All enquiries should be directed to:

David McCandless BSc. MSc.
Chief Fishery Officer
Tel: 01482 393690
Fax: 01482 393699
E.Mail: david.mccandless@eastriding.gov.uk
Web Site www.neseafish.gov.uk
Your ref:

Our ref: nesfc/

14/06/04

Mr Mike Smith
DEFRA
Marine Environment Branch 2
Room 303
Eastbury House
30-34
Albert Embankment
London
SW1P 2AL

Dear Mr Smith,

RE: FEPA Act 1985 – Port of Tyne Authority – Disposal of Capital Dredgings from River Tyne to sea Application Id: 31995/030222.

Thank you for your letter dated 9th of June 2004 and attached report number 1740.

The position of my Committee regarding the above application remains unchanged since our previous correspondence dated 14th May 2004. Committee Members still believe that the risks of contaminated sediment dispersal, throughout the various stages of the trial, remain too high to give support to the application currently under consultation.

Regarding more specifically the points you make in the 'next step' of your letter, I would like to respond on behalf of my Committee Members as follows:

There are eight broad trial aims and objectives laid out in the work plan. Members are content that the reports detailing preliminary study work confirm that some of these aims and objectives will be met including, delineation of areas, depths and volumes of CDM and assessment of the physical and chemical characteristics of the CDM. Members however believe that significant uncertainties remain both regarding the removal of the CDM and its placement on the seabed. This uncertainty is particularly relevant to the water column effects during placement and predictions made using Short Term Fate modelling. With respect to this, the statement 'provided confidence' is routinely used in the Executive Summary of report 1740. Members are therefore not content that the reports confirm beyond reasonable doubt that the aims and objectives, relating to both the removal and placement of the CDM will be met. Once the CDM has been released from the split hopper barge there is no 'going back'.

Regarding the monitoring programme, Members concur with the points made by Dr Chris Vivian (CEFAS). There is a strong need to strengthen the spatial element of the study design to monitor gradients throughout the disposal site. There is also a need to ensure that procedures and techniques are put in place to detect and monitor the spread of finer layers of CDM. The definition of 'storm events' also requires clarification. Members would request that at the very minimum a side scan sonar survey should be conducted following each storm event. Members would also request that some form

of annual assessment of the disposal site is conducted indefinitely, beyond three years, to ensure that cap integrity is retained.

If the application is given consent, Members would strongly recommend that an annual review meeting is established to appraise results from the monitoring programme and facilitate continued dialogue with relevant authorities.

It is highly likely that the fishing industry will align with the Committee in opposition to the project. The Committee would encourage the Port of Tyne Authority to enter into dialogue with local fishing industry representatives as soon as possible. There may be a requirement for temporary exclusion zones both during and throughout the lifetime of the project. These would need careful consideration and management by both the applicant and the appointed developer. It may be prudent to appoint an independent fisheries liaison officer. Information relating to the project could be distributed through both the District Inspector of Fisheries, Rod Henderson, North Eastern Sea Fisheries Committee, Northumberland Sea Fisheries Committee and any relevant fishermens organisations.

In summary, Committee Members are not prepared to lend support to the application and if assent is given Members seek clarification on the issue of liabilities should the trial fail.

Yours Sincerely,

David Thomas McCandless
Chief Fishery Officer