantly.</p> <p>In particular, the area that would be available to APT for</p>	<p>Air Products agrees with both APT and ABP conclusions.</p>	Agreed	06/02/2024

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				the new buildings and other facilities required to mitigate the risk to their operational staff due to the toxic and blast studies.			
8	Navigational Simulations	Meeting 6 February 2024	APT confirm berthing manoeuvres on IGET are acceptable. These berthing manoeuvres will align with APT operations.	ABP commissioned HR Wallingford to undertake navigational simulations of the berth such that <i>'The study was carried out such that any subsequent adjustment to the design, within the general operational envelope associated with layouts 1 and 5, could also be assessed as feasible, as long as the berth orientation to the flows, and the relative location with respect to adjacent structures, remained similar.'</i> , per Section 2.1 of the Navigational Simulation Report [APP-192]. The final submitted design falls well within the parameters set during the simulations and, as such, ABP are confident the simulations capture and identify the challenges associated with berthing at the proposed facility.	Air Products agrees with APT and ABP position.	Agreed	06/02/2024

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9	Navigational Risk Assessment	Meeting 6 February 2024	<p>APT have raised concern on traffic management as a result of 292 vessels mentioned in the application. Further, APT have requested confirmation that the number of vessels in question had been adequately captured in the NRA process.</p>	<p>. , ABP confirm that 292 vessels is assumed to be the maximum capacity of the jetty and that this figure was used to provide a “worst case” position for ES assessment. ABP will, through further response to ExA written questions, clarify the 292 vessels used in the context of the ES</p> <p>The actual number of vessels visiting the berth each year will be a function of demand and parcel size and will likely be lower than the maximum figure of 292 vessels.</p> <p>The Statutory Harbour Authority (Harbour Master Humber (HMH) and the HMH’s officers at Humber Estuary Services) are responsible for the traffic management on the Humber.</p> <p>Furthermore, ABP confirm that all risk controls identified through the NRA process will be adopted (as is the case on all deep water berths on the Humber).</p>	Air Products agrees with ABP position	Discussion ongoing	

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10	Construction Traffic Management (Marine)	Meeting 6 February 2024	<p>APT have concerns relating to the impact of (marine) construction traffic on their operations.</p> <p>APT agree with ABP that, with the involvement of the HMH and a collaborative working environment, risk of any disruption can be mitigated.</p>	<p>ABP would seek a collaborative working relationship to mitigate any risk of disruption to APT operations during construction activities.</p> <p>ABP will develop planned rules of engagement to enable the construction contractor to ensure their activities do not affect APT's operations.</p> <p>Furthermore, HMH consent would be required prior to any construction work / activity being undertaken on the Humber, providing an additional level of control during project execution.</p> <p>ABP agree that, should dispute arise during planning and or execution of works on site, tri-partite arbitration (HMH, APT and ABP) would seek to resolve any issue in an open, collaborative forum.</p>	Air Product agrees with APT and ABP position.	Agreed	

4. Glossary

Abbreviation / Acronym	Definition
ABP	Associated British Ports
APT	Associated Petroleum Terminals (Immingham)
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
HMH	Harbour Master Humber
HOTT	Humber Oil Terminals Trustees Limited
IERRT	Immingham Eastern Ro-Ro Terminal
IGET	Immingham Green Energy Terminal
IOT	Immingham Oil Terminal
MMO	Marine Management Organisation
NRA	Navigational Risk Assessment
NSIP	Nationally Significant Infrastructure Project
PA 2008	Planning Act 2008
PINS	Planning Inspectorate
SoCG	Statement of Common Ground
SoS	Secretary of State for Transport
UK	United Kingdom