

IMMINGHAM EASTERN RO-RO TERMINAL



Environmental Statement: Volume 1
Chapter 5: Legislation, Policy and Consenting Framework
Document Reference: 8.2.5

APFP Regulations 2009 – Regulation 5(2)(a) and 5(2)(e)
PINS Reference – TR030007

December 2022

Immingham Eastern Ro-Ro Terminal

Environmental Statement: Volume 1

Chapter 5: Legislation, Policy and Consenting Framework

December 2022



Document Information

Document Information	
Project	Immingham Eastern Ro-Ro Terminal
Document title	Environmental Statement: Volume 1 Chapter 5: Legislation, Policy and Consenting Framework
Commissioned by	Associated British Ports
Document ref	8.2.5
APFP Reg 2009	Regulation 5(2)(a) and 5(2)(e)
Prepared by	Adams Hendry Consulting Ltd

Date	Version	Revision Details
12/12//2022	1	

Contents

5	Legislation, Policy and Consenting Framework	5.1
5.1	Introduction	5.1
5.2	Planning Act 2008 - Development Consent Order	5.1
5.3	European Union Legislation.....	5.3
5.4	Marine and Coastal Access Act 2009 - Marine licence	5.3
5.5	Environmental Permitting.....	5.4
5.6	Water Abstraction licence	5.5
5.7	Protected Species licence.....	5.5
5.8	Highway Consents	5.6
5.9	Drainage Consents	5.7
5.10	Various other approvals	5.7
5.11	Environment Act	5.7
5.12	Assessment requirements	5.8
5.13	Policy context.....	5.13
5.14	References	5.22
5.15	Abbreviations/Acronyms	5.23
5.16	Glossary.....	5.25

5 Legislation, Policy and Consenting Framework

5.1 Introduction

- 5.1.1 This chapter of the Environmental Statement (ES) sets out an overarching summary of the legislation, policy and consenting framework of relevance to the principle of the Immingham Eastern Ro-Ro Terminal (IERRT) project.
- 5.1.2 In addition to the overarching information provided in this chapter, specific legislation, policy and guidance of relevance to different environmental topics is referenced and discussed in each Environmental Impact Assessment (EIA) topic chapter that follow within this document (Chapters 7 to 19).

5.2 Planning Act 2008 - Development Consent Order

- 5.2.1 As detailed in the preceding chapters of this ES, the IERRT project, in summary, comprises on the marine side of the construction of a new three berth facility consisting of an approach jetty with two separate finger piers and on the landside, surface improvements and the construction of new terminal buildings and facilities.
- 5.2.2 The new facility, which will support the embarkation and disembarkation of Ro-Ro cargo (as explained in Chapter 1 of this ES), will be capable of handling, with three berths, some 660,000 units per year. As such, the project exceeds the thresholds set down in the Planning Act 2008 (PA 2008) - as summarised below - and is, therefore, a Nationally Significant Infrastructure Project (NSIP). Associated British Ports (ABP) is, therefore, submitting an application for a Development Consent Order (DCO) which if granted, will authorise the construction and consequent operation of the IERRT.
- 5.2.3 Section 14 of the PA 2008 identifies “*the alteration of harbour facilities*” as an NSIP if, as provided by section 24 of the PA 2008, the project comprises –

“*The alteration of harbour facilities*” – (section 24(2)) and the harbour facility being altered is-

- (i) “*wholly in England*” – (section 24(1)(a)); and
- (ii) “*the effect of the alteration is expected to be to increase by at least the relevant quantity per year the quantity of material the embarkation or disembarkation of which the facilities are capable of handling*” – (section 24(2)(b)); where

“*the relevant quantity is ... in the case of facilities for ro-ro ships, 250,000 units*” – (section 24(3)(b)).

- 5.2.4 In light of this, the proposed IERRT development constitutes an NSIP, the development of which can only be authorised by the granting of a DCO under section 37 of the PA 2008.
- 5.2.5 Section 37 of the PA 2008 further makes it clear that the DCO application must be made to the Secretary of State. The relevant Secretary of State is the minister with responsibility for the area of government business that an application relates to. In the case of the IERRT the relevant Secretary of State is the Secretary of State for Transport.
- 5.2.6 By virtue of the Localism Act 2011, the Planning Inspectorate (PINS) became the government agency responsible for operating the planning process for NSIPs.

National Policy Statement

- 5.2.7 Section 104(2) of the PA 2008 provides that in circumstances where a national policy statement has effect in respect of the development proposed, the Secretary of State, in deciding the application, must have regard to, amongst other things, *“any national policy statement which has effect in relation to development of the description to which the application relates”*.
- 5.2.8 Section 104(3) of the PA 2008 further makes clear that *“The Secretary of State must decide the application in accordance with any relevant national policy statement..”* except to the extent that one or more matters specified in section 104(4) to (8) applies.
- 5.2.9 For the purpose of the IERRT project, the relevant national policy statement is the National Policy Statement for Ports (NPSfP) (Department for Transport (DfT), 2012) which is discussed further in Section 5.13.

Other Consents and Approvals

- 5.2.10 Section 33 of the PA 2008 makes it clear that there is no requirement for certain principal conventional consents to be obtained where a DCO is required to authorise a project.
- 5.2.11 In addition, Part 7 of the PA 2008 sets out what can be included within a DCO – the scope of which is extremely broad. In particular, section 120 of the PA 2008 makes it clear that the following can be included within a DCO:
- (a) ancillary matters (including those listed in Schedule 5 of the PA 2008);
 - (b) the application, modification or exclusion of statutory provisions for which provisions may be made within the DCO;
 - (c) the amendment, repeal or revocation of any local legislation, where thought, by the Secretary of State, necessary or expedient in consequence of or in connection with the DCO; and

- (d) incidental, consequential, supplementary, transitional or transitory provisions and savings.
- 5.2.12 Further, section 150 of the PA 2008 makes clear that a requirement to obtain certain prescribed consents can be removed by the DCO as long as the relevant consenting body agrees to this.
- 5.2.13 The intent of the PA 2008 and associated Government policy is, therefore, to enable development and construction related consents to be included within a DCO. ABP's approach to consents for the IERRT proposal is, therefore, to fit within this legislative intent and to include as many consents as practicable within the IERRT DCO.
- 5.2.14 The position in respect of other consents, licences and agreements is – at the time of writing – as set out in sections 5.4 to 5.10 of this chapter.

