



Immingham Green Energy Terminal

9.14 Draft Agreed Statement of Common Ground between
Associated British Ports, Air Products (BR) Limited and
National Highways (Tracked)

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Version History

Version	Date	Submitted
1.0	13 March 2024	Deadline 1
2.0	3 May 2024	Deadline 3
<u>3.0</u>	<u>11 July 2024</u>	<u>Deadline 5</u>



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Status of the Statement of Common Ground

National Highways (NH). Associated British Ports and Air Products (BR) Limited considers that this Statement of Common Ground (SoCG) is an accurate description of the matters raised and the current status of each matter.

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On Behalf of Associated British Ports

Name	[REDACTED]
Position	Sustainable Development Manager
Organisation	Associated British Ports
Signature	[REDACTED]

On Behalf of Air Products (BR) Limited

Name	[REDACTED]
Position	Commercial Director
Organisation	Air Products
Signature	[REDACTED]

On Behalf of National Highways (NH)

<u>Name</u>	[REDACTED]
<u>Position</u>	<u>Planning and Development</u>
<u>Organisation</u>	<u>National Highways</u>
<u>Signature</u>	[REDACTED]

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1. Introduction

Overview

- 1.1 This Statement of Common Ground (“SoCG”) has been prepared to accompany an application made to the Secretary of State for Transport (the “Application”) under Section 37 of the Planning Act 2008 (“PA 2008”) for a Development Consent Order (“DCO”) to authorise the construction and operation of the proposed Immingham Green Energy Terminal (“the Project”).
- 1.2 The Application is submitted by Associated British Ports (“ABP”). ABP was established in 1981 following the privatisation of the British Transport Docks Board. The **Funding Statement [APP-010]** provides further information on ABP as the Applicant.
- 1.3 The Project as proposed by ABP falls within the definition of a Nationally Significant Infrastructure Project (“NSIP”) as set out in Sections 14(1)(j), 24(2) and 24(3)(c) of the PA 2008.

The Project

- 1.4 ABP is seeking to construct, operate and maintain the Project, comprising a new multi-user liquid bulk green energy terminal located on the eastern side of the Port of Immingham (the “Port”).
- 1.5 The Project includes the construction and operation of a green hydrogen production facility, which would be delivered and operated by Air Products (BR) Limited (“Air Products”). Air Products will be the first customer of the new terminal, whereby green ammonia will be imported via the jetty and converted on-site into green hydrogen, making a positive contribution to the United Kingdom’s (“UK’s”) net zero agenda by helping to decarbonise the UK’s industrial activities and in particular the heavy transport sector.
- 1.6 A detailed description of the Project is included in **Environmental Statement (“ES”) Chapter 2: The Project [REP3-022]**.

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Parties to this Statement of Common Ground

- 1.7 This SoCG has been prepared by (1) ABP (as the Applicant), (2) Air Products and (3) National Highways.
- 1.8 ABP is the promoter of the Project and the owner and operator of the Port of Immingham.
- 1.9 Air Products is to be the first user of the new terminal with the construction of its green hydrogen production facility.
- 1.10 National Highways is responsible for the management and improvement of the Strategic Road Network in England, which comprises motorways and major A roads.
- 1.11 In this SoCG, ABP, Air Products and National Highways are collectively referred to as “the Parties”.

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Purpose and Structure of this Document

- 1.12 The purpose of this document is to identify and summarise any agreement, disagreement or matters outstanding between the parties on matters relevant to the Examination so as to assist the Examining Authority in its consideration of the Application.
- 1.13 In preparing this SoCG, the guidance provided in Planning Act 2008: examination of application for development consent (Department for Communities and Local Government (as it then was), March 2015) has been fully taken into account. In addition, this SoCG has had due regard to the Examining Authority's **Rule 6 letter [PD-005]**.
- 1.14 Section 1 of this SoCG is designed to act as a general introduction to the Project and to the parties concerned.
- 1.15 Section 2 of this SoCG sets out a summary of the correspondence and engagement between the parties to date.
- 1.16 Section 3 of this SoCG sets out the matters which have been agreed or which remain outstanding, together with any matters upon which it has not been possible to reach agreement.
- 1.17 The Tables in Section 3 use a colour coding system to indicate the status of the matters between the Parties as follows:
 - (a) Green – matter agreed
 - (b) Orange – matter ongoing
 - (c) Red – matter not agreed

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2. Summary of Engagement

- 2.1 A summary of the consultation and engagement between ABP, Air Products and National Highways up to the date of this SoCG in relation to the Project generally and concerning the matters raised in this SoCG specifically is presented in Table 2-1.
- 2.2 It is agreed by the Parties to this SoCG that Table 2-1 is an accurate record of the meetings and key correspondence between the Parties.

