



# Immingham Green Energy Terminal

## 9.11 Applicant's Statement of Commonality

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# 1. Introduction

## Purpose of this Document

- 1.1 On 21 September 2023, Associated British Ports (“ABP”) submitted an application under section 37 of the Planning Act 2008 (the “Application”) to the Secretary of State for Transport for an order to grant development consent (a “DCO”) for the Immingham Green Energy Terminal (“IGET”) and its associated development. On 19 October 2023 the Planning Inspectorate accepted the Application for Examination.
- 1.2 This Statement of Commonality is provided to assist the Examining Authority (“ExA”) in understanding areas of commonality across the Statements of Common Ground (“SoCGs”) which have been prepared between a range of stakeholders, ABP and Air Products (BR) Limited (“Air Products”).
- 1.3 The document sets out ABP’s and Air Products’ understanding of the stakeholders’ positions, as set out in the SoCGs submitted by ABP to the ExA at Deadline 1, and summarises agreement, disagreement and matters outstanding between ABP, Air Products and the stakeholders.
- 1.4 This document is a “live” document and will be updated throughout the Examination process to reflect changes made within the SoCGs through ongoing discussions with stakeholders. The Statement of Commonality has been prepared in accordance with the ExA’s letter issued in accordance with Rule 8 of Infrastructure Planning (Examination Procedure) Rules 2010 dated 28 February 2024 [PD-007] (“Rule 8 Letter”), which requires ABP to submit a Statement of Commonality, and updates thereto, alongside updated SoCGs at Deadlines 1, 3, 4, 5 and 7 of the Examination Timetable set out in the Rule 8 Letter.
- 1.5 This Statement of Commonality is part of a suite of documents which accompanies the Application. A full description of all the Application Documents is provided in the **Introduction to the Application [APP-003]** which also accompanies the Application.
- 1.6 For more detailed information of the respective stakeholders’ positions, in relation to the topics covered in this Statement of Commonality, please refer to the SoCGs.

## The Project

- 1.7 ABP is seeking to construct, operate and maintain the IGET, comprising a new multi-user liquid bulk green energy terminal located on the eastern side of the Port of Immingham (“the Port”). The Associated Development in the Application comprises the construction and operation of a green hydrogen production facility (the Associated Development and the IGET are collectively termed “the Project”).
- 1.8 The green hydrogen production facility would be delivered and operated by 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 United Kingdom’s (“UK’s”) net zero agenda by helping to decarbonise the UK’s industrial activities, in particular, the heavy transport sector.

1.9 A detailed description of the Project is included in **Environmental Statement (“ES”) Chapter 2: The Project [APP-044]**.

**Structure of this Document**

- 1.10 This Statement of Commonality comprises five chapters as follows:
- a. Chapter 1 (this chapter) introduces the document and its purpose.
  - b. Chapter 2 provides an introduction to the drafting of the SoCGs along with a summary of their structure.
  - c. Chapter 3 provides an up-to-date list of the SoCGs and their status and details the progress to date in agreeing the SoCGs.
  - d. Chapter 4 provides a summary table which indicates the commonality on topics across the suite of SoCGs (and indicates the principal matters outstanding).
  - e. Chapter 5 provides a summarising commentary for the Deadline 1 submission on topic areas where matters are identified as broadly having been ‘agreed’ or ‘subject to ongoing discussion’.

## 2. Statements of Common Ground

- 2.1 ABP and Air Products have sought to agree SoCGs with stakeholders to capture their respective positions on material matters relating to the Application. The SoCGs include material matters raised through the statutory consultations carried out in the lead up to the submission of the Application, the stakeholders' Relevant Representations, and through ongoing engagement with the stakeholders before and after submission of the Application.
- 2.2 A full list of the SoCGs and their status is provided in Chapter 3 of this Statement of Commonality.
- 2.3 To ensure consistency across the SoCGs, a uniform approach has been taken to drafting. Each is generally structured as follows:
- An introduction, setting out the purpose and structure of the document and the parties which the SoCG is prepared in respect of
  - A summary of engagement undertaken and information shared in order to draft the position and reach an agreed status of Matters within the SoCG
  - A table setting out the characterisation of the positions of ABP, Air Products (where relevant) and of the stakeholder on each Matter, and the status of agreement of the Matter (i.e., whether the Matter has been agreed or it is outstanding as discussion is ongoing or where the Matter is not agreed)
- 2.4 A uniform approach has been taken across the suite of SoCGs to documenting the position on each matter. The position on each Matter can be one of the following:
- Matter agreed
  - Matter not agreed
  - Matter under discussion
- 2.5 The exception to this approach is the Natural England SoCG where, at the request of Natural England, an additional category has been added to this SoCG as follows:
- Matter not agreed – no material impact