5.3 European Union Legislation

- 5.3.1 As the United Kingdom (UK) is no longer a member of the European Union (EU), European legislation which applied directly (by Regulation) or indirectly (by Directive) to the UK before 11.00 p.m. on 31 December 2020 has, if required, been retained in UK law as a form of domestic legislation known as 'retained EU legislation'. This is set out in sections 2 and 3 of the European Union (Withdrawal) Act 2018. Section 4 of the 2018 Act ensures that any remaining EU rights and obligations, including directly effective rights within EU treaties, continue to be recognised and available in domestic law after exit.
- 5.3.2 References to applicable EU Directives as well as relevant UK legislation are, therefore, provided, where appropriate, in each of the topic chapters of this ES.

5.4 Marine and Coastal Access Act 2009 - Marine licence

- 5.4.1 The Marine and Coastal Access Act 2009 (MCAA) is the principal Act which regulates, through the Marine Management Organisation (MMO), works carried out in the marine environment. In the context of the IERRT project, it is necessary for ABP to secure the MMO's approval for works undertaken below mean high water springs (MHWS) and this approval, known as a "marine licence", will give ABP the necessary consent to undertake certain specified works in the marine environment
- 5.4.2 Section 149A of the PA 2008, however, provides that a DCO may include provision deeming a marine licence to have been issued under Part 4 of the MCAA.
- 5.4.3 ABP has sought approval for a deemed marine licence, in consultation with the MMO, within the IERRT DCO for those works that impact upon the marine environment, specifically the:

- Construction of the two finger piers and associated fixed structures to the seabed;
 - The capital dredge; and
 - The disposal of capital dredge material at HU056 (Holme Channel) and HU060 (Clay Huts).
- 5.4.4 Approval for the consequent maintenance dredge and disposal requirements once the IERRT facility is operational is already provided by:
- (i) Statutory powers – provided within the Humber Conservancy Act 1905 - that enable ABP to carry out such maintenance dredging activity in the Humber Estuary, and
 - (ii) ABP's existing maintenance dredge disposal marine licence (L/2014/00429) that relates to such activity at the Port of Immingham.
- 5.4.5 A further approval within the DCO is not, therefore, needed for the maintenance dredge activities. An assessment of the potential environmental impacts associated with both the proposed capital dredge and the additional maintenance dredge and disposal requirements has, however, been undertaken and is reported in this ES.

5.5 Environmental Permitting

- 5.5.1 Flood risk activities are regulated under the Environmental Permitting (England and Wales) Regulations 2016. An environmental permit is normally required if works are proposed on or near a 'main river', on or near a flood defence structure (including a sea defence), or within a flood plain.
- 5.5.2 It is not considered that an environmental permit is required for the IERRT development in respect of flood risk activities because - by virtue of Schedule 25 of the 2016 Regulations and Schedule 22 of the Water Resources Act 1991 – such activities are excluded from the definition of flood risk activity.
- 5.5.3 For completeness, however, should it be necessary for whatever reason to apply for a permit for a flood risk activity, ABP is seeking to disapply the requirement to apply for such a permit within the DCO.
- 5.5.4 A Flood Risk Assessment (FRA) has been prepared and is provided at Appendix 11.1 (Volume 3) of this ES (Application Document Reference number 8.4.11). This assessment has given consideration to both the flood risk to the proposed development and the implications of the development for flooding elsewhere. The outputs of the FRA have informed the Coastal Protection, Flood Defence and Drainage ES chapter (Chapter 11 of this ES).
- 5.5.5 Water discharge activity is also regulated by the Environmental Permitting (England and Wales) Regulations 2016. An environmental permit is normally required for the discharge of any poisonous, noxious or polluting matter; waste matter; trade effluent or sewage effluent to inland freshwaters, coastal waters or relevant territorial waters.

- 5.5.6 In the event that an environmental permit for water discharge activity is required, a permit would be sought and obtained after the making of the DCO but prior to the relevant works taking place. If such a permit were required, ABP does not consider that there are currently any reasons why such a permit would not subsequently be granted.
- 5.5.7 An environmental permit may also be required if, during the construction phase of the IERRT project, it became necessary to undertake any groundwater pumping / dewatering. Again, in such circumstances an environmental permit for such activity would be sought and obtained after the making of the DCO but prior to the relevant works taking place. If such a permit were required, ABP does not consider that there are currently any reasons why such a permit would not subsequently be granted.
- 5.5.8 It is not currently anticipated that an environmental permit will be required in respect of any waste management activities. However, in the event that one were required, a hazardous waste assessment would be undertaken and the contractor will be responsible for ensuring that the necessary permit application or applications are made prior to the relevant works taking place. Again, if such a permit were required, ABP does not consider that there are currently any reasons why such a permit would not subsequently be granted.

5.6 Water Abstraction licence

- 5.6.1 It is not anticipated that a licence to abstract water pursuant to the Water Resources Act 1991 for the abstraction of any water for the construction works would be required as any abstraction is considered to qualify as an exemption.
- 5.6.2 If, however, for whatever reason it was necessary for such a licence to be obtained, the licence would be sought and obtained after the making of the DCO but prior to the relevant works taking place.

5.7 Protected Species licence

- 5.7.1 Various species of animal are protected from being killed, injured or disturbed under the Conservation of Habitats and Species Regulations 2017 (as amended) (commonly referred to as the Habitats Regulations)¹ and Section 9(4) and Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Regulation 43 of the Habitats Regulations makes it an offence deliberately to disturb wild animals of any species that are subject to European protection in such a way as to be likely:

¹ These have been modified by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Available at: <https://www.legislation.gov.uk/ukxi/2019/579/contents/made> (accessed November 2021).

“ (2)(a) *To impair their ability:*

(i) To survive, to breed or reproduce, or to rear or nurture their young; or (i) to survive, to breed or reproduce, or to rear or nurture their young; or

(ii) In the case of animals of a hibernating or migratory species, to hibernate or migrate; or

(b) To affect significantly the local distribution or abundance of the species to which they belong”.

5.7.2 Section 9(4A) of the Wildlife and Countryside Act 1981 (as amended) makes it an offence intentionally or recklessly to disturb dolphins, whales or basking sharks subject to prescribed statutory defences.

