



Immingham Green Energy Terminal

9.12 Final Agreed Statement of Common Ground between
Associated British Ports, Air Products (BR) Limited and
North East Lincolnshire Council (Clean)

Infrastructure Planning (Examination Procedure) Rules 2010
Volume 9

August 2024

Version 5.0

Planning Inspectorate Scheme Ref: TR030008

Document Reference: TR030008/EXAM/9.12

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Version History

Version	Date	Submitted
1.0	13 March 2024	Deadline 1
2.0	3 May 2024	Deadline 3
3.0	4 June 2024	Deadline 4
4.0	11 July 2024	Deadline 5
5.0	15 August 2024	Deadline 7

Status of the Statement of Common Ground

This is the Final Agreed Statement of Common Ground (SoCG) between Associated British Ports, Air Products (BR) Limited, and North East Lincolnshire Council.

On Behalf of Associated British Ports

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]

On Behalf of North East Lincolnshire Council

Name	[REDACTED]
Position	Assistant Director – Regeneration
Organisation	North East Lincolnshire Council
Signature	[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 the ABP.
- 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 [AS-069]**.

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) North East Lincolnshire Council (“NELC”).
- 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 NELC is the unitary authority of North East Lincolnshire and a consultee for the purposes of Section 42(1)(b) of the Planning Act 2008 as the elements of the Project above the mean low water mark are within NELC’s administrative boundary.
- 1.11 In this SoCG, ABP, Air Products and NELC are collectively referred to as “the Parties”.

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 yet agreed

2 Summary of Engagement

- 2.1 A summary of the consultation and engagement between ABP, Air Products and NELC 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 of key points of discussion
Pre-Application		
Aug 2022	Email Exchange	Correspondence with NELC Planner to: <ul style="list-style-type: none"> • Introduce Project, timelines and consenting process • Discuss EIA Scoping Opinion
Aug 2022	Email Exchange	Correspondence to request responses and data consultation responses.
18 Aug 2022	MS Teams meeting	AECOM led discussions with Heritage Officer. Key outcomes as follows: <ul style="list-style-type: none"> • Terrestrial Archaeological Scope to be addressed in the Written Scheme of Investigation (“WSI”): <ul style="list-style-type: none"> - West Site – trial trenching (3% to begin with depending on what the layout looks like) and geoarchaeological boreholes. - East Site – watching brief of Ground Investigation (“GI”) test pits and sharing of logs with geoarchaeologist. - Pipeline – geoarchaeological boreholes where possible (e.g. excluding TPO area at this stage) and watching brief of GI test pits. - Temporary construction area – geophysical survey (magnetometry) with the option in the WSI to progress quickly to trial trenching if deemed necessary. - Sharing of all GI logs with geoarchaeologist to be factored into their report. • It was noted bomb craters and World War activity in the temporary construction area site – needs geophysical survey first.

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Date	Form of Contact	Summary of key points of discussion
		<ul style="list-style-type: none"> • Discussions about undertaking a drone survey. • Noted it would be best to have someone with experience of excavating salterns. • Agreement reached with the Heritage Officer on the above archaeological scope and the Heritage Officer noted the scope was thorough.
Sept 2022	Email	Field Consulting led discussions with NELC Planner regarding the approach to the draft SoCC.
6 Sept – 3 Oct 2022	Email	Formal consultation on the first draft of the SoCC.
6 October 2022	Email	Response received from NELC providing feedback on the draft SoCC requesting changes to be made in relation to engagement with NELC elected members, Parish and Town Councils and local residents and in relation to the extent of the letter drop.
10 October 2022	EIA Scoping Opinion was adopted by the Secretary of State	NELC was consulted at EIA Scoping stage.
20 October 2022	Email to the Planning Inspectorate (letter attachment)	NELC provided their response to the Planning Inspectorate on ABP's EIA Scoping Report. NELC on the whole were content with the scope of the proposed EIA but highlighted the importance of fully understanding and considering the extent of any Hazardous Zones associated with the development and the land use planning implications of such zones. NELC advised this should be through consultation with the Health and Safety Executive.
Dec 2022	Email	Shared copy of draft SoCC with revisions ahead of Statutory Consultation.
9 January to 20 February 2023	First Statutory Consultation	NELC was consulted by ABP as part of the First Statutory Consultation.
19 January 2023	Email exchange	<p>Discussions with NELC Highways regarding the scope of the traffic and transport assessment and the interface with the traffic generated by the proposed IERRT project and its assessment.</p> <p>An in-person meeting was agreed for Thursday 2 February 2023 (see below entry).</p>

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Date	Form of Contact	Summary of key points of discussion
2 February 2023	In-person meeting	<p>AECOM/ABP/Air Products led discussions with NELC Highways regarding:</p> <ul style="list-style-type: none"> • Tree Loss in Long Strip • Travel plan • Street lighting Laporte Road/ East Gate • Stopping Up Laporte Road • Reviewing speed limits & TTRO • Construction and operational access notice • Operational vehicles
4 Feb 2023	Meeting with NELC Planner	<p>Meeting with NELC Planner to discuss:</p> <ul style="list-style-type: none"> • Cumulative long list for EIA • Other technical queries • Follow up email correspondence
17 February 2023	Email (letter attachment)	<p>NELC provided their response to the First Statutory Consultation covering aspects relating to:</p> <ul style="list-style-type: none"> • Economy and growth • Ecology • Highways • Landscape • Drainage • Environmental Health • Archaeology and Heritage • Comments on the SoCC
16 March 2023	MS Teams meeting	<p>Discussions with NELC regarding:</p> <ul style="list-style-type: none"> • Pipeline location • Potential compatibility with C02 and the proposed new COMAH site
5 April 2023	Application submission	<p>An application for hazardous substances consent was submitted by Air Products and was validated by NELC on 5 April 2023 (ref: DM/0088/23/HS) and is pending determination.</p>
11 April 2023	In-person meeting at NELC	<p>Discussions with NELC Planning Officer & Tree Officer regarding:</p>

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Date	Form of Contact	Summary of key points of discussion
		<ul style="list-style-type: none"> • Potential tree loss in the TPO area of Long Strip • General tree loss • Tree mitigation in Immingham instead of Long Strip • Land ownership Golf Club and Homestead Park in relation to potential replacement planting scheme locations
14 April 2023	Email to community Protection at NELC	Email setting out the proposed baseline noise monitoring locations and scope of the noise surveys.
21 April 2023	In person meeting	Discussions with NELC Highways regarding: <ul style="list-style-type: none"> • Access • Traffic regulation • Rights of way
22 May 2023	Meeting between ABP and Richard Limmer	Provided update on Project and second Statutory Consultation.
24 May 2023 to 20 July 2023	Second Statutory Consultation	NELC was consulted as part of the Second Statutory Consultation. A formal response was not received.
1 June 2023	Meeting between Air Products, NELC and Humberside Police	Meeting with Richard Limmer alongside Humberside Police to discuss hazardous substance consent application.
26 June 2023	Email to Environmental Protection Officer at NELC	Follow up to email sent on 14 April as no response received.
27 June 2023	Email from Environmental Protection Officer at NELC	Confirmed reviewed methodology, monitoring locations and measurement durations for the noise surveys and find all to be satisfactory.
20 July 2023	MS Teams meeting	Meeting with NELC to provide an overview of the DCO Requirements. Follow up email correspondence exchanged.
26 July 2023	Meeting between AECOM and NELC	Discussions with Heritage Officer. Key outcomes as follows: <ul style="list-style-type: none"> • Agreed no further work required re West Site Archaeology • Agreed no further work required for West Site geoarchaeology

