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All Interested Parties, Statutory Parties and
any Other Person invited to the Preliminary
Meeting

Your Ref:

Our Ref: TR030007

Date: 20 June 2023

Dear Sir/ Madam

**Planning Act 2008 – Section 88 and 89 and The Infrastructure Planning
(Examination Procedure) Rules 2010 – Rules 4, 6, 9 and 13**

**Application by Associated British Ports for an Order Granting Development
Consent for the Immingham Eastern Ro-Ro Terminal**

**Appointment of the Examining Authority, and invitation to the Preliminary
Meeting and Notification of Hearings**

Following my appointment by the Secretary of State as the lead member of the Examining Authority (ExA) to carry out an Examination of the above application, I am writing to introduce myself and the other members of the ExA. My name is Grahame Gould and the other members of the ExA are Sarah Witherley and Stephen Bradley. A copy of the appointment notice [PD-004] can be viewed under the [Documents tab](#) on the project webpage of the National Infrastructure Planning website ([project webpage](#)).

We would like to thank those of you who submitted Relevant Representations. These representations have assisted us when considering how we will examine this application.

Invitation to the Preliminary Meeting

As a recipient of this letter, you are invited to the Preliminary Meeting to discuss **the procedure** for the Examination of the above application. **The Preliminary Meeting will be a blended event.**

Date	Start time	Venue and joining details
Tuesday 25 July 2023	Registration and seating available at venue from: 9:30am Virtual (online) Registration Process from: 09:30 Preliminary Meeting starts: 10:00	Stallingborough Grange Riby Road, Grimsby, DN41 8BU and By virtual means using Microsoft Teams Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.
IMPORTANT: The Preliminary Meeting should be completed before 13:00 on 25 July 2023.		

You must register by 6 July 2023 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).

If you simply wish to observe the Preliminary Meeting then you do not need to register as you will be able to either:

1. Attend the in-person event to observe the proceedings;
2. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
3. watch the recording of the event which will be published on the [project webpage](#) shortly after the event has finished.

Purpose of the Preliminary Meeting

The purpose of the Preliminary Meeting is to enable views to be put to the ExA about how the application should be examined. The ExA will therefore limit the scope of the Preliminary Meeting to consideration of **how the application will be examined**. See **Annex B** to this letter and the Planning Inspectorate's [Advice Note 8.3 - Influencing how an application is Examined: the Preliminary Meeting](#) for more information.

The Preliminary Meeting is **not** an opportunity for you to give your views about what you like or don't like about the application. The merits or disadvantages of the application will only be considered once the Examination starts, which is after the Preliminary Meeting has closed. All relevant and important matters will be taken into account when the ExA makes a recommendation to the Secretary of State for Transport, who will take the final decision in this case.

The agenda for the meeting is at **Annex A** to this letter. This has been set following the ExA's Initial Assessment of Principal Issues arising from its 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.

Written submissions about how the application should be examined

The Planning Act 2008 establishes a principally written process for the Examination of applications for Development Consent Orders and **representations made in writing carry equal weight to oral representations at all stages of the process.**

The ExA is now requesting written submissions from recipients of this letter about how they consider the application should be examined. We particularly wish to hear from you if:

- You consider changes need to be made to the draft Examination Timetable set out at **Annex D** to this letter; and/or
- you wish to comment about the arrangements for future Examination hearings, including the use of virtual methods.

You are invited to make a written submission about how you consider the application should be examined by **Procedural Deadline A** (Thursday 6 July 2023) (see **Annex D** to this letter).

You must make any such submissions using the [Make a submission tab](#) on the project webpage on or before **Procedural Deadline A. Annex H** to this letter provides further information about using the Make a submission tab.

Requests to participate at the Preliminary Meeting

Please note that **you are not required to attend, or make written submissions to, the Preliminary Meeting in order to participate in the Examination.** 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.

If you wish to participate at the Preliminary Meeting you are required to notify the ExA in writing on or before **Thursday 6 July 2023** (see **Procedural Deadline A**).

Any request to participate in the Preliminary Meeting **must include** the following information:

- Name and unique reference number (found at the top of your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- confirmation of whether you will participate virtually (online) or in-person; and
- the agenda item on which you wish to speak and a list of the points you wish to make.

Joining instructions for the virtual hearings will be issued by the Case Team via email Shortly before the Preliminary Meeting date.

Requests to participate should be made using the [Make a submission tab](#) on the project webpage on or before **Procedural Deadline A. Annex H** to this letter provides further information about the [Make a submission tab](#).

Please contact the Case Team using the contact details at the top of this letter if you require any support to attend the Preliminary Meeting.

Format of Examination Events – Preliminary Meeting and Hearings

The Examination of the application 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 ExA currently anticipates that for this case, any hearings will be blended, meaning that participation can be via in-person or virtual/online attendance. The ExA will confirm the format of any hearings to be held during the Examination Stage when we provide formal notification of each hearing at least 21 days in advance of it taking place.

As such the ExA is providing formal notification that the **Preliminary Meeting will be a blended event and that the Issue Specific Hearings 1 and 2 (ISH1 and ISH2) and Open Floor Hearing (OFH), if required, referred to in Annex E to this letter will also be blended events.**

After the Preliminary Meeting

After the Preliminary Meeting we will issue a letter (known as the Rule 8 letter) setting out the finalised Examination Timetable. A note of the Preliminary Meeting will also be published on the [project webpage](#).

Notification of initial hearings

We have made a Procedural Decision to hold the following initial hearings:

- Issue Specific Hearing 1 (ISH1) concerning the draft Development Consent Order at 14:30 on Tuesday 25 July 2023.
- Open Floor Hearing 1 (OFH1) at 18:00 on Tuesday 25 July 2023, if required.
- Issue Specific Hearing 2 (ISH2) will cover the following topics: navigation and shipping; the need for the Proposed Development; marine ecology; and onshore highways and transportation. ISH2 will commence at 10:00 on Thursday 27 July 2023.

In connection with the navigation and shipping section of ISH2, the Applicant and other participating Interested Parties should have specialist representatives in attendance to respond to any questions that the ExA may have.

Important information about these hearings is contained in **Annex E** to this letter, including what details need to be provided with a request to be heard at a hearing and the procedure that will be followed.

