



Marine  
Management  
Organisation

# Harbour Revision Order and Environmental Impact Assessment Consent Decision Report

Harbours Act 1964

Case Title: The Mersey Docks and Harbour Company  
(Liverpool Cruise Terminal Extension) Harbour  
Revision Order 2021

Case Reference: DC10147

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## 1. Introduction

This document is the Environmental Impact Assessment (“EIA”) consent decision report and the Harbour Revision Order decision document for The Mersey Docks and Harbour Company (Liverpool Cruise Terminal Extension) Harbour Revision Order 2021 (“the Order”).

The Marine Management Organisation (“MMO”) has authorised the making of the Order with amendments and modifications not affecting the character of the Order which it considers necessary and appropriate.

The purpose of this report is to provide a summary of the Liverpool Cruise Terminal extension, detail the consultation carried out with advisors and the public, and to record the MMO’s assessment and conclusions.

The documents referred to in this decision document are available on the MMO’s Harbour Order public register and can be accessed using the following link:

<https://www.gov.uk/government/publications/liverpool-harbour-revision-order>

## 2. Proposal

### 2.1 Project Background

On 1 August 2018, the MMO received an application from Bircham Dyson Bell LLP (now named BDB Pitmans LLP) for the Order. The Order was applied for on behalf of Mersey Docks and Harbour Company Limited (“the applicant”), under Section 14 of the Harbours Act 1964 (“the Act”). The applicant is the statutory harbour authority for the Port of Liverpool (“the Port”).

The applicant is responsible for the maintenance, management and improvement of the Port and, as the statutory harbour authority for the Port, operating under Acts and Orders 1857 to 2021.

The Order is sought to achieve various objects specified in Schedule 2 to the Act, these are listed in Annex II.

The Order gives authorisation to carry out the demolition of the existing timber and concrete decked jetty (known as Princes Jetty) and construction of a new Cruise Liner Terminal (“the Project”).

The Order authorises the construction and maintenance of works within the Port including:

- the demolition of the existing timber and concrete decked jetty (known as Princes Jetty);
- the construction of a reinforced concrete suspended deck together with the creation of a new terminal building in the River Mersey at the Princes Jetty site;
- the construction of an approximately 85m vehicular and pedestrian linkspan bridge connecting the new terminal building with the existing floating pontoons which act as the landing stage/berth for cruise, naval and working ships and prestige vessels;
- the construction of a new floating pontoon approximately 20 metres in length connecting the new linkspan bridge with the existing landing stage;
- improvements to the existing landing stage, including the removal and relocation of the existing pilot boat launch facility, works to the existing walkway cover, the existing lower terminal buildings and the existing linkspan bridge;
- the construction of two steel mono pile mooring dolphins;
- use of an existing ancillary building for storage and for use by cruise related operational staff; and
- improvements to Princes Parade to incorporate pedestrian crossing facilities, provision of terminal parking, pick up and drop off facilities, and supporting development

Liverpool City Council (LCC) granted full terrestrial planning permission for the Project on 24 April 2019 (application reference 19RM/1037).

## 2.2 Location

The Liverpool Cruise Terminal Extension works are in the Port of Liverpool, in North West of England, which is displayed in **Figure 1** below.



**Figure 1: Location of the Project (red shaded area shows development footprint)**

## 2.3 Statement of Need

The applicant proposes to construct a new Cruise Terminal at the existing Princes Jetty Site to cater for the year on year increase in passenger numbers since the opening of the existing cruise terminal in 2008. The number of cruise passengers is expected to rise further in coming years. In order to keep up with growing demand for cruise facilities, the existing cruise terminal requires improvement.

The existing baggage hall is not fit to handle the expected increase in passenger numbers and larger ships. A new larger passenger terminal is proposed to be constructed at the existing Princes Jetty site on a suspended deck, over two floors, with a baggage hall on the ground floor and passenger facilities on the first floor. The existing berth/landing stage for cruise ships made of floating pontoons will remain in place with some improvements. The new cruise passenger terminal will be connected to the exiting landing stage/berth by a pedestrian and vehicular linkspan bridge.

The completed terminal is expected to bring socio-economic benefits to the city of Liverpool as well as the North West of England region. This includes an increase in employment as jobs are created directly from the new terminal and indirectly, such

as further employment in the tourism industry. The number of vessel visits is forecast to grow from a predicted 37 visiting vessels in 2020 to 42 visits in 2027 (see Table 5.1 in the Environmental Statement). Whilst the predicted increase in vessel movements is marginal, the size and passenger capacity of the vessels is expected to increase. The Environmental Statement (“ES”) predicted a doubling in passengers from 84,000 in 2020, rising to 170,000 in 2027. As visitor numbers are expected to increase, there is likely to be a positive impact on the economy of the area as visitors use local facilities. The new terminal is also proposed to cater for ‘turnaround’ passengers as well as the current ‘port of call’ operations. This would mean that visitors may stay in the area before or after their cruise and contribute further to the local economy.

## 2.4 Alternatives

Alternatives to the Project have been assessed by the applicant and presented in Chapter 4 of the Environmental Statement. These include different locations for the new terminal and a ‘no development’ scenario. The ‘no development’ scenario has been discounted as the existing terminal building was built as a temporary facility, unable to accommodate the predicted rise in passenger numbers and larger vessels. It would also leave Princes Jetty in a derelict state.

The existing cruise terminal consists of a permanent landing stage and temporary terminal building. The location for the new terminal building is required to be as close to the existing landing stage as possible. Other locations to the north and south of the site are constrained due to the vicinity of Liverpool Maritime Mercantile City World Heritage Site (WHS) and locations to the south being in close proximity to buildings of high heritage value such as the Liver Building and the Cunard Building. The applicant has stated that Princes Jetty has been chosen as the most appropriate location for the cruise terminal as it allows for the removal of the derelict jetty and replacement with suitable infrastructure required to construct a cruise terminal. The location of the proposed terminal avoids the WHS (although it is within the WHS’s buffer zone) and is sufficiently removed from the buildings of high heritage value.

## 3. Environmental Impact Assessment (EIA)

Council Directive 2011/92/EU (as amended) on the assessment of the effects of certain public and private projects on the environment (“the EIA Directive”) was transposed into UK law and for the purposes of this application, its EIA requirements are covered by Schedule 3 of the Act.