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Date	Form of Contact	Summary of key points of discussion
		<ul style="list-style-type: none"> • Agreed no further work required on pipeline corridor • Agreed no further work required re East Site • Agreed no further work required re Temporary Construction Area • Agreed to hold a further meeting with NELC environment team re pipe rack and Jetty Access Route
8 August 2023	In-person meeting with NELC	<p>Further discussion around TPO tree loss with NELC Planning Officer & Arboricultural Officer:</p> <ul style="list-style-type: none"> • Provided update on Project including total area of TPO woodland loss, total number of individual trees lost within TPO area and retention of Veteran ash tree • Discussion around proposed jetty access road route and intention to minimise tree loss • Introduced 'Woodland Compensation Strategy' – identification of Manby Road for replacement woodland planting • Introduced 'Ecological Enhancement Strategy' • NELC advised ABP of 'draft Tree Strategy'
11 August 2023	Meeting with Environmental Protection Officer	Meeting with Environmental Protection Officer to discuss archaeological mitigation.
17 August 2023	Meeting with Heritage Officer and the Tree Officer	Meeting with Heritage Officer and the Tree Officer to discuss archaeological mitigation in relation to Long Strip woodland. It was agreed that a separate historical survey of the woodland, in addition to the ecological / environmental mitigation works, as detailed in the Arboricultural Impact Assessment and the Outline CEMP ("oCEMP"), would not be required.
Post-DCO Submission		
6 December 2023	Email (letter attached)	Response from ABP to NELC following preliminary comments on TPO loss/Outline Woodland Compensation Strategy (Letter dated 06/11/23)
16 January 2024	Site meeting	Meeting led by ABP with Lead Planner, Ecology Officer and Tree Officer onsite to discuss Woodland Compensation Strategy and to run through the evolution

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Date	Form of Contact	Summary of key points of discussion
		<p>of the Jetty Access Road design to justify the tree loss within the Long Strip TPO woodland.</p> <p>A site walkover was completed on the proposed Manby Road compensation planting area. After initial review it was agreed the site is potentially viable for the Woodland compensation and progress would be made in developing a landscaping plan and management strategy for the site to be included in the Woodland Compensation Plan.</p> <p>ABP would provide NELC with further justification on how they arrived at the Manby Road compensation area and would complete some soil sampling on the site.</p>
17 January 2024	MS Teams meeting	ABP and NELC Lead Planner had a call to discuss next steps in the IGET DCO process following on from publication of the Rule 6 letter by the ExA. Items for submission at Deadline 1 were discussed and a summary of the key areas requiring future discussion considered.
17 January 2024	Email	A follow up email was sent to NELC by ABP summarising the discussions held in the MS Teams meeting earlier on 17 January 2024.
18 January 2024	Email	Response from NELC regarding the previous entry with additional comments.
22 January 2024	Email	ABP sent NELC a copy of the draft SoCG.
24 January 2024	Email	Additional questions were asked by NELC in relation to the Woodland Compensation Strategy.
12 February 2024	Email (letter attached)	ABP submitted a letter to NELC in response to additional questions raised in the email above.
7 March 2024	MS Teams meeting	Meeting with NELC Planning Officer and Ecology Officer to discuss an update on Woodland Compensation Strategy.
8 March 2024	MS Teams meeting	Meeting with NELC Planning Officer, ABP and Air Products to discuss matters of land use planning and design.
8 March 2024	MS Teams meeting	<p>Discussions with NELC Highways regarding:</p> <ul style="list-style-type: none"> • Stopping Up • Speed Limit

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Date	Form of Contact	Summary of key points of discussion
		<ul style="list-style-type: none"> • PRoW • Access Plans • Traffic Generation
22 March 2024	MS Teams Meeting	Discussions with NELC Highways regarding: <ul style="list-style-type: none"> • Stopping Up • Speed Limits • Access Plans • Work No.4 • PRoW • Modelling of local junctions
08 April 2024	In-person meeting with NELC	Meeting with NELC Planning Officer to discuss the progression of the SoCG. In addition, further discussion with the NELC Tree Officer around progression of draft Woodland Compensation Strategy was undertaken.
08 April 2024	Email	A follow up email from the NELC Tree Officer was received with comments on the draft Woodland Compensation Strategy.
08 April 2024	Email	Comments received from NELC regarding DCO drafting.
08 April 2024	Email	A follow up email from NELC Planning Officer was received providing comments on the draft SoCG following an earlier meeting.
17 April 2024	Email	Email sent to NELC Highways team with requested drawings as part of on-going discussions.
22 April 2024	In-person meeting with NELC	Further meeting with NELC Planning Officer following hearings to discuss the progression of the SoCG.
23 April 2024	MS Teams Meeting	Meeting with NELC (as Lead Local Flood Authority ("LLFA")) and NELDB regarding assessment of ordinary watercourses.
25 April 2024	MS Teams Meeting	Follow-up discussions with NELC Highways following email of 17 April 2024.
25 April 2024	In-person site meeting with NELC	In-person site meeting with NELC Planning Officer & Tree Officer in response to Examining Authority's Written Questions 1 [PD-008] Q1.5.4.6.

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Date	Form of Contact	Summary of key points of discussion
25 April 2024	MS Teams Meeting	Meeting with NELC Planning Officer to discuss planning context for Queens Road properties.
30 April 2024	MS Teams Meeting	Meeting with NELC Planning Officer to discuss potential land use planning zones.
01 May 2024	Email	Email sent to NELC Planning Officer with land use planning zone report.
02 May 2024	MS Teams Meeting	Meeting with NELC Planning Officer to discuss photomontages and agree additional viewpoint.
09 May 2024	Email	Email sent to NELC Planning Officer to discuss progression on SoCG following Deadline 3 submissions.
09 May 2024	Email	Email sent to NELC Planning Officer in response to comments received from NELC regarding dDCO drafting.
21 May 2024	MS Teams Meeting	Meeting with NELC to discussion progression of SoCG ahead of Deadline 4.
23 May 2024	In-person meeting with NELC	Meeting with NELC Planning Officer ahead of Deadline 4 to progress remaining amber items on SoCG.
03 June 2024	MS Teams Meeting	Meeting with NELC Highways Team to progress highway matters following submission of additional information.
13 June 2024	MS Teams Meeting	Meeting with NELC Highways team to discuss submitted modelling and revised access arrangements.
20 June 2024	MS Teams Meeting	Meeting with NELC Planning Officer ahead of Deadline 5 to progress remaining amber items on SoCG.
26 June 2024	Email	Email sent to NELC Planning Officer to confirm DCO requirement discharge process.
04 July 2024	Email	Email response from NELC Planning Officer confirming content with the DCO requirement discharge process.
04 July 2024	MS Teams Meeting	Meeting with NELC Planning Officer ahead of Deadline 5 to progress remaining amber items on SoCG.
15 July 2024	Email	Email response from NELC Planning Officer regarding dDCO drafting.

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Date	Form of Contact	Summary of key points of discussion
29 July 2024	Email	Email response provided to NELC in relation to dDCO drafting comments including proposed amendments to dDCO in response to comments.
05 August 2024	Email	Email to NELC advising previously proposed amendments to the dDCO had been submitted at Deadline 6.
05 August 2024	Email	Email to NELC in relation to final Woodland Compensation Plan submitted at Deadline 6 along with Long Strip CEMP.
05 August 2024	MS Teams Meeting	Meeting with NELC highways to finalise remaining amber items and to progress SoCG.
07 August 2024	MS Teams Meeting	Meeting with NELC Planning Officer to run through final outstanding items ahead of Deadline 7.
09 August 2024	Email	Response received from NELC following amendments to the dDCO submitted at Deadline 6.
12 August 2024	MS Teams Meeting	Meeting with NELC to progress final matters for Final Agreed SoCG.
13 August 2024	Email	Final Agreed SoCG issued to NELC for Review/Sign Off
14 August 2024	Email	NELC returned signed Final Agreed SoCG with one minor amendment which was accepted.

