

ABLE MARINE ENERGY PARK (MATERIAL CHANGE 2 – TR030006)

UPDATED ENVIRONMENTAL STATEMENT

CHAPTER 2: ENVIRONMENTAL ASSESSMENT PROCESS

Able Marine Energy Park, Killingholme, North Lincolnshire



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2.1.0 Introduction

- 2.1.1 The purpose of this chapter is to describe the methodology that has been applied in the undertaking of the Updated Environmental Statement (UES). In so doing, it describes the approach that has been used to identify, evaluate, and mitigate environmental effects. It also sets out the proposed temporal, spatial, and technical scope of the EIA.

2.2.0 Basis of The Assessment

Applicable Regulations

- 2.2.1 The process of Environmental Impact Assessments (EIA) for projects falling under the Planning Act 2008 is governed by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations). The EIA Regulations implement EC Directive 2011/92/EU (European Parliament, 2011), as amended, into UK legislation. The Regulations remain part of English Law following the UK's exit from the EU on the 31st of January 2020.
- 2.2.2 The primary objective of an EIA is inscribed under Article 2 of the above Directive, which states that:
- “Member States shall adopt all measures necessary to ensure that, before consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size of location are made subject to a requirement for development consent and an assessment with regard to their effects.”*
- 2.2.3 Article 8 of the Directive also states that:
- “The results of consultations and information gathered pursuant to [the EIA procedure] must be taken into consideration in the development consent procedure.”*
- 2.2.4 The EIA is reported in an Environmental Statement (ES). The purpose of this Updated Environmental Statement (UES) is to inform the determining/examining authority (the Planning Inspectorate) of any significant environmental issues arising from the proposed material amendment to the approved development as contained within the AMEP DCO (Statutory Instrument 2014 No. 2935). Copies of the extant DCO and subsequent Amendment Order 2021 are provided within Technical Appendices UES1-1 and UES1-3 respectively.
- 2.2.5 Consideration has also been given to the National Policy Statement for Ports¹ (NPSP, 2012), which also provides a framework within which a determining/examining authority will make their recommendation. With regard to the EIA process, section 4.7 identifies that:
- “All proposals for projects that are subject to the European Environmental Impact Assessment Directive must be accompanied by an Environmental Statement (ES) describing the aspects of the environment likely to be significantly affected by the project. The Directive specifically covers ‘trading ports...which can take vessels over 1,350 tonnes’ within Annex I 8(b) and ‘construction of...harbours and port installations, including fishing harbours (projects not included in Annex I)’ within Annex II 10(e). The Directive also specifically refers to effects on human beings, fauna and flora, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them. The Directive requires a description of the likely significant effects of the proposed project on the environment, covering the direct effects and any indirect, secondary, cumulative, short-, medium and long-term, permanent and temporary, positive and negative effects of the project, and also of the measures envisaged for avoiding or mitigating significant adverse effects. When considering a proposal, the decisionmaker should ensure that likely significant effects at all stages of the project have been adequately assessed and should request further information where necessary.”*
- 2.2.6 The NPSP also provides guidance on the assessment principles and generic impacts of Port

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/3931/national-policy-statement-ports.pdf

developments for consideration by the determining/examining authority. These elements of the NPSP have been duly considered in the preparation of this UES.

Approach to UES

- 2.2.7 Consideration was given to the environmental topics contained within the original ES and whether the proposed material amendment (Material Change 2) was likely to result in changes to the scope of the assessment or potential for likely significant effects.
- 2.2.8 For topics considered unlikely to experience likely significant effects (beyond those identified within the original ES), a compliance review was undertaken. These compliance reviews were contained within a Preliminary Environmental Information Report (PEIR) which was utilised to inform the pre-submission consultation on the proposed material amendment (Material Change 2) application.
- 2.2.9 The findings of these compliance reviews are briefly confirmed within the various ‘scoped out’ topics as contained within this UES but do not consist of an update to the environmental assessment as contained within the original ES. These compliance reviews confirm that the proposed material amendment (Material Change 2) does not raise further likely significant effects for these environmental topics.
- 2.2.10 For the ‘scoped in’ topics, the environmental effects of the proposed development have been assessed for each relevant environmental topic (e.g., water quality, commercial fisheries, socio-economics etc.) by comparing the findings of the original EIA (as contained within the original ES submitted in support of the DCO) with the findings of updated technical assessments undertaken for topics affected by the proposed material amendment. These findings are presented within this UES.
- 2.2.11 Further information regarding the Scoping of this UES, consultation and the previous PEIR are provided within Chapter 5: Scoping and Consultation. The list of topics ‘scoped in’ (forming part of the updated EIA) and ‘scoped out’ (compliance review only) is confirmed within Section 2.4.0 of this Chapter (refer to Table 2-2).

