



Immingham Green Energy Terminal

9.11 Applicant's Statement of Commonality (Tracked)

Infrastructure Planning (Examination Procedure) Rules 2010
Volume 9

May 2024

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Version History

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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 3, 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. [The first iteration of this Statement of Commonality was submitted at Deadline 1 \[REP1-046\].](#)
- 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.

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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

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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 Written 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.

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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:
- Final Agreed – the final version of the SoCG has been signed by all parties, and there are no matters outstanding.
 - 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.
 - 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	ABP Document Reference	Version	DL1	DL2	DL3	DL4	DL5	DL7	Status
Anglian Water Services Limited	TR030008/EXAM/9.25	2.0	✓	✗	✓				Draft
Cadent Gas Limited	TR030008/EXAM/9.26	2.0	✓	✗	✓				Draft

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Stakeholder	ABP Document Reference	Version	DL1	DL2	DL3	DL4	DL5	DL7	Status
CLdN Ports Killingholme Limited (CLdN)	TR030008/EXAM/9.23	<u>1.0</u>	✓	✗	✗				Draft
Corporation of Trinity House of Deptford Strond (Trinity House)	TR030008/EXAM/9.22	<u>2.0</u>	✓	✗	✓				Draft Agreed
Environment Agency	TR030008/EXAM/9.13	<u>2.0</u>	✓	✗	✓				Draft
Harbour Master, Humber (HMH)	TR030008/EXAM/9.19	<u>1.0</u>	✓	✓	✗				Draft
Health and Safety Executive (HSE)	TR030008/EXAM/9.15	<u>1.0</u>	✓	✗	✗				Draft
Historic England	TR030008/EXAM/9.21	<u>2.0</u>	✓	✗	✓				Draft Agreed
Immingham Oil Terminal (IOT) Operators (Associated Petroleum Terminals (Immingham) Limited (APT) and Humber Oil Terminals Trustees Limited (HOTT))	TR030008/EXAM/9.20	<u>1.0</u>	✓	✗	✗				Draft
Marine Management Organisation (MMO)	TR030008/EXAM/9.16	<u>2.0</u>	✓	✗	✓				Draft
Maritime and Coastguard Agency (MCA)	TR030008/EXAM/9.36	<u>1.0</u>	✓	✗	✗				Draft
National Highways	TR030008/EXAM/9.14	<u>2.0</u>	✓	✗	✓				Draft

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Stakeholder	ABP Document Reference	Version	DL1	DL2	DL3	DL4	DL5	DL7	Status
Natural England	TR030008/EXAM/9.17		2.0	✓	X	✓			Draft
Network Rail Infrastructure Limited	TR030008/EXAM/9.24		1.0	✓	X	X			Draft
Northern Powergrid	TR030008/EXAM/9.27		2.0	✓	X	✓			Draft Agreed
North East Lincolnshire Council (NELC)	TR030008/EXAM/9.12		2.0	✓	X	✓			Draft
North East Lindsey Drainage Board (NELDB)	TR030008/EXAM/9.18		1.0	✓	X	X			Draft Agreed

SoCGs requested by ExA in Rule 6 letter and submitted at Deadline 3

Anglian Water Services Limited

3.6 A draft SoCG with Anglian Water was submitted at Deadline 1 [REP1-060]. As stated in the last iteration of this Statement of Commonality, Anglian Water Services provided comments on the Deadline 1 SoCG by email on 7 March 2024. There was insufficient time before Deadline 1, to discuss these comments with Anglian Water and incorporate them into the Deadline 1 submission. A meeting with Anglian Water was subsequently held on 15 April 2024, and an updated version of the SoCG shared with them on 25 April 2024. Anglian Water returned comments on the draft SoCG on 1 May 2024. Whilst Anglian Water agree with the content of the SoCG being submitted at Deadline 3, they will not sign until the SoCG is finalised and there SoCG is therefore being submitted as 'Draft'.

Cadent Gas Limited

3.7 A draft SoCG with Cadent Gas was submitted at Deadline 1 [REP1-061]. Due to a change in personnel at Cadent, comments were not able to be provided on this SoCG draft in advance of Deadline 1. Cadent subsequently confirmed on 8 April 2024 that they had no comments on this SoCG. An updated SoCG was shared with Cadent Gas on 23 April 2024. At the time of submitting this Statement of Commonality at Deadline 3, a response from Cadent Gas had not been received.

