

Sustainable Estuary Management: Reconciling development and conservation pressures in European port-estuary spaces

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Working Paper 3: The Humber Ports

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The Humber Ports and Estuary

In contrast to Continental Europe, where many ports are publicly funded and subsidised, the majority of ports in the UK became privately owned and operated from the late 1980s onwards¹. Associated British Ports (ABP) is the main port operator in the Humber and was recently the subject of competitive bidding activity between Admiral Acquisitions, a Goldman Sachs-led consortium and Macquarie Bank, with the former eventually paying £2.8bn for ABP in 2006. The Humber estuary ports (comprising Grimsby, Immingham, Hull, Goole and various other wharves) represent the largest ports conurbation in the UK in volume terms, handling 90.86 million tonnes of freight traffic in 2006. This accounted for 16.1% of all UK major ports traffic in 2006 (Department for Transport, 2007). The Humber estuary is also one of the UK's largest and drains over one fifth of all land in England (Freestone et al, 1987). The population of the Humber sub-region was 887,500 in 2004². It was calculated the Humber ports cluster has a total number of employees of 5,332 in 2004³. The estuary is also recognised as an area of international importance for wildlife with Ramsar, Special Protected Area (SPA) and candidate Special Area of Conservation (SAC) designations. The estuary is therefore subject to a range of sometimes competing pressures and demands, from port activity and nature conservation, to industrial development, energy production and increasingly, the issue of sea level rise and flood management. This complicated interaction of different pressures upon the estuary helps make the Humber an interesting case study in exploring how institutions have responded in negotiating some of these challenges.

Port expansion: Immingham Outer Harbour

Associated British Ports (ABP) unveiled plans to build a new £35m 2-berth, 50-acre (approximately 20ha), Roll-on Roll-off (Ro-Ro) terminal at Immingham Outer Harbour, on the south bank of the Humber estuary in 2001. The proposed site for this new terminal was located within a designated Ramsar area and proposed SPA and SAC site; its construction would result in losses to intertidal mudflat area. An Environmental Statement for the development was submitted in 2001 and an Environmental Impact Assessment and Appropriate Assessment (as part of the EU Habitats Regulations) were carried out⁴. Although the Appropriate Assessment concluded that the project was likely to have an adverse impact on the proposed designated sites, the decision to allow the expansion to go ahead was made on the grounds of imperative reasons of overriding public interest (IROPI) (Planning Magazine, 2005). This was justified on the basis that the preferred location was best able to handle the volumes of Ro-Ro traffic anticipated and that the port was important for further promoting the competitiveness of the regional and national economy. Although the Transport Secretary approved ABP's application for a

¹ In the UK, the privatisation of the ports industry occurred in the 1980s with the privatisation of the British Transport Docks Board (this became Associated British Ports) and following the Ports Act of 1991 (which led to the privatisation of a number of former trust ports) (Department for Transport, 2006).

² <http://www.yorkshirefutures.com/siteassets/documents/YorkshireFutures/3/1/317A1698-E609-4872-869D-85B8C79CC28D/Progress%20in%20the%20Humber%202006.pdf>

³ <http://www.yorkshirefutures.com/siteassets/documents/YorkshireFutures/3/1/317A1698-E609-4872-869D-85B8C79CC28D/Progress%20in%20the%20Humber%202006.pdf>

⁴ http://www.newdelta.org/navigatie/frameset.asp?knop_id=20000601&mnu=1

Harbour Revision Order⁵ to build the new terminal in 2004, the proposal to build the new terminal was not without its objectors. The decision to allow the terminal to go ahead was contested by rival operator Humber Sea Terminal (HST), who argued that the expansion would destroy bird habitats in an area which had been identified as a potential special protection area. HST failed to block the plans when the High Court declared that there hadn't been any breach of the UK's European obligations in 2005. Dredging and construction works commenced in early 2005⁶, with the new facility officially opened in July 2006. Operation of the terminal is based on a 25-year partnership between ABP and Danish Ro-Ro ferry operator DFDS⁷.

