

**Able UK Limited**

**Middlesbrough Port Quays 1  
and 2 Dredge and Disposal**




**Marine Planning Supporting  
Statement**

**March 2024**

**FAIRHURST**

**CONTROL SHEET**

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## 1.0 Introduction

1.1 This Marine Planning Supporting Statement has been prepared by Fairhurst to accompany a Marine Licence application, which includes dredging and disposal to maintain and extend the existing berth and approach channel at Able Middlesbrough Port Quays 1 and 2.

1.2 This Supporting Statement covers the following key issues:

- The Site Description;
- Proposed Development;
- Marine Policy Assessment; and
- Technical Considerations.

1.3 This Marine Planning Supporting Statement sets out all of the relevant material considerations that should be taken into account by the Marine Management Organisation (MMO), in the determination of this Marine Licence application. Fairhurst consider that all material considerations have been addressed within the Supporting Statement and all additional information required for determining the application has been provided within the submitted drawings and other application documents.

## 2.0 Site Description

- 2.1 Able Middlesbrough Port Quays 1 and 2 are located to the south of the meander in the River Tees, immediately northeast of central Middlesbrough, between the Riverside Stadium and the River Tees channel.
- 2.2 The two quays and their berths form part of the 14.7ha Middlesbrough Port site, which was acquired by Able UK in the 2000s. The former Davy Offshore / SLP / Odebrecht Dock Point facility, forms a critical site for the growth of the offshore and marine industries in Middlesbrough. The Site is within the freehold ownership of Able UK and benefits from river frontage along its northern and eastern boundaries. The Site consists of hardstanding and a number of existing brick and metal clad buildings associated with the established industrial use of the site. The Site benefits from 3 existing vehicular access points along Vulcan Street / Priestman Road which subsequently provide access on to the A66 via Shepherdson Way.
- 2.3 The proposed capital and maintenance dredge proposed in this application will support the continued growth of the capabilities of the site in supporting activities already catered for at Middlesbrough Port.
- 2.4 The previous licenced dredge depth within the application site varies. The existing berth for Quays 1 and 2 has previously been dredged to -7.0mCD while the entrance channel has been dredged to -5.7mCD under marine licence L/2013/00155. Meanwhile, the proposed extension to the berth and approach channel has not been dredged previously, and so is a capital dredge to deepen the seabed to match the existing berth at -7.0mCD and to deepen the entrance channel to -6.5mCD.
- 2.5 As shown in Drawing no. AMP-006-00015-E which depicts the proposed dredge pocket and sample locations, the proposed dredge pocket in this application forms a critical foundation for the socio-economic development of the site. This proposal constitutes an expansion to the dredging activity which has taken place on this site previously, and would be in keeping with existing dredging activity required to promote continued growth of industrial capacity and competitiveness along the River Tees.
- 2.6 The River Tees and Middlesbrough Dock is designated as part of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI). The qualifying features of the SPA are breeding Little Tern, and it is used by

wintering Knot, Redshank, Sandwich Tern, and Waterbird Assemblage. Meanwhile the SSSI is designated for breeding harbour seals, a diverse assemblage of both waterbirds and of invertebrates associated with various habitats, sand dunes and saltmarsh, and for Jurassic and Quaternary geologic features.

- 2.7 The nearest historical feature is the Grade II\* Listed Dock Clock Tower, to the north west of the application site.

### 3.0 Proposed Works

- 3.1 Able UK Limited are seeking to maintain and support their current operations at Middlesbrough Port, and retain its viability in the light of increased vessel sizes.
- 3.2 This marine licence application will include capital dredging works to achieve the previously licensed dredge depth across the berth, -7.0mCD, and a deeper approach channel to allow access over a larger tidal window; proposals are shown on Drawing No. AMP-006-00015 E. This is required to allow for the berthing, loading and unloading of vessels at the site.
- 3.3 The capital dredge to extend the berth and deepen the channel will require 44,400m<sup>3</sup> of material to be removed, with subsequent maintenance of circa 1,000m<sup>3</sup> per annum. The maintenance dredge of the existing berth will involve an initial dredge of 24,600m<sup>3</sup>, followed by subsequent maintenance of circa 2,000m<sup>3</sup> per annum.
- 3.4 This application also pertains to the disposal of the dredge arisings from both the capital and maintenance dredging at sea. This will be at the licensed sites Tees Bay A and/or Tees Bay C. The length of licence proposed is 10 years, with routine sampling to be undertaken every 3 years.

#### **Proposed Dredging Methodology**

- 3.5 The following list of equipment (which may not be exhaustive) shall be utilised in the dredging operations:
- Trailing suction hopper dredger; and/or
  - Backhoe Dredger and split hopper barges; and
  - Plough (as required).
- 3.6 The main method of dredging will mirror the method statement provided in support of the previous dredging licence for the berths at Quay 1 and 2 (L/2013/00155), i.e., the dredging will be undertaken using a Trailing Suction Hopper Dredger. Minor shoaling may be reduced using a plough, which may also be used as required to distribute bed material from corners and boundaries of the berth not otherwise accessible to the trailing suction dredger.

- 3.7 To maximise the efficiency and accuracy of dredging, the dredgers are equipped with Differential Global Positioning System (DGPS) that directly inputs positional data into the vessels dredge guidance system. This is capable of displaying real time vessel position and track in relation to local geography and allows for the display of digital bathymetric data as recorded by hydrographic survey. The dredge guidance systems display three dimensional draghead position in plan and cross section in relation to the bed profile to enable both horizontal and vertical control.
- 3.8 All areas will be dredged to the required lines and levels as accurately as practically possible within the physical limitations of the vessels employed. The trailing suction dredger will be capable of dredging to a tolerance of +/- 0.5m vertically and +/- 4.0m in the horizontal plane. Dredged material shall be stored in the hopper of the dredger for direct transportation for disposal at the nominated licenced site; either Tees Bay A or Tees Bay C.
- 3.9 Once within the limits of the deposit site, dredged material will be discharged through hydraulically operated bottom opening doors. Where necessary, water jets will be used to assist the emptying and washing of the hopper before the bottom doors are closed and the vessel leaves the deposit site. Throughout the deposit operation the DGPS positioning system is utilised to ensure that the vessel is in the correct location as specified by licence conditions.
- 3.10 Due to the historical use and nature of operations it is possible that unnatural materials and debris will be encountered. Unnatural materials, including scrap metal, shall be landed in a workman-like manner and transported to a skip located within the development area for offsite disposal. Removal and disposal will be undertaken by an approved contractor.
- 3.11 In the case of unexpected ground conditions revealing stiffer/clayey materials in addition to the sand and silt which is expected to dominate the proposed berth and channel, then a Backhoe methodology using a fixed pontoon, hydraulic backhoe dredger, and split hopper barges will be used to extract and dispose of those clays at Tees Bay C.



