

FOOD AND ENVIRONMENT PROTECTION ACT 1985 : PART II (AS AMENDED)
DEPOSITS IN THE SEA

**Licence 31995/04/0 : For a trial to assess the effectiveness of a methodology for capping
contaminated dredged material from the Port of Tyne on the Souter Point disposal site**

The Secretary of State for Environment, Food and Rural Affairs (hereinafter referred to as "the Licensing Authority") hereby authorises:

**Port of Tyne Authority
Maritime House
Tyne Dock
South Shields
Tyne & Wear
NE34 9PT**

Company Registration No: **N/A**

(hereinafter referred to as "the Licence Holder") to deposit in the sea the substances or articles the particulars of which are set out at paragraph 1 of the attached Schedule. The Licence is subject to the conditions of use set out, or referred to, in the said Schedule.

This licence shall be valid from the beginning of the day of **01 September 2004**, (hereinafter referred to as the start date of this licence) to the end of the day of **31 August 2009**, (hereinafter referred to as the end or expiry date of this licence).

For the purposes of this licence and attached schedule and unless indicated otherwise:-

- (i) all times shall be taken to be Greenwich Mean Time (GMT), and,
- (ii) all co-ordinates shall be taken to be latitude and longitude degrees and minutes to two decimal places.

Signed:

Marine Consents and Environment Unit
for and on behalf of the Licensing Authority
Date of issue: 20 August 2004

The Licence Holder is urged to read carefully all the conditions and requirements of this Licence which are set out in the attached Schedule. You should acknowledge receipt of this licence and confirm that you have understood its term by signing and returning Form FEP 14 within 28 days of the date of issue of this Licence.

1. Particulars of the deposit operation**1.1. Place of production of the substances or articles:**

WALLSEND DRY DOCKS, River Tyne (no more than 33,534 t)
Within the area bounded by joining the points

54 58.48 N 01 31.54 W
54 58.49 N 01 31.56 W
54 58.49 N 01 31.56 W
54 59.02 N 01 31.45 W.

Wallsend Dry Docks, River Tyne.

SWAN HUNTER (TYNE), SLIPWAY ENDS (no more than 13,654 t)
Within the area bounded by joining the points

54 59.02 N 01 31.45 W
54 58.49 N 01 31.56 W
54 59.05 N 01 31.35 W
54 59.06 N 01 31.37 W.

Swan Hunter (Tyneside) Ltd, Slipway Ends, River Tyne.

NEPTUNE YARD, River Tyne (no more than 46,902 t)
Within the area bounded by joining the points

54 58.39 N 01 32.00 W
54 58.39 N 01 31.58 W
54 58.45 N 01 31.56 W
54 58.48 N 01 31.55 W
54 58.49 N 01 31.56 W
54 58.45 N 01 31.58 W.

Neptune Yard, River Tyne.

CAPPING MATERIAL, HARBOUR MOUTH, TYNE (45,000 t)
Within the area bounded by joining the points

55 00.37 N 01 25.11 W
55 00.33 N 01 25.10 W
55 00.42 N 01 24.12 W
55 00.45 N 01 24.14 W.

Capping Material, Harbour Mouth, River Tyne.

CAPPING, SHIELDS HARBOUR REACH, TYNE (45,000 t)
Within the area bounded by joining the points

54 59.52 N 01 26.27 W
54 59.52 N 01 26.25 W
55 00.08 N 01 26.23 W
55 00.08 N 01 26.25 W.

Capping Material, Shields Harbour Reach, River Tyne.

CAPPING MATERIAL, LONG REACH, R TYNE (45,000 t)
Within the area bounded by joining the points

54 59.18 N 01 28.05 W
 54 59.11 N 01 28.05 W
 54 59.10 N 01 27.14 W
 54 59.17 N 01 27.16 W.

Capping Material, Long Reach, (Northumberland Dock - Jarrow Quay Corner) River Tyne.

- 1.2. Description of the substances or articles for deposit:

MAINTENANCE DREDGINGS, as described in your application of 12 February 2003.

- 1.3. The Licence Holder or any Agent or Contractor acting on their behalf under this Licence **31995/04/0** is permitted to deposit a quantity not exceeding **229,090 tonnes** of the substances or articles specified at sub-paragraph 1.2 of this Schedule, at the Deposit Area(s) detailed at paragraph 1.4 and up to the maximum quantity specified for each Deposit Area specified at paragraph 1.6.

