



MARINE AND COASTAL ACCESS ACT (2009). APPLICATION BY ABLE UK LIMITED FOR A LICENCE VARIATION FOR THE DREDGING AT ABLE SEATON PORT.

Reference Number: MLA/2015/00334/4

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Date: 26th September 2018
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To: Sarah Errington - MMO (via MCMS)

1. With reference to the above application and your request for comments dated on the 29th of August 2018, please see my advice below in my capacity as advisor on dredge and disposal activities.

Description of the proposed works

2. Able UK Limited ("the applicant") is applying for a variation of their current dredge and disposal licence (L/2017/00012/3). The current licence is valid for ten years from the 2nd of March 2017 to the 1st of March 2026 and covers the maintenance dredging of the "Seaton Channel", "Holding Basin" and "Quays 10 and 11" areas (to a maximum quantity of 425,860 m³ of silt and 10,000 m³ of clay over the licence period), as well as the levelling of the "Grounding Bed" area (to a maximum quantity of 438 m³ over the licence period).
3. The applicant now wishes to add an additional area to this licence. This new area ("TERRC Basin") includes the areas "Quays 7, 8 and 9" (which has previously been sampled under SAM/2017/0006) and "Grounding Bed" (which has previously been licenced for dredging but not disposal).
4. The proposed dredging activities in each area are as follows:
 - Quays 7, 8 and 9: Initial deepening via removal of 60,000 m³ clay (to a maximum depth of 2.85m), followed by an annual maintenance dredge of 9,750 m³ of silt.
 - Grounding Bed: An initial removal of 15,000 m³ silt (to a maximum depth of 1.07 m), followed by an annual maintenance dredge of 2,400 m³ silt.
 - TERRC Basin: An initial removal of 60,000 m³ silt (to a maximum depth of 1.05 m), followed by an annual maintenance dredge of 9,750 m³
5. This amounts to a total of 135,000 m³ additional dredge material in the first year, and 21,900 m³ per annum each following year for the duration of the licence. Therefore, the variation is requested to permit the dredging of an additional 266,400 m³ material for the remaining duration of the licence (based on the licence ending in March 2026). This would give a new total dredge disposal volume of 702,698 m³
6. The applicant is proposing to dispose of the additional dredge material at Tees Bay A (TY160) disposal site, as per the existing licence.
7. The applicant is also looking for certain conditions to be relaxed for the TERRC Basin:
 - Condition 5.2.2: "There must be no dredging in the period 2 hours either side of low tide between 15 June to 31 August"



- Condition 5.2.4: “There must be no dredging in the period 2 hours either side of low tide between November to January inclusive”
- Condition 5.2.3: “If dredging is to be continuous over 24 hours, there must be a window of non-dredging activity of 3 hours on each flooding tide between April and November inclusive.”
- Condition 5.2.1: “There must be no dredging during the months of February and March. Reason: In order to preserve fish spawning grounds during this critical period”.

DISPOSAL

Dredge material quality:

8. Samples were requested for this variation (under application SAM/2018/00014) and were collected at the surface from five sites across the “TERRC Basin” and “Grounding Bed” areas. The samples were analysed for Heavy/Trace metals, Organotins, Polycyclic Aromatic Hydrocarbons (PAHs), Total Hydrocarbons (THCs) and Particle Size Analysis (PSA). The Heavy/Trace metal results show slightly elevated levels of Arsenic, Cadmium, Chromium, Copper, Mercury, Lead and Zinc above Cefas Acton Level 1. However, the results were below Cefas Action Level 2 and within the range expected for this area so therefore not a cause for concern. The PAH and THC results show that the samples contained elevated levels above Cefas Action Level 1. However the levels were similar to those seen historically within this area. The organotin results were below Cefas Action Level 1. The results show that the material from these areas (“TERRC Basin” and “Grounding Bed”) is acceptable for disposal to sea.
9. Samples have also been recently collected from the “Quays 7,8 and 9” areas under application SAM/2017/00066/A. Four samples were collected from the surface in this area. The samples were analysed for Heavy/Trace metals, Organotins, PAHs, THCs and PSA. The Heavy/Trace metal results show slightly elevated levels of Arsenic, Cadmium, Chromium, Copper, Mercury, Lead and Zinc above Cefas Acton Level 1, but below Cefas Action Level 2 and within the range expected for this area. The PAH and THC results show that that samples contained elevated levels above Cefas Action Level 1. However the levels were similar to those seen historically within this area. The Organotin levels were below Cefas Action Level 1. The results show that the material from “Quays 7,8 and 9” is acceptable for disposal to sea.
10. Due to the elevated levels of Trace/Heavy metals, PAHs and THCs found within the sampling, I would recommend that material from within the new dredge area is analysed every three years during the licence to ensure that the material remains suitable for disposal offshore. The frequency of this sample analysis can reviewed following future sampling regimes.

