



Immingham Green Energy Terminal

9.20 Final Agreed Statement of Common Ground between Associated British Ports, Air Products (BR) Limited and Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustees Limited (IOT Operators) (Tracked)

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Version History

<u>Version</u>	<u>Date</u>	<u>Submitted</u>
<u>1.0</u>	<u>13 March 2024</u>	<u>Deadline 1</u>
<u>2.0</u>	<u>2 August 2024</u>	<u>Deadline 6</u>



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Status of the Statement of Common Ground

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This is the Final Agreed Statement of Common Ground (SoCG) between Associated British Ports, Air Products (BR) Limited, and Associated Petroleum Terminals (Immingham) Limited, and Humber Oil Terminals Trustees Limited (IOT Operators),

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On Behalf of Associated British Ports

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Name	[REDACTED]
Position	Project 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]

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On Behalf of the IOT Operators

<u>Name</u>	[REDACTED]
<u>Position</u>	<u>Terminal Manager</u>
<u>Organisation</u>	<u>IOT Operators</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.

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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 [AS-069]**,

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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) Associated Petroleum Terminals (Immingham) Limited (“APT”) and Humber Oil Terminals Trustees Limited (“HOTT”).
- 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 HOTT is the licensee (from ABP) of the Immingham Oil Terminal (“IOT”). Jetty and lessee (from ABP) of the associated oil terminal and tank farm (“Oil Depot”). APT operates the Immingham Oil Terminal and the associated Oil Depot on behalf of HOTT. HOTT and APT are referred to together as the Immingham Oil Terminal (“IOT”) Operators.

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1.11 In this SoCG, ABP, Air Products and Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustees Limited 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]**.

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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.

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(b) Orange – matter ongoing.

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(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 Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustees Limited 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

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Date	Form of Contact	Summary with key outcomes and points of discussion
Pre-Application		
18 October 2022	Meeting	Discussions with IOT Operators regarding: <ul style="list-style-type: none"> • COMAH zones • Mitigation plans
14 December 2022	Meeting	Discussions with IOT Operators regarding: <ul style="list-style-type: none"> • Process safety • Landside General Arrangement / Access
20 February 2023	IOT Operators response to First Statutory Consultation	<p>The IOT Operators provided their response to the First Statutory Consultation, detailing their position on site safety issues relating to the construction, operation and decommissioning phases of the proposals, which may affect the IOT site, including the risk of major accidents occurring at the proposed East Site of the Project.</p> <p>The IOT Operators requested further information from ABP about various aspects of the proposals and asked for certain plans and documents to be shared or prepared jointly between ABP and the IOT Operators at the earliest opportunity.</p> <p>The IOT Operators also confirmed that they would welcome further engagement on these matters with ABP and Air Products, including taking part in any forthcoming HAZID workshops and jetty simulations.</p>
23 May 2023	Meeting	Discussions with the IOT Operators, covering the followings aspects: <ul style="list-style-type: none"> • Changes to the proposed Site Boundary • Bank seat details • Jetty access road

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Date	Form of Contact	Summary with key outcomes and points of discussion
		<ul style="list-style-type: none"> Removal of informal public access up to APT jetty, Speed limit changes,
19 June 2023	IOT Operators response to Second Statutory Consultation	The IOT Operators provided their response to the <u>Second</u> Statutory Consultation, reiterating their concerns outlined in their response to the First Statutory Consultation.
4 July 2023	Meeting	Meeting with the IOT Operators to discuss: <ul style="list-style-type: none"> DCO submission Design layout Environment Agency access Emergency egress route <u>Navigational Risk Assessment ("NRA")</u> <u>BakerRisk</u>, Progress workshops
12 July 2023	HAZID Workshop	The IOT Operators were participants in the Combined Hazid Workshops, held at ABP Grimsby Port Office.
20 July 2023	Meeting	Meeting with Air Products, APT and BakerRisk to discuss blast safety study, covering the methodology for the evaluation of impact on buildings of APT site due to blast scenarios from <u>Air Products</u> , Immingham project.
3 August 2023	Meeting	Site visit for APT, Air Products and BakerRisk to obtain information about the buildings within the boundary of the APT facility. Following the meeting drawings of engineering and control buildings were shared by APT, alongside the current Occupied Buildings Risk Assessment report. The collected information was used by BakerRisk for their assessment.
July to August 2023	Email correspondence	Email regarding movement of buoy regarding Immingham Eastern Ro-Ro Terminal (" <u>JERRT</u> ") and potential <u>Project</u> impacts.
21 September 2023	Email issued to IOT Operators in response to Statutory Consultation feedback	Email responding to the points made in the APT response to the First Statutory Consultation, noting APT's concerns.
Post DCO Submission		
23 January 2024	Meeting	Meeting with <u>the</u> IOT Operators to discuss: <ul style="list-style-type: none"> Project update

