



Immingham Green Energy Terminal

9.27 Final Agreed Statement of Common Ground between
Associated British Ports, Air Products (BR) Limited and
Northern Powergrid (Tracked)

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Infrastructure Planning (Examination Procedure) Rules 2010
Volume 9

August 2024

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Version 3.0

Deleted: 2

Planning Inspectorate Scheme Ref: TR030008
Document Reference: TR030008/EXAM/9.27



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Version History

Version	Date	Submitted
1.0	13 March 2024	Deadline 1
2.0	3 May 2024	Deadline 3
<u>3.0</u>	<u>15 August 2024</u>	<u>Deadline 7</u>



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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 Northern Powergrid.~~

~~Deleted:~~ agree that this draft Statement of Common Ground (SoCG) is an accurate description of the matters raised and the current status of each matter

On Behalf of Associated British Ports

Name	██████████
Position	Project Development Manager
Organisation	Associated British Ports
Signature	██████████

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On Behalf of Air Products (BR) Limited

Name	██████████
Position	Commercial Director
Organisation	Air Products
Signature	██████████

On Behalf of Northern Powergrid

Name	██████████
Position	Property Surveyor
Organisation	Northern Powergrid
Signature	██████████



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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.
- 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) Northern Powergrid (“NPg”).
- 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 and operation of its green hydrogen production facility.
- 1.10 NPg is the distribution network operator responsible for the electricity distribution network in the North East, Yorkshire and northern Lincolnshire.
- 1.11 In this SoCG, ABP, Air Products and NPg 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 provides a general introduction to the Project and to the Parties.
- 1.15 Section 2 of this SoCG sets out a summary of the correspondence and engagement between the Parties to date.
- 1.16 Section 3 of this SoCG sets out the matters which have been agreed or which remain outstanding, together with any matters upon which it has not been possible to reach agreement.
- 1.17 The Tables in Section 3 use a colour coding system to indicate the status of the matters between the Parties as follows:
 - (a) Green – matter agreed
 - (b) Orange – matter ongoing
 - (c) Red – matter not agreed

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2 Summary of Engagement

- 2.1 A summary of the consultation and engagement between ABP, Air Products and NPg 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.

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Table 2-1: Record of Engagement

Date	Form of Contact	Summary with key outcomes and points of discussion
Pre-application		
04/03/22	Formal connection application by Air Products submitted to NPg via their online platform	Application (ENQ23057603) by Air Products for a 70MVA supply electronically submitted in accordance with NPg online portal process.
21/06/22	Firm offer for a 70MVA connection from NPg received by Air Products	An offer was received by Air Products from NPg to meet the requirements of the ENQ23057603 application. The offer was acceptable to Air Products for the Project. The offer expired on 20 September 2022.
24/01/23	Meeting between NPg and Air Products	Discussion on whether the Air Products connection application ENQ23057603 Offer could be reinstated. Agreed that a new application and a pre-application technical meeting would be required.
17/04/23	Meeting between NPg and Air Products	Technical discussion on capacity availability, the requirements of the hydrogen production facility, point of connection and data gathering. It was concluded that an 80MVA supply would be required and that NPg would raise a new application (ENQ23123681) for 80MVA on behalf of Air Products.
11/07/23	Firm offer for a 80MVA connection from NPg received by Air Products	An offer was received by Air Products from NPg to meet the requirements of the ENQ23123681 application. The offer was technically acceptable to Air Products for the Project.
23/08/23	Meeting between NPg and Air Products	Technical / commercial discussions following the 11 July 2023 offer. Initial indications were that further assessment and agreement with NGET (National Grid Electricity Transmission) would be required. It was noted that National Grid infrastructure upgrades would likely be required for the full provision and, if so,

Date	Form of Contact	Summary with key outcomes and points of discussion
		these would be unlikely to be completed within the planned Project schedule. NPg stated that a lower connection capacity of 50MVA could be available within the time frames that would satisfy both the technical requirements and anticipated onstream date for Phase 1 of the hydrogen production facility.
Post DCO Submission		
29/08/23	Formal connection application to Air Products submitted to NPg via their online platform for a 50MVA connection	Application (ENQ23146082) by Air Products for a 50MVA supply (intended to serve Phase 1 of the hydrogen production facility) electronically submitted in accordance with NPg online portal process.
29/09/23	Formal acceptance by Air Products of the ENQ23123681 offer for 80MVA	ENQ23123681: Acceptance signed and returned with initial payment made on 20/10/23 to secure the connection.
22/09/23	Email correspondence from NPg	NPg advised offer to be made circa 06/12/23.
22/12/23	Email correspondence from NPg	Firm offer ENQ23146082 received from NPg for 50MVA supply for the hydrogen production facility.
19/01/24	Formal connection application to Air Products submitted to NPg via their online platform for a 1.25MVA connection	Formal application by Air Products following NPg's online application process for a 1.25MVA supply. Application reference number is ENQ23164478.
29/01/24	Formal diversion application NCR153134 by Air Products submitted to NPg via their online platform	Air Products requested that NPg divert their 11kV overhead powerline that runs across the West Site.
07/02/2024	Email from NPg to Air Products	NPg responded to Application NCR153134 with an offer (ref ENQ23166548) which meets the requirements of the project and will be accepted by Air Products.
08/02/2024	Teams Meeting between Air Products and NPg	Meeting to discuss the potential diversion of NPg assets in the East Ammonia Tank area (Work No. 3). Meeting outcome: 33kV assets on Queens Road side of Work No. 3 do not need diversion subject to as-found survey (ongoing).