### 3. List of SoCGs and Status

- 3.1 This Chapter provides a list of the SoCGs and a summary of the current status of each.
- 3.2 ABP and, where relevant, Air Products, have prepared SoCGs with a number of statutory consultees, including statutory undertakers, and other parties who have registered as interested parties. ABP has taken account of the list of SoCGs requested by the ExA in Procedural Decision 8 set out at Annex F of the **Rule 6 letter [PD-005]** dated 8 January 2024 and has either prepared a draft SoCG with the stakeholder listed or made contact with that stakeholder to agree whether an SoCG is required.
- 3.3 Table 3-1 summarises the status of each SoCG as follows:
- a. Final Agreed – the final version of the SoCG has been signed by all parties, and there are no matters outstanding.
  - b. Draft Agreed – a draft SoCG with matters outstanding which has been signed by the stakeholder to confirm it is an accurate description of the matters raised and the current status of each matter but there remain matters outstanding which are yet to be agreed, and engagement continues on these.
  - c. Draft – a draft SoCG with matters outstanding and is unsigned. The draft SoCG has been drafted by ABP (and/or Air Products) and shared with the stakeholder but the stakeholder has either not yet been able to complete their review in line with their governance process or is unable to sign a draft SoCG. ABP considers that these SoCGs present an accurate description of the matters raised and the status of each matter, based on the engagement that has taken place to date.
- 3.4 Following Table 3-1, this Chapter provides a more detailed overview of the progress of discussing and agreeing the SoCG with each stakeholder.
- 3.5 Table 3-1, and the more detailed status updates at Paragraphs 3.6 to 3.25, will be updated for each version of the Statement of Commonality to provide an update on the progress made in finalising each SoCG.

**Table 3-1: List of SoCGs and Status**

Stakeholder	Document Reference	DL1	DL3	DL4	DL5	DL7	Status
Anglian Water Services Limited	TR030008/EXAM/9.25	✓					Draft
Cadent Gas Limited	TR030008/EXAM/9.26	✓					Draft
CLdN Ports Killingholme Limited (CLdN)	TR030008/EXAM/9.23	✓					Draft

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Stakeholder	Document Reference	DL1	DL3	DL4	DL5	DL7	Status
Corporation of Trinity House of Deptford Strond (Trinity House)	TR030008/EXAM/9.22	✓					Draft Agreed
Environment Agency	TR030008/EXAM/9.13	✓					Draft
Harbour Master, Humber (HMH)	TR030008/EXAM/9.19	✓					Draft
Health and Safety Executive (HSE)	TR030008/EXAM/9.15	✓					Draft
Historic England	TR030008/EXAM/9.21	✓					Draft
Immingham Oil Terminal (IOT) Operators (Associated Petroleum Terminals (Immingham) Limited (APT) and Humber Oil Terminals Trustees Limited (HOTT))	TR030008/EXAM/9.20	✓					Draft
Marine Management Organisation (MMO)	TR030008/EXAM/9.16	✓					Draft
Maritime and Coastguard Agency (MCA)	TR030008/EXAM/9.36	✓					Draft
National Highways	TR030008/EXAM/9.14	✓					Draft
Natural England	TR030008/EXAM/9.17	✓					Draft Agreed
Network Rail Infrastructure Limited	TR030008/EXAM/9.24	✓					Draft Agreed
Northern Powergrid	TR030008/EXAM/9.27	✓					Draft
North East Lincolnshire Council (NELC)	TR030008/EXAM/9.12	✓					Draft

Stakeholder	Document Reference	DL1	DL3	DL4	DL5	DL7	Status
North East Lindsey Drainage Board (NELDB)	TR030008/EXAM/9.18	✓					Draft Agreed

### **SoCGs requested by ExA in Rule 6 letter and submitted at Deadline 1**

#### **Anglian Water Services Limited**

3.6 A draft SoCG was shared with Anglian Water Services Limited on 19 February 2024. Anglian Water Services provided comments on the draft SoCG by email on 7 March 2024. We have not yet had an opportunity to discuss these comments with Anglian Water Services and these comments have therefore not been incorporated into the draft SoCG submitted at Deadline 1. Meetings are being arranged with Anglian Water Services to discuss their comments and an updated SoCG will be provided at Deadline 3.