5.7.3 The response from Natural England provided as part of the Scoping exercise indicated that the ES that will be submitted in support of the DCO application should assess the impact of all phases of the proposed development on marine protected species. The advice of Natural England has been taken forward in the assessment provided in the Nature Conservation and Marine Ecology chapter of the ES (Chapter 9 of this ES) and the Preliminary Ecological Appraisal (PEA) included in Appendix 6.1 of this ES (Application Document Reference number 8.4.6(b)).

5.7.4 On the basis of the assessments undertaken, it is not expected that there will be a need for a protected species licence. If, however, it subsequently was the case that such a licence was needed this would be obtained, in discussion with Natural England, prior to the relevant works taking place.

5.8 Highway Consents

5.8.1 Approvals under the Highways Act 1980 will be required to enable certain works – largely those associated with the improvement of the East Gate entrance into the Port of Immingham – to be undertaken on the public highway. These approvals will follow the DCO being made, and the relevant agreements would be entered into with the relevant highway authorities in accordance with the requirements of the DCO and prior to the start of any relevant highway works.

5.8.2 In addition, it may also be necessary for a Temporary Traffic Regulation Order to be put in place under the Road Traffic Regulation Act 1984 to enable traffic on the public highway to be managed appropriately during elements of the construction period. If such an order is required, this will follow the DCO being made and the relevant applications with the appropriate highway authority will be made by the applicant in advance of relevant construction activities taking place.

5.8.3 Lastly it may also be necessary for a Permit for Transport of Abnormal Loads to be obtained. If necessary, such a permit or permits would be sought once the number and type of such loads has been established.

5.9 Drainage Consents

- 5.9.1 Land Drainage Consent from the lead local flood authority / Internal Drainage Board (IDB) pursuant to the Land Drainage Act 1991 may be required if it proves necessary to undertake works to culverts or which would otherwise affect the flow in an ordinary watercourse.
- 5.9.2 Furthermore, consent to discharge into a watercourse or drain may be required pursuant to land drainage byelaws from the IDB.
- 5.9.3 In discussion with the relevant bodies, ABP is, however, seeking to disapply these consent requirements within Article 3 of the DCO (Application Document Reference 3.1). Controls will be afforded to the Lead Local Flood Authority as part of the protective provisions contained in Schedule 4 of the DCO. These protective provisions will afford the flood authority the power to review and approve all plans for works which may affect the flow of any watercourse, drain or culvert prior to the commencement of any such works; as well as affording the ability to either impose reasonable conditions or require protective or remedial works to be undertaken where reasonably necessary.

5.10 Various other approvals

- 5.10.1 In addition, prior to the start of construction the Health and Safety Executive will be notified of the construction works pursuant to the requirements of The Construction (Design and Management) CDM Regulations 2015. During construction it is likely that various applications will also need to be made by the contractor under the Health and Safety Act 1974 and subsidiary legislation.
- 5.10.2 It is also possible that during the construction works consent under Section 61 of the Control of Pollution Act 1974 may be sought in respect of certain construction activities.
- 5.10.3 Finally, approval under the Building Regulations 2010 (as amended) will need to be obtained for any buildings and relevant structures. Such approvals will be sought following the DCO being made.

5.11 Environment Act

- 5.11.1 The Environment Act received Royal Assent on 9 November 2021. This Act is designed to support the Government's overarching vision to leave the environment in a better state for the next generation.
- 5.11.2 Not all of the provisions of the Act have, at the time of writing, yet been brought into force, but some of the key provisions include: the creation of a new post-Brexit environmental watchdog (the Office for Environmental Protection); a new direction for resources and waste management; the setting of air quality targets including for fine particulate matter; a

requirement to reduce sewage discharges and a requirement, when it is brought into force, to provide Biodiversity Net Gain (BNG) in the context of new development proposals.

- 5.11.3 In respect of BNG requirements, indications are that this will become a formal requirement for those NSIP developments which are accepted for examination from November 2025 onwards. As such, the formal BNG requirement does not apply to the IERRT DCO application.

5.12 Assessment requirements

- 5.12.1 The following sections summarise some of the key assessments that have been provided in support of the IERRT DCO application.

Environmental Impact Assessment

- 5.12.2 Schedule 1 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the “EIA Regulations”) provides a list of developments for which EIA is mandatory.
- 5.12.3 The IERRT development is considered to be a Schedule 1 project given that it falls within the description of development given within Schedule 1 paragraph 8(2), namely:
- “Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tonnes”.*
- 5.12.4 The ES which forms part of the IERRT DCO documentation – of which this chapter forms a part – provides all of the relevant EIA information that is required by the EIA Regulations.
- 5.12.5 EIA is a systematic process which identifies and assesses a project’s likely significant effects on the environment. This process enables decision makers to determine applications for consent with the full knowledge of the likely significant environmental effects that may result from a project’s development. It also provides the opportunity for the public and relevant consultation bodies and stakeholders to engage with applicants during the pre-application stage and to participate in the decision-making process.
- 5.12.6 The process enables potential environmental effects to be identified early in the life of a project and, where possible, for design changes to be made to avoid any effects or for measures to be provided which will reduce or remove likely significant adverse environmental effects or maximise likely significant beneficial effects.
- 5.12.7 For NSIPs, the EIA process is undertaken in two principal stages:
- Consultation on the preliminary environmental information. This is part of the statutory consultation process, the principal written element of which is a Preliminary Environmental Information Report (PEIR); and

- The preparation of the final ES, which accompanies the application for the DCO.
- 5.12.8 In September 2021, ABP submitted a request for a Scoping Opinion from the Secretary of State for Transport as to the scope of information that should be included in the IERRT ES. The Scoping Opinion was received in October 2021.
- 5.12.9 The comments received in the Scoping Opinion have been fully taken into account in the preparation of this ES.
- 5.12.10 In January and February 2022, ABP undertook the required statutory consultation on the IERRT development and received a number of responses from the local community, statutory bodies and other stakeholders. The comments received during the statutory consultation process have been taken account of in the preparation of this ES and the wider DCO application. Each topic assessment chapter contained within this ES explains this in further detail.
- 5.12.11 A further period of supplementary statutory consultation took place in October and November 2022. Again, the comments received during this supplementary consultation have been taken into account in the preparation of this ES and the wider DCO application. Each topic assessment chapter contained within this ES again explains this in further detail.
- 5.12.12 Further information on the EIA process is found in the Impact Assessment Approach chapter (Chapter 6) of this ES.

