

ISH5 Pt1

0:02

Good morning, everybody.

0:04

Now 10:00 and it's time for this hearing to begin. So I'd like to welcome you all to this issue specific hearing for the application made by Associated British Ports for an order granting development consent for Immingham Green Energy Terminal.

0:17

I think everybody can probably hear me, but just to just to check brilliant and and can I just confirm with the casting where the live stream and the recording of the event has commenced? I can confirm that the live stream is up and running and recording has commenced. Great. Thank you very much for that. My name is Adrian Hunter and I've been appointed by the Secretary of State to be the lead member of the panel to examine this application. Just before I run through some housekeeping matters and preliminary matters, I'm just going to ask the rest of the team to, to introduce themselves if they could please.

0:49

Good morning. I'm Karen Taylor, and I have also been appointed by the Secretary of State as a member of this examining authority.

1:00

Good morning. I'm Catherine Metcalfe, and I've also been appointed by the Secretary of State as a member of this Examining Authority.

1:09

Good morning. My name is Liam Paige and I've also been appointed by the Secretary of State as a member of the Examining Authority

1:17

thank you and and as yesterday Mr Sheikh who's the 5th member it's unfortunately unable to join us today but he will be joining us tomorrow although it will be virtual tomorrow but then he'll be here for the rest of next week as well. So just to just to let you know so together we all constitute the examining authority for the application and just want to deal with a few housekeeping matters for those in the room. If I could Please remember to sort of turn mobiles to silent that would be much appreciated and as far as we're aware no fire drill is proposed. If the alarm does sound, we exit by the nearest exits and

1:47

and congregate on the the lawn which is in the sunshine today as opposed to the the rain yesterday.

1:54

Just like to apologise to those. If you could just bear with me a few minutes. I've just got some some housekeeping notes that I must just run through for people who may not have been with us at previous hearings as well. So I just want to to run through some introductory matters and the agenda that sorry the meeting will follow. The agenda that was published on the National Planning

Infrastructure website on the 2nd of April and the Examination library reference number for that is EV7001 and it will probably help if you've got a copy of that in front of you.

2:22

The agenda is for guidance only and we may add other considerations or issues as we progress. We'll conclude the hearing as soon as all relevant contributions have been made and all questions asked and responded to. But if the discussions can't be concluded, then it may be necessary for us to prioritise matters and defer other matters to written questions.

2:41

Likewise, if you cannot answer the questions being asked or require further time to get the information requested, then please indicate that you wish to respond in writing.

2:50

It's our intention to take a mid number of breaks throughout the day. We'll probably aim for a mid morning break about 11:30-ish and aim to have a break for an hour at lunch about 1:00 if needed. We'll also have a mid afternoon break as well.

3:03

My final point on the agenda just relates to post hearing action notes and prior to the close of the hearing as we've done at other hearings, we intend to go through the entire hearing list of actions which will then be issued as soon as practical after the close of today's hearing.

3:18

Today's hearing has been unsettled in a hybrid way, meaning that some people are joining us online and some of us are joining sort of virtually sorry, some are in the room and some are joining virtually.

3:29

For those people anybody watching on the live stream can. I also advise that when we do take a break in proceedings and we will have to stop the live stream to give us clear recording files and to rejoin, you may well need to recommend. When we recommend, you may well need to refresh your browser to review the restarted stream.

3:47

And again, just for purposes of identification on the recording and ease of reference as well, when we do speak, if you could identify your name and who you represent as well.

3:57

Does anybody have any questions on, on that process that I've just sort of outlined?

4:03

No, that's great. Thank you.

4:05

Just like to sort of just say a few words about data protection, if I could as well. And just like to make you aware that today's event is being both live streamed and recorded. The digital recordings that we make are attend and publish and they form a public record that can contain your personal information to which the General Data Protection Regulation applies. The planning inspectors practise is to retain

and publish recordings for a period of five years from the Secretary of State's decision on the Development Consent Order. Therefore, consequently, if you do participate in today's hearing, it is important that you understand that you'll be recorded

4:39

and that you therefore consent to the retention and publication of the digital recording.

4:44

It's very unlikely that we will ask you to put personal or sensitive information into the public domain. Indeed, we would encourage you not to. However, if for some reason you feel that it is necessary for you to refer to sensitive information, we're encourage that you speak to the case team in the first instance and we can then explore whether the information can be provided in a written format which can then be redacted before it is published.

5:06

Does anyone have any comments or questions in relation to to GDPR and the process? No. Excellent.

5:12

And then briefly, I just like to explain the purpose for today's issue specific hearing and it's being held to explore a number of matters orally in respect to various landside environmental issues. Along with the Draught Development Consent Order, our purpose today is examining the information submitted by the applicant and also by interested parties and others.

5:31

And as a result I just like to assure you that we are familiar with the documents that have been sent in. So in answering questions you do not need to repeat in length something that's already been submitted in preference. If you could just give us the the Pins Examined Examination Library reference number, that would be most helpful.

5:49

So just before I move on to introductions of the parties, can I just check if anybody's got any comments on on that process? No.

5:57

Excellent.

5:59

So if you can just move on to to introductions. And so when I do ask you a name, you could state your name, who you represent and it's anybody you are looking to bring forward and any items that you're looking to, what items you're looking to speak on. And if I could start with the applicant, please. Good morning, Sir. My name is Hereward Phillipott Kings Council. I'm instructed jointly by Bryan Cave, Leighton Paisner on behalf of the applicant Associated British Ports and Charles Russell Speechley's on behalf of Air Products. And I'll be calling a number of additional speakers

6:30

during the course of the hearing. And if I just identify them now, four of them will be familiar to you and their credentials are on the table put in at deadline one, that's Rep 10451 will not be and

therefore will need to provide an update to that table at deadline three. And that that will pick up any other new speakers from the this round of hearings. So on my right I've got Alan Lewis

7:02

from acom. To his right, Doctor James Riley from acom. Dr Riley's credentials will need to be added. Doctor Riley is a technical director within the ecology team at acom. And then to his right is Mr Tymon Robson from Air Products and to his right Simon Tucker from DTA Transport Planning Consultants. And then sat on the back row at the moment is Mr Adam Varley

7:35

from ABP. And I expect that that will be the full roster for the purposes of today.