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 – NELC was consulted as part of ABP’s statutory obligations.
 - 3.1.2 Chapter 5 – Second Statutory Consultation – NELC was consulted as part of ABP’s statutory obligations.
 - 3.1.3 Chapter 6 – ongoing engagement – engagement between the Parties has taken place on a regular basis outside of the First and Second Statutory Consultations as detailed in Chapter 6 of the Consultation Report and as reflected in Table 2-1 of this SoCG.
- 3.2 NELC has agreed to meet with ABP on a regular basis to progress the draft SoCG starting from January 2024.
- 3.3 Table 3-1 contains a list of ‘matters agreed’ (shaded green) at Deadline 7, along with a concise commentary of what the item refers to and how it came to be agreed between the Parties (as applicable).

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

ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
General							
G1	Stakeholder Engagement	Consultation Report [APP-022]	NELC confirms ABP's record of engagement as set out in the Consultation Report [APP-022] and Table 2-1 of this SoCG is accurate.	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	11 December 2023
G2	Stakeholder Engagement: Statement of Community Consultation	Consultation Report [APP-022] Relevant Representation [RR-022]	NELC acknowledges that ABP engaged with NELC in regard to the SoCC as part of the pre-application process. The scope of the SoCC was adapted to accommodate the comments made by NELC in particular with regard to engagement with NELC elected members, Parish and Town Councils and local residents. The extent of the letter drop to residents was also extended following discussions with NELC.	ABP engaged with NELC in regard to the SoCC during the pre-application phase of the project and took account of NELC's feedback.	As per ABP position.	Agreed	11 December 2023
G3	NELC Local Planning Authority Jurisdiction in respect of the Project		NELC agree with this approach.	NELC's jurisdiction as a Local Planning Authority in respect of this Application covers the area of the project landwards of Mean Low Water Springs (MLWS). Any part of the project that is below Mean High Water Springs (MHWS) is within the	As per ABP position.	Agreed	08 April 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
				<p>jurisdiction of the Marine Management Organisation (MMO). However, for the area between MLWS and MHWS, ABP understands that NELC will defer to the MMO for all matters relating to the following EIA topics:</p> <ul style="list-style-type: none"> • Nature conservation (marine ecology) • Ornithology (SPA/Ramsar birds) • Noise and Vibration (underwater only) • Marine transport and navigation • Historical environment (marine) • Physical processes (estuarine) • Marine water and sediment quality 			
G4	Construction Environmental Management Plan (CEMP)	<p>2.1 Draft Development Consent Order [REP6-004]</p> <p>6.5 Outline Construction</p>	NELC agree with the principal areas of the CEMP and that the final details would be secured through requirement 6 of Schedule 2 of the dDCO and	The final CEMP(s) would be secured through Requirement 6 of Schedule 2 of the dDCO and Condition 8 of the DML. It is intended at present that the detailed	As per ABP position.	Agreed	08 April 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
		<p>Environmental Management Plan [REP6-009]</p> <p>9.90 Long Strip Construction Environmental Management Plan [REP6-025]</p>	condition 8 of the Deemed Marine Licence (“DML”).	<p>CEMP will form at least four separate documents:</p> <ol style="list-style-type: none"> 1. CEMP relating to all works in the UK Marine area (i.e. all works below MHWS) which would be for the MMO to approve. 2. CEMP relating to that part of work No.1 which is landward of MHWS and work No. 2 which would be approved by NELC. 3. One or more CEMPs relating to all other landside works (phase 1 only) which would also be approved by NELC. 4. CEMP relating specifically to the clearance of woodland in Long Strip (“Long Strip CEMP”) which ABP is seeking to have certified in the DCO [REP6-025]. <p>ABP and NELC agree with this approach.</p>			
G5	Relevant planning history and current proposals	6.2 Environmental Statement - Chapter	NELC agree with this point.	ABP reports on the history of the Site and surroundings in ES	As per ABP position.	Agreed	08 April 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
		2: The Project [AS-069]		Chapter 2: The Project [AS-069] , paragraphs 2.3.7 to 2.3.11. ABP sought NELC’s agreement that its reporting of the history of the site and surroundings is accurate. NELC confirmed their agreement with this.			
Local Planning Policy							
LPP1	Accordance with the North East Lincolnshire Local Plan (“NELLP”)	7.1 Planning Statement [APP-226] 7.1 Planning Statement Appendices – Appendix C – Project Accordance with the North East Lincolnshire Plan [APP-229]	Discussion has taken place over Policy 9 and how this relates to Work No. 9 for the temporary construction compound site.	ABP’s assessment of the Project’s accordance with the North East Lincolnshire Local Plan is provided as Appendix C to the Planning Statement [APP-229] and summarised within the relevant sections of the Planning Statement [APP-226] . The assessment confirms the Project is in general accordance with the relevant Local Plan policies. In addition, detailed discussions have taken place regarding the applicability of Policy 9 and a joint position has now been agreed as set out for Matter LPP2.	As per ABP position.	Agreed	23 May 2024
LPP2	North East Lincolnshire Local Plan (NELLP) – Policy 9: Habitat	6.2 Environmental Statement – Chapter 8: Nature Conservation	NELC has provided a detailed response on this matter via its response to WQ2 BIO 2.5 [REP4-049] .	ABP’s position is that Policy 9 of the NELLP either does not apply or there are clear and sufficient reasons justifying a departure from the requirements of the policy. ABP	As per ABP position.	Agreed	23 May 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
	Mitigation – South Humber Bank	(Terrestrial Ecology) [APP-050] 7.1 Planning Statement Appendices – Appendix C – Project Accordance with the North East Lincolnshire Plan [APP-229] Examining Authority's Written Questions 2 [PD-014]	In summary, it is agreed that Policy 9 does not have to be applied to the Project in this instance.	has provided a detailed response on this matter in response to WQ2 BIO 2.5 [REP4-047] .			
LPP3	Principle of Development	6.2 Environmental Statement - Chapter 3: Need and Alternatives [APP-045] 7.1 Planning Statement [APP-226] 7.1 Planning Statement Appendices – Appendix C – Project Accordance with the North East Lincolnshire Plan [APP-229]	The development presents a significant investment into the port of Immingham. This will in turn secure numerous jobs in direct association with the imports but also more indirect jobs through the servicing and maintenance of machinery and vehicles. This development also ties in closely with the recent announcement of Humber Freeport Status and adds to the wider economic growth of the Humber Region. It is this growth that the NELLP is based upon, and the principle of such	ABP is pleased that NELC support the principle of the Project and acknowledge that it will contribute to the economic growth of the Humber Region.	As per ABP position.	Agreed	1 December 2023

