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All Interested Parties, Statutory Parties  
and any other person invited to the  
Preliminary Meeting

Your Ref:

Our Ref: TR030006

Date: 19 October 2021

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Dear Sir/ Madam

**Planning Act 2008 (as amended) and the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 – Regulation 27 and 28**

**Application by Able Humber Ports Ltd for a Material Change to the Able Marine Energy Park Development Consent Order 2014**

**Invitation to the Preliminary Meeting, Agenda for the Preliminary Meeting, Initial Assessment of Principal Issues and draft Examination Timetable**

I write to you following my appointment by the Secretary of State for Department for Transport as the Examining Body (ExB) to carry out an examination of the above Material Change application. A copy of the appointment notice can be viewed under the [Documents tab](#) on the project webpage on the National Infrastructure Planning website.

I would like to thank those of you who submitted Relevant Representations. These representations have assisted me when preparing my proposals regarding how to examine this application.

**Examinations during Coronavirus (COVID-19)**

In the light of ongoing public health controls, I will be carrying out this Examination using blended methods. Please see the Planning Inspectorate's [guidance related to Coronavirus \(COVID-19\)](#) for more information.

This guidance is updated periodically to align with the most up to date Government guidance relating to Coronavirus (COVID-19). On that basis we will remain flexible so that, should public health controls allow, I may have the option of holding physical 'in person' events during the Examination if it is safe to do so. Due to the lifting of most legal restrictions to control COVID-19, I have decided to hold the Preliminary Meeting in person. However, there remains a need to hold examination events in a way that is

safe and fair to all and therefore parties will also be able to participate virtually through Microsoft Teams.

If you have received this letter and intend to participate in virtual and in person events held during this Examination, including the virtual Examination hearings, please read the Planning Inspectorate's [Advice Note 8.5 The Examination: hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#) carefully. Advice Note 8.6 contains important information about how virtual events will be held and how you can participate.

### **Invitation to the Preliminary Meeting**

As a recipient of this letter, you are invited to the blended Preliminary Meeting to discuss the procedure for the examination of this application.

**Date of meeting:** **16 November 2021**

**Arrangements Conference:** **9:30am and 1:45pm (if required<sup>1</sup>)**

**Meeting begins:** **10:00am and 2:00pm (if required<sup>1</sup>)**

**Venue:** Royal Humber Hotel, Littlecoates Road, Grimsby, DN34 4LX and virtually via Microsoft Teams.

### **Purpose of the Preliminary Meeting**

The purpose of the Preliminary Meeting is to enable views to be put to me about how the application should be examined. I cannot hear representations about the merits or disadvantages of the application at the Preliminary Meeting. The merits or disadvantages of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed. See **Annex B** to this letter and the Planning Inspectorate's [Advice Note 8.3: the Preliminary Meeting](#) for more information.

The agenda for the meeting is at **Annex A** to this letter. This has been set following my Initial Assessment of Principal Issues arising from my reading of the application documents and the Relevant Representations received. The Initial Assessment of Principal Issues is set out in **Annex C** to this letter.

The draft Examination Timetable is set out at **Annex D** to this letter, and I wish to hear from you if you consider changes need to be made to the timetable.

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<sup>1</sup> This time is reserved only for use if unforeseen technical or other problems with the scheduled Preliminary Meeting mean it is unable to proceed as planned.

## Attendance at the Preliminary Meeting

If you wish to participate in the Preliminary Meeting, you **must register by 9 November 2021** to [AbleMarineEnergyPark@planninginspectorate.gov.uk](mailto:AbleMarineEnergyPark@planninginspectorate.gov.uk), clearly indicating whether you wish to attend in person or virtually through Microsoft Teams. If you wish to attend virtually, the Planning Inspectorate Case Team will provide you with the joining link and instructions.

If you wish to participate at the Preliminary Meeting, to assist the management of the meeting it is important that when you register you tell us on which agenda items you wish to speak, listing the points you wish to make.

Please note that **you are not required to attend the Preliminary Meeting in order to participate in the Examination**. Whether or not you attend the Preliminary Meeting, if you are an Interested Party you can make a Written Representation and comment on the Written Representations made by other Interested Parties during the Examination. You will also be able to participate in any hearings that are arranged. Should you no longer wish to be an Interested Party and do not wish to be involved in the Examination process, you can notify the Case Team of this in writing using the contact details at the top of this letter.

If you wish to observe the Preliminary Meeting a public livestream of the event will be made available on the [project webpage on the National Infrastructure Planning website](#) shortly before it is scheduled to begin. A recording of the meeting will also be published on the website as soon as practicable after the event takes place.