The EIA process aims to protect the environment and the quality of life by ensuring that projects which are likely to have significant environmental effects by virtue of their nature, size or location are subject to an EIA before permission is granted.

The MMO considers that the project falls within Annex II of EIA Directive 2011/92/EU and therefore constituted development requiring an EIA (that is a project which would likely have significant effects on the environment by virtue of factors such as its nature, size or location). The MMO notified the applicant of its decision on 16 March 2018.

The MMO considers the proposed works to be an Annex II project under the EIA Directive 2011/92/EU, specifically:

Article 4(2) 10 (e) “Construction of roads, harbours and port installations, including fishing harbours (projects not included in Annex I)”.

On 16 March 2018, the MMO provided comments on a Scoping Report entitled “Liverpool Cruise Liner Terminal”.

An ES submitted to support the application was received by MMO on 1 August 2018. A statement of competence has been included within the ES outlining the relevant expertise and qualifications of the experts who prepared the ES.

### **3.1 Other Legislative and Policy Framework**

Relevant considerations under other legislation and / or policy are set out below.

#### **3.1.1 Marine and Coastal Access Act 2009, Chapter 66, Part 4 (Chapter 1)**

In addition to EIA consent, the Project will require a marine licence under the Marine and Coastal Access Act 2009. A separate application has been received for a marine licence.

#### **3.1.2 The Conservation of Habitats and Species Regulations 2017 (as amended), The Habitats Directive and The Wild Birds Directive**

European sites are those designated under The Habitats Directive and The Wild Birds Directive, transposed into UK law by The Conservation of Habitats and Species Regulations 2017 (as amended) (“Habitats Regulations”) as Special Protection Areas (“SPAs”), Special Areas of Conservation (“SACs”) or Sites of Community Importance (“SCIs”). As a matter of Government policy, potential SPAs (“pSPAs”), candidate SACs (“cSACs”) and Ramsar sites are also treated as European sites. See section 5.1 of this report for the designated sites near or adjacent to the Project.



A summary of the assessment is presented below in section 5.1.1.

### **3.1.3 Wildlife and Countryside Act 1981 (as amended)**

Sites of Special Scientific Interest (“SSSIs”) are protected by law to conserve their wildlife or geology. The Wildlife and Countryside Act 1981 (as amended) ensures that SSSIs are protected and managed effectively.

A summary of the assessment is presented below in section 5.1.2.

### **3.1.4 Marine Plans**

The Project is in the North West Marine Plan area. The North West Marine Plan is currently in draft however is a material consideration in decision making. The marine plan is implemented in line with the Marine Policy Statement, and policies will aim to help ensure the sustainable development of the marine area within the inshore and offshore waters between the Solway Firth border with Scotland and the River Dee border with Wales. The North West Marine Plan provides policy guidance on spatial planning to reduce the regulatory burden on users and provide greater certainty for decision makers. The Project has been assessed and is considered to be compliant with the relevant policies of the draft North West Marine Plan. The plan assessment is available on the public register.

A summary of the assessment is available below in section 6.1.

### **3.1.5 National Planning Policy Framework – National Policy Statement for Ports and The Port Marine Safety Code**

The National Planning Policy Framework sets out the government’s planning policies for England and how these are expected to be applied. It sets out the government’s requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

The National Policy Statement for Ports (NPSP) provides the framework for decisions on proposals for new port development.

The NPSP (Section 3.3.1) states that in summary, the government seeks to:

- encourage sustainable port development to cater for long-term forecast growth in volumes of imports and exports by sea with a competitive and efficient port industry capable of meeting the needs of importers and exporters



cost effectively and in a timely manner, thus contributing to long-term economic growth and prosperity;

- allow judgments about when and where new developments might be proposed to be made on the basis of commercial factors by the port industry or port developers operating within a free market environment; and
- ensure all proposed developments satisfy the relevant legal, environmental and social constraints and objectives, including those in the relevant European Directives and corresponding national regulations.

The Port Marine Safety Code is a Department for Transport document (DfT) that has been developed to improve safety in UK ports and to enable harbour authorities to manage their marine operations to nationally agreed standards. It provides the standard against which the policies, procedures and the performance of harbour authorities can be measured.

A summary of the assessment is available below in section 6.1.

## 4. Consultation Exercise

This section summarises consultation undertaken in relation to the Project.

### 4.1 Consultation with External Bodies and Advisors

As part of its consideration of the Project, the MMO consulted the bodies listed below in Table 1. A summary of the consultation responses is also listed in Table 1.

As the applicant changed their piling methodology and working hours, it was considered necessary to reconsult advisors and the public for a second time.

The responses are summarised from comments from both the first and second consultation periods.

The Centre for Environment, Fisheries and Aquaculture Science (Cefas) provided the MMO with technical scientific advice.

**Table 1. Consultation Responses**

Organisation	Response received and actions
Natural England (“NE”)	NE reviewed the proposal and the impacts on the surrounding environment, including designated sites.  NE’s main concerns related to impact on the Liverpool Bay SPA, as the Project is directly within the SPA boundary. Concerns were raised in relation to the impact on cormorants as they form part of the ‘waterbird assemblage’ feature of the designated site.

	<p>Bird surveys identified that cormorants were present in the Project area, including using Princes Jetty as a resting place.</p> <p>Further consideration of impacts on the Liverpool Bay SPA are presented in section 5.1.1 of this document.</p> <p>There were also concerns in relation to impacts on the adjacent bird population from construction noise, especially during periods of severe winter weather.</p> <p>NE also advised that there could be an introduction of invasive non-native species (“INNS”) from cruise liner ballast water and from construction plant if it has not been correctly washed. The INNS could have a negative impact on the prey for bird species.</p> <p>Further consideration of impacts on ornithological receptors can be seen in section 5.11 of this document.</p> <p>There will be a small amount of habitat loss of subtidal sand in the Liverpool Bay SPA from the installation of the piles. This was calculated to be approximately 0.013927 hectares of the designated 149,594.94 hectares of this feature. This is a <math>9.31 \times 10^{-6}</math> % loss.</p> <p>The MMO’s Habitats Regulations Assessment (HRA) concluded that this is not expected to have an adverse impact on site integrity. NE agreed with this conclusion.</p>
Cefas	<p>Cefas Benthic, Coastal Processes, Sediment and Water Quality, Fisheries, and Underwater Noise specialist advisors were consulted in relation to this proposal.</p> <p>The Sediment and Water Quality, Benthic, and Coastal Processes advisors had some minor comments which were addressed sufficiently by the applicant.</p> <p>The MMO also consulted the Fisheries and Underwater Noise advisors in relation to comments received during the public consultation phase. The comments received from the public are considered further in the ‘Public Representations’ section of this document. The MMO consulted Cefas advisors on the concerns of fisheries stakeholders. The advisors reviewed the applicant’s ES, the applicant’s further studies and the MMO’s further questions. Cefas</p>