Scope of EIA

- 2.2.12 This UES has been prepared in accordance with Regulation 14(2) of the EIA Regulations states that:
- “An environmental statement is a statement which includes at least –*
- (a) A description of the proposed development comprising information on the site, design, size and other relevant features of the development;*
 - (b) a description of the likely significant effects of the proposed development on the environment;*
 - (c) a description of any features of the proposed development, or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;*
 - (d) a description of the reasonable alternatives studied by the applicant, which are relevant to the proposed development and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the development on the environment;*
 - (e) a non-technical summary of the information referred to in sub-paragraphs (a) to (d); and*

- (f) *any additional information specified in Schedule 4 relevant to the specific characteristics of the particular development or type of development and to the environmental features likely to be significantly affected.*

2.2.13 Regulation 14(3) continues by stating that:

“The environmental statement referred to in paragraph (1) must –

- (a) where a scoping opinion has been adopted, be based on the most recent scoping opinion adopted (so far as the proposed development remains materially the same as the proposed development which was subject to that opinion);*
- (b) include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment, taking into account current knowledge and methods of assessment; and*
- (c) be prepared, taking into account the results of any relevant UK environmental assessment, which is reasonably available to the applicant with a view to avoiding duplication of assessment.”*

2.3.0 EIA Methodology

- 2.3.1 This section of the Environmental Assessment Process Chapter details the general approach to the EIA methodology, detailing the approach to defining the sensitivity of receptors, magnitude of change and the significance of environmental effects. Notwithstanding, it should be noted that further topic specific EIA methodology is provided within each of the topic chapters contained within this UES.
- 2.3.2 The EIA Regulations require an ES to report on those environmental effects arising from a project that are considered likely to be significant. Whilst there is no statutory definition of what constitutes a significant effect, this is based on professional judgement through the undertaking of technical assessments in accordance with best practice guidance.
- 2.3.3 The primary purpose of reporting an assessment of any effect of a project is to aid the determining authority so that it is properly informed when making its decision.
- 2.3.4 For the purposes of this UES, a significant effect has been defined, as an effect that, either in isolation or in combination with others, should – in the opinion of the team carrying out the EIA – be taken into account in the decision-making process.
- 2.3.5 The definition of a significant effect requires a specific framework for each environmental topic considered in the assessment in order to predict the significance of the effects that may arise. The criteria used to judge significance is explained as part of the assessment methodology for each individual environmental topic chapter.
- 2.3.6 In identifying significant effects, the EIA takes into account their nature and duration as follows:
- Site-specific effects: Effects that result from a geographically localised impact and which are significant primarily at a neighbourhood or district level.
 - Wider effects: Effects that are individually significant at a regional level, but which may not be significant locally.
 - Positive effects: Effects that have a beneficial influence on receptors and resources.
 - Negative effects: Effects that have an adverse influence on receptors or resources.
 - Temporary effects: Effects that persist for a limited period only, due for example to particular construction activities (e.g., noise and vibration from construction plant). Where possible, the likely duration of effects is identified.
 - Permanent effects: Effects resulting from an irreversible change to the baseline environment (e.g., land take) or which persist for the foreseeable future (e.g., noise and vibration from operation).
 - Direct effects: Effects that arise from the impact of activities that form an integral part of the Project (e.g., new infrastructure).
 - Indirect effects: Effects that arise from the impact of activities not explicitly forming part of the Project.
 - Secondary effects: Effects that arise as a result of an initial effect of the scheme (e.g., reduced

amenity of a community facility as a result of construction noise and vibration).

- Cumulative effects: Those effects which arise over time due to the effect of the Project and the effect of other developments.
- In-combination effects: Those effects which occur where a number of separate effects from the Project, such as noise and air quality, affect a single receptor, for example people.

