



## HEARING AGENDA

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

#### Compulsory Acquisition Hearing 1 (CAH1)

<b>Date</b>	<b>Thursday 11 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 – including representatives of the Applicant who are in a position to discuss the matters on the agenda
2. North East Lincolnshire Council (NELC)
3. Those Affected Persons (APs) wishing to speak
4. Any Statutory Bodies who wish to speak

In addition, the Examining Authority (ExA) welcomes involvement from all APs at CAH1.

You were required to confirm attendance at CAH1 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. Book of Reference [APP-008]
2. Statement of Reasons [AS-008]
3. Funding Statement [APP-010]
4. Land Plans [APP-015]
5. Land Rights Tracker: Individual Landowners Compulsory Acquisition Schedule [REP1-040]



6. Land Rights Tracker: Statutory Undertakers Compulsory Acquisition Schedule [REP1-041]
7. Land Rights Tracker: Crown Land Schedule [REP1-042]
8. Draft Development Consent Order (dDCO) [REP1-016]
9. Explanatory Memorandum (EM) [REP1-004]

## 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 CAH1

1. **Welcome by Lead Member of the ExA**
2. **Procedure for running the CAH1**
3. **Applicant's strategic case for Compulsory Acquisition and Temporary Possession**
  - i. Purposes for which the Compulsory Acquisition and Temporary Possession powers are sought, in line with s122(2) of the Planning Act 2008;
  - ii. Consideration given to all reasonable alternatives to Compulsory Acquisition and Temporary Possession;
  - iii. Summary of reasons why the Compulsory Acquisition and Temporary Possession rights to be acquired, are necessary and proportionate;
  - iv. Having regard to section 122(3) of the Planning Act 2008, whether there is a compelling case in the public interest for the Compulsory Acquisition in relation to:
    - a. the need in the public interest for the project to be carried out; and
    - b. the private loss to those affected by compulsory acquisition.
4. **Draft Development Consent Order**
  - i. The Applicant to set out briefly which draft DCO Articles engage CA and TP powers.



## 5. Human Rights

- i. Regard given to Articles 8 and 6 of the European Convention on Human Rights and Article 1 of the First Protocol, highlighting any specific cases where interference of Human Rights needs to be brought to Examining Authority's attention
- ii. The weighing of any potential infringement of European Convention on Human Rights against the potential public benefits if the Order is made

## 6. Applicant's update on the Land Rights Tracker

- i. Progress on negotiations, highlighting outstanding objections.

## 7. Affected Persons' site-specific Representations

The ExA will give an opportunity to Affected Persons listed here and any others, to make an oral representation in addition to any submissions that are already in Examination. It is not essential to make an oral representation if you feel that the matters that you wish to raise have been covered in your submission(s) so far.

Whether or not an oral representation at CAH1 is made, you can continue to provide written submissions at relevant Deadlines and oral representations at subsequent Hearings (if they are held). The ExA will invite the Applicant to respond to each representation individually in this agenda item, in addition to the general update in Agenda item 9.

- The Elvans Family (represented by Holmes and Hills Solicitors)
- Any other APs present at the Hearing who wish to speak

## 8. Consent for the inclusion of the Crown land

- i. Update on getting consent for the inclusion of the Crown land
- ii. Timetable identifying key milestones towards reaching agreement (in relation to the Examination timetable)
- iii. Likelihood and implications of agreement not reached before the close of the Examination

## 9. Representations from Statutory Undertakers

- i. The ExA will give an opportunity to any Statutory Undertakers wishing to make an oral representation in addition to any submissions that have already been submitted into Examination;



- ii. The Applicant to summarise progress on negotiations with Statutory Undertakers, including:
  - detailed responses to specific matters raised by statutory bodies;
  - highlight areas of disagreement and a timetable identifying key milestones towards reaching agreement (in relation to the Examination timetable); and
  - outline the likelihood and implications of not reaching an agreement before the close of the Examination.

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

## **11. Any other business**

## **12. Close of Hearing**