

APPENDIX E – MARINE LICENCE (PD TEESPORT LTD)

Andrew Ridley
PD TEESPORT LIMITED
CRAFT DEPOT
VULCAN STREET
MIDDLESBROUGH
TS2 1LX
Registered No.: 02636007

Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

marine.consents@marinemanagement.org.uk
0300 123 1032
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Date: 11th July 2013

Dear Mr Andrew Ridley,

**Marine and Coastal Access Act 2009
Application for a Marine Licence (Ref: MLA/2012/00493/1)**

The Marine Management Organisation (MMO), as the Licensing Authority, has now completed its consideration of your variation request dated 04 Dec 2012 for a variation to Marine Licence L/2013/00217 under Part 4 of the Marine and Coastal Access Act 2009 to undertake capital dredging and construction to improve the existing Tees Dock.

After careful consideration of all the evidence submitted to the MMO, a licence authorising the proposed marine activity is hereby attached with this letter.

Since this varied Licence constitutes a statutory consent, the terms and conditions set out therein must be complied with in full and are also binding upon any agent or sub-contractor who undertakes any activity to which it refers on your behalf. You are therefore advised to read the document carefully.

Acceptance of the Licence Terms & Conditions

I would like to draw your attention in particular to the requirement for the varied Licence Holder to confirm receipt and understanding of the terms and conditions of the varied Licence. Confirmation is to be sent to the MMO using the confirmation form which will be e-mailed to you shortly.

Your reply should reach us within 10 days of receipt of this notice and before the start of works, failing which the Licence shall cease to be of effect.

Appealing a decision

You may appeal within 6 months of the issue of this varied Licence against a decision made on your application. This can include an appeal against the inclusion of any provision within the varied licence or the length of licence granted. A notice of appeal should be sent to the Planning Inspectorate (PINS) who will then manage and decide any appeal against our decision.

A copy of notes for the guidance of persons wishing to appeal a licensing decision is

available on request.

Additional consents

I would further advise you that the issue of this varied Licence does not absolve you from seeking any other consents or approvals which may be required before you embark upon the works to which it refers. For example, Planning Consent is often necessary for works to be undertaken above the low water mark. In addition, agreement may be required from any land owner having proprietary rights over the seabed and foreshore; commonly the Crown Estate Commissioners. In some cases approval of the Environment Agency may also be necessary (e.g. where the works involve a discharge or have implications for flood defences).

Finally, if you have any queries or require clarification of any of the terms or conditions of the Licence, please do not hesitate to contact the undersigned.

Yours sincerely

Mr Kevin Marley
+44 (0)191 376 2697
Kevin.Marley@marinemanagement.org.uk

Marine Licence

Licence Number: L/2013/00217/1

This is a licence issued by the Marine Management Organisation (MMO) on behalf of the Secretary of State to the licence holder named below to carry out activities for which a licence is required under Part 4 of the Marine and Coastal Access Act 2009.

The licence is for licensable activities carried out as part of the project specified in Section 2 of this licence and is subject to the terms and conditions set out in this Licence.

Licence Holder

Name: PD TEESPORT LIMITED
Company Registration No: 02636007
Address: CRAFT DEPOT
VULCAN STREET
MIDDLESBROUGH
TS2 1LX

Licence Date:

Valid From 11th July 2013
Valid to: 31st March 2018

Date of issue: 11th July 2013

Mr Kevin Marley
+44 (0)191 376 2697
Kevin.Marley@marinemanagement.org.uk

Section 1: General

1.1 Interpretation

In this licence:-

- (a) "the Act" means the Marine and Coastal Access Act 2009.
- (b) "Licensable Activity" means any activity listed in s.66(1) of the Act and section 2.2 of this licence.
- (c) "MMO" means the Marine Management Organisation.
- (d) "Sea" means any area submerged at mean high water spring tide and the waters of every estuary, river or channel, so far as the tide flows at mean high water spring tide.
- (e) "Sea Bed" means the solid surface of the Earth which lies under the Sea.
- (f) "Dredging" means using any device to move material (whether or not suspended in water) from one part of the sea or sea bed to another part.
- (g) "Licensing Authority" means the Secretary of State.
- (h) "Vessel" means hovercraft, and any other craft capable of travelling on, in or under water, whether or not self-propelled.
- (i) "Location" and "Disposal Site" and "Disposal Sites" means those locations listed in section 2.4 of this Licence.
- (j) "Licence Holder" means the individual(s) and Organisation(s) named above to whom this licence is issued.
- (k) All times shall be taken to be Greenwich Mean Time (GMT).
- (l) All geographical co-ordinates contained within this Licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless stated otherwise.