	<p>agreed with the conclusions of the applicant's documents and that the impact on local fish populations from this proposal are likely to be temporary and minor. This is detailed further in section 5.9 of this document.</p>
Historic England ("HE")	<p>HE raised concerns regarding potential impacts to designated heritage assets – a portion of the application site lies within the Liverpool Maritime Mercantile City World Heritage Site and there are several listed buildings in the vicinity. HE suggested that on completion, the use of the terminal reinstates the historic use of the site whilst having a limited visual impact.</p> <p>HE stated that subject to the adoption of the mitigation measures in Chapter 11 of the Environmental Statement, they have no objection to the granting of the Order.</p>
Environment Agency ("EA")	<p>The EA had no objection to the Order. They were content that there is provision for their powers set out in article 16 of the draft Order and confirmed this appears to be acceptable in principle.</p> <p>The EA initially had concerns about works impacting highly mobile species, especially salmon. However, with the rotary drilling methodology being introduced for piling, the EA advised (in the second consultation) they had no concerns with the proposed construction activity.</p>
Maritime and Coastguard Agency ("MCA")	<p>The MCA made no objections. The MCA reminded the applicant of their obligations under the Port Marine Safety Code and Guide to Good Practice and requested that port changes caused by this development are risk assessed in line with the Code. They also reminded the applicant that the Harbour Authority will be required to maintain appropriate navigation markings for the range and size of vessel expected to operate in that area.</p>
Royal Yachting Association ("RYA")	<p>The RYA responded and had no comments on the proposal.</p>
North West Inshore Fisheries and Conservation Authority ("NWIFCA")	<p>The NWIFCA had concerns about noise impacts on fish populations and the effect that this may have on local fisheries stakeholders. The concerns were forwarded to the applicant for their consideration. They were concerned about the propagation of underwater noise across the River Mersey but deferred to Cefas underwater noise advisors on this point. The NWIFCA did not agree with a number of topics included within the applicant's report into fishing</p>

	<p>activity in the Mersey. This was forwarded to the applicant and a revised version of the report was produced.</p> <p>The NWIFCA also highlighted that there could be the potential for INNS to be spread from this development. Whilst the NWIFCA did not agree with the conclusions of the ES or the applicant's report into fishing activity in the Mersey, they clarified that they did not object to the proposal and deferred to advice from Cefas technical advisors.</p> <p>The MMO's consideration of noise impacts on fish and fisheries is presented in section 5.9 of this document.</p>
Local Planning Authority – Liverpool City Council (“LCC”)	No response was received from Liverpool City Council. Planning permission has already been granted by LCC for relevant elements of the project.
Highways England	Highways England were satisfied that the proposed works were unlikely to impact on their network and therefore had no comments.
Network Rail	Network Rail responded that they had assessed the proposal and have no objection to the proposal, as it will have no interface with the rail network.
Chamber of Shipping	No response was received from the Chamber of Shipping.
UK Major Ports Group	No response was received from UK Major Ports Group.
British Ports Association	British Ports Association responded that they had no concerns with the project
Ministry of Defence (“MoD”)	The MoD reviewed the proposal and had no objections relating to the revised proposals at the location stated.
Department for Transport (“DfT”)	DfT confirmed they had no objections to the Project.
Royal Society for the Protection of Birds (“RSPB”)	No response was received from RSPB.
Duchy of Lancaster	No response was received from Duchy of Lancaster.
Trinity House (“TH”)	No response was received from Trinity House.
Liverpool Marina	No response was received from Liverpool Marina.

Further consideration of the representations received is included in section 5 of this report.

### 4.3 Public Consultation

The Project was advertised in two publications, the *London Gazette* on 10 August 2018 and in the *Liverpool Echo* on 10 and 17 August 2018. Public consultation was held for 42 days from the issue of the first public notice. Five public representations were received in this period.

Following a change to the piling methodology and proposed work hours it was considered necessary to undertake a second 42 day consultation. The Project was, therefore, advertised for a second time in the *London Gazette* on 24 April 2019 and in the *Liverpool Echo* on 24 April 2019 and 1 May 2019. Three public representations were received during this period, from individuals who had responded in the first consultation.

Representations sent by four individuals are considered as outstanding objections to the Project. It was identified that one of the responses was not intended to be considered as an objection.

Paragraph 19 of Schedule 3 to the Act provides that the MMO shall consider the result of any consultations, any opinion under paragraph 16(5) of the Act, any objections made and not withdrawn, and any other representations received.

The objections were received from local fishing operators who had concerns that the noise from the construction phase of this development would disturb the local fish population and therefore impact their businesses. There were also concerns raised that the construction of the terminal would result in a 'no anchor zone' in the vicinity of the development.

In response to concerns, the applicant amended the piling methodology to less invasive rotary drilling and submitted further assessments to demonstrate that this methodology produces less noise than other proposed methods. Underwater noise monitoring from other rotary piling activities in the Mersey was also used to assess likely impacts from piling proposed for the cruise terminal. This monitoring demonstrated that the underwater noise generated from the piling dissipates to background noise levels within 100m of the drilling source. The Mersey Estuary is over 800m wide at the proposed cruise terminal site and given likely dissipation of noise, offers other areas which can be fished in the wider estuary. The applicant also met with those who submitted a response during the consultation to discuss their concerns however the objections were not withdrawn.

