

Marine Licence Application at Port of Ramsgate: MLA/2022/00040

Application Summary: Address: Berth 4/5 Port of Ramsgate Royal Harbour Approach Ramsgate Kent CT11 9FT Proposal: Application for prior approval for the installation of a 119m long berth following the removal of existing berth 4/5 under Part 18 Class A of Town Country Planning (General Permitted Development) Order 2015 and associated Marine Licence from the MMO.

Details of Person submitting these comments: Name: Cllr Rebecca Wing

Address: 53 Addington Street, Ramsgate, CT11 9JJ

Commenter Type: Member of the Public & Elected Ramsgate Town & Thanet District Councillor

Stance: Concerns in relation to the following areas:

- **Potential effects on protected marine environment**
- **Potential increase of pollution**
- **A failure to assess potential existing and potential dust pollution on those living/working in close proximity**
- **Lack of clarity and/or information in key areas of the application/plans**
- **Out of keeping with character of area - Over development**
- **Failure to address potential effects of climate change given the location**
- **Failure to consult stakeholders living/working close by: residents and other port users**
- **Failure to consider alternatives**
- **Concerns that the planning application approach fails to safeguard those living/working in close proximity to the development, given this is both an EIA and Schedule 1 Development**

It is clear that the EIA has involved a comprehensive and thorough assessment of the proposed 'EIA Development' at berths 4/5 in the Port of Ramsgate, in relation to the following Planning Application; PA/TH/22/0132 and this Marine Licence Application: MLA/2022/00040. However, I would like to make the following comments and request that there needs to be further assessment, clarification and/or information concerning a number of important issues:

Covering Letter

1. In the covering letter the development is described as a 'similar floating berth facility' when in fact it will be different in a number of critical features. The new berth will be 317% larger and with a longer 46m connecting gangway will have an overall increased total length of 119m. In addition, TDC have indicated this berth will be capable of housing a 3000 tonne

per hour conveyer, in previous documentation, representing a very significant difference in terms of capacity and potential function, given the previous capacity was 400 tonnes per hour. It is reassuring that in this application TDC states that 'the function will not change and that there will be a single operator' the existing leaseholder. However, this is at odds with what is stated in previous documentation which mentions 'bulk cargo and wood pellets' being possible imports via this new berth and so further clarification is needed or sadly there has been a deliberate attempt to not provide 'full information concerning future uses'!

Environmental Statement Document

2. It is very disappointing and concerning that both Climate Change as well as Materials and Waste have been scoped out of the ES. Regarding Climate Change, rises in sea level and more frequent storms are well evidenced, indeed, new sea defences have been built behind the main sands and locals have images of water at exceptional hightides and in adverse weather encroaching the port in the location of the new pontoon and towards the Cement Batching Plant and its exposed stores of various aggregates. In addition, in heavy rain the large port area seems to lack the required drainage system to reduce surface flooding and the leaching of possible polluting aggregates from the site is therefore increased. Indeed, point 2.3.16 actually states the area is 'vulnerable to wider environmental changes due to climate change', which conflicts with the option to 'scope out'. It is therefore felt that this urgently needs to be considered and over the lifespan of the proposed development which is 30 years; the pontoon may float but the land on the port does not!

Alternative Considerations (4.1)

3. The consideration of alternatives is limited in scope given the discharge of sand/gravel is to be the single reason for the proposed development. Presently the ship DC Vanleerden visits Ramsgate Port and discharges sand and possible gravel from a position in the location of berth 4/5. This ship is a suction dredger with the capacity to discharge both sand and gravel clearly without the use of a pontoon. The DCGoup Company also has a number of other 'sisters ships' including the DC Ostend which visit Dover to discharge sand and/or gravel. Indeed, Brett Ltd stated to be the 'only user' of the new berth in this application, has its own vessel the Britanna Beaver that is capable of both sand and gravel discharge without a floating pontoon. Given the vast cost of the proposed development via public funding, has this option which could be significantly cheaper, given the development would not be necessary, been considered and discussed with Brett Ltd the supposed single user of the new berth. I believe TDC have failed to adequately consider other options, including the repair of the previous berth, part of which was refurbished and is being used in another port/harbour.

Dredging (4.1.2)

5. Prior to construction a capital dredge will be needed to a depth of -4.5cd, achieved with a split-hopper grab dredging barge, which if all permissions are given will begin in May 2022. It is expected that 15,000m³ will be extracted and removed using the existing drop sites at: a) Pegwell (TH140) with a capacity of 99,000 wet tonnes & b) Dover (DV101) with a capacity of 137,000 wet tonnes. This will use the present Marine License: (L/2016/00086) mentioned at point (5.4.2) which is valid until March 2026. Given there has been little, if any substantial dredging, over the last 2 years, there are real concerns that the amount extracted and dropped at these sites, over a short period of time will create problems. There also seems to be no clarification from the MMO that this has been considered, clarification or indeed, approved. In addition, there is no indication of exactly how much will be dropped at each site and given the Pegwell site is much closer, the fear is this will be used for all or if not most of the sediment dropped. It is also not clear whether the amounts allowed at each site are amounts allowed annually or for an alternative length of time or until the allowed 'wet weight' is reached? Further clarification is needed.