- 1.4 The Deposit Areas authorised under this licence are :

- 1.4.1 Deposit Area Name and/or Code: **SOUTER POINT (OUTER), TY081**
 at:-

Within the area bounded by joining the points

54 59.70 N 01 16.70 W
 54 59.20 N 01 13.00 W
 54 58.30 N 01 13.10 W
 54 58.30 N 01 15.90 W
 54 59.70 N 01 16.70 W.

and then within the following co-ordinates in the Souter Point disposal site.

54 58.98 N 01 15.04 W
 54 58.98 N 01 14.76 W
 54 58.82 N 01 14.76 W
 54 58.82 N 01 15.04 W
 54 58.85 N 01 14.99 W
 54 58.96 N 01 14.99 W
 54 58.96 N 01 14.81 W
 54 58.85 N 01 14.81 W
 54 58.90 N 01 14.90 W

- 1.5. Tank/hopper washings may only be discharged in the area(s) specified at paragraph 1.4
- 1.6 Within the overall quantities authorised for deposit set out in paragraph 1.3, and the authorised Deposit Area set out in paragraph 1.4 the following limits also apply:
- 1.6.1 **229,090 tonnes** may be deposited according to the methodology in Annexes 1 and 2 at the following authorised Deposit Areas:

<u>Area Code</u>	<u>Area Name</u>	<u>Maximum Qty (tonnes)</u>	<u>Type</u>
TY081	SOUTER POINT (OUTER)	229,090	

2. Agents or Contractors Responsible for the Loading, Transportation, Storage or Deposit of the Substances or Articles

- 2.1 The name and address of all Agent(s) and Contractor(s) acting on behalf of the licence holder which shall be engaged in the loading, transportation, storage and deposit of substances or articles specified in sub-paragraph 1.2 of this Schedule, shall be notified to, and agreement obtained in writing from, the Licensing Authority before individually they commence any such operation. Details of the Agent(s) and Contractor(s) so approved and to be used in this operation are :

Agents or Contractors Name

Function

The Licence Holder is not permitted to commence the deposit operation specified by this licence 31995/04/0 until the licensing authority has in writing varied the licence to include details of all the agent(s), contractor(s), (if any) to be employed in the operation.

- 2.2 The name(s) and operator(s) of any vehicle(s) or vessel(s) which shall be engaged in the loading, transportation and deposit of the substances or articles specified in sub-paragraph 1.2 of this Schedule, shall be notified to, and agreement obtained in writing from the Licensing Authority before they commence individually any operation to which this Licence **31995/04/0** refers. Details of the vehicle(s) or vessel(s) so approved and to be used in this operation are:-

Vessel Name or

Vehicle Registration

Operator's Name

Type

The Licence Holder is not permitted to commence the deposit operation specified by this licence 31995/04/0 until the licensing authority has in writing varied the licence to include details of all vehicle(s), vessel(s) etc. to be employed in the operation.

- 2.3 Any person in charge of the loading of a vessel or any intermediate storage of the substances or articles prior to their deposit in the sea, shall maintain a written record on the premises relating to individual cargoes or loads (received or dispatched). This written record and shall include the following details:

- 2.3.1 date and time each load was received or dispatched and the quantity;
- 2.3.2 general description of the substances or articles and the name of the producer(s) or holder(s);
- 2.3.3 registration numbers of vehicles delivering loads;
- 2.3.4 consignment note numbers (if any);
- 2.3.5 the reference number of the licence issued under the Food and Environment Protection Act 1985, Part II (as amended) which permits the substances or articles being loaded or stored to be deposited in the sea;
- 2.3.6 name(s) of vessel or identification code and type of container into which substances or articles are loaded;
- 2.3.7 signature(s) and status of the person or persons authorising loading of substances or articles to the vessel or container;
- 2.3.8 the results of any checks carried out on the substances or articles prior to authorisation of loading.

