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Date: 30 August 2006

Dear Robert

FOOD AND ENVIRONMENT PROTECTION ACT 1985 – PORT OF TYNE CAPPING TRIAL.

Thank you for your email of 21 August to Mr Anderson he has asked me to reply.

I appreciate that you have continued concerns with regard to the capping of contaminated material on the Souter Point marine disposal site however it should be remembered that this is a trial disposal operation which is not likely to be completed until the middle of next year. Whilst the Port of Tyne have been unable to fully comply with some licence conditions due to local conditions and the novel nature of the operation they have been in regular contact with Defra and our marine scientists at Cefas to agree a way forward.

Salmon and Sea Trout (Points 1 & 7)

On the controls that were in place to protect salmon and sea trout making their way up river to spawn as I explained in my letter of 17 August 2006 Defra do not control the actual dredging within the Tyne. The Port have their own local powers to dredge.

However, for the trial disposal the impacts on migratory Salmon was a key concern of the Environment Agency. John Maslin's letter to you of 18 February 2005 dealt with these measures in detail including the need for the use of a closed bucket and the turbidity monitoring requested by the EA.

You should be aware that the work plan (Report 1613) that the Port were required to follow for both the dredge and the confined disposal evolved as a result of a series of meetings at which EA fully participated. As I explained in my letter of 17 August 2006 section 6 of the work plan deals with the dredging of the contaminated sediments. In addition to this the Environment Agency liaised with the Port directly on turbidity and dissolved oxygen monitoring. The attached email from Dominic Shepherd confirms

that they were content with the proposals and includes a protocol for monitoring during dredging of the river frontages. The results of this monitoring are included in the attached monitoring report 2033.

You should also note that the dredging of the contaminated material took place over the winter period when the EA have confirmed the Salmon do not run.

New Dredging & Salmon issues (Point 2)

Whilst Mr Anderson did tell you that nothing would take place until after the meeting on the 26rd July core Defra would not be aware of dredging carried out under the Port of Tyne's maintenance dredging licence as they are only required to inform the local Marine Fisheries Agency office of their intention to dredge and dispose. There is consequently no information for me to send to you on this issue.

Defra are not buying up salmon on the Tyne to test for contamination. However, having spoken to colleagues in the MFA, Cefas and the Environment Agency there are two scientific projects underway in the Tyne which could be what you are aware of. The first is an ARUP funded project to study the movement of juvenile salmon and sea trout in order to inform the application for the new Tyne crossing. This has been going on for 2 years and involves catching, tagging then tracking the fish through the estuary.

There is also a separate Defra funded project looking at the residence time of the fish in the estuary and the effects of river temperature on their movement into freshwater which again would involve catching, tagging and release of fish in order to monitor physical response from salinity and temperature. I attach a summary of the project together with the latest monitoring report for your information. Further details can be found on the Defra science pages at

http://www2.defra.gov.uk/research/project_data/default.asp?SCOPE=0

It may well be that live salmon are bought and released as part of these studies but they are not in any way related to contaminant monitoring.

Meeting Dates (Point 3)

My letter of 17th August 2006 inadvertently stated that the meeting with the Port of Tyne was held on 23 July rather than 26 July when it actually took place. My colleague Michael Meekums corrected this on the following day sending you a revised letter and a copy of the minutes of that meeting. I apologise for any confusion this may have caused.

Operational Reports (Point 4)

On the two operational reports, the first 48hrs after the end of the placement stage and second 48hrs after the capping stage which you requested these have been dealt with in monitoring reports 2033 (monitoring during placement of contaminated material), 2034 (monitoring of the placement of the contaminated dredged material prior to capping) and 2045 (post placement monitoring short term) which I attach for your information.

Colliery Waste and Other Disposal Site Issues (Point 5)

As explained in my letter of 17 August 2006 the disposal of colliery waste is not relevant as it ceased in the Tyne in 1993. It is likely that because the Souter Point site is a dispersive site and given the time since the disposal the tailings will have been dispersed by natural coastal processes with the milestone remaining in place.

Also the mine tailings and rock were disposed of to the inner part of the Souter Point disposal site. This is well away from where the trial disposal is being carried out on the outer part of the site (a map showing the inner and outer parts of the site is included for information). As a result the historic disposal of mine waste was not considered when the trial and the area of the site where they were placed was being developed and no papers are available.

You are correct that the original design of the confined disposal envisaged the centre of the disposal to be 3m of which 1.5m would be contaminated material, 1m silty sediments and 0.5 m sand. As you are aware these thicknesses were not achieved and Defra have been in regular contact with the port to ensure that a sufficient cap is in place. We will also be meeting with the Ports environmental consultants on 13 September to discuss the latest monitoring and to discuss cap thickness given local conditions. It has always been the intention that more material will need to be added to the cap sourced from the Ports regular maintenance dredging campaigns to replace any material that may have been dispersed over time.

As to the licensed tonnage for the operation this was actually 380, 000 tonnes. The 197,000 figure which you quote is actually metres cubed rather than tonnes and we are fully aware of this.

Ministerial updates (Point 6)

Ministers have not been informed that the trial has succeeded or failed as it is not yet complete. Whilst the Port of Tyne have not been fully complying with their licence conditions we have been working with the Port to ensure compliance and to ensure that the trial is a success. We do not normally inform Ministers down to the level of detail on individual cases such as failing to fully comply with licence conditions and as such Mr Bradshaw or Caroline Lucas MEP have not been informed. Ministers will be informed of the results of the trial once it is complete. Stakeholders will be updated at the stakeholder meeting to be held in early October and if Caroline Lucas MEP asks for an update on progress with the trial then we are more than happy to provide one.

Disposal at Souter site (Point 8)

We are unable to provide information on the amounts of material that remain at the Souter site as a result of disposal as it is a dispersive site and the intention is to avoid long term accumulation of material.

Change in Disposal Method (Points 9 & 10)

You are concerned that the method used to top up the capping material was not the same as that used in the original trial and that all the material which was disposed of did not settle on the disposal site. As I have already explained this further capping was not carried out under the capping trial licence and as such the conditions did not

apply. However the method used was based on experience gained from the original placement and Defra are content with the method used.

It has always been accepted that a degree of material will be lost to natural processes as a result of the deposition of the clean capping material however, we believe that due to the consolidated nature of the contaminated material it is unlikely that this material would disperse during its placement.

Monitoring (Point 11)

On the monitoring reports and Surveys which you requested we will gladly arrange for these to be sent to you once the final report has been received as I explained in my letter of 17 August. Be assured however that the initial findings of the report as set out in the minutes of the meeting of the 26 July suggest that there has been little change in the thickness of the capping material since the last round of monitoring despite the occurrence of a number of moderate storms.

On your final point any application to carry out a further confined disposal at sea of contaminated dredged material would only be considered once Defra and Ministers were satisfied that the trial disposal had met its objectives. Any future application for such a disposal operation is likely to be classed as a capital dredge and in any case would required an EIA to be carried out which would need to be advertised in the normal way.

If you require any further information do not hesitate to contact me.

Yours sincerely

Andy Dixon

Marine Consent and Environment Unit