2.3.7 In general terms, there are three stages required to enable the significance of impacts to be identified, as follows:

- Identification of the baseline conditions and the sensitivity and importance of receptors.
- Identification of the magnitude of change (impacts) upon each receptor.
- Identification of the impact significance, which is the product of a combination of the above two variables.

Defining the Baseline Scenario

2.3.8 Given the purpose of this UES is to consider a material amendment to an extant DCO, it is necessary for multiple baseline scenarios to be detailed to allow consideration of the changes in the assessment of effects between the original ES and the content of this UES. Whilst the baseline scenarios are defined in more detail within the topic chapters, these can potentially include:

- Current Baseline as detailed within the original ES (i.e. prior to any development taking place);
- Future Baseline as detailed within the original ES (i.e. that established as the future scenario when the AMEP development would commence on site, if different);
- Current Baseline as at the time of this UES (i.e. taking into consideration alterations to the site and in the local area since the DCO came into force in 2014); and
- Future Baseline for the UES (i.e. a future scenario which considers any change in the local area that will occur in advance of the DCO being implemented on site). Please note that the Future Baseline for the UES will only be applied where appropriate.

2.3.9 It should be noted that the use of the above baseline scenarios varies between environmental topic chapters subject to the assessment being undertaken. For example, in many cases it is not appropriate to establish a future baseline scenario where the assessment is finite in its temporal scope (i.e. the effects considered would be permanent in nature and not altered by a future baseline scenario). As such, the baseline scenarios utilised are established within each of the individual environmental topic chapters.

Sensitivity of Receptors

2.3.10 Where appropriate, the topic chapters of this UES have identified the receptors of relevance to their assessment. The sensitivity of a receptor is determined by their 'value' and a consideration of their adaptability, tolerance and recoverability to change. On this basis, the sensitivity of the receptors are typically defined as High, Medium, Low and Negligible/Neutral.

Magnitude of Change

- 2.3.11 Magnitude of change is typically defined by four factors when considering an effect to a receptor; extent, duration, frequency and severity. Again, the magnitude of change are typically defined as High, Medium, Low and Negligible/Neutral.

Significance of Effect

- 2.3.12 The significance of effect is determined by combining the predicted magnitude of change with the sensitivity of a receptor. Notwithstanding, it should be recognised that there is a degree of subjectivity to the assessment process given that it is based on professional judgement regarding the effect-receptor interaction based on the evidence used to inform the EIA.
- 2.3.13 An example significance matrix is provided in Table 2-1 below. However, as stated above, each chapter will define a specific framework within their methodology in accordance with the applicable relevant standards, criteria, guidance, and statutory requirements.

Table 2-1: Example Significance Matrix

Magnitude of Change	Sensitivity of Receptor				
		High	Medium	Low	Negligible
	High	Substantial / Major	Substantial / Major	Moderate	Neutral / Negligible
	Medium	Substantial / Major	Moderate	Minor	Neutral / Negligible
	Low	Moderate	Minor	Minor	Neutral / Negligible
	Negligible	Neutral / Negligible	Neutral / Negligible	Neutral / Negligible	Neutral / Negligible

Mitigation & Residual Effects

- 2.3.14 Schedule 4 of the 2017 EIA Regulations (as amended) requires that where significant effects are identified, *'a description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment'* should be included in the ES.
- 2.3.15 The proposed material amendment aims to achieve the highest environmental standards, whilst measures to avoid and/or reduce and, if necessary, mitigate environmental impacts have been built into the scheme parameters. The mitigation measures identified within the original ES would remain as proposed unless alternate or additional mitigation measures have been identified within this UES in response to the proposed material amendment.
- 2.3.16 For each significant adverse effect of the proposed development identified during the EIA, the specialists undertaking the assessments identified mitigation measures consistent with statutory requirements and good practice in their respective field.
- 2.3.17 Any identified residual effects (assuming mitigation options are applied) are classified as non-significant or still significant (although reduced), as appropriate. Where effects are still significant, the extent of any amelioration is reported in this UES.

2.4.0 Scope of the Assessment

- 2.4.1 The range of environmental topics addressed in this UES is referred to as the technical scope. The technical scope of this UES has been formulated through an understanding of the content of the original ES, the scope of the material amendment, and the undertaking of a formal Scoping exercise undertaken with the Planning Inspectorate (PINS). Further information on the technical scope of the UES is provided below.