Other Procedural Decisions made by the Examining Authority

We have made some further Procedural Decisions which are set out in detail at **Annex F** to this letter. They are summarised as follows:

- The ExA's undertaking of a familiarisation site inspection, by water and onshore. This site visit will be held on Wednesday 26 July 2023 and it will for site safety and management reasons be facilitated by a representative of the Applicant unconnected with the application to be Examined. An officer from North East Lincolnshire Council will also be present throughout the ExA's familiarisation site inspection, solely in the capacity of an observer
- Document management
- The setting of the deadline for the submission of Local Impact Reports (LIR)
- The notification by Interested Parties of their wish to attend an Accompanied Site Inspection and their nomination of locations, including justifications, for the consideration of the ExA
- The submission and acceptance of post-application documents.

You are reminded of the ExA's Procedural Decisions concerning the preparation of Statements of Common Ground and Principal Areas of Difference Summary Statements. Those Procedural Decisions were issued on 26 May and are set out in Examination document [PD-005](#).

Changes to land interests

When the Applicant becomes aware that there has been a change in ownership, or a new interest, in relevant land the Applicant must make the relevant person aware that they can make a request to the ExA to become an Interested Party under section 102A of the PA2008 by completing the [form available on the project webpage](#). The Examination Timetable includes various Deadlines for the submission of an updated Book of Reference and schedule of changes to the Book of Reference, which should include confirmation that relevant persons have been informed of their rights under section 102A.

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 letter 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](#).

A [Make a submission tab](#) is available on the website which provides a portal through which parties should make written submissions at relevant deadlines during the Examination. Further information about the 'Make a submission' portal is provided at **Annex H** to this letter.

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 '2003', 'IMRO-0', 'IMRO-AFP', 'IMRO-S57' 'IMRO-APP' you are in Group A. If your reference number begins with 'IMRO-SP' you are in Group B. If your reference number begins with 'IMRO-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.

Deadlines

Please note that all deadlines in the draft Examination Timetable and as referred to in this letter are at **23:59** on the deadline day. Each deadline within the Timetable should, however, be treated as being a 'not later than time and date'. There is therefore no reason why submissions relating to a particular deadline cannot be made to the Planning Inspectorate in advance of the stated deadline.

Awards of costs

All parties will normally be expected to meet their own costs. Costs can be awarded against a party who has acted unreasonably and has caused the party applying for the award of costs to incur unnecessary or wasted expense during the Examination. 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](#).

Examination Documents can also be viewed electronically at the locations listed in **Annex G** 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](#).

We look forward to working with all parties in the Examination of this application.

Yours faithfully

Grahame Gould

Lead Member of the Examining Authority

Annexes

- A** Agenda for the Preliminary Meeting
- B** Introduction to the Preliminary Meeting
- C** Initial Assessment of Principal Issues
- D** Draft Examination Timetable
- E** Notification of initial hearings
- F** Other Procedural Decisions made by the Examining Authority
- G** Availability of Examination Documents
- H** Information about the Make a submission tab

Agenda for the Preliminary Meeting

You must register by Thursday 6 July 2023 if you intend to participate in the Preliminary Meeting and provide all the information requested (see below).

If you simply wish to observe the Preliminary Meeting then you do not need to register as you will be able to either:

1. Attend the physical event to observe the proceedings;
2. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
3. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Date: **Tuesday 25 July 2023**

Registration Process: **from 09:30**

Meeting start time: **10.00**

Venue: **Blended event at Stallingborough Grange, Riby Road, Grimsby, DN41 8BU and by virtual means using Microsoft Teams**
Full instructions on how to join online or by phone will be provided in advance to those who have pre-registered

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

Agenda for the Preliminary Meeting	
09:30	Seating available at venue for in-person attendees
09:30	<p>Virtual Registration Process</p> <p>Please arrive at 09:30 to enter the virtual lobby. From here you will be admitted to the virtual meeting by the Case Team, greeted and given further instructions.</p> <p>The Registration Process will commence at 09:30. 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.</p>

10.00	Preliminary Meeting
Item 1	The Preliminary Meeting will formally open at 10.00 . The Examining Authority will join, welcome participants and lead introductions.
Item 2	The Examining Authority’s remarks about the Examination process
Item 3	Initial Assessment of Principal Issues – Annex C to Rule 6 letter
Item 4	Draft Examination Timetable – Annex D to Rule 6 letter
Item 5	Procedural decisions taken by the ExA - PD-005 and Annex F of this letter Including: <ul style="list-style-type: none"> • Statements of Common Ground and Principal Areas of Difference Summary Statements • ExA’s familiarisation site inspection and arrangements for other site inspections • Document Management
Item 6	Any other matters
Close of the Preliminary Meeting	

Please be available from the start of the meeting and throughout the meeting. If you are participating using Microsoft Teams please join the virtual lobby promptly using the instructions that will be sent to you. The event will start at **10.00am** irrespective of any late arrivals, for whom access may not be possible.

It may take some time to admit participants from the virtual lobby, your patience whilst you are waiting is appreciated. It is, however, advisable to enter the virtual lobby promptly at 09:30.

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

Any request to participate in the Preliminary Meeting **must include** the following information:

- Name and unique reference number (found at the top your letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- confirmation of whether you will participate virtually or in-person;

- the agenda item on which you wish to speak and a list of the points you wish to make; and
- any special requirements you may have (e.g. disabled access or hearing loop).

Introduction to the Preliminary Meeting

Background

The Preliminary Meeting (PM) will be a blended event with participants attending either in person or virtually using Microsoft Teams.

The Examining Authority (ExA) is conscious of videoconferencing fatigue and will aim to keep the proceedings focussed and as efficient as possible. This annex provides advance access to information that would usually be included in the ExA's introductory remarks. Please read this carefully. The ExA will only present a summary of the key points set out here in order to ensure that the time available for participants to speak is maximised.

The Examining Authority and the Case Team

The ExA will introduce themselves at the start of the PM.

The ExA will be supported by the Planning Inspectorate Case Team. During the Registration Process a member of the Case Team will welcome and admit participants from the virtual lobby. The Case Team will be available to answer questions by email before and after the PM. The contact email address is: iminghameasternroroterminal@planninginspectorate.gov.uk

The purpose of the Preliminary Meeting

The PM is being held to discuss the procedural arrangements for the Examination of the application for a Development Consent Order (DCO) for the Immingham Eastern Ro-Ro Terminal, which is a Nationally Significant Infrastructure Project (NSIP). The NSIP will generally be referred to in the PM and Examination as the 'Proposed Development'. The application has been made by Associated British Ports, 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 project webpage of the National Infrastructure Planning website ([project webpage](#)). The project webpage has links to the Examination Timetable, Relevant Representations and Examination documents and Examination procedure.