## After the Preliminary Meeting

After the Preliminary Meeting you will be sent a letter setting out the finalised Examination Timetable. A note of the meeting will also be published on the [project webpage on the National Infrastructure Planning website](#).

The Examination will principally be a written process (see [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings (see [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#)).

The Planning Act 2008 and the Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (the Material Change regulations) establishes a principally written process for the examination of applications for Development Consent Orders and Material Change applications. **Representations made in writing carry equal weight to oral representations** at all stages of the process.

All relevant and important matters will be taken into account when I make a recommendation to the Secretary of State for Department for Transport, who will take the final decision in this case.

## **Managing Examination correspondence**

Given the volume and frequency of letters the Planning Inspectorate needs to send to Interested Parties during an Examination, we aim to communicate with people by email as electronic communication is more environmentally friendly and cost effective for the taxpayer.

If you have received a postcard but are able to receive communications by email, please inform the Case Team using the contact details at the top of this letter as soon as possible.

As the Examination process makes substantial use of electronic documents, it will be useful for you to become familiar with the [project webpage on the National Infrastructure Planning website](#).

After the Preliminary Meeting a 'Make a submission' tab will become available on the website which provides a portal through which parties will be able to make written submissions at relevant deadlines during the Examination. Further information about the 'Make a submission' portal will be included in a letter which will be issued as soon as practicable after the Preliminary Meeting.

There is also a function on the right-hand side of the project webpage called 'E-mail updates'. This provides you with an opportunity to register to receive automatic e-mail updates at key stages during the Examination.

## **Your status in the Examination**

You have received this letter because you fall within one of the groups described in the Planning Inspectorate's document [What is My Status in the Examination?](#)

If your reference number begins with 'ABMC2', 'ABMC2-R', 'ABMC2-APP' you are in Group A. If your reference number begins with 'ABMC2-SP' you are in Group B. If your reference number begins with 'ABMC2-OP' you are in Group C. The meaning and purpose of those groups are explained in the document published at the link above. If having read this document you are still unsure about your status, please contact the Case Team using the details at the top of this letter.

## **Awards of costs**

I also draw your attention to the possibility of the award of costs against Interested Parties who behave unreasonably. You should be aware of the relevant costs guidance [Awards of costs: examinations of applications for development consent orders](#).

## **Management of information**

Information, including representations, submitted in respect of this examination (if accepted by the Examining Authority) and a record of any advice which has been provided by the Planning Inspectorate is published on the [project webpage on the National Infrastructure Planning website](#).

Examination Documents can also be viewed electronically at the locations listed in **Annex F** to this letter.

Please note that in the interest of facilitating an effective and fair Examination, it is necessary to publish some personal information. To find out how we handle your personal information please view our [Privacy Notice](#).

I look forward to working with all parties in the examination of this application.

Yours faithfully

*Alan Novitzky*

## **Examining Body**

### **Annexes**

- A** Agenda for the Preliminary Meeting
- B** Introduction to the Preliminary Meeting
- C** Initial Assessment of Principal Issues
- D** Draft Examination Timetable
- E** Other Further Information required by the Examining Body
- F** Availability of Examination Documents

This communication does not constitute legal advice.  
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.

## Agenda for the Preliminary Meeting

Due to the lifting of most legal restrictions to control COVID-19, the Examining Body (ExB) has decided to hold the Preliminary Meeting in person. However, there remains a need to hold examination events in a way that is safe and fair to all and therefore parties will also be able to participate virtually through Microsoft Teams.

Because participation in a virtual Preliminary Meeting relies on the Planning Inspectorate providing you with a joining link or telephone number in advance, **if you intend to participate you must register by 9 November 2021.**

**Date:** **16 November 2021**

**Arrangements Conference:** **9:30am**

**Meeting start time:** **10:00am (and 2:00pm if required)<sup>1</sup>**

**Venue:** Royal Humber Hotel, Littlecoates Road, Grimsby, DN34 4LX and by virtual hearing via Microsoft Teams

**Attendees:** **Invited Parties who have pre-registered**

A public livestream of the meeting will be made available on the [project webpage](#) shortly before the meeting is due to open. The livestream is available to anybody who wishes to observe the meeting.

<b>9:30am</b>	<b>Event lobby</b> Please arrive at 9:30 to enter the lobby. From here you will be admitted to the Arrangements Conference by the Case Team, greeted and given further instructions.
<b>9:45am (and 1:45pm if required<sup>1</sup>)</b>	<b>Arrangements Conference</b> The Arrangements Conference will commence at 9:45. This will be hosted by the Case Team and cover the housekeeping arrangements for the Preliminary Meeting and allow for any questions to be asked about how to take part.
<b>10:00am</b>	<b>Preliminary Meeting</b>

<sup>1</sup> This time is reserved only for use if unforeseen technical or other problems with the scheduled Preliminary Meeting, meaning that it is unable to proceed as planned.