CLdN Ports Killingholme Limited ("CLdN")

3.8 A draft SoCG with CLdN was submitted at Deadline 1 [REP1-058]. The focus of ongoing discussions between the Parties since Deadline 1 has been around the Protective Provisions. An updated SoCG is not being submitted at Deadline 3, ABP will update the ExA further on progress with the SoCG at Deadline 4.

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

3.9 A Draft Agreed SoCG with Trinity House was submitted at Deadline 1 [REP1-057]. Since Deadline 1, ABP and Trinity House have been in discussion to resolve outstanding matters in the SoCG. An updated version of the SoCG was shared with Trinity House on 17 April 2024. Trinity House confirmed their agreement of this draft on 23 April 2024 and requested that the SoCG be submitted as Draft Agreed at Deadline 3.

Environment Agency

3.10 Following submission of the SoCG at Deadline 1 [REP1-048], a meeting with the Environment Agency took place on 5 April 2024 to discuss Protective Provisions and a bespoke legal agreement to deal with matters relating to the existing Environment Agency flood defence. Revised Protective Provisions were issued to the Environment Agency on 10 April 2024 for review and an updated SoCG shared with them on 23 April 2024. The Environment Agency provided comments on the updated SoCG on 24 April 2024 which ABP and Air Products accepted. Although the content of the SoCG being submitted at Deadline 3 has been agreed by the Parties, it is being submitted as Draft as The Environment Agency are only able to sign the final version.

Harbour Master, Humber ("HMH")

3.11 Following submission of the SoCG at Deadline 1 [REP1-054], HMH noted some errors in this version of the SoCG. In response, the SoCG was corrected and resubmitted at Deadline 2 [REP2-008]. There have been no updates to the SoCG submitted at Deadline 2 and therefore an updated SoCG is not being submitted at Deadline 3. ABP will update the ExA further on this SoCG at Deadline 4.

Health and Safety Executive ("HSE")

3.12 A draft SoCG with the HSE was submitted at Deadline 1 [REP1-050]. An updated SoCG was shared with the HSE on 22 April 2024. Comments from the HSE were received 30 April 2024. Air Products will consider these comments and seek to discuss further with the HSE with a view to submitting an updated SoCG to the ExA at Deadline 4.

Historic England

3.13 A draft SoCG with Historic England was submitted at Deadline 1 [REP1-056]. ABP and Air Products have been in discussion with Historic England to progress resolution on outstanding matters within the SoCG since Deadline 1. An updated SoCG was shared with Historic England on 23 April 2024 and a signed Draft Agreed version returned by Historic England on 29 April 2024.

Immingham Oil Terminal ("IOT") Operators

3.14 A draft SoCG with the IOT Operators was submitted at Deadline 1 [REP1-055]. on 8 March 2024, the IOT Operators provided comments on the Deadline 1 version on 17 April 2024. ABP and Air Products are considering these comments and will seek to submit an updated SoCG to the ExA at Deadline 4.

Marine Management Organisation ("MMO")

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3.15 A draft SoCG with the MMO was submitted at Deadline 1 [REP1-051]. Communication with the MMO has been ongoing since Deadline 1. ABP shared a summary of the outstanding matters under discussion with the MMO on 4 April 2024 and an updated SoCG on 23 April. The MMO confirmed their agreement with the content of the SoCG being submitted at Deadline 3 on 1 May 2024. This version is being submitted as 'Draft' as the MMO will only sign the final version.

Maritime and Coastguard Agency ("MCA")

3.16 A draft SoCG with the MCA was submitted at Deadline 1 [REP1-069]. An updated SoCG is not being submitted at Deadline 3 as there are no changes to report since Deadline 1. The one matter still under discussion in this SoCG remains open at this stage as the MCA have said they may want to comment on the Navigational Risk Assessment (NRA) during the course of the Examination.

National Highways

3.17 A draft SoCG with National Highways was submitted at Deadline 1 [REP1-049]. An updated SoCG was shared with National Highways on 23 April 2024. At the time of submitting this Statement of Commonality at Deadline 3, ABP and Air Products are awaiting a response from National Highways.

