

Date: 18 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 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 Secretary of State's response dated 21 November 2024, amongst other things, requested any further update from the Applicant on outstanding matters by 16 December 2024.

Paragraph 3 of the Applicant's letter of 16 December 2024, setting out such updates, informed the Secretary of State that completion of the flood defence agreement with the Environment Agency referred to in that letter was imminent and a further update in that regard would follow shortly.

This letter on behalf of the Applicant is that further update.

The Applicant notes that Annette Hewitson, Principal Planning Adviser at the Environment Agency, yesterday emailed a letter dated 17 December 2024 to the Secretary of State (appended) confirming (amongst other things) as follows:

- The flood defence agreement has been completed (which the Applicant confirms is the case).
- The Environment Agency agrees the form of protective provisions to be included in the draft DCO (Schedule 14, Part 2) at Appendix 3 to the Applicant's letter dated 14 November 2024.
- The Environment Agency withdraws its objection to the Application.

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.

To: The Secretary of State
Date: 18 December 2024
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Yours sincerely



Bryan Cave Leighton Paisner

Enclosure: Letter from Annette Hewitson of the Environment Agency dated 17 December 2024

LEGAL.233534708.1/5VX

The Secretary of State for Transport
Great Minster House
33 Horseferry Road
London
SW1P 4DR

Our ref: AN/2023/134941/08-L01
Your ref: TR030008
Date: 17 December 2024

*(submitted via the Planning
Inspectorate's submission portal only)*

Dear Madam

**Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules
2010**
**Application by Associated British Ports (“the Applicant”) seeking Development
Consent for the Proposed Immingham Green Energy Terminal Project (“the
Proposed Development”)**

I write with reference to my previous letter to you on 6 December 2024 regarding the
above project.

I am pleased to confirm that the legal agreement to secure the future maintenance of
the flood defence that would be oversailed by the proposed jetty has today been
completed. Therefore, the Environment Agency is now satisfied that the proposed
development accords with the National Policy Statement for Ports (January 2012) and
in particular the 3rd bullet point of paragraph 5.2.16 (flood risk exception test).

Accordingly, the Environment Agency **withdraws its objection** to the application and
confirms it is satisfied that the legal agreement will ensure that the proposed works will
be carried out in a way that will safeguard the appropriate level of flood protection and
maintenance during the construction works and into the future. I can also confirm that
the protective provisions for the Environment Agency, included in the draft Development
Consent Order (Schedule 14, Part 2), sent to you as Appendix 3 to the Applicant's letter
dated 14 November 2024, are also agreed.

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

Yours sincerely

Annette Hewitson
Principal Planning Adviser, MSc, MRTPI

Direct dial [REDACTED]

Direct e-mail [REDACTED]@environment-agency.gov.uk