7:43

Excellent. Thank you for those introductions. That's helpful. And if I could now move on to interested parties and start with the NE Lincolnshire Council.

7:51

Yeah. Thank you, Sir. Richard Limmer from NE Lincolnshire Council Senior Planner. Thank you. Good morning. Thank you very much.

8:00

And then we also have a number of other people who have registered as well who I think may well be joining us online. So if I could start with Mr Sweetland from Anglian Water.

8:14

Good Morning, Panel Dance, Wickland from Anglian Water.

8:18

Good morning, Mr Sweetland.

8:21

And then I think we might have a Mr. Brown from National Highways who again I think joining us online

8:28

Good morning Simon Brown from National Highways good morning Mr. Brown and and we also had registered Immingham oil terminal but I'm not sure they're

8:40

online.

8:43

OK that's that's fine. If you do join and you could the case team ensure will give me an odd that's brilliant. Thank you very much. And is there anybody else in the room who I've not mentioned, who is indicated they wish to speak today or anybody online for that matter

8:58

now? OK. So finally just before I move on to item 3, just to remind you that this is a public examination. Therefore, even if you haven't identified that you wish to speak, if there is a point that you wish to make, please feel free to indicate that the relevant time and we wish we will come to you to to make your contribution.

9:16

Well that that concludes items one and two on the agenda. So I think what we'll do now is move on to item 3 and I'll hand over to to Miss Metcalf who's going to lead on on this item.

9:32

Thank you, Mr. Hunter. We'll now be moving on to Agenda item 3, Terrestrial Ecology and Habitats, Regulations, Assessments.

9:39

I'll be referring to several documents from the examination library during the session and we'll refer to these as we go.

9:51

Missing mouse.

9:56

Thank you. The XA acknowledges the progress made and welcomes the update. And excuse me, with in regards to the statement of Common Ground with Northeast Lincolnshire Council, it's clear that many issues have been agreed and that there's positive discussion on others for which we await the updates at deadline. 3

10:16

of the items noted in Amber, NC 2 is regarding the loss of the long strip woodland and a plan was requested by NE Lincolnshire Council. And please could you confirm whether this plan has been provided and if there's any updates on that?

10:38

I'm sorry for

10:41

Let's go to the applicant first and then N thank you Madam Howard Philpott, Kings Council on behalf of the applicant and for the purpose of this first sub item and item three, I'm going to turn to Mr. Lewis and ask him to deal with these matters.

10:59

Hello Madam Alan Lewis for the applicant. Yeah, just to confirm that the draught Woodland compensation plan, which I think is the document that is relevant in relation to NC 2. It's certainly relevant to NC three that has been shared. Well, it was submitted at deadline one, but it's also been shared with NE Lincolnshire. They may be able to say more, but they have reviewed that they have prepared to give us a number of comments which we're actioning. We intend to submit

11:29

an updated version of that document at deadline 3.

11:36

The comments that we've had to date have been modest in relation to planting mixes etcetera. But I think in broad terms, I've got a quote I think from the tree officer at NE Lincolnshire, the tree and woodland officer, Paul Chaplin, who's reviewed the plan in detail and provided comments. And a couple of the comments are as follows. The long strip I'm in print in principle I've no fundamental objections to the proposal and he makes similar comments in relation to Manby Rd, the proposals there as well.

12:08

So a quite a positive response. I mean, Nelk may be able to say more about that, but that's the position as we understand it at the moment.

12:17

Thank you. NE Lincolnshire, do you have any comments on that? Thank you.

12:23

Thank you. Richard Lemon, NE, Lincolnshire Council. Very much as Mr. Lewis has outlined, we're in those positive discussions and there the updated woodland planting strategy was reviewed by our Tree officer, Mr Chaplin, who's put those comments through and we're hoping to continue those discussions to to come to an agreement and hopefully before deadline three I think. Thank you.

12:50

Thank you. That leads into a another question, but it's it's regarding the Manby Rd site and the Viking CCS and the potential loss of part of that site.

13:04

I've seen the Woodland strategy document.

13:11

So I think you've really covered that question in terms of the ongoing ongoing discussions that you're having.

13:19

There was a there was a certain point about

13:23

woodland, sorry, the important grassland habitat that was present on the Manby Rd site and that would render it not suitable for planting and also the off off site compensatory woodland area, a battery battery street. I wonder if you could just talk me through how, how those discussions are going and if there's any updates please.

13:49

Alan Lewis again for the applicant. Yes, in relation to the grassland, we've come up with a proposal which does retain an element of the grassland as as a sort of woodland glade and optimised the planting. The the planting extends is nought .63 hectares as far as I understand it, which equates to about nought .64 hectares which has been lost from the long strip. So it's a it's a similar quantum but we are retaining an element of the grassland. I think there is a plan

14:20

in, I think it's Figure 3 in the draught woodland compensation plan which explains the the, the, the extent of the planting that that's suitable for the woodland. But we can provide further details on that if that would be of assistance.

14:40

Ohh, sorry, I'm just reminded by the Casey, there's a need to cover the Battery St point. The Battery St point is referenced in the woodland compensation plan. We are in discussions with NE Lincolnshire on the exact quantum of provision there. That provision relating to the extent of woodland planting and any any any funding that would be due to to support that. And I think we're in agreement with NE Lincolnshire that that would be suitably

15:11

dealt with fire a 106 agreement.

15:15

Does that answer the question, Madam?

15:19

Thank you. Yes, it does. And just to confirm, is that your understanding as well, NE links. Thank you, Richard Limo, NE links Council. Yes, that's our understanding. We're in those positive discussions and to get that finalised. Thank you.

15:33

Thank you. I think we, I think that we were expecting that a deadline three anyway that the agreement that was reached. So are you still on on track for deadline three, do you think

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all of the applicant, yes, I think we're on track for deadline three. As I said, I will do a note on the the specifically on the grassland point because it may be that's not covered explicitly in the woodland plan because that is very much a woodland plan. But we do, we do note the, the, the presence of the grasslands.

