

Date: 3 May 2024  
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Adrian Hunter  
Lead Member of the Examining Authority  
National Infrastructure Planning  
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Temple Quay House  
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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 application for changes to its application for development consent ("Change Application")  
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.

Ongoing engagement with stakeholders and design evolution since the Applicant's original submission of the Application has made it apparent that there is a need for limited changes to the Application. 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**") throughout the process of notifying, consulting on and finalising its Change Request, and in accordance with Step 4 of Figure 1 (summary of how to make a request to make a change to an accepted application) of AN16, the Applicant is now formally seeking the ExA's consent to include the Proposed Changes to the Application in the Examination. This letter and its accompanying documents constitute the Applicant's Change Application, and include the information required in Figure 2b (What to include in the Change Application) of AN16. A list of the documents accompanying the Change Application is set out in Table 1 below, and details of the steps taken to comply with the requirements of Figure 2b are set out at Table 2 in Annex A.

**1 Prior Notification of Proposed Changes**

- 1.1 In accordance with Step 1 of Figure 1 of AN16 the Applicant made its formal Change Notification to the Examining Authority ("**ExA**") on 26 March 2024, notifying the ExA of the Applicant's intention to propose four changes (together the "**Proposed Changes**") to the Application. The Applicant sent to the ExA along with its covering letter (the "**Notification Letter**" [REP2-027]) the Proposed Changes Notification Report (the "**PCNR**") [REP2-024] which identified the nature of the Proposed Changes to the Project, and contained the required information set out in Figure 2a (Information to include in a Change Notification) of AN16.

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## 2 Proposed Changes Consultation

2.1 Also on 26 March 2024, the Applicant launched its consultation on its Proposed Changes (the "**Proposed Changes Consultation**") for a period of 30 days, commencing on **26 March 2024** and remaining open until **23:59 on 24 April 2024**, fulfilling Step 3 of Figure 1 of AN16.

2.2 Prior to the Applicant's Change Notification, the Applicant had written to the Examining Authority ("**ExA**") on 7 March 2024 requesting advice on the scope of the Proposed Changes Consultation [**AS-020**] (the "**Proposed Changes Advice Letter**") and in accordance with Step 2 of Figure 1 of AN16, the ExA responded on 18 March 2024 [**PD-011**], confirming that the Applicant's proposed approach to consultation and suggested list of consultees provided with the Proposed Changes Advice Letter [**AS-021**] was "sound".

2.3 The Proposed Changes Consultation was therefore carried out in accordance with the procedure described in the Proposed Changes Advice Letter and approved by the ExA. The Proposed Changes Consultation is further described in Section 7 of the PCNR, Section 6 of the Proposed Change Application Report (the "**PCAR**") accompanying this letter [**TR030008/EXAM/10.6**] and the Consultation Report Addendum [**TR030008/EXAM/10.19**], and consisted of targeted consultation and publication of notices of the Applicant's intention to apply for the Proposed Changes (the "**Proposed Changes Notice**") in the local and national press as well as placing physical copies of the Proposed Changes Notice in prominent locations around the Application site and the wider area. The consultation materials (i.e. the PCNR and the Proposed Changes Notice) were also made available electronically for viewing and/or download from the Project website, and physical copies were deposited at the Immingham Town Council Civic Centre and Grimsby Public Library.

2.4 Following the conclusion of the Proposed Changes Consultation, the Applicant has now finalised its formal Change Application after having fully considered all responses received during the consultation period. Chapter 4 of the Consultation Report Addendum includes all feedback received during the Consultation Period, as well as the Applicant's responses. All statutory consultees that responded expressed overall agreement with the Applicant's assessment of the fact that the Proposed Changes would not result in any new or different likely significant environmental effects in relation to the consultee's particular areas of concern, and no issues were raised with the Proposed Changes. As a result the Applicant is submitting its Change Application on the basis and description of the Proposed Changes as set out in the Change Notification materials.

## 3 Proposed Changes and the Change Application

3.1 The details of the Proposed Changes are described in detail at Section 2 of the PCAR. For the ExA's assistance, the Proposed Changes are also summarised here:

- **Proposed Change 1:** Increase in Number of Monopiles
- **Proposed Change 2:** Increase in Pile Diameter and Approach Jetty Width
- **Proposed Change 3:** Minor Change to the Red Line Boundary in the Vicinity of Work No. 7 and Minor Changes to the Northern Access from A1173 to Work No. 7; and

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- **Proposed Change 4:** Addition of Visual Detail to the Works Plans [**AS-002**] at Work No. 1a.