Date	Form of Contact	Summary with key outcomes and points of discussion
		1 x 11kV cable on the junction of Queens Road and Laporte Road needs diversion. 1 x 33kV cable that runs along the TPO side of the plot does not need diversion.
09/02/2024	Email from NPg to Air Products	Confirmation that application reference ENQ23167866 has been created for the diversion of the 11kV cable noted in the meeting of 08/02/24. Confirmation that preliminary application ENQ23123691 for diversion of 33kV cables is no longer required and is cancelled.
01/03/2024	Email from NPg to Air Products	Confirmation from NPg that the initial acceptance payment for ENQ23166548 had been received.
05/03/2024	Email from NPg to Air Products	Clarification of a typo in the offer for ENQ23146082 dated 22/12/2023, and confirmation that additional circuits or larger core cables would be required at additional cost.
21/03/2024	Site visit to Immingham	NPg Project Manager for ENQ23166548 visited the site accompanied by Air Products' Site Supervisor to view diversion area.
25/03/2024	Email from Air Products to NPg	Application for additional 30MVA needed for future phases (connection requested 07/2029).
25/03/2024	Email from NPg to Air Products	Confirmation of receipt of application for additional 30MVA and providing reference ENQ23174859.
26/03/2024	Email from NPg to Air Products	Additional scope summary accounting for the ENQ23146082 offer error, including costs and other implications.
27/03/2024	Email from Air Products to NPg	Formal response to email of 26 March, confirming that Air Products would select Option 2 (one larger diameter cable per phase, reduction in available power to 47MVA) and move forward.
11/04/2024	Email from NPg to Air Products	Confirmation of a new active enquiry under ENQ23177889 to divert 33kV cable/s to correct depth at Works No. 7 site entrance, arising from discussions surrounding the site works.
<u>17/04/2024</u>	<u>Email from Air Products to NPg</u>	<u>Acceptance of ENQ23178222 (replaced ENQ23166548 due to small design change).</u>

Date	Form of Contact	Summary with key outcomes and points of discussion
24/04/2024	Email from Air Products to NPg	Acceptance of ENQ23164648 and ENQ23164636.
29/04/2024	Email from NPg to Air Products	Formal offer for ENQ23146082 (47MVA) connection design.
02/05/2024	Email from NPg to Air Products	Return of SoCG (Deadline 3) with comments.
08/05/2024	Email from solicitors for NPg (Weightmans) to CRS	Attaching comments on the draft Protective Provisions.
09/05/2024	Email from NPg to Air Products	Confirmation that NPg will start the process to estimate the substations installation for the temporary power connections.
13/05/2024	Email from NPg to Air Products	NPg project manager advised on the project plan and schedule for the works associated with ENQ23166548, the diversion of the overhead powerline on the West Site
20/05/2024	Email from CRS to Weightmans	Providing comments on the mark up of Protective Provisions received on 8 May.
11/06/2024	Email from Weightmans to CRS	Providing further comments on the revised Protective Provisions received on 20 May.
24/06/2024	Email from CRS to Weightmans	Attaching revised Protective Provisions reflecting comments to date requesting confirmation that the Protective Provisions are agreed.
22/07/2024	Email from Weightmans to CRS	Providing comments on the Protective Provisions received on 24 June.
24/07/2024	Email from CRS to Weightmans	Confirming draft Protective Provisions preferred by the Applicant will be included in the dDCO at Deadline 6, subject to agreement with NPg.
2/08/2024	Email from CRS to Weightmans	Confirming agreement on the final outstanding matter in the Protective Provisions.
8/08/2024	Email from Air Products to NPg	Final Agreed SoCG issued for review/sign off
12/08/2024	Email from NPg to Air Products	NPg confirmed agreement with Final Agreed SoCG

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3 Matters Agreed and Matters Not Agreed

- 3.1 It is agreed the following chapters of the **Consultation Report [APP-022]** submitted with the Application sets out the consultation and engagement undertaken between the Parties in relation to the Application:
 - 3.1.1 Chapter [4]; First Statutory Consultation. NPg was consulted by the local authorities as part of their statutory obligations.
 - 3.1.2 Chapter [5]; Second Statutory Consultation. NPg was consulted by the local authorities as part of their statutory obligations.
 - 3.1.3 Chapter [6]; Table 31: Summary of engagement activities with non-statutory consultees during Project Launch phase. NPg was engaged ahead of Statutory Consultation.
 - 3.1.4 Chapter [6]; Table 32; "Correspondence received outside of Statutory Consultation periods". A record of the correspondence with NPg outside of the Statutory Consultation period.
- 3.2 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.