#### **Cadent Gas Limited**

3.7 A draft SoCG was shared with Cadent Gas on 15 February 2024. At the time of submitting this Statement of Commonality at Deadline 1, Cadent Gas was still in the process of reviewing the draft SoCG and had not provided its comments to ABP and Air Products

#### **CLdN Ports Killingholme Limited ("CLdN")**

3.8 A draft SoCG was shared with CLdN on 7 March 2024. At the time of submitting this Statement of Commonality at Deadline 1, CLdN was still in the process of reviewing the draft SoCG and had not provided its comments to ABP.

#### **Corporation of Trinity House of Deptford Strond ("Trinity House")**

3.9 A draft SoCG was shared with Trinity House on 22 December 2023. Comments were subsequently returned by Trinity House. ABP addressed the comments received and Trinity House returned a signed SoCG on 16 February 2024.

#### **Environment Agency**

3.10 A draft SoCG with the Environment Agency was shared on 16 February 2024. Comments were subsequently returned by the Environment Agency. ABP addressed and discussed the comments with the Environment Agency. The Environment Agency subsequently confirmed via email on 8 March 2024 that they agreed with the content of the draft SoCG now being submitted at Deadline 1. The Environment Agency confirmed they would not sign an SoCG until the final version is confirmed and submitted.

#### **Harbour Master, Humber ("HMH")**

3.11 A first draft SoCG was shared with HMH on 22 December 2023 and a second draft shared on 1 February 2024. Comments were returned by HMH and addressed by ABP. HMH confirmed by email on 13 March 2024 that HMH agreed with the content and wording of the draft SoCG submitted at Deadline 1, but that HMH was unable to sign the draft version at this time.



### **Health and Safety Executive (“HSE”)**

- 3.12 A draft SoCG was shared with HSE on 1 March 2024. While the HSE has previously confirmed it does not anticipate it will be in a position to sign a SoCG, the HSE advised on 7 March that it is reviewing the draft SoCG and comments will be provided in due course.

### **Historic England**

- 3.13 A draft SoCG was shared with Historic England on 20 February 2024. Comments were returned by Historic England and addressed by ABP. At the time of submitting this Statement of Commonality at Deadline 1, Historic England had not returned a signed SoCG to ABP.

### **Immingham Oil Terminal (“IOT”) Operators**

- 3.14 A draft SoCG was shared with the IOT Operators on 8 March 2024. At the time of submitting this Statement of Commonality at Deadline 1, the IOT Operators were still in the process of reviewing the draft SoCG and had not provided their comments to ABP.

### **Marine Management Organisation (“MMO”)**

- 3.15 A draft SoCG was shared with the MMO on 22 February 2024. At the time of submitting this Statement of Commonality at Deadline 1, the MMO had not returned its comments on the draft SoCG.

### **Maritime and Coastguard Agency (“MCA”)**

- 3.16 The ExA in their **Rule 6 letter [PD-005]** asked for a SoCG to be prepared with the MCA. ABP wrote to the MCA on 31 January 2024 in response to their Relevant Representation **[RR-017]**, making reference to the ExA's request for a SoCG to be progressed. The MCA responded to ABP via email on 6 February 2024 confirming they do not believe a SoCG is required on this occasion between MCA and ABP. However, as the ExA has asked for this SoCG to be prepared, ABP has prepared a draft SoCG and shared it with the MCA on 7 March 2024, asking if the MCA would be willing to sign it. The MCA provided their comments on the draft SoCG on 11 March 2024 in the form of an additional paragraph which ABP accepted. Whilst both parties agree to the content of the SoCG submitted at Deadline 1, the MCA has indicated they will not sign a draft version of the SoCG.

