

## Environmental and Social Data Sheet

### Overview

Project Name: SEALOCK IJMUIDEN  
Project Number: 20140092  
Country: The Netherlands  
Project Description: The project consists of the construction of a new sea lock in the North Sea access channel to the Port of Amsterdam. The lock is part of the main maritime access to the Port and is a key link in the TEN-T core network.  
EIA required: yes  
Project included in Carbon Footprint Exercise<sup>1</sup>: no  
(details for projects included are provided in section: “EIB Carbon Footprint Exercise”)

### Summary of Environmental and Social Assessment, including key issues and overall conclusion and recommendation

The Project falls under Annex I of the EIA Directive 2011/92/EU and is located in the vicinity of protected nature conservation sites. An Environmental Impact Assessment and an Appropriate Assessment according to Art.6(3) of the Habitats Directive 92/43/EEC have been carried out by the public promoter, Rijkswaterstaat<sup>2</sup>, for the Project as part of the Regional Zoning Plan. Compliance of the Regional Zoning Plan with the current River Basin Management Plan for the West Rhine district under the Water Framework Directive 2000/60/EC (as amended) has also been checked. The RZP and corresponding EIA were adopted by the provincial authority on 22 September 2014.

During the detailed design phase further in-depth environmental studies and a detailed ESMP will be drawn up by the contractor in order to obtain the construction permit. Overall, the project alignment, the reference design and the project approval process have been defined and carried out in line with applicable national environmental legislation, mirroring EU law.

As a condition prior to the first disbursement, the Bank will require a copy of the final project approval and documentary evidence issued by the Competent Nature Conservation Authority and satisfactory to the Bank, that the requirements of the Habitats Directive 92/43/EEC have been fulfilled. Furthermore, undertakings on the exemptions under the Flora and Fauna Act and the ESMP will be included by the Bank in the Finance Contract.

Provided that the ESMP, as defined in the EIA and subject to any further modifications that may be identified during the detailed design stage, will be carried out by the public promoter and the contractor, and subject to the above conditions and undertakings being met, the Project is considered to be acceptable for Bank financing from an environmental perspective.

### Environmental and Social Assessment

#### Environmental Assessment

##### Environmental procedures

<sup>1</sup> Only projects that meet the scope of the Pilot Exercise, as defined in the EIB draft Carbon Footprint Methodologies, are included, provided estimated emissions exceed the methodology thresholds: above 100,000 tons CO<sub>2</sub>e/year absolute (gross) or 20,000 tons CO<sub>2</sub>e/year relative (net) – both increases and savings.

<sup>2</sup> “Rijkswaterstaat” is the body within the Dutch Ministry of Infrastructure and the Environment responsible for the development and maintenance of the main infrastructure facilities in the Netherlands.

In compliance with the Spatial Planning Act<sup>3</sup>, which regulates how spatial plans in the Netherlands are developed and modified, the central government and the Province of North-Holland drew up structure visions outlining the framework for their spatial planning policy until 2040, the so-called “*Structuurvisie Infrastructuur en Ruimte*” and “*Structuurvisie Noord-Holland 2040*”. These structure visions are intentionally aligned with each other and serve as the starting point for zoning plans, integration plans and project decisions. The “*Structuurvisie Infrastructuur en Ruimte*” recognises Dutch national interest in maintaining the lock infrastructure in IJmuiden as the main point of entry into the port area of Amsterdam. Furthermore, it is part of the strategy envisaged by the Province of North-Holland to make optimal use of the existing port area and construct a new lock at IJmuiden (“the Project”).

Both structure visions have been the subject of a full Strategic Environmental Assessment (SEA). SEA procedures in The Netherlands are laid down in the Environmental Management Act of 1987 (EMA)<sup>4</sup>. Although not separately mentioned, the SEA procedure has been an integral part of the Act since 1987. The EIA and SEA procedures were formally separated with the transposition of the SEA Directive 2001/42/EG into Dutch legislation by amending the 1987 EMA on 28 September 2006 and by amending the relevant regulatory provisions of the Environmental Impact Assessment Decree (EIA Decree, part of the Act)<sup>5</sup>. After extensive public consultations and a mandatory review of the SEA reports by the independent Netherlands Commission Environmental Assessment (NCEA), the final versions of the “*Structuurvisie Infrastructuur en Ruimte*” and “*Structuurvisie Noord-Holland 2040*” and their corresponding SEA reports were adopted by the Minister of Infrastructure and Environment on 13 March 2012 and the provincial authorities “*Provinciale Staten van Noord-Holland*” on 21 June 2010, respectively.