Technical Scope

- 2.4.2 Potential environmental topics in relation to the proposed material amendment were evaluated, with reference to the previously undertaken Scoping exercise and PEIR. Further information regarding this Scoping exercise and PEIR are provided within Chapter 5: Scoping and Consultation.
- 2.4.3 The Scoping exercise was carried out in order to determine, amongst other things, the extent to which environmental topics should be included in the EIA, having regard to whether they are likely to give rise to significant effects.
- 2.4.4 On this basis, the UES has included the following technical scope:

Table 2-2: Technical Scope of UES

Topic / Technical	Original ES Chapter #	Updated Technical Chapter in UES	'Scoped Out' / Compliance Review
Geology, Hydrogeology and Ground Conditions	7		✓
Hydrodynamic and Sedimentary Regime	8	✓	
Water and Sediment Quality	9	✓	
Aquatic Ecology	10	✓	
Ecology and Nature Conservation	11	✓	
Commercial Fisheries	12	✓	
Drainage and Flood Risk	13	✓	
Navigation	14	✓	
Traffic and Transport	15		✓
Noise and Vibration	16	✓	
Air Quality	17	✓	
Marine Archaeology	18	✓	
Light	19		✓
Landscape and Visual	20		✓
Socio-Economic	21	✓	
Aviation	22	✓	
Waste	23		✓
Health	24		✓

2.4.5 As outlined within paragraphs 2.2.7 - 2.2.11 above, where environmental topics have been 'scoped out', details of the compliance reviews are contained within this UES but do not consist of an update to the environmental assessment as contained within the original ES. These compliance reviews confirm that the proposed material amendment (Material Change 2) does not raise further likely significant effects for these environmental topics.

2.4.6 In addition to the above, updated chapters have been prepared for the following EIA assessment related topics:

- Chapter 25 – Other Environmental Issues;
- Chapter 26 – Assessment of Cumulative and In-Combination Effects;
- Chapter 27 – Summary of Mitigation and Monitoring; and
- Chapter 28 – Conclusions (including Residual Effects).

Spatial Scope

2.4.7 The spatial, or geographical, scope of the assessment takes into account the following factors:

- The physical extent of the proposed works, as defined by the scheme design taking into consideration the proposed material amendment;
- The nature of the baseline environment and the manner in which the impacts are likely to be propagated; and
- The pattern of governmental administrative boundaries, which provide the planning and policy context.

2.4.8 For example, any effects on, for instance, soil contamination is likely to be confined to areas that are physically affected by construction works, whilst the effect of factors such as noise or visual intrusion could potentially be experienced at a distance from the site and the works themselves.

2.4.9 In most cases the impact is likely to affect interests for a limited area around the site. However, for some issues (such as socio-economics) the impact may affect regional level interests, or even be an impact of national or international significance.

2.4.10 Where appropriate, study areas are defined within the environmental topic chapters.

Temporal Scope

2.4.11 The temporal scope of the assessment refers to the time periods in which the effects are expected to be experienced. This is different and will be established separately for each topic individually, and where it is deemed appropriate, through discussion with the relevant statutory consultees.

2.4.12 Generally, the following terms are used regarding temporary effects:

- Short-Term – the impact is temporary and lasts for up to 12 months;
- Medium-Term – the impact occurs for up to 5 years; and
- Long-term – the impact remains for a substantial time, perhaps permanently

Construction Phase

- 2.4.13 Construction phase impacts may potentially arise at any stage of the construction works. As such, the assessments consider the potential for construction phase effects, including consideration of the time of day during which such effects are likely to arise (i.e. if works are likely to be undertaken during the daytime or night-time periods). Construction works associated with the AMEP site are defined as those which have not yet taken place on site (given that areas of the site have already been commenced by way of separate local authority level planning consents).

