

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

Agenda for Issue Specific Hearing 4 (ISH4)

Hearing	Date and Time	Location
Issue Specific Hearing 4 (ISH4)	Thursday 28 September 2023	All hearings will be blended events at:
Draft Development Consent Order (dDCO)	Hearing Starts at 15:00	Stallingborough Grange,
Consideration of amongst other things: The justification for and provisions of Articles; the wording and operation of the proposed Requirements and Protective Provisions; and the need for any additional Protective Provisions	Registration and seating available at venue from 14:30 and virtual Registration Process from 14:30	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, arrangements for the Hearing**
- 2. Purpose of the Issue Specific Hearing**
- 3. Discussion of the draft Development Consent Order (dDCO), involving the Applicant, other Interested Parties and the Statutory Harbour Authority for the Humber/Humber Harbour Master**
 - a) Use of the term “Company” as opposed to Undertaker within the dDCO
 - b) The drafting and provisions of the Articles, including consideration of Article 22 (Power to appropriate)

- c) The drafting and provisions of the Requirements in Schedule 2, including:
 - In connection with Requirement 8, whether the submitted Construction and Environmental Management Plan (CEMP) [REP2-004] should be considered as being a draft or final version CEMP;
 - The enforceability of Requirement 10 (Noise insulation); and
 - How it is intended Requirement 18 (impact protection measures for the Immingham Oil Terminal) would operate.
- d) The Deemed Marine Licence (Schedule 3) and the current position with respect to drafting issues raised by the Marine Management Organisation
- e) Protective Provisions (Schedule 4) and the current position with respect to agreeing the proposed Protective Provisions

4. Review of matters and actions arising

The ExA will discuss how any actions arising from the discussion during ISH4 are to be addressed by the Applicant, Interested Persons (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.

5. Close of the hearing

Purpose of the Issue Specific Hearing 4 (ISH4)

In this hearing the Examining Authority will further examine the drafting and provisions of the dDCO, having regard to the amendments made to dDCO included in REP1-005 and REP3-002 and the written submissions made by IPs since the holding of ISH1 at Deadlines 1, 2 and 3.

Discussions at ISH4 will be held without prejudice to the ExA's final recommendation about whether or not a DCO should be made.

The agenda provided above is indicative and may be subject to change on the day. Documents within the Examination Library should be taken as read and need not be repeated in oral submissions, although signposting to key documents and representations may assist.

Attendees

The ExA would find it helpful if the following parties could attend this Hearing.

- 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 IPs 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 **15:00** those attending virtually should join promptly at **14:30** to ensure that all virtual attendees can complete the Registration Process in good time.

Procedure at ISH4

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.