

Date: 15 August 2024
Our ref: GOOD/3004864.3
Your ref: TR030008
DDI: +44 (0) [REDACTED]
e-mail: [REDACTED]@bcplaw.com

BRYAN CAVE LEIGHTON PAISNER LLP
Governor's House
5 Laurence Pountney Hill
London EC4R 0BR
United Kingdom
T: +44 (0)20 3400 1000
F: +44 (0)20 3400 1111
DX92 London
bcplaw.com

Adrian Hunter
Lead Member of the Examining Authority
National Infrastructure Planning
Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Sir,

**Planning Act 2008 (as amended) ("PA 2008"), the Infrastructure Planning (Examination Procedure) Rules 2010
Application by Associated British Ports ("the Applicant") for an Order Granting Development Consent for the Immingham Green Energy Terminal ("IGET")
Deadline 7 Cover Letter
Application Reference: TR030008**

As you know we act on behalf of the Applicant in relation to the application for a development consent order (the "**Application**") for the construction, operation and maintenance of the IGET and its Associated Development (the "**Project**"). The Application was originally submitted on 21 September 2023 and accepted for Examination on 19 October 2023, which has since commenced on 20 February 2024.

This letter has been prepared to accompany the Applicant's submissions to the Examining Authority ("**ExA**") at Deadline 7 (15 August 2024) of the Examination. These submissions are made in accordance with the Examination Timetable set out at Annex A of the Rule 8 Letter dated 28 February 2024 [**PD-007**].

1 Overview of Deadline 7 Submissions

- 1.1 Submissions made at Deadline 7 comprise the documents requested in the Rule 8 Letter, as well as other information, documents or updated documents either requested by the ExA or which the Applicant wishes to be submitted as part of the Examination.
- 1.2 Any updated documents supersede the documents previously submitted by the Applicant. The Guide to the Application submitted at Deadline 6 has been updated to reflect all of the submissions and updates at Deadline 7.
- 1.3 The table below lists the documents submitted by the Applicant at Deadline 7.

Document Title	Doc Ref	Version
Guide to the DCO Application (Clean)	1.3	10
Guide to the DCO Application (Tracked)	1.3	10
Draft Development Consent Order (Clean)	2.1	8
Draft Development Consent Order (Tracked)	2.1	8
Draft Development Consent Order (Composite)	2.1	4

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Explanatory Memorandum (Clean)	2.2	8
Explanatory Memorandum (Tracked)	2.2	8
Book of Reference (Clean)	3.1	4
Book of Reference (Tracked)	3.1	4
Outline Construction Environmental Management Plan (Clean)	6.5	8
Outline Construction Environmental Management Plan (Tracked)	6.5	8
Schedule of Mitigation and Monitoring (Clean)	7.2	5
Schedule of Mitigation and Monitoring (Tracked)	7.2	5
Shadow Habitats Regulations Assessment (Clean)	7.6	7
Shadow Habitats Regulations Assessment (Tracked)	7.6	7
Schedule of changes to the draft Development Consent Order	8.6	6
Land Rights Tracker: Individual Landowners Compulsory Acquisition Schedule (Composite)	9.4.1	5
Land Rights Tracker: Statutory Undertakers Compulsory Acquisition Schedule (Composite)	9.4.2	5
Land Rights Tracker: Crown Land Schedule (Composite)	9.4.3	5
Applicant's Statement of Commonality (Clean)	9.11	5
Applicant's Statement of Commonality (Tracked)	9.11	5
Statement of Common Ground (" SoCG ") between the Applicant, Air Products (BR) Limited (" Air Products ") and the North East Lincolnshire Council (" NELC ") (Clean)	9.12	5
SoCG between the Applicant, Air Products and NELC (Tracked)	9.12	5
SoCG between the Applicant, Air Products and the Environment Agency (Clean)	9.13	4
SoCG between the Applicant, Air Products and the Environment Agency (Tracked)	9.13	4
SoCG between the Applicant, Air Products and National Highways (Clean)	9.14	4
SoCG between the Applicant, Air Products and National Highways (Tracked)	9.14	4
SoCG between the Applicant, Air Products and the Health and Safety Executive (Clean)	9.15	3
SoCG between the Applicant, Air Products and the Health and Safety Executive (Tracked)	9.15	3
SoCG between the Applicant and the Marine Management Organisation (Clean)	9.16	4
SoCG between the Applicant and the Marine Management Organisation (Tracked)	9.16	4
SoCG between the Applicant, Air Products and Natural England (Clean)	9.17	4