16:06

Just a quick clarification for me if I could. I think you mentioned Section 106, which we also talked about yesterday. Yesterday. Just to help us, they're two separate Section 10610 sixes, if that's the plural for one. Oh, sixes.

16:21

My understanding is that that would be two separate 106 obligations that that that's the indication I'm getting. That doesn't surprise me because as I understand it, there'll be different parties involved in the two documents.

16:41

Thank you. You you mentioned Mr. Lewis, the some of the figure in the draught woodland compensation plan

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have to say in that document they've been reproduced at such a scale that I couldn't make out any other writing on them. So I wonder please could you actually issue those separately as separate plans and if those could be provided at deadline 3,

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if we could make an action point for that effect. Thank you Alan Lewis for the applicant. I can confirm that we will provide those that are suitable scale and apologies if they were not a reader eligible scale in the original submission.

17:16

Thank you.

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Also just on the woodland

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in general

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written question, our written question 1.5, point 4.6 was regarding the value or not of the existing woodland at the east side and the ammonia storage site.

17:42

You clarified, thank you the distinction between the arboricultural report grading and the Ornithology report grading which is understood now

17:54

NE links in their response to that question. And they said they were still investing the questions of woodland fragmentation and assessment of the potential habitats and also the root protection areas for the trees within the long strip South. And that a site visit was to be set up between yourselves for further consideration of these matters. Can you confirm, I'll go to North East links first? Can you confirm whether this site visit has taken place or whether it's still planned?

18:24

Thank you Richard Lemmer NE Links Council. It's still planned. It hasn't taken place yet, but it's planned to take place as soon as possible.

18:39

Thank you. And do you think that you will be able to provide a response to that at deadline three or depends on your the timing of the site visit I'm guessing.

18:52

Thank you, Richard Lemon, NE Links Council.

18:55

I would anticipate it is possible to do that by deadline three, yes. And obviously it just depends as to when we can get that site visit finally programmed in, but also then the findings of the site visit and getting those sort of discussed and agreed internally first. But we'll endeavour to do that for deadline 3. Thank you.

19:21

Apologies, we have flipped around slightly with my with my question. So I'm now back on the statements of common ground with NE Lincolnshire.

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I note that there's um,

19:37

sorry,

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NE Lincolnshire. There was three items on the statement of Common ground that related to terrestrial ecology and Ornithology, and these are NC 1, NC 6 and 0 O1. And on those your position isn't indicated in the statement of Common Ground. I wonder whether you're either able to give us an update today or whether we can expect a position on those at deadline 3.

20:11

Thank you, Richard. Lemon NE links council

20:14

I think on those points and we anticipate to be able to make those sort of green on the statement of common ground for deadline 3.

20:25

They hadn't been made green today just through getting final comments from our ecologist on them, but I've now got those. So I'm confident we can do that by deadline three and the update for the statement of common ground. Thank you.

20:41

Thank you for that. And in addition to the to those items on terrestrial ecology, there's two other items under historic environment that are marked at amber

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again which don't have your position on them. I'm afraid I haven't made a note of the item numbers but if you could have a look through and again provide an update by deadline 3.

21:02

Yes, thank you Richard limit NE links council and yes we will do for for deadline 3 on those and again anticipate them being made green. Thank you. Thank you. That's great.

21:22

Turning now to the statement of common Ground with Natural England,

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we discussed this briefly yesterday and

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obviously we're still awaiting an update from Natural England before we can really get into this in detail.

21:42

We looked briefly at the two areas that still have adverse effects on integrity and I just wondered whether you were able to provide any updates on those. That was the airborne airborne noise and visual disturbance on qualifying species and also the

22:01

well the underwater knows we should have covered yesterday. But the yeah, the

22:07

airborne noise and visual disturbance during construction and decommissioning on qualifying species of coastal waterbirds. Whether you had any updates,

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I don't know. For the applicant I'm I apologise. We haven't prepared particularly for that, that diverting into Ornithology or or in relation to the Natural England

22:33

statement of common ground and we will prepare a written response if that's acceptable to the panel.

22:42

It it looks like we may we may be able to be saved

22:47

on this occasion by Natalie Frost you heard from yesterday who who has the relevant expertise on these matters. Just to explain we had anticipated in respect of the amber items under this particular heading the land side would be primarily to do with the air quality matters and that's what Doctor Riley was here to deal with. So we were that's why we were slightly wrong footed by the question. But I think Miss Frost may be able to help if I can just interject, yes. Apologies I think that was

23:18

I I made a mistake there with with with that but thank you if you could answer respond to that it just just diverting slightly in terms of the air quality issues.

23:34

I I want to wait until I've heard back from Natural England really before we actually get into that in too much detail because I don't think until we've heard back from them regarding their concerns. I'm not sure that there's too much to ask at this point. Thank you. Yes Harry would Philpott Casey on behalf of the applicant that that that seems sensible. We we have had obviously prepared to speak to and answer questions on the matters that we've put in. But you're right that we are effectively waiting for a response to

24:05

to what we've said. So I'm very happy to go with that approach. So I won't delay Miss Frost any longer.

24:15

Natalie Frost on behalf of the applicant. So I can confirm in relation to the the disturbance issues that we've provided now provided Natural England with all the additional information they've required. So that's been in in relation to the presentation of the baseline data, so that they've got the full full suite of that in the format that they've requested. We've provided additional evidence in relation to the effects and why we believe that there will be no adverse effect on integrity as a result of those particular pathways. That includes some additional

24:47

noise monitoring that we've undertaken to confirm background noise levels within that location and again further evidence in relation to the effectiveness of our proposed mitigation measures. So all of that suite of information will be is with Natural England and we will be having a further meeting with them next Monday in order to to discuss this further.

25:13

Thank you very much.

25:16

Again, I think we need to wait for their response back at Deadline 3 and it may well be something that we explore further through written questions.

25:33

And while Doctor Riley is here and would you like to make any comments on those Amber issues on, on air quality?

