

Date: 26 June 2024
Our ref: GOOD/3004864.3
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Dear Sir,

Planning Act 2008 (as amended) and the Infrastructure Planning (Examination Procedure) Rules 2010
Application by Associated British Ports ("the Applicant") for an Order Granting Development Consent for the Immingham Green Energy Terminal ("IGET")
Applicant's further application for changes to its application for development consent ("Further 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 commenced on 20 February 2024.

On 26 March 2024, we submitted notice of a request for proposed minor changes to the Application [**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 taken into account the advice provided in Paragraph 018 (Reference ID 07-018-20240430) of the Department for Levelling Up, Housing and Communities' Guidance – Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects (2024) (the "Guidance") (Ref 1-2) and 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 Proposed Further Changes 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 Further Changes to the Application in the Examination. This letter and its accompanying documents constitute the Applicant's

To: Adrian Hunter
Date: 26 June 2024
Page: 2

Further 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 Further 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.

1 **Prior Notification of Proposed Further Changes**

1.1 In accordance with Step 1 of Figure 1 of AN16 the Applicant made its formal notification of the Proposed Further Changes ("**Further Changes Notification**") to the ExA on 21 May 2024, notifying the ExA of the Applicant's intention to propose further changes to the Application. The Applicant sent to the ExA a covering letter (the "**Proposed Further Changes Notification Letter**" [AS-038]) and the Proposed Further Changes Notification Report (the "**PFCNR**") [AS-042] which identified the nature of the Proposed Further Changes to the Project, and contained the required information set out in Figure 2a (Information to include in a Change Notification) of AN16.

2 **Proposed Further Changes Consultation**

2.1 Also on 21 May 2024, the Applicant launched its consultation on its Proposed Further Changes (the "**Proposed Further Changes Consultation**") for a period of 30 days, commencing on **21 May 2024** and remaining open until **23:59 on 19 June 2024**, fulfilling Step 3 of Figure 1 of AN16.

2.2 Prior to submitting the Applicant's Proposed Further Changes Notification Letter, the Applicant had written to the ExA on 9 May 2024 requesting advice on the scope of the Proposed Further Changes Consultation [AS-031] (the "**Proposed Further Changes Advice Letter**") and in accordance with Step 2 of Figure 1 of AN16, the ExA confirmed in its Rule 9 Letter [PD-013] on 14 May 2024 to the Applicant that the ExA "agrees with the Applicant's targeted approach to consultation and considers the proposed list of parties to be sound".

2.3 The Proposed Further Changes Consultation was therefore carried out in accordance with the procedure described in the Proposed Further Changes Advice Letter and approved by the ExA. The Proposed Further Changes Consultation is further described in Section 6 of the PFCNR, Section 6 of the Proposed Further Change Application Report (the "**PFCAR**") accompanying this letter [TR030008/EXAM/10.8] and the Further Consultation Report Addendum [TR030008/EXAM/10.7]. It consisted of targeted consultation and publication of notices of the Applicant's intention to apply for the Proposed Further Changes (the "**Proposed Further Changes Notice**") in the local and national press as well as placing physical copies of the Proposed Further Changes Notice in prominent locations around the Application site and the wider area. The consultation materials (i.e. the PFCNR and the Proposed Further 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 Further Changes Consultation, the Applicant has now finalised its formal Further Change Application after having fully considered all responses received during the consultation period. Chapter 4 of the Further Consultation Report Addendum includes all feedback received during the consultation period and the Applicant's responses. Only three statutory consultees responded to the Proposed Further Changes Consultation, and no issues were raised with the Proposed Further Changes in any

To: Adrian Hunter
Date: 26 June 2024
Page: 3

of those consultation responses. Natural England expressed overall agreement with the Applicant's assessment of the fact that the Proposed Further Changes would not result in any new or different likely significant environmental effects in relation to the consultee's particular areas of concern. The Environment Agency confirmed it had no comment in respect of the majority of the Proposed Further Changes (5(a)-5(c), 6, 7 and 8) and no objection in principle to Proposed Change 9. Anglian Water confirmed it had no comments in respect of the Proposed Further Changes. As a result the Applicant is submitting its Further Change Application on the basis and description of the Proposed Further Changes as set out in the Further Change Notification materials save for two minor adjustments as described in paragraph 3.1(a) below following further engagement with the local highway authority during the consultation period.