Natural England

3.18 A Draft Agreed SoCG with Natural England was submitted at Deadline 1 [REP1-052]. A meeting with Natural England was held on 15 April 2024 to discuss the remaining matters under discussion in the SoCG. An updated SoCG was subsequently shared with Natural England on 26 April 2024. Natural England returned their comments on 1 May 2024. ABP and Air Products have not had time prior to Deadline 3 to review and respond to Natural England's comments. However, the Draft SoCG being submitted at Deadline 3 includes Natural England's changes in order to present the most up to date situation to the ExA which accurately reflects the views of the stakeholder. ABP will review and respond to Natural England's comments post Deadline 3 and if considered necessary, submit an updated Draft SoCG at Deadline 4.

Network Rail Infrastructure Limited ("Network Rail")

3.19 A Draft Agreed SoCG with Network Rail was submitted at Deadline 1 [REP1-059]. Negotiations in respect of the Protective Provisions and ancillary agreements continue between the parties, however, there are no changes to report in respect of the outstanding matters in the SoCG since Deadline 1. Therefore an updated SoCG is not being submitted at Deadline 3. ABP will update the ExA further on this SoCG at Deadline 4.

Northern Powergrid

3.20 A draft SoCG with Northern Powergrid was submitted at Deadline 1 [REP1-062]. Northern Powergrid provided some minor comments on this SoCG following Deadline 1 and an updated draft SoCG shared with Northern Powergrid on 25 April 2024. Northern Powergrid returned a signed copy of the SoCG on 1 May 2024. This SoCG is therefore being submitted as 'Draft Agreed' at Deadline 3.

North East Lincolnshire Council ("NELC")

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3.21 A draft SoCG with NELC was submitted at Deadline 1 [REP1-047]. NELC provided comments on the draft SoCG submitted at Deadline 1 on 8 April 2024. positive discussions have taken place with NELC regarding the outstanding SoCG matters. Two in-person site meetings have been held with the NELC Planning Officer and Tree Officer to progress discussions on the proposed woodland compensation and further MS Teams meetings have been held to discuss highways matters. NELC has confirmed their agreement with the content of the SoCG being submitted at Deadline 3 but will not sign the SoCG until it is finalised towards the end of Examination. This SoCG is therefore being submitted as 'Draft' at Deadline 3.

North East Lindsey Drainage Board ("NELDB")

3.22 A draft Agreed SoCG with NELDB was submitted at Deadline 1 [REP1-053]. An updated SoCG is not being submitted at Deadline 3 as discussions regarding Protective Provisions are still ongoing. ABP and Air Products will seek to provide an updated SoCG at Deadline 4.

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

PD Ports

3.23 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. It is not considered an SoCG between the Parties is required.

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SoCGs requested by ExA in Rule 6 letter but not

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Humber Estuary Services ("HES")¶
 The ExA in their Rule 6 letter [PD-005] asked for a SoCG to be prepared with HES. As outlined in a letter

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Deleted: 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¶
 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¶
 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

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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:
- The broad topics covered by the SoCGs running along the top.
 - 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	
<u>Matters under the topic broadly not agreed – no material impact (relevant to Natural England only)</u>	
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). In addition, footnotes have been used to indicate exceptions.
- 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.



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4.8 At Deadline 3 if an updated SoCG has not been submitted then the colour coding presented in Table 4.2 is as it was at its last submission.

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Table 4-2: Status of Commonality

**as per Deadline 1 SoCG submission, or in the case of the Harbour Master Humber, the Deadline 2 SoCG submission.*

Commented [TB1]: Please note that there have been changes to the colour coding of some parties listed in Table 4.2 however, this has not been picked up by the 'tracked changes' comparison so please compare Table 4-2 with that from Version 1.0

	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																																			
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Northern PowerGrid																																			
NELC																																			

	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
NELDB*																																	

5. Commentary at Deadline 3

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 3. This Chapter will be updated for each version of the Statement of Commonality submitted.

5.2 Table 5-1 summarises the current status of each SoCG submitted at Deadline 3 in terms of number of matters agreed and under discussion.

Table 5-1: Deadline 3 Summary of SoCG Matters

*as per Deadline 1 SoCG submission, or in the case of the Harbour Master Humber, the Deadline 2 SoCG submission.

