

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

Consultation from the Marine Management Organisation (MMO) on an application made by Associated British Ports (ABP) for a Harbour Revision Order (HRO) under Section 14 of the Harbours Act 1964 (and an application for a marine licence under Part 4 of the Marine and Coastal Act 2009 to carry out the works in the HRO) relating to the construction of the Immingham Western Deepwater Jetty (IWDJ) at Station Road, South Killingholme, North Lincolnshire

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To advise members that ABP has made application to the MMO to develop the IWDJ and North Lincolnshire Council has been consulted.
- 1.2 To receive from members a mandate to respond to that consultation following consideration of the proposal, after taking account of internal responses received and considering other relevant material issues and options.

2. BACKGROUND INFORMATION

- 2.1 ABP has applied to the MMO for an HRO under Section 14 of the Harbours Act 1964 relating to a development known as the Immingham Western Deepwater Jetty. The proposed development will comprise a port facility to be used for the import, storage and onward distribution of liquid bulk goods. This category of cargo includes liquefied natural gas (LNG), liquefied petroleum gas (LPG), white oils and kerosene/aviation fuel.
- 2.2 The facility consists of berthing facilities for one panamax vessel and one coastal vessel, dredged areas to accommodate vessels, landside infrastructure to accommodate the handling of liquid bulk cargoes and affording onward distribution, including road improvements and rail connections. In order to ensure that road improvements can be secured, compulsory purchase powers are sought over five parcels of adjoining land comprising parts of Station Road and parts of the arable field adjacent to Station Road.
- 2.3 Historically the site has been held by ABP for port operational purposes as part of the Port of Immingham and has been designated and protected over the years as such by the planning authority in its development plan, currently the North Lincolnshire Local Plan. However, until this proposal was submitted, the council is unaware of any proposals to develop this land ever being advanced by ABP.

Capacity

- 2.4 With an estimated potential to handle more than 5 million tonnes of 'cargo' per annum, the IWDJ proposal should form an application for a Development Consent Order (DCO) as a Nationally Significant Infrastructure Project (NSIP).
- 2.5 To use the provisions of the Harbours Act 1964 through an HRO is considered inappropriate procedurally.

Local plan provision/policy/socio economic

- 2.6 Within the North Lincolnshire Local Plan (adopted May 2003) policy IN4A states:

'Port-related development within the port area designated on the Proposals Map will be supported.'
- 2.7 Since 2003 the council, as local planning authority, has adopted a Core Strategy (Local Development Framework), which includes policies which offer support for the planned development of the South Humber Bank, and this remains consistent with the National Planning Policy Framework as appropriate and National Policy Statements.
- 2.8 The strategic platform for the development of the South Humber Bank has changed significantly since 2003.
- 2.9 The Local Enterprise Partnership (LEP) for the Humber (2011) defines as its principal aim the support of ports, chemicals and renewables with the creation of a renewable 'super cluster' supporting the industry as a priority.
- 2.10 With the granting of a DCO (18 December 2013) the Able Marine Energy Park (AMEP) becomes the catalyst to deliver the LEP's priority. With the provision of the quay, up to 4000 local jobs upon operation, and the massive boost to the local economy that the construction work alone will bring, the regenerative effect that the AMEP will have, not only locally, but on a regional basis, cannot be underestimated, or allowed to be prejudiced.
- 2.11 The shift in emphasis of the development of the South Humber Bank that has been developing over recent years is now a reality.
- 2.12 With the granting of the Able Logistics Park (ALP) in June 2013, proposals for a dual-fuel power station advancing, and the dualling of the A160 now a firm proposal of the Government, the South Humber Bank is at the genesis of its fulfilments.
- 2.13 Both parties – ABP and Able – recognise that there is only room for one of these proposals, AMEP or IWDJ, not both.
- 2.14 The AMEP is now consented, after full and proper consideration of all relevant facts and impacts. The IWDJ is in no way, shape or form, close to the AMEP in what it offers the local area or region in terms of economic advantages in particular.

- 2.15 Additionally, it must be noted that whilst the Humber Internal Terminal 3 (HIT 3) is not even in the planning process, the facility that the IWDJ is proposing to provide should and could be accommodated elsewhere without any prejudicial effect on the AMEP.