Habitats Regulations Assessment

- 5.12.13 Part 6 of the Habitats Regulations requires the competent authority, in this case the Secretary of State for Transport, to determine whether the proposed development has the potential to result in a likely significant effect (LSE) on a European site and, if so, to then undertake an Appropriate Assessment (AA) of the implications of the proposals in light of the site's conservation objectives. The AA takes account of the in-combination effects of the proposal on European sites in association with other relevant projects and plans.
- 5.12.14 The entire Humber Estuary is designated as a Special Area of Conservation (SAC) and a Special Protection Area (SPA) under the Habitats and Birds Directive. It is also classified as a 'Ramsar site' under the Ramsar Convention due to the presence of internationally important wetlands. These designations form the Humber Estuary European Marine Site (EMS). Given that the proposed IERRT falls, in part, within these designated sites, ABP is of the view that the DCO application process needs to include necessary information to enable the competent authority to undertake a Habitats Regulations Assessment (HRA).

5.12.15 As detailed in the Planning Inspectorate (PINS) Advice Note 10 (PINS, 2022), the HRA process follows a three-staged approach:

- **Stage 1 Screening:** The process of identifying potentially relevant European sites, and whether the Project is likely to have a significant effect (LSE) on the qualifying features of the site, either alone or in-combination with other plans and projects. If it is concluded at this stage that there is no potential for LSE, there is no requirement to carry out subsequent stages of the HRA.
- **Stage 2 Appropriate Assessment:** Where LSE for a European site(s) cannot be ruled out, either alone or in-combination with other plans and projects, an assessment of the potential effects on the integrity of the site(s), again either alone or in-combination with other plans and projects, in view of its qualifying features and conservation objectives is required. Where there are potential adverse effects, an assessment of mitigation options has to be carried out and mitigation measures (where available) are proposed to address the effects. If, despite the identified measures of mitigation, there still remains a potential adverse effect on site integrity (AEOI), the HRA must progress to Stage 3 ;
- **Stage 3 Derogations:** Where there would be an AEOI it is necessary, at Stage 3, to consider whether the Project would qualify for an exemption. There are three tests to this stage to be followed in order and all three of the tests must be passed in sequence for a derogation to be granted. The three tests are:
 - **Test 1 - Assessment of Alternative Solutions:** Identifying and examining whether there are any alternative solutions which would offer a means to achieve the objectives of the project but which would also avoid or have a lesser effect on the site(s); and
 - **Test 2 - Imperative reasons of overriding public interest (IROPI):** Where no alternative solution exists and where an AEOI remains, the next stage of the process is to assess whether the development is necessary for Imperative Reasons of Overriding Public Interest (IROPI);
 - **Test 3 – Compensatory Measures:** If it is determined that there are no alternative solutions and that the development is necessary for IROPI, compensatory measures needed to maintain site integrity or the overall coherence of the designated site network are needed.

5.12.16 The Nature Conservation and Marine Ecology chapter of this ES (Chapter 9) provides further information on the specific habitat and species interest features of the Humber Estuary and includes an assessment of the effects of the proposed development on these features.

5.12.17 An HRA has also been prepared as part of the DCO application which provides the competent authority with sufficient information to undertake an AA. This HRA is provided as Application Document Reference number 9.6.

5.12.18 The HRA undertaken demonstrates that, whilst the potential for a likely significant effect cannot be discounted, the IERRT project does not generate an adverse effect on the integrity of the Humber Estuary European Marine Site. On the basis of the evidence presented in the HRA information, it is not necessary to proceed to stage 3 of the HRA process outlined above in respect of the IERRT project.

Water Framework Directive Assessment

5.12.19 The Water Framework Directive (WFD) (2000/60/EEC) establishes a framework for the management and protection of Europe's water resources. It is implemented in England and Wales through the Water Environment (WFD) (England and Wales) Regulations 2017, known as the Water Framework Regulations².

5.12.20 The overall objectives of the WFD as implemented by the Regulations is to achieve "good ecological and good chemical status" in all inland and coastal waters by 2021 unless alternative objectives are set or there are grounds for time limited derogation.

5.12.21 To support the DCO application, a WFD Compliance Assessment has been produced which demonstrates how the proposed development complies with the objectives of the WFD. This has been undertaken in two stages; an initial screening/scoping stage to review the potential for the proposed development to cause a 'deterioration' or failure of the water body to meet its WFD objectives, followed by a full assessment if required.

5.12.22 The Physical Processes chapter (Chapter 7), Water and Sediment Quality chapter (Chapter 8), Nature Conservation and Marine Ecology chapter (Chapter 9) and Ground Conditions, including Land Quality chapter (Chapter 12) of this ES provides an assessment of the effects of the proposed development on the receptors relevant to the WFD Compliance Assessment, specifically hydromorphology, biology (habitats), biology (fish), water quality, protected areas and invasive non-native species (INNS).

5.12.23 The WFD Compliance Assessment has been prepared in accordance with the format specified in the latest Environment Agency 'Clearing the Waters for All' guidance (Environment Agency, 2016). This WFD Compliance Assessment is provided at Appendix 8.1 to the ES (Application Document Reference number 8.4.8).

Waste Hierarchy Assessment

5.12.24 Waste policy and, consequently, the Waste Hierarchy Assessment (WHA) are strongly governed by the waste hierarchy set out in Article 4 of the

² Following the UK leaving the EU, the main provisions of the WFD have been retained in English law through the Floods and Water (Amendment etc.) (EU Exit) Regulations 2019. Available at: <https://www.legislation.gov.uk/ukxi/2019/558/contents/made> (accessed November 2021).

Waste Framework Directive (2008/98/EC). The waste hierarchy ranks waste management options according to what is best for the environment and comprises the following in order of most to least favoured (top to bottom):

- Prevention;
- Re-use;
- Recycle;
- Other recovery; and
- Disposal.

5.12.25 The waste hierarchy places emphasis on waste prevention or minimisation of waste, followed where possible by re-use of the material.