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Date	Form of Contact	Summary with key outcomes and points of discussion
		<ul style="list-style-type: none"> • DCO examination timetable • IOT emergency egress routes • <u>Environment Agency</u> floodwall access • Jetty access road route • Status and outcomes of risk studies • Timeline of further risk studies • Points for agreement
<u>6 February 2024</u>	Meeting	Meeting with <u>the IOT Operators</u> to discuss: <ul style="list-style-type: none"> • SoCG position on key items, • Risk mitigation measures, • <u>NRA</u> • <u>Jetty Access Road routing,</u> • Measures to address IOT <u>Operators'</u> concerns
<u>12 February 2024</u>	<u>Letter</u>	<u>Letter from the IOT Operators describing expected mitigation measures and possible IOT intervention through the DCO process and a point related to the Non-Disclosure Agreement ("NDA").</u>
<u>16 February 2024</u>	<u>Letter</u>	<u>Air Products sent a letter in reply to the IOT Operators regarding the NDA.</u>
<u>19 February 2024</u>	<u>Letter</u>	<u>Air Products sent a letter in reply to 12 February 2024 letter from the IOT Operators.</u>
<u>20 February 2024</u>	<u>Letter</u>	<u>IOT request for clarification on the letter from Air Products of 19 February 2024.</u>
<u>23 February 2024</u>	<u>Letter</u>	<u>Air Products sent a letter to the IOT Operators replying to their letter dated 20 February 2024.</u>
<u>1 March 2024</u>	<u>Email</u>	<u>A first draft of the Agreement between the IOT Operators and ABP/Air Products was shared by ABP/Air Products with the IOT Operators.</u>
<u>8 March 2024</u>	<u>Email</u>	<u>ABP shared a draft SoCG with the IOT Operators for their review.</u>
<u>13 March 2024</u>	<u>Email</u>	<u>The IOT Operators provided their first round of comments on the draft Agreement.</u>
<u>19 March 2024</u>	<u>Email</u>	<u>The IOT Operators provided their comments on the draft SoCG.</u>



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<u>19 March 2024</u>	<u>In Person Meeting</u>	<u>A meeting was held between ABP, Air Products and the IOT Operators to discuss how the Parties will work together moving forward and to commence discussion and negotiation around the draft agreement.</u>
<u>21 March 2024</u>	<u>Teams Meeting</u>	<u>A meeting was held between ABP, Air Products and the IOT Operators to discuss the draft Agreement.</u>
<u>4 April 2024</u>	<u>Email</u>	<u>The IOT Operators provided further comments on the draft Agreement.</u>
<u>9 April 2024</u>	<u>Email</u>	<u>ABP and Air Products responded to the IOT Operators' comments on the draft Agreement.</u> <u>On-going exchanges since then to finalise the Agreement between the IOT Operators and Air Products and ABP (which are not set out in this table).</u>
<u>3 May 2024</u>	<u>Letter</u>	<u>The IOT Operators sent a letter to ABP regarding the outcome of the expert advice sought by the IOT Operators in relation to the potential navigation and shipping effects of the IGET on the IOT (Appendix 1 of IREP4-055). The letter outlined the concerns raised which related to:</u> <u>A) IGET Vessel Breakaway hazard</u> <u>B) Congestion and resourcing</u> <u>C) Speed limits in and around IGET</u> <u>The IOT Operators requested that ABP respond to the issues raised in the letter in full.</u>
<u>17 May 2024</u>	<u>Site Visit</u>	<u>ABP, Air Products and the IOT Operators attended a site visit to understand the conditions on site in respect of the IOT Operators' concerns.</u>
<u>21 May 2024</u>	<u>Email</u>	<u>ABP provided the IOT Operators a copy of its response to the IOT Operators' concerns around how HGV movements had been assessed.</u>
<u>22 May 2024</u>	<u>Letter</u>	<u>ABP sent a letter to the IOT Operators in response to the concerns raised regarding potential navigation and shipping effects of the Project on the IOT (Appendix 2 of IREP4-</u>