Table 2-1: Record of Engagement

Date	Form of Contact	Summary with key outcomes and points of discussion
10 October 2022	EIA Scoping Opinion was adopted by the Secretary of State	National Highways was consulted at the EIA Scoping stage by the Planning Inspectorate.
9 January to 20 February 2023	First Statutory Consultation	National Highways was consulted by ABP as part of the First Statutory Consultation.
24 May 2023 to 20 July 2023	Second Statutory Consultation	National Highways was consulted by ABP as part of the Second Statutory Consultation.
29 June 2023	National Highways response to the Second Statutory consultation	National Highways provided comments on the following: <ul style="list-style-type: none"> The forthcoming DCO application should be accompanied by a Transport Assessment. The traffic generation associated with both the Construction and Operational Phase. Impact on the Strategic Road Network ("SRN"). Consideration of Circular 01/2022 – The Strategic Road Network and The Delivery of Sustainable Development; and National Highways' guidance document The Strategic Road Network: Planning for The Future. Collision data analysis. Cumulative effects. The preparation and implementation of a Travel Plan. The Construction Traffic Management Plan.
20 November 2023	Relevant representation submitted by National Highways to the Planning Inspectorate	National Highways provided comments on the following: <ul style="list-style-type: none"> Peak hours. Construction worker vehicle trips. Workers per vehicle. Impact on the SRN.

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Date	Form of Contact	Summary with key outcomes and points of discussion
		<ul style="list-style-type: none"> Passenger Car Units ("PCUs"). Cumulative effects. Operational trip generation methodology. Travel Plan. Construction Traffic Management Plan.
8 February 2024	Teams meeting	Call with National Highways to discuss the Examination including hearings, responses to written questions and relevant representations and the Statement of Common Ground. The methods of communication were also agreed.
13 March 2024	Email	National Highways D1 submissions received by email
3 April 2024	Email	Email from National Highways confirming intention to attend Issue Specific Hearing 5 to discuss Viking.
5 April 2024	Email	Email to National Highways confirming applicant would include Viking CCS as cumulative development in their response to National Highways D1 submissions.
23 April 2024	Email	email to National Highways issuing draft SOCG.
2 May 2024	Email	Comments on the Operational Travel Plan received from National Highways.
10 May 2024	Email	Email to National Highways providing REP3-075 direct for comments.
4 June 2024	Email	Email from National Highways providing advance copy of REP4-053.
11 June 2024	Email	Email to National Highways providing update to Operational Travel Plan [REP4-029] and response to REP4-053.
17 June 2024	Email	Deadline 5 SoCG shared with National Highways for Review
26 June 2024	Email	Signed copy of Deadline 5 SoCG returned by National Highways

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3. Matters Agreed and Matters Not Agreed

- 3.1 It is agreed that the record of engagement included in the **Consultation Report [APP-022]** submitted with the Application, accurately sets out the consultation and engagement undertaken between the Parties in relation to the Application, in particular, the following chapters:
 - 3.1.1 Chapter 4 – First Statutory Consultation – National Highways was consulted as part of ABP’s statutory obligations.
 - 3.1.2 Chapter 5 – Second Statutory Consultation – National Highways was consulted as part of ABP’s statutory obligations.
- 3.2 Table 3-1 contains a list of ‘matters agreed’ (shaded green); a list of matters in respect of which discussion is ongoing (shaded orange) and a list of matters not agreed (shaded red) at the date of the Examination along with a concise commentary of what the item refers to and how it came to be agreed between the Parties (as applicable).



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

ID	Matter	Reference	National Highways Position	ABP / Air Products' Position	Status	Date
1	Transport Assessment – General	Chapter 11 Traffic and Transport [APP-053] of the Environmental Statement (“ES”)	National Highways considers the information and material included in Chapter 11 as what would be expected within a Transport Assessment and therefore the assessment is sufficient without the need for a separate Transport Assessment.	Chapter 11 “Traffic and Transport” of the ES considers the likely effects of the Project on traffic and transport receptors during construction. A standalone Transport Assessment is not required.	Agreed	National Highways confirmed agreement in their relevant representation [RR-018] submitted to PINS on 20 November 2023.
2	Transport Assessment - Data Collision data analysis	Chapter 11 Traffic and Transport [APP-053] of the ES.	National Highways agree with the conclusion of ABP and Air Products that there is no existing road safety issue at the A180 / A1173 junction.	Chapter 11 Traffic and Transport' [APP-053] of the ES states that there has been a total of four accidents (three slight and one serious) at the A1173/A180 junction which does not constitute an existing road safety issue on the Strategic Road Network, as it relates to the Project.	Agreed	National Highways confirmed agreement in their relevant representation [RR-018] submitted to PINS on 20 November 2023.
3	Transport Assessment – Data Construction vehicle trip generation	Chapter 11 Traffic and Transport [APP-053] of the ES.	National Highways consider the methodology adopted for vehicle trip generation is derived appropriately.	Section 11.8. in Chapter 11 Traffic and Transport' [APP-053] of the ES explains how the trip generation during construction has been derived.	Agreed	National Highways confirmed agreement in their relevant representation [RR-018] submitted to PINS on 20 November 2023.

