

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

Agenda for the Issue Specific Hearing 3 (ISH3)

| Hearing | Date and Time | Location |
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| Issue Specific Hearing 3 (ISH3) Navigation and Shipping (including any implications for the operation of the existing Port of Immingham and the Port of Killingholme), Onshore Transportation, Marine Ecology and Policy considerations | Wednesday 27 September 2023 Hearing Starts at 10:00 Registration and seating available at venue from 09:30 and virtual Registration Process from 09:30 | All hearings will be blended events at: Stallingborough Grange, Riby Road, Grimsby, DN41 8BU 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 |

Agenda

- 1. Welcome, introductions and arrangements for this Issue Specific Hearing 3 (ISH3)**
- 2. Policy, statutory and other legal considerations for the Proposed Development**

The Examining Authority (ExA) will ask the Applicant and participating Interested Parties (IPs) to present their cases relating to:

- a) The extent to which any unutilised capacity at the Port of Killingholme is capable of being considered as a potential alternative to the Proposed Development in policy terms.
- b) Whether the Proposed Development would or would not amount to sustainable development for the purposes of the National Policy Statement for Ports.

- c) Compliance or otherwise with the UK Marine Policy Statement (2011) and the East Inshore and East Offshore Marine Plans 2014.
- d) Any national energy security considerations.

3. Navigation and shipping effects of the Proposed Development

The ExA will ask the Applicant and participating Interested Parties (IPs) and the Harbour Master Humber questions related to the following matters:

- a) The management of an allision or collision incident within the Port of Immingham by the Dock Master and the Harbour Master Humber.
- b) Any examples of any port layouts in the United Kingdom where Ro-Ro berths and fuel import/export berths have siting relationships comparable to what is being proposed for the Port of Immingham.
- c) Differences in approach taken by the Applicant, IOT Operators and DFDS in preparing their respective Navigational Risk Assessments (NRA) [APP-089], [REP2-064] and [REP2-043] and the consequent implications for the conclusions reached in those NRAs about risk controls and acceptability.
- d) Operating limits and harbour directions for the proposed IERRT berths and how they might change over time.
- e) The identification of risk controls and why potential controls identified by IPs either prior to the application's submission or during the Examination, such as the full or partial relocation of the IOT Finger Pier berths, have been discounted by the Applicant, including the consideration of cost and effectiveness.
- f) Harbour Authority and Safety Board (HASB) consideration on 12th December 2022 of the Proposed Development risk acceptability (tolerability) and the cost effectiveness analysis of controls.

4. Onshore transportation

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

- a) Ro-Ro unit dwell times, predictions for the split between accompanied and unaccompanied freight and the freight handling capacity for the Proposed Development.
- b) Road traffic surveys and predicted traffic generation.
- c) Distribution of vehicular traffic entering and exiting the Port of Immingham in association with the operation of the Proposed Development.
- d) Effects for the operation of the public highway and whether there is any need for mitigation and what form any such mitigation might take.
- e) Any implications for the operation of the rail network.

5. 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 update on any progress being made to address the representations raised by Natural England and Marine Management Organisation in their respective Relevant Representations [RR-015/AS-015/AS-017

and RR-014] and their subsequent Examination written submissions. [It should be noted that any matters relating to the drafting of the draft Development Consent Order will be considered during ISH4 rather than as part of this hearing.]

The ExA will then invite any other IPs participating in the discussion of this agenda item to raise any matters they may relating to any effects the Proposed Development might have for the Designated Sites.

The ExA will then ask any questions it may have in respect to the 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 ISH3 that they consider should be examined.

7. Review of matters and actions arising

The ExA will discuss how any actions arising from the discussion during ISH3 are to be addressed by the Applicant, IPs or Other Persons following this hearing and whether there is any need for procedural decisions about additional information or any other matters arising. A written action list will be published if required.

If the ExA determines to make any procedural decisions it may make these decisions orally (subject to confirmation in writing) or may reserve its decisions to be made in writing after the closure of the hearing.

8. Close of the hearing

Purpose of the Issue Specific Hearing 3 (ISH3)

ISH3 is being held to hear evidence most particularly relating to matters of:

- national policy relating to the Proposed Development;
- navigation and shipping (including any implications for the operation of the existing Port of Immingham and the Port of Killingholme);
- onshore transportation; and
- marine ecology.

The giving of evidence at this hearing will be led by ExA, through the ExA's asking of questions, informed by the cases that have been made by the Applicant, the invited IPs and the Statutory Harbour Authority for the Humber/Humber Harbour Master (in the capacity of an Other Person) up to and inclusive of the written and oral submissions made by Examination Deadline 3 (11 September 2023).

The ExA will ask any questions of the Applicant, relevant IP and the Humber Harbour Master, as relevant.

All participants for ISH3 should note that in giving their evidence they should make clear (1) why they consider the Proposed Development would or would not be acceptable and (2) in light of their respective positions explain why they consider there would or would not be compliance with the policies stated in the National Policy Statements for Ports (2012), the UK Marine Policy Statement (2011), the East Inshore and East Offshore Marine Plans (2014) and any policy documents considered to be important and relevant.

Participation in this hearing will be subject to the ExA's powers of control.

Attendees

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

- Applicant;
- APT (Immingham) Limited and Humber Oil Terminals Trustee Limited (the IOT Operators);
- CLdN Ports Killingholme Limited;
- The "Designated Person" advising Harbour Authority Safety Board;
- DFDS Seaways PLC;
- The Dock Master for the Port of Immingham (Captain Collier or Captain Collier's deputy if Captain Collier is unavailable)
- North East Lincolnshire Council;
- Natural England; and
- The Statutory Harbour Authority for the Humber/ Harbour Master Humber

However, this does not indicate that other parties will not be able to contribute. All Interested Parties (IP) are invited to attend and make oral representations on the matters set out in the Agenda, subject to the ExA's ability to control the Hearing.

The ExA has sought to provide sufficient detail to assist the parties to prepare for the Hearing. The details set out above are indicative and the ExA may find it necessary to include additional Agenda items or to amend the order in which the items are dealt with.

Anyone wishing to attend the Hearing in person, who has not already advised the Case Team of this, should do so as soon as possible.

The event will be livestreamed and a link for watching the livestream will be posted on the [project webpage of the National Infrastructure Planning website](#) closer to the Hearing date. IPs and members of the public who wish to observe the Hearing can therefore view and listen to the Hearing using the livestream, or view and listen to the recording, after it has concluded.

Registration Process

Parties who have registered to speak (both in person and virtually) will receive a Joining Instruction email shortly before the Hearing which will include a link to the virtual event on Microsoft Teams, and a telephone number should they need to

participate by telephone. To enable the Hearing to start on time at **10:00** those attending virtually should join promptly at **09:30** to ensure that all virtual attendees can complete the Registration Process in good time.

Procedure at ISH

Guidance under the Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at Hearings. Questioning at the Hearing will be led by the ExA. Cross questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.