6. Five tonnes of cement is also to be removed from the site but there is not specific indication of where this will go?

Ship Traffic

7. Point 5.3.4 states that the previous pontoon and the proposed pontoon will be used by a single vessel: Neptune (IMO 9030474;151DWT). This is simply not true as evidenced by TDC own records of aggregate imports, which indicates the following vessels were regulars: Pluto (IMO 8518340 2386tonnes), Neptune (formerly Islay Trader) (IMO 9030474 1512tonnes) and DC Vlaanderen (IMO 9250373 2744tonnes). Clearly, all exceed the 1350 tonne threshold for a Schedule 1 Development & TDC records show, for example:

- a) Pluto discharged 2140tonnes on 14.06.17 & 25.08.17
- b) Neptune discharged 2100tonnes on 26.01.18, 29.01.18 & 24.03.18
- c) DC Vlaanderen discharged 3585tonnes on 17.01.18, 3477 tonnes on 05.03.18 & discharged aggregate on 14.10.20 (tonnage unknown), which continues to discharge marine aggregate at the port and from the same location but without a berth.

These details need to be amended to reflect the true picture.

Marine Ecology

8. Point 6.2.6 & 6.9.8 details the significant risk to our marine mammals: Grey, Common and Harbour Seals, during piling and it appears appropriate mitigations will be put in place, including a Marine Mammal Observer who will monitor a 500m radius around the piling sites and the use of a less noisy method. This is a welcome intervention but where will the Marine Mammal Observer be located and how will they monitor the designated area? Will they also record any sightings of seal's, how will they ensure these seal 'leave the area' and at what point will work stop? I understand piling will cease as soon as a seal is spotted in the

area and once the seal has left the area there will be a further 20-minute wait to restart piling. Will records of all sightings and actions be sent to Kent Wildlife Trust and NE?

Marine Water and Sediments

9. This document looks at the benthic survey of 3 sites within the proposed development and potential pollution in the sediment to be extracted. Again, this is very detailed but would benefit from further interpretation to enable the 'lay-person' to better understand what is stated. For example, what does the baseline data demonstrate; what does below AL1, above AL1, below AL2 and above AL2 represent in terms of pollution levels?

10. In addition, given the dredging will be to a depth of -4.5cd and that the area around the proposed site is extensively silted up to such an extent that a large area of silt is exposed at low tide, should the sampling have been at depths greater than 2.5m, given dredging in these locations is likely to be much deeper than this?

Ornithology

11. Wintering birds have been scoped out of this application given the time scale for the work is between May and July 2022. However, there are already significant delays, surely it would have been prudent to undertake this analysis, and what will happen if the works are delayed and as a result, extend into the winter months?

12. The document states that there are 'no notable species or assemblages of birds' but there are starlings roosting close by and on the port during murmuration's, as well as Fulmar's nesting on/in the chalk cliff close by. At low tide birds are often seen on the silt bank which has built up where the breakwater meets the port just to the south of the proposed development, an area which may also be dredged. These birds and locations appear to have been missed in this analysis which is very worrying.

Inter-Project Effects (11.5)

13. The only scoping tool used here was a 'search of the TDC planning portal', which resulted in the following statement; 'there are no big developments close by'. Inter-project effects and cumulative impact were therefore not considered. This is simply not true. Given the proposed development is to serve the existing Cement Batcher and Aggregate plant, I fail to see how this statement could have been made, especially because, this is an application by TDC to TDC's planning department, so TDC must be aware of the various 'big developments' close by the proposed site. There are in fact a number of 'big developments' in addition to the 2 mentioned previously including: 2 Windfarms, 2 approved planning applications for mobile phone masts, one being 15m high and a number of other small businesses. None of these stakeholders or more importantly workers/staff, have been considered in any of the analysis that could identify possible negative impacts upon them. For example; noise and airborne pollution, which is extremely worrying given their close proximity.

To clarify mistakes of the past, which must not be repeated, the Cement Batchers was wrongly allowed to be developed at the site in 2010 using General Permitted Development Rights. Sharon Thompson Head of Planning at KCC confirmed in an email to KCC Councillor Karen Constantine on 2nd July 2020 that 'My findings have concluded that the concrete batching plant would not be considered to benefit permitted development rights and was erected without the benefit of planning permission'.

