



HEARING AGENDA

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

Issue Specific Hearing 3 (ISH3)	Marine Side Issues, including draft Development Consent Order	
Date	Thursday 22 February 2024	
	Hearing Start Time:	10:00am
Timings	Arrangements Conference for virtual attendance online:	09:30am
	Seating for in-person hearing available at the venue from:	09:30am
Location	Stallingborough Grange Hotel, Riby Road Grimsby DN41 8BU	
	Microsoft Teams for virtual attendance online	

REQUESTED ATTENDEES

1. Applicant
2. Marine Management Organisation (MMO)
3. North East Lincolnshire Council (NELC)
4. Harbour Master, Humber
5. Maritime and Coastguard Agency (MCA)
6. Immingham Oil Terminal Operators
7. Trinity House
8. CLdN Ports Killingholme Limited

In addition, the Examining Authority (ExA) welcomes involvement from all parties at ISH3. You were required to confirm attendance at ISH3 by Procedural Deadline A, Tuesday 6 February 2024.

PURPOSE OF ISH3

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. Environmental Statement (ES) Chapter 12 – Marine Transport and Navigation [APP-054]
2. Navigational Risk Assessment [APP-191]
3. Navigational Simulation Survey [APP-192]
4. ES Chapter 9 – Marine Ecology [APP-051]
5. ES Appendix 9B – Underwater Noise Assessment [APP-187]
6. Shadow Habitats Regulations Assessment (HRA) [APP-238]
7. ES Appendix 25C – Assessment of Cumulative Effects [APP-220]
8. Without Prejudice Report to Infirm HRA Derogation [APP-235]
9. ES Chapter 16 – Physical Processes [APP-058]
10. ES Chapter 18 – Water Use, Water Quality, Coastal Protection, Flood Risk and Drainage [APP-060]
11. ES Chapter 19 – Climate Change [APP-061]
12. ES Appendices Appendix 18.A – Flood Risk Assessment [APP-209]
13. Anglian Water Services [RR-001]
14. Statement of Reasons [AS-008]
15. Draft Development Consent Order (dDC) [version submitted at Procedural Deadline A]
16. 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 ISH3 (session 1)

1. Welcome by Lead Member of the ExA

2. Procedure for running the ISH3

3. Flood Risk and Coastal Change

- i. Explanation of the temporal scope of the ES assessments in relation to flood risk [APP-060], physical processes [APP-058], and climate change adaptation [APP-061], and whether the approaches taken are robust given that some components of the Proposed Development would remain in perpetuity;
- ii. Explanation of dredging in the context of the information presented in the ES [APP-058] relating to physical processes, including the nature and scale of dredging required as part of the Proposed Development and a comparison with any other dredging regimes within the estuary;
- iii. Clarification about potential changes to EA flood models in 2024, including whether there are material implications for the ES assessments.

4. Water Quality and Resources

- i. What measures would be in place to ensure the risk of significant impacts from potential discharges to the surrounding water courses including the Humber are minimal. This should include but not be limited to containment features and testing regimes as part of the sites overall strategy to minimise the risk of water pollution.



- ii. Explain the non-potable water requirements of the process, from the start of the project to the final phase when all the hydrogen production units are online.
- iii. What options have been explored to source the most sustainable non-potable water supply. If the most sustainable sources will not be used, explain the reasons for this.

11:30am

Break

11:45am

ISH3 (session 2)

5. Navigation and Operational Safety

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

- i. Explanation of the roles and division of responsibilities and accountabilities, including any areas of overlap, in relation to navigational and operational safety of vessels using all facilities on the Humber. Focusing on, but not limited to the following:
 - Harbour Master, Humber;
 - Port of Immingham Statutory Harbour Authority;
 - Trinity House;
 - MCA; and
 - CLdN Ports Killingholme Limited.
- ii. Explanation of how these roles and responsibilities relate to the Proposed Development.
- iii. Identification of any relevant safety codes, management plans, good practice guides, safety measures that the Proposed Development must comply with. Do any fall within the definition of marine policy documents and, if so, how do they relate to Section (s)104 of the Planning Act (PA2008).
- iv. Discussion on the overall capacity within the Humber to accommodate the Proposed Development, including any implications the Proposed Development would be likely to have on shipping services and navigation to and from the Humber ports.
- v. Discussion on the Applicant's Navigational Risk Assessment and Navigational Simulation Survey. Focusing on, but not limited to the overall approach, robustness of conclusions and the suitability and deliverability of identified mitigation measures.

01:15pm

Lunch Break

02:00pm

ISH3 (session 3)

6. Marine Ecology and Habitats Regulations Assessment Matters



- i. Conflicts have been noted in ES Chapter 9, Marine Ecology [APP-051] regarding the proposed piling times and temporal restrictions and these will be discussed to ensure clarity.
- ii. Discussion around the cumulative effects of underwater noise on marine mammals and fish and possible use of noise abatement methods in addition of other mitigation.
- iii. Explanation of the Applicants existing biosecurity management procedures that are mentioned, but not described, in the Shadow HRA Report and how these would be carried out during construction/operation and secured in the dDCO.
- iv. Explanation of Compensatory Habitat at Outstrays to Skeffling Managed Realignment Scheme (OtSMRS) and how this will directly offset identified loss of habitats.
- v. Given that the Applicant's IROPI case places emphasis on green energy, the green credentials of the site and the role that the Proposed Development would play towards meeting the Government's net zero targets, the ExA requires further evidence from the Applicant to demonstrate how the Proposed Development meets these credentials to satisfy the IROPI tests.

03:30pm

Break

03:45pm

ISH3 (session 4)

7. Decommissioning

- i. Clarify the sections of the Proposed Development that would be decommissioned after 25 years of operation.
- ii. Should the operator decide the hydrogen production plant is to continue to operate after 25 years, what plant integrity and environmental impact assessments will they conduct before proceeding.
- iii. How does the dDCO secure the requirements needed before the plant is allowed to extend its operational life beyond 25 years.

8. Draft Development Consent Order

- i. MMO, provide justification for the drafting change you are seeking in Schedule 3 Draft Deemed Mariner License (dDML).
- ii. Details of the 1869 leasehold interest obtained by the Applicant [AS-008, Paragraph 3.9], time period obtained for, the allowable works under the leasehold, corroboration from the relevant Crown Authorities.



(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 ISH3