



## HEARING AGENDA

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

<b>Issue Specific Hearing 5 (ISH5)</b>	<b>Landside Issues, including draft Development Consent Order</b>	
<b>Date</b>	<b>Wednesday 10 April 2024</b>	
	<b>Hearing Start Time:</b>	<b>10:00am</b>
<b>Timings</b>	Arrangements Conference for virtual attendance online:	9:30am
	Seating for in-person hearing available at the venue from:	9:30am
<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. PD Port Services Limited
6. Polynt Composites UK Limited
7. Northern Powergrid
8. Anglian Water
9. Network Rail
10. Cadent Gas

In addition, the Examining Authority (ExA) welcomes involvement from all parties at ISH5. You were required to confirm attendance at ISH5 by 3 April 2024.

#### 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 [REP1-008]
2. Shadow HRA [REP1012]



3. Plan of Potentially Affected Hedgerows and Trees [APP-019 and AS-013]
4. Draft Woodland Compensation Plan [REP1--68]
5. Applicant's Response to Written Questions (Responses to Q1.4 Design) [REP1-025]
6. Applicant's Response to Written Questions (Responses to Q1.7 Landscape and Visual) [REP1-028]
7. Applicant's Response to Written Questions (Responses to Q1.13 Construction Effects) [REP1-034]
8. Applicant's Response to Written Questions (Responses to Q1.16 Cumulative Effects and In-combination Effects) [REP1-037]
9. ES Appendix 25C – Assessment of Cumulative Effects [APP-220]
10. Cumulative Effects update Assessment – EN070008 Viking CCS Pipeline [REP1-043]
11. Draft Development Consent Order (dDCO) [REP-016]
12. Explanatory Memorandum (EM) [REP-004]
13. Draft agreed SOCG between ABP and NELC [REP1-047]
14. NELC Draft Local Impact Report [REP1070]
15. NELC Responses to EXA WQ1 [REP1-072]

## 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 webpage 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 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.

At the Hearing the ExA is looking for the Applicant, Statutory Parties and Interested Parties to provide additional evidence to what is already in Examination. The ExA may also request parties to provide an explanation or clarification of evidence and representations submitted previously. The ExA will lead on the questioning, not allow repetitive representations, and not allow cross questioning.



Should you wish to present Audio-Visual material at the Hearing, these must be submitted into the Examination prior to the Hearings, so the ExA has had a chance to review the material and approve it for the Hearing.

## AGENDA

The Hearing will start promptly at the indicated time of 10:00am. The ExA will close the Hearing at 5:30pm, or sooner if all relevant matters have been covered. A lunch break will be taken about 1.00pm and mid-morning and mid-afternoon breaks will be taken where appropriate.

### 9:30am Seating available for in-person attendance

1. Registration by the Case Team

### 9:30am Arrangements Conference for virtual attendance

2. Registration by the Case Team

### 10:00am ISH5

- 1. Welcome by Lead Member of the ExA**
- 2. Procedure for running the ISH5**
- 3. Terrestrial Ecology and Habitats Regulation Assessment**
  - i. The ExA welcomes the SOCG with NELC [REP1-047] and looks forward to updates at later deadlines. We will be asking questions on some of the matters still denoted as Amber
  - ii. The ExA welcomes the SOCG with NE [REP1-052] and looks forward to updates at later deadlines. We will be asking questions on some of the matters still denoted as Amber
  - iii. Discussion on Woodland Compensation, including but not limited to progress on agreements, impact of potential loss of part of the Manby Road site to Viking CCS
- 4. Landscape & Visual and Design**
  - i. Discussion on additional viewpoints and photomontages requested to be considered and assessed.
  - ii. Clarification and discussion on plans provided in Responses to WQ1 – Design [REP1-025]



- iii. Discussion on design in relation to West Site.

## 5. Construction Effects

- i. The ExA will ask the Applicant and IPs questions relating to Work No 9, temporary construction compound, focusing on:
  - Why this location was chosen, what are the benefits in using this land and why no alternatives were considered.
  - Traffic impact from its use, focusing on its relationship with surrounding land use and businesses.
  - Proposed mitigation measures from any environmental effects arising from its use and how these measures would be secured, along with measures for re-instatement of land once construction work has been completed.

## 6. Cumulative Effects

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

- i. Cumulative transport effect with IERRT and VCCS and clarification on the Applicants submitted assessment at Deadline1.
- ii. Cumulative socio-economic effects with IERRT and VCCS, to include employment and housing-related issues.

## 7. Draft Development Consent Order

- i. The Applicant will be asked to provide a brief overview of the recent changes to the dDCO and the EM.
- ii. ExA will ask questions of the Applicant and IPs in respect of Articles and Schedules of the dDCO, including:
  - Interpretations.
  - Article 3 – Update on discussions with NELC, Environment Agency and Harbour Master.
  - Article 9 – Justification of need for article and exploration of NELC concerns.
  - Article 19 – Justification as to whether the 14 period is sufficient.
  - Article 21 – Need for Article, especially given its exclusion from a number of recently made DCOs.
  - Article 30 – Removal of repetition.
  - Schedule 8 – Temporary prohibition or restriction of the use or diversion of streets or public rights of way.
- iii. The ExA will ask questions of the Applicant and IPs in respect of Schedule 2, in particular;



- Interpretations – Discussion and justification for changes to term ‘commence’.
  - R5 – Explanation of changes and is there a need to define ‘begin’.
  - R9 – Discussion around proposed working hours and justification. for 72 hours notification period and whether this should be reduced.
  - Clarification whether tailpiece drafting convention is consistent with guidance in Nationally Significant Infrastructure Projects - Advice Note Fifteen: Drafting Development Consent Orders 2018.
- iv. The Applicant and IPs will be asked to provide an update on progress regarding the bespoke Protective Provisions set out in Schedule 14, an explanation of any important differences of view and a timescale for resolution.
- v. The Applicant and IPs will be asked to provide an update on new Protective Provisions in relation to;
- CLdN Killingholme.
  - North East Lindsey Drainage Board.

## **8. Procedural decisions, review of actions and next steps**

## **9. Any other business**

## **10. Close of Hearing**