

Date: 21 May 2024
Our ref: GOOD/3004864.3
Your ref: TR030008
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Of 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 further changes to its application for development consent ("Further 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.

On 26 March 2024, we submitted notice of a request for proposed minor changes to the Application ("**First Change Notification**") [REP2-027]. The application to make those changes to the Application ("**First Change Application**") was submitted to the Examining Authority on 3 May 2024 [REP3-081] and the Examining Authority (**ExA**) confirmed in its procedural decision dated 14 May 2024 (the "**Rule 9 Letter**") [PD-013] that the First Change Application has been accepted into the Examination.

As a result of further design development and engagement with stakeholders, the need for further limited changes (the "**Proposed Further Changes**") to the Application has been identified. The Applicant indicated its intention to submit a request for further changes to the Application at the Issue Specific Hearing 6 ("**ISH 6**") held on Tuesday 16 April 2024 (see ISH 6 transcript (Part 2) [EV9-005] at 50:18-52:59 and the Applicant's Written Summaries of the Applicant's Oral Case at ISH 6 with Appendices [REP3-072] in response to ISH 6 Agenda Item 7(iii) Traffic and Transport [EV9-001]).

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 formal notification to the ExA of the Applicant's intention to submit a request for further changes to the Application ("**Proposed Further Change Notification**").

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The report accompanying this letter ("**Proposed Further Changes Notification Report**" or "**PFCNR**") provide the information set out in Figure 2a of AN16 required to be included in a change notification.

The Applicant wrote to the ExA on 9 May 2024 requesting advice on the scope of targeted consultation to be undertaken on the Proposed Further Changes (the "**Proposed Further Changes Advice Letter**") [AS-031] and the ExA responded in its Rule 9 Letter [PD-013] confirming that the "*ExA agrees with the Applicant's proposed targeted approach to consultation*". The ExA also noted that it considers that the "*anticipated timeline for requesting the [Proposed Further Changes] is appropriate, with respect to the Examination timetable*".

The Proposed Further Changes are each set out in more detail below and are numbered so as to follow on from the First Change Application (numbered 1 to 4) for ease of reference during the Examination.

1 **Summary of the Proposed Further 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 5(a):** a minor adjustment to the accesses from the A1173 to Work No. 7 (shown on the Street Works and Accesses Plan [REP3-016] as Access AB and Access AC);
- **Proposed Change 5(b):** a minor reduction in the area of public highway proposed to be permanently stopped up to the south of Laporte Road and associated minor reduction in Work No. 3;
- **Proposed Change 5(c):** adjustments to the speed limit change proposed along Laporte Road to introduce a new section with a 40mph speed limit and reduce the section proposed to be subject to a 30mph speed limit;
- **Proposed Change 6:** a new area of permanent stopping up in the vicinity of an access from Kings Road to Work No. 7 (shown as Access AA on the Street Works and Accesses Plan [REP3-016]);
- **Proposed Change 7:** a reduction in the area of Work No. 9 (which is proposed to be used for temporary construction purposes) and associated reduction in the Order limits.

1.2 Consultation is also being undertaken on updates to information contained in the Environmental Statement relating to the following proposals, which would result in changes to the proposed mitigation in the Outline Construction Environmental Management Plan [REP3-026]:

- **Proposed Change 8:** a change to the ground protection methodology for Work No. 9 to allow the installation of a geotextile layer and a layer of compacted fill material instead of the installation of ground matting;

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- **Proposed Change 9:** a change to the terrestrial piling methodology to include the potential use of driven piling in Work Nos. 3, 5 and 7.

1.3 A full description of Proposed Further Changes 5 to 9 is provided in Section 2 of the PFCNR, along with explanations of why they are proposed and an appraisal of their impacts (Section 4, and Appendices 5 – 11). The PFCNR details how the Proposed Further Changes can be accommodated in the statutory timescale of the Examination (Section 5), and describes the consultation being carried out on the Proposed Further Changes and intended submission of the formal Proposed Further Change Application (Section 6).

1.4 None of the Proposed Further 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 Further Changes give rise to any new or different likely significant environmental effects in comparison to those assessed and reported in the Environmental Statement submitted as part of the Application [APP-042] – [APP-225] and the Proposed Change Application Report [REP3-079] submitted with the First Change Application (see Section 4 and Appendices 5 – 8 and 11 of the PFCNR for discussion of the environmental effects of the Proposed Further Changes).

2 Consultation on the Proposed Further Changes

2.1 In order to notify all parties likely to be affected by or otherwise interested in the Proposed Further Changes as early as possible, the Applicant sent the Proposed Further Changes Advice Letter on 9 May 2024 to the ExA in advance of this Further Change Notification to request advice on the Applicant's proposals for the scope of consultation to be carried out on the Proposed Further Changes (the "**Proposed Further Changes Consultation**"). The Applicant specifically sought confirmation of its proposed targeted approach to the Proposed Further Changes Consultation and enclosed for the ExA's review a list of proposed consultees and explanation for inclusions and exclusions in that list ([AS-031] and [AS-032], respectively).