25:43

Thank you. Yeah. Doctor James Riley on behalf of the applicant, yes. So in summary, there are three key points on air quality that we are, we have sent further information back to Natural England and it was in our deadline one response which we're waiting on feedback from them. The first one was with regard to the appropriate zone for impact assessment of construction vessels where we've used 3 kilometres zone and basically there are no sensitive receptors within 3 kilometres of the construction vessel

26:16

areas. So on that basis we we screen it out. Natural England have acknowledged there is no formal guidance on a zone for shipping, but they referred us to the environment agencies guidance for permitting which is 10 kilometres. However, that is for things like power stations things have big stacks, big emissions that that deliberately push pollution over a very large area. So we've argued, we don't think that's appropriate. What we have also done is we have sourced while there is no

26:49

guidance in terms of planning applications, Defra has produced guidance for their local air quality management areas for local authorities which has A1 kilometre zone for large shipping and we are using 3 kilometres for construction vessels which generally be smaller shipping so. So we're hopeful that that that will give Natural England the confidence that there is some advice out there and the

tower approach is precautionary. So that's that's the approach to that one. The second one was with regard to they wanted us to confirm

27:21

from survey data or similar that the two areas O, E1 and OE. Two, I think it is for air quality that we've identified that the the higher critical load for saltwater would be more appropriate in those those locations, those being the two locations that would be affected by the development. If we use the 20 kilogrammes per nitric hectare per year threshold, then total margin deposition is below the threshold. So there would be no issue there. Anyway, they asked us to provide some some

27:52

survey data to confirm that the habitat in that area is appropriate for that. We provided those data in our response to the relevant representations in the SCG. They've said thank you for the additional information and that they will provide further information deadline one, but in their deadline submissions they basically repeated what they said in the relevant Rep So I think they probably don't have time to look at the data. So we have a call with them next week to to bottom that out. But obviously we're we're using Natural England's own survey data which is better than the data they've asked us to use. So we're hoping that will close that issue out, but we should be resolving that next week. And the third one was

28:24

regard to Hatfield Ditches Triple SI where they have asked us to consider a potential for in combination effects. This is in relation to the M180 which sits within 200 metres of the Triple SI. We haven't assessed impacts on that Triple SI for this application because the traffic movements due to the project will be so small much smaller than I get which is sorry I hurt which was another project where where we did or it was looked at for in combination effects there and I think that's where naturally were coming from.

28:57

So we shared that that I I at a analysis that was done there for cumulative effects or in combination effects. We are also going to share with Natural England confirmation of how small the change in vehicle numbers is with regard to I get because all the way across on the M180 based on the data we have. I don't believe that that the change would be visible in any air quality modelling which would be the definition of diminish really. So that will be discussed with them next week and hopefully that will close that issue down. But obviously you'll want all this in writing, but that's that's my summary of the current status with those.

29:33

Just a question from me, sort of a hypothetical question. A lot of that depends on the the agreement being reached. What would your position be if

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the agreement isn't reached? So if perhaps the zone in terms of your 3 kilometres, they come back, I know we insist on the 10 kilometres or what? They don't accept your arguments on those points. What what? What would your position be on on those matters

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with regard to the three kilometre point? If they insisted on 10 kilometres, we could model 210 kilometres

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because the operational shipping effects have already been modelled over a larger zone anyway and we are obviously concluding an adverse effect on integrity from construction vessels. Logically we should also be able to conclude an adverse effect on integrity cause the effect will be significantly smaller than the operational effect, but obviously we need to model that. So that would be that one. With regard to the second one, if they didn't accept it, I think well first of all we'd want probably send somebody out there just to confirm what the habitat is just to affirm that it is the the

30:34

suitable for the upper critical load. If for some reason they still did not accept that we have default model with the lower critical load anyway and a key part of that which is set out in the HR report is that even using the the low so take a step back. So so the the scenario that causes the potential issue if you like would be more pole two. So assuming all the way, we've modelled 2 scenarios, one assuming all the bells are Marpole 3 which is which is better? One assuming they're all Marpole.

31:06

In reality there will be a mixture, you won't have all the vessels being one type or the other, but we can't say exactly what that mixes. So we've just assumed to be most precautionary that everything with Marple too. So the modelling we've done almost certainly exaggerates what the impact would be and that sort of worth is bearing in mind. Even doing that we have modelled so that the threshold for numerically dismissing effects is 1% of the critical load. Using the low critical load, our worst case emissions are 2% of the critical loads are only just above that threshold anywhere. Using more pole 2 for everything and it wouldn't all be Marpole 2, so we'd actually be much lower.

31:38

And the other point is that as we mentioned the HR report, there is also guidance produced by national highways obviously for shipping, but it is relevant for nitrogen deposition and and significant effects where they are in their guidance they advised that any deposition below nought .4 kilogrammes of nitrogen hectare per year would not be an adverse effect on integrity. And naturally in them certainly except that another DC as I've worked on recently and they haven't upped now said they don't agree with that statement on this project. Our maximum deficit is nought .2. So we're below that threshold. So, so

32:11

I don't believe our argument is is hinged totally on this 20 kilogrammes of nitrogen hectare per year figure. I think we would still be concluding an adverse effect on temperature otherwise. So. So that would be my stance if we continue to have these issues with Natural England that's how we'd respond. So. So in effect what you're saying is that even if you were asked to to to go to those extremes the overall conclusions that we're that we have in front of us at the moment wouldn't wouldn't change. Doctor James Riley on behalf of the applicant. That's correct. Yes,

32:56

thank you for that, Doctor Riley. That was a really useful run through of those points.

33:02

Umm, All right, that concludes Agenda item 3. So I'll now move on to Agenda item 4, Landscape and Visual. Design. Landscape and Visual and Design matters,

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right? I'm looking at Rep 2015 which is the deadline two response from the applicant and you've responded there to the request for further viewpoints from NE Lincolnshire and stated that you are looking at those and that desktop results will be expected at deadline three. With any additional photomontages that are agreed with NE Lincolnshire will be provided

33:54

the deadline for NE Lincolnshire. Do you are you satisfied with that response that you will have a desktop survey first or desktop results and then potentially photomontages at a later date? Thank you. Thank you. Richard Lemon NE links Council. Yes, we're happy with that approach. Yeah. Thank you.