## 4.0 Marine Planning History

- 4.1 Fairhurst have reviewed the MMO's Marine Information System (MIS), and online Marine Licence public register for relevant marine licence applications and licences relating to the application site and its immediate surroundings.

### Site Specific

- 4.2 Marine Licence application ref: MLA/2012/00506/1  
Site location: Able Middlesbrough Capital Dredge - Port Berth 1 and 2.  
Description of development: Able Middlesbrough Port Berth 1 and 2 dredge and dredge disposal works including returning depth to previous level from average -6.3 meters CD to -7 meters CD.  
Decision: License issued  
Date: 15/05/13
- 4.3 Sampling application ref: SAM/2022/00077  
Site location: Able Middlesbrough Capital Dredge - Port Berth 1 and 2.  
Description of works: Both maintenance and capital dredging, and disposal of arisings from Middlesbrough Port Quay 1 & 2. The material will be deposited at sea to either Tees Bay A or Tees Bay C.  
Decision: Request accepted; Response Schedule provided  
Date: 20/07/22

### Site Surroundings

- 4.4 Marine Licence application ref: 35097/110302/2  
Site location: River Tees Berths and Frontages  
Description of development: Dredging and dredged material disposal including suction dredging, maintenance dredging and plough dredging with disposal controlled under the Tees Disposal Protocol  
Decision: Variation accepted, License issued  
Date: 31/08/2012
- 4.5 Marine Licence application ref: MLA/2012/00141/2.  
Site location: Tees Estuary and Hartlepool

Description of development: Annual renewal of the Tees and Hartlepool maintenance dredge disposal consent, consent is on-going over many years

Decision: Variation accepted, Licence issued

Date: 30/09/15

4.6 Marine Licence application ref: MLA/2015/00088/6.

Site location: Tees Bay

Description of development: Ten year maintenance dredging disposal licence with materials disposed at Tees Bay A.

Decision: Variation accepted, Licence issued

Date: 17/06/22

4.7 Sampling application ref: SAM/2021/00027

Site location: Tees Estuary and Hartlepool

Description of works: Tees and Hartlepool maintenance dredge disposal licence - mid licence sampling for L/2015/00427 (MLA/2015/00088/6).

Decision: Request accepted; Response Schedule provided

Date: 20/07/22

## 5.0 Marine Policy Assessment

- 5.1 This chapter provides an assessment against the policies and vision of the Marine Policy Statement (MPS) and the North East Marine Plan (NEMP).
- 5.2 The MPS is the Framework for preparing Marine Plans and making decisions affecting the marine environment. Decisions must be made in accordance with the MPS unless relevant considerations indicate otherwise. The NEMP became a material consideration in decision-making and was adopted in 2021, and has been considered within the policy assessment below.

### Marine Policy Statement

- 5.3 As the primary framework for preparing and deciding proposals affecting the marine environment, the Marine and Coastal Access Act 2009 states that decisions must be made in accordance with the MPS unless relevant considerations indicate otherwise.
- 5.4 The UK vision for the marine environment is for *'clean, healthy, safe, productive and biologically diverse oceans and seas'*. There are a number of UK high-level marine objectives which set out the broad outcomes for the marine area and reflect the principles of sustainable development. The high level objectives include:
- Achieving a sustainable marine economy;
  - Ensuring a strong, healthy and just society;
  - Living within environmental limits;
  - Promoting good governance; and
  - Using sound science responsibly.
- 5.5 The MPS states that *'properly planned developments in the marine area can provide environmental and social benefits as well as drive economic development'*. Maintaining Able UK's Middlesbrough Port Quays 1 and 2 will be an important economic and social benefit both regionally and nationally. The project is considered to be appropriately mitigated, with regard to potential environmental impacts (see associated Water Framework Directive Assessment D/I/D/149058/502). In particular these proposals respond to the cultural heritage of heavy industry and the economic prosperity of the region, as per the MPS's requirement to contribute to *'sustainable ... strong local economies'*. In Teesside, Middlesbrough Port will do this by attracting further investment and commercial agreements from a range of growing marine sectors and

the associated jobs opportunities. The following paragraphs detail the main factors considered by Fairhurst to be the strategic influences on, and from, the continued development of the port.

- 5.6 The MPS states that *'halting and, if possible, a reversal of biodiversity loss'* should be an aim of decisions in the marine environment to be in accordance with wider sustainable development and ecological security principles. The MPS states that noise resulting from a range of development activity, including the proposed dredging and disposal, can have an adverse effect on biodiversity, as well as the quality of life of people enjoying nearby areas. This impact must be considered and managed appropriately. It is considered that given the site's location, which is situated within an ecologically sensitive river, best practice precautions need to be taken to mitigate any impacts which could be caused. The details of this are outlined in the accompanying Water Framework Directive (D/I/D/149058/502). It is considered that, as a result of the considerable present and historic frequency of dredging activity undertaken on the Tees, the likelihood of any adverse impacts on, or loss of, biodiversity as a result of the proposed dredging works to the existing berth pocket at Quays 1 and 2 is very low. Similarly, the historically industrial nature of the local area means that disruption to quality of life caused through the proposed expansion of dredging activity would be limited, which has a precedent as an acceptable activity in this location.
- 5.7 The MPS states that *"applications to dispose of wastes must demonstrate that appropriate consideration has been given to the internationally agreed hierarchy of waste management options for sea disposal"*. In order to ensure that best practice has been followed, a Waste Framework Directive assessment has been undertaken as a part of this proposal (D/I/D/141918/503), and routine sampling every 3 years, will ensure that only suitable material is disposed at the designated sites.
- 5.8 As acknowledged in the MPS, the effective operation of active marine areas requires *'the creation, maintenance and development of channels, berths and docks'* achieved through dredging, but which must consider the objective to minimise, as far as practicable, the pollution which may be caused by the dredging operation and disposal of sediment. Routine sampling on a 3 yearly basis will be undertaken, as noted above, to prevent any adverse impacts during the disposal of material, through monitoring the concentration of contaminants to ensure they comply with permitted limits for disposal at sea.