5.12.26 A WHA has been produced as part of the ES to determine the Best Practical Environmental Option (BPEO) for dealing with the dredge arisings. This assessment has involved an evaluation of the dredge and disposal methods likely to be available and includes a discussion based on the Waste Hierarchy Framework to provide evidence of the practical, cost-effective methods of dealing with the dredged material. This WHA is provided as Appendix 2.1 to the ES (Application Document Reference number 8.4.2(a)).

5.12.27 The management of waste generated by the landside works is considered further in the Details of Project Construction and Operation chapter (Chapter 3).

Navigational Risk Assessment

5.12.28 A Navigational Risk Assessment (NRA) has been undertaken to support the DCO application for the IERRT project. Navigational risk requires consideration by the Harbour Authority in its role as the Statutory Harbour Authority (SHA). Hazard observation workshops have been held to bring together relevant navigational stakeholders for the area to discuss the potential impacts on navigational safety associated with the proposed development.

5.12.29 The NRA addresses how the phases of the project will be managed to a point where risk is reduced and considered to be 'as low as reasonably practicable' (ALARP). This is a requirement of the Port Marine Safety Code (PMSC), which is the UK standard for port marine safety. The NRA is provided at Appendix 10.1 to this ES (Application Document Reference number 8.4.10(a)) and has informed the Commercial and Recreational Navigation chapter (Chapter 10 of this ES).

Flood Risk Assessment

5.12.30 A site and development specific Flood Risk Assessment (FRA) has been prepared to accompany the application for the proposed development. This assessment considers the flood risk to the proposed development as well as the implications of the development on flooding elsewhere. The FRA is

provided as appendix 11.1 to the ES (Application Document Reference number 8.4.11) and has informed the assessment contained in Chapter 11 of this ES.

Transport Assessment

5.12.31 A detailed Transport Assessment (TA) of the proposed IERRT project has been undertaken. This assessment has been prepared in accordance with policy contained within both the NPSfP and the National Planning Policy Framework, and guidance contained within the National Planning Practice Guidance. The scope of the assessment was also discussed with National Highways and North East Lincolnshire and North Lincolnshire Councils in their respective capacities as highway authorities. The TA is provided as Appendix 17.1 of the ES (Application Document Reference number 8.4.17(a)) and has informed the assessment contained within the Traffic and Transport (Chapter 17) of this ES.

Policy Conformance and Accordance Assessment

5.12.32 A policy conformance and accordance assessment has been undertaken in support of the application for the IERRT. This assessment is provided separately to the ES and is contained within the Planning Statement that forms part of the DCO application (Application Document Reference number 5.1).

5.12.33 The appendices to the Planning Statement provide a detailed review of the proposed development against the NPSfP, the East Inshore Marine Plan and the local development plan for the main part of the site of the IERRT – the North East Lincolnshire Local Plan 2013 to 2032. This policy conformance and accordance assessment is itself informed by the conclusions of the ES and associated assessment work.

5.13 Policy context

National Policy Statement for Ports (January 2012)

5.13.1 In setting out the Government's policy and the need for new infrastructure, the NPSfP (DfT, 2012) begins by making it clear that ports play an essential role in the UK economy and that for an island economy, there are limited alternatives available to the use of sea transport for the movement of freight and bulk commodities (sections 3.1 and 3.2).

5.13.2 The NPSfP recognises that shipping will continue to provide the only effective way to move the vast majority of freight in and out of the UK, and the provision of sufficient sea port capacity will remain an essential element in ensuring sustainable growth in the UK economy.

5.13.3 Section 3.3 of the statement sets out the "Government Policy for Ports". This policy – which is described as fundamental – is summarised in the statement as being to:

- *“encourage sustainable port development to cater for long term forecast growth in volumes of imports and exports by sea with a competitive and efficient port industry capable of meeting the needs of importers and exporters cost effectively and in a timely manner, thus contributing to long term economic growth and prosperity:*
- *allow judgments about when and where new developments might be proposed to be made on the basis of commercial factors by the port industry or port developers operating within a free market environment: and*
- *ensure all proposed developments satisfy the relevant legal, environmental and social constraints and objectives, including those in the relevant European Directives and corresponding national regulations.”* (paragraph 3.3.1)

5.13.4 In addition, in order to help meet the requirements of the Government policies on sustainable development, the Policy states that new port infrastructure should also:

- *“contribute to local employment, regeneration and development;*
- *ensure competition and security of supply;*
- *preserve, protect and where possible improve marine and terrestrial biodiversity;*
- *minimise emissions of greenhouse gases from port related development;*
- *be well designed, functionally and environmentally;*
- *be adapted to the impacts of climate change;*
- *minimise use of greenfield land;*
- *provide high standards of protection for the natural environment;*
- *ensure that access to and condition of heritage assets are maintained and improved where necessary; and*
- *enhance access to ports and the jobs, services and social networks they create, including for the most disadvantaged.”* (paragraph 3.3.3)

5.13.5 The Policy also sets out the Government’s assessment of the need for new port infrastructure (in section 3.4). It is explained that the total need for new port infrastructure does not only depend on overall demand for port capacity but also upon the need to retain flexibility that ensures port capacity is located where it is required, along with the need to ensure effective competition and resilience in port operations (paragraph 3.4.1).

5.13.6 In respect of demand matters paragraph 3.4.3 refers to DfT forecasts of demand for port capacity in the period up to 2030. These forecasts have been superseded by forecasts produced in 2019. These forecasts indicate that by 2050 there will be 130.5% increase in both roll-on/roll-off (Ro-Ro) tonnage and units in comparison to the position in 2016.