Operational Phase

- 2.4.14 For the operational phase, the temporal scope is determined by the predicted date of works commencing operation. Notwithstanding, it should be appreciated that the Quay will be delivered in sections, with elements becoming operational prior to the full development being completed.
- 2.4.15 In order to facilitate early handover of an operational section of quay, the works are now proposed to commence at the southern end of the quay and progress northwards. On this basis, the construction sequence shown on the DCO approved 'Indicative Sequence Plan View' drawings AMEP_P1D_D_101 to 103 is proposed to be amended, and thereby superseded, by the alternative sequence shown on the application 'Indicative Sequence Plan View' drawings AME-036-10009 to 10011 which are included in the application.
- 2.4.16 In addition to the above, areas of the terrestrial (non-quay) elements of the DCO have already been implemented by way of local authority planning consents for land raising and associated uses. Relevantly also, work has commenced on the construction of the surface water pumping station on the south bank and that is expected to be completed by March 2022. Work will also commence on the compensation site at Cherry Cobb Sands during the third quarter of 2021, and it will become operational, further to breaching the existing flood defences, in June 2023.
- 2.4.17 For certain environmental topics, where effects are dependent on longer term considerations, such as natural or planned restoration or flood risk, which can affect ecology and landscape, the operational phase is taken to commence at the proposed opening date for assessment purposes.

Decommissioning Phase

- 2.4.18 As described in Chapter 4 of the original ES, AMEP is designed to have a long-term future, adjusting to market demands over time. However, the potential for decommissioning certain elements has been given detailed consideration in the design and use of materials in the AMEP scheme, in order to ensure that materials can be re-used safely and efficiently. Decommissioning does not, however, form part of the assessments contained within this UES (nor within the original ES).

Consideration of Alternatives

- 2.4.19 The EIA Regulations require, amongst other things, that the main alternatives to any scheme that have been reasonably considered by the applicant. Whilst the principal consideration of alternatives is contained within the original ES, an update to the consideration of alternatives with respect to the proposed material amendment is contained within Chapter 4: Description of Changes to Development & Consideration of Alternatives.

Cumulative and In-Combination Effects

- 2.4.20 This section sets out how the cumulative and in-combination effects detailed in each of the topic

chapters have been identified and assessed.

- 2.4.21 Other schemes in the vicinity of the site, which have been granted permission (outline or full) but not completed, or for which an application for consent has been submitted but yet to be determined, are considered alongside the current proposals in the assessment of cumulative impacts in the EIA. The assessment of cumulative impacts is an integral part of the EIA process and ensures that all aspects of potential impacts from the proposals have been addressed to ensure minimum impact on communities and the natural environment.
- 2.4.22 The EIA has considered the cumulative effects associated with the proposed development. As detailed within EIA guidance, cumulative effects can be considered as:
- The combined effect of individual effects arising as a result of the Proposed Development: i.e. a single receptor experiencing multiple **‘in-combination’** effects as a result of noise, air quality, transport and daylight and sunlight; and
 - The effects of the proposed development in combination with other development schemes in the locality: i.e. effects which on an individual basis are insignificant but in combination with other development scheme would lead to a significant **‘cumulative’** effect. Relevantly however, where an impact has been assessed and fully mitigated there can be no cumulative effect of the mitigated impact with any other project.
- 2.4.23 The assessment of Cumulative and In-Combination Effects (Chapter 26) has taken into consideration any Cumulative and In-Combination Effects identified and considered within the original ES and those which will or may occur as a result of the proposed material amendment.

Cumulative Effects

- 2.4.24 Cumulative Effects were identified throughout the EIA process through the consideration of the impacts of the development in tandem with the various committed developments identified. A schedule of committed developments identified through the consultation can be found in Chapter 6: Description of Committed Developments.
- 2.4.25 This list has been developed in order to develop a clear picture of what projects are in the planning stages or have been consented.
- 2.4.26 It also considers other projects which already exist in the area and those which are currently being developed or are in the planning process. The cumulative impact of overlapping, temporally or spatially, of this Project and other projects has been assessed in each of the relevant topic chapters of this UES.

In-Combination Effects

- 2.4.27 Receptors which suffer from negative impacts as a result of the combination of more than one impact were identified by developing a matrix. It was based on the individual topic assessments and professional judgement as to whether the identified receptors suffer from in-combination impacts, and whether these impacts are considered not significant or significant.

Other Environmental Issues

- 2.4.28 As outlined above, the ES should provide ‘any additional information specified in Schedule 4’ of the EIA Regulations. With regard to ‘Other Environmental Issues’ Schedule 4(4) states that a description

should be provided of the factors specified in Regulation 4(2) likely to be significantly affected by the development with regard to: *“population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape”*.

- 2.4.29 These factors are inherently considered within the various Chapters of this UES. Furthermore, to ensure compliance with the EIA Regulations, consideration of these ‘Other Environmental Issues’ are contained within Chapter 25 of this UES.

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