



## HEARING AGENDA

### Application by Associated British Ports for an Order Granting Development Consent for Immingham Green Energy Terminal

<b>Issue Specific Hearing 2 (ISH2)</b>	<b>Landside Issues, including draft Development Consent Order</b>	
<b>Date</b>	<b>Wednesday 21 February 2024</b>	
<b>Timings</b>	<b>Hearing Start Time:</b>	<b>10:00am</b>
	Arrangements Conference for virtual attendance online:	09:30am
	Seating for in-person hearing available at the venue from:	09:30am
<b>Location</b>	Stallingborough Grange Hotel, Riby Road Grimsby DN41 8BU	
	Microsoft Teams for virtual attendance online	

#### REQUESTED ATTENDEES

1. Applicant
2. North East Lincolnshire Council (NELC)
3. Natural England (NE)
4. Environment Agency (EA)
5. Health and Safety Executive (HSE)
6. National Highways (NH)

In addition, the Examining Authority (ExA) welcomes involvement from all parties at ISH2. You were required to confirm attendance at ISH2 by Procedural Deadline A, Tuesday 6 February 2024.

#### PURPOSE OF ISH2

At the Hearing we are looking for clarity on the Applicant's strategic approach on the matters listed in the agenda, and parties' views on that approach. We expect the representations at the Hearing to set the scene for the more detailed responses to the ExA's First Written Questions (WQ1) [PD-006].

#### DOCUMENTS

The ExA referred to several documents in the preparation of this agenda, and some of the documents that we will be referring to during the Hearing are listed here. These documents can be located using the Examination Library reference number in [ ] square brackets:



1. Without Prejudice Report to inform Habitats Regulations Assessment (HRA) Derogation [APP-235]
2. Shadow HRA [APP-238]
3. Plan of Potentially Affected Hedgerows and Trees [APP-019 and AS-013]
4. Environmental Statement (ES) Chapter 10: Ornithology [APP-052]
5. ES Appendix 8B – Preliminary Ecological Appraisal Report [APP-181]
6. ES Appendix 8F – Arboricultural Impact Assessment [APP-185]
7. Outline Woodland Compensation Strategy [APP-224]
8. Outline Landscape and Ecology Management Plan [APP-225]
9. ES Appendix 8C: Bat Survey report [APP-182]
10. ES Chapter 2 – The Project [APP-044]
11. ES Appendix 25A – Cumulative Effects Assessment Long List [APP-218]
12. ES Appendix 25B – Cumulative Effects Assessment Short List [APP-219]
13. ES Appendix 25C – Assessment of Cumulative Effects [APP-220]
14. ES Chapter 11 – Traffic and Transport [APP-053, Paragraph 18.8.6]
15. ES Figure 11.5 – HGV Routing to site [APP-102]
16. Draft Development Consent Order (dDC) [version submitted at Procedural Deadline A]
17. Explanatory Memorandum (EM) [version submitted at Procedural Deadline A]

## HEARING FORMAT

The Hearing will be a blended event, whereby the principal means of conducting the Hearing will be face-to-face within the venue cited above. Participants may join online if they wish using the Microsoft Teams platform and, if you have registered to join using this format, the joining link for the virtual Hearing will be sent to parties the day before, or on the day of, each session. Observers may attend in person or can watch remotely via the livestream of the event, the link for which will be published on the project page of the National Infrastructure website on the day of the Hearing. The ExA will not accept representations at the Hearing in the form of video or audio recordings.

The virtual event will be open 30 minutes prior to the start of the Hearing to enable a prompt start. Hearings will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered.

The agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

## AGENDA

The Hearing will start promptly at the indicated time of 10:00am. All other times in the agenda are indicative. The ExA will close the Hearing at 05:30pm, or sooner if all relevant matters have been covered.



## 09:30am Seating available for in-person attendance

1. Registration by the Case Team

## 09:30am Arrangements Conference for virtual attendance

2. Registration by the Case Team

## 10:00am ISH2 (session 1)

- 1. Welcome by Lead Member of the ExA**
- 2. Procedure for running the ISH2**
- 3. Construction Effects**

The ExA will ask the Applicant and participating Interested Parties (IP) questions related to the following matters:

- i. Explanation of the proposed construction timescales for all parts of the Proposed Development, and what assumptions that have been made to inform these.
- ii. Overall approach toward mitigation of construction effects, focusing on, but not limited to:
  - Terrestrial based noise;
  - Air quality and emissions; and
  - Construction traffic, including clarification on proposed road closures.
- iii. Explanation of how construction mitigation measures would be secured, along with how these would be managed and monitored.