- 5.9 The MPS states that the cumulative impact of developments within the area of an application should be considered. There are currently no other relevant applications at the site, whilst applications in the wider Tees, as mentioned in the surrounding planning history, are examples of this type of dredging, which represent a history of this type of activity in the area. However, the intrinsic nature of the navigational dredging undertaken by PD Teesport is as a response to operational need, with similarly short-lived impacts during and after a dredge campaign at any particular location. Therefore, Fairhurst does not consider that the impacts resulting from the proposed capital and subsequent maintenance dredging at Middlesbrough Port will generate cumulative impacts in the tidal zone, as they will similarly be dictated only by practical requirements at Quays 1 and 2 and will have short lived impacts, unlikely to overlap precisely with a navigational dredge campaign in the immediate vicinity. Should any other applications be submitted then it would fall on those future proposals to consider the cumulative impact of the works laid out by this application.
- 5.10 The MPS states, in terms of seascape, that the effects of activities and developments in the marine and coastal area on the landscape, including seascape, will vary on a case-by-case basis according to the type of activity, its location and its setting. The changes which occur as a result of dredging do not have any visible impact on the seascape due to being on the sea or river bed, therefore it is not considered that there will be any adverse change to the surrounding landscape/seascape.
- 5.11 The MPS states that any development should not cause deterioration in the ecological status of any water body, nor contribute to the failure to meet any status objectives. A Water Framework Directive (WFD) Assessment has therefore been included as part of this application which provides further details as to how mitigating measures have been applied such that the Assessment concludes that no deterioration will occur to the WFD applicable bodies as a result of this proposal. This includes an assessment of the potential impacts on the ecological protected areas within which the application site is situated.
- 5.12 Overall, Fairhurst consider that the proposed development is in accordance with the MPS concerning the relevant issues discussed above: sustainable development, economic impact, environmental impact, cumulative impact, and impacts on seascape.

## **North East Marine Plan**

- 5.13 Policy **NE-AIR-1** requires that proposals assess their likely impact “upon local air quality and emissions of greenhouse gases”. The proposed plans to expand dredging activity are considered unlikely to result in notable increases in air pollution or emissions of greenhouse gases; the additional work involved from the dredging activity itself is limited relative both to the dredging which would otherwise have been undertaken at Middlesbrough Port Quays 1 and 2 berth and relative to the vast scale of dredging activity ongoing along the length and breadth of the River Tees. Furthermore, the works will not increase the volume of shipping activity that will take place at Quays 1 and 2, but rather enable a greater variety of shipping in line with market requirements. Overall, therefore, both the construction and operational phases are not considered to have a likely adverse impact on air quality or greenhouse gas emissions, and the works are therefore in compliance with NE-AIR-1.
- 5.14 Policies **NE- BIO- 1**, **NE-BIO-2**, and **NE-BIO-3** require the protection and, where possible, the enhancement of a number of biodiversity features in the marine environment. They include protections for “*priority habitats and priority species*”, “*native species or habitat adaptation or connectivity, or native species migration*” and “*coastal habitats, where important in their own right and/or for ecosystem functioning and provision of ecosystem services*” respectively.
- 5.15 The proposed dredging works will have no significant adverse impacts, nor generate any enhancement to priority habitats and species, nor to the adaptation or connectivity of habitats. However, the temporary increase in disturbance which may occur during the dredging works has the potential to have impacts on native species (Salmon, European Eel and Sea Trout) migration. Impacts have been avoided, minimised, and mitigated as far as practicable, as demonstrated within the Water Framework Directive Assessment (D/I/D/149058/502), such that they are not significant. Therefore, the works are in accordance with both **NE-BIO-1** and **NE-BIO-2**.
- 5.16 **NE-BIO-3** requires that proposed works consider coastal habitats and that they “*demonstrate that they will, in order of preference: avoid; minimise; mitigate; compensate for - net habitat loss.*” The site is located within the Teesmouth and Cleveland Coast SPA and SSSI, which has been classified for key coastal habitats such as mudflats and saltmarsh which provide ecosystem services and which support populations of important bird species. However, as the works to create the proposed

dredge pocket extension are subtidal, it is not considered that the proposal will have any notable impact upon coastal intertidal habitats, nor the ecosystem services which they provide with regards to biodiversity, flood alleviation etc. As such, it is considered that there is no requirement for the mitigation to or compensation for any loss of habitat as a result of these works, and thus the proposals are in accordance with NE-BIO-3.

- 5.17 Policy **NE-CC-2** states, “[p]roposals in the north east marine plan areas should demonstrate for the lifetime of the project that they are resilient to the impacts of climate change and coastal change”. The proposal for a capital dredge and subsequent maintenance dredges on a 10-year licence ensures that the capacity of the site infrastructure is made resilient to changing conditions for as long as possible, by having the ability to adjust to those changes as they arise over time. Despite the wider risks which may emerge from climate change, Able UK see the UK’s green energy targets in response to those risks as being a stabilising force, instilling confidence in investors in the renewable energy industry. The Teesport Freeport has been implemented with the aim of making the River Tees “*the UK’s most successful port region, defined by high-value trade, sustainability and thriving communities.*” In Q3 of 2023, renewable energy formed a greater proportion of the UK Energy Generation traditional fossil fuels for the 4<sup>th</sup> consecutive quarter, with 14.5% coming from offshore wind power (Department for Energy Security and Net Zero, December 2023), meaning that the growing demand for facilities such as those proposed on the Middlesbrough Port site are not showing signs of waning, and are therefore also economically resilient to climate change.
- 5.18 Policy **NE-CC-3** requires that proposals avoid, minimise, and/or mitigate against “*significant adverse impacts on coastal change and climate change adaptation measures*”. There will be no direct impact of these works on coastal change due to the nature of dredging as a subtidal activity, as well as the overall small increase in dredge activity relative to the wider Tees, which is heavily modified by substantial maintenance dredging and construction activity along the length of the industrialised estuary and channel. Similarly, according to the public access register of marine licence applications, the works will not interfere with any existing or proposed climate change adaptation measures in this location. As such, there will be no significant impacts which require avoidance, minimisation, or mitigation, meaning that the works proposed are in full accordance with Policy NE-CC-3.

