

MLA/2012/00141 PD Teesport - Maintenance Dredge Marine Licence application

Consultation responses

Cefas response

1. With reference to the above application which was submitted onto Fivium on 28th March 2012

Description of the proposed works

2. This a renewal application by PD Teesport for the disposal of 2 889 700 tonnes (approximately 1 850 553 cubic metres) of sand and silt maintenance dredge material from the areas previously listed for disposal under this licence comprising the River Tees (channel, berths and frontages), Hartlepool (entrance channel docks and water area) and Seaton channel (basin and berths). The requested licensed quantity this year represents a slight increase on the previous 12 month licence period but is broadly in line with annual quantities of material licensed previously over the duration of this long standing maintenance licence held by PD Teesport.

DISPOSAL

Dredge material quality:

3. Samples were requested for this renewal application at sites which had not recently been sampled, as determined by the ongoing rolling sampling plan for the licence. This year, sampling effort included a number of wharves within the River Tees included on the licence and also some sites currently excluded due to previous observations of elevated contaminant levels. Samples from the River Tees main channel and entrance and Hartlepool Docks and approaches were also taken. Samples from these 15 sites were all collected at surface only. Samples were analysed for a full suite of contaminants including heavy metals, organotins, polyaromatic hydrocarbons (PAH's), and polychlorinated biphenyls (PCB's).
4. Observed metal and organotin levels within the samples analysed this year were generally within those ranges which we would consider acceptable for disposal at sea. Analyses of the sample submitted from the Teesport Commerce wharf (TPC) Dry Dock, which is currently licensed for disposal, however revealed the level of lead slightly in excess of the corresponding AL2 figure. The elevation of lead observed in the current sample from this wharf is in contrast to the 2010 and 2008 sample analyses from this site which both indicated levels of lead well within the corresponding AL2 figure. In light of these previous results we have arranged for the re analyses of this sample for metals but in the interim would suggest that material from this site is not considered acceptable for disposal at sea and should be excluded from the renewal licence pending further information .
5. Samples from the sites analysed for PAH's demonstrated some areas of elevation, particularly with respect to those PAH's associated with redundancy from the petro chemical industry but generally levels observed were consistent with those anticipated in sediments from the Tees estuary and within those ranges previously disposed of to the Tees Bay site. Levels of BDE's, which are associated with the historic production site of the flame retardant industry at Teeside, were within those ranges anticipated for the

estuary as were those of PCB's. We will continue to monitor sediment quality through future sampling campaigns

6. Although samples taken from excluded areas listed on the previous licence generally revealed levels of all contaminants within those ranges which would be considered acceptable for disposal at sea, the material sampled will represent overlying freshly deposited material and may demonstrate elevated contaminant levels with sediment depth. As such I would recommend that at present these sites should remain listed on the renewal licence for exclusion, pending more detailed investigation should their inclusion on a future licence for dredging and disposal be required.

Alternatives to sea disposal:

7. I am content that PD Teesport are actively looking for alternative uses for this material, but that no suitable options are available at this time.

Disposal site considerations:

8. The disposal site remains Tees Bay A TY160 as per the previous licence. I understand that the applicants intend to continue with the grid managed placement scheme, to prevent the accretion of disposed material on the south west edge of the site and avoid the potential for shoaling.

Disposal contractor and vessels:

9. PD Teesport intend to utilise their own vessels for this operation: Trailer Suction Hopper Dredger's 'Heortnesse' and Cleveland County'. I have no objection to these arrangements.

Dredging method:

10. The methodologies provided in the environmental and method statement are considered to be acceptable at this site. Best practices should always be adopted and this may be an area on which the EA may wish to comment.

Requirement for EIA

11. I am of the opinion that the proposed works do not fall under the scope of a 'relevant project' as defined in the Marine Works (Environmental Impact Assessment) Regulations 2007, and therefore does not warrant an EIA to be carried out.

Summary

12. Based on my assessment of this application I would suggest that some elevation in contaminant levels is observed in sediments throughout the sites analysed this year. I would suggest that in general these are within those ranges which would be considered acceptable for disposal at sea, however I consider that maintenance material arising from the sites listed below should be excluded at the present time. Against the backdrop of ongoing contamination of dredge material from the Tees the continued policy of issue of a 1-year licence would be recommended. Continuing to re-sample on a rolling program simplifies the logistics of the sampling demands on the port, together with targeted monitoring samples where these are considered appropriate.
I recommend the following licence conditions;

The Licence Holder must ensure that;

Pre-works

- The District Marine Office must be notified of the timetable of works/operations at least 10 days prior to any activities commencing.
Reason: To ensure that the MMO officer is aware of the operations at sea occurring within its jurisdiction in order to notify other sea users and can arrange enforcement visits as appropriate.