- 2.4 The Licence Holder and any Agent or Contractor responsible for loading, transportation or storage must ensure that only authorised personnel have access to the substances or articles for deposit.
- 2.5 All vessels employed to perform the deposit operation permitted by this Licence **31995/04/0** shall be so constructed and equipped as to be capable of the proper performance of these operations in compliance with the conditions set out in the Schedule to this licence **31995/04/0**. Details of the vessels that may operate under this Licence **31995/04/0** are set out in sub-paragraph 2.2, and the standard equipment to be on all vessels operating under this Licence **31995/04/0** are set out in paragraph 10.
- 2.6 The Master or the Officer of the Watch of each vessel, as specified in sub-paragraph 2.2 of this Schedule, undertaking the deposit of any substances or articles specified in sub-paragraph 1.2 of this Schedule, shall maintain a written log of operations recording, in the English Language, the following information:
- 2.6.1 the name of the vessel;
 - 2.6.2 the quantity and type of each substance or article loaded for deposit;
 - 2.6.3 the date and time of departure from the port or site at which the substances or articles are loaded for deposit in the sea and time of arrival (and date if different) at the Deposit Area on each occasion that it proceeds to and from such area;
 - 2.6.4 latitude and longitude position (in degrees and minutes and decimal of a minute to at least one decimal place) of the vessel at intervals of not more than 20 minutes throughout the deposit operation which for the purpose of this Licence **31995/04/0** shall be the commencement of loading (including the dredging) each consignment of material for deposit in the sea through to the completion of the placement or deposit of the material in the Deposit Area;
 - 2.6.5 the time taken to complete the deposit operation and a statement of the reasons for any delays;
 - 2.6.6 courses and speeds together with any alterations throughout each deposit operation (multiple changes may be recorded as "various");
 - 2.6.7 the rate of discharge or deposit, together with any variations, throughout deposit operations;
 - 2.6.8 weather, sea-state, wind and tidal set, and rate throughout deposit operations; and
 - 2.6.9 the signature of the Master at the foot of each log sheet or page of the record.
- 2.7 All deposit vessels are required to carry an Admiralty Chart of appropriate scale to be used in navigation on which the co-ordinates of the licensed Deposit Area(s), as detailed in sub-paragraph 1.4, should be marked.

3. Distribution of copies of this licence 31995/04/0

- 3.1 The Licence Holder is required to ensure that a copy of this Licence **31995/04/0** and attached Schedule, any special conditions and any subsequent revisions or amendments thereto is given to:
- 3.1.1. any Agent or Contractor, as detailed in sub-paragraph 2.1 of this Schedule, responsible for the loading, transport storage or deposit of the substances or articles for deposit as described in sub-paragraph 1.3 of this Schedule; and
 - 3.1.2 the Master of any vessel employed in pursuance of this licence.

3.2. Copies of this Licence **31995/04/0** shall also be available at the following locations:

3.2.1 at the address of the Licence Holder;

3.2.2 at any site office, located at or adjacent to the site of the works, used by the licence holder, agent(s) or contractors(s) responsible for the loading transportation or deposit of those substances or articles detailed at paragraph 1 of this Schedule; and,

3.2.3 at the office of the transport manager with responsibility for any vehicle(s) from which licensed deposits are to be made.

3.2.4 on board each vessel from which deposits are to be made.

4. Inspection of the Operation

4.1 The written record referred to in paragraph 2.3 shall be available for inspection by authorised Enforcement Officers at all reasonable time at the premises where the substances or articles are stored prior to loading for deposit at sea.

4.2 This written log referred to in paragraph 2.6 of the Schedule and all other relevant documents shall be available on board the vessel(s) to which they relate at all reasonable times for inspection by an authorised Enforcement Officer.

4.3 The documents referred to in paragraph 3 shall be available for inspection at all reasonable times by an authorised Enforcement Officer at the locations stated in that paragraph.

4.4 The Licence Holder must advise the Licensing Authority and District Inspector of Fisheries (Neville House, Central Riverside, Bell Street, North Shields, Tyne & Wear NE30 1LJ (Tel: 0191 257 4520 Fax: 0191 257 1595)) is notified at least 5 working days before the start of disposal operations, or an individual phase of the operation is expected to commence.

5. Returns to be made to the Licensing Authority

5.1 The Licence Holder is required to acknowledge receipt of this licence **31995/04/0** and confirm that he or she has understood its term by signing and returning Form FEP 14 within 28 days of the date of issue of this Licence **31995/04/0** . No operations permitted under the terms of this licence should commence until the FEP 14 form has been signed and returned to the Licensing Authority.