### **4. Cumulative Effects**

The ExA will ask the Applicant and participating IPs questions related to the following matters:

- i. Discussion around the Applicant's approach towards cumulative effects and confirmation that both the long list and the short list are suitable.



- ii. Discussion of the cumulative effects of the proposed development with the Immingham East RoRo Terminal (IERRT), with particular focus on, but not limited to:
  - Potential for cumulative construction effects; and
  - Cumulative operational traffic effects.
- iii. Discussion of the potential for any cumulative effects, both during construction and operation of the Proposed Development with the proposed Viking Carbon Capture Storage Scheme.

11:30am

**Break**

11:45am

**ISH2 (session 2)**

## **5. Major Accidents and Hazardous Substances**

- i. How has the Applicant ensured that all scenarios that could lead to a major incident, have been captured and included as part of a quantitative risk assessment. For example, but not limited to:
  - the potential overfilling of an ammonia storage tank;
  - operator error or instrument failure; and
  - other similar scenarios.
- Applicant, what does the inherent risks posed by the handling and manufacture of toxic and highly flammable materials associated with the hydrogen production facility, mean for local residents? How would this impact future planning for the area? The ExA will seek views from NELC and HSE on this matter.
- ii. Competent Authorities, HSE and EA, what measures need to be in place, before the Applicant can start chemical commissioning of the hydrogen production plant? The ExA will seek confirmation from the Applicant on progress and related timescales on those measures and where these have been secured.
- iii. Does the dDCO, need to contain any conditions or restrictions to help manage the risks associated with the hydrogen production facility?

## **6. Traffic and Transport**

- i. Explain how potential traffic impacts have been modelled. For example, but not limited to:
  - the methods used to estimate the number of workers and vehicles during each of the construction phases.
  - derivation of the worst case scenario figure in the ES, 71 HGV movements per day, one-way [APP-053, Paragraph 18.8.6].
- ii. Explanation of how traffic will be managed in accordance with the street works and access plan, ensuring minimal disruption to road users.



- iii. Referring to Works No.10, the ExA seeks details on management of abnormal indivisible loads from the Applicant and NELC.
- iv. What enforcement measures will the Applicant use to ensure drivers will only use designated routes, such as those for HGV vehicles [APP-102, Figure 11.5].
- v. Discussion on the potential traffic impacts with reference to the Relevant Representation [RR-18], on the volume of construction vehicle trips and capacity of the A180/ A1173 junction.

**01:15pm**

**Lunch Break**

**02:00pm**

**ISH2 (session 3)**

## **7. Terrestrial Ecology and Habitats Regulation Assessment**

- i. Update on Bat Emergence Survey and surveys of woodland to establish whether there are any additional potential roosting sites.
- ii. Discussion on the loss of Long Strip, focussing on the proposed compensatory woodland and NELC's position on this.
- iii. Explanation of the qualitative approach that is to be taken to Biodiversity Enhancements. The Outline Landscape and Environmental Management Plan provides details on the proposed enhancements, but does not provide a comparison plan for the baseline situation.
- iv. Potential effects on terrestrial ornithology receptors have been scoped out of decommissioning phase although the landside elements of the proposed development are being decommissioned. Explanation of why further studies and surveys are not proposed to be carried out.
- v. The Shadow Habitats Regulations Assessment does not address decommissioning. Explanation as to why this has not been included and how this will be addressed.

**03:30pm**

**Break**

**03:45pm**

**ISH2 (session 4)**

## **8. Draft Development Consent Order**

- i. Discussion on the submission requirements for dDCO and EM updates, and justification sought for dDCO provisions especially novel drafting.
- ii. Explanation of the discharging process for Requirements and if the drafting in the dDCO "*submitted to and approved by*" is robust enough; specific focus for the discharge of R14.



- iii. How the activities currently excluded in the definition of commence are controlled, monitored and mitigated; the need for a definition for pre-commencement works and an accompanying management plan; views sought from the Applicant and Local Authorities (LA)
- iv. Design related commitments and how these are secured in the dDCO.
- v. Justification of all instances where the Applicant is seeking powers outside the Order limits, including reference to other legislative regimes where such powers might be permitted.
- vi. Explanation of the roles and division of responsibilities and accountabilities of the Applicant and Air Products; explanation of the process, due diligence and risks in Article 46 – Benefit of Order.
- vii. Steps taken to mitigate any risks that surveys, findings and conclusions of the Environmental Statement might be out of date and therefore unreliable given the length of the construction period.

(Matters relating to Compulsory Acquisition and Temporary Possession will be covered under First Written Questions and later Hearings)

## 9. Procedural decisions, review of actions and next steps

## 10. Closing remarks

05:30 pm

Close of ISH2