1.2 Contacts

Except where otherwise indicated, the main point of contact with the MMO and the address for email and postal returns and correspondence shall be:-

**Marine Management Organisation
Marine Consents Team
Lancaster House**

**Hampshire Court
Newcastle upon Tyne
NE4 7YH**

**Tel: 0300 123 1032
Fax: 0191 376 2681
Email: marine.consents@marinemanagement.org.uk**

Any references to the Local District Marine Officer shall mean the relevant District Marine Officer in the area(s) located at:-

**Marine Management Organisation
Neville House
Central Riverside
Bell Street
North Shields
NE30 1LJ**

**Tel: 0191 257 4520
Fax: 0191 257 1595
Email: northshields@marinemanagement.org.uk**

1.3 Returns to be made to the MMO by the Licence Holder

Table 1, below, sets out the returns that the Licence Holder must make and the corresponding dates by which they must reach the MMO.

IMPORTANT: No operations licensed herein may start until the Licence Holder has notified the MMO in writing that it accepts the terms and conditions of this licence. The notification may be sent to the MMO by post or email, using the contact details set out above in section 1.2.

Table 1

Return No.	Return Description	Return Deadline
1	Licence Holder to accept terms and conditions of Licence.	Within 10 working days from licence Date of Issue.
2	Licence Holder to notify Local District Marine Officer of proposed start of works date.	No less than 5 working days before work is due to start.
3	Licence Holder to notify Local District Marine Officer of completion of works date.	Within 10 working days of completion of works.

1.4 Inspection of records etc.

The Licence Holder shall-

(a) Permit any person who is appointed by the MMO for the purpose to inspect, and make notes from, all books, papers, maps and other records of any kind kept by the Licence Holder in pursuance of this licence or in connection with activities associated with this licence.

(b) Furnish that person at reasonable times with such information and provide him at reasonable times with such reasonable assistance as he may request in connection with or arising out of an inspection in pursuance of this clause.

1.5 Rights of access

Any person or persons authorised by the MMO shall be entitled at all reasonable times to enter into and upon any of the Licence Holders installations, vessels or equipment used or to be used in connection with the activities authorised by this licence in accordance with Chapter 2, Part 8 of the Act.

1.6 Variation, suspension, revocation and transfer

(1) A licensing authority may by notice vary, suspend or revoke a licence granted by it if it appears to the authority that there has been a breach of any of its provisions.

(2) A licensing authority may by notice vary, suspend or revoke a licence granted by it if it appears to the authority that:

(a) In the course of the application for the licence, any person either supplied information to the authority that was false or misleading or failed to supply information, and

(b) If the correct information had been supplied the authority would have, or it is likely that the authority would have, refused the application or granted the licence in different terms.

(3) A licensing authority may by notice vary, suspend or revoke a licence granted by it if it appears to the authority that the licence ought to be varied, suspended or revoked:

(a) Because of a change in circumstances relating to the environment or human health;

(b) Because of increased scientific knowledge relating to either of those matters;

(c) In the interests of safety of navigation;

(d) For any other reason that appears to the authority to be relevant.

1.7 Force Majeure

If by reason of force majeure any substances or articles are deposited otherwise than at the Disposal Sites specified in section 5 of this Licence, below, then the full details of the circumstances must be notified to the MMO within 48 hours of the incident occurring. 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 otherwise than at the specified Disposal Sites because the safety of human life or the vessel is threatened.

1.8 Licence Conditions Binding Other Parties

All conditions attached to this Licence apply to any person who for the time being owns, occupies or enjoys any use of the works for which this licence has been granted in relation to those marine activities authorised under item 7 in section 66(1) of the Act.

Section 2: Project Details

2.1 Licence Categories

The category of works hereby licensed is: Construction.