3.2 The PCAR also includes an explanation of the rationale and pressing need for making the Proposed Changes (Section 3), confirmation as to the position regarding new or different likely significant environmental effects as a result of the Proposed Changes (both alone and in combination) (Section 4), gives an update on the effect of the changes on any consents and licences required (section 5), and describes the consultation being carried out on the Proposed Changes and addresses compliance with the Infrastructure Planning (Compulsory Acquisition Powers) Regulations 2010 (the “**CA Regulations**”) which the Applicant confirms are not engaged by any of the Proposed Changes.

3.3 The PCAR confirms that 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, and Section 4 and Appendix 5 of the PCAR, for discussion of the environmental effects of the Proposed Changes).

#### 4 **Submission of Updated and Additional Documents**

4.1 The following documents and plans are proposed to be updated to reflect the Proposed Changes and have been submitted in support of this Change Application:

<b>Table 1: Documents and plans updated and submitted in support of Change Application</b>		
<b>Application Doc Ref</b>	<b>Most recent Examination Library Ref</b>	<b>Document Title</b>
TR030008/APP/1.3	REP2-002	Guide to the Application (Clean)
TR030008/APP/1.3	REP2-003	Guide to the Application (Tracked)
TR030008/APP/2.1	REP1-016	Draft Development Consent Order (Clean)
TR030008/APP/2.1	REP1-017	Draft Development Consent Order (Tracked)
TR030008/APP/2.1	REP1-018	Draft Development Consent Order (Composite)
TR030008/APP/2.2	REP1-004	Explanatory Memorandum (Clean)
TR030008/APP/2.2	REP1-005	Explanatory Memorandum (Tracked)
TR030008/APP/3.1	APP-008	Book of Reference (Clean)
TR030008/APP/3.1	N/A	Book of Reference (Tracked)
TR030008/EXAM/9.66	N/A	Schedule of Changes to the Book of Reference
TR030008/APP/4.1	APP-011	Location Plan
TR030008/APP/4.2	AS-002	Works Plan
TR030008/APP/4.3	APP-013	Illustrative Layouts
TR030008/APP/4.4	APP-014	Illustrative Sections and Elevations
TR030008/APP/4.5	APP-015	Land Plans
TR030008/APP/4.6	APP-016	Street Works and Accesses Plan
TR030008/APP/4.7	APP-017	Stopping Up and Restriction of Use of

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		Streets and Public Rights of Way Plan
TR030008/APP/4.8	AS-009	Traffic Regulations Measures Plan
TR030008/APP/4.9	AS-013	Plan of Potentially Affected Hedgerows and Trees Subject to Preservation Orders
TR030008/APP/4.10	APP-020	Statutory and Non-statutory Nature Conservation Plans (Clean)
TR030008/APP/4.10	APP-020	Statutory and Non-statutory Nature Conservation Plans (Tracked)
TR030008/APP/6.2	APP-044	Environmental Statement – Chapter 2: The Project (Clean)
TR030008/APP/6.2	N/A	Environmental Statement – Chapter 2: The Project (Tracked)
TR030008/APP/6.3	APP-069	Environmental Statement - Figure 1.1 - Site Location Plan
TR030008/APP/6.3	APP-070	Environmental Statement – Figure 2.1 – Site and Surrounding Environment Key Plan
TR030008/APP/6.3	APP-071	Environmental Statement – Figure 2.2 – Site Boundary and Administrative Context
TR030008/APP/6.3	APP-072	Environmental Statement – Figure 2.3 – Work Areas
TR030008/APP/6.3	APP-073	Environmental Statement – Figure 2.4 – Site Boundary Changes between the EIA Scoping Report (August 2022) and the Application (September 2023) Key Plan
TR030008/APP/6.3	APP-074	Environmental Statement – Figure 2.5 – Illustrative Project Layout
TR030008/APP/6.3	APP-108	Environmental Statement – Figure 13.1 – Project Location and Study Area
TR030008/APP/6.3	APP-109	Environmental Statement – Figure 13.2 – Zone of Theoretical Visibility – Bare Earth
TR030008/APP/6.3	APP-110	Environmental Statement – Figure 13.3 – Zone of Theoretical Visibility – Visual Screening
TR030008/APP/6.3	APP-111	Environmental Statement – Figure 13.4 – Landscape Character Areas – National and Regional
TR030008/APP/6.3	APP-112	Environmental Statement – Figure 13.5 – Landscape Character Areas – Local
TR030008/APP/6.3	APP-113	Environmental Statement - Figure 13.6 - Designations
TR030008/APP/6.3	APP-114	Environmental Statement - Figure 13.7 - Viewpoint Locations
TR030008/APP/6.3	APP-151	Environmental Statement - Figure 21.1 - Superficial Geology and Artificial Ground
TR030008/APP/6.3	APP-152	Environmental Statement - Figure 21.2 - Bedrock Geology
TR030008/APP/6.3	APP-153	Environmental Statement - Figure 21.3 - Groundwater Features
TR030008/APP/6.3	APP-156	Environmental Statement - Figure 21.6 - Source Protection Zones