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		<u>055)</u> . <u>ABP addressed each of the three concerns in turn.</u>
<u>10 June 2024</u>	<u>MS Teams Meeting</u>	<u>Meeting between ABP, Air Products and the IOT Operators to discuss the IOT Operators' concerns regarding mitigation measures.</u>
<u>10 June 2024</u>	<u>MS Teams Meeting</u>	<p><u>Meeting between ABP and IOT Operators (and their marine consultant) to discuss marine concerns raised in the IOT Operators' letter dated 3 May 2024 and ABP's position in relation to each concern.</u></p> <p><u>The IOT Operators offered to share their current terminal operating parameters, as set out in the Marine Safety Management System ("MSMS") for the IOT, with ABP in order to assist ABP with ensuring that the procedures to be set out in the MSMS for the IGET jetty will be aligned with those already in place at the IOT.</u></p> <p><u>Post meeting note: The IOT Operators shared their current terminal operating parameters with ABP.</u></p>
<u>20 June 2024</u>	<u>Letter</u>	<p><u>The IOT Operators sent a letter to ABP reiterating their concerns about the potential navigation and shipping effects of the IGET facility on the IOT (as set out in their 3 May letter) relating to:</u></p> <ul style="list-style-type: none"> <u>a) IGET Vessel Breakaway hazard</u> <u>b) Congestion and resourcing</u> <u>c) Speed limits in and around IGET</u> <p><u>The IOT Operators set out the matters that they considered required consultation with and the input of IOT Operators and sought reasonable reassurances from ABP that consultation on the above matters would be effectively secured as part of the future design and development of the IGET. The IOT Operators indicated that such consultation would be sufficient to address their navigational and shipping concerns.</u></p>
<u>20 June 2024</u>	<u>In Person Meeting</u>	<u>Technical meeting between Air Products, ABP and the IOT Operators to discuss the Minimum Requirements for Buildings, next steps in ALARP assessment, and further data requests and surveys.</u>



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<p><u>27 June 2024</u></p>	<p><u>Letter</u></p>	<p><u>ABP sent the IOT Operators a letter in response to their letter dated 20 June 2024. ABP confirmed its agreement to undertaking the requested consultation set out in Paragraph 1.3(a) of the IOT Operators' letter and confirmed this would be reflected in the SoCG.</u></p> <p><u>ABP requested that the IOT Operators share their current terminal operating parameters as set out in the MSMS for the IOT with ABP to assist ABP with ensuring that the procedures to be set out in the MSMS for the IGET jetty will be aligned with those already in place at the IOT.</u></p> <p><u>In response to the request for consultation at Paragraph 1.3(b) of the IOT Operators' letter regarding the Humber Passage Plan, ABP confirmed these are matters within the jurisdiction of the Harbour Master, Humber ("HMH") and which are subject to existing consultation arrangements that will meet the requirements of the IOT Operators.</u></p>
<p><u>27 June 2024</u></p>	<p><u>Email</u></p>	<p><u>The IOT Operators sent an email to the Planning Inspectorate confirming they wished to speak on Agenda Item 6 only. In regard to Navigational and Operational Safety concerns, the IOT Operators confirmed that they were satisfied their concerns had been adequately resolved through engagement with ABP. The IOT Operators acknowledged ABP's intention to update the SoCG between the parties to reflect the updated position.</u></p>
<p><u>27 June 2024</u></p>	<p><u>Email</u></p>	<p><u>The IOT Operators confirmed they had advised the ExA that they no longer wished to speak on Navigational and Operational Safety concerns at Issue Specific Hearing 8 as these concerns have now been satisfactorily addressed through discussions with ABP and Air Products.</u></p> <p><u>The IOT Operators asked to see the updated SoCG proposed to be submitted at Deadline 5.</u></p>
<p><u>11 July 2024</u></p>	<p><u>Email</u></p>	<p><u>The agreement was completed between the IOT Operators, ABP and Air Products to address the matters raised through engagement to date.</u></p>



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<u>24 July 2024</u>	<u>Email</u>	<u>ABP shared an updated SoCG with the IOT Operators that will be submitted into Examination at Deadline 6.</u>
<u>30 July 2024</u>	<u>Email</u>	<u>IOT Operators returned a signed copy of SoCG for Deadline 6 submission.</u>



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3. Matters Agreed and Matters Not Agreed

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3.1 It is agreed that the record of engagement included in the **Consultation Report [APP-022]** submitted with the Application sets out the consultation and engagement undertaken between the Parties in relation to the Application. In particular, the following sections:

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3.1.1 Chapter 6: Ongoing Engagement; Table 32: summary of engagement activity throughout Ongoing Engagement from July 2022 – September 2023.