The Project is embedded in the Regional Zoning Plan (RZP), the so-called “*Provinciaal Inpassingsplan Zeetoegang IJmond*”, which derives from the structure vision of the Province of North-Holland, and falls under Annex I of the EIA Directive 2011/92/EU. The EMA and the EIA Decree transpose the EIA Directive 2011/92/EU into Dutch legislation. The RZP, which includes the Project, has been the subject of a full EIA<sup>6</sup>. After extensive public consultations and a mandatory review of the EIA report by the independent NCEA the provincial authorities “*Provinciale Staten van Noord-Holland*” have adopted the RZP and corresponding EIA on 22 September 2014.

In compliance with the Water Framework Directive 2000/60/EC (as amended), a River Basin Management Plan (RBMP) for the West Rhine district, comprising the North Sea Canal, has been established for the period 2009-2015. Compliance of the RZP with the current RBMP has been checked in the context of the EIA process. It is concluded that the status and typology of the North Sea Canal will not change as a result of the Project and no major ecological changes are expected.

### Main environmental impacts

The Project is expected to cause temporary inconveniences during the construction phase (air pollutant emissions, underwater and airborne noise and vibrations, increased water turbidity, etc). In particular, underwater noise during construction works may affect certain fish species that are protected under the Dutch Flora and Fauna Act<sup>7</sup>. Moreover, a small habitat of

<sup>3</sup> “*Wet Ruimtelijke Ordening*” (Wro), which entered into force on 1 July 2008

<sup>4</sup> “*Wet Milieubeheer (Wm)*”

<sup>5</sup> “*Besluit m.e.r.*”

<sup>6</sup> The Dutch Environmental Assessment legislation has recently been revised by the Environmental Assessment Modernisation Bill, which entered into force on 1 July 2010, distinguishing a simplified procedure for projects (EIA) with limited environmental repercussions and a full-fledged procedure for complex projects (EIA), and for plans, programmes and policies (SEA).

<sup>7</sup> The following species are included in Table 2 of the Dutch Flora and Fauna Act (not included in the Habitats Directive): the common goby (“*Pomatoschistus microps*”), the transparent goby (“*Aphia minuta*”), the western tubenose goby (“*Proterorhinus semilunaris*”), Lozano’s goby (“*Pomatoschistus lozanoi*”) and the sand goby (“*Pomatoschistus minutus*”).

“rietorchis”<sup>8</sup>, an orchid species protected under the Dutch Flora and Fauna Act, located on the Project site will be permanently lost and fish migration through the locks could be disrupted as a result of the Project. Once operational, additional vessel movements are presumed to cause minor residual impacts on the air quality and noise levels in the project area and surroundings, which is currently already exposed to relatively high levels of fine dust and noise. In terms of water quality, it is expected that the Project will cause an increase in salt intrusion in the North Sea Canal due to its bigger dimensions than the existing lock.

The principal negative impacts will be offset by the relocation of the species “rietorchis” to another area, specific measures to keep protected fish species at a safe distance during construction works and design requirements in order to avoid disruption of fish migration. The first two mitigation measures will require an exemption under the Flora and Fauna Act. The risk of increased salt intrusion is expected to be mitigated in a satisfactory way through close monitoring during construction by the public promoter and a corresponding appropriately adjusted design and works methodology by the contractor. The remaining negative impacts will be mitigated through best practices to be implemented during construction (adequate equipment / machinery, circulation plan for heavy traffic, clear traffic signalisation, avoiding sensitive areas, avoiding breeding season, etc.). Furthermore, in the context of a continuous environmental dialogue with the inhabitants of IJmond a package of air quality measures has been agreed upon in 2013 in order to improve quality of life in the region in the short term.

