

Environmental and Social Data Sheet

Overview

Project Name:	Port of Liverpool River Terminal
Project Number:	2012-0101
Country:	United Kingdom
Project Description:	The Project consists of a new deep-sea container terminal of approximately 20 ha on a reclaimed land area in the Port of Liverpool, located in the estuary of the river Mersey. The terminal will have a total quay length of 850 m deep-sea quay, providing 2 berths with a minimum tide-independent water depth of 16.5 m in order to receive container vessels of up to 12,000 TEU (Post-Panamax). The Project terminal capacity is estimated at 800,000 TEU per year.

EIA required: YES

Project included in Carbon Footprint Exercise¹: NO

(Details are provided in section: "Carbon Footprint")

Summary of Environmental and Social Assessment, including key issues and overall conclusion and recommendation

The Project falls under Annex I of the EIA Directive 2011/92/EU and is located in the vicinity of protected nature conservation sites. Environmental impact assessment studies and a biodiversity assessment have been carried during 2005 covering the Project and the dredging of the approach channel. At the time of appraisal, the Promoter is in the scoping process of the marine licence application in order to confirm the extent to which the assessments remain valid and which (parts of the) assessments need updating in view of any changed baseline conditions and project design modifications.

In compliance with the Water Framework Directive, a draft River Basin Management Plan (RBMP) for the North West river basin district, including the estuary of the river Mersey, was compiled in 2009. A Strategic Environmental Assessment (SEA) and a Habitats Regulations assessment of the draft plan have been carried out. The marine licensing authority, the Marine Management Organisation (MMO) will check compliance of the Project and the dredging of the approach channel with the RBMP and the Water Framework Directive 2000/60/EC (as amended)².

The Project and the approach channel dredging are expected to cause temporary adverse impacts during the construction phase, as well as the permanent loss of 12 ha of intertidal habitat of limited ecological value. No significant adverse impacts are predicted either on the wave climate and tidal flows, the sediment transport patterns or on the surrounding marine and terrestrial habitats, birds and other species. Once operational, additional vessel movements, port operations and road traffic are assumed to cause minor residual impacts on the water quality, air quality and noise levels in the project area and immediate surroundings.

¹ Only projects that meet the scope of the Pilot Exercise, as defined in the EIB draft Carbon Footprint Methodologies, are included, provided estimated emissions exceed the methodology thresholds: above 100,000 tons CO₂e/year absolute (gross) or 20,000 tons CO₂e/year relative (net) – both increases and savings.

² The Environment Agency (EA) is the competent authority for implementing the WFD in England and Wales. Their responsibilities include, amongst others, the preparation and consultation of the River Basin Management Plans. Under regulation 17 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003, the MMO is required, inter alia, to have regard to the River Basin Management Plan and to the measures set out therein.

The Bank will condition the financing on an updated assessment of the environmental impacts, as well as fulfilment of the requirements of the Habitats Directive and the Water Framework Directive and implementation of the mitigation measures in accordance with the Project's environmental authorisations. Provided that environmental mitigation measures are properly implemented, the overall residual impacts are expected to be minor and manageable. Subject to the above conditions and undertakings being met, the project is acceptable for EIB financing.

Environmental and Social Assessment

Environmental Assessment

The Project falls under Annex I of the EIA Directive 2011/92/EU. The Marine Works (Environmental Impact Assessment) Regulations 2007, as amended, transpose the EIA Directive 2011/92/EU into domestic legislation. Environmental impact assessment studies have been carried during 2005 for the construction and operation of the container terminal (the "Project") and the dredging of the approach channel³. The EIS non-technical summary (NTS) was provided to the Bank.

The Project site is located in the vicinity of nationally and internationally protected sites under the Birds and Habitats Directives and the Ramsar Convention: the "Mersey Narrows and North Wirral Foreshore" (SSSI's, pSPA and pRamsar); the "Ribble and Alt Estuaries" (SPA and Ramsar - UK9005103); the "Sefton Coast" (SSSI and SAC - UK0013076) and the "Liverpool Bay" (SPA - UK9020294). The Conservation of Habitats and Species Regulations 2010, as amended, and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007, as amended, transpose the Habitats Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna and the Birds Directive 2009/147/EC on the conservation of wild birds into domestic legislation. An assessment of the potential impacts of the Project and the dredging of the approach channel on the marine, water and terrestrial habitats, birds and other species was carried out in 2005. A summary of the Appropriate Assessment ("AA") is included in the EIS non-technical summary provided to the Bank.

A mitigation and monitoring methodology was agreed with Natural England and a Deed of Agreement was signed on 27/04/2006. A public inquiry was organised by the Department for Transport ("DfT") in 2006 under the Harbours Act of 1964 and consequently the consent for port development, the Harbour Revision Order No. 1440 ("HRO"), was issued on 9/05/2007 and entered into force on 30/05/2007.