The MMO has consulted extensively on this matter with its technical advisors Cefas. From consultation advice received in relation to the nearby piling monitoring and other assessments, the MMO has concluded that the effects on local fish populations will not be significant and will be over a temporary period as marine piling is expected to take place over a 9 month period with 12 hours of no piling each day. Further consideration of this is in section 5.9 of this document.

In relation to the no anchor zone, this would not be implemented by the MMO and does not form part of this application. The MMO notes that the Project does not propose a change in use of the area as it is already a working cruise terminal.

## 5. Evaluation

The MMO, as the appropriate authority, has considered that the project activities likely to have a significant effect on the environment, considering advice from its advisors including technical advisors Cefas and the statutory nature conservation body Natural England. The MMO has reached a conclusion on the likely significant effects of the project regarding all mandatory factors, as required under Schedule 3 of the Act.

The following section also includes a summary of impacts where representations were made during the consultation process (as detailed above in section 4); and the correspondence undertaken to resolve these issues. Any conclusions within the application and supporting ES, where no representations were received, are considered to be appropriate and, as such, the MMO agree with the conclusions of the ES. The ES is available on the MMO's public register.

The MMO has reviewed the activities likely to have a significant effect from the project regarding the following mandatory factors and a conclusion has been made in the sections below:

- Biodiversity / Nature Conservation
- Seascape / Landscape
- Archaeology / Cultural Heritage
- Air Quality & Climate
- Water Quality, Pollution and Waste
- Seabed / Land / Soil Quality
- Benthic Ecology
- Coastal processes
- Fish Ecology and Fisheries
- Navigation / other users of the sea
- Ornithology
- Cumulative Impacts & In-Combination Impacts
- Mitigation
- Population and Human Health
- Monitoring
- Risk of Major Accidents and Disasters Relevant to the Project (including those caused by Climate Change)

## 5.1 Biodiversity / Nature Conservation

### Documentation

The assessment of Biodiversity/Nature Conservation is presented within Chapters 13 (Marine Ecology, Ornithology and Terrestrial Ecology), of the ES and Appendix 13.2: Ornithology Desk Study & EIA Screening in ES Volume 3.

A Habitats Regulations Assessment (HRA) has been undertaken by the MMO which concluded no adverse effect on site integrity for any European site. This assessment was agreed with Natural England. For the relevant Mitigation see Ecology Adaptive Management Plan (Cormorants), (Waterman, 2019).

The HRA can be viewed on the MMO's Public Register.

#### 5.1.1 European and Ramsar Sites

The following European and Ramsar sites are near (within 10km) or adjacent to the Project:

- Liverpool Bay SPA (directly in)
- Mersey Narrows & North Wirral Foreshore SPA and Ramsar (approximately 850m east of the Project site)
- Mersey Estuary SPA and Ramsar (approximately 3.8km away)
- Ribble & Alt Estuaries SPA and Ramsar (approximately 6.3km away)
- Sefton Coast SAC (approximately 6.8km away)

The Project is directly within Liverpool Bay SPA. The assessment against The Habitats Directives and The Wild Birds Directive is presented within Chapter 13 (Marine Ecology, Ornithology and Terrestrial Ecology) of the ES and Appendix 13.2a (Ornithology Desk Study & EIA Screening) of the ES Addendum. An HRA has been undertaken by the MMO which concluded no adverse effect on site integrity for any European site.

There were concerns in relation to above water and under water noise generated by the proposals, however the applicant changed their piling methodology from percussive and vibro-piling to rotary drilling. This is considered to mitigate the noise generated to acceptable levels. A severe winter weather working restriction has also been agreed to further mitigate against potential impacts in the most sensitive periods.

Concerns were raised about the impacts of the removal of the derelict Princes Jetty (site fabric). This jetty is no longer used by the applicant but is used by cormorants for roosting. It was concluded that as the Liverpool Bay SPA is extensive and there are other resting sites available in the vicinity of Princes Jetty which could be used for roosting, no adverse effect on site integrity was concluded. The applicant will also



install a pontoon approximately 300 m from the jetty site to provide further roost sites for cormorants. The applicant is also incorporating horizontal suspended deck braces in the new deck which may be suitable for the cormorants to roost on when cruise ships are not in the terminal.

The Project includes piles which are to be installed into 'subtidal sand,' a supporting feature of the Liverpool Bay SPA. However, no adverse effect on site integrity was concluded as the 'subtidal sand' feature is extensive in the Liverpool Bay SPA.

The Mersey Narrows & North Wirral Foreshore Ramsar is approximately 800m from the proposed cruise terminal site. There had been concerns about noise and vibration impacts from the construction phase on bird species in this site. However, as the applicant has proposed to use rotary drilling to install piles, it has been concluded that this method would significantly decrease noise and vibration impacts to acceptable levels and no adverse effect on site integrity was concluded. This assessment also included an in-combination assessment with other plans and projects and concluded that there would be no adverse effect on site integrity.

The Mersey Estuary SPA and Ramsar is approximately 3.8km from the construction site. Due to the distance from the site, it was considered that there was no clear pathway for any of the pressures from these works, therefore it was not considered in the MMO's HRA document.

Ribble & Alt Estuaries SPA and Ramsar site and the Sefton SAC site are approximately 6.3km and 6.8km from the construction site. NE had highlighted that there could be an increase in visitors to these areas once the cruise terminal is operational. This may mean that there is a higher risk of trampling of the sand dunes. However, the increase in visitors is expected to be marginal compared to the number of visitors that the site receives in a year, therefore no likely significant effect on these sites was concluded. No other features were considered in the MMO's HRA, no clear impact pathway was identified due to the distance from the site.

This assessment was agreed with Natural England. For further information on the pontoon to provide further space for cormorants, see Ecology Adaptive Management plan (Cormorants) (Waterman, 2019).

This assessment was agreed with Natural England. For the relevant mitigation see section 5.11 of this document.

After considering the information in the ES and the responses from consultees, the MMO concludes that the impacts of the Project do not cause an adverse effect on site integrity to any European and Ramsar Sites.