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SoCG between the Applicant, Air Products and Natural England (Tracked)	9.17	4
SoCG between the Applicant, Air Products and North East Lindsey Drainage Board (Clean)	9.18	4
SoCG between the Applicant, Air Products and North East Lindsey Drainage Board (Tracked)	9.18	4
SoCG between the Applicant and the Harbour Master Humber (Clean)	9.19	3
SoCG between the Applicant and the Harbour Master Humber (Tracked)	9.19	3
SoCG between the Applicant, Air Products and Historic England (Clean)	9.21	3
SoCG between the Applicant, Air Products and Historic England (Tracked)	9.21	3
SoCG between the Applicant and the Corporation of Trinity House (Clean)	9.22	3
SoCG between the Applicant and the Corporation of Trinity House (Tracked)	9.22	3
SoCG between the Applicant, Air Products and Network Rail Infrastructure Limited (" Network Rail ") (Clean)	9.24	3
SoCG between the Applicant, Air Products and Network Rail (Tracked)	9.24	3
SoCG between the Applicant, Air Products and Anglian Water Services Limited (Clean)	9.25	4
SoCG between the Applicant, Air Products and Anglian Water Services Limited (Tracked)	9.25	4
SoCG between the Applicant, Air Products and Cadent Gas (Clean)	9.26	4
SoCG between the Applicant, Air Products and Cadent Gas (Tracked)	9.26	4
SoCG between the Applicant, Air Products and Northern Powergrid (Clean)	9.27	3
SoCG between the Applicant, Air Products and Northern Powergrid (Tracked)	9.27	3
Woodland Compensation Plan (Clean)	9.34	5
Woodland Compensation Plan (Tracked)	9.34	5
SoCG between the Applicant and the Maritime and Coastguard Agency (Clean)	9.36	3
SoCG between the Applicant and the Maritime and Coastguard Agency (Tracked)	9.36	3
Schedule of Changes to the Book of Reference	9.66	3
Draft Section 106 Agreement for payment of contribution towards woodland compensation (Clean)	9.71	3
Draft Section 106 Agreement for payment of contribution towards woodland compensation (Tracked)	9.71	3

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Early Works Application Note (Clean)	9.73	2
Early Works Application Note (Tracked)	9.73	2
Applicant's Responses to Documentation Received at Deadline 6	9.93	1
Cover letter to Deadline 7 Submissions	9.94	1
Guide to Environmental Information	9.97	1
Groundwater Monitoring Survey Update	9.98	1
Plan of Habrough Marsh Drain and Stallingborough North Beck	9.99	1

2 **Natural England Deadline 6 Submission**

- 2.1 The Applicant confirms the SoCG with the Applicant, Air Products and Natural England **[TR030008/EXAM/9.17]** submitted at this Deadline has been updated to take into account the points noted in Natural England's Deadline 6 Submission **[REP6-030]**.

3 **Protective Provisions**

- 3.1 As set out in the Final Agreed SoCG between the Applicant, Air Products and the Environment Agency either (i) common ground has been reached on the detail of all matters between the parties or (ii) common ground has been reached on the principle of certain matters but final agreement is pending an appropriate form of bespoke flood defence agreement being completed and the form of Protective Provisions in favour of the Environment Agency (at Schedule 14 (Protective Provisions), Part 2) for the face of the draft DCO being agreed. These are separate legal documents but intended to work hand-in-glove. Constructive discussions are still underway concerning drafting details. The parties have engaged constructively on these legal documents and endeavoured to agree them before the close of the Examination. However, this has not been possible despite the parties' best efforts. The Applicant sees no particular impediment to reaching agreed form documentation as soon as possible, recognising this could now be after close of the Examination. As soon as that agreed form documentation is achieved the Environment Agency can confirm its final satisfaction on the matter to the ExA. Given the stage of the Examination, the protective provisions in favour of the Environment Agency have been updated in the DCO submitted at this Deadline (**[TR030008/APP/2.1]** (Version 9)) to reflect the most recent set provided to the Environment Agency. The Applicant has submitted the Plan of Habrough Marsh Drain and Stallingborough North Beck at this Deadline **[TR030008/EXAM/9.99]** to assist in interpretation of defined terms related to the commitment of the undertaker to monitor and prevent obstruction to certain outfall channels on the terms of the Protective Provisions. The Applicant will keep the ExA updated.
- 3.2 The agreed Protective Provisions in favour of Northern Powergrid (at Schedule 14, Part 3) of the draft DCO are the same as those included on the face of the draft DCO submitted at Deadline 6 save that the square brackets have been removed.
- 3.3 Discussions between the Applicant and Cadent Gas in respect of the Protective Provisions in Cadent Gas' favour are ongoing. At Deadline 6 the Applicant included in square brackets at Schedule 14, Part 7 of the draft DCO submitted at that Deadline **[REP6-004]** the Applicant's preferred set of Protective Provisions which had been shared with Cadent Gas.