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
			development is therefore supported.				
Alternatives							
AA1	Assessment of Alternatives	6.2 Environmental Statement - Chapter 3: Need and Alternatives [APP-045]	NELC note the position by ABP which is agreed.	<p>ABP’s assessment of alternatives is provided in sections 3.5 to 3.8 of ES Chapter 3: Need and Alternatives [APP-045]. Step 1 looked at the consideration of broad options, step 2 the consideration of alternative port locations within the Humber Estuary and step 3, the consideration of the Project location at the Port of Immingham. Step 4, design refinement is addressed in matter AA1 below.</p> <p>Step 1 concludes that the do-nothing scenario is not appropriate and that the development of the Project at a location outside of the Humber Estuary would not meet a primary objective of the Project to provide additional capacity within the Humber.</p> <p>Step 2 concludes that the only potential solution to meeting the Project need and objectives is the provision of a new multi-user green energy terminal at the Port of Immingham.</p>	As per ABP position.	Agreed	08 April 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
				Step 3 concludes that the jetty location proposed in this application for development consent, is the most suitable for the Project, given the need to reach the deep-water channel in the Humber Estuary.			
AA2	Design Refinements	6.2 Environmental Statement - Chapter 3: Need and Alternatives [APP-045]	NELC agree with this position.	ABP sets out in section 3.9 of ES Chapter 3: Need and Alternatives [APP-045] how the design of aspects of the Project has been refined to minimise environmental effects with consideration of the layout of the hydrogen production facility (paragraphs 3.9.8 to 3.9.10) and the consideration of alternative locations for the jetty access road, pipe-rack and electrical control building (paragraphs 3.9.11 to 3.9.21).	As per ABP position.	Agreed	08 April 2024
Air Quality							
AQ1	ES Chapter 6: Air Quality	6.2 Environmental Statement – Chapter 6: Air Quality [APP-048] 6.5 Outline Construction Environmental	NELC has reviewed ES Chapter 6 and agrees with ABP’s position and accepts the findings and conclusions of the air quality assessment. NELC welcomes the emission mitigation measures stated in Section 6.7 of the Environmental Statement Chapter 6 and the	ABP’s assessment of air quality matters are set out in ES Chapter 6: Air Quality. Appropriate measures to be implemented during construction have been set out within the oCEMP including the appended outline Dust Management Plan, and the oCTMP. Final versions of these	As per ABP position.	Agreed	11 December 2023

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9.12 Final Agreed Statement of Common Ground between ABP, Air Products and North East Lincolnshire Council (Clean)

ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
		Management Plan [REP6-009] Relevant Representation [RR-022]	construction dust measures as detailed in Appendix C (Outline Dust Management Plan) of the Outline Construction Environmental Management Plan [REP6-009] to be secured by requirement of the dDCO.	management plans will be secured through Requirements 6 and 7 respectively of Schedule 2 of the dDCO. Emissions to air will be further controlled by the Environmental Permit to be issued by the Environment Agency. An Odour Management Plan would also be implemented to control odour emissions during operation and will be secured by the Environmental Permit.			
Noise and Vibration							
NV1	ES Chapter 7: Noise and Vibration	6.2 Environmental Statement – Chapter 7: Noise and Vibration [APP-049] Relevant Representation [RR-022]	NELC has reviewed ES Chapter 7 and agrees with ABP’s position and accepts the findings and conclusions of the assessment. NELC expects to see construction noise mitigation measures within the final CEMPs which it will need to approve under Requirement 6 of Schedule 2 of the dDCO. NELC also expects the Operational Noise Management Plan to include acoustic performance details of plant to be	ABP’s assessment of noise and vibration matters is set out in ES Chapter 7: Noise and Vibration. Appropriate measures to be implemented during construction have been set out within the oCEMP, oCTMP and oDEMP. Final versions of these management plans will be secured through requirements in the dDCO. An Operational Noise Management Plan would also be secured by Requirement 17 of the dDCO, for	As per ABP position.	Agreed	11 December 2023

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
			used along with appropriate operational noise mitigation measures. NELC will approve this Management Plan(s) under Requirement 17 of the dDCO.	the Work Numbers specified in this Requirement (Work No. 3, 5 and 7).			
Nature Conservation (Terrestrial Ecology)							
NC1	ES Chapter 8: Nature Conservation (Terrestrial Ecology)	6.2 Environmental Statement – Chapter 8: Nature Conservation (Terrestrial Ecology) [APP-050] 6.5 Outline Construction Environmental Management Plan [REP6-009] 6.9 Outline Landscape Environmental Management Plan [REP4-012] 2.1 Draft Development Consent Order [REP6-004]	NELC agree with ABPs position on this.	ABP’s assessment of nature conservation (terrestrial ecology) matters are set out in ES Chapter 8: Nature Conservation (Terrestrial Ecology). Appropriate measures to be implemented during construction have been set out within the oCEMP (and its appendices) and oLEMP. Final versions of these management plans will be secured through Requirements 6 and 10 respectively of Schedule 2 of the dDCO.	As per ABP position.	Agreed	08 April 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
NC2	Extent of the loss of Tree Preservation Order (TPO) trees in the Long Strip Woodland	6.2 Environmental Statement – Chapter 3: Needs and Alternatives [APP-045] Relevant Representation [RR-022]	NELC has reviewed the extent of the loss of TPO trees in the Long Strip Woodland and is satisfied that losses have been minimised and that there are no suitable alternative options.	<p>Whilst ABP acknowledges the loss of TPO trees within the Long Strip Woodland to facilitate the construction of the jetty access road and pipe rack in Work No.1 and 2, ABP maintains the position that the loss has been kept to an absolute minimum.</p> <p>Due to the presence of the Long Strip woodland, ABP studied a number of alternative alignments for the jetty access road as outlined in ES Chapter 3. For the reasons explained in this chapter, options outside of the Long Strip woodland were discounted.</p> <p>Of the options considered that lie within the Long Strip woodland, the option selected resulted in the loss of fewest trees and also avoids the veteran ash tree situated in the north east corner of the woodland which is the highest value tree in the woodland.</p> <p>The extent of the TPO loss is outlined in the Arboricultural Impact Assessment [APP-185].</p>	As per ABP position.	Agreed	08 April 2024

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9.12 Final Agreed Statement of Common Ground between ABP, Air Products and North East Lincolnshire Council (Clean)

ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
NC3	Woodland Compensation Plan	<p>6.8 Outline Woodland Compensation Strategy [APP-224]</p> <p>2.1 Draft Development Consent Order [REP6-004]</p> <p>Relevant Representation [RR-022]</p> <p>Woodland Compensation Plan [REP6-018]</p>	<p>NELC's full position on the area of woodland compensation proposed in ABP's Outline Woodland Compensation Strategy is detailed in its Relevant Representation.</p> <p>Further comments have been provided to the Applicant in relation to the draft Woodland Compensation Plan submitted at Deadline 1 [REP1-068].</p> <p>NELC have reviewed the D3 submission of the Woodland Compensation Plan [REP3-065] and are content with the alterations.</p> <p>NELC have provided further recommendations to the Applicant as to the Battery Street element of the Woodland Compensation Plan which have been taken into consideration.</p> <p>NELC have further reviewed the final Woodland Compensation Plan submitted at Deadline 6 [REP6-018] in combination with the Long Strip Construction Environmental Management Plan [REP6-025].</p>	<p>An Outline Woodland Compensation Strategy was submitted with the application for development consent which sets out the measures to be taken to compensate for tree loss within the Long Strip TPO woodland.</p> <p>In respect of the replacement woodland, the Strategy outlines the approach to establishing, managing and monitoring this woodland over a 25-year period, by which time, establishment is likely to have been secured.</p> <p>The measures contained within the Outline Woodland Compensation Strategy have been further developed with the assistance of NELC and a Woodland Compensation Plan has been submitted into the examination [REP1-068] (which supersedes the Outline Woodland Compensation Strategy). NELC have further reviewed this document and their comments have been taken into consideration during the course of examination.</p> <p>Recommendations have been received from NELC regarding the Battery Street element of the</p>	As per ABP position.	Agreed	04 July 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
			NELC are content with the final Woodland Compensation Plan secured by Requirement 11 of Schedule 2 of the dDCO	Woodland Compensation Plan. The Woodland Compensation Plan was updated accordingly [REP6-018] . The final Woodland Compensation Plan was submitted at Deadline 6 [REP6-018] alongside the Long Strip Construction Environmental Management Plan [REP6-025] . The final Woodland Compensation Plan would be secured through Requirement 11 of Schedule 2 of the dDCO.			
NC4	Protected Species – bat roost within Long Strip woodland	6.2 Environmental Statement – Chapter 8: Nature Conservation (Terrestrial Ecology) [APP-050] Relevant Representation [RR-022] Woodland Compensation Plan [REP6-018]	NELC has now received the updated bat survey via the draft Woodland Compensation Plan [REP3-065] and acknowledges the conclusions.	The bat roost within Long Strip would not remain. ABP’s proposed mitigation for the loss of the bat roost(s) in the Long Strip woodland is set out in paragraph 8.9.4 of ES Chapter 8: Nature Conservation (Terrestrial). Further to the summer 2023 surveys to investigate the extent of bat use, it has been reported in the Woodland Compensation Plan [REP6-018] that there is no evidence of bat presence in the 19 woodland trees which had been previously identified as having moderate-high suitability for roosting bats and confirms the	As per ABP position.	Agreed	08 April 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
				conclusion in the Environmental Statement within the Chapter 8: Nature Conservation (Terrestrial Ecology) [APP-050] , in relation to bats, that the impact of removing trees would be minor adverse and not significant. In addition, a summary of the bat surveys has been provided in the further Environmental Statement Survey Updates provided at Deadline 1 [REP1-044] .			
NC5	Protected Species (bats) – lighting strategy	6.4 Environmental Statement Appendices - Appendix 2.B: Lighting Strategy [APP-173] Relevant Representation [RR-022]	NELC agrees with Paragraph 7.2.3, page 25 of Appendix 2.B Lighting Strategy, that it must be committed to minimising light spill to retained habitats, particularly in relation to bat corridors to avoid impact on the conservation status of bats due to new lighting. This is secured by way of a DCO Requirement. NELC welcomes site-wide use of lighting that is in line with the Institute of Lighting Professionals (2018). ILP GN08 Guidance Note 8 Bats and Artificial Lighting in the UK (Ref 3-1) to reduce impacts on all ecological receptors.	ABP's Lighting Strategy submitted with the application for development consent acknowledges at paragraph 7.2.3 that <i>"the strategy must be committed to minimising light spill to retained habitats, particularly in relation to bat corridors to avoid impact on the conservation status of bats due to new lighting"</i> . Requirement 16 of Schedule 2 of the dDCO requires NELC's approval of a written scheme(s) of the proposed operational external lighting relating to Work No's 1 (outside of marine area) and 2, within which the Long Strip woodland is located, prior to those parts of the project being brought into operation.	As per ABP position.	Agreed	11 December 2023