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TR030008/APP/6.3	APP-157	Environmental Statement - Figure 21.7 - Agricultural Land Classification
TR030008/APP/6.3	APP-159	Environmental Statement - Figure 23.1 - Socio-Economic Receptors within the Site Boundary
TR030008/APP/6.3	APP-160	Environmental Statement - Figure 23.2 - Socio-Economic Receptors within 500m of the Site Boundary
TR030008/APP/6.3	APP-161	Environmental Statement - Figure 23.3 - Socio-Economic Receptors within 5km of the Site Boundary (Primary Healthcare)
TR030008/APP/6.3	APP-162	Environmental Statement - Figure 23.4 - Lower Super Output Areas - North East Lincolnshire 001A & North East Lincolnshire 007A
TR030008/APP/6.4	APP-209	Environmental Statement Appendices – Appendix 18.A: Flood Risk Assessment (Clean)
TR030008/APP/6.4	N/A	Environmental Statement Appendices – Appendix 18.A: Flood Risk Assessment (Tracked)
TR030008/APP/6.5	REP2-004	Outline Construction Environmental Management Plan (Clean)
TR030008/APP/6.5	REP2-005	Outline Construction Environmental Management Plan (Tracked)
TR030008/APP/6.7	REP1-006	Outline Construction Traffic Management Plan (Clean)
TR030008/APP/6.7	REP1-007	Outline Construction Traffic Management Plan (Tracked)
TR030008/APP/7.3	REP1-008	Without Prejudice Report to inform Habitats Regulations Assessment (Derogation) (Clean)
TR030008/APP/7.3	REP1-009	Without Prejudice Report to inform Habitats Regulations Assessment (Derogation) (Tracked)
TR030008/APP/7.6	REP1-012	Shadow Habitats Regulations Assessment (Clean)
TR030008/APP/7.6	REP1-013	Shadow Habitats Regulations Assessment (Tracked)
TR030008/APP/8.6	REP1-014	Applicant's Schedule of Changes to draft Development Consent Order
TR030008/EXAM/10.5	N/A	Change Application Cover Letter
TR030008/EXAM/10.6	N/A	Proposed Change Application Report and Appendices
TR030008/EXAM/10.19	N/A	Consultation Report Addendum

4.2 In addition to the above list, Appendix 1 to the PCAR **[TR030008/EXAM/10.6]** contains a full schedule of all the Change Application documents and plans, listing consequential revisions to each document and plan. Documents and plans not listed in Appendix 1 are not proposed to be updated in light of the Change Application. There are no changes to the

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consents or licences required as a result of the Proposed Changes, and there is no reason why these Proposed Changes would create any impediment to securing the necessary consents or licences before conclusion of the Examination.

