



The Planning Inspectorate

National Infrastructure
Planning
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To: All Interested Parties

Our Ref: TR030007

Date: 24 October 2023

Application by Associated British Ports for an order granting development consent for the Immingham Eastern Ro-Ro Terminal (TR030007)

Planning Act 2008 – Section 89(3) and The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rules 9 and 13

Notification of Hearings and Notice by Applicant of intention to submit a request to make changes to the Application

Notification of Hearings

The Examination Timetable at Annex A of the Examining Authority's (ExA) [Rule 8 letter](#), dated 02 August 2023, included reserved dates for Hearings.

We are now writing to advise you that the following Hearings will be held under Section 91 of the Planning Act 2008. The Hearings will be Blended Events, with participants attending either in person or virtually via Microsoft Teams.

Hearing	Date	Start time	Location
Issue Specific Hearing 5 (ISH5)	Tuesday 21 November 2023	Registration and seating available from: 09:30	All hearings will be blended events at:
Navigation and Shipping and Onshore Transportation		Virtual Registration Process from: 09:30 Event start: 10.00am	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
Continuation of ISH5	Wednesday 22 November 2023	Registration and seating available from: 09:30 Virtual Registration Process from: 09:30 Event start: 10.00am	All hearings will be blended events at: 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
Issue Specific Hearing 6 (ISH6) Draft Development Consent Order (dDCO)	Thursday 23 November 2023	Registration and seating available from: 09:30 Virtual Registration Process from: 09:30 Event start: 10.00am	All hearings will be blended events at: 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
NOTES:			

- If any of the above Hearings are no longer required then notification will be published as soon as practicable on the [project webpage](#) of the National Infrastructure Planning website, providing reasonable notice to Interested Parties of the decision to cancel.
- For ISH5 and ISH6 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 ISH5, the Applicant and other participating Interested Parties should have specialist representatives in attendance to respond to any questions that the ExA may have.

Applicant's notification duties

The Applicant is reminded of its duty to notify and publicise hearings under Rule 13(6) and 13(7) of The Infrastructure Planning (Examination Procedure) Rules 2010.

Purpose of Hearings

Please refer to the Planning Inspectorate's [Advice Note 8.5: The Examination: hearings and site inspections](#) for information about the purpose of Open Floor, Issue Specific and Compulsory Acquisition Hearings.

Registration and requests to participate in Hearings

You must register by **Deadline 6, Monday 13 November 2023** if you intend to participate in the Hearings and provide all the information requested.

Please register using our website, if possible, or email us directly.

- Click on the Make a submission tab on the project page.
- The 'Submission item' will be DEADLINE 6 (Monday 13 November 2023).
- Please name your request appropriately e.g. 'Register to attend hearing'.

Any request to participate in a Hearing should 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.

Joining instructions for Hearings will be issued by the Case Team via email shortly before the Hearing dates.

Please contact the Case Team if you require any support or assistance to attend any Hearing, either virtually or in person.

If you simply wish to observe any of the Hearings then you can either:

1. 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
2. Watch the recording of the event which will be published on the project webpage shortly after the event has finished.

Alternatively, you can attend the physical event at the venue to observe the proceedings; however, to ensure there is adequate seating capacity at the venue we request that you register your attendance to observe only by **Deadline 6, Monday 13 November 2023**. Please note that it may not be possible to participate on the day if you have not registered your wish to speak by **Monday 13 November 2023**.

Attendees

For ISH5 we would find it helpful if the following parties could attend:

- Applicant, including either Mr McCartain in his capacity as the acting “Designated Person” or the permanent postholder should that person be in place by the date of ISH5
- APT (Immingham) Limited and Humber Oil Terminals Trustee Limited (IOT Operators)
- CLdN Ports Killingholme Limited
- DFDS Seaways PLC
- The Dock Master for the Port of Immingham (Mark Collier or Mr Collier’s deputy if Mr Collier is unavailable)
- The Statutory Harbour Authority for the Humber/Humber Harbour Master

Hearing Agendas

The Agendas and any detailed arrangements for the Hearings will be published on the [project webpage](#) at least five working days before the Hearings. However, the actual Agenda on the day of each Hearing may be subject to change at the ExA’s discretion. There may not be an Agenda for an Open Floor Hearing.