You are encouraged to look at the [project webpage](#) 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.

The main purpose of the PM is to discuss the arrangements for the Examination of the application. The PM focuses on the process only. Accordingly, at the PM there will be no consideration of the substance of the proposals, with questions, discussions and representations about the merits or disadvantages of the Proposed Development being for the Examination itself, which will begin following the close of the PM. The maximum period for an Examination is six months and that period will commence on the day following the close of the PM.

The PM will be your opportunity to influence the process that the ExA intends to follow. The agenda for the PM is attached to this Rule 6 letter at **Annex A**. It is important to have the letter and the agenda in front of you and to refer to them during the course of the PM. You may wish to print these in advance of the PM for reference.

Government guidance and policy

The application is a NSIP under the Planning Act 2008 (PA2008) as a consequence of sections 14 and 24 of the PA2008, with it including the construction or alteration of harbour facilities. The designated National Policy Statement for Ports (NPSP) applies to this Examination and to decision-making relating to this application.

The ExA will consider the Proposed Development in accordance with the NPSP and any other applicable policy or considerations the ExA deem to be important and relevant. The PA2008 makes it clear that, in making a decision, the relevant Secretary of State (SoS) “*must decide the application in accordance with any relevant NPS*” (s104(3)), subject to certain provisos. Essentially, the provisos are that the application must not breach legal or treaty obligations and that any adverse impact of the Proposed Development would not outweigh its benefits.

The SoS is entitled to disregard any representations that relate to the merits of the designated NPSP. In practice, this means that the ExA will not spend time examining representations that challenge the policy stated in NPSP or the validity of the NPSP. The focus will be on the merits or disadvantages of the Proposed Development, tested to the appropriate extent using the tests set out in the NPSP.

Other important and relevant planning policies that the ExA may consider include policies in the relevant local authorities’ development plans. However, if these conflict with policy in the NPSP, then the latter will take precedence.

In summary, the PM will establish the procedures and timetable for the Examination of the Proposed Development. It will set a framework for the ExA to enable the SoS to consider and decide the application. In doing so, the ExA will have regard to:

- the positions and representations of all Interested Parties (IPs);
- any Local Impact Reports (LIR) prepared and provided by relevant local authorities;
- other prescribed matters; and
- any other matters that appear to be both relevant and important to the relevant SoS’s decision.

Preliminary Meeting invitees

The Applicant is invited to the PM and is generally given the opportunity to reply to any representations made.

Everyone who has made a valid Relevant Representation has been registered as an Interested Party (IP) and has been invited to the PM. All IPs are entitled to involvement in the Examination.

Each person or organisation with an interest in land or rights that are affected by a Compulsory Acquisition request in this application is an Affected Person (AP) and has been invited to the PM. In addition to a general entitlement to involvement in the Examination, APs have a right to be heard in relation to any objection about the effects of Compulsory Acquisition on their interests in land, and a right to be notified of any Compulsory Acquisition Hearing. All APs are IPs, whether or not they have made a valid Relevant Representation.

Certain bodies are Statutory Parties and they have been invited to the PM. Statutory Parties can elect to become IPs without having made a valid Relevant Representation by notifying the ExA in writing.

The ExA 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 an IP 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

The ExA estimates that the PM will take no more than three hours to complete.

During the PM participants may have to make allowances and be patient if there are delays associated with the technology used. In recognition of the fatigue associated with on-screen communication, the ExA will provide breaks during the PM as appropriate.

A digital recording of the PM will be made available on the project webpage as soon as practicable following the close of the PM. The 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. The making and publication of these recordings are a means by which the ExA meets the legal requirement to hold the PM (and any other hearings) in public. In this regard, **anyone speaking at the PM must introduce themselves every 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 by the ExA and be published as soon as practicable following the close of the PM.

As the 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 providing any information which should otherwise 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 place personal and private information into the public domain.

The Planning Inspectorate's practice is to publish the recordings and retain them for a period of five years from the SoS's decision on the DCO. 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 ExA'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 ExA will then conduct the meeting in accordance with the agenda. Attendees participating virtually who prefer not to have their images recorded, can switch their cameras off at any point.

The Examination process

The Examination of NSIPs 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 an NSIP application is primarily a **written process** and hearings take on an inquisitorial approach as opposed to an adversarial one.

This means that the ExA 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 witnesses will come from the ExA. Questioning or cross-examination of witnesses 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:

- Local authorities can submit LIRs if they wish. Whilst these are voluntary, the PA2008 provides that if they are provided, they must be considered by the SoS in reaching a decision. Consequently, LIRs are a very important method for local authorities to communicate issues of concern to the ExA, the SoS and their residents.
- IPs can make Written Representations (WRs) and comment on WRs made by other parties.
- IPs can respond to the ExA's written questions (ExQs) and comment on responses to these written questions provided by others.
- IPs may be asked to contribute to the making of Statements of Common Ground (SoCG) if it appears that there are matters on which they and the Applicant agree, and if it would be useful for this to be clarified. SoCGs can usefully extend to setting out matters that are not agreed or are outstanding.

The draft Examination Timetable includes a series of numbered Deadlines for receipt of written submissions. Submissions received no later than the relevant Deadline and that address its purpose will be accepted. **Documents received after the relevant Deadline will only be accepted at the discretion of the ExA 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 ExA 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 co-operate. Should that occur any unreasonable behaviour, causing another party to incur wasted expenditure, could lead to an award of costs against the offending party.

The ExA 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 ExA is under a statutory duty to complete the Examination by the end of the six-month period, beginning with the day after the close of the PM. While the ExA 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 statutory time limit for the Examination means that where there are matters that still need to be discussed and/or agreed between the Applicant and IPs, it will be very helpful to the ExA if these could be progressed as early as possible. Germane to that is the preparation and finalisation of SoCGs.

Hearings

The draft Examination Timetable includes provision for hearings, at which the ExA 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 ExA. 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 ExA, as set out in the PA2008 and supporting legislation. Participants must register in advance by the Deadline shown in the Examination Timetable and in accordance with the instructions. It is common practice for the ExA 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 Applicant's draft DCO provides for the Compulsory Acquisition of rights and the Temporary Possession of land. Affected Persons (ie those whose land or rights over land are affected) have a right to request and be heard at a **Compulsory Acquisition Hearing** (CAH). If one or more APs request to be heard then a CAH must be held. Provisional dates for CAHs are included in the draft Examination Timetable along with Deadlines by which requests to be heard must be submitted.