- 4.3 Certain of the documents that are proposed to be updated to reflect the Proposed Changes also reflect amendments that do not form part of the Change Application. For clarity, Appendix 1 describes only those changes made to the documents to reflect the Proposed Changes. The Applicant’s Cover Letter to its Deadline 3 submissions **[TR030008/EXAM/9.70]** includes reference to other documents and plans submitted which do not form part of the Change Application. The approach taken to documents submitted at Deadline 3 (both those in relation to the Change Application and other documents required to be submitted) is that one version of these documents has been submitted. Those documents where changes have been made as a result of the Proposed Changes would be re-submitted at a later Deadline if the Proposed Changes are not accepted into the Examination.
- 4.4 An updated Appendix 18:A Flood Risk Assessment (FRA) has been submitted with the Change Application. The only change made to the FRA was to substitute the figures update plates 1, 2, 3 and 5 in the document with updated figures plates to show the amended redline Order Limits. This document has been amended because the dDCO includes a requirement to comply with this Application document and therefore it has been amended to ensure it shows the correct redline Order Limits for the Application.
- 4.5 In relation to the Environmental Statement Volume 2 Figures **[APP-069 to APP-166]**, the full suite of Figures were assessed against the Proposed Changes and only those Figures that required an update in light of the Proposed Changes have been included in the Change Application. The updated Environmental Statement Volume 2 Figures, listed in Appendix 1 in the Proposed Change Application Report **[TR030008/EXAM/10.6]**, have been submitted with the Change Application as they depict the update to the Order Limits as a result of Proposed Change 3.

**5 Applicant’s compliance with AN16 Figure 2b requirements**

- 5.1 In preparing its Change Application the Applicant has had regard to the Items set out in Figure 2b (What to include in the Change Application). Table 2 below describes where the required information is located in the documents submitted as part of this Change Application.

<b>Table 2: Applicant’s compliance with AN16 Figure 2b</b>	
<b>Figure 2b Item No</b>	<b>Content and compliance with Figure 2b</b>
<i>1. A confirmed/ updated description of the proposed change</i>	Section 2 of the PCAR provides a description of the Proposed Changes, confirming the description provided in the PCNR
<i>2. A confirmed/ updated statement setting out the rationale and pressing need for making the change</i>	Section 3 of the PCAR provides a statement setting out the rationale and pressing need for the Proposed Changes, confirming the information provided in the PCNR
<i>3. A full schedule of all application documents and plans listing consequential revisions to each document and plan or a ‘no change’ annotation. The schedule should include an update of any consents/</i>	Appendix 1 of the PCNR contains a schedule of the documents and plans submitted with the Change Application that are proposed to be changed in light of the Change Application. Noting the reference at Item 3

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<p><i>licences required and whether (given the proposed change to the application) there will be any impediment to securing the consents/ licences before the Examination is concluded.</i></p>	<p>to a 'no change' annotation, the Applicant confirms that any other Application document or plan that is not listed in Appendix 1 is not proposed to be amended as a result of the Change Application.</p> <p>Section 5 of the PCAR provides the update on consents and licences required, confirming that the Proposed Changes are not considered by the Applicant to represent a change in circumstances to the grant of other consents and licences required outside of the DCO process and that no additional consents or licences would be required as a result of the Proposed Changes. The position as to additional consents, licences and agreements including likely timescales for obtaining these is set out in the Consents and Agreements Position Statement [<b>REP1-010</b>], and is not affected by the Proposed Changes.</p>
<p><i>4. Clean and track changed versions of the draft DCO showing each proposed change, and a revised draft Explanatory Memorandum. If drafting changes have been made to the draft DCO during the course of the Examination, applicants should check with the ExA which version of the draft DCO and draft Explanatory Memorandum should be used for this purpose</i></p>	<p>The Applicant has provided an updated version of the draft DCO at Deadline 3, in clean, track and composite. The updated draft DCO includes both those changes that would be made as a result of the acceptance of the Proposed Changes into the Examination (as set out in Appendix 1 to the PCAR), along with other amendments to the draft DCO that do not form part of the Change Application. Where the amendments relate to the Proposed Changes, the Applicant has indicated this with footnotes, noting that that if the ExA does not accept the Proposed Changes into the Examination then the amendments should be removed.</p> <p>The Applicant has also updated the Explanatory Memorandum where relevant in relation to the Proposed Changes and other amendments to the draft DCO being submitted at Deadline 3, and indicated with square brackets and footnotes where the changes are due to the Proposed Changes (see PCAR Appendix 1 for an explanation of the limited changes to the Explanatory Memorandum as a result of the Proposed Changes).</p> <p>The Applicant has updated the most recent version of the dDCO and Explanatory Memorandum to ensure that all relevant amendments are included.</p>
<p><i>5. If the proposed change involves changes to the Order land, confirmation that the CA Regulations are not engaged including if appropriate a copy of the consent obtained from all persons with an interest in the additional land. If the CA Regulations are engaged applicants must provide the information prescribed by Regulation 5 of the CA Regulations (namely a supplement to the submitted Book of Reference, a Land Plan identifying the additional land, a Statement of Reasons as to why the additional land is required and a statement indicating how it is proposed to fund acquisition of the additional land (a Funding Statement)) and</i></p>	<p>Section 7 of the PCAR provides the Applicant's confirmation that the CA Regulations are not engaged. For completeness, the Applicant also provides the consent of the landowner whose property is proposed to be included within the Order Limits for exercise of powers of temporary possession at Appendix 6 to the PCAR.</p>