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

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

ID	Matter	Reference	NPg Position	ABP / Air Products Position	Status	Date
1	80 MVA connection	7.7 Utilities Statement [APP-239]	NPg made an offer for connection of 80 MVA.	The offer has been accepted by Air Products and meets the needs for a 80 MVA supply i.e. the entire electricity needs of the Project.	Agreed	20/10/23
2	50 MVA connection	7.7 Utilities Statement [APP-239]	NPg made an offer for connection of 50 MVA	The offer has been accepted by Air Products and meets the needs for a 50 MVA supply for the first phase of the Project, which can be used until the 80 MVA supply is available.	Agreed	22/12/23
3	Balancing the two application offers	7.7 Utilities Statement [APP-239]	For the 80 MVA supply (per offer ENQ23123681) NPg has worked with NGET and concluded that the necessary NGET infrastructure upgrades cannot be completed in the timescales required by AP, and therefore the timeline proposed in the offer cannot be accelerated so that this upgrade is available when required for Phase 1 of the hydrogen production facility. NPg is content for Air Products to proceed with the 50MVA connection for Phase 1 and also energise (electrically separate) the additional 80MVA option which is anticipated be available for subsequent phases.	In light of NPg's position, Air Products intends to proceed with the 50 MVA connection for Phase 1 of the hydrogen production facility. Air Products will pursue the application for the additional power (ENQ23174859) required at a later phase of the Project nearer the time that the power is required.	Agreed	20/10/23

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ID	Matter	Reference	NPg Position	ABP / Air Products Position	Status	Date
4	1.25 MVA connection	7.7 Utilities Statement [APP-239]	Application for a 1.25 MVA supply has been received and is currently under review and being evaluated in accordance with NPg's internal work processes.	An Application for a 1.25 MVA supply has been submitted and Air Products awaits the NPg's response.	Agreed	22/01/24
5	Diversions	7.7 Utilities Statement [APP-239]	A diversion will be required for the 11kV overhead powerline crossing the West Site, this has been assessed by NPg and an offer made to Air Products, Ref ENQ23166548, to undertake the diversion.	A diversion will be required for the 11kV overhead powerline crossing the West Site (Work No. 7). Air Products has received ENQ23166548 and is in the process of formally accepting.	Agreed	09/02/24
6	Protective Provisions	7.7 Utilities Statement [APP-239] <u>2.1 Draft Development Consent Order [REP6-004]</u>	NPg agree with ABP and Air Products' position that the Protective Provisions are agreed.	The Protective Provisions in favour of NPg were agreed on 2 August 2024. The agreed form provisions were included in square brackets at Schedule 14, Part 3 of the draft DCO submitted at Deadline 6. The draft DCO to be submitted at Deadline 7, will remove these square brackets.	Agreed	02/08/24
7	Diversion	7.7 Utilities Statement [APP-239]	An application ENQ23167866 has been received from Air Products for the diversion of a 11kV cable at the junction of Queens Road and Laporte Road.	A diversion will be required for the 11kV cable that cuts across the corner of the East Ammonia Tank Site (Work No.3) at the junction of Queens Road and Laporte Road. Air Products has	Agreed	17/04/24

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- Deleted:** in the draft DCO in order to protect NPg's assets and interests. ¶
¶
The wording of such Protective Provisions is under negotiation. ¶
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Should the wording be
- Deleted:** , appropriate protection will be in place for NPg and, as a result, NPg will not suffer any detriment to the carrying on of its undertaking as a result of the Project
- Deleted:** . ¶
The Parties are actively and constructively engaged in negotiating the wording
- Deleted:** Protective Provisions. ¶
Those Protective Provisions
- Deleted:** 2.1 Draft Development Consent Order [APP-006]
- Deleted:** ensure that sufficient protection and safeguards for NPg's assets and interests are in place

ID	Matter	Reference	NPg Position	ABP / Air Products Position	Status	Date
				received the formal offer for ENQ23167866 which is acceptable to Air Products.	Agreed	
8	Diversion	7.7 Utilities Statement [APP-239]	An application under ENQ23177889 to divert 33kV cable/s to correct depth at a proposed site entrance to the Western plot.	The pre-existing cables that run along the edge of the West site (Works No. 7) will require lowering to an adequate depth where the site entrance will be located, for protection.		17/04/24



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4 Glossary

Abbreviation / Acronym	Definition
ABP	Associated British Ports
Air Products	Air Products (BR) Limited
CRS	Charles Russell Speechlys
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
MMO	Marine Management Organisation
MVA	Mega Volt Amps
NPg	Northern Powergrid
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