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ID	Matter	Reference	National Highways Position	ABP / Air Products' Position	Status	Date
4	Transport Assessment – Data Construction peak hours	Chapter 11 Traffic and Transport [APP-053] of the ES.	National Highways consider the most appropriate peak hours for the Strategic Road Network are 07:00-08:00 and 16:00-17:00.	This is agreed. Chapter 11 'Traffic and Transport' [APP-053] of the ES concludes that the development will not result in a material impact on the hours assessed. Further modelling will be provided to National Highways which considers the 0700-0800 and 1600-1700 hours. The further modelling shows the overall conclusion remains the same.	Agreed	National Highways confirmed agreement in their relevant representation [RR-018] submitted to PINS on 20 November 2023.
5	Transport Assessment – Data Construction peak hours	Chapter 11 Traffic and Transport [APP-053] of the ES.	National Highways consider the volume of vehicle trips during the peak hours 07:00-08:00 – 16:00-17:00 and 08:00-09:00 and 17:00-18:00 have the potential to result in a material impact on the operation of the SRN.	Chapter 11 'Traffic and Transport' [APP-053] of the ES concludes that the development will not result in a material impact on the hours assessed. Further modelling will be provided to National Highways which considers the 0700-0800 and 1600-1700 hours. The further modelling shows that the overall conclusion i.e. that the operational capacity of the SRN would not be affected by traffic from the construction phase, remains the same.	Agreed	<u>National Highways confirmed agreement in their response [REP4-053]</u>
6	Transport Assessment – Data Construction worker vehicle trip generation	Chapter 11 Traffic and Transport [APP-053] of the ES.	National Highways considers the 2011 census data used an appropriate choice.	Chapter 11 Traffic and Transport' [APP-053] (paragraph 11.8.20) sets out that the distribution of proposed construction worker trips on the network is based on 2011 census data "Location of usual residence and place of work by method of travel to	Agreed	National Highways confirmed agreement in their relevant representation [RR-018] submitted to

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ID	Matter	Reference	National Highways Position	ABP / Air Products' Position	Status	Date
				work' Middle layer Super Output Areas for North East Lincolnshire 001.		PINS on 20 November 2023.
7	Transport Assessment – Data Construction worker vehicle trip generation	Chapter 11 Traffic and Transport [APP-053] of the ES.	National Highways considers that the Applicant has incorrectly presented the number of workers per vehicle which results in more cars per worker rather than 1.5 workers per car.	The figures provided in Table 11-13 'Construction Worker Traffic Daily Profile' in Chapter 11 Traffic and Transport' [APP-053] already take account of car sharing and are therefore robust. Table 11-10 'Total Daily Construction Traffic – Peak of Construction' in Chapter 11 Traffic and Transport' [APP-053] confirms the application of 1.5 workers per car to result in a total of 759 car movements in and 759 out per day at peak operation for a total of 1,139 workers. Table 11-13 'Construction Worker Traffic Daily Profile' in Chapter 11 Traffic and Transport' [APP-053] then provides the profile of those movements across the day.	Agreed	National Highways confirmed agreement in their response [REP4-053]
8	Transport Assessment – Data HGV trip distribution	Chapter 11 Traffic and Transport [APP-053] of the ES.	National Highways consider the methodology adopted for the HGV trip generation is derived appropriately.	Chapter 11 Traffic and Transport' [APP-053] of the ES provides an explanation of the methodology for HGV trip generation at paragraphs 11.8.29 – 11.8.32.	Agreed	National Highways confirmed agreement in their relevant representation [RR-018] submitted to PINS on 20 November 2023.

