



Immingham Green Energy Terminal

9.27 Draft Statement of Common Ground between
Associated British Ports, Air Products (BR) Limited and
Northern Power Grid

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”). 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) Northern Power Grid (“NPG”).
- 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 NPG is the distribution network operator responsible for the electricity distribution network in the North East, Yorkshire and northern Lincolnshire.
- 1.11 In this SoCG, ABP, Air Products and NPG 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 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 NPG 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 below.
- 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
04/03/22	Formal connection application by Air Products submitted to NPG via their online platform	Application (ENQ23057603) by Air Products for a 70 MVA supply electronically submitted in accordance with NPG online portal process.
21/06/22	Firm offer for a 70 MVA connection from NPG received by Air Products	An offer was received by Air Products from NPG to meet the requirements of the ENQ23057603 application. The offer was acceptable to Air Products for the Project. The offer expired on 20 September 2022.
24/01/23	Meeting between NPG and Air Products	Discussion on whether the Air Products connection application ENQ23057603 Offer could be reinstated. Agreed that a new application and a pre-application technical meeting would be required.
17/04/23	Meeting between NPG and Air Products	Technical discussion on capacity availability, the requirements of the hydrogen production facility, point of connection and data gathering. It was concluded that an 80 MVA supply would be required and that NPG would raise a new application (ENQ23123681) for 80 MVA on behalf of Air Products
11/07/23	Firm offer for a 80 MVA connection from NPG received by Air Products	An offer was received by Air Products from NPG to meet the requirements of the ENQ23123681 application. The offer was technically acceptable to Air Products for the Project,
23/08/23	Meeting between NPG and Air Products	Technical / commercial discussions following the 11 July 2023 offer. Initial indications were that further assessment and agreement with NGET (National Grid Electricity Transmission) would be required. It was noted that National Grid infrastructure upgrades would likely be required for the full provision and, if so,

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Date	Form of Contact	Summary with key outcomes and points of discussion
		<p>these would be unlikely to be completed within the planned Project schedule.</p> <p>NPG stated that a lower connection capacity of 50 MVA could be available within the time frames that would satisfy both the technical requirements and anticipated onstream date for Phase 1 of the hydrogen production facility.</p>
29/08/23	Formal connection application to Air Products submitted to NPG via their online platform for a 50 MVA connection	Application (ENQ23146082) by Air Products for a 50 MVA supply (intended to serve Phase 1 of the hydrogen production facility) electronically submitted in accordance with NPG online portal process.
29/09/23	Formal acceptance by Air Products of the ENQ23123681 offer for 80 MVA	ENQ23123681: Acceptance signed and returned with initial payment made on 20/10/23 to secure the connection.
22/09/23	Email correspondence from NPG	NPG advised offer to be made circa 06/12/23
22/12/23	Email correspondence from NPG	Firm offer ENQ23146082 received from NPG for 50MVA supply for the hydrogen production facility
19/01/24	Formal connection application to Air Products submitted to NPG via their online platform for a 1.25 MVA connection	Formal application by Air Products following NPG's online application process for a 1.25 MVA supply. Application reference number is ENQ23164478
29/01/24	Formal diversion application NCR153134 by Air Products submitted to NPG via their online platform	Air Products requested that NPG divert their 11kV overhead powerline that runs across the West Site.
07/02/2024	Email from NPG to Air Products	NPG responded to Application NCR153134 with an offer (ref ENQ23166548) which meets the requirements of the project and will be accepted by Air Products.

3 Matters Agreed and Matters Not Agreed

- 3.1 It is agreed 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. NPG was consulted by the Local Authorities as part of their statutory obligations.
 - 3.1.2 Chapter [5]; Second Statutory Consultation. NPG was consulted by the Local Authorities as part of their statutory obligations.
 - 3.1.3 Chapter [6]; Table 31; “Summary of engagement activities with non-statutory consultees during Project Launch phase”. NPG 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 NPG 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	NPG Position	ABP / Air Products Position	Status	Date
1	80 MVA connection	7.7 Utilities Statement [APP-239]	NPG made an offer for connection of 80 MVA.	The offer has been accepted by Air Products and meets the needs for a 80 MVA supply i.e. the entire electricity needs of the Project.	Agreed	20/10/23
2	50 MVA connection	7.7 Utilities Statement [APP-239]	NPG made an offer for connection of 50 MVA	The offer has been accepted by Air Products and meets the needs for a 50 MVA supply for the first phase of the Project, which can be used until the 80 MVA supply is available,	Agreed	22/12/23
3	Balancing the two application offers	7.7 Utilities Statement [APP-239]	For the 80 MVA supply (per offer ENQ23123681) NPG has worked with NGET and concluded that the necessary NGET infrastructure upgrades cannot be completed, and therefore the timeline proposed in the offer cannot be accelerated so that this upgrade is available when required for Phase 1 of the hydrogen production facility. NPG is content for Air Products to proceed with the 50MVA connection for Phase 1 and switch to the 80MVA option which is anticipated be available for subsequent phases.	In light of NPG's position, Air Products intends to proceed with the 50 MVA connection for Phase 1 of the hydrogen production facility.	Agreed	

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ID	Matter	Reference	NPG Position	ABP / Air Products Position	Status	Date
4	1.25 MVA connection	7.7 Utilities Statement [APP-239]	Application for a 1.25 MVA supply has been received and is currently under review and being evaluated in accordance with NPG's internal work processes.	Application for a 1.25 MVA supply has been submitted and Air Products awaits the NPG's response.	Agreed	
5	Diversions	7.7 Utilities Statement [APP-239]	A diversion will be required for the 11kV overhead powerline crossing the West Plot, this has been assessed by NPG and an offer made to Air Products, Ref ENQ23166548, to undertake the diversion.	A diversion will be required for the 11kV overhead powerline crossing the West Plot. Air Products has received ENQ23166548 and is in the process of formally accepting.	Agreed	
6	Protective Provisions	7.7 Utilities Statement [APP-239] 2.1 Draft Development Consent Order [APP-006]	<p>NPG require the inclusion of Protective Provisions in the draft DCO in order to protect NPG's assets and interests.</p> <ul style="list-style-type: none"> - An overhead powerline crosses the West Site. NPG is considering an application (NCR153134) for diversion of the powerline. The principle of the diversion is acceptable. The diverted route remains within the site boundary. This will be covered by the proposed Protective Provisions in the DCO. - On the East Site an application (ENQ23123691) has been received from Air Products to 	<p>The draft DCO submitted with the application contained Protective Provisions for the benefit of NPG at Schedule 14 Part 3.</p> <p>The Parties are actively and constructively engaged in negotiating the wording of the Protective Provisions.</p> <p>Those Protective Provisions will ensure that sufficient protection and safeguards for NPG's assets and interests are in place.</p>	Discussion ongoing	

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ID	Matter	Reference	NPG Position	ABP / Air Products Position	Status	Date
			<p>divert a run of cables, NPG is considering the application. This will be covered by the proposed Protective Provisions in the DCO.</p> <ul style="list-style-type: none"> - On the East Site (on the southern perimeter) there is a single 33kV cable run that will be covered by the proposed Protective Provisions in the DCO. <p>The wording of such Protective Provisions is under negotiation.</p> <p>Should the wording be agreed, appropriate protection will be in place for NPG and, as a result, NPG will not suffer any detriment to the carrying on of its undertaking as a result of the Project.</p>			

4 Glossary

Abbreviation / Acronym	Definition
ABP	Associated British Ports
Air Products	Air Products (BR) Limited
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
MMO	Marine Management Organisation
MVA	Mega Volt Amps
NPG	National Power Grid
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