### **National Highways**

- 3.17 A draft SoCG was shared with National Highways on 27 February 2024. National Highways returned their comments on the draft SoCG in the afternoon of 13 March 2024. ABP and Air Products therefore have not had an opportunity to discuss these comments with National Highways and therefore have not been able to incorporate them into the draft SoCG submitted at Deadline 1. Discussions will be undertaken with National Highways as required and their comments incorporated into the next iteration of the draft SoCG submitted at Deadline 3.

### **Natural England**

- 3.18 A draft SoCG was shared with Natural England on 22 February 2024. Natural England returned their amendments on 8 March 2024 which ABP addressed. Natural England then returned a signed version of the draft SoCG on 12 March 2024.

**Network Rail Infrastructure Limited (“Network Rail”)**

- 3.19 A draft SoCG was shared with Network Rail on 15 February 2024. Comments were returned by Network Rail and addressed by ABP and Air Products. A signed version of the SoCG was returned by Network Rail on 6 March 2024.

**Northern Powergrid**

- 3.20 A draft SoCG was shared with Northern Powergrid on 16 February 2024. At the time of submitting this Statement of Commonality at Deadline 1, Northern Powergrid had not returned any comments on the draft SoCG.

**North East Lincolnshire Council (“NELC”)**

- 3.21 A draft SoCG was shared with NELC on 22 January 2024. Whilst positive discussions have been had with NELC regarding the Project, and specifically, regarding the woodland compensation matters, at the time of submitting this Statement of Commonality at Deadline 1, NELC had not returned their comments on the draft SoCG.

**North East Lindsey Drainage Board (“NELDB”)**

- 3.22 A draft SoCG was shared with NELDB on 22 January 2024. Comments were returned by NELDB and addressed by ABP and Air Products. A signed version of the SoCG was returned by NELDB on 22 February 2024.

**SoCGs requested by ExA in Rule 6 letter but not submitted at Deadline 1**

**Humber Estuary Services (“HES”)**

- 3.23 The ExA in their **Rule 6 letter [PD-005]** asked for a SoCG to be prepared with HES. As outlined in a letter submitted to the ExA by Winckworth Sherwood LLP on behalf of Captain Andrew Firman, the HMH, at Procedural Deadline A [**PDA-012**], “HES” is the name used informally by ABP in its capacity as Statutory Conservancy and Navigation Authority (“SCNA”), akin to a trading name. The letter also confirms that HMH leads all HES’s marine operations on the Humber and is best-placed to respond on any points relating to the SCNA. In this respect, it is proposed by HMH and ABP that a single SoCG is progressed with the HMH to cover both the points addressed to him directly and those addressed to HES in Procedural Decision 8 at page F7 in Appendix F of the **Rule 6 letter [PD-005]**. This approach has been accepted by the ExA as confirmed at the Preliminary Meeting held on 20 February 2024 (see points 1098 to 1101 of the Preliminary Meeting transcript [**EV2-002**]).

**Royal Mail**

- 3.24 The ExA in their **Rule 6 letter [PD-005]** requested a SoCG be prepared with Royal Mail unless both parties agree a SoCG is not needed. ABP and Royal Mail have agreed (through email correspondence in February and March 2024) that a SoCG is not required.

**Stena Line BV**

3.25 The ExA in their **Rule 6 letter [PD-005]** requested a SoCG be prepared with Stena Line BV unless both parties agree a SoCG is not needed. ABP does not believe a SoCG is needed and wrote to Stena Line BV on 19 February 2024 asking if they agreed with this position. Stena Line BV confirmed on 13 March 2024 that they believe there is no requirement for an SoCG between ABP and Stena Line BV in regard to the Project. An SoCG with Stena Line BV will therefore not be progressed.

**SoCGs being considered which are not requested by ExA in Rule 6 letter**

**PD Ports**

3.26 The ExA in their **Rule 6 letter [PD-005]** did not request a SoCG be prepared with PD Ports. However, as ABP acknowledged at the Preliminary Meeting, ABP and Air Products are engaging with PD Ports and should the parties agree that a SoCG is required, ABP and Air Products will progress this. ABP and Air Products will update the ExA further at Deadline 3 in the next iteration of this Statement of Commonality.