The ExA 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 ExA is content 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 dates reserved for ISHs and IPs may make suggestions for topics to be discussed at an ISH in their written or oral representations to the PM.

It may be necessary for the ExA to hold more than one ISH on the draft DCO. This is normal practice and any such discussions about the draft DCO are held on a without prejudice basis. Parties can suggest modifications and amendments to the draft DCO provided by the Applicant with the application, without prejudicing their overall position on the application. Holding such hearings does not imply that the ExA has reached any judgements on the merits of the application. Whatever the ultimate recommendation is, the ExA must make sure that the draft DCO is fit for purpose if the SoS decides to grant consent, as any consent will be subject to Requirements (ie conditions) set out in a made DCO.

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 Procedural Deadline of **Thursday 6 July 2023** for participants to notify the ExA that they wish to speak at an OFH or a CAH.

Site inspections

As part of the Examination process the ExA may undertake site inspections. These can be either unaccompanied or accompanied.

The purpose of these is for the ExA 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](#).

Annex F contains further details of the ExA's proposed site inspection arrangements

for this application, including the opportunity for Interested Parties to make suggestions on locations for the inspections.

Initial Assessment of Principal Issues

Pursuant to section 88(1) of the Planning Act 2008 (PA2008) set out below is the Examining Authority's (ExA) Initial Assessment of the Principal Issues. This assessment of the issues is based on the ExA's consideration of the submitted application documents and relevant representations submitted by the Interested Parties.

This is not a comprehensive or exclusive list of all relevant matters. The ExA 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 issues have been listed alphabetically and does not imply any order of importance.

The policy and consenting requirements and documents associated with the PA2008 are an integral part of the Examination and are therefore not set out as separate Principal Issues.

It should be noted that a number of the Principal Issues set out below have the potential to overlap with one another and that will be reflected in the Examination. It should also be noted that:

- whilst the effects of the proposal on the achievement of sustainable development including the mitigation of, and adaption to, climate change are not listed as specific Principal Issues; and
- whilst the effects of the proposal in relation to human rights and equalities duties are not listed as specific Principal Issues,

the ExA will conduct all aspects of the Examination with those matters in mind.

Principal Issue	Brief amplification, to include but not necessarily limited to:
Biodiversity, ecology and natural environment	<ul style="list-style-type: none"> • The direct, cumulative and in-combination constructional and operational effects of the Proposed Development on: <ul style="list-style-type: none"> ➤ the qualifying features of the designated habitats (the Humber Estuary Special Area of Conservation, Special Protection Area for birds, Ramsar site and Site of Special Scientific Interest); and ➤ other protected species and wildlife • Any proposed mitigation measures, including the relationship with the Construction Environmental Management Plan (CEMP) and draft DCO (dDCO)

Climate Change	<ul style="list-style-type: none"> • The effects of the Proposed Development during its construction and operational phases on climate change
Compulsory Acquisition and/or Temporary Possession	<ul style="list-style-type: none"> • The need for the proposed compulsory acquisition of rights over land and/or the temporary possession land and whether in the case of the former a compelling case in the public interest has been established • Effects on Statutory Undertakers and infrastructure • Adequacy and security of funding for compensation • Whether the proposals meet the requirements of the 2008 Act in all other respects
Cumulative and In-combination effects	<ul style="list-style-type: none"> • Whether for the construction and operational phases of the Proposed Development there has been sufficient assessment of the cumulative and in-combination effects with other plans, projects and ongoing activities.
Draft Development Consent Order (dDCO)	<ul style="list-style-type: none"> • Consistency between the dDCO and Explanatory Memorandum • The appropriateness of the provisions of the dDCO, including the proposed: <ul style="list-style-type: none"> ➤ Articles; ➤ Requirements; ➤ Deemed Marine Licence; and ➤ Protective Provisions • The relationships with any other consents that may be required • Whether the dDCO is acceptable in all other respects
Landscape and visual effects	<ul style="list-style-type: none"> • The effect of the proposed Development on the character and appearance of the area
Navigation and Shipping effects	<ul style="list-style-type: none"> • Navigational safety relating to the construction and operation of the Proposed Development and the operation of the existing Port of Immingham's inner and outer berths, including the methodology for undertaking the navigational risk assessment and the conclusions to be drawn from that assessment

	<ul style="list-style-type: none"> • The capacity of the Port of Immingham and the wider Humber river to accommodate the shipping movements arising from the construction and operation of the Proposed Development, including any effects on the availability of vessel waiting areas, pilots and tugs and the operation of the Inner Dock's lock • The implications of any changes to bathymetry for the movement of shipping
Socio-economic	<ul style="list-style-type: none"> • Any non-shipping movement effects relating to the operation of the Port of Immingham • The need for the Proposed Development, with particular regard to the freight handling capacity of the other Humber ports • General economic and employment effects associated with the construction and operation of the Proposed Development
Transportation – road and rail	<ul style="list-style-type: none"> • The Proposed Development's effects on the operation of the public highway (strategic and local highway networks) and the road network within the Port of Immingham during the construction and operational phases • The Proposed Development's effects on the operation of the rail network within and beyond the confines of the Port of Immingham
Water and flooding	<ul style="list-style-type: none"> • Water Framework Directive • Flood Risk Assessment

Draft Examination Timetable

The Examining Authority (ExA) is under a duty to **complete** the Examination of the application by the end of the period of six 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 ExA will also consider any oral representations made at hearings.

The time for submission of documents at any Deadline in the timetable is 23:59 (ie 11:59pm) on the relevant Deadline date, unless instructed otherwise by the ExA.

Item	Matters	Date
1.	<p>Pre-Examination Procedural Deadline A</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Written submissions on the Examination Procedure, including the draft Examination timetable • Requests to be heard orally at the Preliminary Meeting (please refer to Annex A for further information), including indications for: which agenda items Interested Parties (IPs) wish to speak on; the points they wish to raise; and why these need to be made orally rather than in writing • Requests to attend and be heard orally at Issue Specific Hearing 1 (ISH1) and ISH2. • Requests by Interested Parties to be heard at an Open Floor Hearing (OFH) • Notification of suggested locations for the ExA to include in future Unaccompanied (USIs) and/or Accompanied Site Inspections (ASIs), including: the reason for nomination and issues matter(s) to be observed; information about whether the location can be accessed using public rights of way or what access arrangements would need to be made; and the likely time requirement for the visit to that location (if not covered within an USI (See Annex F)) • Notification of wish to attend an ASI 	Thursday 6 July 2023