Procedure at Hearings and Post Hearing submissions

The procedure to be followed at Hearings is set out in The Infrastructure Planning (Examination Procedure) Rules 2010.

Participation in a Hearing will be subject to the ExA’s powers of control. It is for the ExA to determine how the Hearing will be conducted, including the time allowed at the Hearing for the making of a person’s representations. The Hearing will be managed in the interests of ensuring fair access to the Hearing for all parties, and to ensure that the submissions of all invited persons are fully heard within the allotted time. For Issue Specific Hearings Interested Parties (IPs) may be invited to make oral representations at the Hearing on the specific issues being examined at the Hearing as set out in the Agenda.

All Hearings are recorded. The recordings and transcripts will be made available on the [project webpage](#) as soon as practicable following 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 at a Hearing. It is therefore important to note that anyone speaking at the Hearing will need to introduce themselves, including any organisation or groups that they represent, **each time they speak** to ensure that someone listening to the recording after the Hearing is clear who was speaking.

As the recordings are retained and published, they form a public record that can contain personal information to which the General Data Protection Regulation (GDPR) applies. Please refer to our [Privacy Notice](#) for further information. Participants must do their best to avoid making public any information which they would otherwise wish to 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 transcripts and retain them for a period of five years from the Secretary of State's decision on the Development Consent Order (DCO). If you actively participate in the Hearing, it is important that you understand that you will be recorded and that the recording and transcript will be made available in the public domain.

The evidence presented orally at Hearings should be included in post Hearing submissions and submitted at the relevant deadline in the [Examination timetable](#).

If you have any further queries, please do not hesitate to contact the Case Team imminghameasternroroterminal@planninginspectorate.gov.uk

Notice by Applicant of its intention to submit a request to make changes to the Application

The Applicant submitted a letter on 19 October 2023 notifying the ExA of its intention to submit a request to make changes to the application. That 'change notification' identifies the Applicant's intention to submit a request to make four changes to the originally submitted application, namely:

- 1) Realignment of the approach jetty and related works (Change 1);
- 2) Realignment of the internal bridge and consequential works (Change 2);
- 3) Rearrangement of UK Border Force facilities (Change 3); and
- 4) Enhanced management controls and options for the potential provision of additional impact protection measures (Change 4).

The submission of the previously mentioned letter satisfies Step 1 of the recommended procedure in the Planning Inspectorate's '*Advice Note 16: How to request a change that might be material*' (AN16). Accordingly, the ExA has made the procedural decision to accept the change notification documents as Additional Submissions and those documents have been added to the Examination Library and allocated document numbers AS-026 to AS-035.

As set out in the letter of 19 October 2023, the Applicant considers that Changes 1 to 4 inclusive would not “... *either alone or in-combination fundamentally change nor materially affect the nature or substance of the Proposed Development as originally submitted*”. Based on the Applicant’s initial assessment and the summary information it has provided, most particularly that included in “*The Proposed Changes Notification Report*” and its Appendix 1, the ExA is minded to agree that the making of Changes 1 to 4 would be unlikely to result in a materially different project.

The ExA notes that the Applicant commenced a non-statutory “comprehensive consultation” exercise on 17 October expiring at 23:59 on Sunday 19 November. Any representations that the Applicant receives in connection with that consultation exercise should be taken account of prior to the submission of any formal request to make any changes to the submitted application.

It appears that the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 will not apply to the changes identified in the Applicant’s change notification. Nevertheless, the Applicant is reminded that should it be minded to submit a formal request to make changes to its submitted application that should be done with sufficient time left within the Examination period (expiring on 25 January 2024) and with adequate information to enable any changes to be examined by the ExA in an open, impartial and fair manner. In that regard the Applicant should ensure that it complies, as necessary, with the provisions of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 and the Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019).

Yours faithfully

Grahame Gould

Grahame Gould
Lead Member of the Panel of Examining Inspectors

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