<b>Item 1</b>	The Preliminary Meeting will formally open at 10:00am. The Examining Body will join, welcome participants and lead introductions.
<b>Item 2</b>	The Examining Body's remarks about the Examination process
<b>Item 3</b>	Initial Assessment of Principal Issues – <b>Annex C</b> to Regulation 28(3) letter
<b>Item 4</b>	Statements of Common Ground – <b>Annex E</b> to Regulation 28(3) letter
<b>Item 5</b>	Draft Examination Timetable – <b>Annex D</b> to Regulation 28(3) letter
<b>Item 6</b>	Any other matters
<b>Close of the Preliminary Meeting</b>	

If you are joining as a virtual participant of the Preliminary Meeting, please join the Arrangements Conference lobby promptly using the instructions that are sent to you. In common with Preliminary Meetings held in physical locations, the event will start at 10:00am irrespective of any late arrivals, for whom access may not be possible.

The agenda for the Preliminary Meeting is subject to change at the discretion of the (ExB), although in making changes the ExB will be mindful of the need to provide opportunities for fair involvement to all Interested Parties (IP).

## **Introduction to the Preliminary Meeting**

### **Background**

The Preliminary Meeting (PM) will be held in person. However, there remains a need to hold examination events in a way that is safe and fair to all and therefore parties will also be able to participate virtually through Microsoft Teams.

The Examining Body (ExB) wishes to emphasise that there will be no difference in the weight to be attached to, or the treatment of, the evidence presented whether given orally in person or virtually, or in writing after the event.

The Examining Body (ExB) is conscious of videoconferencing fatigue and will aim to keep the proceedings focussed and as efficient as possible. Should it be necessary, for example, due to technical issues, the afternoon has been reserved for continuation of the PM.

### **The Examining Body**

The ExB, Alan Novitzky, appointed by the Secretary of State for Transport, will introduce himself at the start of the PM. The ExB's appointment letter can be found in the Examination Library under reference (AS-001).

### **The Case Team**

The ExB will be supported by the Planning Inspectorate Case Team. Kathrine Haddrell is the Case Manager. Steven Parker and Edwin Mawdsley are the Case Officers. In the case of participants attending virtually, there will be an Arrangements Conference. During the Arrangements Conference, a member of the Case Team will welcome and admit participants into the virtual PM, and will be available to answer questions by email before and after the PM. The contact email address is: [AbleMarineEnergyPark@planninginspectorate.gov.uk](mailto:AbleMarineEnergyPark@planninginspectorate.gov.uk)

### **The purpose of the Preliminary Meeting**

The PM is being held to discuss the arrangements for the examination of the application for a material change to the Able Marine Energy Park Development Consent Order, which will generally be referred to in the PM and Examination as the 'Proposed Changes'. The application has been made by Able Humber Ports Ltd, which will be referred to as 'the Applicant'.

You will find information about the application, and, in due course, documents produced for the Examination on the Planning Inspectorate's National Infrastructure Planning website ('NI Planning website'). This has a dedicated landing page for the project with links to Examination procedure, the Examination Timetable, Relevant Representations and Examination documents. The relevant NI Planning website landing page is: <https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/able-marine-energy-park-material-change-2/>



You are encouraged to explore the NI Planning website landing page if you haven't already done so, because it will be used to communicate with you and to provide access to documents throughout the Examination. There is the option on the project page to register to receive updates and we would also encourage you do this so that you will receive a notification via e-mail at key stages during the Examination.

The main purpose of the PM is to discuss how the application should be examined. It focuses on the process only, and it will not be looking at the substance of the proposals: questions, discussions and representations about the merits or disadvantages of the Proposed Changes are for the Examination itself, which will begin the day after the close of the PM.

The PM will be your opportunity to influence the process that I intend to follow, and you should read this Regulation 28(3) letter and all accompanying annexes thoroughly beforehand. The agenda for the PM is attached to this Regulation 28(3) letter at **Annex A**. It is important to have this letter and the agenda in front of you and to refer to them during the course of the PM. If you are not experienced with videoconferencing and using multiple documents on screen, you may wish to print these in advance of the PM for reference.

### **Government guidance and policy**

The application is for a material change to a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 (PA2008) as a consequence of section 153 and The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (the Material Change Regulations): it includes an application for changes to an order granting development consent. The designated National Policy Statement for Ports (NPSP) applies to this Examination and to decision-making relating to this application. Other NPSs may also apply.