Mitigation

- 2.16 As the provision of the IWDJ will result in the total loss of intertidal habitat and the loss of farmland for use by over-wintering birds, the issue of mitigation is important. Indeed, if no adverse effect on the integrity of the Humber Estuary SPA and Ramsar cannot be proven, the issue of IROPI (imperative reason of overriding public interest) and compensation comes to the fore.
- 2.17 None of the above is clear. It is stated that farmland is to be used locally to mitigate, however its location, size and physical condition are withheld. The issue of compensation is absent.

Consultation

- 2.18 The applications made by ABP to the MMO are accompanied by both an Environmental Impact Assessment and a Habitats Assessment.
- 2.19 A round of internal consultations has been made within the council and responses are being received.
- 2.20 The consultation from the MMO is subject to a very tight deadline (2 January 2014) following receipt of the consultation in early December 2013.
- 2.21 A 'holding objection' has been made to the MMO to allow North Lincolnshire Council time to fully consider the potential impacts of the IWDJ on North Lincolnshire's environment and also the impact of the development on the approved AMEP which, by the granting of the DCO, allows for the compulsory purchase by Able of the landward portion of the proposed development site.

3. OPTIONS FOR CONSIDERATION

- 3.1 **Option 1:** Not object to the proposal.
- 3.2 **Option 2:** Object to the proposal on the following grounds:
- (i) The proposal will prevent the construction of the approved AMEP and delivery of the economic advantages that the AMEP will bring to the local and regional economy.
 - (ii) National and local planning policies, which include the NPS for Ports, all set out the requirements for adequate information to enable an appropriate assessment of the impacts of proposed development on the historic environment and whether such impacts can be avoided or minimised. The applicant's submission, in the form of chapter 16 and the Cultural Heritage appendix 16a, does not provide sufficient information for the local planning authority to comment other than as a strong objection until further information is made available.

- (iii) There is potential for significant adverse noise impacts at nearby residential receptors during the construction phase of the development and similar adverse impacts during the operational phase cannot be discounted.

Further interrogation of the Environmental Impact Assessment continues in respect of noise, vibration, dust and contamination issues and the conclusions will be reported verbally at the meeting if necessary.

4. ANALYSIS OF OPTIONS

4.1 **Option 1:** ABP states in supporting information that the provision of the IWDJ will secure the import of fuels that will assist in protecting the UK's vital energy supplies and service projected customer need. Whilst this is an important consideration, other alternatives could meet this objective.

4.2 **Option 2:** From an assessment of ABP's case submitted in support of its application to the MMO, it is clear to North Lincolnshire Council that:

- there is no current need for the development;
- no alternative sites have been properly examined;
- as the development of HIT 3 is not at any realistic stage, other than in the Masterplan, the proposal to advance the IWDJ is premature;
- the IWDJ will have a serious adverse impact on the deliverability of the AMEP;
- the construction of the IWDJ would have a serious adverse impact on the operation of the AMEP insomuch that the AMEP would be unlikely to proceed which would result in the loss of thousands of jobs and hundreds of million of pounds of investment;
- an inadequate level of survey work and flawed methodologies are used to ascertain the impact of the IWDJ on the habitat and ecology of the area and the Humber Estuary SPA/Ramsar site;
- inadequate attention has been paid to the area's archaeology and historical assets;
- the issue of construction activity on nearby residential property has been inadequately addressed.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Financial

5.1.1 None.

5.2 **Staffing**

5.2.1 Should a public inquiry be held to consider ABP's IWDJ it will be essential to provide a staff resource to provide the necessary evidence and attendance.

5.3 **Property**

5.3.1 None.

5.4 **IT**

5.4.1 None.

6. **OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 – CRIME AND DISORDER, RISK AND OTHER)**

6.1 **Statutory**

6.1.1 It is considered that this project should more properly be dealt with by the NSIP regime.

6.2 **Environmental**

6.2.1 Detailed in the report.

6.3 **Diversity**

6.3.1 None.

6.4 **Section 17 – Crime and Disorder**

6.4.1 None.

6.5 **Risk**

6.5.1 None.

6.6 **Other**

6.6.1 Socio-economic – loss of employment opportunity on a massive scale due to loss of the AMEP and related inward investment.

7. **OUTCOMES OF CONSULTATION**

7.1 A holding objection from the Historic Environment Record and serious concerns from Environmental Protection officers.

8. RECOMMENDATIONS

- 8.1 That Option 2 be accepted, and a response be sent to the MMO setting out the full details of the main points highlighted in this report.

HEAD OF DEVELOPMENT MANAGEMENT

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Background papers used in the preparation of this report

Able Marine Energy Park project papers
Immingham Western Deepwater Jetty project papers

