

Agenda for the Issue Specific Hearing 2 (ISH2): Environmental Statement Issues

Date: Thursday 27 July 2023

Time: 10.00
Seating available from 09.30

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 2 (ISH2)

ISH2 is being held as an early opportunity to enquire into some aspects of 1) the Environmental Statement (ES) and other application documentation and 2) the Relevant Representations made by Interested Parties (IPs), so that matters of a more technical nature are identified and considered and can inform: any subsequent issuing of written questions (ExQs) by the Examining Authority (ExA); the submission of Written Representations (WRs) by Interested Parties (IPs) or Other Parties; and the preparation of Statements of Common Ground.

Generally, the ExA will seek clarification with respect to the following matters:

- what additional information IPs require from the Applicant to enable the early consideration of the principal areas of disagreement, and, if necessary, how and when additional information should be made available to the Examination; and
- what opportunities the Applicant and other IPs will have to engage with one another early in the Examination to consider and potentially overcome or narrow the principal areas of disagreement.

Specific objectives for this ISH are consideration of:

- The need case for the Proposed Development; any impact on/for landside transportation and the existing occupiers of the Port of Immingham; and any alternatives assessed in the ES.
- Any effects relating to the integrity of the Humber Estuary Special Area of Conservation, Special Protection Area and Ramsar site (the designated sites). In particular, how the Applicant intends to address the concerns raised in the

Relevant Representations of Natural England [RR-015] and the Marine Management Organisation [RR-014].

- The cumulative and in-combination environmental effects assessed in the ES and Habitat Regulations Assessment (HRA).
- The navigation and shipping effects of the Proposed Development, having regard to Chapter 10 of the ES [APP-046], the and the Navigation Risk Assessment (NRA) [APP-089] and associated Navigation Simulation documents [APP-090 to App-092].

With respect to the agenda items concerning need, the designated sites and navigation and shipping the ExA intends to ask the Applicant and the IPs participating in the discussion of those items to make short opening oral statements. Thereafter for those items the Applicant and the other participating IPs should be prepared to answer any questions the ExA asks in response to the oral statements that are given at ISH2 and the ExA's consideration of the application documents and the representations that have been made by IPs to date. All parties that make oral statements will need to submit written versions of their oral statements at Examination Deadline 1.

Invitees

The following IPs are specifically invited to attend and participate in this hearing, but this does not exclude other IPs who wish to take part:

- Applicant
- APT (Immingham) Ltd and HOTT Ltd
- CLdN Ports Killingholme
- DFDS Seaways
- The Dock Master for the Port of Immingham
- Health and Safety Executive
- Lincolnshire Wildlife Trust
- Maritime and Coastguard Agency (MCA)
- North East Lincolnshire Council
- Natural England
- Statutory Harbour Authority
- Ulceby Road Safety Group

Invitees are requested to contact the Planning Inspectorate by **Friday 21 July 2023** to confirm their attendance. This request should provide the names and roles of the intended participants, how those participants will attend ISH2 (in-person or online) and identify the items on this agenda on which they wish to speak.

The ExA requests that invited attendees and those who have requested to make oral representations arrive from 09:30 to register ahead of the appointed start time of 10.00.

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.

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 further written questions.

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

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

Agenda

1. Welcome, introductions and arrangements for this Issue Specific Hearing 2 (ISH2)

2. Need for the Proposed Development

The ExA will ask the Applicant to give a five minute summary of its need case for the Proposed Development including but not limited to:

- a) Projections and assumptions for short-sea trade growth, future preferences in shipping and transport and existing capacity at Humber ports.
- b) Consideration of alternatives to satisfy the stated need case.
- c) The meaning and implications of the phrase "to ensure resilience" in the Need and Alternatives statement [APP-049, para 4.2.53].
- d) A concise summary response to the concerns raised in Relevant Representations regarding the need case.

