



## Decision Approval Document

### Case Management Team

Case Manager	Andrew Watson
Case Officer	Mark Kirby
Approving Officer	Andrew Kerrigan

### Application details

Applicant name	ABP King's Lynn
Reference	PCP 04-06-03
Associated marine licence reference	none
Date received	12/01/2007 (DFT)
Title	King's Lynn (Fisher Fleet) HRO
Type	Works order
Description	Extension to Quay

### Public notices and consultation

Did notices appear in accordance with the Act?	Yes
Original notices received?	Yes
Did the MMO consult? (*Applicant served documentation following direction from MMO)	MCA
	Cefas
	Network Rail
	MCEU
	King's Lynn Conservancy Board
	The Crown Estate
	Highways Agency
	Trinity House
	Environment Agency
Norfolk County Council	

	Natural England
	English Heritage
	Borough Council of King's Lynn & West Norfolk

### Representations

Total number of objections received?		1		
Name	Category	Nature of representation	Within Statutory 42 day period?	Withdrawn?
Cefas	Response	No issues	Yes	N/a
Environment Agency	Objection	Due to interference with flood defences	Yes	Yes
English Heritage	Response	Asked for conditions to be placed on order	Yes	N/a
Highways Agency	Response	No issues	Yes	N/a
Harbour Master	Response	No issues	Yes	N/a
Natural England	Response	Confirm no likely significant effect	Yes	N/a
Trinity House	Response	Minor drafting amendments	Yes	N/a
Has the applicant been given opportunity to respond/resolve objections/representations?		Yes – Drafting modifications were made to the order to satisfy English Heritage and Trinity House. Environment Agency secured a legal agreement with ABP to protect their interests.		
Objections received and not withdrawn?		none		

### Public Inquiry

Public inquiry called?	No
Inquiry dates?	N/A
Notice of inquiry published?	N/A
Name of Inspector	N/A
Inspectors report received?	N/A

## Summary of inspector's findings

Inspector's recommendation	N/A
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## Environmental impact assessment (EIA)

Has the project been screened under relevant EIA regulations? Section and annex?	Screened out
Scoping opinion issued?	N/A
Has EIA been conducted and environmental statement (ES) provided?	N/A
Does the ES cover everything detailed in scoping opinion?	N/A
Is there a related marine licence application?	N/A
Has the applicant request an opinion under the Marine Works (EIA) Regulations?	N/A
Has the MMO deferred to another set of regulations?	N/A
Has the project been advertised adequately with 42 days for representations?	N/A
Have copies of the notices been received?	N/A
Has the EIA consent decision been issued to interested parties?	N/A

## Location

Is there a cross-border element to the project?	No
Will the project have a likely significant effect (LSE) on another European Economic Area (EEA) state?	No

## Habitat Regulations

Is it feasible that the plan or project could have an effect of a protected site?	Yes
Is the proposal connected with the management of the protected site?	No
Will the plan or project either alone or in combination with other plans or projects have a likely significant effect on the interest features of the site in light of the conservation objectives?	No
Has an appropriate assessment been carried out? Did the assessment ascertain that the plan or project will not adversely affect the integrity of the site?	N/A
Are there any alternative solutions?	N/A
Are there reasons of overriding public interest?	N/A

### Marine conservation zone (MCZ)

Does the harbour revision order authorise an activity within or near to an area being put forward for or already designated as an MCZ?	No
Is the activity capable of affecting (other than insignificantly) either (i) the protected features of an MCZ or (ii) any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependant?	N/A
Is the MMO satisfied there is no significant risk of the activity hindering the conservation objectives stated for the MCZ?	N/A
Can the MMO exercise its functions to further the conservation objectives of the site?	N/A
Are there other means of proceeding with the act which would create a substantially lower risk of hindering the achievement of those objectives? This should include proceeding with it (a) in another manner, or (b) at another location?	N/A
Does the benefit to the public of proceeding with the act clearly outweigh the risk of damage to the environment that will be created by proceeding with it?	N/A
Can the applicant satisfy the MMO that they will undertake or make arrangements for the undertaking of measures of equivalent environmental benefit to the damage which the act will or is likely to have in or on the MCZ?	N/A

### Water Framework Directive (WFD)

Has the Environment Agency advised the MMO to undertake a WFD assessment?	No
<p><u>Environment Agency comments</u></p> <p>The Kings Lynn Docks are situated on the River Ouse which is a Water Framework Directive (WFD) designated watercourse and also 3km from the Wash SSSI. The wash is a designated marine WFD waterbody. The works proposed in the HRO should cause no decrease in the status of the River or the Wash. There are also shellfish beds within this area which are harvested for human consumption.</p>	
Has the Applicant provided information to undertake a WFD assessment?	N/A
Is the project compliant with the WFD?	N/A
If the project is not compliant with WFD, does article 4.7 apply?	N/A

## Policy

Relevant policy considerations	<p>Marine Policy Statement National Policy Statement for Ports East Marine Plans</p> <p>Summary The Order is in line with relevant policy. It authorises the upgrading and extension of the Fisher Fleet Quay which is mooring and catch landing facility utilised by the local fishing industry; the quay is no longer fit for purpose. The new facility will provide for the ongoing requirements of the local fishing industry for many years to come and have consequent socio economic benefits. The works have minimal environmental impacts. There is no conflict with Marine plans.</p>
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## MMO consideration (the tests)

Section 14(1) – Objects for whose achievement an HRO may be made.	Section 14(1) of the Act provides for an order to be made under this section (“a harbour revision order”) in relation to a harbour which is being improved, maintained or managed by a harbour authority in the exercise and performance of statutory powers and duties for achieving all or any of the objects set out in Schedule 2 to the Act.
Section 14(2)(a) – Substantial interest.	By virtue of section 14(2)(a), a harbour revision order may not be made in relation to a harbour unless the MMO is satisfied that an appropriate written application has been made by the authority engaged in improving, maintaining or managing it or by a person appearing to it to have a substantial interest or body representative of persons appearing to it to have such an interest.
Section 14(2)(b) – Desirability.	By virtue of section 14(2)(b), a harbour revision order shall not be made in relation to a harbour unless the MMO is satisfied that the making of the order is desirable in the interests of securing the improvement, maintenance or management of the harbour in an efficient and economical manner, or of facilitating the efficient and economical transport of goods or passengers by sea or in the interests of the recreational use of sea-going ships.

### Fees



Application fee	£6000 paid to DfT
Inquiry costs	N/A

### MMO decision summary

The MMO having made such modifications as it considers necessary and appropriate is satisfied that the purposes for which the Order is sought would achieve the objects set out in paragraph 4 and 9 of schedule 2 to the Act.

The MMO is satisfied that the Order in its current form meets the requirements of section 14(1) and 14(2)(a) of the Act and concludes for the reasons set out by the Applicant in their statement of support that the making of the Order is desirable in respect of multiple purposes set out in section 14(2)(b) of the Act and should be made.

### Decision approval

Case Officer		Date	24/10/2014
Approving Officer		Date	24/10/2014