



# Immingham Green Energy Terminal

9.25 Draft Statement of Common Ground between  
Associated British Ports, Air Products (BR)  
Limited and Anglian Water Services Ltd

Infrastructure Planning (Examination Procedure) Rules 2010  
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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	Sustainable 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”) (hereafter referred to as 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-044].

## 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) Anglian Water Services Ltd (“AWS”).
- 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 and operation of its green hydrogen production facility.
- 1.10 AWS is the supplier of water and water recycling services within the East of England from the Humber Estuary to Thames Estuary, and Hartlepool. AWS is the statutory water and sewerage undertaker for the area within which the Project is situated.
- 1.11 In this SoCG, ABP, Air Products and AWS 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 provides a general introduction to the Project and to the Parties.
- 1.15 Section 2 of this SoCG sets out a summary of the correspondence and engagement between the Parties.
- 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 AWS 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
04/10/22	Application by Air Products via AWS online “InFlow” web Portal	Air Products submitted Application no. PPE-0147057 via AWS online work process. This is a Pre-Project-Enquiry, to secure AWS resource to review / screen the project basis to determine what level of application is required. AWS produced a Pre-Planning Assessment that advised Air Products on the appropriate application process.
Jan 2023	Air Products submitted applications to AWS for each aspect of supply / waste	<p>The following applications were submitted via AWS online work process, each advises AWS on the key project information and requirements:</p> <p>NSD-0174570 East Site Potable &amp; waste requirements</p> <p>NSD-0174352 West Site Potable &amp; waste requirements</p> <p>NSD-0170975 (NWC-0159845 parent no.) Non-Potable requirements</p> <p>ALD-0159849 Permanent Waste / Trade Effluent, requirements for both East and West Site</p>
16/02/23	Meeting between Air Products and AWS Growth Liaison Manger	Detailed discussion of water / waste requirements for the facility, connection and supply. This was an introductory meeting to the AWS Growth Liaison Manager who reviewed the application

Date	Form of Contact	Summary with key outcomes and points of discussion
		details and sought clarification on minor technical points.
Ongoing	Regular (4-6 weeks) progress reviews between Air Products with AWS Growth Liaison Manger and Design Engineers	Meetings provided an opportunity for AWS to ask any technical clarification questions of Air Products requirements and provide progress updates on applications: PPE-0147057, NSD-0174570, NSD-0174352, NSD-0170975, and ALD-0159849
16/03/23	Application expenses paid to AWS by Air Products	Underwriting payments made to AWS by Air Products for AWS to model the impact to the AWS water networks of the requirements set out in applications PPE-0147057, NSD-0174570, NSD-0174352, NSD-0170975, and ALD-0159849
24/05/23	Application sent by ABP for a potable water supply	Application NWC-0176575 was submitted to Anglian Water via their online application process for a potable water supply to the jetty buildings.
25/05/23	Connection offers received by Air Products from AWS	AWS made connection offers NSD-0174570, NSD-0174352 and NSD-0170975 to Air Products, these were acceptable to meet the flow requirements set out in application NSD-0174570, NSD-0174352 and NSD-0170975. The offers came with a 12 month expiry date to start using the water which was not possible per the project timeline.
Jun 2023	Air Products submitted applications to AWS for each aspect of supply / waste	The following application was submitted via AWS online work process, advising AWS on the key project information and requirements:  NSD-0178521 Non-Potable requirements for the full project (seeking a higher amount than sought via NSD-0170975).