3.1.2 Appendix P: Response Tables – first Statutory Consultation.

3.1.3 Appendix Q: Response Tables – second Statutory Consultation.

3.2 Table 3-1 contains a list of 'matters agreed' (shaded green), at Deadline 6 with a concise commentary of what the item refers to and how it came to be agreed between the Parties (as applicable).

Deleted: 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

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

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ID	Matter	Reference	IOT Operators Position	ABP Position	Air Products Position	Status	Date
1	Stakeholder Engagement	5.1 Consultation Report [APP-022]		ABP confirms the record of engagement as set out in the Consultation Report [APP-022] , and Table 2-1 of this SoCG is accurate.	As per ABP position.	Agreed	30/07/2024
2-6	Site Safety; Refuges; Replacement Accommodation; Alarms; Escape Routes	Relevant Representation [RR-014] Written Representation [REP1-109] Email from IOT Operators to ExA [AS-025] IOT Operators Deadline 4 Submission [REP4-055] 6.2 Environmental Statement - Chapter 22: Major Accidents and Disasters [APP-064]	The IOT Operators' concerns expressed in their representations have been withdrawn following completion of an agreement between the IOT Operators, ABP and Air Products.	The agreement with IOT Operators resolves all such matters with the IOT Operators.	As per ABP position.	Agreed	11/07/2024

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Deleted: ABP and Air Products, in agreement with APT, have commissioned process safety consultants (namely DNV and BakerRisk) in order to provide initial assessments of the impact of certain scenarios on APT. The results have been shared by ABP and Air Products with APT. Following in person meetings at ABP's office in Immingham on 23 January 2024 and 6 February 2024 and subsequent correspondence, the parties have agreed the outline of measures to address APT's concerns as presented and are working together to agree the details and an appropriate securing mechanism for delivery of any agreed measures outside of the terms of the DCO.¶ The above assessments are not generally disclosed to the public (and will not be submitted to the Examination) due to the sensitive nature of the material they contain in terms of public safety, which is often also commercially sensitive. The outcome of the studies will be submitted to the HSE and Environment Agency as part of the safety report submitted under the COMAH Regulations 2015.¶

Deleted: IOT Operators remain concerned about site safety issues relating to the construction, operation and decommissioning phases of the IGET development, including the risk of major fire, explosion or release of toxic gas.¶ IOT Operators note ABP's response to the safety concerns in Chapter 22 of the Environmental Statement [\[APP-064\]](#). However, these measures are not included in the proposed requirements or protective provisions of the DCO.¶ ABP's assessment of safety concerns refers to certain safety studies which needed to be concluded, and the outcomes of which are not presented in its application. The IOT Operators are disappointed that the application was submitted without these studies, which may recommend additional mitigation ...

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ID	Matter	Reference	IOT Operators Position	ABP Position	Air Products Position	Status	Date
7	Jetty Access Road (JAR)	Meeting 6 February 2024	APT would have in principle considered to host the pipelines and Jetty Access Road (JAR) to the new IGET jetty however the reduction of land for operating the site is unacceptable. APT consider the land in question as the only area available for new buildings to be constructed to mitigate against the risk of blast and or toxic release.	ABP agree that putting the JAR through the APT site would result in a loss of land for APT purposes, and reconfiguration of numerous facilities, including emergency facilities (fire water pond and emergency access). As such it is acknowledged and accepted that this would disrupt APT operations significantly. In particular, the area that would be available to APT for the new buildings and other facilities required to mitigate the risk to their operational staff due to the toxic and blast studies.	Air Products agrees with both APT and ABP conclusions.	Agreed	06/02/2024
8	Navigational Simulations	Meeting 6 February 2024 Environmental Statement Appendix 12.B: Navigational Simulation Survey [APP-192]	The IOT Operators confirm berthing manoeuvres on IGET are acceptable. These berthing manoeuvres will align with IOT operations.	ABP commissioned HR Wallingford to undertake navigational simulations of the berth such that <i>'The study was carried out such that any subsequent adjustment to</i>	Air Products agrees with APT and ABP position.	Agreed	06/02/2024