The PM will establish the procedures and timetable for the Examination of the Proposed Changes. It will set a framework for the ExB to enable the Secretary of State to consider and decide the application, by identifying relevant policy and examining the application in the light of it. In doing so, regard will be paid to:

- Any national policy statement which has effect in relation to development of the description authorised by the development consent order the subject of the application, (a "relevant national policy statement");
- the appropriate marine policy documents (if any), determined in accordance with section 59 of the Marine and Coastal Access Act 2009;
- any matters prescribed in relation to development of the description authorised by the development consent order the subject of the application; and
- any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.

The Secretary of State is entitled to disregard any representations that relate to the merits of the designated National Policy Statement (NPS). In practice, this means that the ExB will not spend time examining representations that challenge policy set out in NPSs, or the validity of NPSs themselves. The focus will be on the merits or disadvantages of the Proposed Changes, tested to the appropriate extent using the tests set out in relevant designated NPSs that are in force.

Other important and relevant planning policies that the ExB may consider include policies in the relevant local authorities' development plans. However, if these conflict with policy in a NPS, then the NPS will take precedence.

### **Preliminary Meeting invitees**

The Applicant is invited to the PM and is generally given the opportunity to reply to any representations made, either orally at the time or in writing during the adjournment of the meeting.

Each person whom the applicant is required to notify of an application under regulation 19, subject to paragraph (3) of that regulation. These Parties shall be invited to the Preliminary Meeting.

Everyone who has made a Relevant Representation has been registered as an Interested Party (IP) and has been sent a copy of this Regulation 28(3) letter. Each IP is entitled to participate in this Examination.

Each other interested party.

Certain bodies are Statutory Parties. Statutory Parties can elect to become IPs without having made a Relevant Representation.

The ExB has the power to involve people who are not IPs in the Examination as though they are IPs, including by inviting them to the PM. However, this is only done in exceptional circumstances, for example if it was clear that the application would materially affect a person, they are not automatically or eligible to elect to become an IP and they had been unable to take the necessary action to register as an IP.

### **Conduct of the Preliminary Meeting**

During the PM participants may have to make allowances and be patient if there are delays associated with the technology used. For those who pre-register to be involved virtually, your joining instructions will provide more information about this.

A digital recording will be made available on the project page of the NI Planning website as soon as practicable following the PM. The digital recording allows any member of the public who is interested in the application and the Examination to find out what has been discussed at the PM, whether they are able to attend or observe the meeting or not. The making and publication of these recordings are a means by which we meet the legal requirement to hold these events in public. In this regard, anyone speaking at the PM will need to introduce themselves

each time they speak, to ensure that someone listening to the recording after the event is clear who was speaking. A written note of the PM will be produced and published as soon as practicable following the closure of the PM.

As the digital recordings are retained and published, they form a public record that can contain personal information to which the UK General Data Protection Regulation (UK GDPR) applies. Participants must do their best to avoid making public any information which they would otherwise wish to be kept private and confidential. If there is a need to refer to such information, it should be in written form. Although this will also be published, personal and private content can be redacted or removed before it is made publicly available. Any person who is unclear on this point should ask the Case Team for guidance before they include personal and private information in any submissions.

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of five years from the Secretary of State's decision. If you actively participate in the PM, it is important that you understand that you will be recorded and that the recording will be made available in the public domain. Please see our [Privacy Notice](#) for more information about how we handle your data.

Following the ExB's introductions, each participant who has been registered to speak will be asked to introduce themselves, including any organisations or groups that they represent. The ExB will then conduct the meeting in accordance with the agenda. If you prefer not to have your image recorded, you can switch off your camera at any point.

### **The Examination process**

The examination of NSIPs, including Material Change applications, follows different processes to those, for example, of a Public Inquiry into a planning appeal following the refusal of planning permission. The main differences are that the examination of NSIPs and Material Change applications are primarily a written process and hearings take on an inquisitorial approach as opposed to an adversarial one. For Material Change applications, the examination period is four months (The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011) (Material Change Regulations, Regulation 42).

This means that the ExB will probe, test and assess the evidence primarily using written questions. While some hearings are held to provide supplementary evidence, questions to the Applicant or to IPs will come from the ExB. Questioning or cross-examination of IPs by other parties will not generally be allowed.

In terms of opportunities to provide evidence in writing, the draft Examination Timetable makes provision for the following written processes:

- IPs can make Written Representations (WRs) and comment on WRs made by other parties.

- IPs can respond to the ExB's written questions (ExQs) and comment on responses to these written questions provided by others.
- Statements of Common Ground (SoCGs). These most usefully extend to catalogue matters that are not agreed or are outstanding.

