



## HEARING AGENDA

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

#### Issue Specific Hearing 8 (ISH8)

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| <b>Date</b>     | <b>Tuesday 2 July 2024</b>             |                |
| <b>Timings</b>  | <b>Hearing Start Time:</b>             | <b>10:00am</b> |
|                 | Virtual Registration Process:          | 9:30am         |
| <b>Location</b> | By virtual means using Microsoft Teams |                |

#### REQUESTED ATTENDEES

1. Applicant
2. North East Lincolnshire Council (NELC)
3. Natural England (NE)
4. Marine Management Organisation (MMO)
5. Immingham Oil Terminal Operators (IOT)

In addition, the Examining Authority (ExA) welcomes involvement from all parties at ISH8. You are required to confirm attendance at ISH8 by 28 June 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. Applicant's Further Proposed Changes Notification Report [AS-042]
2. Draft Development Consent Order (dDCO) [REP4-004]
3. Explanatory Memorandum (EM) [REP4-006]
4. Early Works Applications Note [REP4-043]
5. Statement of Common Ground with Natural England [REP3-052].
6. Natural England's DL4 submission [REP4-054]
7. Statement of Common Ground with MMO [REP3-050].
8. Hydrogen Production Facility Building Design Code [REP4-046]
9. Applicant's response to ExA Action Points, ISH5 [REP3-065]
10. Applicant's responses to ExA's Second Written Questions [REP4-047]



11. Lincolnshire Wolds Photomontages [REP4-038]
12. Landscape and Visual Impact Assessment [APP-055]
13. Immingham Oil Terminal Operators D4 submission [REP4-055]
14. Outline Decommissioning Environmental Management Plan [APP-222]
15. Without Prejudice Report to inform Habitats Regulations Assessment (HRA) Derogation [REP3-030]
16. Shadow HRA [REP4-014]

## HEARING FORMAT

The Hearing will start promptly at 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. Mid-morning and mid-afternoon breaks will be taken where appropriate.

The Hearing will be a virtual event, whereby the principal means of conducting the Hearing will be via Microsoft Teams. Participants who have registered to join will be sent the joining link for the virtual Hearing the day before the Hearing.

Observers may 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 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

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| <b>1.</b> | <b>Welcome, introductions and arrangements for the Hearing</b>   |
| <b>2.</b> | <b>Applicant's Proposed Further Changes</b><br><br>1. The ExA will ask the Applicant to briefly outline its request for further changes to the application; and<br><br>2. The ExA may ask questions on this matter.  |
| <b>3.</b> | <b>Marine Ecology and Habitats Regulation Assessment</b><br><br>1. Statement of Common Ground with Natural England [REP3-052]. The ExA will ask the Applicant for an update on the issues that are still Amber and Yellow.   |
| <b>4.</b> | <b>Navigation and Operational Safety</b><br><br>1. The ExA will ask the Applicant and participating Interested Parties questions related to the following matters: <ul style="list-style-type: none"><li>• Speed limits, marine congestion and resource availability (tugs, pilots, line boats etc); and</li><li>• Need for other operational mitigation measures, in particular in relation to vessel breakaway hazards.</li></ul>  |
| <b>5.</b> | <b>Design, Landscape and Visual Effects</b><br><br>1. The ExA will ask the Applicant and NELC questions relating to: <ul style="list-style-type: none"><li>• The buildings included and excluded from the Design Code [REP4-046]; and</li><li>• The materials proposed in the Design Code and how these satisfy the Design North East Lincolnshire: Places and Spaces Renaissance [REP4-046].</li></ul><br>2. Discussion on the long sections provided at DL3 [REP3-065] and updated at DL4 [REP4-047] and how these are representative.<br><br>3. NELC – Question regarding additional viewpoint provided at Deadline 4 [REP4-038].<br><br>4. The Applicant will be asked to outline their proposals at decommissioning in relation to any mitigation and enhancement undertaken as a result of the Proposed Development, in relation to the oDEMP [APP-222]. |



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| <b>6.</b>  | <b>Major Accidents and Hazards</b><br><br>1. The ExA will ask the Applicant and participating Interested Parties questions related to securing mitigation measures: <ul style="list-style-type: none"><li>• Taking worst case scenarios into consideration, has the Applicant identified mitigation measures that would be required for offsite premises, in order to comply with relevant legislation and/ or the principles of ALARP;</li><li>• What would be the most appropriate legislation, to legally secure these mitigation measures; and</li><li>• With whom does the responsibility lie, for implementation of these measures.</li></ul>   |
| <b>7.</b>  | <b>Draft Development Consent Order</b><br><br>1. The Applicant will be asked to update the ExA on discussions with various parties in relation to the following Articles: <ul style="list-style-type: none"><li>• Article 3 – Disapplication of legislative provisions</li><li>• Article 9 – Power to alter layout, etc, of streets</li><li>• Article 46 – Benefit of Order</li></ul><br>2. Provide a justification for the early works applications and outline how the dDCO would change as a result.<br><br>3. The Applicant will be asked to provide an update on Protective Provisions (PPs), in particular addressing the following: <ul style="list-style-type: none"><li>• Network Rail – current position in relation to ‘Lift and Shift’ clause;</li><li>• CLdN Killingholme – Are any PPs proposed? and</li><li>• PPs with Electronic Communications Code Network Operators.</li></ul> |
| <b>8.</b>  | <b>Procedural decisions, review of actions and next steps</b>   |
| <b>9.</b>  | <b>Any other business</b>   |
| <b>10.</b> | <b>Close of Hearing</b>   |