



Immingham Green Energy Terminal

9.27 Draft Agreed Statement of Common Ground between Associated British Ports, Air Products (BR) Limited and Northern Powergrid (Tracked),

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Infrastructure Planning (Examination Procedure) Rules 2010
Volume 9

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Immingham Green Energy Terminal
9.27 Draft Agreed Statement of Common Ground between Associated British Ports, Air Products (BR) Limited and Northern Powergrid (Tracked)

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Version History

| <u>Version</u> | <u>Date</u> | <u>Submitted</u> |
|----------------|----------------------|-------------------|
| <u>1.0</u> | <u>13 March 2024</u> | <u>Deadline 1</u> |
| <u>2.0</u> | <u>3 May 2024</u> | <u>Deadline 3</u> |



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Status of the Statement of Common Ground

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

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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] |

On Behalf of Northern Powergrid

| | |
|---------------------|---------------------------|
| <u>Name</u> | [REDACTED] |
| <u>Position</u> | <u>Property Surveyor</u> |
| <u>Organisation</u> | <u>Northern Powergrid</u> |
| <u>Signature</u> | [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 Project, 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 United Kingdom’s (“UK’s”) net zero agenda by helping to decarbonise the UK’s industrial activities and in particular the heavy transport sector.
- 1.6 A detailed description of the Project is included in Environmental Statement (“ES”) Chapter 2: The Project [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 Powergrid (“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”.

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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.
 - (c) Red – matter not agreed.

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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

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| Date | Form of Contact | Summary with key outcomes and points of discussion |
|------------------------|--|--|
| Pre-application | | |
| 04/03/22 | Formal connection application by Air Products submitted to NPG via their online platform | Application (ENQ23057603) by Air Products for a <u>70MVA</u> supply electronically submitted in accordance with NPG online portal process. |
| 21/06/22 | Firm offer for a <u>70MVA</u> 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 <u>80MVA</u> supply would be required and that NPG would raise a new application (ENQ23123681) for <u>80MVA</u> on behalf of Air Products. |
| 11/07/23 | Firm offer for a <u>80MVA</u> 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 |
|----------------------------|--|---|
| | | these would be unlikely to be completed within the planned Project schedule. NPG stated that a lower connection capacity of <u>50MVA</u> 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. |
| Post DCO Submission | | |
| 29/08/23 | Formal connection application to Air Products submitted to NPG via their online platform for a <u>50MVA</u> connection | Application (ENQ23146082) by Air Products for a <u>50MVA</u> 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 <u>80MVA</u> . | 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 <u>1.25MVA</u> connection | Formal application by Air Products following NPG's online application process for a <u>1.25MVA</u> 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. |