The draft Examination Timetable includes a series of numbered deadlines for receipt of written submissions. Timely submissions received by the relevant deadline and that address its purpose will be accepted. Documents received after the relevant deadline are only accepted at the discretion of the ExB and may not be accepted to ensure fairness to all parties. Circumstances where documents are submitted late without good reason, causing inconvenience or delay to other parties can amount to unreasonable behaviour.

These written processes will be the principal means used by the ExB to gather information, evidence and views about the application. However, the Examination will only be effective if all parties resolve to give timely, full, frank, clear and evidenced answers to every question that is relevant to their interests and to engage fully with any other related processes such as the completion of WRs and SoCGs.

There is no merit in withholding or delaying information, or in failing to cooperate, and should it occur, any unreasonable behaviour that caused another party to incur wasted expenditure could lead to an award of costs against the offending party.

The ExB has discretion to make amendments to the Examination Timetable for the wider benefit of the Examination. If possible, events will be arranged for times when all relevant parties are available, but the ExB is under a duty to complete the Examination by the end of the four-month period beginning with the day after the close of the PM. This requirement is set by legislation, and whilst the ExB will try to rearrange event dates to accommodate all relevant parties, in practice there will be limited scope to alter dates set out in the draft Examination Timetable.

The four-month statutory time limit for the Examination (Material Change Regulations, Regulation 42) means that where there are matters that still need to be discussed and agreed between the Applicant and IPs, it will be very helpful to the ExB if these could be progressed as early as possible.

## **Hearings**

The draft Examination Timetable includes provision for hearings, at which the ExB takes oral evidence from the various parties.

Any registered IP may request an Open Floor Hearing (OFH) to make oral representations about the application if they believe this to be preferable to relying on their written representation; though both carry equal weight. Oral submissions should be based on representations previously made in writing, but they should not simply repeat matters previously covered in the written submission. Rather, they should focus on specific detail and explanation to help inform the ExB. There should be no new or unexpected material in oral

representations. A written summary note with any supporting evidence or references will be requested of each speaker following the hearing.

As with all Examination events, OFHs are subject to the powers of control of the ExB, as set out in the Material Change Regulations. Participants must register in advance by the deadline stated in any Hearing notification and in accordance with the instructions, an agenda may be circulated. It is common practice for the ExB to set a time limit for each speaker and speakers with common points are asked to come together to nominate a spokesperson or representative speakers to cover specific topics, so as to avoid repetition. Speakers representing public authorities, community and membership organisations or multiple IPs are normally provided with an additional time allowance, recognising their representative role.

The ExB has the discretion to hold Issue Specific Hearings (ISHs) if it would aid in the Examination and there is a specific reason this would be more helpful than reliance on written evidence only. The lack of an ISH on one or more topics does not suggest that that topic is less important than others which are subject to a hearing. Rather, it is an indication that the ExB is satisfied that the issues can be fully considered through written submissions and responses to its written questions and that each party has had a fair opportunity to put its case.

The draft Examination Timetable includes a number of reservations for ISHs and IPs may make suggestions for topics in their written or oral representations to the PM.

It may be necessary for the ExB to hold more than one ISH on the draft DCO Amendment Order. This is normal practice, and they are held on a without prejudice basis. Parties can suggest modifications and amendments to the draft DCO Amendment Order provided with the Proposed Changes application by the Applicant, without prejudicing their overall position on the application.

Holding such hearings does not imply that the ExB has reached any judgements on the merits of the application. Whatever the ultimate recommendation is, the ExB must make sure that the draft DCO Amendment Order is fit for purpose if the Secretary of State decides to grant consent, as any consent will be subject to Requirements (ie conditions) set out in the DCO Amendment Order.

At hearings it will not normally be necessary for parties to make long and detailed submissions that require (for example) PowerPoint presentations. Any supporting detail/information can be provided in writing following the event by the relevant deadline.

The draft Examination Timetable includes a deadline (14 December 2021) for participants to notify the ExB that they wish to speak at a hearing.

### **Site inspections**

As part of the Examination process, the ExB may undertake site inspections. These can be either unaccompanied or accompanied, though all would be subject to any Government restrictions relating to COVID-19 in force at the time.

The purpose of these is for the ExB to see features of the proposals within the context of the evidence put forward. Notes of Unaccompanied Site Inspections (USIs) are published on the project webpage on the NI Planning website.

Accompanied Site Inspections (ASI) will only be necessary to view land to which there is no public right of access, or with no clear view from nearby locations with open public access. The purpose of ASIs is familiarisation only and no discussion of the merits of the Proposed Changes will be entertained during an ASI.