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
NC6	Protected Species – water voles in Soke Dyke (Ditch 5)	6.2 Environmental Statement – Chapter 8: Nature Conservation (Terrestrial Ecology) [APP-050]	NELC agree with ABPs position on this.	ABP’s proposed mitigation for the damage/ disturbance to water vole habitat at the base of the flood embankment (Ditch 5) is set out in paragraphs 8.9.5 to 8.9.7 of ES Chapter 8: Nature Conservation (Terrestrial) [APP-050] .	As per ABP position.	Agreed	8 April 2024
Ornithology							
O1	SPA/RAMSAR birds	6.2 Environmental Statement – Chapter 10: Ornithology [APP-052]	NELC agree with ABP’s position on this.	ABP understands that NELC will defer to the MMO and Natural England regarding all matters associated with impacts on SPA/RAMSAR birds.	As per ABP position.	Agreed	08 April 2024
Traffic and Transport							
TT1	ES Chapter 11: Traffic and Transport	6.2 Environmental Statement – Chapter 11: Traffic and Transport [APP-053]	NELC are in agreement with the methodology used for the assessment of traffic matters set out in ES Chapter 11: Traffic and Transport. NELC have requested further traffic modelling in relation to Construction Phase Traffic (TT5). This has been received, reviewed and considered acceptable.	ABP’s assessment of traffic and transport matters is set out in ES Chapter 11: Traffic and Transport. ABP sought NELC’s agreement of the methodology used, mitigation proposed, and conclusions reached in this assessment. ABP has provided NELC with further traffic modelling as requested.	As per ABP position.	Agreed	13 June 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
TT2	Temporary and permanent access points onto the public highway	<p>4.3 Illustrative Layouts [AS-058]</p> <p>6.2 Environmental Statement Chapter 11: Traffic and Transport [APP-053]</p> <p>6.7 Outline Construction Traffic Management Plan (“CTMP”) [AS-045]</p> <p>2.1 Draft Development Consent Order [REP6-004]</p>	NELC agree that the final details of the temporary and permanent access points can be addressed through submissions under Requirement 8.	<p>A safe and satisfactory means of access can be achieved to both the temporary construction sites as well as the permanent site once operational.</p> <p>The details of the design and layout of all works to the public highway (including all temporary and permanent accesses and permanent alterations to an existing means of access to a highway used by vehicular traffic) will need to be approved by NELC under Requirement 8 of Schedule 2 of the dDCO (as amended at Deadline 7) prior to the commencement of any such works.</p> <p>The final details of the temporary and permanent access points will be addressed under Requirement 8.</p>	As per ABP position.	Agreed	05 August 2024
TT3	Stopping Up	4.7 Stopping Up and Restriction of Use of Streets and Public Rights of Way Plan [AS-062]	NELC have received the drawings showing the revised extent of Stopping Up on Laporte Road and deem the proposal acceptable.	<p>Alterations have been requested to the extent of the Stopping Up of Laporte Road to ensure adequate highway function remains.</p> <p>Revised drawings were submitted as part of the further change application [AS-062].</p>	As per ABP position.	Agreed	13 June 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
TT4	Speed Limit	4.8 Traffic Regulations Measures Plan [AS-063]	NELC have reviewed the revised speed limit extents and agree to the extent of the revised proposed speed limit for Laporte Road.	Alterations have been requested to the proposed speed limit for Laporte Road. Further drawings have been shared with NELC to demonstrate the extent of the proposed speed limit and the extents are agreed.	As per ABP position.	Agreed	25 April 2024
TT5	Capacity of Highway Network (construction and operation)	6.2 Environmental Statement Chapter 11: Traffic and Transport [APP-053]	NELC have received the additional traffic modelling for the construction phase of the Project and agree the assessment and conclusions. No further assessment or mitigation is required.	The local highway network will continue to operate satisfactorily with the additional traffic associated with both the operational and construction phases of the Project.	As per ABP position.	Agreed	13 June 2024
TT6	Construction Phase traffic generation	6.2 Environmental Statement Chapter 11: Traffic and Transport [APP-053]	NELC agree the methodology to forecast the construction phase traffic generation.	The traffic generation of the construction phase as set out in the ES Chapter 11, is a suitable basis for the assessment.	As per ABP position.	Agreed	25 April 2024
TT7	Operational Phase traffic generation	6.2 Environmental Statement Chapter 11: Traffic and Transport [APP-053]	NELC agree ABP's position on this.	The levels of operational traffic will not result in any severe impact on the local road network.	As per ABP position.	Agreed	25 April 2024
TT8	Abnormal indivisible Load (AIL) routeing	6.2 Environmental Statement Chapter 11: Traffic and Transport [APP-053]	NELC agree with the Applicant's position on this and note that the Applicant/ Contractors will liaise with the Highway Authority to ensure that all the required	The route for AIL movements and the associated works to the highway are suitable.	As per ABP position.	Agreed	25 April 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
		6.7 Outline Construction Traffic Management Plan (“oCTMP”) [AS-045]	measure and approvals are in place in-line with Section 4 of the oCTMP.	Section 4 of the oCTMP sets out ABP’s AIL strategy and routing.			
TT9	Outline Construction Traffic Management Plan (OCTMP)	6.7 Outline Construction Traffic Management Plan (“oCTMP”) [AS-045] 2.1 Draft Development Consent Order [REP6-004]	NELC agree with ABP’s position on this.	The oCTMP is a suitable framework document to allow a detailed CTMP to be prepared by the Contractor and approved by NELC prior to works commencing onsite in accordance with the definition of “commence” in Schedule 2 of the dDCO (except the clearance of trees and other vegetation from Long Strip in respect of which the approval of the CTMP will not be required). The final CTMP will be secured through Requirement 7 of Schedule 2 of the dDCO.	As per ABP position.	Agreed	25 April 2024
TT10	Outline Construction Worker Travel Plan (OCWTP)	Appendix A to 6.7 Outline Construction Traffic Management Plan (“CTMP”) [AS-045] 2.1 Draft Development Consent Order [REP6-004]	NELC agree with ABP’s position on this.	The oCWTP is a suitable framework document to allow a detailed CWTP to be prepared by the Contractor and approved by NELC prior to works commencing onsite in accordance with the definition of “commence” in Schedule 2 of the dDCO (except the clearance of trees and other vegetation from Long Strip in respect of which the	As per ABP position.	Agreed	25 April 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
				approval of the oCWTP will not be required). . The final CWTP will be secured as part of the CTMP through Requirement 7 of Schedule 2 of the dDCO.			
TT11	Outline Operational Travel Plan (oOTP)	Outline Operational Travel Plan (“OTP”) [REP4-029] 2.1 Draft Development Consent Order [REP6-004]	NELC agree with ABPs position on this.	The oOTP is a suitable framework document to allow a detailed OTP to be prepared for that part of the Project comprising the operation of the hydrogen production facility prior to operation of that facility. The final OTP will be secured pursuant to Requirement 19 of Schedule 2 of the dDCO prior to operation of the hydrogen production facility.	As per ABP position.	Agreed	25 April 2024
TT12	Schedules to draft Development Consent Order (DCO)	2.1 Draft Development Consent Order [REP6-004]	NELC have provided comments to the Applicant in relation to the schedules and the dDCO drafting. NELC have reviewed the amended dDCO submitted at Deadline 6 and have provided further comments to the Applicant. NELC are content that the further amendments which ABP has	Schedules 4, 5, 6, 7, 8 10 and 11 of the dDCO include a number of traffic and transport related provisions. ABP has received comments with reference to the dDCO drafting and associated schedules from NELC. ABP and NELC have engaged productively to address the comments and a number of amendments to the dDCO were submitted at Deadline 6 [REP6-004]	As per ABP position.	Agreed	12 August 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
			confirmed it will make at Deadline 7 have addressed those comments and now consider the matter agreed. NELC's main consideration here is to ensure the safe and smooth running of the Highway Network. This requires appropriate notification of works and agreement of the works to be carried out.	and Deadline 7 [TR030008/APP/2.1/(9)] accordingly. ABP considers that the amendments made resolve NELC's comments.			
Landscape and Visual							
LV1	ES Chapter 13: Landscape and Visual	6.2 Environmental Statement – Chapter 13: Landscape and Visual Impact [APP-055] 9.43 Applicant's Comments on Deadline 1 (D1) Submissions from North East Lincolnshire Council [REP2-015] 9.57 Supplemental Analysis of the Assessment of Impacts on the Lincolnshire Wolds [REP3-068]	NELC have reviewed the additional photomontages submitted at Deadline 4 and are satisfied that their concerns have been addressed.	ABP's assessment of landscape and visual matters is provided in ES Chapter 13: Landscape and Visual. ABP sought NELC's agreement of the methodology used, mitigation proposed, and conclusions reached in this assessment. Appropriate measures to be implemented during construction have been set out within the oCEMP, and oLEMP. Final versions of these management plans will be secured through Requirements 6 and 10 respectively of Schedule 2 of the dDCO. ABP in response to NELC's response to Q1.7.2.2 [REP2-015] have committed to reviewing any	As per ABP position.	Agreed	20 June 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
		9.68 Lincolnshire Wolds Photomontages [REP4-038]		impacts from viewpoints further, and has confirmed the results of this work at Deadline 3 (see Supplemental Analysis of the Assessment of Impacts on the Lincolnshire Wolds [REP3-068]). These viewpoints are limited to the Lincolnshire Wolds. ABP have agreed the results of this additional analysis with NELC. Additional photomontages were submitted at Deadline 4 [REP4-038] .			
LV2	Mitigation measures – visual screening	6.2 Environmental Statement – Chapter 13: Landscape and Visual Impact [APP-055] 6-3 Environmental Statement Figures - Figure 13.8.1 to 13.8.13 [APP-115] 6-3 Environmental Statement Figures - Figure 13.9.1 to 13.9.13 [APP-116] 6-3 Environmental Statement Figures - Figure 13.10.1 to 13.10.6 [APP-117]	Consideration should be given to how the development can be screened, at least for the near views, and for those residential properties on the edge of Immingham closest to the development. NELC have reviewed the oLEMP and are content that, where practicable, localised screening will be implemented.	Views from residential properties to the south east of Immingham have been considered in the ES Chapter 13: Landscape and Visual Impact [APP-055] within Viewpoint 6 (PRoW to the rear of Ings Lane/Talbot Road). Baseline views are represented in Figure 13.8.8 Summer Viewpoint Photography [APP-115] and Figure 13.9.8 Winter Viewpoint Photography [APP-116] . An indicative representation of the Project is illustrated in Figure 13.10.6 Photomontage [APP-117] . The assessment at Viewpoint 6 states that “ <i>taller structures associated with East and West Site would be partially visible on the skyline, however, intervening</i>	As per ABP response.	Agreed	23 May 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
		6.9 Outline Landscape and Ecology Management Plan [REP4-012] Relevant Representation [RR-022]		<p><i>vegetation would assist in screening.”</i></p> <p>It is acknowledged that there is likely to be some views of the taller structures from residential receptors where there is limited screening from existing boundary vegetation, as described within the baseline view.</p> <p>Native woodland planting is proposed along the western boundary of the West Site and is outlined within the oLEMP [REP4-012] and illustrated on Figure 1 Indicative Landscape and Biodiversity Plan of the oLEMP, to provide additional screening of the Project from views located to the south-west of the Site.</p> <p>The landscape and visual assessment concludes that the significance of effect during operation on views from residential properties to the south east of Immingham (assessed within viewpoint 6) would be negligible adverse (not significant).</p>			
LV3	Outline Landscape and Ecology	6.9 Outline Landscape and Ecology	NELC agree with this matter.	ABP considers the oLEMP submitted with the application for development consent provides an	As per ABP position.	Agreed	08 April 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
	Management Plan (oLEMP)	Management Plan [REP4-012]		appropriate framework for development of the final LEMP in regard to landscape and visual matters. NELC confirmed its agreement to this matter.			
Historical Environment (Terrestrial)							
HE1	ES Chapter 14: Historical Environment (Terrestrial)	6.2 Environmental Statement – Chapter 14: Historical Environment (Terrestrial) [APP-056] 6.5 Outline Construction Environmental Management Plan [REP6-009] 6.6 Outline Decommissioning Environmental Management Plan [REP5-019]	NELC agree with this position.	ABP’s assessment of historic environment (terrestrial) matters is set out in ES Chapter 14: Historic Environment (Terrestrial). NELC confirmed its agreement with the methodology used, mitigation proposed, and conclusions reached in this assessment. Appropriate measures to be implemented during construction have been set out within the oCEMP and oDEMP. A final CEMP and DEMP will be secured through Requirements 6 and 18 respectively of Schedule 2 of the dDCO.	As per ABP position.	Agreed	08 April 2024
HE2	Temporary Construction Area – Work No. 8 and 9	Paragraphs 14.8.31 and 14.9.3 of 6.2 Environmental Statement – Chapter 14: Historical Environment	NELC agrees with the ABP’s position. At this time, it would appear that the area for the temporary construction area would not be subject to any groundworks and	Within the temporary construction areas in Work No. 8 and 9, recent geophysical survey indicated that there is the potential for unknown below ground archaeological remains at this location.	As per ABP position.	Agreed	11 December 2023