## 4. Commonality

- 4.1 This Chapter of the Statement of Commonality provides a summary of the topics and material matters within in each topic covered in each SoCG and demonstrates where there is commonality in the matters being discussed with stakeholders.
- 4.2 Table 4-2 shows:
- a. The broad topics covered by the SoCGs running along the top
  - b. The stakeholders running down the side
- 4.3 Within the matrix in the table, the colour coding represents whether matters under the topic are broadly agreed, broadly under discussion, or broadly not agreed.
- 4.4 This is represented by colour coding as set out in Table 4-1.

**Table 4-1: Commonality colour coding**

Matters under the topic broadly agreed	
Matters under the topic broadly not agreed	
Matters under the topic broadly under discussion	
Matters not raised at this point	

- 4.5 Table 4-2 is intended to assist the ExA in understanding the topics which remain under discussion or not agreed, particularly such topics where the position is shared across more than one stakeholder. Therefore, the categorisation and colour coding in the matrix is intended to represent the broad position per topic (it is not absolute).
- 4.6 There are limitations with this approach: the summary does not identify particular matters within topics – and any commonality (or not) on those matters.
- 4.7 Table 4-2 will be updated for each issue of the Statement of Commonality.

**Table 4-2: Status of Commonality**

	DCO (including Protective Provisions)	Other Consents and Licenses	Utility connections	Need for the project/ Principle of Development	Assessment of alternatives	Consultation and engagement	Land and compulsory acquisition	Design	Construction (including CEMP and CTMP)	Operation & maintenance	Decommissioning	Local Planning Policy	Air Quality	Noise and Vibration	Nature Conservation (Terrestrial Ecology)	Nature Conservation (Marine Ecology)	Ornithology	Traffic & Transport	Marine Transport and Navigation	Landscape & Visual Impact	Historical Environment (Terrestrial)	Historical Environment (Marine)	Physical Processes	Marine Water and Sediment Quality	Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage	Climate Change	Materials and Waste	Ground Conditions and Land Quality	Major Accidents and Disasters	Human Health and Wellbeing	Socio-economics	Cumulative and In-Combination Effects	Habitat Regulations Assessment			
Anglian Water	Yellow		Yellow			Green																		Yellow												
Cadent Gas			Yellow			Green			Yellow																											
CLdN				Green		Yellow													Yellow																	
Corporation of Trinity House	Yellow					Green													Yellow																	
Environment Agency		Yellow	Yellow	Green		Green		Yellow	Green	Yellow	Green		Green		Yellow	Green							Yellow	Yellow	Yellow		Green	Yellow	Green			Green				
HMH	Green					Green													Yellow														Green			
HSE	Yellow	Yellow		Green		Yellow	Yellow																							Yellow						
Historic England	Yellow					Yellow															Yellow	Yellow														
IOT Operators	Yellow				Green	Yellow		Yellow	Yellow	Yellow	Yellow								Yellow										Yellow							
MCA	Yellow					Green													Yellow																	
MMO	Yellow					Green		Yellow	Yellow							Yellow							Green	Yellow									Green			
National Highways	Yellow					Green			Yellow		Green								Yellow																	
Natural England	Yellow					Yellow			Yellow				Yellow		Yellow	Yellow		Yellow															Yellow	Yellow		
Network Rail	Yellow		Yellow			Green			Yellow																											
Northern PowerGrid	Yellow		Green			Green																														
NELC	Yellow			Green	Yellow	Green	Yellow		Yellow		Yellow	Yellow	Green	Green	Yellow		Yellow	Yellow		Yellow	Yellow				Yellow	Yellow		Green	Yellow			Yellow	Yellow			
NELDB	Yellow	Yellow				Green		Yellow																	Yellow											