- 5.19 Policy **NE-CO-1** states that space should be optimised to “*incorporate opportunities for co-existence and co-operation with existing activities*” within busy marine areas so as to ensure that the spatial planning of the marine environment is efficient for future use. The proposed extended dredge pocket at Quays 1 and 2, as an expansion of existing quay operations by Able UK, in its essence seeks to maximise the potential future use of both terrestrial and marine systems across its sites. This is consistent with the industrial strategy across the Tees Valley and Teesport investment areas, which will act as a further anchor for co-location of advanced manufacturing and offshore industries such as Able UK, bringing combined economic and competitive benefits to Middlesbrough Port and Teesside more widely.
- 5.20 Policy **NE-CE-1** states that proposals that could generate “*adverse cumulative effects with other existing, authorised or reasonably foreseeable proposals must demonstrate that they will ... avoid, minimise [or] mitigate*” them. The proposed dredging works constitute an addition to an existing acceptable activity within the application site and surrounding areas of the River Tees. As identified within Chapter 4.0 Marine Planning History, there are no other applications in the immediate vicinity of the site with which cumulative impacts must be considered. It is also noted that the existing dredging operations on the Tees are substantial, due to the navigational dredging which is undertaken by PD Teesport Limited, in order to maintain the channel and berths in navigable condition. However, it is considered that the scale of the addition to the existing dredge pocket is not significant in comparison. As such, the one-off larger disposal of the capital dredge arisings and initial maintenance dredge arisings (up to a combined total of 69,000m<sup>3</sup>), and then the subsequent annual deposit of up to only 1,000m<sup>3</sup> of sediment to be disposed at sea, will not generate any impact on the existing baseline of dredging and disposal activity within the Tees and at its licenced disposal sites (up to 2,238,420 wet tonnes per annum), and so no mitigation is required. The works are in accordance with NE-CE-1.
- 5.21 Policy **NE-DIST-1** states that proposals that may have “*significant adverse impacts*” as a result of disturbance or displacement of highly mobile species must demonstrate that they will take appropriate measures to overcome adverse impacts. Although it should be noted that the proposed works would be simply an extension of an existing dredged berth and channel utilising widespread, approved methodologies, the accompanying Water Framework Directive (WFD) addresses the potential issue of disturbance or displacement of highly mobile species. It concludes that the proposed



works will generate a Negligible pressure upon any fish and highly mobile species in the vicinity, and therefore, the proposed works are in accordance with NE-DIST-1.

- 5.22 Policy **NE-DD-1** requires that *“in areas of authorised dredging activity, including those subject to navigational dredging, proposals for other activities will not be supported unless they are compatible with the dredging activity.”* The proposed works are compliant with this policy, as they will work in tandem with the existing dredging that occurs at and around the site, i.e., by private quayside operators and navigational dredging undertaken by PD Teesport along the channel and in berths, in order to accommodate larger ships at more locations along the river and thus contribute to the industrial economy around the wider Tees estuary cluster into the future as offshore industries shift towards more massive components.
- 5.23 Policy **NE-DD-3** require proposals to avoid or minimise *“adverse impacts on licensed disposal sites”* by pursuing re-use and other alternative opportunities through assessment against the waste hierarchy. In terms of alternatives to sea disposal, the only practical option would be for the applicant to dispose of the material to landfill, however, this is not cost-effective for the operations of the business as a whole, nor is it in line with sustainability principles due to the resources which would be required to treat and transport the waste for disposal on land, as per wider North East Marine policy. In order to demonstrate that best practice has been followed, a Waste Framework Directive assessment has been undertaken as a part of this proposal (D/I/D/149058/502), and routine sampling every 3 years, will ensure that only suitable material is disposed at the designated sites.
- 5.24 Policy **NE-EMP-1** states *“[p]roposals that result in a net increase to marine-related employment will be supported particularly ... in locations identified as the most deprived”*. Able UK’s vision for Middlesbrough Port, is for it to provide a lifeline for economic activity and industry within one of the 10% most deprived neighbourhoods in England (IMD, 2019), contributing to bringing the area back into economic prosperity. This will be done by enhancing and extending facilities such as the Quays 1 and 2 berthing pocket, thus attracting investment and commercial opportunities contributing to an established strong industrial sector locally, and as such will continue to add value to both the site and the wider community; maximising industrial value whilst generating jobs and prosperity in the area.

