

Annex J1d Additional concerns raised by port and harbour operators about the impacts of rMCZs

J1d.1 A summary of the combined concerns of eight port interests in the MCZ project area is provided below. The port interests are Yarmouth Harbour, the Port of London Authority, ABP, Portland Port, South West Regional Ports Association, Truro & Penrhyn Ports, Poole Harbour Commissioners and Harwich Harbour Authority. For ease of reference, these are here on referred to as the 'port and harbour operators' although it is recognised that port and harbour operators in the MCZ project area comprise a greater number of operators. The views presented below may not necessarily reflect the views of all of the eight port interests.

J1d.2 The port and harbour operators feel that whilst Scenarios 1 and 2 represent the best situation that could arise in terms of impact on the sector, they are concerned that in reality, additional costs could be incurred to the sector which are not captured by the Scenarios in IA. The operators' main concerns that are not reflected in Scenarios 1 and 2 are summarised below. Efforts have been made to quantify these concerns in an assessment of impact, which is separate to Scenarios 1 and 2, details of which are provided in Annex H12, Annex N11 and which is summarised in the Evidence Base.

1 Concerns regarding the assessment of environmental impact in future licence applications

J1d.3 Whilst Scenarios 1 and 2 make assumptions regarding additional work requirements to assess the impact of port operations upon features protected by MCZs, the port and harbour operators are concerned that a lot more surveys and information may be needed in future licence applications, for activities that could impact on MCZ features. Such surveys could comprise baseline sediment modelling, dredged material dispersal studies, examination of alternative disposal options and fisheries/habitat impact surveys. Such additional costs are not captured in Scenarios 1 and 2.

J1d.4 The IA currently assumes that 'in the absence of MCZs, operators characterises the habitats and produces a biotope map of the seabed for the area covered by and around the proposed activity in their assessments of environmental impacts'. However, the port and harbour operators stated that there is no legal obligation to prepare a habitat map and that this is only provided for projects affecting large areas. To produce this for each and every future licence application will incur an additional cost which is not currently captured by the IA.

J1d.5 The operators are also concerned that the licence application process could take longer and could therefore incur additional costs if for example, commercial projects are delayed as a result of MCZs. They also feel that a greater regulatory burden will be placed on applicants, regulators and consultees.

2 Concerns regarding future mitigation requirements

J1d.6 The port and harbour operators are concerned that additional mitigation requirements, over and above what is assumed in Scenarios 1 and 2, could be required. This is based on their experience of requirements under the Habitats Regulations. The sector has also challenged the

assumption provided in IA that a 30cm depositional event is required to give rise to an impact. The sector states that even a few millimetres of deposition could impact upon sensitive features. In their view the following measures could be required in order to mitigate the impact of maintenance dredging on MCZ features: measures to minimise sediment plume during dredging, and examination of beneficial use opportunities for dredged material to minimise morphological impacts.

J1d.7 Lastly, the port and harbour operators are concerned that the presence of an MCZ in proximity to planned port activity may deter commercial investment (Portland Port, pers. comm., 2012). They are concerned that the IA does not capture the cost to the economy of port and harbour-related activities not being proposed in the place, due to the presence of a designated MCZ. Costs to the economy could be incurred through lost commercial opportunity and therefore in increased efforts to try and attract commercial investment.