

Date: 26 March 2024  
Our ref: GOOD/3004864.3  
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Adrian Hunter  
Lead Member of the Examining Authority  
National Infrastructure Planning  
Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Dear Sir,

**Planning Act 2008 (as amended) ("PA2008") and the Infrastructure Planning (Examination Procedure) Rules 2010 (the "EPR")**  
**Application by Associated British Ports ("the Applicant") for an Order Granting Development Consent for the Immingham Green Energy Terminal ("IGET")**  
**Applicant's notification to submit a request for proposed changes to its application for development consent ("Change Notification")**  
**Application Reference: TR030008**

As you know we act on behalf of the Applicant in relation to the application for a development consent order (the "**Application**") for the construction, operation and maintenance of the IGET and its Associated Development (the "**Project**"). The Application was originally submitted on 21 September 2023 and accepted for Examination on 19 October 2023, which has since commenced on 20 February 2024.

Since the submission of the Application, further design development and engagement with stakeholders has revealed the need for limited changes to the Application. The Applicant indicated its intention to apply for these changes in its letter to the Examining Authority ("**ExA**") dated 6 February 2024 (the "**Rule 6 Response Letter**", [**PDA-001**]) responding to the Planning Inspectorate's ("**PINS**") letter dated 8 January 2024 sent under Rule 6 of the Infrastructure Planning (Examination Procedure) Rules 2010 [**PD-005**]. The Applicant's intention to submit a request for changes to the Application was further discussed at the Preliminary Meeting held on 20 February 2024.

The Applicant has had regard to the Planning Inspectorate's '*Advice Note Sixteen: Requests to change applications after they have been accepted for examination*' ("**AN16**"), and in accordance with Step 1 of Figure 1 of AN16, this letter and its accompanying documents constitute the Applicant's Change Notification, formally notifying the ExA of the Applicant's intention to submit a request for changes to the Application.

The Applicant's Proposed Changes Notification Report (the "**PCNR**") and its appendices which accompany this letter provide the information set out in Figure 2a of AN16 required to be included in a Change Notification.

The Applicant wrote to the Examining Authority ("**ExA**") on 7 March 2024 requesting advice on the scope of consultation to be undertaken on the Proposed Changes [**AS-020**] (the "**Proposed Changes Advice Letter**") and the ExA responded on 18 March 2024 [**PD-011**], providing the requested advice and requesting further information from the Applicant under Rule 17 of the EPR relating to the Changes (the "**Rule 9 and Rule 17 Letter**"). The Applicant confirms it intends to

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respond directly to the ExA's request for further information in the Rule 9 and Rule 17 Letter and will do so by separate cover, which will include as an appendix a letter sent by the land agent for the Applicant and Air Products (BR) Limited to the agent of the landowner of the temporary possession land seeking consent from the landowner to the inclusion of its land in the Application site boundary.

## 1 **Summary of the proposed changes to the Application which the Applicant intends to request**

1.1 In summary the minor changes to the Application which the Applicant is notifying to ExA are:

- **Proposed Change 1:** change to the number of monopiles forming part of the IGET jetty berth (to be constructed as part of Work No. 1a referred to **3(2)(a)(iii)** of **Schedule 3 (Deemed Marine Licence)** of the **draft Development Consent Order ("dDCO") [REP1-016]**), from two monopiles in the original Application to four monopiles;
- **Proposed Change 2:** change to the diameter of the piles supporting the approach jetty from 1.2m to 1.575m (also forming part of Work No.1a referred to at **Paragraph 1(a)(i)** of **Schedule 1 (Authorised Development)** and at **Paragraph 3(2)(a)(i)** of **Schedule 3 (Deemed Marine Licence)** of the dDCO) to support the loading from the pipe racks, and as a result of the increase in pile diameter a concomitant increase in distance required between the piles and a slight increase in the width of the approach jetty from 14m to 16m;
- **Proposed Change 3:** minor change to the red line boundary in the vicinity of Work No. 7 to include additional land for temporary construction purposes and minor changes to the northern access from the A1173 to Work No. 7;
- **Proposed Change 4:** addition of visual detail to Work No. 1a in the Works Plans **[AS-002]** to show the walkways linking the jetty head to the mooring dolphins (noting the walkways are already described at **Paragraph 1(a)(i), Schedule 1 (Authorised Project)** and at **Paragraph 3(2)(a)(ii)** of **Schedule 3 (Deemed Marine Licence)** of the dDCO.

1.2 A full description of Proposed Changes 1 – 4 (together the "**Proposed Changes**") is provided in Section 2 of the PCNR, along with explanations of why they are proposed (Section 3) and an appraisal of their impacts (Section 5 and Appendix 4). The PCNR details how the Proposed Changes can be accommodated in the statutory timescale of the Examination (Section 6), and describes the consultation being carried out on the Proposed Changes and intended submission of the formal Change Application (Sections 7 and 8).

1.3 None of the Proposed Changes, whether individually or in combination, fundamentally change or materially affect the nature or substance of the Project as originally submitted in the Application, nor do the Proposed Changes give rise to any materially new or different environmental effects in comparison to those assessed and reported in the Environmental Statement submitted as part of the Application **[APP-042]** – **[APP-225]** (see Section 5 and Appendix 4 of the PCNR for discussion of the environmental effects of the Proposed Changes).