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ID	Matter	Reference	IOT Operators Position	ABP Position	Air Products Position	Status	Date
				<p><i>the design, within the general operational envelope associated with layouts 1 and 5, could also be assessed as feasible, as long as the berth orientation to the flows, and the relative location with respect to adjacent structures, remained similar.</i>’, per Section 2.1 of the Navigational Simulation Report [APP-192]. The final submitted design falls well within the parameters set during the simulations and, as such, ABP are confident the simulations capture and identify the challenges associated with berthing at the proposed facility.</p>			
9	<u>Navigation Risk Assessment</u>	<u>Meeting 6 February 2024</u> <u>6.4 Environmental Statement Appendices - Appendix 12.A: Navigational Risk</u>	<u>The IOT Operators raised concern on traffic management as a result of 292 vessels mentioned in the application and requested confirmation that the number of vessels had</u>	<u>ABP confirm that 292 vessels has been assessed as a reasonable “worst case” position in the ES and NRA.</u>	<u>Air Products agrees with ABP’s position</u>	Agreed	<u>30/07/2024</u>

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Immingham Green Energy Terminal
 9.20 Final Agreed Statement of Common Ground between Associated British Ports, Air Products (BR) Limited and Associated Petroleum Terminals (Immingham) Limited (APT) and Humber Oil Terminals Trustees Limited (IOT Operators),(Tracked)

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ID	Matter	Reference	IOT Operators Position	ABP Position	Air Products Position	Status	Date
		<u>Assessment [APP-191]</u>	<u>been adequately captured in the NRA process.</u>				
10	<u>Marine Navigation</u>	<u>Written Representation [REP1-109]</u> <u>Email from IOT Operators to ExA [AS-025]</u> <u>IOT Operators Deadline 4 Submission [REP4-055]</u> <u>6.4 Environmental Statement Appendices - Appendix 12.A: Navigational Risk Assessment [APP-191]</u>	<u>The IOT Operators sought expert advice regarding the potential navigation and shipping effects of the IGET on the IOT from Nash Maritime experts [REP4-055].</u> <u>Specifically, the preliminary advice raised concerns regarding IGET Vessel Breakaway hazards, congestion and resourcing, and speed Limits in and around IGET.</u> <u>The IOT Operators requested in a letter sent on 3 May 2024 (Appendix 1 of [REP4-055]), that ABP respond on the concerns raised. ABP responded via letter on 22 May 2024 (Appendix 2 of [REP4-055]). The IOT Operators sent a follow up letter to ABP on 20 June 2024</u>	<u>On 22 May 2024 ABP responded to the letter sent by the IOT Operators on 3 May 2024 (Appendix 2 of [REP4-055]) responding in full to the concerns raised.</u> <u>Upon receipt of a response from IOT Operators on 20 June 2024 (see Appendix A), ABP responded via letter on 27 June 2024 (see Appendix B).</u> <u>ABP confirmed in this letter that consultation with IOT Operators on the points raised at paragraph 1.3(a) of their letter, as part of the future design, development and operation of the IGET development, is agreed and will be undertaken by ABP. This commitment is made here within this SoCG between ABP, Air</u>	Air Products agrees with <u>ABP's</u> position	Agreed	27/06/2024

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Immingham Green Energy Terminal
 9.20 ~~Final Agreed~~ Statement of Common Ground between Associated British Ports, Air Products (BR) Limited and Associated Petroleum Terminals (Immingham) Limited (APT) and Humber Oil Terminals Trustees Limited (IOT Operators). (Tracked)

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ID	Matter	Reference	IOT Operators Position	ABP Position	Air Products Position	Status	Date
			<p>following further discussions between the Parties.</p> <p>Having reviewed the response from ABP of 22 May, IOT Operators are of the opinion that the matters listed at paragraph 1.3 of their 20 June letter (appended to this SoCG) require consultation with, and the input of, the IOT Operators to ensure the alignment of the operation of the IGET with best practice and with local knowledge and expertise.</p> <p>Following receipt of ABP's letter of 27 June, the IOT Operators notified the ExA on the 27 June that their concerns relating to navigational and operational safety, had been resolved.</p>	<p>Products and the IOT Operators.</p> <p>The second category of information exchange and consultation requested in paragraph 1.3 (b) of the IOT Operators letter of 20 June concerns the Humber Passage Plan, navigational speed and passing distances in respect of the IOT and the IGET jetty. These are matters within the jurisdiction of the Harbour Master, Humber (HM,H) and which are subject to existing consultation arrangements that will meet the consultation requirements of the IOT Operators as set out at paragraph 1.3.</p>			
11	Construction Traffic Management (Marine)	Meeting 6 February 2024	The IOT Operators have concerns relating to the impact of (marine) construction traffic on their operations.	ABP would seek a collaborative working relationship to mitigate any risk of disruption to	Air Products agrees with ABP's position.	Agreed	27/02/2024