- 5.25 It is stated in Policy **NE-FISH-3** that “*proposals that may have significant adverse impacts on essential fish habitat*” must demonstrate how these impacts can be avoided, minimised, or mitigated such that they are no longer significant. The proposed methodology accounts for the potential for migratory fish to be present, ensuring periods for undisturbed migration during the disposal of the dredge arisings from the TSHD. In addition, the need for artificial lighting will be minimised as far as practicable, and where not possible lighting will not be directed at the water, as this can also cause disruption to migration patterns. Further details are available in the associated Water Framework Directive Assessment (D/I/D/149058/502) supplied with this application, which finds that with the aforementioned measures, and given the temporary and incidental effects of dredging for a finite project such as this, that there will be only slight pressures imposed upon migratory fish as a result of the works. As such, it is considered that the effects are not significant, do not require any further mitigation, and therefore the proposals are considered to be in accordance with policy NE-FISH-3.
- 5.26 Policy **NE-HER-1** requires that any harm to the significance of heritage assets is avoided, minimised, or mitigated, and that any remaining harm must be demonstrably outweighed by public benefits. The heritage feature in closest proximity to the application site is the Grade II\* listed Dock Clock Tower. As a result of the subtidal nature of the works and the reported dilapidated state of the tower, it is not considered the proposal will have any adverse impact on the significance of the asset. As such, the works are considered to be acceptable with regard to Policy NE-HER-1.
- 5.27 Policy **NE-INF-1** states that “*appropriate marine infrastructure which facilitates land-based activities ... should be supported*” and vice versa. It is considered that the marine dredging works proposed are critical to the development of sectors whose presence in the North East is key to achieving the 2041 Vision for the North East Marine Plan areas. In order for the terrestrial infrastructure at Able UK to be competitive, the marine infrastructure must be in place. Quay availability and associated dredge depths must be sufficient to accommodate very large vessels. Quays 1 and 2 cannot be made available to the full range of vessels which may need access in the absence of an appropriately wide and deep approach channel and berthing pocket, hence the need for the proposed capital and subsequent maintenance dredge proposals. In light of this, the works comply with Policy NE-INF-1, as the policy supports integration between

marine and terrestrial systems by encouraging such proposals which will facilitate economic growth.

- 5.28 Policy **NE-INNS-1** states that “*proposals that reduce the risk of introduction and/or spread of invasive non-native species should be supported*” and that they “*must put in place appropriate measures to avoid or minimise significant adverse impacts that would arise through the introduction and transport of invasive non-native species*”. Although it should be noted that the proposed works would be simply an extension of existing acceptable works, the accompanying Water Framework Directive Assessment (D/I/D/149058/502) addresses the potential issue of invasive non-native species, and finds that the appropriate measures are in place to prevent INNS introduction and spread. The proposed dredging is therefore in accordance with Policy NE-INNS-1.
- 5.29 Policy **NE-SOC-1** states that “*proposals should consider and demonstrate how their development shall enhance public knowledge, understanding, appreciation and enjoyment of the marine environment*”. As a result of the works, vessels will continue to be able to berth at Quays 1 and 2 and as such the proposal is considered to enhance and restore the visible industrial heritage of the area, adding to the potential for enjoyment of and engagement with the marine environment and the industry which it supports. In this way, it is considered that the works are in accordance with Policy NE-SOC-1.
- 5.30 **Policy NE-ML-2** states that proposals “*that facilitate waste re-use or recycling to reduce or remove marine litter will be supported*”. The proposed dredging methodology will include the use of screens which will filter marine litter out of the dredge arisings to prevent their transportation and disposal at sea. As such, any marine litter which is encountered during the course of the works will be being removed from the marine environment and suitably disposed of on land, including recycling where appropriate. Furthermore, the proposal is shown to have suitably assessed the opportunities to avoid, minimise, and mitigate waste in compliance with this policy as demonstrated in the provided Waste Framework Directive assessment, which has been undertaken as a part of this proposal (D/I/D/149058/503). As such, the works are in accordance with NE-ML-2.
- 5.31 Policy **NE-MPA-1** states that proposals must: “*support the objectives of marine protected areas and the ecological coherence of the marine protected area network*”.

The proposal meets these parameters as it is an extension of what is occurring on the site at present and is an accepted suitable activity within the River Tees. Furthermore, although the dredging leads to a temporary disturbance and change to the subtidal habitat which is being dredged, there is no loss or temporary change to the habitats which are protected as a part of the MPAs. The proposed increase in dredge depth to enable larger vessels at the Quays 1 and 2 serves to ensure the ongoing operation of the site for growing industries, and reduces the potential need for the construction and capital dredging of entirely new facilities to accommodate these vessels. In this way, the proposals work to mitigate further adverse impacts on the marine protected area, and complies with Policy NE-MPA-1.

- 5.32 Policy **NE-MPA-2** states that the applicable policy surrounding marine protected areas state that proposals which: *“may ... reduce the resilience of the marine protected area”* must demonstrate how adverse impacts will be avoided, minimised, or mitigated. As noted above, there are no direct impacts on the MPA habitats, and similarly, there will be no lasting effects on any of the species protected within the MPA network in the Tees. The fact that no habitat is lost or changed means that the proposed works will have no adverse impact on the resilience of the MPA networks in adapting to climate change, and the works are in accordance with Policy NE-MPA-2.
- 5.33 Policy **NE-MPA-3** requires that *“where statutory advice states that a marine protected area site condition is deteriorating or that features are moving or changing due to climate change, a suitable boundary change to ensure continued protection of the site and coherence of the overall network should be considered”*. At present Coastal Squeeze is considered to be a concern for the River Tees protected habitats (EA Catchment Data Explorer), as widescale development along the coast and banks of the Tees have minimised the ability of coastal habitats to migrate away from rising sea levels as a result of climate change. However, due to the nature of the present proposals, which are to undertake dredging within an existing subtidal area, this is not considered to influence or contribute to coastal squeeze, nor does the relatively small scale of the project provide any opportunity to incorporate any measures to alleviate these ongoing concerns which affect the wider estuary more so than the man-made channel towards the basin at Middlesbrough Dock. As such, it is considered that the proposals are acceptable in terms of Policy NE-MPA-3.

