

Date: 2 January 2025
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. As part of that correspondence, an updated DCO was provided at Appendix 3 to reflect a number of changes to the Deadline 7 DCO.

In preparing for actions required of the Applicant should the DCO be made, it has come to our attention that the final paragraph of the explanatory note at the end of the updated DCO states the following:

*"A copy of the plans and book of reference referred to in this Order and certified in accordance with article 64 of this Order may be inspected free of charge during working hours **at the registered office of Associated British Ports, being 25 Bedford Street, London WC2E 9ES.**" (emphasis added)*

The address given, with apologies, is not appropriate. It should have been "Dock Office, Alexandra Road, Immingham Dock, Immingham DN40 2LZ", i.e. the nearest Applicant office to the IGET project.

More importantly, however, the above paragraph in the explanatory note is inconsistent with Article 64(4) of the DCO, which requires the Applicant to maintain the documents certified under Article 64 of the DCO in an electronic form suitable for inspection by members of the public for the lifetime of the authorised project, making the retention of hard copies unnecessary:

*"(4) The undertaker must, as soon as practicable following the making of this Order, establish and, for the lifetime of the authorised project pursuant to this Order, **maintain in an electronic form suitable for inspection by members of the public a copy of each of***

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the documents listed in Schedule 15 (documents and plans to be certified) as may be amended in accordance with paragraph (2)." (emphasis added)

As such, the Applicant requests that the final paragraph in the explanatory note be amended to state the following:


"Copies of the documents and plans referred to in this Order and certified in accordance with article 64 of this Order are available in electronic form for inspection by members of the public on the terms set out in that Article."

To assist the Secretary of State, the Applicant will shortly provide a validated Word version of the draft DCO provided at Appendix 3 of the Applicant's letter dated 14 November 2024 as well as the amendment above.

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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