Date	Form of Contact	Summary with key outcomes and points of discussion
29/06/23	Offer received by ABP for potable water to the jetty	AWS made an offer to ABP in response to Application NWC-0176575.
27/07/23	Connection offers received by Air Products from AWS	AWS advised Air Products that they are unable to make an offer for the supply per application NSD0178521,
05/09/23	Meeting between Air Products and AWS	AWS advised Air Products that there is insufficient capacity at nearest Water Recycling Centre to manage the entirety of the industrial wastewater requirements of the Project as outlined in application ALD-0159849. Air Products and AWS agreed to work together to identify alternative solutions.
28/09/23	Meeting between Air Products and AWS Planning Manger	Air Products and AWS held technical discussions on alternatives for the supply of the industrial wastewater and Trade Effluent, as outlined in application ALD-0159849. AWS recommended that Air Products contract Anglian Venture Holdings (AVH) to investigate and propose engineered solutions to meet the requirements of the application.
09/10/23	Meeting between Air Products and the Strategic Development Director of Anglian Venture Holdings (AVH)	Air Products presented the industrial wastewater requirements of application ALD-0159849 to AVH and commissioned AVH to undertake a feasibility study on possible solutions that could meet the requirements.
09/11/23	Meeting between Air Products and the Strategic Development Director of Anglian Venture Holdings	<p>Air Products was advised that AVH is in discussions with AWS Legal team / Strategy on the industrial wastewater and non-potable solution.</p> <p>Air Products was advised that there is a statutory obligation for AWS to make the connections and supply for the Potable / Waste “domestic” use applications</p>



Date	Form of Contact	Summary with key outcomes and points of discussion
07/12/23	Email from AVH to Air Products	AVH advised that a white paper was being submitted to an AWS sub-committee by the 15 <sup>th</sup> December for review and consideration. The white paper highlights the limitations of a 12 month expiry date on AWS offers when companies are looking to invest in large, long term infrastructure projects.
05/01/2024	Meeting at Alpheus Environmental Ltd (a subsidiary of AVH) between Air Products [REDACTED] and Alpheus [REDACTED] and AVH [REDACTED]	<p>During the meeting those present discussed the options for the handling the trade effluent waste with a focus on hydrogen production facility Phase 1 requirement.</p> <ol style="list-style-type: none"> <li>1. A discussion took place on contracting Alpheus to undertake a study proposal to determine if the Air Products effluent could be treated / reduced / recycled onsite as part of the Project to enable discharge to the Immingham water recycling centre.</li> <li>2. Air Products was requested to supply details of the chemical composition and flowrates of the trade effluent.</li> <li>3. RB agreed to re-engage with AWS to determine: <ol style="list-style-type: none"> <li>a. The available headroom at the Immingham water recycling centre</li> <li>b. The acceptable composition of the trade effluent acceptable to the Immingham recycling centre</li> </ol> </li> </ol>
08/01/24	Email from Charles Russell Speechlys (CRS) acting for Air Products to AWS (legal representative)	CRS advised AWS of the protective provisions included in the draft DCO submitted with the application and proposed changes to the protective provisions.
09/01/2024	Email from Air Products to Alpheus and AVH	Air Products supplied trade effluent discharge rates for the project phases

Date	Form of Contact	Summary with key outcomes and points of discussion
10/01/2024	Email from Air Products to Alpheus and AVH	Air Products supplied the chemical compositions of the trade effluent discharges
11/01/24	Email from AWS (legal representative) to CRS	AWS provided their standard protective provisions and requested confirmation of any site specific reasons to deviate from their standard position.
23/01/2024	Email from Air Products to AVH	Request for an update on the water supply offers and the options for managing the trade effluent
23/01/2024	Email from AVH to Air Products	AVH advised that work is ongoing to model the Air Products trade effluent in the existing network
13/02/2024	Email from AWS to Air Products	AWS made a formal offer to Air Products, Ref NSD-0170975, to supply non-potable water to the site. Air Products have assessed and this is sufficient for the whole project.

### 3 Matters Agreed and Matters Not Agreed

- 3.1 It is agreed that the following chapters of the **Consultation Report [APP-022]** submitted with the Application sets out the consultation and engagement undertaken between the Parties in relation to the Application:
  - 3.1.1 Chapter [4]; First Statutory Consultation. AWS was consulted by the Local Authorities as part of their statutory obligations.
  - 3.1.2 Chapter [5]; Second Statutory Consultation. AWS was consulted by the Local Authorities as part of their statutory obligations.
  - 3.1.3 Chapter [6]; Table 30; “Summary of engagement activities with land interest consultees during Project Launch phase”. AWS was engaged ahead of Statutory Consultation
  - 3.1.4 Chapter [6]; Table 32; “Correspondence received outside of Statutory Consultation periods”. A record of the correspondence with AWS outside of the Statutory Consultation period.
- 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).