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ID	Matter	Reference	National Highways Position	ABP / Air Products' Position	Status	Date
9	Transport Assessment – Assessment Total construction vehicle trip generation	Chapter 11 Traffic and Transport [APP-053] of the ES.	National Highways consider the volume of vehicle trips during the peak hours 07:00-08:00 – 16:00-17:00 and 08:00-09:00 and 17:00-18:00 have the potential to result in a material impact on the operation of the SRN. Consequently, National Highways recommend a junction capacity assessment for the A180 / A1173.	ABP has undertaken a junction capacity assessment of the A180 / A1173 junction as a sensitivity test with the junction predicted to operate well within capacity at the peak year of construction, 2026. The Project demonstrably has no material impact on the operation of the SRN.	Agreed	National Highways confirmed agreement in their response [REP4-053]
10	Transport Assessment (TA) – Assessment Total construction vehicle trip generation	Chapter 11 Traffic and Transport [APP-053] of the ES.	National Highways request that the PCU equivalent value of 2.5 is used in order to ensure an appropriate assessment of anticipated vehicular traffic associated with the development. Subject to the impact at the SRN, National Highways may request mitigation measures.	The base traffic figures have been taken from the Immingham Eastern Ro-Ro Terminal (“IERRT”) Assessment Addendum Report (“the IERRT TA Addendum Report”) prepared by DTA dated December 2023 (Ref Document 8.4.17(a).1), and included in Appendix A. The IERRT TA Addendum Report was submitted at Deadline 7 of the IERRT examination and was given the reference [REP7-013]. ABP understands that these figures have been agreed with National Highways and reflect the agreed PCU value of 2.3. ABP has undertaken a junction capacity assessment of the A180 / A1173 junction as a sensitivity test with the junction predicted to operate	Agreed	National Highways confirmed agreement in their response [REP4-053]

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ID	Matter	Reference	National Highways Position	ABP / Air Products' Position	Status	Date
				well within capacity at the peak year of construction, 2026. The Project demonstrably has no material impact on the operation of the SRN. In accordance with the requirements of the National Policy Statement for Ports (NPSfP) no physical mitigation is proposed or required. A suite of management plans are however proposed including a Construction Worker Travel Plan and a Construction Traffic Management Plan.		
11	Transport Assessment – Assessment Committed Developments	Appendix 11.B: Traffic and Transport Cumulative Effects Assessment [APP-190]	National Highways has reviewed the committed developments considered and concludes they are appropriate, however would suggest the consideration of enabling works on land east of Rosper Road, Killingholme (PA/2023/502). National Highways have requested the inclusion of EN070008 Viking CCS Pipeline in the traffic modelling.	ABP has reviewed the Transport Statement and Construction Traffic Management Plan prepared for the specified enabling works to establish the trip generation, distribution and assignment associated with the development. Based on the information provided, all trips will access the site at Killingholme via the A160/A180 interchange, travel along the A160 and enter Rosper Road via the Manby Roundabout (A160/A1173) Roundabout. This route is outside of the assessment area for the Project and as such any cumulative impact is not material.	Agreed	<u>National Highways confirmed agreement in their response [REP4-053]</u>

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ID	Matter	Reference	National Highways Position	ABP / Air Products' Position	Status	Date
				The Applicant is updating the modelling to include EN070008 Viking CCS Pipeline and this will be submitted at Deadline 3 .		
12	Transport Assessment – Assessment Operational vehicle trip generation	Chapter 11 Traffic and Transport [APP-053] of the ES.	National Highways do not anticipate that the proposed development traffic generation will have a significant, material impact on SRN junction capacity. To this extent, National Highways consider the use of the vehicle trip generation to be adequate.	Noted and agreed. Operational vehicle trip generation is modest and limited. The details are set out in paragraphs 11.8.35-11.8.41 in Chapter 11 Traffic and Transport' [APP-053] of the ES.	Agreed	National Highways confirmed agreement in their relevant representation [RR-018] submitted to PINS on 20 November 2023.
13	Transport Assessment – Assessment Operational travel plan	Chapter 11 Traffic and Transport [APP-053] of the ES. <u>9.33 Outline Operational Travel Plan [REP4-029]</u>	National Highways would expect a Travel Plan to be prepared for the operational stage of the project in order to manage down the traffic impact of development and maximise the accessibility of and within sites by walking, wheeling, cycling, public transport, and shared travel.	Air Products submitted <u>a final version of the</u> Outline Operational Travel Plan [REP4-029] at Deadline <u>4</u> of the Examination. The final detail of the Operational Travel Plan will be secured in the DCO.	Agreed	TBC
14	Transport Assessment – Assessment Operational vehicle trip distribution	Chapter 11 Traffic and Transport [APP-053] of the ES.	National Highways recommend that the Applicant confirms the AM and PM peak traffic generation for the operational phase of the development for the periods 07:00-08:00 and 16:00-17:00.	<u>The use of peak hours of 0700-0800 and 1600-1700 is confirmed and clarified in REP4-029</u>	Agreed	National Highways confirmed agreement in their response [REP4-053]

