



The Examining Authority
The Planning Inspectorate
Major Casework Directorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Our ref: AN/2023/134941/06-L01
Your ref: TR030008
Date: 15 August 2024

Dear Members of the Examining Authority

Application from Associated British Ports for the Immingham Green Energy Terminal (“IGET”) Development Consent Order (“DCO”) at the Port of Immingham, North East Lincolnshire – Written Representations (Deadline 7)

Pursuant to Deadline 7, we write to advise the Examining Authority on the current position with respect to the outstanding matters between the Environment Agency and the Applicant for the above project.

You will be aware from paragraph 4.1 of the Environment Agency’s relevant representation [RR-010] that we objected to the application on the grounds that it does not pass the flood risk exception test, as set out in paragraph 5.2.16 of the National Policy Statement for Ports (January 2012). To resolve this objection we require the Applicant to enter into a bespoke legal agreement regarding the reconstruction, future ownership, operation and maintenance of the flood defence that will be impacted by this project. This is to ensure that the proposed works will be carried out in a way that ensures an appropriate level of flood protection is maintained both now and into the future. Without such an agreement being in place there is the potential for the project to increase flood risk to third parties.

You will also be aware from the various entries within the previously submitted Statement of Common Ground [REP5-033] that we have reached agreement on the principle of the need for these matters to be included in either the bespoke legal agreement or protective provisions. An updated Statement of Common Ground to be submitted by the Applicant on our behalf today continues to confirm this position.

The Environment Agency provided comments on the draft protective provisions, which were included in the draft DCO [APP-006] to the Applicant on 31 May 2024 and met with them on 5 June to discuss these in detail. At that meeting the Applicant took an action to feed back to us on various matters and to return the draft protective provisions together with a draft of the legal agreement, based on the template agreement that the

Environment Agency had provided to them on 5 December 2023. We received the first draft of this agreement on 29 July 2024.

It is, therefore, with regret and despite our best endeavors that we have not yet been able to finalise the required agreement or protective provisions to enable us to withdraw our objection to the application. We feel it is unlikely that this position will change between now and the end of the Examination period. We will continue to work towards reaching agreement during the determination period and update the Secretary of State directly on these matters in due course.

Should you require any additional information, or wish to discuss these matters further, please do not hesitate to contact me at the number below.

Yours sincerely

Annette Hewitson
Principal Planning Adviser

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