The draft Examination Timetable includes a deadline for IPs to make submissions suggesting sites and locations that the ExB should visit. These will be used to inform further USIs as well as possible ASIs. It should be noted that public health restrictions may limit the scope for ASIs and, if these have not lifted by the end of the Examination, the ExB may decide that holding USIs to relevant nominated locations, supported by the submission of additional written, photographic, video or even drone material would be preferable to not visiting sites or holding ASIs in circumstances which could make them difficult and unduly time-consuming to conduct.

## **Initial Assessment of Principal Issues**

This is the Initial Assessment of Principal Issues prepared under Regulation 27 (Material Changes Regulations). It has been prepared by the Examining Body (ExB) following its reading of:

- the application documents;
- the Relevant Representations received in respect of the application; and
- its consideration of any other important and relevant matters.

It is not a comprehensive or exclusive list of the issues that will be subject to examination and inevitably some issues will overlap or interrelate. The ExB will have regard to all important and relevant matters during the Examination and when it writes its Recommendation Report to the Secretary of State for Transport after the Examination has concluded.

The order of the issues listed does not imply any order of prioritisation or importance.

The policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not listed as main issues.

It should also be noted that whilst the effects of the proposal in relation to human rights and equalities duties are not listed as main issues, the ExB will conduct all aspects of the Examination with these in mind.

### **1. Effects on operators and harbour operations in the Humber Estuary**

The effects of the proposed changes on operators and harbour operations in the Humber estuary, including the effects on neighbouring infrastructure, during both construction and operation.

### **2. Dredging and deposition operations**

The effects on hydrodynamics of dredging, and deposition operations, including the adequacy of monitoring and mitigation.

### **3. Integrity of SAC, SPA, RAMSAR sites and SSSI**

The effects of the proposals on the integrity of Special Area of Conservation (SAC), Special Protection Area (SPA), RAMSAR sites and Site of Special Scientific Interest (SSSI), including the adequacy of monitoring and mitigation, and accordance with the Water Framework Directive, during both construction and operation.

### **4. Flood risk assessment, mitigation and monitoring**

Flood risk assessment methodology including mitigation and monitoring arising.

## **5. Drainage strategy**

The effects of the proposals on drainage strategy including design standards, capacities, access, monitoring and maintenance.

## **6. Quayside cranes**

The effects of the increased height of quayside cranes on aviation, lighting conditions, landscape and visual conditions, and on heritage assets, tested through means including photomontages.

## **7. Footpath diversion**

The effects of the proposed footpath diversion.

## **8. Order limits**

Confirmation of the order limits, particularly in relation to the Killingholme branch line and mitigation areas.

## **9. Cumulative and in-combination effects**

Cumulative and in-combination effects, including the interaction of the proposals with developments permitted subsequent to the original DCO.

## **10. Draft Development Amendment Order**

The adequacy and efficacy of the draft DCO Amendment Order and coordination with any amendments to the marine licence.

## **11. Climate change law and policy**

The effects of the proposed changes in relation to climate change law and policy.



## Draft Examination Timetable

The Examining Body (ExB) is under a duty to complete the examination of the application by the end of the period of four months beginning with the day after the close of the Preliminary Meeting.

The examination of the application primarily takes the form of the consideration of written submissions. The ExB will also consider any oral representations made at hearings.

Item	Matters	Date
1.	<b>Preliminary Meeting</b>	<b>16 November 2021</b>
2.	<b>Publication by the ExB of:</b> The ExB's Written Questions (ExQ1)	19 November 2021
3.	<b>Issue by the ExB of:</b> <ul style="list-style-type: none"> <li>• The Examination Timetable</li> </ul>	23 November 2021
4.	<b>Deadline 1</b> For receipt by the ExB of: <ul style="list-style-type: none"> <li>• Responses to ExQ1</li> <li>• Comments on any updates to Application documents submitted by the Applicant before the PM</li> <li>• Comments on Relevant Representations (RR)</li> <li>• Written Representations (WRs)</li> <li>• Summaries of any WRs and RR exceeding 1500 words</li> <li>• Applicant's revised dDCO Amendment Order to be submitted in an editable format with any revisions made to the preceding version shown using track changes (if required)</li> <li>• Revised Protective Provisions</li> <li>• Draft SoCG</li> <li>• Notification by Statutory Parties of wish to be considered as an Interested Parties (IP) by the ExB</li> <li>• Submission by IPs of suggested locations and justifications for an Accompanied Site Inspection (ASI)</li> <li>• Notification of wish to speak at any future ISHs</li> <li>• Notification of wish to speak at an Open Floor Hearing (OFH)</li> </ul>	14 December 2021