Deleted: . , ABP confirm that 292 vessels is assumed to be the maximum capacity of the jetty and that this figure was used to provide a "worst case" position for ES assessment. ABP will, through further response to ExA written questions, clarify the 292 vessels used in the context of the ES¶
 The actual number of vessels visiting the berth each year will be a function of demand and parcel size and will likely be lower than the maximum figure of 292 vessels. ¶
 The Statutory Harbour Authority (Harbour Master Humber (HMH) and the HMH's officers at Humber Estuary Services) are responsible for the traffic management on the Humber. ¶
 Furthermore, ABP confirm that all risk controls identified through the NRA process will be adopted (as is the case on all deep water berths on the Humber).

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Immingham Green Energy Terminal
 9.20 Final Agreed Statement of Common Ground between Associated British Ports, Air Products (BR) Limited and Associated Petroleum Terminals (Immingham) Limited (APT) and Humber Oil Terminals Trustees Limited (IOT Operators). (Tracked)

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ID	Matter	Reference	IOT Operators Position	ABP Position	Air Products Position	Status	Date
			<p><u>The IOT Operators</u> agree with ABP that with the involvement of the HMH and a collaborative working environment, risk of any disruption can be mitigated.</p>	<p>APT operations during construction activities.</p> <p>ABP will develop planned rules of engagement to enable the construction contractor to ensure their activities do not affect APT's operations.</p> <p>Furthermore, HMH consent would be required prior to any construction work / activity being undertaken on the Humber, providing an additional level of control during project execution.</p> <p>ABP agree that, should dispute arise during planning and or execution of works on site, tri-partite arbitration (HMH, APT and ABP) would seek to resolve any issue in an open, collaborative forum.</p>			
12	<u>Land Based Transport Impacts of IGET</u>	<u>Written Representation [REP1-109]</u>	<u>The IOT Operators commissioned an expert transport consultant (Key Transport Consultants</u>	<u>ABP responded in full to Appendix 1 of the IOT Operators Written</u>	<u>Air Products agrees with ABP's position.</u>	<u>Agreed</u>	<u>30/07/2024</u>

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Immingham Green Energy Terminal
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ID	Matter	Reference	IOT Operators Position	ABP Position	Air Products Position	Status	Date
		Annex 1 to ABP Deadline 2 Submission [REP2-009]	<p>(KTC)) to consider the impacts of the development on its operations.</p> <p>A copy of that report is appended to IOT Operators Written Representation [REP1-109] as Appendix 1. The report raises a number of concerns or queries regarding the potential impacts of land based transport associated with IGET on the IOT.</p> <p>IOT Operators has been provided with the ABP response to Table 3 of the KTC technical note and has made no further comments on this matter.</p>	<p>Representation [REP1-109] in ABP's Deadline 2 submission [REP2-009] at Annex 1.</p> <p>In summary, whilst points raised by the IOT Operators transport consultant required an update to the data tables used in the assessment, there was no update or amendment required to the overall conclusions of the submitted assessments, which remain robust.</p> <p>ABP provided the IOT Operators with its response to Table 3 of the KTC technical note via email on 21 May 2024.</p>			

4. Glossary

Abbreviation / Acronym	Definition
ABP	Associated British Ports
APT	Associated Petroleum Terminals (Immingham)
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
HMH	Harbour Master Humber
HOTT	Humber Oil Terminals Trustees Limited
IERRT	Immingham Eastern Ro-Ro Terminal
IGET	Immingham Green Energy Terminal
IOT	Immingham Oil Terminal
ISH	Issue Specific Hearing
KTC	Key Transport Consultants
MMO	Marine Management Organisation
NRA	Navigational Risk Assessment
NSIP	Nationally Significant Infrastructure Project
PA 2008	Planning Act 2008
PINS	Planning Inspectorate
SoCG	Statement of Common Ground
SoS	Secretary of State for Transport
UK	United Kingdom



Immingham Green Energy Terminal
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Associated Petroleum Terminals (Immingham) Limited (APT) and Humber Oil Terminals Trustees Limited (IOT
Operators) (Tracked)