3 **Proposed Further Changes and the Further Change Application**

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

- **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). Following engagement with North East Lincolnshire Council highways as the local highway authority during the consultation period, minor adjustments to the final shape of the polygons for Access AB and Access AC (from those shown on the indicative plans contained in the PFCNR) have been made to accommodate the requested changes, resulting in slightly larger polygons to provide additional flexibility at the design stage. The very minor nature and scale of these adjustments do not result in any change to the assessments contained in the PFCNR. The Street Works and Accesses Plan [TR030008/APP/4.6(3)] and the Stopping Up and Restriction of Use of Streets and Public Rights of Way Plan [TR030008/APP/4.7(3)] contain the final proposed polygons.
- **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 (which has the effect in part of removing a section subject to the national speed limit) and reduce the section proposed to be subject to a 30mph speed limit. The eastern extent of the proposed new section with a 40mph speed limit is aligned to the point on Laporte Road where the existing 40mph section commences;
- **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 [TR030008/APP/4.6(3)]);
- **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.

3.2 Consultation was also undertaken on updates to information contained in the Environmental Statement relating to the following proposals which would result in changes

To: Adrian Hunter
Date: 26 June 2024
Page: 4

to the proposed mitigation in the Outline Construction Environmental Management Plan [REP4-008]:

- **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;
- **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.

3.3 Section 2 of the PFCAR also includes an explanation of the rationale and pressing need for making the Proposed Further Changes. The PFCAR further includes confirmation as to the position regarding new or different likely significant environmental effects as a result of the Proposed Further Changes (both alone and in combination) (Section 3), an update on the effect of the changes on any consents and licences required (section 4), and describes the consultation being carried out on the Proposed Further Changes (Section 5) and explains that the Infrastructure Planning (Compulsory Acquisition Powers) Regulations 2010 (the “CA Regulations”) are not engaged by any of the Proposed Further Changes (Section 6).

3.4 The PFCAR confirms that 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 materially new or different environmental effects (either alone or in combination) in comparison to those assessed and reported in the Environmental Statement submitted as part of the Application [APP-042] – [APP-225] (as amended where relevant, together with any other substantive environmental information in relation to environmental statement subsequently submitted by the Applicant including the Proposed Change Application Report [REP3-079]). See Section 4 and Appendices 5 to 8 of the PFCNR, and Section 4 and Appendices 5 to 11 of the PFCAR, for discussion of the environmental effects of the Proposed Further Changes.

4 Submission of Updated and Additional Documents

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

Table 1: Documents and plans updated and submitted in support of the Further Change Application		
Application Doc Ref	Most recent Examination Library Ref	Document Title
TR030008/APP/1.3	REP4-002	Guide to the Application (Clean)
TR030008/APP/1.3	REP4-003	Guide to the Application (Tracked)
TR030008/APP/2.1	REP4-004	Draft Development Consent Order (Clean)
TR030008/APP/2.1	REP4-005	Draft Development Consent Order (Tracked)
TR030008/APP/2.2	REP4-006	Explanatory Memorandum (Clean)
TR030008/APP/2.2	REP4-007	Explanatory Memorandum (Tracked)
TR030008/APP/3.1	REP3-009	Book of Reference (Clean)
TR030008/APP/3.1	REP3-010	Book of Reference (Tracked)