- 5.34 Policy **NE-PS-1** supports development which is compatible with existing port and harbour activities and those which will enable *“future opportunity for sustainable expansion of port and harbour activities”*. This proposal is in keeping with the existing uses in the vicinity, many of which are also related to industrial, port, and harbour activities. In addition, the proposed dredging works enhance the future economic sustainability of those activities through ensuring that the facilities on the Tees remain fit for purpose. As such, the proposals are in accordance with Policy NE-PS-1.
- 5.35 Policy **NE-PS-4** supports proposals *“promoting or facilitating sustainable coastal and/or short sea shipping as an alternative to road, rail or air transport”*. The proposed capital dredging would ensure continued use of the port and as such, encourage coastal and sea shipping as an alternative to less sustainable forms of transport. In addition, due to the fact that disposal of dredge arisings to land is not cost-effective for the operations of the business as a whole, it will also be disposed of at sea in line with sustainability principles to encourage transport through shipping, as per the policy aims of NE-PS-4.
- 5.36 **NE-REN-1** states that proposals which *“enable the provision of renewable energy technologies and associated supply chains, will be supported”*. Although the dredge itself is not related directly to renewable energy, or the provision of the necessary facilities for offshore wind parts manufacturers, this application is foundational to realising the socio-economic benefits of such industries and supply chains continuing to locate and grow in the North East. The proposed works are in accordance with NE-REN-1.
- 5.37 Policy **NE-SCP-1** poses that, *“proposals should ensure that they are compatible with their surroundings ... [and] should take account of the character, quality and distinctiveness of the seascape and landscape”*. The seascape and landscape that surrounds the proposed works is, and has historically been, industrial, which the proposed scheme is in-keeping with. Although the application site is within close proximity to the Riverside Stadium, Middlesbrough College, and the residential area of Middlehaven, the proposed capital dredge would simply be an extension of the existing subtidal dredge site, with no visual impact upon the surrounding environment. It is noted that by extending the dredge pocket, berthing of larger vessels will be enabled, which is considered to add to the historic industrial character of the area, but does generate a temporary additional visual impact. However, this effect will again be

only an addition to the existing impacts of the site where at present vessels temporarily berthing for loading, unloading, or decommissioning, before the visual impact of the site returns to its baseline level. Therefore, no adverse impacts on seascapes and landscapes are expected, rather a transient enhancement of distinctive character features of the seascape are anticipated as a result of the works. The works are therefore in accordance with Policy NE-SCP-1.

- 5.38 Policy **NE-UWN-2** supports proposals that mitigate the impact of generation of impulsive or non-impulsive noise. The extent of the non-impulsive noise that will be generated from the proposal will be of similar levels to the existing dredging that occurs at this site, and in the wider Teesport area, and as such is within the accepted baselines for the Tees. No impulsive noise will be generated through these works. As such, the proposed dredging is considered to be in accordance with NE-UWN-2.
- 5.39 Policy **NE-WQ-1** requires that any proposal which may “*cause deterioration of water quality*” to demonstrate how they will avoid, minimise, or mitigate that deterioration in the marine environment. In relation to the risk of impacts on water quality arising from the proposed development, a Water Framework Directive Assessment accompanies this application which illustrates the short-term nature of any disturbance of sediments which could lead to water quality deterioration, and that the proposed mitigation measures will avoid and minimise adverse impacts on protected habitats and any species that may be present to limit any pressures to Slight. Furthermore, the works proposed have been designed to the minimum possible depth and extent to safely achieve the operational requirements of Quays 1 and 2.
- 5.40 Although there are contaminants within the sediments proposed to be dredged, as detailed in Chapter 6.0 Technical Considerations, it is considered that the observed results are largely in line with the accepted baseline within the Tees. Thus, it follows that there should be no reason the proposed dredging and disposal activity cannot go ahead as proposed herein, because activities of greater scale have previously been considered acceptable and granted licences whilst demonstrating similar levels of contamination. Furthermore, with the 3 yearly proposed sample regime, the long-term risk of any change to the accepted baseline water quality of the Tees is considered to be only Slight. Thus, it can be concluded that this application has adequately demonstrated the minimisation and mitigation of any temporary deterioration of water

quality which could result from the proposed dredging operation, in keeping with the aims of Policy NE-WQ-1.

### **Other Relevant Policy**

- 5.41 The proposed dredging to deliver the expanded and deepened Quays 1 and 2 will support the commercial potential of Middlesbrough Port, and this is necessary to ensure that the site can future-proof its contribution to Teesside and, the UK more widely, as a competitive location.
- 5.42 Quays 1 and 2 would contribute significantly to both UK and North East capacity for these industries and as such will serve to further Tees Valley Combined Authority (TVCA)'s intention to *“build on the distinctiveness of the local economy and ... centre [it] around our niche offer in relation to clean energy, low carbon and hydrogen”* (Industrial Strategy, 2019). As well as continuing to see economic growth and promoting ongoing investments in key and emerging sectors, encouraging development like this will ensure that Middlesbrough Port will contribute to the resilience of the local economy and boost the skills and employability of local people into the future, in a sustainable and consistent way.
- 5.43 When supporting job creation, the Tees Valley Strategic Economic Plan (SEP) (2016) identifies that the Tees Valley has become established as a national hub for advanced manufacturing with particular opportunities for growth in low carbon and subsea technologies, with around 20,000 already employed in this sector. The potential for further job creation presents a huge opportunity for Tees Valley. This proposal will increase the capacity and capability of the existing cluster of expertise and infrastructure for these sectors, contributing to regional strengths in heavy engineering, offshore industries, and subsea technologies, supported by new highly skilled graduates of the Middlesbrough College Group including TTE and Teesside University. This future-proofing of the Middlesbrough Port site will aid in Able UK's contribution to fulfilling the aims of the TVCA in its SEP which sets out to attract and up-skill young people, as well as to retain the existing skilled workforce in Tees Valley.

## 6.0 Technical Considerations

6.1 Fairhurst have considered the acceptability of the proposed development in relation to the following matters:

- Principle of Development;
- Sediment Quality; and
- Biodiversity.

### **Principle of Development**

6.2 The principle of development is to be established by reviewing the proposed works in accordance with relevant marine planning policy, an exercise that has been undertaken in Chapter 5.0 above.

6.3 The proposal pertains to a capital dredge to increase the approach depth and the spatial extent of an existing operational berth at Able Middlesbrough Port Quays 1 and 2. The proposal also provides for ongoing maintenance dredging to maintain the safe navigation of the berth at the approved depth in order to ensure that a range of vessels can continue to berth. The proposed dredging is essential to the socio-economic competitiveness of the wider Middlesbrough Port site. The capital dredge is needed to ensure Middlesbrough Port continues to be a competitive location for vessels, with greater windows of tidal access in order to transport their products safely and efficiently.