### 5.1.2 Sites of Special Scientific Interest (SSSI)

The following SSSIs are near (within 10km) or adjacent to the Project:

- Mersey Narrows SSSI (approximately 850m away)
- New Ferry SSSI (approximately 3.5km away)
- North Wirral Foreshore SSSI (approximately 4.2km away)
- Mersey Estuary SSSI (approximately 4.5 km away)
- Sefton Coast SSSI (approximately 6.2km away)

The proposed Project is not within or directly adjacent to any SSSIs. The coastal processes modelling showed that any changes to tidal currents, wave heights and increases in suspended sediments from the Project are unlikely to significantly affect the SSSIs, as the zone of Influence from the proposed Project does not interact with any SSSIs. The MMO has concluded that there is no significant pathway to any SSSIs.

After considering the information in the ES and the responses from consultees, the MMO concludes that the impacts to SSSIs are not significant.

### 5.1.3 Other habitats, species

There are occasional sightings of seals and cetaceans in the Mersey, therefore the Cefas Underwater Noise team were consulted in relation to potential impacts on marine mammals. It was recommended that a marine mammal observer is in place during the piling works as a precaution.

As the sightings of marine mammals are only occasional, the duration of the marine piling activity is predicted to last 9 months, and uses the less intrusive rotary piling method, the MMO concluded that the requirement for a marine mammal observer is adequate mitigation to ensure that impacts to marine mammals are mitigated and are not significantly adverse.

## 5.2 Seascape / Landscape

The assessment of Seascape / Landscape is presented within Chapter 9 Townscape and Visual Impact Assessment (TVIA) of the ES.

The TVIA concludes that during demolition and construction activities there would be inevitable small adverse effects to some views of the site due to the presence of construction plant, vehicles, hoarding etc. Once completed, the TVIA concludes that development would have a mainly positive effect on views towards the Liverpool waterfront. The Development would be in scale with the existing built form on Princes Parade and for viewpoints looking north and south along the waterfront there would be permanent beneficial visual effects. A small number of permanent minor adverse visual effects are predicted where the new cruise terminal building would

screen and enclose existing views across the River Mersey, but these effects would be limited in extent and only near the development. The mitigation that would be included as part of the project is detailed the ES sections 9.80 to 9.84.

After considering the information in the ES and the responses from consultees, the MMO concludes that the impacts of the project to Seascape / Landscape are not significantly adverse.

### 5.3 Archaeology / Cultural Heritage

The assessment of Archaeology / Cultural Heritage is presented within Chapter 10 (Built Heritage) and Chapter 11 (Archaeology) of the ES.

A heritage desk-based assessment was provided in ES Volume 3 Appendix 10.1 (Built Heritage Statement) and Appendix 11.1 (Archaeological Desk-Based Assessment). This assessment focused on a study area within a radius of 250m from the boundary of the Site.

Historic England stated that the proposed scheme has the potential to directly and indirectly impact designated heritage assets and their settings. An area of the development site lies within the Liverpool Maritime Mercantile City World Heritage Site. The impacts were identified to arise from activities such as: demolition of Princes Jetty; piling; new services and utilities, or diversion of existing ones; and hard and soft landscaping.

The ES assessed the direct and indirect impacts to designated heritage and previously unknown archaeological assets in the terrestrial, intertidal and marine area within the scheme footprint and within the 250m buffer. Indirect impacts to Paleo-environmental deposits as activities associated with demolition and construction could potentially truncate (or further truncate) these deposits locally, causing a slight magnitude of change. The construction of the Project would therefore have the potential to give rise to permanent, local, adverse effects of minor significance in the absence of any mitigation measures.

For the relevant mitigation see sections 10.92 to 10.94 and 11.40 to 11.45 of the ES. Historic England were content with the mitigation proposed and suggested that any geotechnical cores extracted should be analysed by a suitably qualified archaeologist and the results should be used to inform any necessary further sampling. After considering the information in the ES and the responses from consultees, the MMO concludes that the impacts of the Project to archaeology and cultural heritage are not significantly adverse.

## 5.4 Air Quality & Climate

The assessment of Air Quality & Climate is presented within Chapter 7 (Air Quality) and in Appendix 7.2.

The ES considered likely effects on local air quality associated with changes to local traffic and emissions from the gradual increase of cruise ship sizes and movements during the operational phase of the development. The modelling presented in the ES indicates that levels of nitrogen dioxide and particulates remains within acceptable limits at nearby receptors.

The existing cruise terminal does not provide electricity for moored vessels, meaning that cruise ships must use their engines for power while moored. The proposed development allows for future installation of shore-side power if necessary, this would remove the need for cruise ships to use their engines while moored, which would further reduce emissions.

The local planning authority, Natural England and the Environment Agency were consulted on the ES and raised no issues in relation to air quality. For the relevant mitigation see sections 7.77 to 7.86 of the ES.

After considering the information in the ES and the responses from consultees, the MMO concludes that the impacts of the Project on air quality are not significantly adverse.

## 5.5 Water Quality, Pollution and Waste

The assessment of pollution risk to Water Quality is presented within Chapter 13 (Marine Ecology, Ornithology and Terrestrial Ecology) sections 13.183 to 13.197 and sections 13.239-13.240 of the ES.

The focus of the assessments in the ES was:

- Activities disturbing the estuary bed which could lead to an increase in turbidity.
- Resuspension of bottom substrates could potentially result in the release of chemicals locked in the sediments to the water column (e.g. trace metals, hydrocarbons).
- Increases in suspended solids can inhibit photosynthesis of phytoplankton.
- Pollution (direct e.g. oil) from cruise ships.

The Environment Agency and Cefas were consulted on the ES and raised no issues in relation to Water Quality or Pollution. For the mitigation see sections 13.252 to 13.255 of the ES.

The applicant has outlined processes for waste handling at the site in section 5 of the Framework Construction Environmental Management Plan (“CEMP”) and Appendix 6.1a (Piling and construction methodology) of the ES addendum. The processes include:

- All waste arising from the works will be taken ashore and recycled where possible. Timber arising from the jetty demolition works will be recycled for reuse either as a timber product or processed in some form. However it is recognised that, as the structure has been in the marine environment for some time, opportunities for reuse may be limited.
- Waste will be classified against the ‘Guidance on the classification and assessment of waste – Technical Guidance WM3 (1st Edition 2015) and British Standard BS EN 14899:2005 ‘Characterisation of Waste’, with the contractor responsible for chemical testing.
- Waste material will be separated by classification and will be stored separately.
- Non-hazardous waste will be stored and transferred to a registered waste carrier, a waste transfer sheet will be kept for 2 years. Hazardous waste will be handled in a similar way, however with additional precautions and waste consignment notes will be kept for 3 years. Asbestos would be removed in accordance with the Control of Asbestos Regulations 2012 and the appropriate HSE guidance in Asbestos: The Survey Guide.
- The CLAIRE Definition of Waste: Code of Practice, will be considered for the reuse of site-won materials.