**in the case of Natural England, the matters not agreed listed in this table are considered by the Parties to be of no material impact.

<u>Stakeholder</u>	<u>Number of Matters Agreed</u>	<u>Number of Matters Under Discussion</u>	<u>Number of Matters Not Agreed</u>	<u>% Matters Agreed</u>
<u>Anlgian Water</u>	<u>5</u>	<u>4</u>	<u>0</u>	<u>56</u>
<u>Cadent Gas</u>	<u>1</u>	<u>1</u>	<u>0</u>	<u>50</u>
<u>CLdN*</u>	<u>1</u>	<u>10</u>	<u>0</u>	<u>9</u>
<u>Corporation of Trinity House</u>	<u>2</u>	<u>0</u>	<u>0</u>	<u>100</u>
<u>Environment Agency</u>	<u>31</u>	<u>23</u>	<u>0</u>	<u>57</u>
<u>HMH*</u>	<u>6</u>	<u>1</u>	<u>0</u>	<u>86</u>
<u>HSE*</u>	<u>1</u>	<u>9</u>	<u>0</u>	<u>10</u>
<u>Historic England</u>	<u>6</u>	<u>0</u>	<u>0</u>	<u>100</u>
<u>IOT Operators*</u>	<u>3</u>	<u>7</u>	<u>0</u>	<u>30</u>
<u>MCA*</u>	<u>2</u>	<u>1</u>	<u>0</u>	<u>67</u>
<u>MMO</u>	<u>30</u>	<u>1</u>	<u>0</u>	<u>97</u>
<u>National Highways</u>	<u>10</u>	<u>8</u>	<u>0</u>	<u>56</u>
<u>Natural England**</u>	<u>42</u>	<u>19</u>	<u>8</u>	<u>61</u>
<u>Network Rail*</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>0</u>

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<u>Stakeholder</u>	<u>Number of Matters Agreed</u>	<u>Number of Matters Under Discussion</u>	<u>Number of Matters Not Agreed</u>	<u>% Matters Agreed</u>
<u>Northern PowerGrid</u>	<u>7</u>	<u>1</u>	<u>0</u>	<u>89</u>
<u>NELC</u>	<u>38</u>	<u>14</u>	<u>0</u>	<u>73</u>
<u>NELDB*</u>	<u>4</u>	<u>4</u>	<u>0</u>	<u>50</u>

5.3 The commentary below for Deadline 3, should be read keeping in mind that of the ten SoCGs submitted at Deadline 3;

- three (Corporation of Trinity House, Historic England and Northern Powergrid) have been signed and have been submitted as 'Draft Agreed';
- four (Anglian Water, Environment Agency, MMO and NELC), have had comments back from stakeholders which have been incorporated but have not been signed and have therefore been submitted as 'draft';
- one (Natural England) has had comments back from the stakeholder but ABP and Air Products have not had time to review and respond to these comments prior to Deadline 3. The stakeholder's comments have however been included in the Deadline 3 submission of the SoCG as 'Draft' for the reasons stated in Paragraph 3.15; and
- two (Cadent and National Highways), are still awaiting comments from stakeholders.

5.4 A further seven SoCGs submitted at Deadline 1 (or in the case of Harbour Master Humber, Deadline 2) have not been submitted at Deadline 3 for the reasons explained in section 3 of this Statement of Commonality. The previous submitted versions of these SoCGs have been considered in the commentary below.

5.5 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:

- 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;
- 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;
- 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;

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- 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 HMH, the MCA and Trinity House, are mainly interested in navigational safety on the Humber and related provisions in the draft DCO.

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5.6 Across the suite of SoCGs, there are some emerging topics that are a common interest amongst the stakeholders and other topics which are specific to certain stakeholders:

Deleted: seventeen SoCGs being submitted for the first time at Deadline 1

- a. Draft DCO (including protective provisions) – all SoCGs include a matter(s), 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.

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- c. Construction (including matters relating to the Outline Construction Environmental Management Plan ("CEMP") [REP2-004] and outline Construction Traffic Management Plan ("CTMP") [REP1-006]) – 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. Substantial progress has been made since Deadline 1 in agreeing these matters (see Paragraph 5.7 for further information).