## 5. Commentary at Deadline 1

- 5.1 This Chapter provides a high-level commentary on the emerging topics that are of common interest to stakeholders as highlighted in the draft SoCGs submitted at Deadline 1. This Chapter will be updated for each version of the Statement of Commonality submitted.
- 5.2 The commentary below for Deadline 1 should be read keeping in mind that of the seventeen SoCGs submitted at Deadline 1:
- a. four have been signed and have been submitted as 'draft agreed';
  - b. five have had comments back from stakeholders which have been incorporated but have not been signed and have therefore been submitted as 'draft'. Of these five, the content of four have been agreed with the stakeholders (the Environment Agency, the MCA, Harbour Master Humber and Historic England) but these stakeholders aren't able to sign a draft SoCG;
  - c. two have had late comments back from stakeholders. ABP and Air Products have not had an opportunity to discuss these comments with the stakeholders and these comments are therefore not reflected in the Deadline 1 submission; and
  - d. six are still awaiting comments from stakeholders.
- 5.3 Table 4-2 shows that there are a large number of topics which are not of particular interest to some parties. This reflects the reality that different parties have different technical and professional interests, and/or particular local interests, which inevitably focuses interest on particular topics. In general:
- a. The statutory bodies, such as the Environment Agency, Natural England, the MMO and Historic England, are particularly focussed on environmental topics and less focussed on design and operation and maintenance matters;
  - b. The statutory undertakers, such as Anglian Water Services, Cadent Gas, Northern Powergrid and Network Rail, are generally interested in matters relating to utility connections and protective provisions and how their assets will be protected in the construction and operation phases of the project;
  - c. Other port operators and businesses, such as CLdN and the IOT Operators, are generally interested in how the Project may impact their existing operations in regard to navigational safety and major accidents and disasters;
  - d. The Local Authority, NELC, is interested in a wide variety of topics as would be expected given their remit of responsibilities; and
  - e. Other stakeholders who have statutory responsibilities in relation to the safe navigation of the Humber, such as HMM, the MCA and Trinity House, are mainly interested in navigational safety on the Humber and related provisions in the draft DCO.

- 5.4 Across the suite of seventeen SoCGs being submitted for the first time at Deadline 1, there are some emerging topics that are a common interest amongst the stakeholders and other topics which are specific to certain stakeholders:
- a. Draft DCO (including protective provisions) – all seventeen SoCGs include matters relating to the draft DCO topic, whether it be in relation to protective provisions or other provisions in the draft DCO. Matters within this topic are broadly subject to ongoing discussion with stakeholders.
  - b. Consultation and engagement – all seventeen SoCGs include a record of engagement which none of the stakeholders have asserted they disagree with. Some SoCGs contain specific matters relating to consultation and engagement, the majority of which have been agreed, but some remain at this stage as ‘discussion ongoing’ as comments have not yet been received back from stakeholders on these matters (see Paragraph 5.5 for further information).
  - c. Construction (including matters relating to the Outline Construction Environmental Management Plan (“CEMP”) [APP-221] and outline Construction Traffic Management Plan (“CTMP”) [APP-223]) – the potential impact of the construction of the Project on the environment, existing utility assets and existing port operations is of interest to a number of stakeholders. Almost half the stakeholders have made representations on this topic and matters are still broadly subject to ongoing discussion (see Paragraph 5.6 for further information).
  - d. Cumulative and In-Combination Effects – five SoCGs include a matter(s) relating to ES Chapter 25: Cumulative and In-Combination Effects [APP-067], the matters in three of which are agreed and in two are subject to ongoing discussion (see Paragraph 5.5 for further information).
  - e. Need for the Project – four stakeholders have confirmed they have no objection in principle to the Project whilst none of the stakeholders have indicated they object to the Project (see Paragraph 5.5 for further information).
  - f. Noise and vibration (excluding underwater noise), materials and waste and human health and wellbeing – a position on these topics has been taken by very few of the stakeholders and there are no matters subject to ongoing discussion within the SoCGs relating to these chapters of the Environmental Statement [APP-048, APP-049, APP-062 and APP-066] (see Paragraph 5.5 for further information).
- 5.5 In summary, the main topics where matters have broadly been agreed are:
- a. Need for the Project and/or the principle of the development – as stated above, four stakeholders (CLdN, the Environment Agency, HSE and NELC) have confirmed they have no objection in principle to the Project whilst none of the stakeholders have indicated they object to the Project.
  - b. Consultation and engagement – of the seventeen SoCGs, twelve SoCGs have all matters agreed in relation to this topic and it is expected the remaining five SoCGs that include related matters (CLdN, HSE, Historic England, IOT Operators and Natural England) will be agreed upon receipt of

comments from these stakeholders on the draft SoCG or as further discussions progress.

- c. Noise and vibration (excluding underwater noise), materials and waste and human health and wellbeing – where stakeholders have made representations on these topics, there are no matters outstanding in relation to them in the relevant SoCGs.
- d. Cumulative and In-Combination Effects – of the five SoCGs that include matters relating to this topic, three of the SoCGs have related matters agreed (Environment Agency, HMH and the MMO). ABP and Air Products are awaiting comments to be returned by NELC regarding a related matter in this SoCG that seeks NELC's position on the methodology used and conclusions reached in ES Chapter 25: Cumulative and In-Combination Effects **[APP-067]**. There is one matter still under discussion with Natural England regarding in-combination air quality effects on ecological receptors from road traffic changes.