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| <u>08/02/2024</u> | <u>Teams Meeting between Air Products and NPG</u> | <u>Meeting to discuss the potential diversion of NPG assets in the East Ammonia Tank area (Work No. 3).</u> |
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| | | <p><u>Meeting outcome: 33kV assets on Queens Road side of Work No. 3 do not need diversion subject to as-found survey (ongoing).</u></p> <p><u>1 x 11kV cable on the junction of Queens Road and Laporte Road needs diversion.</u></p> <p><u>1 x 33kV cable that runs along the TPO side of the plot does not need diversion.</u></p> |
| <u>09/02/2024</u> | <u>Email from NPg to Air Products</u> | <p><u>Confirmation that application reference ENQ23167866 has been created for the diversion of the 11kV cable noted in the meeting of 08/02/24.</u></p> <p><u>Confirmation that preliminary application ENQ23123691 for diversion of 33kV cables is no longer required and is cancelled.</u></p> |
| <u>01/03/2024</u> | <u>Email from NPg to Air Products</u> | <u>Confirmation from NPg that the initial acceptance payment for ENQ23166548 had been received.</u> |
| <u>05/03/2024</u> | <u>Email from NPg to Air Products</u> | <u>Clarification of a typo in the offer for ENQ23146082 dated 22/12/2023, and confirmation that additional circuits or larger core cables would be required at additional cost.</u> |
| <u>21/03/2024</u> | <u>Site visit to Immingham</u> | <u>NPg Project Manager for ENQ23166548 visited the site accompanied by Air Products' Site Supervisor to view diversion area.</u> |
| <u>25/03/2024</u> | <u>Email from Air Products to NPg</u> | <u>Application for additional 30MVA needed for future phases (connection requested 07/2029).</u> |
| <u>25/03/2024</u> | <u>Email from NPg to Air Products</u> | <u>Confirmation of receipt of application for additional 30MVA and providing reference ENQ23174859.</u> |
| <u>26/03/2024</u> | <u>Email from NPg to Air Products</u> | <u>Additional scope summary accounting for the ENQ23146082 offer error, including costs and other implications.</u> |
| <u>27/03/2024</u> | <u>Email from Air Products to NPg</u> | <u>Formal response to email of 26 March, confirming that Air Products would select Option 2 (one larger diameter cable per phase, reduction in available power to 47MVA) and move forward.</u> |
| <u>11/04/2024</u> | <u>Email from NPg to Air Products</u> | <u>Confirmation of a new active enquiry under ENQ23177889 to divert 33kV cable/s to correct depth at Works No. 7 site entrance, arising from discussions surrounding the site works.</u> |

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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).

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

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| 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 in the timescales required by AP , 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 also energise (electrically separate) the additional 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. Air Products will pursue the application for the additional power (ENQ23174859) required at a later phase of the Project nearer the time that the power is required. | Agreed | <u>20/10/23</u> |

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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 | 22/01/24 |
| 5 | Diversions | 7.7 Utilities Statement [APP-239] | A diversion will be required for the 11kV overhead powerline crossing the West Site, 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 Site (Work No. 7), Air Products has received ENQ23166548 and is in the process of formally accepting. | Agreed | 09/02/24 |
| 6 | Protective Provisions | 7.7 Utilities Statement [APP-239] 2.1 Draft Development Consent Order [APP-006] | NPG require the inclusion of Protective Provisions in the draft DCO in order to protect NPG's assets and interests. The wording of such Protective Provisions is under negotiation. 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. | The draft DCO submitted with the application contained Protective Provisions for the benefit of NPG at Schedule 14 Part 3. The Parties are actively and constructively engaged in negotiating the wording of the Protective Provisions. Those Protective Provisions will ensure that sufficient protection and safeguards for NPG's assets and interests are in place. | Discussion ongoing | |

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 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 divert a run of cables, NPG is considering the application. This will be covered by the proposed Protective Provisions in the DCO.¶
 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.¶

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 2.1 Draft Development Consent Order [APP-006]

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| ID | Matter | Reference | NPG Position | ABP / Air Products Position | Status | Date |
|----------|------------------|--|--|---|---------------|-----------------|
| <u>7</u> | <u>Diversion</u> | <u>7.7 Utilities Statement [APP-239]</u> | <u>An application ENQ23167866 has been received from Air Products for the diversion of a 11kV cable at the junction of Queens Road and Laporte Road.</u> | <u>A diversion will be required for the 11kV cable that cuts across the corner of the East Ammonia Tank Site (Work No.3) at the junction of Queens Road and Laporte Road. Air Products has received the formal offer for ENQ23167866 which is acceptable to Air Products.</u> | <u>Agreed</u> | <u>17/04/24</u> |
| <u>8</u> | <u>Diversion</u> | <u>7.7 Utilities Statement [APP-239]</u> | <u>An application under ENQ23177889 to divert 33kV cable/s to correct depth at a proposed site entrance to the Western plot.</u> | <u>The pre-existing cables that run along the edge of the West site (Works No. 7) will require lowering to an adequate depth where the site entrance will be located, for protection.</u> | <u>Agreed</u> | <u>17/04/24</u> |



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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 | Northern Powergrid |
| 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 |

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