5.13.7 In respect of locational matters, the NPSfP highlights that capacity must be in the right place if it is to serve effectively and efficiently the needs of import and export markets (paragraph 3.4.11). It is made clear that Government does not wish to dictate where port development should occur. Rather port development must be responsive to changing commercial demands. The

- Government considers that the market is the best mechanism for getting this right, with developers bringing forward applications for port developments where they consider them to be commercially viable (paragraph 3.4.12).
- 5.13.8 In respect of competition and resilience matters, it is highlighted that UK ports compete with each other as well as neighbours in continental Europe. The Government welcomes and encourages such competition because it drives efficiency and lower costs, thereby contributing to the competitiveness of the UK economy. Effective competition is recognised as requiring sufficient spare capacity to ensure real choices for port users. It is also recognised that in requiring ports to operate at efficient levels is not the same as operating at full physical capacity. It is acknowledged that total capacity in any sector may need to exceed forecast overall demand if the ports sector is to remain competitive (paragraph 3.4.13).
- 5.13.9 In considering need matters, the policy also highlights the importance of coastal shipping and identifies that ports can make a valuable contribution to decongestion and the environment in this regard (paragraph 3.4.14).
- 5.13.10 Spare capacity is also identified as helping to ensure the resilience of the national infrastructure, with the Government believing that resilience is provided most effectively as a by-product of a competitive ports sector (paragraph 3.4.15).
- 5.13.11 In its conclusions on the need for new infrastructure, the NPSfP makes clear that the Government believes that there is a compelling case for substantial additional port capacity over the next 20 – 30 years. It is further explained that excluding the possibility of providing additional capacity would be to accept limits on economic growth and on the price, choice and availability of goods imported into the UK and available to customers. It is also highlighted that this would limit the local and regional economic benefits that new development might bring. Such an outcome is identified as being strongly against the public interest (paragraph 3.4.16).
- 5.13.12 Section 3.5 of the NPSfP sets out guidance to the decision maker on assessing the need for additional capacity. Decision makers are instructed to accept the need for future capacity to:
- *“cater for long-term forecast growth in volumes of imports and exports by sea for all commodities indicated by the demand forecast figures set out in the MDST forecasting report accepted by Government, taking into account capacity already consented. The Government expects that ultimately all of the demand forecast in the 2006 ports policy review is likely to arise, though, in the light of the recession that began in 2008, not necessarily by 2030;*
 - *support the development of offshore sources of renewable energy;*
 - *offer a sufficiently wide range of facilities at a variety of locations to match existing and expected trade, ship call and inland distribution patterns and to facilitate and encourage coastal shipping;*

- *ensure effective competition among ports and provide resilience in the national infrastructure; and*
- *take full account of both the potential contribution port developments might make to regional and local economies.” (paragraph 3.5.1)*

5.13.13 The statement goes on to make it clear that given the level and urgency of need for infrastructure of the types covered as set out above, the decision maker should start with a presumption in favour of granting consent to applications for port development (paragraph 3.5.2).

5.13.14 Section 4 of the NPSfP sets out a series of “Assessment principles” which decision makers should take into account in considering port developments. Section 5 of the NPSfP sets out a series of “generic impacts” to assist applicants and decision makers in assessing and determining port developments. Regard has been had to these sections of the NPSfP in the assessment of the proposed development and this is explained in the topic Chapters 7 to 19 of this ES that follow.

UK Marine Policy Statement (March 2011)

5.13.15 This policy statement provides the framework for preparing marine plans and is also key in respect of decisions affecting the marine environment. The Marine Policy Statement (MPS) (HM Government, 2011) together with Marine Plans underpin the current planning system for England’s seas. Marine planning provides a forward-looking holistic approach to the management of human activities and the use of marine resources, enabling the Marine Management Organisation and others to move away from case-by-case decision-making.

5.13.16 The UK vision for the marine environment is set out within the MPS as being “*clean, healthy, safe, productive and biologically diverse oceans and seas*” (paragraph 2.1.1). A series of high level marine objectives are given which set out the broad outcomes for the marine area in achieving this vision. It is also made clear in the MPS that these objectives reflect the principles for sustainable development of the UK marine area and deliver the UK vision.

5.13.17 In respect of decision making the MPS highlights that the decision maker should weigh the potential benefits and adverse effects of each proposal, drawing on different, identifiable lines of evidence (paragraph 2.3.2.1). The EIA process is identified as an appropriate way in which such evidence is made available in respect of specific projects.

5.13.18 Chapter 3 of the MPS sets out policy objectives for the key activities that take place in the marine environment, emphasising that these will be delivered through marine planning and decision making which is summarised above.

5.13.19 The key activity of Ports and Shipping is dealt with in Section 3.4 of the MPS. This highlights that ports and shipping are an essential part of the UK

economy, providing the major conduit for the country's imports and exports. It is further recognised that ports provide key transport infrastructure between land and sea, and that ports and shipping are critical to the effective movement of cargo and people, both within the UK and in the context of the global economy.

- 5.13.20 In respect of port development specifically, the MPS highlights in a general sense potential positive and negative impacts associated with port development (paragraph 3.4.9). Potential positive impacts are identified as job creation as well as wider benefits to national, regional and local economies, whereas potential adverse impacts are identified as including those arising from the construction phase and those arising from an increase in shipping (paragraph 3.4.10). In setting out "*issues for consideration*", the MPS indicates that decision makers should take into account the contribution that the development will make to the national, regional or local need for infrastructure, against expected adverse effects including cumulative effects (paragraph 3.4.11).

East Inshore and East Offshore Marine Plans

- 5.13.21 The East Marine Plan (HM Government, 2014) provides a clear approach to managing the East Inshore and East Offshore areas, their resources, and the activities and interactions that take place within them. The plan seeks to provide more certainty about where activities could best take place. Where a relevant National Policy Statement has been designated, nationally significant infrastructure project applications must be determined in accordance with the National Policy Statement, subject to certain exceptions, and have regard to the Marine Policy Statement and relevant marine plans. Marine plans can also add valuable context when 'imperative reasons of overriding public interest' are being considered for specific projects, such as the need for nationally significant infrastructure.
- 5.13.22 The marine elements of the IERRT are located within the East Inshore Marine Plan Area. The East Inshore Marine Plan (adopted in April 2014) sets out the approach to managing the East Inshore area, its resources and the activities and interactions that occur within the area.
- 5.13.23 The first objective of the East Marine Plan is to promote the sustainable development of economically productive activities, taking account of spatial requirements of other activities of importance to the East marine plan areas. Paragraph 110 recognises that planning has a role in trying to ensure that economic opportunities are able to be realised. It is anticipated that this would be through considering proposals in terms of their potential to contribute to increases in employment and productivity of an area.
- 5.13.24 Paragraph 342 of the plan recognises Immingham as forming part of the United Kingdom's busiest port cluster. It is recognised that the ports within the East Inshore area rely heavily on trade with Europe, servicing vessels that ply 'short-sea' routes (paragraph 343). The Plan further reiterates the position set out in the Marine Policy Statement that marine plan authorities

and decision makers should take into account and seek to minimise any negative impact on shipping activity (paragraph 353), and in this regard the level of shipping levels within the East marine plan areas is identified as being nationally significant (paragraph 358).