Conservation bodies had also initially objected to the plans to build the new terminal due to the loss of important intertidal habitats that would occur. Having already experienced major problems with conservation groups at Dibden Bay⁸, ABP were keen to develop new approaches. In negotiating the compensation package for Immingham Outer Harbour (and a proposed new container terminal in Hull, formerly known as Quay 2005), ABP worked with regulatory bodies (Environment Agency), government agencies (English Nature, now Natural England) and conservation groups (including the RSPB and Wildlife Trust) via a stakeholder working group⁹. Through this process, an agreement which commits ABP to a set of actions to replace the 31 hectares of inter-tidal mudflat habitat lost to the proposed developments was negotiated. The agreement, which was signed in 2003 and is legally binding, was regarded as pioneering and the first of its kind in the UK¹⁰. As a result of this agreement, the leading conservation organisations withdrew their earlier objections to the development¹¹. It meant that ABP did not have to go through a lengthy and costly public enquiry as it had done at Dibden Bay (Associated British Ports, 2006). The agreement included managed realignment schemes to create 57 hectares of mudflats and saltmarsh, and 6 hectares of grassland from farmland at sites at Welwick on the North Bank of the estuary and Chowder Ness on the South Bank of the Humber¹². The new sites, which were officially opened in 2007 at a cost of £3.5m, provide habitats for the Humber's migratory wildfowl and make a contribution to the Environment Agency's long-term plans for flood defence on the estuary, which are being implemented to combat the growing threat of rising sea levels¹³. ABP are responsible for the monitoring of these sites.

⁵ A Harbour Revision Order is an Act of Parliament giving planning permission for marine developments, see <http://www.abports.co.uk/news2003133.htm>.

⁶ http://www.newdelta.org/navigatie/frameset.asp?knop_id=20000601&mnu=1

⁷ ABP press release available at: www.abports.co.uk/news20065227.htm, published 12/07/07

⁸ A planning application to develop a new container terminal at Dibden Bay in Southampton was rejected on environmental grounds in 2004, following a public enquiry.

⁹ http://www.newdelta.org/navigatie/frameset.asp?knop_id=20000601&mnu=1

¹⁰ <http://www.abports.co.uk/news2004902.htm>

¹¹ <http://www.abports.co.uk/news2003133.htm>

¹² This equates to approximately 155 acres. Habitat enhancement was also carried out at Doig's Creek, Pyewipe and additional roosting areas were to be created on the North Bank of the Humber estuary at the proposed Quay 2005 and Queen Elizabeth Dock extension (note: all of the schemes were to act as compensation/mitigation for the Immingham Outer Harbour as well as the proposed future development of Quay 2005), sources: http://www.newdelta.org/navigatie/frameset.asp?knop_id=20000601&mnu=1 and <http://www.abports.co.uk/news2003133.htm>

¹³ ABP press release available at: www.abports.co.uk/news20065227.htm, published 12/07/07 and ABP (2007) *Ports, the Magazine of Associated British Ports*, Issue 1, 2007.

Nature conservation in the Humber estuary

The Humber estuary's importance for wildfowl and wading birds has resulted in a series of conservation designations. The most recent of these is a proposal for the Humber estuary to be designated as a Special Area of Conservation (SAC) as part of the UK's response to the EU Habitats regulations. Proposed by English Nature (now Natural England) in 2000, the plan to designate over 36,000 hectares as a SAC was submitted to the European Commission for approval in September 2007 by the Department for the Environment, Food and Rural Affairs (DEFRA)¹⁴. Initial opposition to the SAC designation proposal came principally from organisations with an economic focus including the Chamber of Commerce, the Regional Development Agency and ABP (Jonas et al, 2002). Increasing levels of partnership engagement and dialogue helped overcome some of the early resistance to the proposal and eventually facilitated acceptance and agreement about the proposal following an extensive consultation process (Jonas et al, 2002). The Humber estuary is one of the three estuaries which have been submitted for SAC designation in England; the others being the Severn and the Dee. As a candidate SAC, the estuary is afforded full protection as though already adopted by the Commission¹⁵. If approved, the SAC designation will give the Humber status as a European Marine Special Area of Conservation. Extensions to the existing Humber Flats Marshes and Coast (Phase 1) Special Protection Area (under the Birds Directive) and Ramsar site (under the Ramsar Convention on Wetlands of International Importance) were also confirmed in September 2007. These sites have been extended to incorporate additional land and have been renamed as the Humber Estuary Special Protection Area and Ramsar site. In terms of the implications of these designations for future development, DEFRA state the following:

*“Designation does not rule out the possibility of future development. If the damaging effects of a proposed development cannot be mitigated, or avoided by using an alternative solution, it may still be permitted on grounds of overriding public interest (OPI) in certain circumstances. Should any such OPI project come forward the Commission would need to be satisfied that the overall coherence of the Natura 2000 network was protected.”*¹⁶