34:20

Thank you. And we note that we're also awaiting additional photomontages and viewpoints from viewpoints 3-4 and eleven at deadline 3. And is that your understanding for the applicant?

34:34

Yes, those would be provided at deadline three. I can confirm that. And I think in relation to the previous photo montages, those are the views from the walls. And I can agree that those those deadlines will be delivered that the initial screening in relation to said I from the walls at deadline three and then the agreed photomontages from the from the walls. If any of you points exist a deadline for

34:58

thank you.

35:00

Can I just clarify in terms of the timing, if you if you are asked to take those photographs, the timing you would take those photographs and whether they would be worst case scenario trees in in leaf etcetera and how we would sort of get around if they are not necessarily the the worst case. If you understand my my question,

35:18

I don't lose for the applicant. Clearly from any viewpoints from the walls that we're taking at the moment they will be sort of spring summer. So may not necessarily be worst case we'll have to extrapolate on the basis of the photograph we do obtain just to ensure that we hear the examination deadlines. Appreciate that. I think just be helpful to make sure that you know we we we get those comparisons. So we so we get that from a an ES point of view so we can make that assessment. Yeah. Thank you.

35:48

Thank, thank you for that.

35:51

I want to move on now to Rep 1025, which is the responses to written question ones in relation to design.

36:00

I'm I'm very grateful for the in-depth explanation of the design evolution that was missing from the original original submission, but this has provided a much clearer explanation of the process that you have undertaken to date and the progress through the RIBA work stages that are still to come, so thank you for that.

36:20

It's acknowledged that on the majority of the site form will follow function and that the final appearance of the individual elements will be controlled through the series of requirements

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and related in in conjunction with NE Lincolnshire through the DCO.

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However, I do have some questions arising, particularly in relation to the West site that's removed from the industrial landscape of the main dock site.

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It's particularly the scale and massing of the development that's in question and the fact that it brings the scale of industrial port development into an area that has much smaller scale industry and residential properties, notwithstanding the fact that these will cease to be residential properties. But it also brings that scale of development much closer to the town of Immingham.

37:19

The existing land use plan shows employment, land and and enterprise zone, but expand applications are for general and light industrial use and storage and distribution.

37:33

It's argued in the planning statement, which is up to three O paragraph 214, that the distinction is one of form and not substance. Please can you explain what this means?

37:46

Thank you.

37:55

Afraid again was slightly on the hop by that we we had anticipated

38:02

dealing with design in relation to the West side. I I hadn't we hadn't anticipated a question specifically about the planning statement. I don't know whether anyone tomorrow is able to assist in terms of the generality of that or we may have to come back to you and write it. I'll just have a look.

38:23

No one appears to be voluntary. I wonder if I what one of the reasons that I I'm not surprised by that we we don't actually have our planning expert with us for the purpose of today and so I hadn't anticipated that question. I wonder if we might take that away and respond in writing it deadline 3 so we can give you a useful answer on it.

38:49

Did you want me to repeat? If you could, that would be extremely helpful. Then we can make sure we've got a good note of it. It's the in the planning statement which is app 230 and it's paragraph two point 1.4.

39:02

And it's argued that it's a distinction is one of of form over substance

39:11

and and it's really just for a clarification of what that means in relation to this development

39:17

and and why it's therefore justified. Thank you. Thank you. I've got a note of that I'm sure others have as well and will provide that at deadline 3. Thank you

39:30

NE Lincolnshire. Can I just ask if you have any any comments to make on the land use of the West site in particular and in terms of the the current land use, the extant permissions that are on that site?

39:48

Thank you.

39:50

Thank you. Richard Lemmer NE links Council and I don't think we have a particular comment to make on on that. I think it comes down for us in terms of the principle of the development as a whole and and say we're we're relatively accepting of that they're as we've sort of explained now previous representations. Thank you.

40:15

Thank you for that. So in in relation to the website still I'd like to run through two of the elements of Part D of your response to question 1.4, point 1.2.

40:31

Firstly, the sensitivity to place that demonstrates good design relative to existing landscape, character, landform and vegetation.

40:44

The scale and massing and location are an issue on the website as the scale of the existing and already consented and surrounding industry is very much low. Level two to three stories maximum.

40:56

This is

40:58

this is the particular area of concern in terms of visual prominence of the structures and where additional work on design mitigation and and screening and landscape will be key to integrating the

development. Could you talk me through how that will actually be undertaken in terms of the website? Thank you.

41:18

I'm going to pass on to Timon Robson from Air Products, who will answer that point, Madam.

41:27

Good morning, Timon Robson from Air Products. Speaking for the applicant, I think there's two

41:36

points that need to be understood and the first is it's key to view the facility and particularly the West side in the context of the surrounding industrial uses both existing and future and including those already with existing planning consent. There are existing facilities adjacent to the West side that are of considerable

42:08

the height and function The north plant immediately adjacent is certainly higher than two stories and some of the existing facilities with planning consent also are of considerable

42:26

status with stack heights comparable or greater than what we're proposing.

42:33

Notwithstanding that, it is understood that the facility that we propose to construct is of considerable scale and therefore we need to take measures as far as practical to ameliorate that from a visual point of view

42:56

as part of the design process, particularly in the layout of facilities.

43:05

Ohh, considering how we can integrate landscape into those designs and we've set out in the outline Lemp

43:19

which is included in the application

43:23

areas and methods that we would propose to do that including landscaping within the facility and some low level planting around the exterior.

43:35

We are limited to a certain degree in the security requirements of the facility, restricts high level planting and growth in the immediate vicinity of our exterior security fence.