In addition, the ES fails to acknowledge the presence of a temporary site for an extended family of Travellers, which TDC moved to the site from a location in Palm Bay, due to 'welfare concerns' involving poor physical and mental health. There are between 30 and 60 men, women, children and new born babies on the site, less than 20m from piles of aggregates living in caravans, who have been there for nearly a year. Associated with this group are various court cases including a Judicial Review, which until concluded, I believe the Travellers will remain at the site. This group of people are highly likely to be negatively impacted by the development at berth 4/5 but have been totally ignored by the EIA. This urgently needs to be addressed and in a way which considers the active court cases, as well as their welfare and cultural needs.

Consultation (2.27)

14. The document does evidence that consultation was undertaken with a number of important organisations: MMO, NE, TDC Environmental Health, HE, KCC Ecology but there is no mention of KCC in terms of the KCC KMWLP. This designates berth 4/5 as a 'safeguarded wharf' and as such consultation with KCC should happen. There is no indication this has happened and no mention of the berth being 'safeguarded', again this needs to be addressed in light of the KMWLP.

In addition, and more worrying is the fact despite the ES clearly indicating the nearest residential properties are 330m away, (10.5.20), the planning process using 'Prior Approval' has failed to notify directly those that could be most affected.

Assumptions and Limitations

15. Here it is made clear that 'any future development of the site beyond the proposed development of which this ES relates, will be determined through a separate a planning application and is not assessed within this ES'. This finally gives some clarity over all future developments at the port, whatever they are, and also confirms that the conveyer will need its own planning application, EIA and MLA and to the appropriate planning authority; KCC as confirmed by Sharon Thompson at KCC.

Air Quality

16. 10.4.5 Clearly indicates that data from existing Diffusion Tube monitoring Stations were used, the closest is at Boundary Road 1.35km away. The report also indicated that there is NO dust monitoring at the port by TDC or in relation to the Cement Batching and Gravel

businesses. This is confirmed in Point 10.5.14 which states 'Brett does no monitoring for PM10 or PM25 and suggests PM75 does not travel that far'. It fails to say how far and how this was assessed. This is very worrying given the number of people living and working within 1km of the site, some as close as a few metres and the nearest residential properties 330m away, as indicated at point 10.5.20. There is clearly a real need to address this situation now and, in the future, given a dust monitoring station 1.35km away with significant cliff formations between it and the port/berth, simply cannot give any accurate assessment of possible issues concerning dust, upon residential properties in direct sight of port/berth and only 330m away. In addition, and just as worrying, is the potential effect of dust on those people working on the port, including a group of Travellers presently being allowed to live on the port, as mentioned previously. Indeed, noise monitoring equipment was brought in and used as part of this ES so it is strange that dust monitoring equipment was not! Dust is regularly seen in and around the large exposed piles of minerals on the site during windy weather which is common and while vehicles visit the cement batching and aggregate businesses, as well as during deliveries. This becomes more problematic in dry, windy conditions which tend to prevail in this part of the UK. Video and photographic evidence can be provided. There is little if any dampening down of these piles and no wheel washing before vehicles leave the site, except following a complaint from a resident, but this was a 'short lived' process that has not been evident since. Given the process of making cement involves various minerals some of which are extremely harmful to humans and wildlife, using a dust monitoring station 1.35km away, is simply not good enough.

Environmental Statement

17. Point 1.3.8 makes it clear that this development is an '**EIA Development**'. Point 1.4.1 mentions the 'requirements for EIA' quoting at point 1.4.1 'the proposed development falls under classification of **schedule 1** 8(2) of the Town & Country Planning (EIA) Act Regs 2017 (the EIA Regs) as follows:

(2) Trading Ports, Piers for loading & unloading connected to land & outside ports (excluding ferry ports) which take vessels over 1,350 tonnes'.

Serious questions and consideration need therefore to be made concerning the validity of TDC use of 'General Permitted Developments Rights', which were possibly an option if the MMO had not assessed an EIA was required and that the ES had not designated the development a schedule 1. As a result, the following Planning Legislation Applies:

Town & Country Planning (General Permitted Development) (England) Order 2015

Permitted Development:

(10) Subject to paragraph (12), Schedule 1 development or Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011(2) ("the EIA Regulations") is not permitted by this Order unless—

(a) the local planning authority has adopted a screening opinion under regulation 5 of those Regulations that the development is not EIA development(3);

(b) the Secretary of State has made a screening direction under regulation 4(7) or 6(4) of those Regulations that the development is not EIA development; or

(c) the Secretary of State has given a direction under regulation 4(4) of those Regulations that the development is exempted from the application of those Regulations.

Given an EIA was deemed necessary and that the SOS has not intervened as detailed above, TDC should now concede a full planning application is required in order to ensure 'due process' of the highest standard is applied to keep people and the environment safe and those potentially most affected informed and consulted.

In summing up, I hope that the serious concerns I have raised will be fully considered, we must not repeat the mistakes of the past, clearly evidenced concerning the development of the Cement Batching Plant without an appropriate planning and marine license process.

Kind Regards

Councillor Rebecca Wing
Central Harbour Ramsgate