The extent to which this new designation status will impact upon development in the Humber estuary is already being tested. The need for Appropriate Assessments to be carried out for all major developments is said to be causing lengthy and costly delays for a number of development proposals on the Humber, particularly sites on the South bank¹⁷. Further investigation into the potential of the Humber for energy production including renewables such as tidal, offshore and bio-energy, particularly the scope for developing an energy corridor concept are being investigated (Humber Economic Partnership, 2007) and could further test the extent to which large-scale developments can take place in a designated marine conservation space. Although there remains a degree of uncertainty surrounding the implications of the Birds and Habitats Directives, the requirements of these are now thought to be better known and understood than ever before and are being factored into new development proposals.

¹⁴ <http://www.jncc.gov.uk/protectedsites/SACselection/SAC.asp?EUCode=UK0030170>, downloaded 11/10/07

¹⁵ Once cSACS are adopted by the Commission, Member States are obliged, under Article 4 of the Habitats Directive to designate them as SACs as soon as possible.

¹⁶ <http://www.defra.gov.uk/news/2007/070831b.htm>, DEFRA press release, 31/08/07

¹⁷ Interview sources

In the future, it may well be the requirements of other European Directives which may well have a more significant impact, particularly how the Habitats Directives and Water Framework Directive requirements are integrated (e.g. an estuary could be classified as not having good ecological status under the WFD but have good ecological status as a SAC under the Habitats Directive) and also what impact the EU Marine Directive and UK Marine Bill may have. The Marine Bill White Paper, which was recently consulted on, includes proposals for better co-ordination of planning in coastal and estuary areas and will incorporate the principles of 'Integrated Coastal Zone Management' (ICZM):

*In response to a European Union recommendation, we are developing a strategy for integrated coastal zone management. Current arrangements for coordinating activities in busy estuaries and coastal areas are complex and inconsistent, split between authorities or even incomplete. In light of developing proposals for a system of marine planning, consideration will be given to the need for management arrangements for coordinating activities in estuaries and coastal areas to be strengthened.*¹⁸

One further issue is the infraction proceedings which have been brought against the UK Government by the European Commission concerning nitrate removal from effluents discharged into certain estuaries including the Humber. The Commission wishes to designate a number of estuaries in England as sensitive waters under the Urban Waste Water Treatment Directive. This issue is to be decided in the courts; if the decision goes against the UK Government, removal could be costly for those stakeholders discharging effluents into the estuary¹⁹.

Stakeholder engagement and management of the Humber estuary

A number of attempts to develop more co-ordinated forms of governance and partnership working to facilitate improved management of the estuary have emerged. Prompted by some of the early confrontations which developed as a result of the SAC designation proposal, Humber INCA (Industry Nature Conservation Association) was established in 2002 as a not for profit company with a remit "...to help business development continue hand in hand with nature conservation" (Humber INCA leaflet, undated). It acts as an advisory body, providing guidance on the ecological requirements of legislation and it represents members in other groups/networks. It also hosts the Humber Environmental Data Centre (HEDC) which acts as a "one-stop shop for environmental data and information for strategic planning and environmental impact assessment" (Humber INCA, 2007). The Humber INCA partnership is funded by English Nature, Yorkshire Forward, local authorities and support in-kind from Humber Chemical Focus, a public-private partnership representing the chemicals industry.

The UK Habitats regulations require statutory bodies with responsibilities that may affect a designated site to produce plans or strategies detailing how these responsibilities will be discharged. These are intended to contribute to a scheme of management which then attempts to join-up these plans and strategies. In development since 2000, the Humber Management Scheme was launched in 2005 to co-ordinate the sustainable management of the estuary. The scheme was developed

¹⁸ <http://www.defra.gov.uk/environment/water/marine/uk/policy/marine-bill/key.htm>, downloaded 12/10/07