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- d. Cumulative and In-Combination Effects – five SoCGs include a matter(s) relating to ES Chapter 25: Cumulative and In-Combination Effects [APP-067]. Since Deadline 1, all related matters have now been agreed (see Paragraph 5.7 for further information).

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- e. Utility connections – five SoCGs include a matter(s) relating to this topic, which are broadly now agreed (see Paragraph 5.7 for further information).

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5.7 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 previously in the Deadline 1 version of this document, 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. All matters relating to this topic have therefore been agreed.

Deleted: 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

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- b. Assessment of alternatives – as stated previously in the Deadline 1 version of this document, two SoCGs (IOT Operators and NELC) contain related matters, all of which have now been agreed.

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- c. Noise and vibration (excluding underwater noise and noise in the context of the HRA where matters are still under discussion with Natural England), materials and waste and human health and wellbeing – as previously reported in the Deadline 1 version of this document, all matters relating to these topics, have been agreed.
- d. Land and compulsory acquisition – since Deadline 1, all matters relating to this topic have now been agreed.
- e. Air Quality - since Deadline 1, all matters relating to this topic (excluding air quality in the context of the HRA where matters are still under discussion with Natural England) have now been agreed.
- f. Historical Environment (Terrestrial) and (Marine) – since Deadline 1, all matters relating to these topics have now been agreed.
- g. Physical Processes – since Deadline 1, all matters relating to this topic have been agreed.
- h. Climate Change - since Deadline 1, all matters relating to this topic have been agreed.
- i. Ground Conditions and Land Quality - since Deadline 1, all matters relating to this topic have been agreed.
- j. Cumulative and In-Combination Effects – since Deadline 1, all matters relating to this topic have been agreed.
- k. Nature Conservation (Marine Ecology) – positive progress has been made on this topic since Deadline 1 with over 95% of related matters having now been agreed. One matter is still under discussion with Natural England.
- l. Marine Water and Sediment Quality - positive progress has been made on this topic since Deadline 1 with over 85% of related matters having now been agreed. One matter is still under discussion with the Environment Agency.
- m. Construction (including CEMP and CTMP) – positive progress has been made on this topic since Deadline 1 with over 76% of related matters having now been agreed. Two matters are still under discussion, one each with the IOT Operators and National Highways, regarding this topic.
- n. Decommissioning - positive progress has been made on this topic since Deadline 1 with over 75% of related matters having now been agreed. One matter is still under discussion with the IOT Operators.
- o. Utility connections – positive progress has been made on this topic since Deadline 1 with over 70% of related matters having now been agreed. Matters are still under discussion with Anglian Water, the Environment Agency and Network Rail.

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

- a. Draft DCO (including protective provisions) – progress has been made on this topic since Deadline 1 but approximately 69% of the related matters are still under discussion with 11 stakeholders in total. Active discussions are underway with these stakeholders, particularly regarding protective provisions

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Deleted: <#>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.¶

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Deleted: 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.

and positive progress is being made. ABP and Air Products are confident these matters will continue, to be resolved, as the Examination progresses.

- b. Major Accidents and Disasters – approximately 86% of matters relating to this topic are still under discussion. Discussions are ongoing with the HSE, IOT Operators and NELC to resolve outstanding matters.
- c. Marine Transport and Navigation – approximately 67% of matters relating to this topic are still under discussion. Discussions are ongoing with CLdN, Harbour Master Humber and IOT Operators to resolve outstanding matters. There is also one related matter still open with the MCA where the MCA have said they may want to comment on the NRA during the course of the Examination.
- d. Other Consents and Licenses – 60% of matters relating to this topic are still under discussion. Discussions are ongoing with the HSE, NELC and NELDB to resolve outstanding matters.
- e. Local Planning Policy – this topic is relevant only to the NELC SoCG where 67% of matters (two of the three related matters) are still under discussion.
- f. Landscape and Visual Impact - this topic is relevant only to the NELC SoCG where 67% of matters (two of the three related matters) are still under discussion.
- g. Design – all three matters relating to this topic are still under discussion, one each with the Environment Agency, IOT Operators and NELDB.
- h. Operation and Maintenance – there is only one matter relating to this topic which is still under discussion with the IOT Operators.

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Deleted: <#>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.¶
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.¶
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.¶
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.¶
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.¶
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.¶



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6. Glossary

Abbreviation / Acronym	Definition
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