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
		(Terrestrial) [APP-056] Table 11 of 6.5 Outline Construction Environmental Management Plan [REP6-009]	as such would not require any intrusive archaeological work. However, should this change then NELC would reserve the right to ask for further archaeological information at this stage.	The working methodologies for construction and construction associated activities at this Site will be designed so as to “do no harm” as outlined within Table 11 of the oCEMP. With this commitment in place, it was agreed with NELC that no further archaeological works will be required as the potential remains will be preserved in situ. Should the working methodologies change within the Temporary Construction Area, then NELC will be fully consulted with regards to an appropriate archaeological mitigation strategy in advance of construction.			
HE3	Piperack and Jetty Access Route – Work No. 1 and 2	Paragraph 14.9.3 of 6.2 Environmental Statement – Chapter 14: Historical Environment (Terrestrial) [APP-056] 6.4 Environmental Statement Appendices – Appendix 8:F: Arboricultural Impact	NELC agree with this position.	Within Work No. 1 and 2, the heritage asset, known as Long Strip woodland, would be impacted by the works in this area. Whilst a survey of the woodland, focusing on preserving the historic information of the woodland, could be undertaken, the potential usefulness of this was discussed at a meeting with NELC. It was agreed that information gathered as part of the ecological /	As per ABP position.	Agreed	08 April 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
		Assessment [APP-185] Table 11 of 6.5 Outline Construction Environmental Management Plan [REP6-009]		environmental mitigation works (see Appendix 8.F: Arboricultural Impact Assessment and the oCEMP, would be sufficient and a separate historic survey would not be required. The outputs from this mitigation work would be made available to the Historic Environment Record.			
Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage							
W1	Flood Risk Assessment	6.4 Environmental Statement Appendices – Appendix 18: A: Flood Risk Assessment [AS-134]	NELC support the comments made by the Environment Agency and responded as such in Q1.8.1.2 [REP1-071]. NELC accepts the primacy of the Environment Agency on these matters and looks forward to being updated on any progress made.	ABP’s Flood Risk Assessment is provided at Appendix 18.A of the DCO submission [AS-134]. ABP has an ongoing dialogue with the Environment Agency on this matter and look forward to updating NELC as LLFA in due course.	As per ABP position.	Agreed	22 April 2024
W2	Drainage Strategy	6.4 Environmental Statement Appendices – Appendix 18: B: Drainage Strategy [APP-210] Relevant Representation [RR-022]	The drainage strategy is acceptable, and it is understood that detailed drainage drawings will be provided in due course. The two main issues of interest to NELC are: 1. Where ground level raising is taking place, are interceptor drains needed to protect adjacent land,	ABP is pleased to see that NELC considers the Drainage Strategy to be acceptable. Drawing 60673509-ACM-XX-XX-0004 of Annex A to the Drainage Strategy shows where the surrounding catchments drain and how ABP would divert relevant flows around the proposed works.	As per ABP position.	Agreed	1 December 2023

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
			<p>property or highway from surface water runoff?</p> <p>2. The use of permeable paving and gravel surfacing is proposed for improving surface water quality prior to discharge. NELC will look at this and confirm if it is happy with the extent of the quality improvements provided.</p>	<p>Two interceptor drains are identified as being required in this drawing.</p> <p>The final Drainage Strategy(ies) will be approved through Requirement 12 of the dDCO by NELC (following consultation with the Environment Agency and the North East Lincolnshire Drainage Board).</p>			
W3	Drainage – relationship with NELDB	<p>6.4 Environmental Statement Appendices – Appendix 18: B: Drainage Strategy [APP-210].</p> <p>Relevant Representation [RR-022]</p>	NELC would look to be in agreement with the NELDB on all matters relating to drainage.	<p>ABP understands NELC’s position. The NELDB will be a consultee on the final drainage strategy(ies) as per Requirement 12 of Schedule 2 of the dDCO.</p>	As per ABP’s position.	Agreed	11 December 2023
Ground Conditions and Land Quality							
GC1	ES Chapter 21: Ground Conditions and Land Quality	<p>6.2 Environmental Statement – Chapter 21: Ground Conditions and Land Quality [APP-063]</p>	<p>NELC agrees with ABP’s position and expects that all mitigation measures proposed in Table 21-19 of Chapter 21 are fully adopted.</p>	<p>ABP’s assessment of ground conditions and land quality matters are provided in ES Chapter 21: Ground Conditions and Land Quality.</p> <p>Appropriate measures to be implemented during construction</p>	As per ABP position.	Agreed	11 December 2023

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
		Relevant Representation [RR-022]		have been set out within the oCEMP. A final CEMP(s) will be secured through Requirement 6 of Schedule 2 of the dDCO.			
Climate Change							
CC1	Climate Change	6.2 Environmental Statement - Chapter 19: Climate Change [APP-061]	NELC note contents of Chapter 19, however do not have the expertise to comment on this matter.	ABP's assessment of the likely significant effects of the Project in relation to climate change is provided in ES Chapter 19: Climate Change [APP-061] . ABP sought NELC's agreement of the methodology used, mitigation proposed, and conclusions reached. NELC confirmed they do not have the expertise to comment on this matter.	As per ABP position.	Agreed	08 April 2024
Major Accidents and Disasters							
MAD1	Major Accidents and Disasters	6.2 Environmental Statement - Chapter 22: Major Accidents and Disasters [APP-064] Relevant Representation [RR-022]	NELC note the contents of Chapter 22 and have no specific commentary to make on methodology, mitigation and conclusions. Assessment of this matter remains fully within the purview of the HSE which is currently reviewing Air Products Hazardous Substances Consent application (DM/0088/23/HS).	ABP's assessment of the likely significant adverse effects of the Project on human health, welfare and/or the environment as a result of major accident and/or disaster ("MA&D") scenarios which are relevant to the Project, is provided in ES Chapter 22: Major Accidents and Disasters [APP-064] . ABP sought NELC's agreement of the methodology used, mitigation	As per ABP position.	Agreed	22 April 2024

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				proposed, and conclusions reached in this assessment. NELC confirmed assessment of this matter remains with the HSE.			
MAD2	COMAH Zones – future development growth	6.2 Environmental Statement - Chapter 22: Major Accidents and Disasters [APP-064] Relevant Representation [RR-022]	<p>The Council maintain that there is potential concern around the extent of the HSE / COMAH zones that would be associated with the proposed development and how that may affect the surrounding area in regard to future development growth. The Council would be concerned if the proposal effectively sterilised large areas of land for future development opportunities. This is a matter the Council and ABP are maintaining dialogue on and will seek to agree a position through the DCO process.</p> <p>The Council has reviewed the land use planning zones report commissioned by the Applicant [REF] and have been reassured that surrounding allocated employment land will not be sterilised for future development growth, whilst it is noted that the definitive conclusion on this matter can only be made via determination of the Hazardous</p>	ABP is committed to maintaining a positive dialogue with NELC on this matter. Consultants have been engaged to review the likely Land Use Planning zones associated with the project, noting that definitive boundaries can only be determined by the HSE. These anticipated land use planning zones have been cross referred with the Local Plan, the draft Local Plan, Extant Permissions, Applications under current consideration and existing land use. This report has been submitted to NELC for review.	As per ABP position.	Agreed	23 May 2024