To: Adrian Hunter
 Date: 26 June 2024
 Page: 5

TR030008/EXAM/9.66	REP3-076	Schedule of Changes to the Book of Reference
TR030008/APP/4.1	REP3-011	Location Plan
TR030008/APP/4.2	REP3-012	Works Plan
TR030008/APP/4.3	REP3-013	Illustrative Layouts
TR030008/APP/4.4	REP3-014	Illustrative Sections and Elevations
TR030008/APP/4.5	REP3-015	Land Plans
TR030008/APP/4.6	REP3-016	Street Works and Accesses Plan
TR030008/APP/4.7	REP3-017	Stopping Up and Restriction of Use of Streets and Public Rights of Way Plan
TR030008/APP/4.8	REP3-018	Traffic Regulations Measures Plan
TR030008/APP/4.9	REP3-019	Plan of Potentially Affected Hedgerows and Trees Subject to Preservation Orders
TR030008/APP/4.10	REP3-020	Statutory and Non-statutory Nature Conservation Plans (Clean)
TR030008/APP/4.10	REP3-020	Statutory and Non-statutory Nature Conservation Plans (Tracked)
TR030008/APP/4.11	APP-021	Historic Environment Plan (Clean)
TR030008/APP/4.11	APP-021	Historic Environment Plan (Tracked)
TR030008/APP/6.2	REP3-022	Environmental Statement – Chapter 2: The Project (Clean)
TR030008/APP/6.2	REP3-022	Environmental Statement – Chapter 2: The Project (Tracked)
TR030008/APP/6.3	REP3-082	Environmental Statement - Figure 1.1 - Site Location Plan
TR030008/APP/6.3	REP3-083	Environmental Statement – Figure 2.1 – Site and Surrounding Environment Key Plan
TR030008/APP/6.3	REP3-084	Environmental Statement – Figure 2.2 – Site Boundary and Administrative Context
TR030008/APP/6.3	REP3-085	Environmental Statement – Figure 2.3 – Work Areas
TR030008/APP/6.3	REP3-086	Environmental Statement – Figure 2.4 – Site Boundary Changes between the EIA Scoping Report (August 2022) and the Change Application (May 2024)
TR030008/APP/6.3	REP3-087	Environmental Statement – Figure 2.5 – Illustrative Project Layout
TR030008/APP/6.3	APP-075	Environmental Statement – Figure 2.6 – Indicative project phasing plan
TR030008/APP/6.3	APP-078	Environmental Statement – Figure 6.1 – Air quality study area
TR030008/APP/6.3	APP-079	Environmental Statement – Figure 6.2 – Construction phase air quality assessment
TR030008/APP/6.3	APP-080	Environmental Statement – Figure 6.3A1 – Air quality assessment
TR030008/APP/6.3	APP-081	Environmental Statement – Figure 6.3A2 – Operational Phase Air Quality Assessment Impacts (MARPOL Tier III)
TR030008/APP/6.3	APP-082	Environmental Statement – Figure 6.3B1 – Operational Phase Air Quality Assessment

To: Adrian Hunter
Date: 26 June 2024
Page: 6

		Concentrations and Deposition Rates (MARPOL Tier II)
TR030008/APP/6.3	APP-083	Environmental Statement – Figure 6.3B2 – Operational Phase Air Quality Assessment Impacts (MARPOL Tier II)
TR030008/APP/6.3	APP-086	Environmental Statement – Figure 9.2 – SAC/SPA sites
TR030008/APP/6.3	APP-087	Environmental Statement – Figure 9.3 – Spawning and nursery grounds of commercial fish species
TR030008/APP/6.3	APP-088	Environmental Statement – Figure 9.4 – TrAC fish monitoring stations in the vicinity of the Project
TR030008/APP/6.3	APP-092	Environmental Statement – Figure 10.1 – Monitoring locations of coastal water-bird surveys in the vicinity of the Project
TR030008/APP/6.3	APP-093	Environmental Statement – Figure 10.2 – Humber Estuary Nature Conservation Designations
TR030008/APP/6.3	APP-094	Environmental Statement – Figure 10.3 – The 5-year mean peak number of birds in Sector C during different months
TR030008/APP/6.3	APP-095	Environmental Statement – Figure 10.4 – The broad distribution of coastal water-birds in Sector C
TR030008/APP/6.3	APP-096	Environmental Statement – Figure 10.5 – Predicted noise levels during marine piling
TR030008/APP/6.3	APP-098	Environmental Statement – Figure 11.1 – Site location plan
TR030008/APP/6.3	APP-099	Environmental Statement – Figure 11.2 – Local highway network plan
TR030008/APP/6.3	APP-100	Environmental Statement – Figure 11.3 – Public Rights of Way (PRoW) Network
TR030008/APP/6.3	APP-101	Environmental Statement – Figure 11.4 – Traffic accident locations
TR030008/APP/6.3	APP-102	Environmental Statement – Figure 11.5 – HGV routing to Site
TR030008/APP/6.3	REP3-088	Environmental Statement – Figure 13.1 – Project Location and Study Area
TR030008/APP/6.3	REP3-089	Environmental Statement – Figure 13.2 – Zone of Theoretical Visibility – Bare Earth
TR030008/APP/6.3	REP3-090	Environmental Statement – Figure 13.3 – Zone of Theoretical Visibility – Visual Screening
TR030008/APP/6.3	REP3-091	Environmental Statement – Figure 13.4 – Landscape Character Areas – National and Regional
TR030008/APP/6.3	REP3-092	Environmental Statement – Figure 13.5 – Landscape Character Areas – Local
TR030008/APP/6.3	REP3-093	Environmental Statement - Figure 13.6 -