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

ID	Matter	Reference	AWS's Position	ABP and Air Products' Position	Status	Date
1	Potable water / waste	6.2 Environmental Statement - Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [APP-060]  7.7 Utilities Statement [APP-239]	Connection / supply offers have been made to Air Products. These have an expiry date of 30 Nov 2024. At Air Products' request these are being renewed and will be re-issued in early 2024.	Air Products and ABP confirm that the flow of potable water offered is acceptable to meet the potable water needs of the Project. Air Products has requested AWS to renew the offers.	<b>Agreed</b>	
2	Potable Water	6.2 Environmental Statement - Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and	An offer was made to supply potable water to the jetty	ABP is in the process of reviewing offer. This does not impact the AP facility	<b>Discussion ongoing</b>	

ID	Matter	Reference	AWS's Position	ABP and Air Products' Position	Status	Date
		Drainage [APP-060]  7.7 Utilities Statement [APP-239]				
3	Non-Potable water	6.2 Environmental Statement - Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [APP-060]  7.7 Utilities Statement [APP-239]	A connection / supply offer has been made to Air Products. This has an expiry date of 13 Aug 2024.	Air Products confirm that the flow of non-potable water offered is acceptable to meet the needs of the hydrogen production facility.  Air Products has begun its internal procurement process to accept and progress the offer. Air Products expects to formally accept the offer and pay the initial payment by the end of February	Agreed	
4	Industrial waste / Trade Effluent	6.2 Environmental Statement - Chapter 18: Water Use,	AWS has advised Air Products that the entirety of the flow requested via the application cannot be	The DCO application includes the provision of wastewater treatment equipment as part of the hydrogen production facility which can treat on-site effluent which cannot be accepted	Discussion ongoing	

ID	Matter	Reference	AWS's Position	ABP and Air Products' Position	Status	Date
		Water Quality, Coastal Protection, Flood Risk and Drainage [APP-060]  7.7 Utilities Statement [APP-239]	accepted by the AWS existing infrastructure. However, it is anticipated that there is headroom at the AWS existing infrastructure to meet part of the needs of the Project. AVH are working with Air Products on options for onsite treatment of trade effluent before discharge to the AWS water treatment works.	by the existing AWS infrastructure. Air Products are in discussions as to the level of flow that will be treated by AWS and the flow that will be treated on site. Air Products considers that all trade effluent can be adequately addressed between those two options.		
5	Supply for Tank Testing	6.2 Environmental Statement - Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [APP-060]	A connection / supply offer has been made to Air Products. This has an expiry date of 30 Nov 2024. AWS has agreed to renew the offer which is expected to be issued in early 2024.	Air Products confirms that the supply offer received by AWS is acceptable for the tank testing needs for the hydrogen production facility. Air Products has requested AWS to renew the offer.	<b>Agreed</b>	

ID	Matter	Reference	AWS's Position	ABP and Air Products' Position	Status	Date
		7.7 Utilities Statement [APP-239]				
6	Duration of offers	6.2 Environmental Statement - Chapter 18: Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [APP-060]  7.7 Utilities Statement [APP-239]	AWS work practice is to make offers with a 12 month expiry date. AWS acknowledges that this limitation is not suitable for large infrastructure projects whereby the services may not be required for periods longer than the expiry date, this inhibits Final Investment Decisions (FIDs). AWS is in the process of detailing the engagement process for ensuring the supply / connection offer remains valid to meet the project schedule.	Air Products awaits confirmation of the process of detailing the engagement process for ensuring the supply / connection offer remains valid to meet the project schedule.	Discussion ongoing	

ID	Matter	Reference	AWS's Position	ABP and Air Products' Position	Status	Date
7	Protective Provisions	2.1 Draft Development Consent Order [APP-006]	AWS is in discussions with ABP and Air Products (via their respective solicitors) regarding the detail of the Protective Provisions proposed to be contained in the DCO.	ABP and Air Products are in discussions with AWS (via their respective solicitors) on the detail of the Protective Provisions proposed to be contained in the DCO.	Discussion ongoing	



## 4 Glossary

<b>Abbreviation / Acronym</b>	<b>Definition</b>
ABP	Associated British Ports
AVH	Anglian Venture Holdings
AWS	Anglian Water Services
CRS	Charles Russell Speechlys LLP
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
MMO	Marine Management Organisation
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