All enquiries should be directed to:

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11/03/04

Mr Mike Smith
DEFRA
Marine Environment II
Ergon House (Area 3A)
Horseferry Road
Westminster
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.

North Eastern Sea Fisheries Committee has a broad statutory remit to manage and conserve marine resources within its area of jurisdiction. Currently that jurisdiction stretches from the River Tyne to a point South of the Humber Estuary known as 'Donna Nook' and out to the six-mile limit. The activities detailed in the application have potential to impact areas within these boundaries. The Committee's primary concerns relate to impacts on local fisheries and the marine environment.

At a meeting of our Executive Committee held on the 9th March 2004 Members were presented with the latest available information on the above application by the Port of Tyne Authority to dispose of contaminated dredge material from the Tyne Estuary. The information included updates from two previous meetings held with the Port of Tyne Authority and FEPA consultees on the 6th February and the 1st March 2004. Committee Officers and Members expressed the following concerns and indicated, strongly, their unwillingness to support the application until such time as they are fully addressed:

- The Committee has not been party to the original FEPA application submitted to DEFRA during February 2003. As such, the Committee requires evidence, other than verbal statements, that the existing application is the Best Practicable Environmental Option (BPEO).

- The Committee understands that an Environmental Assessment was completed with the original application. The Committee does not believe this to be contained, in any detail, within the current work plan. The Committee requests that a full Environmental Impact Assessment be completed before any decision is taken on the authorisation of the application.

- Although post-operational monitoring provisions have been identified, currently there remains no agreed, structured or timetabled monitoring programme. At present such a programme is totally reliant on the achievement of external funding support, which has not been secured. The Committee would certainly not support the application without such a programme and the necessary funding being in place.

- There is an understandable lack of recognition of ownership regarding the contaminated dredge material and an unwillingness to accept liabilities post-operation. The application can only be supported if adequate provisions are put in place to cover the costs of any subsequent remedial work required following sea disposal.

Until all the above issues have been fully addressed, the Committee feels that the consultation deadline of the 22nd March 2004 is currently unworkable and more time is required to finalise the application. The Committee would expect a response to this letter in advance of the above deadline.

If you wish to discuss further any of the points made in this response you can contact me at our Bridlington address.

Yours Sincerely,

David Thomas McCandless
Chief Fishery Officer

CC: Darryl Stephenson NESFC
Malcolm Sims NESFC
Mike Smith DEFRA
Keith Wilson POTA
Chris Vivian CEFAS
Mike Quigley EN