	<ul style="list-style-type: none"> Notification by Statutory Parties who did not submit a Relevant Representation of their wish to be considered as an Interested Person (IP) by the ExA 	
2.	Preliminary Meeting	Tuesday 25 July 2023 10:00
3.	Issue Specific Hearing 1 (ISH1) on the draft Development Consent order (dDCO)	Tuesday 25 July 2023 14:30
4.	Open Floor Hearing (OFH) (if required)	Tuesday 25 July 2023 18:00
5.	The ExA's familiarisation site inspection (See Annex F)	Wednesday 26 July 2023
6.	Issue Specific Hearing 2 (ISH2) concerning, amongst other matters: <ul style="list-style-type: none"> Need for the Proposed Development and the capacity of the Humber ports Navigation and Shipping Marine ecology Onshore highways and transportation 	Thursday 27 July 2023 10:00
7.	Issue by the ExA of: <ul style="list-style-type: none"> The Examination Timetable Publication of: <ul style="list-style-type: none"> The ExA's Written Questions (ExQ1) 	As soon as practicable following the Preliminary Meeting
8.	Deadline 1 (D1) Deadline for receipt by the ExA of: <ul style="list-style-type: none"> Comments on any updates to Application documents submitted by the Applicant prior to or at the PM (if relevant) Comments on Relevant Representations (RR), with summaries for any comments that exceed 1500 words Post-ISH1 and ISH2 submissions, including: written submissions of oral cases made during those hearings; and 	Monday 14 August 2023

	<p>responses to any action points arising from those hearings</p> <ul style="list-style-type: none"> • Applicant's updated version of the draft Development Consent Order (dDCO), to be submitted in clean and tracked change versions • Applicant's update with respect to the preparation of all of the Statements of Common Ground (SoCG) requested by the ExA [PD-005] • Applicant's submission of a Principal Areas of Difference (PADs) Tracker • An updated Guide to the Application documents to be submitted by the Applicant • Applicant's draft itinerary for an Accompanied Site Inspection (ASI) • Local Impact Report (LIR) from Local Authorities • Requests by Interested Parties to be heard at any subsequent Open Floor Hearing (OFH) • Requests by any Affected Persons to be heard at a Compulsory Acquisition Hearing (CAH) • Notification of wish to have future correspondence received electronically • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information/submissions previously accepted by the ExA 	
<p>9.</p>	<p>Deadline 2 (D2)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to ExQ1 • Responses to comments on RRs • Written Representations (WRs) • Summaries for any WRs exceeding 1500 words 	<p>Thursday 31 August 2023</p>

	<ul style="list-style-type: none"> • Applicant's updated version of the dDCO, to be submitted in clean and tracked change versions (if required) • From the Applicant, a schedule of any changes to the Book of Reference and a Compulsory Acquisitions Negotiations Tracker • Updates with respect to the preparation of SoCG and the position with respect to any IPs' PADs from the Applicant and IPs, as relevant • Submission of an updated PADs Tracker by the Applicant • An updated Guide to the Application documents to be submitted by the Applicant • Comments on the LIR(s) • Comments on any other submissions received at D1, including the Applicant's draft itinerary for an ASI • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	
<p>10.</p>	<p>Deadline 3 (D3)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on WRs • Comments on responses to the ExQ1 • Updates with respect to the preparation of SoCG and the position with respect to any IPs' PADs from the Applicant and IPs, as relevant • Submission of an updated PADs Tracker by the Applicant • Updated Guide to the Application from the Applicant • Applicant's updated version of the dDCO, to be submitted in clean and tracked change versions (if required) 	<p>Monday 11 September 2023</p>

	<ul style="list-style-type: none"> • An updated Guide to the Application documents to be submitted by the Applicant • Comments on any submissions received at D2 • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	
11.	Issue by the ExA of: <ul style="list-style-type: none"> • Second round of written questions (ExQ2) (if required) 	Friday 15 September 2023
12.	Date reserved for second round of hearings: <ul style="list-style-type: none"> • ISH (if required) • CAH (if required) • OFH (if required) • ASI (if required) 	Week commencing 25 September 2023
13.	Deadline 4 (D4) Deadline for receipt by the ExA of: <ul style="list-style-type: none"> • Responses to ExQ2 (if required) • Post-hearing submissions, including written summaries of oral cases made by the Applicant and IPs (if hearings in week commencing 25 September 2023 are required) • Applicant's updated version of the dDCO, to be submitted in clean and tracked change versions (if required) • Comments on any submissions received at D3 • An updated Guide to the Application documents to be submitted by the Applicant • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	Monday 9 October 2023

14.	<p>Deadline 5 (D5)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Comments on responses to ExQ2 (if required) • Applicant's updated version of the dDCO, to be submitted in clean and tracked change versions (if required) • Comments on any submissions received at D4 • Final and signed SoCGs • Submission of an updated PADs Tracker by the Applicant • An updated Guide to the Application documents to be submitted by the Applicant • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	Monday 23 October 2023
15.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • ExA's Further Written Questions (ExQ3) (if required) 	Tuesday 31 October 2023
16.	<p>Deadline 6 (D6)</p> <p>Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Responses to the ExA's ExQ3 (if required) • Applicant's updated version of the dDCO, to be submitted in clean and tracked change versions (if required) • Submission of an updated PADs Tracker by the Applicant • Comments on any submissions received at D5 • A Statement of Commonality for the matters included in the SoCGs from the Applicant 	Monday 13 November 2023

	<ul style="list-style-type: none"> • An updated Guide to the Application documents to be submitted by the Applicant • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	
17.	<p>Issue by the ExA of:</p> <ul style="list-style-type: none"> • Any requests for information under Rule 17 of the Examination Procedure Rules 2010 (if required) <p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • The Report on the Implications for European Sites (RIES) • The ExA's proposed schedule of changes to the dDCO (if required and if no DCO specific ISH is to be held on Tuesday 21 to Thursday 23 November 2023) 	Wednesday 15 November 2023
18.	<p>Date reserved for third round of hearings:</p> <ul style="list-style-type: none"> • ISH (if required) • CAH (if required) 	21 to 23 November 2023
19.	<p>Publication by the ExA of:</p> <ul style="list-style-type: none"> • The ExA's Further Written Questions (ExQ4) (if required) • The ExA's draft Schedule of Changes to the dDCO (if required and if not issued on 15 November 2023) 	Friday 1 December 2023
20.	<p>Deadline 7 (D7) Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Post-hearing submissions, including written summaries of oral cases made by the Applicant and IPs (if hearings on 21 to 23 November 2023 are required) • Comments on the Report on the Implications for European Sites (RIES) • Responses to the ExA's ExQ4 (if required) 	Monday 11 December 2023