The Environment Agency were consulted and raised no concerns in relation to waste handling.

After considering the information in the ES and the responses from consultees, the MMO concludes that the impacts of the project to Water Quality, Pollution and Waste are not significantly adverse.

## 5.6 Seabed / Land / Soil Quality

The assessment of Seabed / Land / Soil Quality is presented within Chapter 3 (Ground Condition and Contamination) and Chapter 13 (Marine Ecology, Ornithology and Terrestrial Ecology) of the ES. The assessment of Seabed is presented within Chapter 14 (Coastal Processes, Sediment Transport and Sediment Contamination), while the assessment of Land / Soil Quality is presented within Chapter 12 (Ground Conditions and Contamination) of the ES.

The Applicant’s assessment has also been reviewed by Natural England, Environment Agency and Cefas who raised no issues in relation to Seabed, Land

and Soil Quality. For the general seabed mitigation see sections 14.181 to 14.185 of the ES.

After considering the information in the ES and the responses from consultees, the MMO concludes that the impacts of the Project to Seabed, Land and Soil Quality are not significantly adverse.

## 5.7 Benthic Ecology

The assessment of Benthic Ecology is presented within Chapter 13 (Marine Ecology, Ornithology and Terrestrial Ecology) Chapter 15 (Cumulative Effects) and Appendix 13.1 (Marine Ecology Benthic Survey Report) of the ES.

Three records of the Starlet Sea Anemone *Nematostella vectensis* were identified during pre-application surveys, in an area north of the site. This species is listed under Schedule 5 (9) of the Wildlife and Countryside Act 1981. The applicant has provided information about the species in their submitted documents, including in section 13.4 of their framework CEMP. This includes suggested measures which will be undertaken to reduce damage and disturbance to the species. The MMO advises that the onus is on the applicant to ensure that they are compliant with the legislation in relation to this species when carrying out their works.

The Applicant's assessment for other benthic species has also been consulted on with Natural England and Cefas and no concerns were raised. Inherent mitigation measures relevant to benthic ecological receptors are proposed for pollution (ES sections 13.191-13.192 and 13.240) and the spread of non-native species (ES sections 13.210 and 13.248). For the mitigation see sections 13.252 to 13.256 of the ES.

After considering the information in the ES and the responses from consultees, the MMO concludes that the impacts of the project to Benthic Ecology are not significantly adverse.

## 5.8 Coastal Processes

The assessment of Coastal Processes is presented within Chapter 14 (Coastal Processes, Sediment Transport and Sediment Contamination) and Appendix 14.1 (Hydrodynamic and Coastal Process Studies) of the ES.

Cefas Coastal Processes team were consulted and were in agreement with the conclusions reached in the ES. However, additional design details were requested with regard to scour protection and the inclusion of bathymetric monitoring was also recommended. Following these comments scour protection was removed from the design and further clarity provided on the matter of monitoring. After a subsequent



round of consultation Cefas concluded that impacts on coastal processes from the Project are unlikely to be significant.

The MMO has carefully considered the evidence presented in the ES and the responses from consultees. The MMO concludes that impacts on coastal processes from the Project are not significantly adverse.

## 5.9 Shellfish, Fish Ecology and Fisheries

The assessment of Shellfish, Fish and Fisheries is presented within Chapter 13 (Marine Ecology, Ornithology and Terrestrial Ecology) of the ES. The applicant has completed a desk-based review including Environment Agency monitoring data for stations within the Mersey Estuary (beam and otter trawl data available from 1981 to 2009) and data from beam trawl surveys conducted in the Mersey Estuary for the proposed Mersey Tidal Power project.

The focus of the assessments was:

### *Demolition and construction*

- physical disturbance and displacement (visual);
- underwater noise and vibration (masking, behavioural effects, temporary threshold shift, recoverable and mortal injury as well as mortality);
- pollution direct; and,
- physical disturbance and displacement (indirect i.e. through the food chain).

### *Operation*

- physical disturbance and displacement (sediment accretion); and,
- underwater noise and vibration.

The Project is located within inshore fishing grounds. The commercial fishermen primarily target cod, bass and flatfish (flounder, plaice, sole, dab, brill and turbot) within the bounds of the Mersey whilst some potting for shellfish occurs beyond the river mouth. In addition, charter boats frequently catch species such as ling, conger eels, Pollack, gurnard, rays, tope, whiting, bull huss, lesser spotted dogfish, smooth hound, mackerel, andouting.

The key concern to fishers who objected to the Project is the potential for underwater noise associated with the installation of the piles at the Project. Concern regarding piling noise has resulted in fisheries stakeholders submitting objections to the MMO during the public consultation period. For further consideration of this, please see section 4.3 of this document. Chapter 13 of the 2019 ES Addendum assessed the impacts of noise and vibration and it has proposed lower noise generating methods as a result.



In respect of pile installation, the method proposed and included for assessment in Chapters 8 and 13 of the October 2019 ES Addendum is rotary piling (drilling) of the steel tubular piles. This construction method mitigates impacts to an acceptable level, producing less noise than either percussive (impact) piling or vibro-piling, the noise from the proposed rotary piling has been assessed to dissipate to background noise within 100m of the drilling source. The applicant has thereby proposed sufficient mitigation to prevent significant impacts to acoustically sensitive species arising from underwater noise and vibration during piling.

The Mersey Estuary is over 800m wide at the proposed site of the Project and offers other areas which can be fished. The fishers are also able to operate in other areas of the wider Estuary.

The MMO has carefully considered the evidence presented in the ES and the responses from Cefas, EA and the NWIFCA.