44:00

Oop, Harry was Philpott Casey on behalf of the applicant. And one point that I would add to that

44:09

reference has been made by Mr Robson just there in relation to other developments in on nearby sites which have planning permission but which have not yet been implemented. And I'm conscious that we have identified within the cumulative

44:29

impact assessment in the environmental statement

44:33

where those sites are and we've identified the development that is proposed. But what we've not done so far is

44:41

far as I'm aware from the documentation, is provide you with any further information as to

44:47

the heights and scale of buildings that are authorised pursuant to those planning permissions and and how that might affect the the the way that this proposed development would appear in the landscape and how it would fit in with its surroundings. And it it occurred to us discussing this that it might be helpful to you if we did provide some further information in relation to that deadline 3, because otherwise it's quite hard to piece the information together from what

45:21

we've got. If we bring it together in one place, we think that might

45:25

assist you.

45:28

Thank you. Yes, that's was actually a question because although we've got the plan showing extant permissions, there's no indication of actually what scale those permissions are at. So it's very hard to actually say yes, it's going to be surrounded by large scale development or whether it is in fact low scale. So thank you. Yes, that would be useful.

45:51

So just just a quick question for me of clarification in relation to the point you made about security. Be helpful just to get a little bit more explanation of what that limits, what that means and and and why it sort of restricts what you can and can't do

46:09

time in Robson Air product. Speaking for the applicant,

46:13

certainly we have a various UH Air Products internal security procedures and guidelines that we're required to follow to ensure that the the facility is properly protected. Part of that is the specification of the security fence and the necessary security measures on that. But part of that is that we don't allow any

46:45

high level growth within two metres of that security fence. That compromises the fence itself. It obscures views and it allows potential routes to scale the the fence. So we have that within our own internal procedures that within two metres of the fence itself we won't allow any high level growth. I think the outline Landscape and Ecology management plan

47:17

which is up to 25 does indicate that we will have some low level hedging

47:25

two metres away from our external security fence.

47:35

OK, thank you. That's helpful. So that those security measures don't preclude

47:39

landscaping, they don't preclude using those sort of areas that you may have to soften the impact.

47:46

Simon Robinson for the applicant, no that that's correct. But within the constraints of that they don't affect the security fence itself. And and again sorry, just for my understanding these requirements are your requirements rather than any legislative requirements. My experience perhaps of aviation where there are certain ACA requirements in terms of what you can and can't do across to sort of operational boundaries, you don't have those restrictions. These are your the restrictions that you choose for your own operational safety requirements

48:18

Time in Robson for the applicant Yes correct these Air Products global requirements.

48:33

So I do apologise Harry would Philpott Casey on behalf of the app. I I just wanted to add 1 further point if I may. And while while it's fresh in my mind in relation to the offer that I made a moment ago about the consented and developments on nearby sites. And I'm reminded that in the local impact report

48:57

paragraph 5 to 6 which is an examination reference Rep 1070, thank you. And the a similar point is made on behalf of Norfolk. In terms of they, they describe the context of the site being of paramount importance and and then refer specifically to certain extent planning permissions which they say include industrial infrastructure in excess of the proposed development.

49:30

And it occurs to us that it may be useful to you if we're able to coordinate the note that we put in with Nelk. If that can be put in as an agreed document at least in terms of the factual content of it, that might also save you a question in due course in getting those comments from it. So if we, we'll seek to agree that if we can before it goes in.

50:00

Thank you. NE Lincolnshire. Do you have any comments on that? Thank you.

50:05

Thank you, Richard Lemon, NE links Council. Yeah, that seems a good approach and there we're happy to engage with that. Thank you.

50:15

That's great. Did you say deadline three? That was the deadline that offered, yes, I understand that work work has commenced on that and obviously if we can get it agreed in time for deadline 3, all the better. But if not, we can put it in in draught and hopefully you'll then get a response from now the next deadline

50:35

that that sounds like a good approach. Thank you.

50:43

So my second question on Part D of question 1.4, point 1.2 responses was regarding the appearance that demonstrates good aesthetic and this links again to the scale and massing of the buildings and structures on the site.

51:02

And as as

51:05

accepting that it has to be functional and safe and secure,

51:10

What other opportunities are there to create a piece of design that justifies the intrusion of this large scale development into an area, into this area that's out with the main port development. And and I'm really talking there about the peripherals we've discussed the security fencing and landscaping. But are there, you know, looking at the design of the buildings, is there any,

51:36

what's your approach to the peripheral elements that aren't covered by that sort of functional need that could perhaps add to the quality of the development in that more public facing space? Thank you. I think I'm going to ask Mr Robson to deal with the specific question in relation to whether there are peripheral elements that are not subject to the constraints that are identified. And then depending on what he says, I may come back on some of the other elements of the question.

52:13

Yes, Tom and Robson, their products speaking for the applicant,

52:19

yes, you're you're right that to indicate that largely the facility particularly the inner areas are driven by the requirements and to note that areas around the periphery which which typically are buildings to a certain degree less. So

52:41

there's the raw some measures that we take

52:47

to limit the impact of of that, the appearance of those of those buildings. Largely, the buildings are located

53:00

adjacent to King's Rd at the at the top end of the site.

53:07

They're they're located there for largely for technical reasons, to position them outside of the influence of any of the process facilities.

53:20

The buildings themselves are driven by project requirements to a certain degree in terms of capacity, in terms of space, to a certain degree in terms of the materials of construction, in, in terms of insulation requirements, requirements for airtight or blast proof.

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But having said that, there are measures that we take to to soften that appearance. We won't have any buildings that are two Storey.

53:55

So the buildings

53:59

that are adjacent to King's Rd, the intent is that they will all be single story buildings.

54:06

And as far as we're able to offer the, the appearance, the external appearance of those buildings is something that we

54:17

have, will be something that we will involve Nelk in, in the approval of and that is secured through requirement 8 of the DCO.

54:29

So as far as we are able, we are offering the external appearance and particularly the colour and the appearance of those buildings to be something that we discussed with Milk.