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<p><i>should clarify how it is considered that the procedural requirements of the CA Regulations can be met within the remaining statutory timescales. Clean and track changed versions of these documents should be provided.</i></p>	
<p>6. <i>If the proposed change results in any new or different likely significant environmental effects, provision of other environmental information and confirmation that:</i></p> <p>1. <i>the effects have been adequately assessed and that the environmental information has been subject to publicity. Whilst not statutorily required, the publicity should reflect the requirements of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) and applicants should also submit copies of any representations received in response to this publicity with the change request.</i></p> <p>2. <i>any consultation bodies who might have an interest in the proposed changes have been consulted (reflecting the requirements of the EIA Regulations). Applicants should submit copies of any responses received from consultation bodies with the Change Application. Applicants should identify those consultation bodies who were consulted on the proposed changes but not on the original application.</i></p>	<p>Section 4 of the PCAR provides confirmation that the Proposed Changes do not result in any new or different likely significant environmental effects and confirms that the effects of the Proposed Changes have been adequately assessed and that information on the technical assessment undertaken was made publicly available as part of the Proposed Changes Consultation. Appendix 5 provides the technical appraisal of the Proposed Changes against the environmental assessments undertaken for the Application as set out in the Environmental Statement submitted with the original Application.</p>
<p>7. <i>Where consultation has been carried out (either voluntarily, at the direction of the ExA or pursuant to the requirements of the CA Regulations) a Consultation Report must be provided. The Consultation Report must confirm who has been consulted in relation to the proposed change, explain why they have been consulted, and include the Applicant's consideration of the content of the consultation responses received. Copies of any consultation responses received by an applicant should also be included in the Consultation Report as an annex.</i></p>	<p>The Consultation Report Addendum is submitted as part of this Change Application.</p> <p>Confirmation of the parties consulted and explanation of why those parties were included in the Proposed Changes Consultation is provided at Table 2 of Chapter 3 in the Consultation Report Addendum.</p> <p>All feedback received to the Proposed Consultation is incorporated at Chapter 4 of the PCAR, as well as the Applicant's individual responses to each piece of feedback received and consideration of the feedback in finalising the Change Application.</p>

**6 Accommodating the Examination of the Proposed Changes within the statutory timeframes**

- 6.1 The Applicant considers that, subject to ExA's agreement, the consideration of the Change Application can be accommodated in the statutory timescale of the remaining Examination, given:
  - 6.1.1 The Proposed Changes are all of a limited scale and are not so substantial as to constitute a materially different project;
  - 6.1.2 The Proposed Changes do not require any new powers of compulsory acquisition and do not engage the CA Regulations, and the consent of the owner of the land in relation to

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which additional powers of temporary possession are being sought as part of Proposed Change 3 has been obtained (see Appendix 6 of the PCAR);

- 6.1.3 No new or different likely significant environmental effects have been identified as a result of the Proposed Changes (both alone and in-combination);
- 6.1.4 All parties likely to be affected by or who have an interest in the Proposed Changes were consulted in advance of submission of the Change Application, and no new issues were identified by any consultees, and all feedback received indicated agreement with the Applicant's conclusion that there would be no new or different likely significant environmental effects from those already set out in the Applicant's Environmental Statement [APP-042] – [APP-225] due to the Proposed Changes; and
- 6.1.5 The submission of the Change Application at this stage provides sufficient time to review and examine any relevant concerns that may emerge relating to the Proposed Changes.

## 7 **Next Steps**

- 7.1 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.
- 7.2 On the basis that these are minor changes not resulting in any new or different likely significant environmental effects and in light of the fact that no issues were raised with the Proposed Changes by any consultees during the Proposed Changes Consultation, the Applicant considers that the Proposed Changes are capable of being fairly examined within the Examination period.

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

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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