	<ul style="list-style-type: none"> • Applicant's final dDCO to be submitted in the SI template with the SI template validation report. This version of the dDCO should be submitted in an editable format and it should also be accompanied by an editable copy showing any revisions to the preceding version shown using tracked changes (if required) • Submission of an updated PADs Tracker by the Applicant • Final Statement of Commonality from the Applicant • An updated Guide to the Application documents to be submitted by the Applicant • Comments on any submissions received at D6 • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 	
21.	<p>Deadline 8 (D8) Deadline for receipt by the ExA of:</p> <ul style="list-style-type: none"> • Any further information requested by the ExA under Rule 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 • Comments on any further information requested by the ExA and received by D7 	Monday 8 January 2024
22.	<p>The ExA is under a duty to complete the Examination of the application by the end of the period of six months.</p> <p>Please note that the ExA may close the Examination before the end of the six-month period if it is satisfied that all relevant matters have been addressed and discussed.</p>	25 January 2024

Hearing agendas

Please note that for Issue Specific Hearings and Compulsory Acquisition Hearings the ExA 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 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 ExA. 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 ExA may decide to issue a RIES during the Examination. The RIES is a factual account of the information and evidence provided to the ExA 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 ExA's opinion on HRA matters. Comments on the RIES will be invited by the ExA and any received will be taken into account as part of the ExA's Recommendation to the Secretary of State. The ExA may also raise questions in the RIES to confirm or clarify matters that remain outstanding.

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 and/or Regulation 28 of The Conservation of Offshore Marine Habitats and Species Regulations 2017.

Notification of initial hearings

The Examining Authority (ExA) provides notice of the following initial hearings:

Date	Hearing	Start time	Venue and Joining details
25 July 2023	<p>Issue Specific Hearing 1 (ISH1)</p> <p>Draft Development Consent Order (dDCO)</p> <p>Consideration of amongst other things: the justification for Articles; Requirements and other provisions included in the dDCO; the potential need for any additional provisions; and general drafting points</p>	<p>Seating available at venue from:</p> <p>14:00</p> <p>Virtual Registration Process from:</p> <p>14:00</p> <p>Hearing starts:</p> <p>14:30</p>	<p>Stallingborough Grange, Riby Road, Grimsby, DN41 8BU and</p> <p>By virtual means using Microsoft Teams</p> <p>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered</p>
25 July 2023	<p>Open Floor Hearing (OFH1)</p>	<p>Seating available at venue from:</p> <p>17:30</p> <p>Virtual Registration Process from:</p> <p>17:30</p> <p>Hearing starts:</p> <p>18:00</p>	<p>Stallingborough Grange, Riby Road, Grimsby, DN41 8BU and</p> <p>By virtual means using Microsoft Teams</p> <p>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered</p>
27 July 2023	<p>Issue Specific Hearing 2 (ISH2)</p> <p>Navigation and Shipping, Need for the Proposed Development, Marine ecology, and</p>	<p>Seating available at venue from:</p> <p>09:30</p> <p>Virtual Registration Process from:</p> <p>09:30</p> <p>Hearing starts:</p>	<p>Stallingborough Grange, Riby Road, Grimsby, DN41 8BU and</p> <p>By virtual means using Microsoft Teams</p> <p>Full instructions on how to join online or by telephone will be</p>

Date	Hearing	Start time	Venue and Joining details
	onshore highways and transportation	10:00	provided in advance to those who have pre-registered

NOTES:

- For ISH1 and ISH2 the ExA will publish more detailed draft agendas at least five working days in advance of the hearing dates.
- In connection with the navigation and shipping section of ISH2, the Applicant and other participating Interested Parties should have specialist representatives in attendance to respond to any questions that the ExA may have.
- Should there be no request(s) to attend OFH1 then notification that this hearing is no longer required will be published as soon as practicable on the [project webpage](#), providing reasonable notice to Interested Parties of the decision to cancel them.

You must register by Thursday 6 July 2023 if you intend to participate in the hearings and provide all the information requested (see below).

If you simply wish to observe the hearings then you do not need to register as you will be able to either:

1. Attend the physical event to observe the proceedings;
2. watch a livestream of the event - a link to the livestream will be made available on the [project webpage](#) shortly before the event is scheduled to begin; and/or
3. watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Any request to participate in a hearing **must include** the following information:

- Name and unique reference number (found at the top of any letter or email from the Planning Inspectorate);
- email address (if available) and contact telephone number;
- name and unique reference number of any person/organisation that you are representing (if applicable);
- for blended events, confirmation of whether you will participate virtually or in-person;

- confirmation of the hearing(s) you wish to participate in, the agenda item(s) on which you wish to speak and/or brief details of the topic(s) that you would like to raise; and
- the [Examination Library](#) reference number (with paragraph/page number where appropriate) of any documents you wish to refer to.

It is important that notifications from Interested Parties to participate in hearings is submitted separately from any other written submission. Please select the appropriate Deadline and Submission Item under the [Make a submission tab](#) and ensure the submission is titled appropriately to allow us to quickly identify which event the notification relates to. **Annex H** provides further information about the [Make a submission tab](#). Please contact the Case Team using the contact details at the top of this letter if you require any support to attend a hearing.

Procedure at hearings

The Examination will principally be a written process (see the Planning Inspectorate's [Advice Note 8.4: The Examination](#)), supplemented where necessary by various types of hearings. Please refer to the [Advice Note 8.5: Hearings and site inspections](#) and [Advice Note 8.6: Virtual Examination events](#) as these provide important information about hearing procedures.

The procedure to be followed at hearings is set out in Rule 14 of The Infrastructure Planning (Examination Procedure) Rules 2010. The ExA is responsible for the oral questioning of a person giving evidence and the process affords very limited scope to allow cross-questioning between parties.

Hearing livestream and recording

A link to a livestream for each hearing will be made available on the [project webpage](#) shortly before any hearing is due to open. The livestream is available to anybody who wishes to observe a hearing in real time.

All hearings are recorded, and the recordings will be made available on the [project webpage](#) as soon as practicable after the close of the hearing. The recordings allow any member of the public who is interested in the application and the Examination to find out what has been discussed.

