

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

Agenda for Issue Specific Hearing 6 (ISH6):

Hearing	Date and Time	Location
Issue Specific Hearing 6 (ISH6) Draft Development Consent Order (dDCO)	Thursday 23 November 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 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

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/ Harbour Master Humber**
 - a) The drafting and provisions of the Articles, including consideration of:
 - **Article 33 and Schedule 6** (Certification of plans and documents etc) – the documents to be cited for certification

- b) The drafting and provisions of the Requirements in Schedule 2, including:
- **Requirement's 7** (external appearance etc), **9(1)** (surface water drainage), **11** and (environmental enhancement/WEMP) – the need for the approval method to fully specified and/or the inclusion of explicit compliance clauses further to the approval of details (anatomy points)
 - **Requirement 8** (Construction Environmental Management Plan [CEMP]), including:
 - Consistency between the proposed procedure for the approval of an entire CEMP by the Council under Requirement 8 and the approval of a CEMP pursuant to condition 11 of the deemed Marine Licence (Schedule 3) by the Marine Management Organisation (MMO);
 - the absence of any consultation with any Statutory Harbour Authority (SHA);
 - the interplay with any construction works approvals to be issued by the MMO, or any SHA or the Competent Harbour Authority; and
 - the potential need for separate CEMP to address onshore and marine works
 - **Requirement 15** (Construction and operational plans and documents), including:
 - which strategies and plans should be named as certified documents under Schedule 6 and would need to be listed in Requirement 15; and
 - how mitigation for navigational risks during the operational phase is secured;
 - **Requirement 16** (contaminated land) – the means by which any need for undertaking additional ground investigations would be identified
 - **Requirement 18** (impact protection measures for the Immingham Oil Terminal [IOT]) including how it is intended that the Requirement would operate and the relationship between this requirement with Protective Provisions for IOT Operators.
- c) **Deemed Marine Licence (Schedule 3)**, including the duration of piling works having regard to written submissions made by the Marine Management Organisation and the drafting of licence conditions.
- d) **Drafting of Protective Provisions (Schedule 4)** including consideration of which statutory bodies the Statutory Conservancy and Navigation Authority would have to consult and an update on the position with respect to negotiations concerning **all** the other proposed Protective Provisions.

4. Any other matters relating to the purpose of the ISH

5. Review of matters and actions arising

The ExA will discuss how any actions arising from the discussion during ISH6 are to be addressed by the Applicant, other 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.

6. Close of the hearing

Purpose of the Issue Specific Hearing 6 (ISH6)

In this hearing the Examining Authority will further examine the drafting and provisions of the dDCO, having regard to the amendments made to the dDCO included in REP5-004 and any submitted at Deadline 6, and the written submissions since the holding of ISH4 made by IPs at Deadlines 4, 5 and 6.

Discussions at ISH6 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;
 - DFDS Seaways plc;
 - North East Lincolnshire Council*; and
 - The Statutory Harbour Authority for the Humber/ Harbour Master Humber
- (* Particularly in relation to the Requirements included in Schedule 2 of the draft Development Consent Order and the provisions of the draft Construction Environmental Management Plan)

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.

When witnesses are being introduced to the hearing those introductions should be restricted only to the giving of their names and topic specialism. There will be no need for any witness to provide an outline of their experience unless that is expressly requested by the ExA.

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 ISH6

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.