Appendix A: Letter from the IOT Operators to ABP dated 20 June 2024



ASSOCIATED PETROLEUM TERMINALS (IMMINGHAM) LIMITED

QUEENS ROAD
IMMINGHAM
N E LINCOLNSHIRE
DN40 2PN

TEL.: (01469) 570300
FAX: (01469) 570321

Date: 20 June 2024

Ref: APT

Dear Associated British Ports

IMMINGHAM GREEN ENERGY TERMINAL DEVELOPMENT

- 1.1 We write with reference to Associated British Ports' ("**ABP**") application for the proposed Immingham Green Energy Terminal Development ("**IGET**") and to the ongoing DCO Examination. Where relevant we have referred to document references from the IGET DCO Examination Library. We also write with reference to our latest exchanges of correspondence in May which appear at document REP4-055.
- 1.2 Associated Petroleum Terminals (Immingham) Limited and Humber Oil Terminals Trustee Limited (together the "**IOT Operators**") continue to have concerns about the potential navigation and shipping effects of the IGET on the Immingham Oil Terminal ("**IOT**"), relating to:
- (a) IGET vessel breakaway hazard;
 - (b) Congestion and resourcing; and
 - (c) Speed limits in and around IGET.
- 1.3 Having reviewed the ABP response of 22 May, we are of the opinion that the following matters require consultation with, and the input of, the IOT Operators to ensure the alignment of the operation of the IGET with best practice with local knowledge and expertise. The IOT Operators therefore expect to be consulted on the formulation of the following elements of future management measures:
- (a) **IGET Terminal Regulations**
 - (i) Proposed ship mooring plans and configurations for Very Large Gas Carrier and Liquid Carbon Dioxide (LCO₂) Vessels for both port side to berth and starboard side to berth manoeuvres.

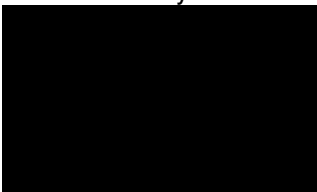


ASSOCIATED PETROLEUM TERMINALS (IMMINGHAM) LIMITED

- (ii) Proposed berth environmental limitations and restrictions for the IGET (e.g. weather, tidal, visibility etc).
 - (iii) Proposed terminal marine operating standards and requirements which should be, as a minimum, compliant with recommendations of the latest edition of the International Safety Guide for Oil Tankers and Terminals (ISGOTT) and The Society of International Gas tanker and Terminal Operators (SIGTTO).
 - (iv) Proposed roles for berthing and unberthing staff and ship shore interface and repeat check rounds of the Ship/Shore Safety Checklist.
 - (v) Proposed vessel access arrangements for full tidal range and different classes and sizes of vessels.
 - (vi) Towage guidelines.
- (b) **ABP Marine Safety Management System (Immingham Dock Master and Harbour Master Humber Marine Safety Management System)**
- (i) Passage planning focusing on increased numbers of Passage Plan Vessels to IGET and minimisation of congestion/delays (consideration of Yi Bao incident at IOT Berth 3).
 - (ii) Speed limits and monitoring (including definition of the speed being either speed through water or speed over ground).
 - (iii) Proposed restricted speed zone definition.
 - (iv) Safe passing distances off IOT & IGET.

1.4 Provided that ABP are able to provide reasonable assurances that consultation on the matters above will be effectively secured as part of the future design and development of the IGET, the IOT Operators are minded to consider that such consultation ought to be sufficient to address their navigational and shipping concerns. To the extent assurances can be provided, the intention would be to provide this exchange of correspondence to the Examining Authority so that it is aware of the conclusion to these matters.

Yours faithfully



Terminal Manager

ASSOCIATED PETROLEUM TERMINALS (IMMINGHAM) LIMITED



Immingham Green Energy Terminal
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Associated Petroleum Terminals (Immingham) Limited (APT) and Humber Oil Terminals Trustees Limited (IOT
Operators) (Tracked)

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Appendix B: Letter from ABP to the IOT Operators dated 27 June 2024

27 June 2024

[REDACTED]
Associated Petroleum Terminals (Immingham) Ltd
Queens Road
Immingham
North East Lincolnshire
DN40 2PN

By e-mail only

Dear [REDACTED]

**Proposed Immingham Green Energy Terminal (IGET), Port of Immingham
IOT Operators' Deadline 4 submission regarding navigation and shipping concerns &
letter received from IOT Operators 20 June 2024
PINS ref:TR030008**

The Applicant has reviewed IOT Operators' Deadline 4 submissions to the IGET DCO Examination, specifically related to navigational issues concerning the IOT and the IGET jetty. We have also further reviewed IOT Operators' initial letter on these matters sent to us on 3 May 2024, to which we replied on 22 May 2024. Both letters were attached to IOT Operators' Deadline 4 submission, alongside further analysis from their navigational consultant, Nash Maritime.