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ID	Matter	Reference	National Highways Position	ABP / Air Products' Position	Status	Date
15	Transport Assessment – Assessment Decommissioning Phase	Chapter 11 Traffic and Transport [APP-053] of the ES.	National Highways agree with the approach to provide a Decommissioning Environmental Management Plan prior to decommissioning/demolition works being undertaken, which will detail measures to be implemented to avoid or reduce environmental impact.	Noted and Agreed. The approach to decommissioning is set out in paragraphs 11.8.42-11.8.43 in Chapter 11 Traffic and Transport' [APP-053] of the ES.	Agreed	National Highways confirmed agreement in their relevant representation [RR-018] submitted to PINS on 20 November 2023.
16	Mitigation Measures Outline Construction Traffic Management Plan ("OCTMP")	Outline Construction Traffic Management Plan [REP4-010] <u>Outline Construction Environmental Management Plan [REP4-008]</u>	National Highways consider that the OCTMP should contain the following: <ul style="list-style-type: none"> • A dust management plan; • noise management plan; • Pollution prevention measures; • Contractor parking. 	The OCTMP [REP4-010] provides the appropriate controls that the contractor will put in place during the construction stage to manage traffic impacts associated with the Project. The management plans referred to are included within the DCO application in the Outline Construction Environmental Management Plan (OCEMP) [REP4-008]. <ul style="list-style-type: none"> • A dust management plan is included in Appendix C 'Outline Dust Management Plan' of the OCEMP [REP4-008]; • Noise and vibration mitigation and enhancement measures are included within Table 4 'Noise and Vibration' of the OCEMP [REP4-008]; 	Agreed	<u>National Highways confirmed agreement in their response [REP4-053]</u>

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ID	Matter	Reference	National Highways Position	ABP / Air Products' Position	Status	Date
				<ul style="list-style-type: none"> Pollution prevention measures are included in: <ul style="list-style-type: none"> Table 5 'Nature Conservation (Terrestrial Ecology)' of the OCEMP [REP4-008] Table 9 'Marine Transport and Navigation' of the OCEMP [REP4-008] Table 14 'Marine Water and Sediment Quality' of the OCEMP [REP4-008] Table 15 'Water Quality, Coastal Protection, Flood Risk and Drainage' of the OCEMP [REP4-008] <p>Contractor parking is addressed within Section 2.5 'Parking Provision' of the OCEMP [REP4-008], with the Travel Plan Co-Ordinator determining the number of spaces provided on site.</p>		
17	Mitigation Measures	<u>Outline Construction Traffic Management Plan [REP4-010]</u>	National Highways note that the contractor will liaise with them regarding AIL movements.	Agreed. Section 4 of the OCTMP [REP4-010] provides the strategy and routing for AILs and confirms that the	Agreed	National Highways confirmed agreement in their

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ID	Matter	Reference	National Highways Position	ABP / Air Products' Position	Status	Date
	Outline Construction Traffic Management Plan ("OCTMP") – Abnormal Indivisible Loads ("AIL")			contractor will liaise fully with the Police, Local Highway Authority and if required National Highways regarding any AIL movements to ensure that all required measures and approvals are in place.	Agreed	relevant representation [RR-018] submitted to PINS on 20 November 2023.
18	Mitigation Measures Outline Construction Workers Management Plan ("OCWTP")	Outline Construction Traffic Management Plan [REP4-010]	National Highways consider the measures included within the OCTWP are appropriate.	The OCTWP, Appendix A of the OCTMP [REP4-010], provides the appropriate controls to encourage the use of sustainable transport modes and to encourage shared transport mode during the construction phase of the Project.		National Highways confirmed agreement in their relevant representation [RR-018] submitted to PINS on 20 November 2023.

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4. Glossary

Abbreviation / Acronym	Definition
AIL	Abnormal Indivisible Loads
ABP	Associated British Ports
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
HGV	Heavy Goods Vehicle
IERRT	Immingham Eastern Ro-Ro Terminal
MMO	Marine Management Organisation
NSIP	Nationally Significant Infrastructure Project
NPSfP	National Policy Statement for Ports
PA 2008	Planning Act 2008
PCUs	Passenger Car Units
PINS	Planning Inspectorate
OCEMP	Outline Construction Environmental Management Plan
OCTMP	Outline Construction Traffic Management Plan
OCWTP	Outline Construction Workers Management Plan
SoCG	Statement of Common Ground
SoS	Secretary of State for Transport
SRN	Strategic Road Network
TA	Transport Assessment
UK	United Kingdom