5.2 Any Agent or Contractor, as detailed in sub-paragraph 2.1 of this Schedule, and the Master of any vessel employed in pursuance of this Licence shall provide acknowledgement using Form FEP 13 or FEP 15 of the receipt of this Licence **31995/04/0** and their understanding of all the conditions specified therein to the Licensing Authority within 28 working days of the start date of this Licence **31995/04/0** , or prior to engaging in any activity to which this Licence relates, whichever is the sooner.

5.3 Certified returns of quantities of substances or articles deposited under this Licence **31995/04/0** , are required to be submitted on Form FEP 7 or in a similarly approved format by 31 January and 31 July each year. The returns must specify the full Licence number and amount deposited each calendar month at each authorised Deposit Area. Where no deposit is made in a given period a NIL return is required.

5.4 If this Licence **31995/04/0** expires during the course of the calendar year and is not renewed or superseded by a further Licence relating to the works specified in paragraph 1, a certified return of quantities of substances or articles deposited under this Licence **31995/04/0** , shall be submitted not later than 28 working days after the expiry date of this Licence **31995/04/0** .

6. Force Majeure

- 6.1 If, by reason of "force majeure" the substances or articles as specified at sub-paragraph 1.3 of this Schedule are deposited otherwise than at the authorised deposit area specified at paragraph 1.4 of this schedule, full details of the circumstances shall be notified within 48 hours to the Licensing Authority.

"force majeure" may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit the substances or articles because the safety of human life and/or of the vessel is threatened.

7. Changes to this licence

- 7.1 In the event of the Licence Holder becoming aware that any of the information on which the granting of this Licence **31995/04/0** was based has changed or is likely to change, he/she shall immediately notify the Licensing Authority of the details.
- 7.2 Should the Licence Holder wish any of the particulars set down in paragraph 1 of the Schedule to be altered he/she shall immediately inform the Licensing Authority and receive written consent to the change before taking any further action.

8. Contacts

- 8.1 Except where otherwise indicated, the primary point of contact with the Licensing Authority and the address for returns and correspondence shall be:-

**Department for Environment, Food and Rural Affairs
Marine Consents and Environment Unit
Room 309, Eastbury House
30 - 34 Albert Embankment,
London SE1 7TL**

**Tel: 020 7238 6742
Fax: 020 7238 1258**

- 8.2 For the purposes of this Licence **31995/04/0** any references to the local District Inspector of Fisheries shall mean the relevant District Inspector located at:-

**Defra Fisheries Office
Neville House
Central Riverside
Bell Street
North Shields
Tyne & Wear
NE30 1LJ**

**Tel: 0191 257 4520
Fax: 0191 257 1595**

- 8.3 For the purposes of this Licence **31995/04/0** any references to the Centre for Environment, Fisheries, and Aquaculture Science (CEFAS) shall mean:-

**Centre for the Environment, Fisheries, and Aquaculture Science (CEFAS),
The Laboratory
Remembrance Avenue
Burnham-on-Crouch
Essex CM0 8HA**

**Tel: 01621 787200
Fax: 01621 784989**

9. Supplementary Conditions

- 9.1 The issue of this licence does not absolve the Licence Holder from seeking any other consents or approvals which may be required before the operation to which this licence refers commences including from the Environment Agency and the Crown Estate.
- 9.2 The Licence Holder shall permit CEFAS/DEFRA staff access to any part of the operational activity on request.
- 9.3 The Licence Holder shall appoint a Fisheries Liaison Officer for the duration of the Licence to be approved by the District Inspector of Fisheries. The Fisheries Liaison Officer will be responsible for ensuring that interference with fishing activity is minimised during disposal operations.
- 9.4 The Licence Holder must ensure that a Notice to Mariners is issued providing details of the timing and location of the works and vessels used before the start of disposal operations. The details in the Notice must be agreed with the District Inspector of Fisheries.
- 9.5 The Licence holder shall not commence the placement of contaminated sediments between 15 October and the end of March.
- 9.6 The licensed activities are those described in the Annexes to this licence listed here. Any departure from the methods set out in annexes 1 and 2 must first be agreed with the Licensing Authority.

Annex 1 - EnviroCentre Report No 1613 (Revision 3b) Work Plan for Sea Disposal Trials of Contaminated Tyne Estuary Sediment.

Annex 2 - EnviroCentre Report No 1709 (Revision 2c) Monitoring Program for Sea Disposal Trials of Contaminated Tyne Estuary Sediment.