	<ul style="list-style-type: none"> <li>• Responses to any further information requested by the ExB</li> <li>• Any requests from the ExB for further written information (if required)</li> </ul>	
<b>5.</b>	<p><b>Deadline 2</b></p> <p>For receipt by the ExB of:</p> <ul style="list-style-type: none"> <li>• Applicant's draft ASI itinerary</li> </ul>	6 January 2022
<b>6.</b>	Dates reserved for ISHs and OFHs (if required)	11 to 14 January 2022
<b>7.</b>	<p><b>Deadline 3</b></p> <p>For receipt by the ExB of:</p> <ul style="list-style-type: none"> <li>• Comments on WRs and responses to comments on RRs</li> <li>• Post Hearing submissions, including written submissions of oral cases</li> <li>• Comments on any amendments made to the dDCO Amendment Order by the Applicant at D1 (if required)</li> <li>• Updated SoCG</li> <li>• Responses to any further information requested by the ExB</li> <li>• Any requests from the ExB for further information (if required)</li> </ul>	18 January 2022
<b>8.</b>	<p><b>Publication by the ExB of:</b></p> <ul style="list-style-type: none"> <li>• ExB's further written questions (ExQ2) (if required)</li> </ul>	1 February 2022
<b>9.</b>	Date reserved for Accompanied Site Inspection (ASI)	10 February 2022
<b>10.</b>	<p><b>Deadline 4</b></p> <p>For receipt by the ExB of:</p> <ul style="list-style-type: none"> <li>• Responses to ExQ2 (if issued)</li> <li>• Applicant's revised dDCO Amendment Order to be submitted in editable format with any revisions to the preceding version shown using tracked changes (if required)</li> <li>• Updated SoCG's</li> <li>• Comments on any additional information/submissions received</li> <li>• Any further written information requested by the ExB</li> </ul>	15 February 2022

<b>11.</b>	<b>Publication by the ExB of:</b> <ul style="list-style-type: none"> <li>The Report on Implications for European Sites (RIES)</li> </ul>	22 February 2022
<b>12.</b>	Dates reserved for ISHs and OFHs (if required)	22 and 23 February 2022
<b>13.</b>	Alternative date for ASI (if required)	24 February 2022
<b>14.</b>	<b>Deadline 5</b> For receipt by the ExB of: <ul style="list-style-type: none"> <li>Post Hearing submissions, including written submissions of oral cases (if required)</li> <li>Final dDCO Amendment Order to be submitted by the Applicant in the SI template with the SI template validation report</li> <li>Final Explanatory Memorandum</li> <li>Final SoCG</li> <li>Any further written information requested by the ExB</li> <li>Comments on any additional information or submissions received at Deadline 3</li> </ul>	8 March 2022
<b>15.</b>	<b>Deadline 6</b> Deadline for receipt by the ExB of: <ul style="list-style-type: none"> <li>Comments on any additional information/submissions received at D4</li> <li>Comments on the RIES</li> </ul>	15 March 2022
<b>16.</b>	<ul style="list-style-type: none"> <li>The ExB is under a duty to complete the Examination of the application by the end of the period of 4 months</li> </ul>	16 March 2022

### Submission times for deadlines

The time for submission of documents at any deadline in the timetable is 11:59pm on the relevant deadline date, unless instructed otherwise by the ExB.

### Publication dates

All information received will be published on the [project webpage on the National Infrastructure Planning website](#) as soon as practicable after the deadlines for submissions. See Annex F of this letter for more information.

## Hearing agendas

Please note that for Issue Specific Hearings the ExB will publish a high-level agenda alongside the notification of the hearing to help inform your decision about whether to register to participate. A detailed draft agenda will be made available on the [project webpage on the National Infrastructure Planning website](#) at least five working days in advance of the hearing date. However, the actual agenda on the day of each hearing may be subject to change at the discretion of the ExB. For Open Floor Hearings agendas may not be published.

## Report on the Implications for European Sites (RIES)

Where an applicant has provided a No Significant Effects Report or a Habitats Regulations Assessment (HRA) Report with the application, the ExB may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExB on HRA matters during the Examination up to the date of the publication of the RIES, for the purposes of enabling the Secretary of State, as competent authority, to undertake its HRA. It is not the ExB's opinion on HRA matters. Comments on the RIES will be invited by the ExB and any received will be taken into account as part of the ExB's Recommendation to the Secretary of State.

The Secretary of State may rely on the consultation on the RIES to meet its obligations under Regulation 63(3) of The Habitats Regulations 2017.