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			Substances Consent in consultation with the HSE.				
Socio-economics							
SE1	ES Chapter 23: Socio-economics	6.2 Environmental Statement – Chapter 23: Socio-economics [APP-065]	NELC agree with this matter.	ABP’s assessment of socio-economic matters is set out in ES Chapter 23: Socio-economics. NELC confirmed its agreement of the methodology used, mitigations proposed, and conclusions reached in this assessment.	As per ABP position.	Agreed	08 April 2024
SE2	Local employment strategy	6.2 Environmental Statement – Chapter 23: Socio-economics [APP-065] Relevant Representation [RR-022] 6.5 Outline Construction Environmental Management Plan [REP6-009]	It is requested that there is a commitment for a strategy for local employment and skills development to support the wider skills of the area. NELC note that the CEMP will be an appropriate means of ensuring that due regard is given to local employment opportunities.	One of the Project’s objectives is to enhance both the local and regional economy through direct investment in and around the Port of Immingham and by partnering with the supply chain, providing opportunities for training, upskilling, apprenticeships and local employment. ABP is therefore committed to promoting opportunities for upskilling and employment for the local workforce. The final CEMP, when submitted for approval, will include a commitment to develop and implement a Training and Employment Plan for the later construction stages of the	As per ABP position.	Agreed	23 May 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
				project when the employment numbers grow. An updated outline CEMP was submitted at Deadline 3 to reflect this.			
Cumulative Effects							
CE1	Cumulative Effects Assessment	6.2 Environmental Statement – Chapter 25: Cumulative and In Combination Effects [REP5-009]	NELC agree with this matter.	<p>ABP’s assessment of cumulative effects is provided in ES Chapter 25: Cumulative and In Combination Effects [REP5-009].</p> <p>NELC confirmed its agreement of the methodology used, the residual effects identified, and conclusions reached in this assessment.</p>	As per ABP position.	Agreed	08 April 2024
Other Consents and Agreements							
OCA1	Other Consents and Agreements	7.4 Consents and Agreements Position Statement [REP1-010]	NELC note this and will consider separate applications in due course.	<p>ABP has identified in the Consents and Agreements Position Statement the other consents, licenses and agreements that are or possibly are required for the Project. Of particular interest to NELC in terms of environmental controls are:</p> <ul style="list-style-type: none"> • Hazardous Substances Consent • Transport of Abnormal Loads Permit 	As per ABP position.	Agreed	12 August 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
				<ul style="list-style-type: none"> Discharge of trade effluent consent 			
Draft Development Consent Order							
dDCO1	Discharge of Requirements process	<p>Draft Development Consent Order [REP6-004]</p> <p>Relevant Representation [RR-022]</p> <p>9.77 Applicant's Responses to the Examining Authority's Second Round of Written Questions [REP4-047].</p>	<p>ABP and NELC continue to discuss the proposed dDCO Requirements and how NELC will be involved in discharging and enforcing them.</p> <p>It is important to NELC that the discharge process is reasonable and gives NELC proper time to consult and engage with key consultees during this process.</p> <p>NELC have reviewed the proposals and are content with the discharging process.</p>	<p>ABP discussed the proposed Requirements and discharge process with NELC.</p> <p>ABP explored the route by which NELC can recover costs. A further response to WQ2 DCO 2.9 was provided at Deadline 4 [REP4-047].</p> <p>ABP in consultation with NELC, have agreed the discharge process (including costs & timings) and incorporated these amendments within the latest dDCO [REP6-004].</p>	As per ABP position.	Agreed	04 July 2024
dDCO2	Schedule 2, Requirement 9: Construction Hours	<p>Draft Development Consent Order [REP6-004]</p>	<p>NELC requested in response to Q1.18.5.1 of the ExA's first written questions that the notification of emergency works is reduced from 72 hours to 24 hours. This has been confirmed by the Applicant and the dDCO amended to reflect this request.</p>	<p>ABP has requested construction working hours as set out in Schedule 2, Paragraph 9(1) of the dDCO.</p> <p>These are such that no works in Work Nos. 2 to 7 inclusive would take place on bank holidays or outside the hours of 07:00 and 19:00 on Mondays to Saturday's unless otherwise agreed in writing with NELC.</p>	As per ABP position.	Agreed	22 April 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
				<p>Some works would be permitted outside these hours as set out in Schedule 2, Requirement 9(2) of the dDCO.</p> <p>Following NELC's response to Q1.18.5.1 of the ExA's first written questions, the Applicant has agreed to amend Requirement 9(3) to reduce the notification of emergency works from 72 hours to 24 hours. The amended dDCO was submitted by Applicant at Deadline 3.</p>			
dDCO3	Schedule 14, Part 6: For the Protection of North East Lincolnshire Council (as Lead Local Flood Authority (LLFA))	Draft Development Consent Order [REP6-004]	NELC confirm that the protective provisions within Schedule 14, Part 6 are appropriate and, so far as it is concerned as LLFA, it is therefore content for consent required in relation to the carrying out of a relevant flood risk activity under the Environmental Permitting (England and Wales) Regulations 2016) to be disapplied.	<p>A range of protective provisions have been included in the dDCO.</p> <p>Schedule 14, Part 6 sets out the protective provisions that apply for the protection of NELC as the LLFA.</p>	As per ABP position.	Agreed	22 April 2024
Compulsory Acquisition/ Voluntary Agreements							
CA1	Acquisition of the Queens Road	Draft Development Consent Order [REP6-004]	NELC acknowledge and welcome the Applicant's commitment to acquire these residential properties by separate	As per Air Products position.	Air Products has successfully acquired the	Agreed	22 April 2024

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ID	Matter	Reference	NELC Position	ABP Position	Air Products Position	Status	Date
	residential properties		agreement. It is also noted, should voluntary agreement not be reached, there are compulsory acquisition provisions within the DCO.		Queens Road residential properties by agreement.		

4 References

- Ref 3-1 Institute of Lighting Professionals (2018). ILP GN08 Guidance Note 8 Bats and Artificial Lighting in the UK

5 Glossary

Abbreviation / Acronym	Definition
ABP	Associated British Ports
AIL	Abnormal Invisible Load
COMAH	Control of Major Accident Hazards
DCO	Development Consent Order
DMRB	Design Manual for Roads and Bridges
DoW CoP	Definition of Waste: Code of Practice
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
GI	Ground Investigation
IERRT	Immingham Eastern Ro-Ro Terminal
LLFA	Lead Local Flood Authority
MHWS	Mean High Water Springs
MLWS	Mean Low Water Springs
MMO	Marine Management Organisation
MMP	Materials Management Plan
NELC	North East Lincolnshire Council
NELDB	North East Lindsay Drainage Board
NELLP	North East Lincolnshire Local Plan
NSIP	Nationally Significant Infrastructure Project
NSR	Noise Sensitive Receptor
oCEMP	Outline Construction Environmental Management Plan
oCTMP	Outline Construction Traffic Management Plan
oCWTP	Outline Construction Worker Travel Plan
oDEMP	Outline Decommissioning Environmental Management Plan
oLEMP	Outline Landscape and Ecology Management Plan
oOTP	Outline Operational Travel Plan
PA 2008	Planning Act 2008
PINS	Planning Inspectorate
PRoW	Public Right of Way
SoCC	Statement of Community Consultation
SoCG	Statement of Common Ground
SoS	Secretary of State for Transport
SPA	Special Protection Area
TPO	Tree Preservation Order
UK	United Kingdom
WSI	Written Scheme of Investigation