6.4 This proposal is, therefore, fully compatible with the existing industrial activity on the Tees, and with wider national and local policy ambitions for the growth of clean advanced manufacturing industries in the North East, indicated by the recent launch of the Freeport in Teesside in addition to the Tees Valley Combined Authority Strategic Economic Plan, Industrial, and Net Zero Strategies. Similarly, it is aligned with the prevailing industrial seascape, landscape, and character of the area and, as indicated within the Water Framework Directive Assessment (D/I/D/149058/502), will be appropriately mitigated so as to be sensitive to the important ecological receptors in the Tees. As such, the proposal is fully compliant with the requirements of the NEMP, aligned with the policy aims of NE-INF-1, NE-CO-1, NE-REN-1, NE-BIO-1, -2, and -3, NE-PS-1 and -4, and NE-WQ-1.



6.5 Therefore, it is considered that the principle of the proposed development has been established and is in accordance with the MPS and North East Marine Plan, as well as being supportive of local and national policy aims for the local area. As such, the proposed dredging and disposal activities proposed at Middlesbrough Port Quays 1 and 2 and Tees Bay A and/or C disposal sites, should be supported in principle on this basis.

### **Sediment Quality**

6.6 Due to this application pertaining to both a capital dredge and annual maintenance dredging, in light of OSPAR requirements, a scheme of sampling was required to assess the quality of the sediment which would be disturbed, removed, and disposed of from the site. Sampling has been undertaken in accordance with CEFAS and OSPAR guidance, the scope of which has been agreed through a sample plan request (SAM/2022/00077).

6.7 According to historical and recent intelligence, it was considered likely that the sediment in the dredge area is, to some degree, contaminated by pollutants such as PAHs, and Polybrominated diphenyl ethers (PBDEs) which are present in the Tees due to historic industrial and port use. As such, it was required that the full suite of analytes were tested to ensure appropriateness for offshore disposal.

#### *Trace Metals*

6.8 As illustrated in the accompanying Water Framework Directive (WFD) scoping assessment (D/I/D/141918/502), sampling analysis undertaken did reveal that elevated levels of metals were present, but are deemed acceptable as they are all below CEFAS Action Level 2.

6.9 These are long established baselines, the effects of which have been an accepted factor with the MMO and CEFAS, in permitted activities on the Tees for some time.

#### *Poly-Brominated Diphenyl Ethers*

6.10 There are no agreed guidelines for PBDEs in the UK at present. However, the MMO have consistently been requesting PBDEs to be included in sampling regimes for

dredge and disposal licences, which has served to generate a small sample of baseline information in industrial rivers.

6.11 Experience of testing for PBDEs suggests that the usual congeners of concern tend to be BDE99, BDE100, and BDE209.

6.12 As demonstrated in Table 1, below, the PBDE samples from Quays 1 and 2 are consistent with existing patterns of PBDE incidence illustrated through a review of a (non-exhaustive) set of sample data gathered from dredge applications across the Tees, sourced from the public access register. This demonstrates that the highest sample of BDE209, the primary congener of concern at Middlesbrough Port, is well within the range which has previously been considered acceptable for disposal at sea, with several licences having notably exceeded the levels at Quays 1 and 2 and have been permitted to dispose of their dredge arisings at sea.

	Highest BDE209 (ppb)	Highest BDE100 (ppb)	Highest BDE99 (ppb)
South Bank Quay (Tees)	407	0.47	3.16
NSSB Quays 1+2 (Tees)	284	0.368	1.99
Dawson's No2 (Tees)	670	0.434	2.71
Able Seaton Port (Tees)	103	0.837	4.95
NSSB Extension (Tees)	3290	0.403	2.22
Able MP Quays 1 and 2 (Tees)	193.9	1.09	4.22

*Table 1: Overview of North East Inshore Region Sample regimes' highest sample value for the PBDE congeners of concern at Middlesbrough Port Quays 1 and 2, data sourced from the MCMS public register. Values coloured red indicate exceeding the highest recorded congener sample for the Quays 1 and 2 application.*

6.13 Similarly, although amongst the higher values within this collection of data, the two most elevated samples of BDE99 and BDE100 are also within similar ranges to those recorded by other previous sample regimes, and for dredge and disposal at sea activities referring to greater volumes and more disruptive methods such as Cutter Suction Dredging.

6.14 The Applicant is in correspondence with the statutory port authority on the Tees, PD Teesport, which indicated that the levels of PBDEs are not outwith the expected levels for the wider Tees, across which the Port Authority have dredging and disposal licences with very minimal restrictions. As such, it is considered that given the very small scale of dredging proposed within this application in comparison to the volume

of dredging presently undertaken on the Tees, largely by PD Teesport themselves, there will be no meaningful change to the water quality either at source or at the disposal site as a result of this dredging.

- 6.15 By this reasoning, and given the lack of adopted guidance in the UK regarding the acceptable levels of PBDE contamination, Fairhurst have concluded that the small scale of the additional dredging which will take place as a result of the proposed works cannot be reasonably be considered unacceptable, where other licences have been granted under similar and more extreme conditions, including the original dredge licences for the berth and approach channel at Quays 1 and 2 itself. As such, it is understood that such exceedances should therefore not preclude the disposal of material offshore for this relatively small-scale addition to a previously licenced activity in this location, which intends to utilise a standard Trailing Suction Hopper Dredging methodology. Fairhurst consider that it would be unreasonable to prevent the works from being undertaken as planned due to these results.
- 6.16 Furthermore, it is proposed that frequent sampling (every 3 years) should be undertaken in order to appropriately monitor the sediment being disposed of throughout the course of the licence.

#### *Poly-Aromatic Hydrocarbons*

- 6.17 There is a long history of industry on the River Tees, which has led to consistently elevated PAH underlying levels, which are understood to be due to long-term hydrocarbon storage and treatment on the river. CEFAS have previously taken a pragmatic approach towards the operations on the Tees despite widespread exceedances in Total Hydrocarbon Content (AL1) PAH levels.
- 6.18 In particular, dredging licences for 24 hours a day Trailing Suction Hopper Dredging with at sea disposal has been approved in recent years for a number of applications which demonstrated similar PAH levels to those identified at Able Middlesbrough Port Quays 1 and 2. These include sites upstream of the application site operated by AV Dawson, as well as the river-wide Tees and Hartlepool navigational dredging licence operated by PD Teesport.
- 6.19 Similar to with PBDEs, CEFAS have not yet announced their new policy for the measurement of PAH levels.