To: Adrian Hunter
 Date: 26 June 2024
 Page: 7

		Designations
TR030008/APP/6.3	REP3-094	Environmental Statement - Figure 13.7 - Viewpoint Locations
TR030008/APP/6.3	APP-118	Environmental Statement – Figure 14.1 – Location of designated assets
TR030008/APP/6.3	APP-119	Environmental Statement – Figure 14.2 – non-designated heritage assets
TR030008/APP/6.3	APP-120	Environmental Statement – Figure 14.3 – Historic landscape character
TR030008/APP/6.3	APP-121	Environmental Statement – Figure 15.1 – site location and study area
TR030008/APP/6.3	APP-122	Environmental Statement – Figure 15.2 – Paleogeographic features of archaeological potential
TR030008/APP/6.3	APP-123	Environmental Statement – Figure 15.3 – Paleogeographic feature data example - 7502
TR030008/APP/6.3	APP-124	Environmental Statement – Figure 15.4 – seabed features of archaeological potential
TR030008/APP/6.3	APP-142	Environmental Statement – Figure 17.1 – Water Framework Directive (WFD) water bodies
TR030008/APP/6.3	APP-144	Environmental Statement – Figure 17.2 – Water Framework Directive (WFD) protected areas
TR030008/APP/6.3	APP-145	Environmental Statement – Figure 17.3 – water sampling location
TR030008/APP/6.3	APP-146	Environmental Statement – Figure 18.1 – site location plan
TR030008/APP/6.3	APP-147	Environmental Statement – Figure 18.2 – Environment Agency flood map for planning
TR030008/APP/6.3	APP-148	Environmental Statement – Figure 18.3 – Environment Agency surface water flooding
TR030008/APP/6.3	APP-149	Environmental Statement – Figure 18.4 – Water Framework Directive Waterbodies within the Zone of Influence
TR030008/APP/6.3	APP-150	Environmental Statement – Figure 18.5 – WFD baseline screening locations
TR030008/APP/6.3	REP3-095	Environmental Statement - Figure 21.1 - Superficial Geology and Artificial Ground
TR030008/APP/6.3	REP3-096	Environmental Statement - Figure 21.2 - Bedrock Geology
TR030008/APP/6.3	REP3-097	Environmental Statement - Figure 21.3 - Groundwater Features
TR030008/APP/6.3	APP-155	Environmental Statement – Figure 21.5 – East Site constraints plan
TR030008/APP/6.3	REP3-098	Environmental Statement - Figure 21.6 - Source Protection Zones
TR030008/APP/6.3	REP3-099	Environmental Statement - Figure 21.7 - Agricultural Land Classification
TR030008/APP/6.3	REP3-100	Environmental Statement - Figure 23.1 -