2.2 The Examining Authority confirmed in its Rule 9 Letter [PD-013] to the Applicant that the "*targeted approach to consultation and considers the proposed list of parties to be sound*".

2.3 Details of the Proposed Further Changes Consultation are contained in Section 6 of the PFCNR, but in short, it consists of:

- targeted consultation, in which letters with enclosed notice of the Proposed Further Changes Consultation containing information as to where the PFCNR and its appendices can be viewed (both electronically through a link provided and in hard copy) (the "**Proposed Further Changes Consultation Notice**") 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 Further Changes;
- publication of the Proposed Further Changes Consultation Notice in the local and national press;
- placing of physical copies of the Proposed Further Changes Consultation Notice in prominent locations around the Application site and throughout the wider community in which the Application is located;

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- copies of the Proposed Further Changes Consultation Notice and the PFCNR being made publicly available to view and download on the Project website; and
 - physical copies of the Proposed Further Changes Consultation Notice and the PFCNR being made available at Immingham Town Council Civic Centre and Grimsby Public Library.
- 2.4 The Proposed Further Changes Consultation will run from **Tuesday, 21 May 2024** until **23:59 on Wednesday, 19 June 2024**. The Applicant will take into account all comments it receives on the Proposed Further Changes during this period in preparing for submission of its formal Proposed Further Change Application.
- 2.5 The Proposed Further 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. The Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the "**CA Regulations**") are not engaged by the Proposed Further Changes and the ExA has confirmed in the Rule 9 Letter that it "*agrees with the Applicant's assessment that the [CA Regulations] are unlikely to be engaged by the [Proposed Further Changes]*".
- 2.6 Copies of the PFCNR and its appendices have been published and made publicly available to view and download on the IGET Development website from today, **21 May 2024**, and will remain accessible at the following link throughout the Proposed Further Changes Consultation Period: www.imminghamget.co.uk
- 2.7 Enclosed with this letter are copies of the following documents which have been publicised in the Proposed Further Changes Consultation:
- the PFCNR, including its appendices:
 - Appendix 1 to the PFCNR: Proposed Changes Location Plan – Proposed Changes 5 - 9
 - Appendix 2 to the PFCNR: Site Boundary and Works Plan Changes for Proposed Changes 5 – 9;
 - Appendix 3 to the PFCNR: Stopping Up and Restriction of Use of Streets and Public Rights of Way Plan Changes for Proposed Changes 5 – 9;
 - Appendix 4 to the PFCNR: Traffic Regulation Measures Plan for Proposed Changes 5 – 9;
 - Appendix 5 to the PFCNR: Environmental Screening Appraisal of Proposed Changes 5(a), 5(b) and 5(c);
 - Appendix 6 to the PFCNR: Environmental Screening Appraisal of Proposed Change 7;

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- Appendix 7 to the PFCNR: Environmental Screening Appraisal of Proposed Change 8;
- Appendix 8 to the PFCNR: Environmental Screening Appraisal of Proposed Change 9; and
- Appendix 9 to the PFCNR: Proposed Change 8 – Traffic and Transport;
- Appendix 10 – Proposed Change 9 – Noise and Vibration;
- Appendix 11 – Summary of Residual Effects scoped in for Proposed Change 9;
- the Proposed Further Changes Consultation 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 Further Changes and enclosing the Proposed Further Changes Consultation Notice, the PFCNR and its appendices.

3 **Next Steps**

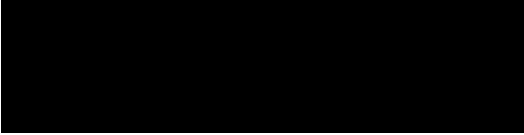
- 3.1 As noted above, the Proposed Further Changes Consultation will run for 30 days, remaining open until 23:59 on 19 June 2024. The Applicant will then fully consider all responses it may receive by the deadline given before it submits its formal Proposed Further Change Application to the ExA.
- 3.2 As described at Section 6 of the PFCNR, the Applicant intends submitting its Proposed Further Change Application and all required accompanying information (listed in Figure 2b of AN16 including a Consultation Report detailing the results of the Proposed Further Changes Consultation as set out in Point 7 of Figure 2b) on 26 June 2024. The Applicant considers that this should give it sufficient time to prepare the Proposed Further Change Application including taking account of all responses received to the Proposed Further Changes Consultation.
- 3.3 The Applicant understands that once the Proposed Further Change Application has been submitted, the Examining Authority will make a Procedural Decision as to whether it will accept the Proposed Further Changes into the Examination. If the ExA decides to accept the Proposed Further Changes for Examination, its Procedural Decision will also detail how the changed Application will be Examined. Section 5 of the PCNR proposes how the Examination of the changed Application can be accommodated within the remaining Examination timetable.

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

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

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Yours sincerely



Bryan Cave Leighton Paisner

Enclosure

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