The ExA will then invite IPs participating in this agenda item to give five minute summaries of their need cases, including the following:

- a) Whether they object to the Proposed Development in principle; whether they are neutral in respect of the Proposed Development; or whether they support the Proposed Development and if so, why.
- b) Any comments on the case made by the Applicant on the need for the Proposed Development.

The ExA will then ask any questions it may have in respect to the oral and written cases made by the Applicant and other IPs.

3. Effects on landside transportation and effects for existing occupiers of the Port of Immingham unconnected with navigation and shipping

The ExA will ask questions of the Applicant and IPs participating in this agenda item concerning:

- a) Road traffic surveys and predicted traffic generation
- b) Distribution of vehicular traffic entering and exiting the Port of Immingham in association with the operation of the Proposed Development
- c) Effects for the operation of the public highway and whether there is any need for mitigation and what form any such mitigation might take
- d) Operational effects for existing occupiers of the port other than shipping and navigation

4. Any effects for the integrity of the Humber Estuary Special Area of Conservation, Special Protection Area and Ramsar site (the designated sites)

The ExA will ask the Applicant to give a five minute summary of its case with respect to the Proposed Development's effect on the integrity of the designated sites. That summary should address any progress in addressing the matters raised by the Marine Management Organisation [RR-014] and Natural England [RR-015] in their Relevant Representations and representations that have been made with respect to cumulative and in-combination effects.

The ExA will invite any other IPs participating in the discussion of this agenda item to summarise their cases (up to five minutes) with respect to the effects of the Proposed Development on the integrity of the designated sites, having regard to their Relevant Representations and any other written submissions that they have made up until Pre-Examination Procedural Deadline A.

The ExA will then ask any questions it may have in respect to the oral and written cases made by the Applicant and other IPs.

5. Navigation and Shipping effects

The ExA will ask the Applicant to give a ten minute summary of its case with regard to navigation and shipping effects, including:

- a) How the Navigation Risk Assessment (NRA) for the Proposed Development complies with Maritime and Coastguard Agency (MCA) published guidance, in regard to the Port Marine Safety Code and the MGN654 Annex 1 'Methodology for Assessing Marine Navigational Safety etc.'
- b) The berthing simulation exercises conducted to support the NRA.
- c) The governance approach taken to judgements concerning the acceptable level of 'tolerability' in the NRA; and the additional risk controls that it proposes to implement.
- d) Its understanding of obligations regarding assessment of 'Tolerability of Societal Concerns' under the guidance of paragraph 6.2 of the MGN 654 Annex 1 Methodology.
- e) When and how the Applicant intends to determine whether or not the impact protection measures for the Immingham Oil Terminal would be installed and how the timing of the construction of those measures have been taken into account in assessment of cumulative and in-combination effects in the ES and HRA.
- f) Its intentions regarding the provision of shore-to-ship power for the Proposed Development and the power technology for future marine tugs.

The ExA will invite IPs participating in the agenda item to briefly summarise their cases, with particular regard to:

- a) Any implications the Proposed Development would be likely to have on shipping services and navigation to and from the Humber ports.
- b) Matters of concern raised in their Relevant Representations about the NRA.

- c) Any observations they may have on the data used by the Applicant to inform the ES and NRA.
- d) Whether they consider that the Proposed Development could in principle be made acceptable by additional mitigation over and above that intended by the Applicant.
- e) Any other matters of concern relating to likely effects of the Proposed Development on existing port infrastructure and shipping operations.

The ExA will then ask any questions it may have in respect to the oral and written cases made by the Applicant and other IPs.

6. Any Other Business

The ExA may extend an opportunity for the Applicant and IPs to raise matters relevant to topics raised ISH2 that they consider should be examined.

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

7. Review of matters and actions arising

The ExA will discuss how any actions arising from the discussion during ISH2 are to be addressed by the Applicant and IPs following the hearing. A written action list will be published if required.

8. Close of the hearing