Other Procedural Decisions made by the Examining Authority

The Examining Authority (ExA) has made the following Procedural Decisions:

1. The Examining Authority's (ExA) familiarisation site inspection

Ordinarily ExAs will undertake an Unaccompanied Site Inspection (USI) or a series of USIs in advance of the commencement of the Examination. During an USI the application site is viewed from publicly accessible land, with such inspections giving the ExA the opportunity to familiarise itself with the site and its surroundings. As part of an examination accompanied site inspections (ASI) may be held if the ExA considers that is necessary, particularly when there is a need to inspect parts of sites that cannot be seen from publicly accessible land. ASIs follow an itinerary that takes account of Interested Parties (IPs) and affected persons' requests to inspect specific locations.

The site for the proposed development cannot be viewed from publicly accessible land, either because it is in the river or it forms part of the onshore operational port. In addition, for safety management reasons the ExA will need to be unaccompanied while it inspects the operational port.

To assist the ExA's examination of the application the ExA is of the view that it needs to undertake an early site inspection to familiarise itself with the application site and its surroundings. However, as outlined above the ExA considers it will be unable to undertake an informative early USI, while the holding of an ASI would need to follow the holding of the Preliminary Meeting and the subsequent commencement of the Examination. Delaying the ExA's first inspection to later in the Examination would, in the ExA's view, affect its ability to conduct the Examination in an efficient manner.

Recently a third type of site inspection has been used by ExA's, namely an Access Required Site Inspection (ARSI), largely as a means of adapting to the restrictions that were in force during the COVID19 pandemic. ARSIs are similar to the visit procedure that has been used for many years in connection with the determination of many written representations appeals under the Town and Country Planning Act 1990. Under the procedure for an ARSI landowners or site occupiers grant their permission to the ExA to enter the land in question and having entered the land the ExA conducts its inspection on an unaccompanied basis.

However, in this instance the ExA is of the view that for health and safety reasons an ARSI would not be a practical alternative. That is because a boat would need to be used to inspect the marine parts of the site, requiring some form of accompaniment throughout the inspection, while some form of safety supervision is also likely to be needed for the inspection of the onshore parts of the operational port.

The ExA has therefore decided that the only way it could undertake an early site inspection would be by the means of a bespoke procedure. Such an inspection involving attending parts of the port both by water and by land,

sufficient to enable the ExA to familiarise itself with the application site and its surroundings. Such an inspection would need to be facilitated through the auspices of the Harbour Master and/or Dock Master and would therefore require on-site chaperoning of the ExA by staff employed directly or indirectly by the Applicant. To ensure that such an inspection could be undertaken in an impartial manner, it is essential that whoever performed the chaperoning role on the Applicant's behalf would not have been involved directly in formulating the application proposals. For the duration of a familiarisation site inspection the ExA would hear no evidence, as would be the case were an ASI, ARSI or USI being undertaken.

The sole roles of any chaperon would be to:

- a) ensure that the site inspection was conducted in a manner according with the health and safety requirements applicable to visitors to the marine and onshore parts of the application site; and
- b) to identify to the ExA when it had arrived at the various locations to be included in the ExA determined itinerary for the familiarisation inspection, should that not be readily apparent when the ExA was on site. In the interests of transparency, the ExA's site inspection itinerary would need to be published in advance of the inspection being held.

To ensure that a familiarisation inspection is conducted impartially, the ExA considers that an officer from North East Lincolnshire Council would need to be present throughout the site inspection, solely in the role of an observer. The Council's observer would not need to have had any prior involvement with this national infrastructure project, as that person would only be observing how the inspection was being conducted.

For the entirety of a familiarisation site inspection the ExA would also be accompanied by members of the Planning Inspectorate's case team, who would be present in an observer capacity to further ensure that there was no inappropriate communication between the Applicant's chaperon(s) and/or the Council's observer and the ExA.

The ExA has therefore made the procedural decision that it will undertake a familiarisation site inspection. During that inspection the ExA will be accompanied by a chaperon or chaperons nominated by the Applicant and an officer observer from North East Lincolnshire Council, with those attendees participating in the inspection strictly in accordance with the roles stated by the ExA above.

The itinerary for the familiarisation site inspection shall include the following, albeit the running order for inspecting the various locations will not necessarily be listed as below, so as to take account of tidal conditions and/or shipping movements on the day of the inspection:

By water:

- 1) The location for the proposed berths
- 2) The Immingham Oil Terminal jetty, including the finger pier
- 3) The Eastern Jetty

Onshore:

- 4) The lock (on land only)
- 5) The locations for the proposed northern, southern and western storage areas
- 6) The internal road network between the application site and the Western Entrance to the Port of Immingham

Following the holding of the familiarisation site inspection the ExA will publish a site inspection note.

2. Accompanied Site Inspection – suggested locations

The draft Examination Timetable at **Annex D** to this letter includes a date reserved for an Accompanied Site Inspection (ASI) during week commencing 25 September 2023. This ASI would be additional to the familiarisation site inspection referred to in item 1 of this annex.

The ExA requests that Interested Parties submit suggested locations for the ExA to visit as part of an ASI by **Procedural Deadline A** (Thursday 6 July 2023). The request must include:

- Sufficient information to identify the location;
- the issues to be observed at the location;
- information on whether the site can be accessed via public land; and
- the reason why the location has been suggested.

Interested Parties should be aware that ASIs are not an opportunity to make any oral representations to the ExA about the Proposed Development. However, participants may be invited by the ExA to indicate specific features or sites of interest.

The Applicant is requested to prepare a draft itinerary for the ASI to be submitted by **Deadline 1**. That draft itinerary must take account of the any site inspection locations suggested by other IPs that they might identify by **Pre-Examination Procedural Deadline A**.

Comments by Interested Parties on the Applicant's draft itinerary must be submitted by **Deadline 2**.

The ExA will consider each suggested site location, including those provided in the Applicant's draft itinerary, to determine if it could be viewed from public land on an unaccompanied basis (as part of an unaccompanied site inspection [USI]) or if it is necessary to view it on an accompanied basis as part of an ASI. The ExA will also consider if it would be appropriate to make arrangements for access only to be provided to specific sites such that they could be inspected as part of a USI on an access required basis.

The ExA will publish its final itinerary at least five working days before the date of the ASI.

