

Date: 16 December 2024  
Our ref: GOOD/3004864.3  
Your ref: TR030008  
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The Secretary of State for Transport  
c/o the Planning Inspectorate  
National Infrastructure Planning  
Planning Inspectorate  
Temple Quay House  
2 The Square  
Bristol  
BS1 6PN

Dear Sir / Madam,

**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")  
Letter to Secretary of State  
Application Reference: TR030008**

We act on behalf of the Applicant in relation to the application for a development consent order (the "**Application**" and the "**DCO**") 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 commenced on 20 February 2024, and closed on 20 August 2024.

The Applicant wrote to the Secretary of State providing updates on matters since the close of Examination on 14 November 2024 (the "**Applicant's 14 November letter**"). The Secretary of State's response to this letter was dated 21 November 2024 (the "**Secretary of State's letter**") and requested comments from Interested Parties by 6 December 2024 and any further update from the Applicant on outstanding matters by 16 December 2024.

Anglian Water, Natural England and the Environment Agency provided comments further to the Secretary of State's letter.

The purpose of this letter is for the Applicant to respond to the three aforementioned comments received and to provide a further update on the outstanding matters set out in the Applicant's 14 November letter, in accordance with the Secretary of State's letter.

**1 Anglian Water**

1.1 Anglian Water provided comments further to the Secretary of State's letter by email dated 5 December ("the **Anglian Water comments**"). The Anglian Water comments reflect its position as set out in the Final Agreed Statement of Common Ground between the parties ([**REP7-045**]) and does not raise any new issues or represent a change in position from its earlier representations. The Applicant's position on the issues raised in Anglian Water's comments is set out in that statement of common ground and the Applicant's Response to Additional Submissions received after Deadline 5 submitted at Deadline 6 ([**REP6-023**]). While we do not propose to repeat those matters here in full, we would simply note as follows:

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1.1.1 The reference to the “supply of water” in the Anglian Water comments relates to non-potable water for the hydrogen production facility in respect of which an offer was made by Anglian Water. As confirmed in the Final Agreed Statement of Common Ground between the parties ([**REP7-045**]), Air Products acknowledges that there will be continued engagement with Anglian Water on this commercial matter such that it is “ongoing”;

1.1.2 In terms of the need for a Water Resources Assessment, **REP6-023** responds to Anglian Water’s Written Representation ([**AS-145**]) and sets out in full the reasons why a pre-commencement requirement of the nature sought by Anglian Water does not comply with the tests for determining whether a requirement should be imposed; it remains Air Products’ position that a pre-commencement requirement of the nature sought by Anglian Water is unnecessary and unreasonable and is imprecise. Water use is already to be regulated through the Environmental Permit and that separate system of regulation should not be duplicated through requirements of the DCO.

## 2 **Natural England**

2.1 Natural England responded to the Secretary of State’s letter to indicate that it had no comments to make on the Applicant’s 14 November letter.

## 3 **The Environment Agency**

3.1 The Environment Agency responded to the Secretary of State’s letter on 6 December 2024 to confirm that it agreed with the summary of the position set out at paragraph 3 of the Applicant’s 14 November letter.

3.2 The protective provisions in favour of the Environment Agency to which paragraph 3.1.1 of the Applicant’s 14 November letter refer remain in agreed form, subject to completion of the flood defence agreement to which paragraph 3.1.2 of that letter refers. Following further diligent and constructive engagement between the Environment Agency and the Applicant, the flood defence agreement is considered by both to be in agreed form but that is subject to undergoing appropriate final administrative and governance procedures on both sides. Once these procedures are completed, which is likely to be imminent, and matters (if any) arising resolved, the parties will move to execute and complete the flood defence agreement so as to enable the Environment Agency to withdraw its objection to the application.

3.3 The Applicant will provide further updates as required. The Environment Agency has confirmed to the Applicant that it agrees with the aforementioned summary of the position.

## 4 **Section 135(2) consent from the Crown**

4.1 Please see paragraph 4 of the Applicant’s 14 November letter for relevant background to this matter.

4.2 Victoria McKeegan, Partner at Town Legal, the solicitors to The Crown Estate Commissioners (“the **Commissioners**”) provided the Applicant with a copy of her letter emailed to the Planning Inspectorate on 12 December 2024. That letter confirms the consent of the Commissioners in respect of the DCO so far as required under section 135(2) of the PA 2008. The three matters to which the letter states the consent is subject have been satisfied or are not relevant (as more particularly set out in paragraph 4.4 of the

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Applicant's 14 November letter). The Applicant therefore submits that there is now nothing under section 135 of the PA 2008 which impedes the making of the DCO.

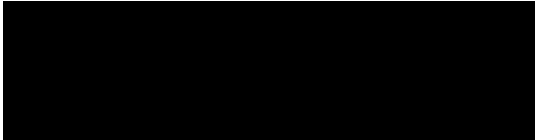
**5 Ongoing negotiations with individual landowners**

The Applicant and Air Products continue to engage with representatives for a number of Affected Persons in relation to private agreements relating to affected land interests. There are no material updates to be provided since the Applicant's 14 November letter.

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**

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