The Cefas and EA advisors were content that using the rotary drilling methodology to install piles means that potential impacts on fish are not significantly adverse. Whilst the NWIFCA did not agree with all conclusions of the applicant's reports, they clarified that they did not object to the proposal and deferred to MMO to make a decision along with Cefas technical advisors.

After considering the information in the ES and the responses from consultees including the MMO's technical advisors on fisheries (Cefas), the MMO concludes that the impact of the Project to fish and fish ecology is localised, of a temporary nature, and not significantly adverse.

## 5.10 Navigation / Other Users of the Sea

The assessment of Navigation / Other Users of the Sea is presented within The ES in Appendix 2.6a and has provided relevant measures to ensure navigational safety and the safety of other users of the marine environment.

A Navigational Risk Assessment (NRA) was undertaken for the purposes of identifying and managing the risks arising from and to the proposed Liverpool Cruise Terminal. The NRA (Appendix 2.6a of the Environmental Statement – Addendum, 15 June 2018) concludes that all hazards (except those related to terrorism) would have a minor or slight impact, therefore the terminal is unlikely to conflict with existing activities. The NRA focuses on in combination effects with the proposed Isle of Man Ferry Terminal. There is already a terminal for the Isle of Man Ferry, south of the Project site. It is moving to a location north of the Project site, therefore a new risk assessment was considered to be necessary. Impacts with existing shipping movements have not been taken into account as the development site is currently used as a cruise terminal therefore there is no change in use of the site.

The applicant's assessment has been consulted upon with MCA, the MMO's own coastal office, RYA, MoD, LPA and Trinity House who raised no issues in relation to Navigation / Other Users of the Sea.

The MMO also notes that the applicant is the relevant local navigation authority for the Port and must thereby adhere to principles outlined in the Port Marine Safety Code which is published policy on port safety by the Department for Transport.

After considering the information in the ES and the responses from consultees, the MMO concludes that the impact of the Project to Navigation / Other Users of the Sea are not significantly adverse.

## 5.11 Ornithology

The assessment of Ornithology is presented within Chapter 13 (Marine Ecology, Ornithology and Terrestrial Ecology) of the ES and Appendix 13.2a (Ornithology Desk Study & EIA Screening) of the ES Addendum.

The construction and decommissioning activities are considered to have the potential to impact bird species in the vicinity of the development. The focus of the assessments was:

- Loss of resting area (Princes Jetty)
- Physical disturbance and displacement (visual)
- Airborne noise and vibration from construction activities

The ES assessed the disturbance of birds through vessel noise, increased vessel movements, loss of food resource, impacts to supporting habitat and increases in suspended sediment impacting on foraging success.

Natural England raised the matter of the jetty to be demolished as cormorants use the structure to rest on. The jetty will, however, be replaced by a new suspended deck and terminal building. It is recognised that there are other areas where cormorants can rest in the vicinity of the Project. However, the applicant will install a new floating pontoon for the birds to use. Furthermore, the terminal design also incorporates horizontal suspended deck braces which may be suitable for the cormorants to rest/roost on when cruise ships are not in the terminal. These measures will be beneficial for the local cormorant population. There will also be a severe winter weather restriction, where piling must stop if temperatures reach below zero degrees centigrade for a period of five consecutive days, and remain suspended until temperatures reach above zero degrees centigrade for a period of three consecutive days, allowing nearby birds to shelter in the most severe winter weather conditions, without disturbance from the piling works.

Natural England also stated that there could be an introduction of INNS from cruise liner ballast water and from construction plant if it has not been correctly washed. The introduction of non-native species could have a negative impact on prey for nearby bird species.

A project-specific Biosecurity Risk Assessment has been produced (APEM 2019 Liverpool Cruise Terminal Biosecurity Plan. APEM Scientific Report P00003991). which outlines numerous inherent mitigation design measures which would be incorporated into construction methods to limit the risk of introduction and the spread of existing INNS.

Best practice guidelines would be followed, and a standard INNS protocol would be implemented by the contractor.

For the operational phase, the risk of spread of INNS is not considered to be higher than it is now as there are already numerous cruise liners which berth in this area. The applicant has considered this in the Biosecurity Plan a risk approach that has considered vessels from different geographical locations.

After considering the information in the ES and the responses from consultees, the MMO concludes that the impacts from the project to ornithological receptors are not significantly adverse.

## 5.12 Cumulative Impacts & In-Combination Impacts

The assessment of Cumulative Impacts & In-Combination Impacts is presented within Chapter 15 (Cumulative Effects) of the ES. Examples of projects considered are the proposed Isle of Man Ferry Terminal and the Liverpool Waters Masterplan.

The assessment demonstrated that the cumulative potential impacts of the development have been thoroughly assessed and are within acceptable tolerances. In-Combination effects have also been considered and assessed in the HRA which has ascertained that this plan or project is not likely to have an adverse effect on the integrity of designated sites, either alone or in combination with other plans and projects.

After considering the information in the ES and the responses from consultees, the MMO concludes that the Cumulative Impacts & In-Combination Impacts of the proposed project are not significantly adverse.

## 5.13 Mitigation

In the cases where adverse impacts have been identified, proportionate mitigation measures are identified in the ES. Mitigation measures include using rotary drilling

as the piling methodology to minimise noise levels and a severe winter weather working restriction to ensure that impacts to bird species are minimised in the most sensitive periods.

In addition to mitigation measures cited in this document, the applicant will also deploy standard best practice measures. This includes ‘soft start’ piling so that any sensitive mobile receptors can move away as the noise levels increase and ensuring that any artificial lighting used is angled towards the work area to avoid spillage and disturbance to sensitive receptors.

## 5.14 Monitoring

As no significant adverse impacts on the environment were predicted after mitigation, no monitoring provisions will be added to the Order.

## 5.15 Population and Human Health

The applicant has considered impacts to human health in Chapters 7, 8, and 12 of the ES and Appendix 2.6a: Navigational Risk Assessment.

The ES stated potential for the construction phase of the Project to impact health of local residents and site workers. Effects could arise from dust inhalation and disturbance from construction noise. Mitigation measures proposed in the ES to reduce dust and other emissions from the construction works include installation of hoarding to decrease dust dispersion and restrict public access and damping down of materials. Working hours will also be limited so that noisy activities such as piling are not undertaken after 1900 hrs, to avoid disturbance to residents.