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While these remain under discussion, the square brackets have been removed in the draft DCO being submitted at Deadline 7. The Applicant remains confident that agreement should be reached on the Protective Provisions and side agreement with Cadent by the close of Examination. The Applicant will provide a further update to the ExA at Deadline 8.

3.4 The Applicant's Deadline 6 cover letter **[REP6-001]** confirmed that the draft DCO submitted at Deadline 5 **[REP5-004]** included on its face Protective Provisions in favour of Network Rail favoured by the Applicant (at Schedule 14, Part 5) and separate representations (**[REP5-001]**, **[REP5-053]**) had been made setting out the Applicant's position. It was noted in the Deadline 6 cover letter that this position had not changed and that the Applicant had yet to see representations from Network Rail. The Applicant received Network Rail's comments on the draft SoCG **[TR030008/EXAM/9.24]** on 14 August 2024. In light of the timing of receipt, the Applicant and Air Products are unable to reach agreement with Network Rail on an SoCG which includes and responds to Network Rail's suggested changes. It is understood that Network Rail will therefore submit their own version of the SoCG. The Applicant and Air Products have prepared a Final (unsigned) SoCG which includes Network Rail's additions of 14 August (but not any subsequent changes made by Network Rail) and the response to those additions. That SoCG explains that the Protective Provisions contained in the draft DCO submitted at Deadlines 6 **[REP6-004]** are unchanged at Deadline 7. This Final SoCG sets out the final position of the Applicant and Air Products on the matters contained within the SoCG including the Protective Provisions, subject to any further representations submitted by Network Rail at Deadline 7.

4 **Draft Section 106 agreement for payment of contribution towards woodland compensation [TR030008/EXAM/9.71] and Unilateral Undertaking for habitat enhancement [REP6-020]**

4.1 Further to our update provided in the Applicant's cover letter to the Deadline 6 submissions **[REP6-001]**, the Applicant is submitting an updated draft of the S106 agreement to be entered into between the Applicant and NELC which includes amendments in response to comments received from NELC. Due to period of annual leave of relevant personnel at NELC the Applicant cannot confirm that this version of the S106 agreement is now agreed between the parties, but the Applicant is continuing to engage with NELC and proposes to provide a final agreed version of the S106 Agreement at Deadline 8 (20 August 2024), with a signed and completed version to be submitted to the ExA shortly thereafter.

4.2 There have been no further amendments to the draft Unilateral Undertaking from the version submitted at Deadline 6 **[REP6-020]**. The Applicant intends to provide a final agreed version of the Unilateral Undertaking by Deadline 8, with a signed and completed version submitted to the ExA shortly thereafter.

5 **Queens Road residential properties**

As identified in the Applicant's Deadline 6 submissions cover letter, all Queens Road residential properties have now been acquired. This is reflected in the revised Land Rights Tracker: Individual Landowners Compulsory Acquisition Schedule submitted at this Deadline 7 **[TR030008/EXAM/9.4.1]**. As those properties are now under the control of Air Products and their residential use has ceased, the anticipated environmental effects on the residents of those properties during construction as identified in the Environmental Statement will not be experienced. The document submitted at this Deadline, 'Guide to the

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environmental information in the IGET DCO Application' **[TR030008/EXAM/9.97]** draws together those effects for ease of reference.

6 Groundwater Data

- 6.1 Environmental Statement - Chapter 21: Ground Conditions **[APP-063]** stated at paragraph 21.6.31 that "additional groundwater monitoring is ongoing, but the additional data, which will be submitted into the examination at the appropriate time, are not expected to change the conclusions of the assessment presented in this chapter, which is based on a 'realistic worst case approach.'"
- 6.2 The Applicant is submitting at this Deadline a report titled 'Groundwater Monitoring Survey Update' **[TR030008/EXAM/9.98]** which provides the additional groundwater data. The Applicant can confirm that the conclusions of the Environmental Statement are not changed by the additional data.

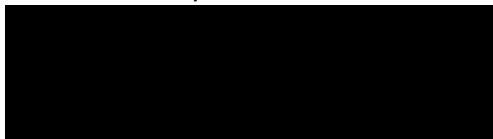
7 Woodland Compensation Plan [TR030008/EXAM/9.34]

- 7.1 The Woodland Compensation Plan submitted at this Deadline has been updated to incorporate recommendations from Natural England together with some additional amendments by way of clarification, and the Applicant does not anticipate receiving any further comments from Natural England on this document.

The Applicant would be pleased to answer any queries which you may have on this letter.

We are copying this letter to Charles Russell Speechlys LLP, who act for Air Products.

Yours sincerely



Bryan Cave Leighton Paisner

Enclosure

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