During works

- Material should be excluded from disposal at sea from the following wharfs/frontages, named on the previous licence and designated as:

**Cochrane's/Tees wharf,
Normanby Wharf Graving Dock
Tees Offshore Base**

And in the interim as advised above also from

Teesport Commerce wharf (TPC) Dry Dock

Reason: To ensure that only material which has contaminant levels within those ranges which are considered acceptable for disposal at sea are disposed via this route.

- The Licence Holder must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO, Marine Pollution Response Team.
Reason: To ensure that any spills are appropriately recorded and managed to minimise impact to sensitive receptors and general marine environment.

Post-works

- The District Marine Office must be notified within 10 days of completion of the works.
Reason: To ensure that the MMO officer is aware of the operations at sea occurring within its jurisdiction in order to notify other sea users and can arrange enforcement visits as appropriate.
- The licence holder must ensure that dredged material is passed through grid screens no larger than 30cm to minimise the amount of man-made materials disposed of at sea. Any man-made material must be separated from the dredged material and disposed of to land.
Reason: To exclude the disposal at sea of man made material such as shopping

trolleys, masonry, paint cans etc

Local MMO office

All man-made debris to be disposed of ashore.

Environment Agency should be contacted regarding migratory fish.

Natural England

Application (Dredged Material Disposal)

Tees and Hartlepool Maintenance Dredge Disposal

Thank you for consulting Natural England regarding the above proposal. As there are several designated sites potentially affected by the proposal that are subject to different legislation, my response is differentiated accordingly.

1. The Conservation of Habitats and Species Regulations 2010 and The Offshore Marine Conservation (Natural Habitats &c) Regulations 2007 (Part 2)

Teesmouth and Cleveland Coast (SPA and RAMSAR)

This letter may be taken to be Natural England's formal consultation representation under Regulation 61 of The Conservation of Habitats and Species Regulations 2010, amended from Regulation 48 of the Conservation (Natural Habitats, &c.) Regulations 1994 ('the Habitats Regulations').

On the basis of the information submitted Natural England is not able to advise the MMO regarding the potential for a likely significant effect on the SPA/Ramsar site. Natural England seeks further information regarding the following issue:

- The stated maintenance dredge volume for Seaton Channel and Berth (1,029,920 tonnes/660,907m³) is significantly in excess of the annual maintenance dredges carried out in this location between 2001 and 2011.

- Natural England therefore seeks clarification regarding the volume and extent of the proposed maintenance dredge in Seaton Channel and Berths and an assessment of the potential for impacts on the SPA/Ramsar site.

- We note that the annual maintenance dredge predicted to be required as a result of the Able UK TERRC proposal was assessed as approximately 44,000m³ (as per the revised Environmental Statement, April 2006). Any clarity regarding how the proposed maintenance dredge relates to this predicted annual dredge volume would be appreciated.

2. The Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000 and the Natural Environment and Rural Communities Act 2006

Seal Sands (SSSI)

I would like to draw your attention to the provisions of Section 28I (4) of the Wildlife and Countryside Act 1981, as incorporated by the Countryside and Rights of Way Act 2000, with respect to the potential impact on the above SSSI of the proposal.

Natural England's advice, issued in accordance with Section 28I of the Wildlife and Countryside Act 1981, as incorporated by the Countryside and Rights of Way Act 2000, is as follows:

- See comments regarding the SPA/Ramsar site above

3. 'Maintenance Dredging and The Habitats Regulations 1994 - A Conservation Assessment Protocol' (Defra 2007)

The above protocol states that Government considers that the EC Habitats Directive (92/43/EC) requires maintenance dredging proposals which could potentially affect European sites to be assessed in accordance with Article 6(3) of the Directive.

The Protocol outlines a basis against which maintenance dredging applications can be assessed and recommends the production of a 'Baseline Document'. The Baseline Document provides the foundation for consistent and informed decision making by all competent authorities, in compliance with the Habitats Regulations.

The Tees Maintenance Dredging Baseline Document was last reviewed in February 2008 (Royal Haskoning Final Report). Given the potential for increased maintenance dredging activity in the Seaton Channel in the future, Natural England believes that a full review of the Tees Baseline Document would be worthwhile in advance of a marine licence application for maintenance dredging works in 2013/2014.

Trinity House

With reference to your the above application, in the interests of the safety of navigation, taking into account any environmental matters, Trinity House have no objections to the proposed application for the annual renewal for the maintenance dredge in the River Tees.

Confirm any vessels used to exhibit signals as per collregs.

Environment Agency

With regard to the potential impacts on migratory salmonids, background conditions are likely to be stressful during the warm summer months. The smolt migration will occur during April to June and numbers of returning adults are likely to peak in early autumn.

To reduce the risks to migratory fish, we would recommend that dredging in chart areas* 0, 1, 2, 3, 4, 5 and 6 should only occur during a time window from the beginning of November

till the end of March inclusive wherever possible. Chart areas 7, 8, 9, 10, 11 and 12 may be maintenance dredged throughout the year.

* Chart areas are taken from the Tees Maintenance Dredging Annual Review 2011 PD Teesport (included in the Marine Licence application)