- 9.7 The Licence Holder shall ensure that all reasonable precautions are taken to prevent the disposal of man-made debris at sea. Such debris must be disposed of to land.
- 9.8 Results from during-operation monitoring shall be faxed to Defra (020 7238 1258) as soon as the results are known.
- 9.9 When placing contaminated material at the disposal site, operations shall cease immediately and not resume without further approval from the Licensing Authority if Suspended Particulate Matter in the water column exceeds 25 mg/l above background levels at 5 m above the seabed or higher in the water column, at the boundary of the Souter Point disposal site, down-tide of the disposal operation.
- 9.10 The Licence Holder shall prepare two operational progress reports, the first 48 hours after the end of the placement stage and the second 48 hours after the capping stage. A copy of each report shall be sent to the Licensing Authority, CEFAS, the Sea Fisheries Inspectorate, the Environment Agency, English Nature, the North Eastern Sea Fisheries Committee and the Northumberland Sea Fisheries Committee.
- 9.11 Assessment of results from each monitoring stage:
- Following Placement and Prior to Capping;
 - Post-placement - Short Term (2 weeks);
 - Post-placement - Medium Term (2-3 months);
 - Tier One Long-term Post Placement (Annual), and if invoked;
 - Tier Two Long-term
- shall be reported to the Licensing Authority within 1 month of the survey.
- 9.12 Tier 2 Monitoring shall be invoked if the thresholds described in Table 8, Section 6 of the Monitoring Plan at Annex 2 are exceeded. The Licence Holder shall inform the Licensing Authority and CEFAS

when Tier 2 monitoring is invoked and the reasons for it. The Licence Holder shall obtain agreement from the Licensing Authority prior to reverting to Tier 1 monitoring.

9.13 The Licence Holder shall ensure that the cap integrity is maintained. If monitoring of the cap integrity shows this to be under threat then consultation with DEFRA and CEFAS is to be sought immediately to agree a course of action.

9.14 The Licence Holder shall convene an annual meeting on a date to be agreed with the Licensing Authority and its consultees to review monitoring results and assessments.

10. Conditions relating to the Construction, Equipment and Operation of the Vessels engaged upon Deposit Operations

10.1. All motor powered vessels engaged in operations to which this licence **31995/04/0** relates must be fitted with the following equipment:

10.1.1 Electronic positioning aid to provide navigational data e.g. GPS, etc.

10.1.2 Radar

10.1.3 Echo sounder

10.1.4 Multi-channel VHF

10.2. All vessels' names or identification shall be clearly marked on the hull or superstructure.

10.3. All communication on VHF working frequencies shall be in the English Language.

10.4. Under no circumstances shall a vessel engage in the deposit operations until all equipment specified in this paragraph is fully operational.

EXPLANATORY NOTES

This page does not form part of this licence **31995/04/0** or its associated schedule but the licence holder is recommended to read the following guidance notes.

1. The granting of this Licence **31995/04/0** does not absolve the Licence Holder from obtaining such other authorisations, consents and approvals which may be required under any other legislation, controls or regulations.
2. Under Section 8 of the Food and Environment Protection Act 1985, the Licensing Authority may vary or revoke this licence **31995/04/0** if it appears to the Authority that the Licence Holder is in breach of any conditions in it or for any other reason that appears to the Authority to be relevant.
3. A person who makes a deposit, or causes a deposit to be made, in the sea in contravention of the conditions specified in this licence **31995/04/0** may be found guilty of an offence under Section 9(1) of the Food and Environment Protection Act 1985. It is a defence under Section 9(3) of the Act for a person charged with such an offence to prove that the operation was carried out for the purpose of securing the safety of the vessel or of saving life ("force majeure") and he/she took steps within 48 hours following the incident to send full details of the incident including those relating to the operation, the locality and the circumstances in which it took place and the substances or articles concerned to the Licensing Authority (see paragraph 5 of the schedule).
4. If the operations authorised by this Licence **31995/04/0** are unlikely to be completed by the expiry date of this licence, the Licence Holder should apply for a replacement licence at least 8 weeks prior to the expiry date of this licence. A further charge will normally be payable

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Annex 1
EnviroCentre Report No 1613 (Revision 3b)
Work Plan for Sea Disposal Trials of Contaminated Tyne Estuary Sediment

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**Annex 2
EnviroCentre Report No 1709 (Revision 2c)
Monitoring Program
for Sea Disposal Trials of Contaminated Tyne Estuary Sediment**