We have also reviewed IOT Operators' letter of 20 June 2024, which we presume was written pursuant to our meeting on MS Teams on 10 June 2024. The meeting afforded both parties the opportunity to discuss IOT Operators' navigational safety concerns in much greater detail, and we are pleased to be making progress with the IOT Operators on these important matters.

Turning specifically to your letter of 20 June, we respond in more detail to the points made in your letter below. However in summary we understand IOT Operators' position to be that whilst it has residual concerns about potential navigation and shipping effects of the IGET jetty on the IOT, consultation with IOT Operators as part of the future design, development and operation of the IGET jetty (including any future changes to the operational management regime for the jetty) would be sufficient to address those concerns.

We have already corresponded in detail on the navigational concerns expressed by IOT Operators' and do not propose to repeat that analysis here (see our letter of 22 May 2024). Therefore this letter responds to the specific request for future consultation and engagement with IOT Operators as part of the future design, development and operation of the IGET jetty (including any future changes to the operational management regime for the jetty) as set out in your letter on 20 June.

We acknowledge IOT Operators' request at paragraph 1.3(a) of their letter that they be consulted on various matters in relation to the IGET jetty including management measures for mooring plans and configurations, berth environmental limitations and restrictions, terminal operating standards and requirements, shoreside staffing details, tidal scheduling and towage guidelines as set out in more detail at points (i) to (vi) of paragraph 1.3(a). The Applicant can confirm that consultation with IOT Operators on these points, as part of the future design, development and operation of the IGET development, is agreed and will be undertaken by the Applicant. We would intend to reflect this in the Statement of Common Ground between the Applicant and the IOT Operators. We would also note, that the exchange of information like this is advised and encouraged by the Port Marine Safety Code

and is a necessary part of developing the Marine Safety Management System (MSMS) that will apply to the IGET jetty.

Related to that last point, at our last meeting on 10 June, the IOT Operators offered to share their current terminal operating parameters, as set out in the MSMS for the IOT, with the Applicant in order to assist the Applicant with ensuring that the procedures to be set out in the MSMS for the IGET jetty will be aligned with those already in place at the IOT. We would request that this information be provided to the Applicant in return for its commitment to consultation as described above. That will clearly assist both the Applicant and IOT Operators in achieving their jointly shared objective for safe marine operations at IOT and the IGET jetty in the future.

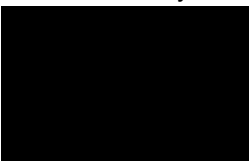
The second category of information exchange and consultation requested in paragraph 1.3 (b) of your letter of 20 June concerns the Humber Passage Plan, navigational speed and passing distances in respect of the IOT and the IGET jetty. These are matters within the jurisdiction of the Harbour Master, Humber (HM,H) and which are subject to existing consultation arrangements that will meet the consultation requirements of the IOT Operators as set out at paragraph 1.3.

- The Humber Passage Plan is subject to consultation with all relevant users of the Estuary by the HM,H and any changes to the passage plan necessitated by the operation of the IGET jetty will be the subject of consultation with those users by the HM,H.
- The navigation speed limit of 5 knots for vessels passing any jetty on the Humber where vessels are mooring, moored or unmooring is set by Byelaw 14(3) of the Humber Navigation Byelaws 1990 (amended July 2007). The Byelaws are made under section 12(2) of the Associated British Ports Act 1987. Section 12(4) of that Act and section 54(4) of the British Transport Docks Act 1964 require that in making byelaws HM,H must consult on them prior to them being confirmed. This would apply to any proposal to amend Byelaw 14 of the Humber Navigation Byelaws 1990.
- The existing passing distance for IOT and the speed zone definition is set by a General Direction of the HM,H issued further to section 6 of the British Transport Docks Act 1972. The same situation will apply to the IGET Jetty. General Directions are subject to consultation with all relevant estuary users prior to issue.

Given that certain elements of this response pertain to the role and functions of HM,H we have copied this letter to him and his legal advisers.

Should the matters covered above require any further discussion please do not hesitate to contact me. Otherwise I hope that we can now proceed to bring consideration of these matters to a close for the time being and in the context of the IGET DCO Examination pending the further consultation that is explained above at the appropriate time

Yours sincerely,



Project Development Manager

Cc:

 The Harbour Master, Humber
Winckworth Sherwood