To: Adrian Hunter
 Date: 26 June 2024
 Page: 8

		Socio-Economic Receptors within the Site Boundary
TR030008/APP/6.3	REP3-101	Environmental Statement - Figure 23.2 - Socio-Economic Receptors within 500m of the Site Boundary
TR030008/APP/6.3	REP3-102	Environmental Statement - Figure 23.3 - Socio-Economic Receptors within 5km of the Site Boundary (Primary Healthcare)
TR030008/APP/6.3	REP3-103	Environmental Statement - Figure 23.4 - Lower Super Output Areas - North East Lincolnshire 001A & North East Lincolnshire 007A
TR030008/APP/6.3	APP-163	Environmental Statement – Figure 23.5 – North East Lincolnshire Local Authority Area
TR030008/APP/6.3	APP-165	Environmental Statement – Figure 25.1 – Cumulative assessment long list
TR030008/APP/6.3	APP-166	Environmental Statement – Figure 25.2 – Cumulative assessment short list
TR030008/APP/6.2	APP-068	Environmental Statement – Chapter 26 – Summary of Likely Significant Effects (Clean)
TR030008/APP/6.2	APP-068	Environmental Statement – Chapter 26 – Summary of Likely Significant Effects (Tracked)
TR030008/APP/6.4	REP3-024	Environmental Statement Appendices – Appendix 18.A: Flood Risk Assessment (Clean)
TR030008/APP/6.4	REP3-024	Environmental Statement Appendices – Appendix 18.A: Flood Risk Assessment (Tracked)
TR030008/APP/6.5	REP4-008	Outline Construction Environmental Management Plan (Clean)
TR030008/APP/6.5	REP4-009	Outline Construction Environmental Management Plan (Tracked)
TR030008/7.2	REP2-006	Schedule of Mitigation (Clean)
TR030008/7.2	REP2-006	Schedule of Mitigation (Tracked)
TR030008/EXAM/9.66	REP3-076	Schedule of Changes to the Book of Reference
TR030008/EXAM/7.5	APP-237	Statutory Nuisance Statement (Clean)
TR030008/EXAM/7.5	APP-237	Statutory Nuisance Statement (Tracked)
TR030008/EXAM/10.9	N/A	Further Change Application Cover Letter
TR030008/EXAM/10.8	N/A	Proposed Further Change Application Report and Appendices
TR030008/EXAM/10.7	N/A	Further Consultation Report Addendum

4.2 In addition to the above list, Appendix 12 to the PFCAR **[TR030008/EXAM/10.8]** contains a full schedule of all the Further Change Application documents and plans, listing consequential revisions to each document and plan. Documents and plans not listed in Appendix 12 are not proposed to be updated in light of the Further Change Application. There are no changes to the consents or licences required as a result of the Proposed Further Changes, and there is no reason why these Proposed Further Changes would create any impediment to securing the necessary consents or licences before conclusion of the Examination.

To: Adrian Hunter
Date: 26 June 2024
Page: 9

- 4.3 An updated Appendix 18:A Flood Risk Assessment (“**FRA**”) has been submitted with the Further Change Application. The only change made to the FRA is to update plates 1, 2, 3 and 5 to show the amended Order Limits. This document has been amended because the dDCO includes a requirement to comply with the FRA and therefore it is important that the figures it contains show the updated Order Limits for the Application.
- 4.4 As with the First Change Application, in relation to the Environmental Statement Volume 2 Figures (submitted with the Application [**APP-069 to APP-166**] and a number of which were amended through the First Change Application), the full suite of figures was reviewed in light of the Proposed Further Changes and only those figures that required an update due to the Proposed Further Changes (largely to depict the update to the Order Limits as a result of Proposed Further Change 5(c) and 7) have been included in the Further Change Application. The Environmental Statement Volume 2 Figures requiring updates in light of the Proposed Further Changes are listed in Appendix 12 to the PFCAR [**TR030008/EXAM/10.8**]. Appendix 12 provides a description of the updates made and identifies which Proposed Change the update relates to.
- 5 **Applicant’s compliance with AN16 Figure 2b requirements**
- 5.1 In preparing its Further 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.

Table 2: Applicant’s compliance with AN16 Figure 2b	
Figure 2b Item No	Content and compliance with Figure 2b
1. <i>A confirmed/ updated description of the proposed change</i>	Section 2 of the PFCAR provides a description of the Proposed Further Changes, confirming the description provided in the PFCNR
2. <i>A confirmed/ updated statement setting out the rationale and pressing need for making the change</i>	Section 2 of the PFCAR provides a statement setting out the rationale and pressing need for the Proposed Further Changes, confirming the information provided in the PFCNR
3. <i>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/ 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>Appendix 12 of the PFCAR contains a schedule of the documents and plans submitted with the Further Change Application that are proposed to be changed in light of the Further Change Application. Noting the reference at Item 3 to a ‘no change’ annotation, the Applicant confirms that any other Application document or plan that is not listed in Appendix 12 is not proposed to be amended as a result of the Further Change Application.</p> <p>Section 4 of the PFCAR provides the update on consents and licences required, confirming that the Proposed Further 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</p>

