

Environment Agency – Registration No: 20037317
Principal Areas of Disagreement Summary Statement re Immingham Eastern Ro-Ro Terminal (TR03007)

Number	Principal Issue in Question	The brief concern held by The Environment Agency which will be reported on in full in Written Representations	What needs to: <ul style="list-style-type: none"> • change, or • be included, or • amended so as to overcome the disagreement	Likelihood of the concern being addressed during Examination
1	Disapplication of the Environmental Permitting Regulations 2016 in relation to flood risk activity permits.	The Environment Agency (EA) is currently not able to agree to disapplication of the Environmental Permitting Regulations 2016 in relation to flood risk activity permits. Section 150 Planning Act 2008 provides that the Environment Agency must consent to the inclusion of any provision within the DCO for the disapplication of any permits that it issues.	The provisions in Schedule 4, Part 2 needs to be amended in Paragraph 20(3)(b) to read " <i>is deemed to have been <u>refused</u></i> ".	Highly likely
2	Protection of migratory fish from noise impacts	The EA is aware that there are certain periods when water conditions will make fish more vulnerable to disturbance and the DCO should contain a marine licence condition for percussive piling to cease when monitoring shows temperatures above 21.5 degrees Celsius or dissolved oxygen is below 5mg/l, or both.	An additional marine licence condition needs to be included in Schedule 3, Part 2 to ensure the construction works must stop in these conditions.	Highly likely
3	Procedure for discharge of Requirements	The procedure for the discharge of Requirements will not provide sufficient time for consultees to comment on the submissions.	Schedule 2, Part 2, paragraph 22(2) needs to be amended from 10 business days to 20 business days to facilitate adequate consultation.	Highly likely