

## Spatial planning process for AVAIO Capital

Dear Mr. 5.1.2e,

During our recent phone call you requested to get a better understanding of the planning procedure for your investment plans for the realisation of (a) data center facility (ies) in the Eemshaven. This requires 2 locations: The first on the ENGIE premises in the Eemshaven, the second location concerns the Oostpolder location, which will be developed soon.

### 1) ENGIE location

As soon as AVAIO Capital and ENGIE enter into an agreement on the land, the permit application process can be started.

In short, there are two possibilities to make your project on this location possible –

- 1) To grant the project permission (via the extensive WABO permit process) and to include the zoning plan change in this permit procedure;
- 2) By following the extensive WABO procedure and arranging a change in the zoning plan separately. The advantage of including the destination in the permit can be the speed of the process. A major disadvantage can be that for every change/extension, an extensive WABO procedure must be followed (which will take a maximum of 26 weeks). Each extension can be objected, which can cause delays in the process. Once the destination has been arranged separately, any extension can be licensed using a regular procedure (indicative timeline: 8 weeks).

### *Preliminary stage*

Both procedures have a similar preliminary stage, via various studies. Based on the project overview provided, a survey will need to determine whether an Environmental Impact Report is required or whether an EIA assessment or form-free EIA assessment will do. Based on this, the competent authority will also become clear (either the province of Groningen or the municipality of Het Hogeland).

In addition, an application will have to be made for the Nature Conservation Act (NCA, to protect animal species, plant species and forests, etc.).

The body responsible for the environment (municipality or province) also grants the construction and spatial planning components. The decision of which authority is competent depends on the scope of the activities. If the province of Groningen is the competent authority, the municipality of Het Hogeland will draw up the components for construction and spatial planning and hands these over to the Omgevingsdienst Groningen (in English: Regional Implementation Service Groningen, implementing organization of the Province of Groningen), which issues the actual WABO permit for construction, the environment and spatial planning.

It is assumed that the project will be built in phases in the coming years. It is therefore possible that during the first phase the municipality of Het Hogeland is the competent authority. This may later on

transfer to the province of Groningen (if the amount of diesel storage will exceed a certain level, which is regarded a potentially hazardous situation). The consultation partner remains the municipality of Het Hogeland at all times, especially for construction and spatial planning, but for the environmental part this may therefore be a different partner.

The 26 weeks process of the WABO permit starts when the application is submitted. The formal procedure can be accelerated by working with a preliminary consultation and a draft application.

### **Planning procedure Extended WABO permit**

Preliminary stage (depending on AVAIO Capital planning)

- Application for environmental permit in full
- In accordance with the legal provisions
- Specify business plan for the purpose of procedure
- Have associated examinations carried out
- EIA yes/no
- Application for NCA

### **Process (26 weeks)**

- 1st month
  - Alderman decides to start uWABO process
  - Publication of the design
  - Send publication to newspaper
  - Publication in newspaper
  - Commencement of 6 weeks for submission of the draft plan
- 2nd month
  - Council decision statement of no objection / EIA assessment
  - End of drafting period for inspection
- 3rd month
  - Process potential incoming views
- 4th month
  - Offering design to Mayor and City Council Members for licensing
  - Send publication to newspaper
- 5th month
  - Publication for public inspection
  - Granting a permit is available for inspection for 6 weeks
  - Possibility to start the groundwork
- 6th month
  - End of inspection
  - Licensing

### Procedure and timetable zoning plan ENGIE location

- 1st month
  - Area meeting.
- 2nd month
  - Opinion discussion in the city council
- 3rd month
  - Decision-making process in the city council. The city council decides to release the zoning plan and accompanying documents for consultation and discussion in accordance with the Participation Ordinance.
- 4th month
  - Publication of preliminary draft zoning plan for inspection
- 5th month
  - Informative public meeting about the zoning plan
  - Views from the consultation and discussion process are provided with a response
  - The City Council adopts the Memorandum "Participation and Consultation" and authorizes the Municipal Executive to "make the zoning plan available for inspection"
  - Publication of the draft zoning plan for inspection for period of 6 weeks
- 6th month
  - Prepare memorandum "views" in preparation for the council meeting in this month
- 7th month
  - Consideration memorandum in Municipal Executive
  - Council decision about adopting zoning plan
  - Publication of zoning plan adopted c. A. Zoning plan is available for inspection for period of 6 weeks with the possibility of lodging an appeal with the Administrative Jurisdiction Division of the Council of State.
- 10th month
  - Zoning plan will come into effect. If an appeal has been lodged and a request for a temporary provision has been made, the zoning plan will only come into effect after the highest general administrative judge in the Netherlands (in Dutch: ABRvS) has rejected the request.

### 2) Oostpolder location

?? Een deel van bovenstaande geldt voor dit gebied, maar moet nog worden opgestart?