To: Adrian Hunter
Date: 26 June 2024
Page: 10

	<p>licences would be required as a result of the Proposed Further 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 [REP1-010] and is not affected by the Proposed Further Changes.</p>
<p>4. <i>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 in clean and track. The updated draft DCO includes the changes that would be made as a result of the acceptance of the Proposed Further Changes into the Examination (as set out in Appendix 12 to the PFCAR). The Applicant has indicated this with footnotes, noting that that if the ExA does not accept the Proposed Further 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 Further Changes and indicated with square brackets and footnotes where the changes are due to the Proposed Further Changes (see PFCAR Appendix 12 for an explanation of the limited changes to the Explanatory Memorandum as a result of the Proposed Further 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>The Applicant notes that the tracked version of the dDCO submitted with this Proposed Further Change Application shows in certain spots tracked changes to footnotes and references that do not actually reflect changes which have been made the version of the dDCO submitted with this Proposed Further Change Application, or which were incorporated in the version submitted at Deadline 4 [REP4-004]. These rather appear to be due to flaws in the macros embedded in the statutory instrument template. The complete list of changes to the dDCO as a result of the Proposed Changes is contained in Appendix 12 of the PFCAR.</p>
<p>5. <i>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 should clarify how it is considered that the procedural requirements of the CA Regulations can</i></p>	<p>Section 7 of the PCAR provides the Applicant's confirmation that the CA Regulations are not engaged. The Applicant notes that in the Rule 9 Letter the ExA stated that it "agrees with the Applicant's assessment that the Compulsory Acquisition Regulations are unlikely to be engaged by the Proposed Further Changes".</p>

To: Adrian Hunter
Date: 26 June 2024
Page: 11

<p><i>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 3 of the PFCAR provides confirmation that the Proposed Further Changes do not result in any new or different likely significant environmental effects either alone or in combination, and confirms that the effects of the Proposed Further Changes have been adequately assessed and that information on the technical assessment undertaken was made publicly available as part of the Proposed Further Changes Consultation. Appendices 5 to 11 provides the technical appraisals of the Proposed Further Changes against the environmental assessments undertaken for the Application as set out in the Environmental Statement submitted with the original Application, taking into account the information contained in the Proposed Change Application Report [REP3-079].</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 Further Consultation Report Addendum is submitted as part of this Further Change Application.</p> <p>Confirmation of the parties consulted and explanation of why those parties were included in the Proposed Further Changes Consultation is provided at Table 2 of Chapter 3 in the Further Consultation Report Addendum.</p> <p>All feedback received to the Proposed Further Consultation is incorporated at Table 4, Chapter 4 of the Further Consultation Report Addendum, as well as the Applicant's individual responses to each piece of feedback received and consideration of the feedback in finalising the Further Change Application.</p>

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

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

To: Adrian Hunter
Date: 26 June 2024
Page: 12

- 6.1.3 No new or different likely significant environmental effects have been identified as a result of the Proposed Further Changes (both alone and in-combination);
- 6.1.4 All parties likely to be affected by or who have an interest in the Proposed Further Changes were consulted in advance of submission of the Further Change Application, and no new issues were identified by any consultees, and all feedback received did not disagree 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]** (as amended where relevant, together with any other substantive environmental information in relation to environmental statement subsequently submitted by the Applicant including the Proposed Change Application Report) due to the Proposed Further Changes; and
- 6.1.5 The submission of the Further Change Application at this stage provides sufficient time to review and examine any relevant concerns that may emerge relating to the Proposed Further Changes. The Applicant notes that the ExA's publication on 24 June 2024 of the agenda for the Issue Specific Hearing 8 on Tuesday 2 July 2024 includes as Item 2 discussion of Proposed Further Changes Application.

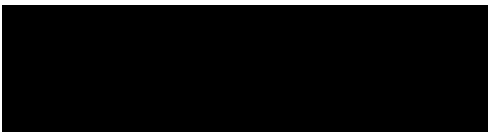
7 **Next Steps**

- 7.1 The Applicant understands that once the Further Change Application has been submitted, the ExA 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.
- 7.2 On the basis that these are minor changes not resulting in any new or different likely significant environmental effects (both alone and in combination) and in light of the fact that no issues were raised with the Proposed Further Changes by any consultees during the Proposed Further Changes Consultation, the Applicant considers that the Proposed Further 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 Further 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

To: Adrian Hunter
Date: 26 June 2024
Page: 13

Enclosure