Disposal site considerations:

11. The maintenance dredge material is to be disposed of at Tees Bay A (TY160). The disposal site is able to accept this additional volume of material, based on previous volumes of material deposited at the site.

Requirement for EIA

12. 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) 2007 Regulations (amended 2011), and therefore do not warrant an EIA to be carried out.



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Specific Questions posed by the MMO:

Question 1: The restrictions on dredging operations to prevent the disturbance of seals and birds using the mudflats are not considered necessary for dredging in the TERRC Basin, where plant will be more remote than vessels actually berthed on Quays 10 and 11.

13. Due to the size and the nature of the works I would not consider there to be a large risk of disturbance to seals and birds, however I defer comment to Natural England, as this is outside my area of expertise

Question 2: The restriction on dredging to allow fish migration is not considered necessary for operation in TERRC Basin since no migrating fish pas through TERRC Basin.

14. Due to the size and maintenance nature of the works, and the location of the works I do not consider there to be a risk to migrating fish, however I would defer comment to fisheries advisors as this is outside my area of expertise. The EA may also wish to comment.

Question 3: The prohibition on dredging during the months of February and March is not considered necessary for ploughing operations or water injection dredging, since neither would affect fish spawning grounds at the deposit locations.

15. The works are within broad areas used for spawning by Lemon Sole and Nephrops. Dredging by either plough or WID has the potential to affect spawning fish species due to the physical presence and increased suspended sediments however, given the size and maintenance nature of the works, and the location of the works I do not consider there to be a risk to spawning fish species. However, I defer to my fisheries specialist colleagues for comment.

Summary

16. Based on my assessment of this application I consider that an additional volume of 135,000 cubic metres of dredged material within the first year of the varied licence, followed by an additional volume of 21,900 cubic metres of dredged material per annum, from the proposed dredged area is suitable for disposal at sea to the licensed disposal site Tees Bay A (TY160).

17. I am unable to comment on the suitability of relaxing the conditions mentioned in paragraph 7 as this is outside my area of expertise. I defer comment to my colleagues with specialist knowledge of fisheries, and Natural England.

18. I recommend the following licence conditions, in addition to those on the current licence:

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

- A relevant sediment sampling plan request must be submitted at least 6 months prior to the end of years 3 and 6 from the date of variation. The relevant sediment sampling and analysis must be completed by a laboratory validated by the MMO at least 6 weeks prior to the end of years 3 and 6 from the date of variation. The licensed activities must not recommence until written approval is provided by the MMO.



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Reason: To ensure only suitable material is dredged and disposed of at sea.

- Any coatings/treatments utilised are suitable for use in the marine environment and are used in accordance with best environmental practice.
Reason: To ensure that hazardous chemicals that may be toxic, persistent or bioaccumulative are not released into the marine environment and used appropriately.
- They inform the MMO of the location and quantities of material disposed of each month under this Licence by 31 January each year for the months August to January inclusive, and by 31 July each year for the months February to July inclusive.
Reason: To ensure that accurate data is collected for the reporting of disposal at sea to meet UK OSPAR requirements.
- The License Holder must ensure all reasonable precautions are taken to prevent the disposal of man-made debris to the sea. Such debris must be disposed of to land.
Reason: To exclude the disposal at sea of man-made material such as shopping trolleys, masonry, paint cans ect.
- Material must be disposed of within the disposal sites Tees Bay A (TY160).
Reason: To ensure material is deposited within the appropriate disposal area.
- The Licence Holder must ensure that during the course of disposal, material is distributed evenly over Tees Bay A (TY160).
Reason: To ensure that a reasonably even spread of material is achieved over the area of the disposal site to avoid shoaling.

Post-works

- The District Marine Office must also 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 any equipment, temporary structures, waste and/or debris associated with the works are removed within 6 weeks of completion of the works
Reason: To prevent the accumulation of unlicensed materials/debris and the potential environmental damage, safety & navigational issues associated with such materials/debris

Should you wish to discuss any aspect of this minute please do not hesitate to contact me.

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Advisor (Sustainable Marine Management)

Quality Check	Date
Jemma-Anne Lonsdale	26/09/2018
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