5.6 In summary, the main topics where matters are broadly still under discussion are:

- a. Draft DCO (including protective provisions) – as stated above, this is a main topic of interest for all stakeholders. Of the seventeen SoCGs that include matters relating to this topic, one SoCG has all matters that have been agreed (HMH) and the other 16 SoCGs include matters that are subject to ongoing discussion. Active discussions are underway with these stakeholders, particularly regarding protective provisions and positive progress is being made. ABP and Air Products are confident these matters will begin to be agreed as the Examination progresses.
- b. Construction (including the outline CEMP **[APP-221]** and outline CTMP **[APP-223]**) – of the eight SoCGs that include matters relating to this topic, seven are subject to ongoing discussion (Cadent Gas, IOT Operators, MCA, MMO, Natural England, Network Rail and NELC) and one has been agreed (Environment Agency). Those subject to ongoing discussion generally relates to the protection of existing utilities and assets during construction, comments on the outline CEMP **[APP-221]** and outline CTMP **[APP-223]** content and process, concerns regarding site safety from a major accidents and disasters perspective, restrictions on marine piling, impacts on birds during construction and air quality impacts from traffic and marine vessels on designated sites during construction.
- c. Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage – of the four SoCGs (Anglian Water, Environment Agency, NELC and NELDB) that include matters relating to this topic, all include matters that are subject to ongoing discussion. These matters broadly relate to water use, including the request for a non-potable water supply from Anglian Water, the Environment Agency flood defence (sea wall) and drainage design.
- d. Marine Transport and Navigation – of the four SoCGs that include matters relating to this topic (CLdN, Trinity House, HMH and the MCA), all include matters that are subject to ongoing discussion (CLdN, Trinity House and the MCA). These matters mainly relate to ES Chapter 12: Marine Transport and Navigation **[APP-054]** and the Navigational Risk Assessment **[APP-191]**,



including but not limited to, points relating to the exclusion zone and proposed speed restrictions, the number of vessel calls assessed and scope of the EIA.

- e. Major Accidents and Disasters – of the four SoCGs that include matters relating to this topic (Environment Agency, HSE, IOT Operators and NELC), three include matters that are subject to ongoing discussion (HSE, IOT Operators and NELC). Matters relating to risks to neighbouring populations, industrial and COMAH sites, COMAH related matters and matters relating to major accident hazard pipelines are subject to ongoing discussion.
- f. Utility connections – of the five SoCGs (Anglian Water, Cadent Gas, the Environment Agency, Network Rail and Northern Powergrid) that include matters relating to this topic, four include matters still under discussion. These relate to industrial waste/ trade effluent discharges and non-potable water supply with Anglian Water, gas connections with Cadent Gas and Applications for Closure with Network.
- g. Other consents and licenses – of the three SoCGs (Environment Agency, HSE and NELDB) that include matters relating to this topic, all include related matters that are subject to ongoing discussion. These ongoing discussions are predominantly in relation to the disapplication of the requirement for an environmental permit in respect of flood risk activities with the Environment Agency, the hazardous substance consent with NELC and the disapplication of land drainage consent with NELDB.

## 6. Glossary

<b>Abbreviation / Acronym</b>	<b>Definition</b>
ABP	Associated British Ports
APT	Associated Petroleum Terminals
CEMP	Construction Environmental Management Plan
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
HES	Humber Estuary Services
HMH	Harbour Master, Humber
HOTT	Humber Oil Terminals Trustees
HSE	Health and Safety Executive
IOT	Immingham Oil Terminal
MCA	Maritime and Coastguard Agency
MMO	Marine Management Organisation
NELC	North East Lincolnshire Council
NELDB	North East Lindsay Drainage Board
NSIP	Nationally Significant Infrastructure Project
PA 2008	Planning Act 2008
PINS	Planning Inspectorate
SCNA	Statutory Conservancy and Navigation Authority
SoCG	Statement of Common Ground
SoS	Secretary of State for Transport
UK	United Kingdom