54:49

Thank you Harry Wood, Philpott Casey on behalf of the applicant. The only other thing I was going to stress is that we have explained in the written response to this particular part of the question and the importance that is

55:05

place both in policy and as a matter of common sense on contacts and the particular context here as we've described it in those answers, it is that the surrounding area is industrial in nature and that it is in principle a suitable location for industrial facilities and such as this. So

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certainly from the applicant's perspective, in principle this is a suitable location for a large scale industrial facility. Its appearance, as we have explained, is inevitably driven

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to a large degree by its function and that is reflective of the other large scale industrial facilities that dominate this area. And whilst there are at the moment a small number of residential properties and first of all, those would no longer be in residential use if the development were to go ahead and could not be returned to residential use.

56:22

And so the character of the area with the development in place would need to be considered in that context. But secondly, this is not a residential area in those circumstances and it is an area that is identified for further industrial development in the development plan, all of which is highly relevant to the degree to which it is necessary to justify in principle

56:55

the location of an inherently large scale industrial development on this site. I say that by way of an overall pricey of the submissions that have been made in the written answer rather than seeking to supplement them as advocate as opposed to design witness. But it's a, it's an important context that is set by that written answer and also by the policy and land use context to which that answer refers

57:39

yes. Could I just pick up a point here picking up on Mrs Metcalf's point about the peripheral areas of the development and the design aspects? I mean we're, we're conscious, yes, that this is going to be a large industrial development,

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but I think we would be very keen to hear

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into more detail how the peripheral areas and I'm thinking in particular of the Queens Rd frontage, I mean Queens Road will be coming up tomorrow under compulsory acquisition. But thinking about Queens Road, from the design and landscaping point of view,

58:18

is there not an opportunity here? Or can you explain to what extent you've considered the opportunities for perhaps raising the proposed development above the common denominator? Thinking of the good planning of the area and how you might be able to look at the peripheral areas of the development, the public facing areas of the development

58:42

and actually sort of create frontages that comprise enhancement rather than just maintaining the status quo.

58:52

And how do you propose to deal with the vacant properties, for example, that are subject to the FCA? Are not going into the CA details now, but the design and ascetic aspects of that?

59:06

And Howard Philpott KC. On behalf of the applicant, I'll ask an amendment, Mr Robson, to deal specifically with such opportunities as may arise in respect to the Queens Rd frontage so far as the Queens Road properties themselves are concerned. My understanding of the position that is articulated in the application documents in terms of the future development of those properties is that at this stage the application does not include a specific

59:38

proposal for the future use of those properties. And that that is a matter which is

59:46

explicitly left over to a subsequent stage in order to enable, in particular, the local planning authority to consider the implications if the order is made of those properties coming out of residential use and what might therefore be a suitable future use for that site, having regard to the other proposals in the area and the local planning authorities and general views as to the future.

1:00:18

Planning of this part of an iminium. So we've not sought to engage in that

1:00:26

next stage of spatial planning, recognising that that is a matter that is most appropriately left to the local planning authority to pick up in conjunction with the the the. What would then be the owners of that site in the case that the order is made in the usual way, rather than trying to blend it in with the consideration of the particular infrastructure proposals that are put forward here?

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So that's what I would say in relation to that matter. But I'll ask Mr Robson if he has any further comments on the Queens Rd frontage point

1:01:06

time in Robson, their products speaking for the applicant. I I think it's important to understand the process that goes that that we've been through in terms of the layout of the whole facility because that determines the immediate

1:01:29

view or frontage from Queens Rd.

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And and that process is setting out the facility based on engineering or code requirements that dictate spacing between certain facilities that dictate access routes for maintenance and emergency

that we have for safe turning circles for vehicles. So the layout of the facility is dictated through that engineering process

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and and that

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that sets out the the view to a certain degree from Queens Road. The largest process facilities, whilst unavoidably viewable from Queens Road are not immediately adjacent to it.

1:02:23

That immediately adjacent to the Queens Road would be lower level facilities but as we've set out before the the layout of the facility the security fence and restrictions on any high level growth around that security event. Defence to a certain degree dictates the the view that is would be from Queens Rd

1:02:52

and and then Howard Philpott Casey on behalf of the applicant coming back then Madam in that context to the question about whether more can be done to raise this above what was referred to as the the common denominator. It's important to understand as we've set out and the response to question 1.4, point 1.2, that the within the National Policy Statement and the the comments about good aesthetics

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must be understood in

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the context of where they sit within the overall explanation of what good design means for development of this sort. And as you'll be aware it, it's made very clear that

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functionality, including fitness for purpose, is equally important in terms of good design to aesthetic considerations.

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And when it refers to demonstrating good aesthetics, that is qualified by the use of the words as far as possible,

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and. And also explains in paragraph 4.10.3 that the decision making needs to be satisfied that port infrastructure developments are as attractive as they can be,

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and that the applicant has taken into account as far as possible

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functionality and aesthetics. And so it it recognises that there will be a role for aesthetics. But it is constrained, unsurprisingly and necessarily in the case of industrial port development, by questions of

function which are equally important. And once the developer has demonstrated, as we have here, the constraints that functionality

1:04:58

impose on the degree to which aesthetics then can be allowed to determine

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the overall shape and appearance of the development. It is what what is leftover

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is the

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as far as possible and element of the national policy statement and we've sought to explain why it is that those elements that are left for in particular detailed approval

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and where aesthetics can therefore be an important factor in looking at exactly what is constructed and what is put in place on the site are able to be controlled.

1:05:46

And having sat all of that out. We know for example in the response to that question that has come from the local planning authority. There is a desire to have a greater degree of control, but in order for that to then manifest itself in some

1:06:08

something concrete. In other words, to identify well what and what further control is possible,

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who needs to consider the practicality? 1 needs to look at the question of what is it? If it is beyond those elements that we've identified and explained can be dealt with in that way,

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that could be added to that list. And why can it be added to the list? Notwithstanding the practical points that we've made, and in order to get beyond the generality

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of, well, we would like to have more control. We would like it to be

1:06:42

dictated to a greater degree by aesthetic rather than functional considerations.

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There is a necessity then to identify well what is it exactly that is not dictated by functional matters and could therefore be influenced by aesthetics.

1:06:58

And and that is what we we've sought to set out our position on that and we're I'm happy to engage and we will engage further with the local planning authority to see if there are matters that they think can be added to it.