The MMO has reviewed the applicant’s consideration of impacts to population and human health. The MMO agrees with the applicant’s conclusions, considers that the mitigation proposed is suitable, and the impacts to population and human health are not significantly adverse.

## 5.15 Risk of Major Accidents and Disasters Relevant to the Project (including those caused by Climate Change)

The applicant has considered the impact of climate change in their Flood Risk Assessment. The assessment concludes that the terminal building would be protected from flooding for the lifetime of the development. However, there is a risk of flooding to the existing quay in the far south of the site. As the use of the area has been assessed to be water compatible this would be acceptable in line with planning policy. The EA were consulted and did not have any concerns in relation to the conclusions of the flood risk assessment.

There is potential for pollution incidents to impact the environment both during the construction and operational phase of the Project. A major pollution incident, such as a fuel spill could have major adverse impacts on the environment. The applicant has considered pollution incidents in Chapters 5, 6, 12 and 13 of the ES. An Emergency Incident Plan has been proposed by the applicant, with any pollution incidents reported immediately to the LCC and regulatory bodies such as the Environment Agency and the MMO.

Major incidents relating to navigation were considered in Appendix 2.6a: 'Navigational Risk Assessment.' The NRA details impacts in combination with the proposed Isle of Man Ferry Terminal. Impacts with existing shipping movements have not been taken into account as the development site is currently used as a cruise terminal therefore there is no change in use of the site. The Isle of Man Ferry Terminal is moving location, therefore a new risk assessment was considered to be necessary. The applicant's risk assessment details mitigation to reduce impacts from navigational incidents, such as ensuring staff are experienced and fully trained.

Major incidents relating to terrorism were considered by the applicant in their NRA. Procedures were identified to reduce the impacts of such an incident, for example security checks and training. The applicant's assessment has been consulted upon with MCA, RYA, and Trinity House who raised no issues in relation to major accidents relating to navigation.

The MMO has reviewed consultation responses and the applicant's consideration of relevant major accidents and disasters and concludes that the impacts are not significantly adverse.

## 6. MMO Decision

### 6.1 Relevant policy

The MMO considers that the Project is in accordance with the draft North West Marine Plan and the MMO's assessment can be viewed on the Harbour Orders public register, a link is provided in section 3 of this document.

The MMO has reviewed the application and concludes that the Project is in accordance with the NPSP, for example it will increase tourism and recreation facilities at the port and will provide wider economic benefits to the area.

The MMO also considers the Order to be in accordance with the Port Marine Safety Code as it contributes to safe and efficient port marine operations. The existing terminal was constructed as a temporary facility and replacing this with a modern, permanent terminal will improve efficiency and safety of port marine operations.

## 6.2 EIA

The MMO has considered the application and the ES (including the Further Environmental Information) together with consultation responses and objections received. The MMO has assessed the Order in line with the requirements of the EIA Directive and transposing legislation. This EIA Consent decision summarises the main reasons for the MMO's decision on key matters including those raised by consultees and in respect of where mitigation measures are identified.

Impacts of the Project have been assessed against each of the mandatory factors required for EIA, the conclusion of those impacts after mitigation has been applied are not significantly adverse.

The MMO is of the opinion that any negative impacts resultant from the Project are sufficiently outweighed against the positive social and economic benefits which would be derived from the Project. The Project will deliver positive socio-economic benefits on a regional scale through the increase in tourists to Liverpool city and the North West of England region

The MMO confirm that in relation to information submitted by the applicant such as in the application and the ES, we are content with the conclusions adopted.

After conducting a comprehensive review of the Project and representations received, the MMO has concluded a favourable determination and that EIA consent for the project should be given.

## 6.3 The Order

The MMO is satisfied that the Order meets the requirements of section 14(1) and 14(2)(a) of the Act.

The MMO notes that objections were submitted and not withdrawn in relation to this application. As has been considered above, the MMO has consulted on the concerns raised in those outstanding objections and is satisfied that the proposal will not have a significant adverse impact on fishing in the area.

The MMO is satisfied for the reasons set out by the applicant in their statement of support, and summarised above, that the making of the Order is desirable for the purposes of section 14(2)(b) of the Act and should be made.

The MMO authorises the making of the Order with amendments and modifications which it considers necessary and appropriate but not substantially affecting the character of the Order.

## 6.4 Challenges to Decisions

Information on the right to challenge this decision is set out in the Annex I to this document.

*Melissa Gaskell-Burnup*

Melissa Gaskell-Burnup  
Marine Licensing Case Manager

14/01/2021



## Annex I

### Right to challenge decisions

#### Right to challenge orders made under sections 14 and 16 of the Harbours Act 1964

Any person who desires to question the making of the Order on the ground that there was no power to make the Order or that a requirement of the Harbours Act 1964 was not complied with in relation to the Order, may within 6 weeks from the date on which the Order becomes operative make an application for the purpose to the High Court or the Court of Session, as the case may be.

**A person who thinks they may have grounds for challenging the decision to make the Order is advised to seek legal advice before taking any action.**

## Annex II

### **Objects for whose achievement harbour revision Orders may be made which have been considered for this application**

4. Imposing or conferring on the authority for the purposes aforesaid, duties or powers (including powers to make byelaws), either in addition to, or in substitution for, duties or powers imposed or conferred as mentioned in paragraph 3 above.

7B. Extinguishing public rights of navigation for the purposes of the works described in the order or works ancillary to such works, or permitting interference with the enjoyment of such rights for the purposes of such works or for the purposes of works carried out by a person authorised by the authority to carry them out.

8A. Enabling the authority to close part of the harbour or to reduce the facilities available in the harbour.

11. Empowering the authority to levy at the harbour charges other than ship, passenger and goods dues or varying or abolishing charges (other than as aforesaid) levied by them at the harbour.

16. Extending the time within which anything is required or authorised by a statutory provision of local application affecting the harbour to be done in relation to the harbour by the authority or fixing a time within which anything authorised by the order to be so done must be done.

17. Any object which, though not falling within any of the foregoing paragraphs, appears to the appropriate Minister to be one the achievement of which will conduce to the efficient functioning of the harbour.