

Agenda for the Issue Specific Hearing 1 (ISH1): Draft Development Consent Order

- Date:** **Tuesday 25 July 2023**
- Time:** 14:30
Seating available from 14.00
- Venue:** **Stallingborough Grange Hotel**
Buttercross Suite
Riby Road, Stallingborough, North East Lincolnshire
DN41 8BU
- Access and Parking:** Please contact the venue for information.
- Online Access:** Details will be emailed to registered attendees ahead of the event. If you have not registered you will be able to watch a livestream, the link will be published on our [website](#) shortly before the event starts.

Purpose of the Issue Specific Hearing 1 (ISH1)

In this early Hearing relating to the draft Development Consent Order (dDCO) [APP-013] the Examining Authority (ExA) will, amongst other things, consider the following matters with the Applicant and the other Interested Parties (IPs) in attendance:

- how the dDCO is intended to deliver the Proposed Development and addresses the relationship with the existing port infrastructure and its operation;
- the justification for Marine Licence provisions, as drafted;
- the justification for the dDCO's provisions as explained in the Explanatory Memorandum [APP-014]
- the relationship with existing legislative provisions, existing consents and other relevant policy and technical matters
- the appropriateness, proportionality or effectiveness of the powers sought in the dDCO;
- the need for the already identified protective provisions and any additional protective provisions promoted by IPs in their Relevant Representations
- the following technical and drafting matters:
 - the Applicant's response to guidance in PINS Advice Notes; and
 - ensuring that powers sought in the dDCO are clear and are not unduly restrictive of other parties' rights.

Invitees

Based on Relevant Representations received and the requests to attend ISH1 made at Procedural Deadline A, the following parties are invited to attend and participate in this hearing:

- the Applicant
- Associated Petroleum Terminals (Immingham) Limited (APT) and Humber Oil Terminals Trustee Limited (HOTT)
- CLdN Ports Killingholme Limited (CLdN)
- DFDS
- Environment Agency
- North East Lincolnshire Council
- Any other IPs with an interest in the drafting of the DCO, implementation or discharge of proposed articles, requirements or other provisions or seeking protective provisions.

Invitees are requested to contact the Planning Inspectorate by **Friday 21 July 2023** to confirm their attendance, including details of who will be attending and whether their attendance will be in-person or online.

The hearing will be livestreamed for those who may wish to view but not participate directly. 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.

The ExA requests that invited participants and those who have requested to make oral representations arrive from 14:00 to register ahead of the appointed start time of 14:30.

Hearing Guidance

Guidance under the Planning Act 2008 (as amended) (PA2008)¹ and the Infrastructure Planning (Examination Procedure) Rules 2010 provide that the ExA will probe, test and assess the evidence through direct questioning of any party making oral representations at an ISH. Questioning at the hearing will be led by the ExA.

Cross-questioning of a party giving evidence by another party will only be permitted if the ExA decides it is necessary to ensure that representations are adequately tested or to ensure that a party has had a fair chance to put its case.

¹ ['Planning Act 2008: Guidance for the examination of applications for development consent'](#), (DCLG March 2015)

The agenda for ISH1 may be amended by the ExA at the start of the hearing. Furthermore, the ExA may wish to raise matters arising from oral or written submissions and pursue lines of enquiry in the course of discussion, which are not listed on the agenda. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of written questions.

The hearing will run until all the ExA is content that all matters on the agenda have been addressed.

Agenda

- 1. Welcome, introductions and arrangements for this Issue Specific Hearing 1 (ISH1)**
- 2. Purpose of ISH1**
- 3. Discussion of the draft Development Consent Order (dDCO), involving the Applicant and other Interested Parties**
 - Applicant's explanation of its approach to the drafting of the dDCO [APP-013] and the Explanatory Memorandum (EM) [APP-014]
 - The Articles in the dDCO, including:
 - 2 (Interpretation), including the references to "Company" and "relevant planning authority" and the interpretation of "ro-ro unit"
 - 4 (Incorporation of the 1847 Act)
 - 21 (Operation and use of the development) and the meaning of "ro-ro unit"
 - Article 22 (Power to appropriate)
 - 28 (Agreements with highway authorities) and what is meant by "agreements" for the purposes of this article
 - 37 (Procedure in relation to appeals under Control of Pollution Act 1974)
 - 42 (Crown Rights)
 - The Schedules in the dDCO
 - Schedule 2 (Requirements), including either Requirements or paragraphs:
 - 3 (Amendments to approved details)
 - Any overlapping between 8 (Construction and environmental management plan) and 15 (Construction and operational plans and documents)
 - 10 (Noise insulation)
 - 18 (Impact protection measures)
 - 21 (Applications made under requirements)
 - 23 (Appeals)
 - Schedule 3 (Deemed Marine Licence), including the drafting matters raised by the Marine Management Organisation
 - Schedule 4 (Protective Provisions), including the Applicant's update relating to negotiating protective provisions and the need for any additional protective provisions identified by IPs in their Relevant Representations

4. Other consents, licences and agreements

The ExA will request a progress update as well as an indicative timescale for finalising agreements and any required permits and any other property related agreements.

5. Any Other Business

The ExA may extend an opportunity for the Applicant, IPs and Other Persons to raise matters relevant to topics raised ISH1 that they consider should be examined.

If necessary, the Applicant will be provided with a right of reply.

6. Review of matters and actions arising

The ExA will discuss how any actions arising from the discussion of the dDCO are to be addressed by the Applicant, IPs or Other Persons following ISH1. A written action list will be published if required.

7. Close of the hearing