



## HEARING AGENDA

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

#### Issue Specific Hearing 6 (ISH6) Landside Issues and Strategic Matters, including draft Development Consent Order

<b>Date</b>	<b>Tuesday 16 April 2024</b>	
<b>Timings</b>	<b>Hearing Start Time:</b>	<b>10:00am</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)

In addition, the Examining Authority (ExA) welcomes involvement from all parties at ISH6. You were required to confirm attendance at ISH6 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. Draft Development Consent Order (dDCO) [REP1-016]
2. Explanatory Memorandum (EM) [REP1-004]
3. NELC draft Local Impact Report [REP1-070]
4. Applicant's Responses to Relevant Representations [REP1-021]
5. Applicant's Responses to the ExA's First Written Questions (Q1.2. Principle of Development) [REP1-023]
6. Applicant's Responses to the ExA's First Written Questions (Q1.3. Climate Change) [REP1-024]
7. NELC Responses to the ExA's First Written Questions [REP1-071]



## 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 ISH6

1. **Welcome by Lead Member of the ExA**
2. **Procedure for running the ISH6**
3. **Strategic Matters including but not limited to Nationally Significant Infrastructure Project Thresholds and Need Assessment.**
  - i. Operative wording under s24(2) of the PA2008 and whether the Proposed Development has the handling capability to embark or disembark the relevant quantity of material.
  - ii. ClientEarth<sup>1</sup> and Scarisbrick<sup>2</sup> judgements, and whether it is open to the ExA to exercise planning judgement about what weight should be given in favour of the Proposed Development depending on the nature and scale of its contribution to satisfying the national need for additional port capacity.
  - iii. Securing benefits, including but not necessarily limited to, the Applicant's contention that there is no legal requirement that benefits which are to be considered and given weight by the decision-maker need to be somehow legally secured.

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<sup>1</sup> R (ClientEarth) v Secretary of State for Business, Energy and Industrial Strategy [2021] EWCA Civ 43

<sup>2</sup> R (on the application of Scarisbrick) v Secretary of State for Communities and Local Government [2017] EWCA Civ 787



## 4. Climate Change

- i. Discussion about how downstream and upstream effects should be treated in the application.
- ii. Whether the potential for other types of liquid bulk cargos is sufficiently restricted by the need for future consents or whether additional controls within the dDCO are necessary to achieve certainty about environmental effects.
- iii. The potential for carbon dioxide imports and CCS are given positive weight in the ES despite the need for additional consents. As such, in the interests of consistency, should the potential for other types of liquid bulk cargo also be given appropriate weight in the ES, despite the need for additional consents?

## 5. Decommissioning

- i. Discussion of Operating Life Technical Note [REP1-036, Appendix 1] including the implications for the Examination.

## 6. Socio-Economic Effects (Continued)

- i. What measures will the Applicant take to confirm their commitment of priority being given to local residents for any jobs created by the proposed development?
- ii. Has the Applicant conducted an impact assessment on the homeless in the region when construction is at its peak. With many workers requiring accommodation in nearby hotels, does this have the potential to affect the homeless, who may otherwise rely on this type of shelter?
- iii. Article 14 (1) of the draft Development Consent Order states “The undertaker may use any private road within the Order limits”, which private roads is the Applicant referring to.

## 7. Traffic and Transport

- i. A number of options exist for the installation of a culvert, utilities connections and other works on Laporte Road. How will the Applicant ensure traffic impacts associated with these works, will form part of the assessment to decide on the most appropriate option and how will this option be secured in the draft Development Consent Order?
- ii. Does NELC envisage traffic build up on Laporte Road during the construction phase of the proposed development? If yes what



measures would you be seeking in the Travel Management Plan, to reduce this impact.

- iii. The NELC Local Impact Report states their Highways team have raised some concerns, what are these concerns?
- iv. Has the Applicant modelled traffic impacts, in the event offsite evacuation is required? This may be due to an emergency response required for an incident at their own site, or at a neighbouring facility.

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

## **9. Any other business**

## **10. Close of Hearing**