In order to implement the Project, the dredging of the approach channel and the offshore disposal of dredged material, a number of consents and licences are still required, including a marine licence under the Marine and Coastal Access Act (MCAA) 2009⁴, a consent under the Wildlife and Countryside Act 1981 as amended, a consent under the Water Resources Act 1991 and associated bylaws (for works affecting a main river and flood defences and to discharge surface water) and a consent from the Duchy of Lancaster and the Crown Estate under the Crown Estate Act 1961 (as owners of the seabed).

The Marine Management Organisation (MMO)⁵, the responsible marine licensing authority, will check compliance of the Project and the dredging of the approach channel with the EIA Directive 2011/92/EU, the Water Framework Directive 2000/60/EC (as amended)⁶, the

³ The proposed dredging of the approach channel is not part of the EIB Project.

⁴ The MCAA is in force since 6/04/2011 and replaced the Food and Environment Protection Act (FEPA) and Coast Protection Act (CPA).

⁵ The MMCA established the Marine Management Organisation (MMO) in April 2010. The MMO inherited responsibility from the Department for Transport for certain functions under the Harbours Act 1964 (the Act).

⁶ The Environment Agency (EA) is the competent authority for implementing the WFD in England and Wales. Their responsibilities include, amongst others, the preparation and consultation of the River Basin Management Plans. Under regulation 17 of the Water Environment (Water Framework Directive) (England and Wales) Regulations 2003, the MMO is required, inter alia, to have regard to the River Basin Management Plan and to the measures set out therein.

Habitats Directive 92/43/EEC and the Birds Directive 2009/147/EC before issuing a marine licence.

At the time of appraisal, the Promoter is in the scoping phase of this process. A scoping consultation meeting took place on 28/03/2012 and a formal scoping opinion of the MMO is expected shortly. The aim of this scoping is to confirm the extent to which the environmental impact assessments undertaken for the HRO remain valid, which areas need updating and/or supplementing and to agree on the scope of any further surveys, consultations and/or studies, in view of any altered baseline conditions and project design modifications, such as the increased terminal capacity and deeper and wider berthing pocket.

The Project and dredging of the approach channel are expected to cause temporary inconveniences during the construction phase (air pollutant emissions, underwater and airborne noise and vibrations, increased water turbidity, etc), as well as the permanent loss of 12 ha of intertidal habitat of limited ecological value and the permanent deepening of 383 ha of approach channel, which is likely to show a rapid recovery to the baseline conditions. The overall changes to the wave climate and tidal flows in the estuary are considered to be negligible and the subsequent effects on the sediment erosion and deposition patterns are considered to be minor. No significant adverse impacts are predicted on the surrounding the marine, water and terrestrial habitats, birds and other species. Any contaminated sediments that are excavated during the deepening of the berth pocket, will be used as infill for the land reclamation works and thus will be permanently sealed. Once operational, additional vessel movements, port operations and road traffic are assumed to cause minor residual impacts on the water quality, air quality and noise levels in the project area and immediate surroundings.

A mitigation and monitoring methodology was agreed between the Promoter and Natural England to address the possible negative impacts on potential and designated international and European nature conservation sites, which resulted in a Deed of Agreement signed in 2006. The mitigation measures are based on sediment management methods and include the development of a maintenance dredge strategy for the sediments that accumulate in the deepened approach channel and terminal berths in order to maintain the supply of sediment in the estuarine system, the development of a monitoring strategy to survey sediment transport and the development of a management review system to regularly reconsider the maintenance dredging strategy based on the monitoring results.

The capital and maintenance dredging strategy, as well as the mitigation and monitoring methodology may need to be adjusted as a result of the outcomes of the reviewed and updated environmental impact assessments, although no notably different residual impacts are expected. The potential environmental impacts during terminal operations are expected to become more considerable and require appropriate additional mitigation measures.

Based on the assumption that the compensation and mitigation methodology as defined in the Deed of Agreement (2006) and any additional compensation and/or mitigation measures, identified in the environmental authorisations which have yet to be issued, will be carried out by the Promoter, the Project's environmental risks can be considered as acceptable with minor negative residual impacts.

EIB Carbon Footprint Exercise

Project is not included - the EIB draft Carbon Footprint Methodologies only include emissions from Investment Loans, and large allocations under Framework Loans, above the methodology thresholds. Methodologies for network type projects, including certain transport infrastructure projects, are under review by the Bank.

Social Assessment, where applicable

N/A

Public Consultation and Stakeholder Engagement, where required

Public consultations took place from 25/04/2006 to 27/04/2006 and on 2/05/2006 in view of issuing the HRO. Further public consultation may be necessary in order to obtain the marine licence.

Other Environmental and Social Aspects

The social and environmental capacity of the Promoter, who will be responsible for the implementation and monitoring of the environmental mitigation and compensation measures for the Project and the dredging of the approach channel, is expected to be satisfactory.

The Promoter has adopted a Safety & Environment Policy and is currently working towards an ISO 14001 Environmental Management Systems (EMS) certification.

The Project will have positive effects on employment in a region highly affected by unemployment.

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