### Biodiversity issues

The Project site is located at a short distance (1 to 1.5km) of two Natura 2000 sites, namely the “Kennemerland-Zuid” (Ref. NL10000123) and “Noordhollands Duinreservaat” (Ref. NL9801080), which are classified as SCI<sup>9</sup> and SAC<sup>10</sup> under the EU Habitats Directive 79/409/EEC. The northern part of the Natura 2000-site “Kennemerland-Zuid” is part of the National Park “Zuid-Kennemerland”. Several other Natura 2000-sites are located in the surroundings of the North Sea Channel<sup>11</sup>.

The Nature Protection Act<sup>12</sup> of 1998, as amended in 2005, and the Flora- and Fauna Act of 2002 transpose the EU Habitats directive 92/43/EEC and the Birds Directive 2009/147/EC into Dutch legislation. An Appropriate Assessment (AA) according to Art.6(3) of the Habitats Directive 92/43/EEC has been carried out by the public promoter as part of the EIA of the RZP and concluded that the Project will not have significant effects on a site of nature conservation importance. The EIA identified a potential increase in nitrogen deposit as the only possible impact on the Natura 2000 areas. This risk is expected to be mitigated in a satisfactory way through close monitoring during construction and a corresponding appropriately adjusted work methodology. The conclusions of the AA have been audited by the NCEA and a public consultation has been carried out within the scope of the EIA.

### Climate Change aspects

The Project will be a part of the primary flood defence of the Dutch coast. The final design by the contractor will have to meet strict requirements, taking into account a sea level rise due to climate change, in order to comply with the Dutch Water Act of 2009<sup>13</sup>.

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<sup>8</sup> The species “*Dactylorhiza majalis praetermissa*” is included in Table 2 of the Dutch Flora and Fauna Act (not protected under the Habitats Directive)

<sup>9</sup> Sites of Community Importance

<sup>10</sup> Special Areas of Conservation

<sup>11</sup> “Polder Westzaan” (1,2 km), “Wormer- en Jisperveld & Kalverpolder” (5,9 km), “Ijperveld, Varkensland, Oostzanerveld & Twiske” (3 km), “Eilandspolder” (14,5 km) and “Polder Zeevang” (14,8 km)

<sup>12</sup> “*Natuurbeschermingswet*”

<sup>13</sup> “*Waterwet*” of 22 December 2009

## **Public Consultation and Stakeholder Engagement, where required**

As part of the approval process of the “*Structuurvisie Infrastructuur en Ruimte*” and corresponding SEA report, a public consultation took place between 3 August 2011 and 13 September 2011<sup>14</sup>. As part of the approval process of the “*Structuurvisie Noord-Holland 2040*” and corresponding SEA report, a public consultation took place between 22 October 2009 and 2 December 2009<sup>15</sup>. Moreover, several seminars were organised by the Ministry of Infrastructure and Environment and the Province of North-Holland, respectively, in order to present the plans to the public and provide time for Q&A.

After publication of the draft RZP and corresponding EIS on 19 February 2014, a public consultation took place from 19 February 2014 until 1 April 2014. In March 2014 the Province of North-Holland organised two seminars in order to present the RZP and corresponding EIA to the public and for Q&A. The final RZP and EIS and corresponding approval by the provincial authorities will be made public for a 6 week period from 1 October 2014<sup>16</sup> which will give stakeholders the possibility to appeal against the decision. After that, the RZP becomes irrevocable.

## **Other Environmental and Social Aspects**

As Rijkswaterstaat will be responsible to ensure that the ESMP for the Project will be implemented in accordance with the final project authorisation, no particular difficulties are expected during the implementation of the programme.

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<sup>14</sup> All documents were publicly available in the offices of the Ministry in Den Haag and in the offices of the provinces across The Netherlands and can be downloaded from the following website: [www.centrumpp.nl](http://www.centrumpp.nl)

<sup>15</sup> All documents were publicly available in the offices of the Province of North-Holland in Haarlem and in city halls across North-Holland and can be downloaded from the following website: [www.noord-holland.nl](http://www.noord-holland.nl)

<sup>16</sup> All documents are publicly available in the offices of the Province of North-Holland in Haarlem and in the city halls of Amsterdam, Beverwijk, Haarlemmerliede e, Spaarnwoude, Velsen and Zaanstad, and can be downloaded from the following website: [www.ruimtelijkeplannen.nl](http://www.ruimtelijkeplannen.nl)