1:07:12

But that's what's needed to to to move beyond the position that we have set out. We've done our best to explain where we have drawn the line. If it's said that the line should be drawn in a different area,

1:07:23

we need to see exactly what is proposed and then we can consider it. And if there are constraints that haven't been sufficiently explained or understood, we're happy to do that. If if there aren't, well, then you know, we we can take that into account.

1:07:39

Ohh, thank you. Before I hand back to Mrs Metcalf, I'd just like to ask the Council if you have any comments to add on perhaps are you able to help us at all in terms of what the Council's aspirations are for the immediate area?

1:07:55

Thank you. Richard Lemon NE links council. I think sort of starting off, there's no strategy in place in the local plan in terms of

1:08:05

improvements to to that area.

1:08:10

Obviously as we would with any planning proposal, we would seek to have as good a design as possible acknowledging those functionality requirements of there. I mean I think it's a good example to pick out that industrial buildings can be done well. If you look at the grade pen offices and sort of on the opposite side of Queens Road and to the side there, that's an example of what can be done well. So we would encourage

1:08:41

you know, possibly those single story functional buildings to to look at those and to sort of embrace good design and through that process. Thank you.

1:08:52

Thank you. Missus McCarthy like to carry on.

1:08:58

Thank you. I just want to come back on a couple of points that have been mentioned talking specifically about the Queen's Road properties. It's understood that they are you're seeking for compulsory acquisition on those which is going to be covered tomorrow. So I won't go into that. And you've mentioned that your your strategy for that will be to engage at a later stage with NE Lincolnshire. And if it's accepted that the properties won't ever be fit for reuse because of their position

1:09:29

within the the zone

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and therefore probably have no future purpose as residential properties.

1:09:40

Would it be possible to start engagement with NE Lincolnshire now about potentially demolishing the properties, enhancing the site what the future that that site might have in relation to this scheme?

Thank you. Thank you. Howard Philpott, Casey on behalf of the applicants. Obviously I'd have to seek instructions on that and we'd have to discuss that with Malk outside the examination. But we we note the question, we will take that away

1:10:12

and will respond to it at at deadline three once we've had a chance to consider it and discuss it with the other parties those anticipated discussions.

1:10:27

Thank you. And Mark, would you have any objections or concerns about entering into those discussions at this stage? Thank you. Richard Lemon, NE Lincs Council. I think that's quite an important point in terms of moving forwards and I know it's a subject matter for next week's hearings and but as I've mentioned before the last hearings, the importance of those properties likely coming out of residential use prior to that has the substance consent element.

1:10:54

So I think discussions now as to what happens to those properties going forwards would be very beneficial and and working out a way that those future uses are secured or at least the non residential uses are secured. Thank you.

1:11:13

Thank you. And just another point, you Mr Philpott, you talked about the national policy statements and talking about aesthetics and as far as as far as they can be and as far as possible

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think that that is really what we're just trying to explore here is actually how far that, how far we can

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push that, how far that can be actually responded to in terms of the national policy. So thank you for pointing that out

1:11:47

right. The

1:11:50

I've got 2-2 more points, quite small really. The additional plans that were provided in the appendices, one to seven of your Rep 1025, the responses to design, again they were really hard to see at the scale that they were provided at. So if they can be provided as separate plans in deadline 3, please.

1:12:16

And also just looking at those plans, there is a discrepancy between Appendix 3 plan and Appendix 6 plan in terms of the boundary to work Area 9. So just to point that out and that will need clarifying as well. Thank you,

1:12:35

Madam. Harry Would, Philip Casey on behalf of the applicant, thank you. We had picked up the first of those points. We'll look also at the second point and we'll provide you with both the separate legible plans at deadline 3:00 and also an explanation in relation to the point you've raised about the relationship between appendices 3:00 and 6:00.

1:12:58

Thank you. And Mr. Hunter has a question. Sorry. Yeah, I just wanted to take it a step back to the discussion before Queens Road, if I could, where Mr Robson was sort of taking us through some of the design principles and the single story and and that sort of thing. I just wanted to understand or help us understand the mechanism for for ensuring that comes through in terms of the DCR. Because while the discussion has been going on, I see that we've got requirement for but that just only refers to external materials to be agreed rather than building heights and and that side of things.

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So it was just really to sort of understand what you perceived the mechanisms to be to deliver all those items that you you sort of talked us through

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time in Robson speaking for the applicant. Yes, I think the

1:13:49

requirement that you're relating to is for the is requirement date for the buildings. The general heights and parameters of the rest of the facility are set out in in the DCO and in chapter Two of the Environmental Statement

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with regard to

1:14:17

the the buildings which front directly onto King's Rd.

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The what What we'll be reviewed with with NELK as part of that is the external appearance, materials and colour,

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not not specifically the height.

1:14:41

Having already noted that it's our products intention that they will all be single story.

1:14:48

OK, yeah I think I think the confusion I've got is

1:14:52

eight in my requirements related to Hwy works

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and permanent access as opposed to which is why I sort of started to look and sort of come to because I thought you'd said eight but I wondered that I'd missed her and and written the number down wrong. So Hollywood Film Podcast see on behalf of the applicant just to make sure I've understood the the query and then I think we'll have to take this way. As I understand it, requirement for

1:15:18

is and part one of requirement 4 is the requirement to obtain approval of external materials in relation to security Building within work two, Control Building within work 5, Control and workshop Shop Building and certain other buildings in work seven. And then the height of buildings within those areas are controlled within part 4 of requirement 4,

1:15:50

which sets maximum and where relevant minimum heights. And as I understand the query it it's if it is, if it is intended to control the height of certain of those buildings below those parameters, is that secured anyway? Correct. That's absolutely right. Yes, Yes, I shall take that away and check. Yes. Yeah, that's it.

1:16:20

Ohh. Thank you. Well, that concludes a gender item 4. So

1:16:32

I think we'll we'll take a break now and then come back at half past. It's 15 minutes

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it will come. But sorry, we'll we'll break now for a coffee break and we'll come back at

1:16:48

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1:16:53

apologies. Thank you.