5.13.25 To reflect this, Policy PS3 of the Plan makes clear that there should no interference with current activities and future opportunity for the expansion of ports and harbours, and if interference is unavoidable, appropriate mitigation should be put in place to minimise such interference.

National Planning Policy Framework

5.13.26 The National Planning Policy Framework (NPPF) (MHCLG, 2021) makes clear at the outset that it does not contain specific policies for nationally significant infrastructure projects. It emphasises that NSIPs are to be determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and other relevant national policy statements for major infrastructure as well as any other matters that are relevant (paragraph 5). Matters of relevance can include the policies within the NPPF and for this reason, relevant aspects of the NPPF are considered below and also in the separate policy sections of the different topic assessment chapters that follow within this ES.

5.13.27 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development (paragraph 7). Achieving sustainable development means that the planning system has three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. Those objectives (paragraph 8) are:

- *“an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- *a social objective – to support strong, vibrant and healthy by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- *an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

5.13.28 The NPPF states that these roles should not be undertaken in isolation, because they are mutually dependent, and that to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously (paragraph 8).

- 5.13.29 A presumption in favour of sustainable development is at the heart of the NPPF and runs through both plan making and decision taking policies within the document to ensure development is pursued in a positive way (paragraph 10).
- 5.13.30 The importance of building a strong and competitive economy is a matter specifically highlighted within the NPPF (paragraph 81). It is made clear that planning policies and decisions should help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed upon the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 82).
- 5.13.31 Details of other policies within the NPPF and of relevance to the IERRT are considered in each of the preliminary topic assessment chapters of this ES as appropriate.

Maritime 2050 (January 2019)

- 5.13.32 Published in January 2019, Maritime 2050 (DfT, 2019) sets out the long-term strategy and high-level vision of the UK Maritime Sector through to 2050. The strategy sets out a series of values and strategic ambitions before setting out the vision for the sector across seven different themes.
- 5.13.33 The strategy recognises the economic importance of ports and the maritime sector. It highlights the increasing significance of far eastern markets and the general move towards the movement of goods and commodities in larger vessels because of the economic advantages that result.
- 5.13.34 In respect of maritime infrastructure, the strategy concludes by making it clear that such infrastructure will remain a key focus for the operations of the wider maritime sector, and developments in the period up to 2050 will significantly enhance productivity and efficiency, to deliver a positive impact in national infrastructure growth and business performance.
- 5.13.35 One of the core Maritime 2050 ambitions (stated within paragraph 49), is the pursuit of a liberalised global trading regime will have a direct impact on the maritime sector which stands to benefit from increases in trade and frictionless trade flows. Government is committed to working with UK businesses to make trade easier, to remove barriers – whether regulatory, legislative or financial – and to unlock the potential of international exports. Following on from this, paragraph 50 recognises that the principle of supply and demand underpins global trade, and that imported and exported goods are constantly changing. The UK will need to match the demand in the global maritime sector or risk losses in tax, revenue, employment and Gross Domestic Product (GDP). In order to achieve these aspirations, paragraph 60 states that continued investment and planning ahead to future proof or retrofit infrastructure will ensure ports and harbours are ready to adapt to future changes.

Local Policy

- 5.13.36 The majority of the Immingham port estate falls within the administrative area of North East Lincolnshire Council, although the western part of the Port falls within the administrative area of North Lincolnshire Council.
- 5.13.37 The proposed development site itself, however, falls largely within the administrative boundary of North East Lincolnshire. That part of the site which extends seaward and falls beyond the local authority's boundary over the bed of the Humber is owned by the Crown Estate and over which, ABP in its capacity as the Humber Conservancy Commissioner, has the benefit of a long lease.
- 5.13.38 There are currently no designated Neighbourhood Forums or Neighbourhood Plans in preparation or adopted in North East Lincolnshire.

North East Lincolnshire Local Plan 2013 – 2032

- 5.13.39 North East Lincolnshire Council adopted its current Local Plan in 2018 (NELC, 2018). From the outset, the plan highlights the importance of the ports and logistics sector within the district, with the introductory text within page 2 stating that the district is *“entering a period of economic growth that has not been seen in a generation”* and that *“between 2013 and 2032 we plan to help deliver 8,800 new jobs”*.
- 5.13.40 The plan indicates that this growth *“will be focused around our five key economic sectors”*, the first of which is ports and logistics. This aspiration is carried through into Policy 1 (Employment land supply) which states that between 2013 and 2032, the Council will support the development of a portfolio of sites which will support the generation of 8,800 jobs. This policy states that *“The provision of a portfolio of sites will enable the development of B-class uses to accommodate growth primarily within the Renewables and Energy, Chemicals and Process Industries, Food Processing, and Ports and Logistics sectors”*.
- 5.13.41 Section 6.6 of the Local Plan states that the Ports of Immingham and Grimsby combine to form the largest port complex in the UK by tonnage handled and the fourth largest in Europe, and that they are of international trading significance, providing a regional and national economic gateway and linking to European and other trading markets. Goods can be delivered to 75% of the UK population within a four-hour drive time, making the ports central to the UK's trade and communication links. As the movement of goods by sea remains the most economically efficient means of transportation, the Borough's logistics operations are set to remain strong for the foreseeable future. Table 7.1 on page 53 states an intention to build upon international significance of the ports in the Humber (alongside renewable energy development).
- 5.13.42 Section 12.13 states that Associated British Ports (ABP) *“have developed a strong development management approach which limits development to*

dock related employment uses". The proposed development falls within the operational port policy allocation on the Local Plan proposals map.

- 5.13.43 Policy 7 (Employment Allocations) seeks to ensure development proposals within operational port areas would be for port related uses and would be in accordance with the development plan as a whole (including in respect of the requirements of the Habitats Regulations). Policy 8 (existing employment areas) similarly seeks to safeguard employment uses and also encourages the development of vacant sites for employment uses.