6.20 As can be seen in Table 2 below, the selection of samples from the public access register illustrated in Table 5 demonstrates that the average results from the PAH samples of the proposed Quays 1 and 2 berth do not deviate greatly from other results which have previously been considered acceptable for at sea disposal.

Location	Reference No.	Sample Analysis Year	Average THC	Average 7ΣLMW	Average 6ΣHMW
MP Quays 1 and 2	TBC	2023	-	8,985	11,511
South Bank Quay pt1	MLA/2020/00506/1	2019	532	7,693	3,632
South Bank Quay pt2	MLA/2020/00506/1	2019	393	8,589	3,957
NSSB Quays 1 and 2	MLA/2021/00220	2021	154	2,364	3,072
Seaton Harbour and Channel	MLA/2015/00334	2016	2,760	-	-
Tees and Hartlepool Navi	MLA/2015/00088/5	2021 (interim)	206	1,370	1,697
Tees and Hartlepool Navi	MLA/2015/00089	2015	3,008	13,995	9,287
<b>NSSB Extension</b>	<b>MLA/2022/00088</b>	2020	4,322	90,144	29,326
Dawsons no2	MLA/2020/00346	2021	505	12,711	25,638

Table 2: Overview of a selection of recent Tees Sample regimes, data sourced from the MCMS public register. The AL1 for Total Hydrocarbon Content (THC) is 100 ppm. The highest levels have been indicated in red.

6.21 Similar to the circumstances understood with PBDEs and historic metal pollution in the Tees, this baseline is accepted as an unfortunate but expected level on the Tees due to the long history of hydrocarbon-based industrial processes, which has not previously prevented operational procedures such as dredging from being undertaken. Although there are not yet official levels adopted to measure PAHs outwith THC, the 7ΣLMW and 6ΣHMW levels have been used as comparison, and both are largely consistent with the demonstrable baseline in the River Tees, and therefore should not preclude the granting of a Marine Licence for the dredging and disposal works, as proposed herein.

#### Organotins

6.22 Despite previous concerns on the Tees regarding organotins, specifically Tributyltin, the samples for organotins at Quays 1 and 2 do not raise any concerns. All samples were found to be below Action Level 1, and a number of samples found that levels were below the limits of detection.

#### Organochlorines

6.23 The organochlorine samples taken within the proposed dredge pocket are demonstrably low in comparison to the present Action Levels for Dieldrin and DDT. There were some exceedances of AL1 recorded of DDT but no exceedances of AL2 for either assessed organochlorine. The samples for organochlorines at Quays 1 and 2 do not raise any concerns and will not preclude dredging activity or disposal at sea.

*Polychlorinated Biphenyls (PCBs)*

- 6.24 Similar to the organochlorines, the sample results for both the summed 25 PCBs and the summed ICES7 have identified a handful of exceedances of AL1, but no exceedances of AL2. Meanwhile, most of the samples are below adopted AL1 thresholds. As such, there are no concerns regarding the concentrations of PCBs within the application site.

*Summary*

- 6.25 The proposed method of removing and disposing of the material so as to minimise ecological and water quality impact is TSH, and/or backhoe dredging and disposal of the material at sea (See WFD D/I/D/149058/502), as there are no unexpected or highly unsafe levels of any of the suite of chemicals sampled for which should prevent this.
- 6.26 Given these findings, future sampling is proposed to be undertaken at a frequency of 3 years, so as to ensure that the maintenance dredging and disposal at sea continues to be acceptable in accordance with the adopted CEFAS Action levels and the existing baseline of the River Tees.

**Biodiversity**

- 6.27 The River Tees is protected by European designations of the Teesmouth and Cleveland Special Protected Area and Site of Special Scientific Interest. As noted above and discussed within the WFD, although there may be a degree of temporary disturbance to the area during the dredging activity itself, it is not considered that this will have any adverse impacts on the integrity of the designated sites
- 6.28 There is no permanent loss of biodiversity or intertidal habitat as a result of the proposed works, because the sole, temporary change as a result of the proposals would be to subtidal habitat, which is not listed as part of the citations for either designated area. Furthermore, the potential degree of disturbance above the water, which may be liable to impact protected birds and/or highly mobile species on land, is considered to be within the accepted baselines of the highly industrial and regularly dredged River Tees.
- 6.29 There is an important biodiversity consideration in terms of the potential impact on native migratory salmon, eels, and sea trout, whose migratory route is along the Tees.

Given the temporary nature of dredging, the impact of any increase in underwater noise and sediment concentrations in the water column is expected to be very limited due to the largely enclosed location of the works off the main Tees channel. In addition, the proposed dredging will take place over the course of only 20 days per annum. For the first campaign it is envisaged that this may all take place consecutively, but for subsequent maintenance activity this will be undertaken only as and when required for the commercial operations of Middlesbrough Port to progress safely and efficiently. A dredge does not produce noise in excess of that from other vessels, neither does it generate a consistent and impulsive noise which is the major disruptor to normal fish behaviour in marine works. Therefore, given the acceptability and critical operational need for the futureproofing of industry along the Tees, it is not considered that there will be any notable change to the baseline conditions for the habitats and wildlife which are likely to be present within and in close proximity to the application site (see D/I/D/149058/502 for further discussion and assessment).

## **7.0 Conclusions**

- 7.1 This Marine Licence Supporting Statement has been prepared by Fairhurst, on behalf of Able UK Limited, to accompany a Marine Licence application for dredging and disposal works at Middlesbrough Port Quays 1 and 2 berth and approach channel.
- 7.2 This Marine Licence Supporting Statement has identified a number of contributing factors in support of the proposal and illustrates a number of benefits to be derived from the granting of a Marine Licence for the proposal. This Statement also sets out that, with appropriate mitigation, the proposed development will not result in any adverse impacts on the marine environment nor seascape of the area.
- 7.3 As such, Fairhurst considers that the principle of development is acceptable and the development is in accordance with policies of the MPS and the North East Marine Plan.

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