¹⁹ Interviewee comments

by a partnership of over 30 relevant authorities that have jurisdiction over the estuary (e.g. Navigation/Harbour Authorities, Local Authorities, Internal Drainage Boards and other authorities such as the Environment Agency, English Nature, the MoD and Water Services) and is known as HERAG (Humber Estuary Relevant Authorities Group). HERAG is chaired by representatives from Humber Estuary Services and the Environment Agency, however all the partners contribute financially to this voluntary scheme. Estuary management strategies like the one in the Humber are non-statutory and do not replace regional spatial strategies or local development frameworks (local plans); instead, they are designed to complement and support existing policy-making, planning and management frameworks in estuary spaces (Evans, 1996). HERAG is supported by a specially formed Humber Advisory Group (HAG) which has a wider membership and includes academia, business and recreation²⁰. The management scheme is designed "...to ensure that economic activity and recreational use are undertaken in a manner sympathetic to the wildlife and the wider environment"²¹. The management scheme has been developed to maintain the favourable condition of the Humber Estuary via the sustainable management of different activities. It is reviewed annually to ensure that conservation objectives are met, changes in site usage are updated, changes in site conditions from natural causes are taken into consideration and improvements in scientific knowledge are incorporated²². The Partnership (HERAG) and the Advisory Group (HAG) meet regularly to exchange information. It is regarded as a key platform for encouraging early dialogue between different stakeholders with interests in the Humber estuary.

Flood risk, sea level rise and coastal squeeze are issues which are becoming increasingly prominent in the Humber estuary. Work on developing strategies and approaches to dealing with this have been in development for a number of years. The Humber Estuary Shoreline Management Plan was developed by the Environment Agency and published in 2000 in association with local partner organisations (via a steering group). The objective of the plan was to develop a coherent and realistic plan for the estuary's flood defences that is compatible with natural estuary processes, compatible with adjacent developments including preferred options for adjoining lengths of frontage and sustainable, taking into account future changes in the environment (human, built or natural), in sea levels and in the climate. The overall strategy includes 1) holding the line of the existing defences where there is no justification for moving them 2) identifying sites where moving defences will provide flood defence benefits, and 3) supporting the creation of new inter-tidal habitat to maintain the estuary's conservation status. This work was superseded by the development of a new strategy document, the Humber Flood Risk Management Strategy. DEFRA recently approved this 25-year strategy, which looks at ways of managing flood risk. Compiled by the Environment Agency, there has been widespread consultation about the strategy document (involving a Strategic Environmental Assessment and Sustainability Appraisal) which proposes a combination of capital works including sea defences and managed realignment²³. Losses to intertidal habitats have already occurred as a result of coastal squeeze. The

²⁰ Humber Management Scheme information leaflet 'Introduction to the Humber Management Scheme', date unknown.

²¹ English Nature Press Release, downloaded 07/09/07, available at <http://www.english-nature.gov.uk/about/teams/NewsDetails.asp?Id=3&NewsId=558>.

²² <http://www.humberems.co.uk/conservation.asp>

²³ Environment Agency Information sheet 'What is the Humber Strategy?' (undated)

Environment Agency has acted to compensate for these losses via managed realignment schemes (by moving back sea walls and allowing land to flood to create new intertidal habitats) at Paull Holme Strays (88 hectares) in 2003 and Alkborough (440 hectares) in 2006²⁴. The strategy document was published in March 2008 and will be reviewed every 5 years.

Note

We would welcome any feedback or comments on this working paper. Please direct these to either Professor David Gibbs (d.c.gibbs@hull.ac.uk, 01482 465330) or Professor Graham Haughton (g.f.haughton@hull.ac.uk, 01482 465006).

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²⁴ http://www.tideelbe.de/Interreg_TIDE/index_tide.htm

Appendix 1: Comparator Table- Antwerp, Rotterdam and the Humber

	Antwerp	Rotterdam	Humber
Size of port development (hectares)	581ha	1000ha	20ha
Cost of port development	€600m	€3bn	£35m (approx €44m)
Size of mitigation/compensation (hectares)	11 areas created (ha not available)	25,000ha sea bed protection area, 58ha of land-based compensation	57ha of mudflat and 6ha of grassland
Cost of mitigation/compensation	€25m	€45m	£3.5m (approx €4.45m)
Designated site status	SPA SAC RAMSAR	SPA SAC	SPA SAC RAMSAR
Tiers of governance	EU National Flemish Municipal/Local	EU National Regional Municipal/Provincial	EU National Regional Local
Legal body	National Council of State	National Council of State	Secretary of State for Transport
Key Stakeholders involved	Antwerp Port Authority, Flemish Government, Local Authorities, Natuurpunt	Port of Rotterdam, Dutch Government, Rotterdam Metropolitan Region, Municipality of Rotterdam and Province of South Holland	Associated British Ports, Environment Agency, English Nature (now Natural England), RSPB and Wildlife Trust