## 2 **Consultation on the Proposed Changes**

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- 2.1 In order to notify all parties likely to be affected by or otherwise interested in the Proposed Changes as early as possible, the Applicant sent the Proposed Changes Advice Letter on 7 March 2024 to the ExA in advance of this Change Notification to request advice on the Applicant's proposals for the scope of consultation to be carried out on the Proposed Changes (the "**Proposed Changes Consultation**"). In the Proposed Changes Advice Letter, the Applicant specifically sought confirmation of its proposed targeted approach to the Proposed Changes Consultation and enclosed for the ExA's review a list of proposed consultees and explanation for inclusions and exclusions in that list [**AS-021**].
- 2.2 The Examining Authority provided advice on 18 March 2024 in the Rule 9 and Rule 17 Letter [**PD-011**] to the Applicant on the scope of the consultation to be undertaken and confirmed the "targeted approach to consultation and the proposed list of parties, are sound."
- 2.3 Details of the Proposed Changes Consultation are contained in Section 7 of the PCNR, but in short, it consists of:
- targeted consultation, in which letters with enclosed notices of the Proposed Changes containing information as to where the PCNR and its appendices can be viewed (both electronically through a link provided and in hard copy) (the "**Proposed Changes Notices**") were sent to those prescribed consultees, local authorities and persons with an interest in land that the Applicant believes will or may be affected by the Proposed Changes;
  - publication of the Proposed Changes Notice in the local and national press;
  - placing of physical copies of the Proposed Changes Notice in prominent locations around the Application site and throughout the wider community in which the Application is located;
  - copies of the Proposed Changes Notice and the PCNR being made publicly available to view and download on the Project website; and
  - physical copies of the Proposed Changes Notice and the PCNR being made available at Immingham Town Council Civic Centre and Grimsby Public Library.
- 2.1 The Proposed Changes Consultation will run from **Tuesday, 26 March 2024** until **23:59 on Wednesday, 24 April 2024**. The Applicant will take into account all comments it receives on the Proposed Changes during this period.
- 2.2 The Proposed Changes Consultation constitutes Step 3 of Figure 1 of AN16, and is being taken in general accordance with the guidance given in AN16 as well as the principles and methods set out in the Second Statement of Community Consultation [**APP-024**] published in connection with the Application in compliance with Section 47 of the Planning Act 2008. For avoidance of doubt, the Applicant does not consider the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 to apply to the Proposed Changes (discussed further in Section 4 of the PCNR). Notwithstanding this, the Applicant is seeking consent from the landowner of the land required for temporary possession to its inclusion in the Application site boundary in respect of Proposed Change 3.

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3 Copies of the PCNR and its appendices have been published and made publicly available to view and download on the IGET Development website from today, **26 March 2024**, and will remain accessible at the following link throughout the Proposed Changes Consultation Period: [www.imminghamget.co.uk](http://www.imminghamget.co.uk)

3.1 Enclosed with this letter are copies of the following documents which have been publicised in the Proposed Changes Consultation:

- the PCNR, including its appendices:
  - Appendix 1 to the PCNR: Proposed Changes Location Plan for Proposed Changes 1 – 4;
  - Appendix 2 to the PCNR: Illustrative Sections and Elevations for Proposed Changes 1 and 2;
  - Appendix 3 to the PCNR: Site Boundary and Works Plans Changes for Proposed Changes 1, 2, 3 and 4; and
  - Appendix 4 to the PCNR: Technical Assessment of Proposed Changes 1, 2 and 3 supporting Section 5
- the Proposed Changes Notice published in the local and national press, posted in prominent locations in the local community and sent to parties in the targeted consultation; and
- the letter sent to consultees within the targeted consultation informing them of the Proposed Changes and enclosing the Proposed Changes Notice, the PCNR and its appendices.

#### 4 **Next Steps**

4.1 The Proposed Changes Consultation will run for 30 days, remaining open until 23:59 on 24 April 2024. The Applicant will then consider all responses it may receive to the Proposed Changes Consultation by the deadline given before it submits its formal Change Application to the ExA.

4.2 As described at Section 8 of the PCNR, the Applicant intends submitting its Change Application and all required accompanying information (listed in Figure 2b of AN16 including a Consultation Report detailing the results of the Proposed Changes Consultation as set out in Point 7 of Figure 2b) on 3 May 2023 (Deadline 3). The Applicant considers that this should give it sufficient time to prepare the Change Application including taking account of all responses received to the Proposed Changes Consultation.

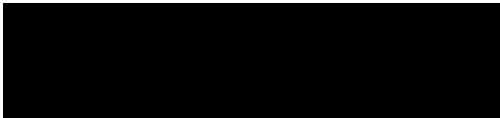
4.3 The Applicant understands that once the Change Application has been submitted, the Examining Authority will make a Procedural Decision as to whether it will accept the Proposed Changes into the Examination. If the ExA decides to accept the Proposed Changes for Examination, its Procedural Decision will also detail how the changed Application will be Examined. Section 6 of the PCNR proposes how the Examination of the changed Application can be accommodated within the remaining Examination timetable.

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The Applicant would be pleased to answer any queries which you may have on this letter or any matters associated with this Change Notification.

We are copying this letter to Charles Russell Speechlys LLP, who act for Air Products (BR) Limited.

Yours sincerely



**Bryan Cave Leighton Paisner**

Enclosure

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