All enquiries should be directed to:

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14/05/04

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.

On the 11th March 2004 I wrote to you expressing a number of concerns raised by the Members of North Eastern Sea Fisheries Committee relating to the above application. Specifically Committee Members requested evidence that BPEO and environmental impacts had been fully assessed, and that both post operational monitoring programmes and liabilities had been finalised.

Evidence was subsequently provided by the developer, Port of Tyne Authority, regarding BPEO and environmental assessments and further updates on post operational monitoring and liabilities were presented at the consultation meeting held in Newcastle on the 19th April 2004.

At a meeting of the full Committee held on the 27th April 2004 Members carefully considered the above application in light of the additional information provided by the Port of Tyne Authority and a further verbal update from the Chief Fishery Officer. Members voted unanimously to object outright to the above FEPA application submitted by the Port of Tyne Authority, the following grounds are cited:

- Committee Members note the strength of the economic arguments put forward by the Port of Tyne Authority for removal of the contaminated dock sediment but object in principle to its disturbance. The contaminants, particularly TBT remain, at present, confined within sediment and constrained within the dock areas. Resulting disturbance during removal will increase the risks of re-suspension and further estuary contamination despite the proposed control measures contained within the work plan.
- Committee Members do not believe that the technology involved in the process of capping contaminated dredge spoil, in the marine environment, is full proof, despite extensive trials in the United States and some European countries. Members believe that significant risks remain regarding release of contaminants during deposition onto the seabed and subsequent containment following capping.
- In the longer term, Committee Members do not believe that the integrity of the cap can be maintained due to a combination of environmental influences and disturbance caused by mobile fishing activity.

In summary, Committee Members have given careful consideration to the application and recognise the level of pre-assessment work and consultation conducted by the Port of Tyne, CEFAS and the Enviro Centre. Members believe, however, that the environmental and ecological risks associated with the trial are too great for the application to be supported.

Yours Sincerely,

David Thomas McCandless
Chief Fishery Officer