## Other Further Information required by the Examining Body

The Examining Body (ExB) will require the following information to be submitted, as set out in the Timetable in Annex D:

### 1. Statements of Common Ground (SoCG)

In relation to some of the Principal Issues identified in **Annex C**, the ExB would be assisted by the preparation of SoCGs between the Applicant and certain Interested Parties (IPs). The draft Examination Timetable at **Annex D** proposes **Deadline 1** (14 December 2021) for submission of SoCGs. These should be confined to the outstanding differences between parties.

SoCGs are requested to be prepared between the Applicant and:

- A. C.RO Ports Killingholme Ltd.
- B. C.GEN Killingholme Ltd.
- C. Marine Management Organisation
- D. Natural England
- E. Environment Agency
- F. North East Lindsey Drainage Board
- G. North Lincolnshire Council
- H. Association of British Ports

**All of the SoCGs listed above should cover the Articles and Requirements in the draft DCO Amendment Order.** Any IPs seeking that an Article or Requirement is reworded should provide the form of words which are being sought in the SoCG.

Where a particular SoCG cannot be agreed between the parties by **Deadline 4**, or if any local authority position needs to be signed off at a higher level, draft versions of that SoCG are requested to be submitted **by the Applicant to Deadline 5**. The position of the relevant IPs should then be confirmed in the course of the Examination.

The content of SoCGs will help to inform the ExB about the need to hold any Issue Specific Hearings during the Examination, and to enable the ExB and the Applicant to give notice of such hearings at least 21 days in advance of them taking place.

### 2. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations)

The Examination must include a process that provides sufficient information to enable the Secretary of State to meet their statutory duties as the competent authority under the Habitats Regulations relating to European protected sites. In order to inform the ExB's Report and Recommendation to the Secretary of State

on this application and to provide stand-alone information for the Secretary of State, the Applicant is requested to complete matrices to:

- Summarise the likely significant effects for each European site assessed; and
- summarise the implications for the integrity of each European site assessed, where a likely significant effect either alone or in combination with other plans and projects has been identified.

Templates for these matrices are available to download from the [National Infrastructure Planning website](#).

The date by which the completed matrices must be received from the Applicant will be discussed at the Preliminary Meeting.

### **3. Draft itinerary for Accompanied Site Inspection**

The Applicant is requested to prepare a draft itinerary for the Accompanied Site Inspection (ASI) taking account of any suggestions received at Deadline 1. The draft ASI itinerary should include relevant sites and locations referred to in the Relevant Representations received and any other sites and locations at which the Applicant has predicted likely significant environmental effects.

The Applicant's draft ASI itinerary should be submitted to the ExB by **Deadline 2 (6 January 2022)**.

On receipt of the Applicant's draft ASI itinerary, the ExB will review the document and may make changes to it.

The final ASI itinerary will be published in due course.

## Availability of Examination Documents

The application documents and Relevant Representations are available on the [project webpage on the National Infrastructure Planning website](#).

All further documents submitted in the course of the Examination will also be published under the [Documents](#) tab at the above location.

## The Examination Library

For ease of navigation, please refer to the Examination Library (EL) which is accessible by clicking the blue button under the 'Documents' tab. The EL is updated regularly throughout the Examination.

The EL records and provides a hyperlink to:

- each application document;
- each representation made to the Examination; and
- each Procedural Decision made by the Examining Body.

Each document is given a unique reference which will be fixed for the duration of the Examination. A hyperlink to each document on the project webpage is also provided. **Please use the unique reference numbers applied in the EL when referring to any Examination Documents in any future submissions that you make.**

## Electronic deposit locations

Documents can be viewed electronically, free of charge (for the first half an hour, then 50p per 30 minutes), at the electronic deposit location listed in the table below. Please note that you will need to bring a form of identification and register as a library member in order to use a computer at these locations.

The opening hours and availability of information technology set out in the table below may be subject to changes or limitations to address public health requirements as a result of Coronavirus (COVID-19). Bearing in mind the availability of the documents on the National Infrastructure Planning website and the effect of public health restrictions, please consider your need to attend these locations with care. Please check the current circumstances with the relevant locations before you attend.

Local authority	Venue/address	Opening hours
Immingham Library	Civic Centre, Pelham Road, Immingham, DN40 1QF	Monday: 9am to 5pm Tuesday: 9am to 5pm Wednesday: 9am to 5pm Thursday: 9am to 5pm

**Annex F**

		Friday: 9am to 5pm Saturday: 9am to 1pm Sunday: Closed
<b>Printing costs</b>	<b>Black and white</b>	<b>Colour</b>
<b>A4</b>	Single-sided: 20p	Single-sided: 50p
<b>A3</b>	Single-sided: £1.00	Single-sided: £1.50