Greater Lincolnshire Strategic Economic Plan 2014 – 2030

- 5.13.44 The Port of Immingham falls within the area covered by The Greater Lincolnshire Local Enterprise Partnership (LEP), which is a business led partnership made up of private and public sector leaders. The partnership works with Government and stakeholders to enable the delivery of strategic projects and programmes that are intended to drive local prosperity and economic growth. The LEP's Strategic Economic Development Plan was developed in 2014 and updated in 2016 to reflect ongoing priorities for continued growth and investment (GLLEP, 2016). The second priority for growth within the plan is *"to grow specific opportunities identified as future defining features of the area"* with specific reference to ports and logistics (alongside the health and care sector).
- 5.13.45 On page 38 the Port of Immingham is described as *"the largest UK port by tonnage"* and as *"a key gateway to Europe...."*. The plan also identifies *"scope to increase added value through the expansion of container freight services and facilities at the Port, with a particular focus on ro-ro activity"*. Page 40 states that the South Humber Gateway area is *"the largest developable port site in the UK with over 4 square miles of land"* and sets out an intention to invest in key infrastructure in order to facilitate increased capacity and competitiveness within the ports and logistics sector.
- 5.13.46 More specifically page 41 states an intention to *"develop opportunities for ro-ro and port-centric logistics by attracting a higher proportion of containerised freight with an origin or destination in Greater Lincolnshire and the adjoining area"*. This sub-regional plan therefore firmly establishes the important role of the Port of Immingham in the national economy along with the significant opportunities presented by the expansion of Ro-Ro logistics in terms of driving regional prosperity and growth.

5.14 References

Department for Transport. (2019). Maritime 2050: Navigating the Future. [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/872194/Maritime_2050_Report.pdf (accessed November 2022). (DfT, 2019)

Department for Transport. (2012). National Policy Statement for Ports. [Online] Available at: <https://www.gov.uk/government/publications/national-policy-statement-for-ports> (accessed November 2022). (DfT, 2012)

Environment Agency. (2016). Guidance: Water Framework Directive assessment: estuarine and coastal waters. [Online] Available at: <https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-and-coastal-waters> (accessed November 2022).

Greater Lincolnshire Local Enterprise Partnership. (2016). Greater Lincolnshire LEP Strategic Economic Plan 2014 – 2030. Refresh 2016. [Online] Available at: [REDACTED] (accessed November 2022). (GLLEP, 2016)

HM Government. (2014). East Inshore and East Offshore Marine Plans. [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/312496/east-plan.pdf (accessed November 2022).

HM Government. (2011). UK Marine Policy Statement. [Online] Available at: <https://www.gov.uk/government/publications/uk-marine-policy-statement> (accessed November 2022).

Ministry of Housing, Communities and Local Government. (2021). National Planning Policy Framework. [Online] Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf (accessed November 2022). (MHCLG, 2021)

North East Lincolnshire Council. (2018). Local Plan 2013 to 2032. [Online] Available at: [REDACTED] (accessed November 2022). (NELC, 2018)

Planning Inspectorate. (2022). Advice Note Ten: Habitat Regulations Assessment relevant to Nationally Significant Infrastructure Projects [Online] Available at: <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/> (accessed November 2022). (PINS, 2022)

5.15 Abbreviations/Acronyms

Acronym	Definition
AA	Appropriate Assessment
ABP	Associated British Ports
AEOI	Adverse effect on site integrity
ALARP	As low as reasonably practicable
BNG	Biodiversity Net Gain
BPEO	Best Practical Environmental Option
CDM	Construction (Design and Management)
COMAH	Control of Major Accident Hazards
DCO	Development Consent Order
DfT	Department for Transport
EC	European Commission
EEC	European Economic Community
EIA	Environmental Impact Assessment
EMS	European Marine Site
ES	Environmental Statement
EU	European Union
FRA	Flood Risk Assessment
GDP	Gross Domestic Product
GLLEP	Greater Lincolnshire Local Enterprise Partnership
HM	His (Her) Majesty's
HRA	Habitats Regulations Assessment
IDB	Internal Drainage Board
IERRT	Immingham Eastern Ro-Ro Terminal
INNS	Invasive Non-Native Species
IROPI	Imperative reasons of overriding public interest
LEP	Local Enterprise Partnership
LSE	Likely significant effect
MCAA	Marine and Coastal Access Act
MDST	MDS Transmodal
MHCLG	Ministry of Housing, Communities and Local Government
MHWS	Mean high water springs
MMO	Marine Management Organisation
MPS	Marine Policy Statement
NELC	North East Lincolnshire Council

NPPF	National Planning Policy Framework
NPSfP	National Policy Statement for Ports
NRA	Navigational Risk Assessment
NSIP	Nationally Significant Infrastructure Project
PA	Planning Act 2008
PEA	Preliminary Ecological Appraisal
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
PMSC	Port Marine Safety Code
Ramsar	Wetlands of international importance, designated under The Convention on Wetlands (Ramsar, Iran, 1971)
Ro-Ro	roll-on/roll-off
SAC	Special Area of Conservation
SHA	Statutory Harbour Authority
SPA	Special Protection Area
TA	Transport Assessment
UK	United Kingdom
WFD	Water Framework Directive
WHA	Waste Hierarchy Assessment

Cardinal points/directions are used unless otherwise stated.

SI units are used unless otherwise stated.

5.16 Glossary

Term	Definition
Appropriate Assessment	An assessment conducted by a competent authority of the implications of a plan or project on a European designated site, where the potential for likely significant effects cannot be excluded
As low as reasonably practicable	The Control of Major Accident Hazards Regulations 2015 (COMAH) requires operators of sites storing bulk hazardous liquids to reduce the risk of a major accident to as low as is reasonably practicable (Regulation 4)
Best Practical Environmental Option	Procedures adopted with the goal of managing waste and other environmental concerns which emphasise the protection and conservation of the environment across land, air and water
European Marine Site	Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) that are covered by tidal waters and protect some of our most important marine and coastal habitats and species of European importance
Intertidal	The area between high and low tide also known as the foreshore or seashore
Ramsar	Wetlands of international importance designated under the Ramsar Convention
Special Area of Conservation	A designated area protecting one or more habitats or species listed in the Habitats Directive
Special Protection Area	A designated area protecting one or more rare, threatened or vulnerable bird species listed in Annex I of the Birds Directive
Statutory Harbour Authority	Statutory Bodies responsible for the management and running of a harbour

Contact Us

ABPmer

Quayside Suite,

Medina Chambers

Town Quay, Southampton

SO14 2AQ

T +44 (0) 23 8071 1840

F +44 (0) 23 8071 1841

E enquiries@abpmer.co.uk