3. Additional Submissions

In addition to the documentation submitted by **Procedural Deadline A**, the ExA has exercised its discretion and made a Procedural Decision to accept the following Additional Submissions:

- 8.4.17(a) Environmental Statement – Volume 3 Appendix 17.1 Transport Assessment by Associated British Ports (the Applicant) [AS-008]
- Response to the Planning Inspectorates s51 advice – Humber Conservancy Act 1899 by Associated British Ports (the Applicant) [AS-001]
- Response to the Planning Inspectorates s51 advice - Annex C Wold Ecology PEIR July 21 by Associated British Ports (the Applicant) [AS-002]
- Response to the Planning Inspectorates s51 advice – River Humber Conservancy Act 1852 by Associated British Ports (the Applicant) [AS-003]
- Response to the Planning Inspectorates s51 advice – Harbours Docks and Piers Clauses Act 1847 by Associated British Ports (the Applicant) [AS-004]
- Response to the Planning Inspectorates s51 advice – Humber Conservancy Act 1905 by Associated British Ports (the Applicant) [AS-006]
- Response to the Planning Inspectorates s51 advice – 2.6 Engineering Sections Drawings and Plans – V2 by Associated British Ports (the Applicant) [AS-007]
- Response to the Planning Inspectorates s51 advice – 8.2.06 Environmental Statement – Volume 1 – Chapter 6 – Impact Assessment Approach – V2 by Associated British Ports (the Applicant) [AS-005]
- Letter of 23 March 2023 from The Coal Authority advising that it has no comments to make [AS-009]
- Letter of the 14 April 2023 from the Canal and River Trust advising that it did not wish to register as an IP or make comments during the

Examination, unless the Proposed Development is amended in a way affecting its navigations [AS-010]

4. Local Impact reports (LIRs)

A LIR is a report in writing giving details of the likely impact of a Proposed Development on a local authority's area (or any part of that area). For more information about the importance and content of LIRs see the Planning Inspectorate's Advice Note One: Local Impact Reports.

Local authorities are invited to submit their LIRs by Monday 14 August 2023 (Deadline 2, Annex E). Local authorities, in submitting their LIRs, must include copies of the policy wording and explanatory text for all of the Development Plan policies that the local authorities consider are important and relevant to the consideration of the Proposed Development.

5. Parties' Document Management, including SoCGs

It is important that all documents submitted for Examination can easily be used by all IPs, other parties and the ExA. When parties are referring to any previously submitted documents and irrespective of who has authored those documents, they must always give the reference numbers allocated to them in the Examination Library (e.g. [APP-001], [RR-001], [AS-001]). To aid reading and cross-referencing page and paragraph numbering must be used. Any appendices or annexes must also be fully page numbered, including any appendices/annexes within appendices/annexes. Where the Applicant and other IPs are cross-referring to either their own documents or another party's documents in their written submissions, in addition to citing the Examination Library reference they should also give the paragraph or page number.

The Applicant, other IPs and any other parties must not include weblinks when referring to other documents in their written submissions. That is because copied links may become broken or incomplete or it can be unclear as to whether a linked document is identical to the version relied on when the weblink was created. For those reasons, parties should note that it is the Planning Inspectorate's practice to redact weblinks when they are included in application documents or other submissions.

Where a party refers to a supporting document and it considers that other parties, the ExA or the Secretary of State should have sight of that document, then that party should submit an electronic copy of that document with its written submissions. Such documentation will then be readily accessible to all parties via the Examination Library.

6. Amended documents submitted into the Examination

If the Applicant or any other party submits an updated version of a previously submitted document, they shall provide alongside it a short, written explanation setting out what the differences or changes are.

Additionally in the case of any application documents that the Applicant may amend during the course of the Examination, for example but not limited to the draft Development Consent Order, the Applicant should submit clean and tracked change versions of that document. Following this practice will enable IPs and the ExA to identify where amendments have been made and make comparisons with earlier versions of the same document.

7. Guide to the Application Documents

The ExA requests that at each deadline, the Applicant provides an updated Guide to the Application document which provides a list of the most up to date documents put before the Examination. A final version must be submitted by Deadline 7 (Monday 11 December 2023).

8. Hard copies of documents and plans/drawings

All documents over 50 pages in length and all plans and drawings submitted by either the Applicant or other IPs should be provided in hard copy to assist the ExA. Hard copies are to be provided to other parties at the discretion of the party submitting the document, further to a request being made by a party for such hard copy documentation being made available to it.

Availability of Examination Documents

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

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

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 Authority.

Each document is given a unique reference which will be fixed for the duration of the Examination. **Please quote the unique reference number from 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, at the electronic deposit location listed in the table below.

Local authority	Venue/address	Opening hours	Printing costs
Immingham Town Council	Civic Centre Hub, Pelham Road, Immingham, North East Lincolnshire, DN40 1QF	Monday: 09:00 – 17:00 Tuesday: 09:00 – 17:00 Wednesday: 09:00 – 17:00 Thursday: 09:00 – 17:00 Friday: 09:00 – 17:00 Saturday: Closed Sunday: Closed	A4 BW 20p A4 COL 50p A3 BW £1 A3 COL £1.50

Information about the Make a submission tab

The [Make a submission tab](#) is available on the project webpage.

You will need to enter your unique reference number ('Your ref' found at the top your postcard or email from the Planning Inspectorate) beginning either 2003, IMRO-0, IMRO-AFP, IMRO-S57, IMRO-APP, IMRO-SP and IMRO-OP. If you are making a submission on behalf of another person or organisation, and do not have your own unique reference number, then you should enter the unique reference number of the person or organisation you are representing. If you are not a registered Interested Party then it is at the discretion of the Examining Authority whether or not your submission is accepted.

Submissions will be published on the [project webpage](#) as soon as practicable following the close of the relevant Deadline. For further information about publishing submissions please view our [Privacy Notice](#).

You will be able to submit a document (upload file), make a text representation or both. It is possible to upload multiple files for each individual submission item. Electronic attachments should be clearly labelled with the subject title and not exceed 50MB.

Submissions **must not include hyperlinks** to documents/evidence hosted on a third party website eg technical reports, media articles etc. See the Planning Inspectorate's [Advice Note 8.4: The Examination](#) for further information about making written submissions. All submissions must be made in a format that can be viewed in full on the National Infrastructure Planning website. Any submissions that exceed 1500 words should also be accompanied by a summary; this summary should not exceed 10% of the original text.

You should select the relevant Deadline for your submission and then, on the next webpage, select the appropriate Submission item as described in the Examination Timetable at **Annex D** to this letter. Please ensure you make a separate submission for each Submission item and **do not duplicate your submission**. If you consider that your submission does not fit the description of any of the Submission items then please select the Submission item 'Other' and ensure that it is titled appropriately.

If you experience any issues when using the [Make a submission tab](#) please contact the Case Team using the contact details at the top of this letter and they will assist.