2.2 Description of project

Project Title

Tees Dock No.1 Quay

Project Background

PDT is proposing to make improvements within the existing Tees Dock including the deepening and widening (capital dredging) of the berth at Tees Dock No.1 Quay, and resultant required strengthening reconstruction of the existing quay. These works are required to enable the reintroduction to No 1 Quay of the existing business operations that currently exist at Teesport and to facilitate the use of No.1 Quay by Mini-Cape size vessels (approximately 260m length, 40-45m beam and 13.5m draft) for the loading of steel slab from the Sahaviraya Steel Industries (SSI)-owned Teesside steelworks.

Programme of Works

It is anticipated that the full length of No.1 Quay (around 760m) will be reconstructed and deepened in phases, with each phase being completed as funding is made available by PDT.

The likely phases will comprise the following:

Phase 1: 2013 (290m length bents 53-87)

Phase 2: 2014 (280m length bents 22-53)

Phase 3: TBC (190m length bents 01-22)

2.3 Works Methodology

The works will be carried out using the following methodology:

Capital dredging

The following dredging operations are proposed as part of the scheme:

1. 'Tees Dock Additional Area' - requirement for capital dredging from approximately 9.5m BCD to 10.9m BCD;
2. 'Tees Dock No.1 Quay' and - capital dredging required from 10.9m BCD to provide a minimum maintained depth of 14.5m BCD
3. 'Tees Dock Water Area' - capital dredging required from 8.8m BCD to 10.9m BCD.

It is proposed that approximately **262,100m³** of material would be removed by the capital dredging.

Dredging plant

It is envisaged that the bulk of the dredging of these materials will be undertaken by a backhoe dredger (BD). There is the potential that a trailing suction hopper dredger (TSHD) may be used for some minor dredging to achieve the desired bed level following the dredging by the BD. All capital dredged material will be disposed at offshore disposal grounds in Tees Bay. Material dredged by the BD will be loaded into a split barge for transport for offshore disposal. The environmental implications of using these dredgers have been assessed and set out within the relevant chapters of this ES.

Disposal of dredged material

It is proposed that all material arising from the capital dredging will be disposed of at the existing offshore disposal site Tees Bay C, which is currently licensed for disposal of capital dredged material. Although disposal at sea is the preferred option, it is a requirement of the marine licensing process that other options to manage the dredged sediment (either onshore or offshore) are considered prior to allowing material to be disposed of at sea. No beneficial uses were subsequently identified for the material.

Construction

PDT intend to procure the new structure via a Design and Construct (D&C) contract. Final details of the new structure will be dependent upon the solution adopted by the successful D&C Contractor. However, it is envisaged that the final design will be based upon the following concepts:

Removal of the existing quay deck and beams, whilst leaving the post-tensioned cylinder piles in place (but not loaded);

Provision of a new suspended deck structure, constructed around the old cylinder piles left in place, comprising the following:

- o New vertical steel piled structure along the berth face, with a low-level retaining wall to retain the existing revetted slope above the deeper dredged berth pocket;
- o Vertical bearing piles providing main support to the new deck structure, in four lines behind the front retaining wall;
- o Precast reinforced concrete deck beams, supported by the new bearing piles;
- o Precast reinforced concrete deck planks, supported by the new deck beams;
- o Insitu reinforced concrete deck slab, supported by the new deck planks; and
- o New slope protection mattresses above the existing revetted slope.

2.4 Location

The Licence Holder, and any third parties specified in section 2.5 of this licence, may engage in the Licensed Activity at the following locations:

Construction

Tees Dock Water Area (WGS84) as defined by the following coordinates:

54°36.2985'N 01°09.5926'W
54°35.9900'N 01°09.0750'W
54°36.0224'N 01°09.0203'W
54°36.2854'N 01°09.4612'W
54°36.3302'N 01°09.5372'W
54°36.2985'N 01°09.5926'W

Substances or articles authorised for disposal at this location:

Tees Dock Additional Area (WGS84) as defined by the following coordinates:

54°36.3302'N 01°09.5372'W
54°36.2854'N 01°09.4612'W
54°36.3769'N 01°09.4554'W
54°36.3302'N 01°09.5372'W

Substances or articles authorised for disposal at this location:

Tees Dock No.1 Quay (WGS84) as defined by the following coordinates:

54°36.2584'N 01°09.5879'W
54°35.9709'N 01°09.1077'W
54°35.9900'N 01°09.0750'W
54°36.2759'N 01°09.5547'W
54°36.2584'N 01°09.5879'W

Substances or articles authorised for disposal at this location: Iron/Steel,
Concrete

Dredged Material Disposal (Source Material Locations)

total_dredge_area_v2_wgs84 (WGS84) as defined by the following coordinates:

54°36.2989'N 01°09.4923'W
54°36.4085'N 01°09.4619'W
54°36.3121'N 01°09.6204'W
54°36.2789'N 01°09.6143'W
54°36.2734'N 01°09.6052'W
54°36.2698'N 01°09.6117'W
54°36.1932'N 01°09.4835'W
54°36.0826'N 01°09.2984'W
54°35.9755'N 01°09.1194'W
54°35.9730'N 01°09.1129'W
54°35.9930'N 01°09.0774'W
54°35.9889'N 01°09.0706'W
54°35.9814'N 01°09.0400'W
54°36.0042'N 01°08.9995'W

54°36.2989'N 01°09.4923'W

Dredged Material Disposal (Disposal Sites). The Deposit Areas authorised under this licence are:

TEES BAY C (WGS84) as defined in Section 5

The Licence Holder or any Agent, Contractor or sub-contractor acting on their behalf under this licence is permitted to deposit the substances or articles specified in the table(s) below at this Deposit Area in quantities not exceeding the amounts specified.

Capital Dredging

Material	Location	Disposal Location	Total Quantity (Tonnes)
Clay (<31.25um)	total_dredge_area_v2_wgs84	TEES BAY C	

Period: 01-OCT-2013 - 28-FEB-2014

Material	Location	Disposal Location	Quantity (Tonnes)	Comments
Clay (<31.25um)	total_dredge_area_v2_wgs84	TEES BAY C		

2.5 Agents/contractors/sub-contractors

The third parties permitted to engage in the Licensed Activity are:

Name of Agent, Contractor or sub-contractor	Function
HASKONING UK LIMITED	Agent

2.6 Persons Responsible for the Deposit of the Substances or Articles

The operators, vessels and vehicles permitted to engage in the Licensed Activity are:

Name of Vessel or Vehicle Registration	Operator	Type(s)
None	None	None

The Master or the Officer of the Watch of each of these vessels and vehicles undertaking the Licensed Activity must maintain a written log of operations recording, in the English Language, the following information:

- (a) The name of the vessel.
- (b) The quantity and type of each substance or article loaded for deposit.
- (c) 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 Disposal Sites on each occasion that it proceeds to and from such area.
- (d) 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 course of any disposal element of the Licensed Activity being undertaken, which for the purpose of this Licence shall be the commencement of loading each consignment of material for deposit in the Sea to the completion placement of that material at the Disposal Sites.
- (e) The time taken to complete the disposal Licensed Activity operation and a statement of the reasons for any delays.
- (f) Courses and speeds together with any alterations throughout each consignment disposal (multiple changes may be recorded as "various").
- (g) The rate of deposit, together with any variations, throughout the disposal Licensed Activity.
- (h) Weather, Sea-state, wind and tidal set, and rate throughout the disposal Licensed Activity.
- (i) The signature of the Master at the foot of each log sheet or page of the record.

All deposit vessels are required to carry an Admiralty Chart of appropriate scale to be used in navigation on which the coordinates of the licensed Disposal Sites should be marked.

2.7 Distribution of copies

The Licence Holder must ensure that a copy of this licence and any subsequent revisions or amendments is given to all third parties listed in section 2.5, above, and the Masters of all vessels and transport managers responsible for the vehicles listed in section 2.6.

The Licence Holder must also keep a copy of this licence at:

HASKONING UK LIMITED

MARLBOROUGH HOUSE
MARLBOROUGH CRESCENT
NEWCASTLE UPON TYNE

NE1 4EE

Section 3: Licence Conditions

3.1 Prior to the Commencement of the Works

The Licence Holder must submit the pre-works returns specified in Table 1 of section 1.3, above.

- 3.1.1** The District Marine Office must be notified of the timetable of works/operations at least 10 days prior to any activities commencing. The District Marine Office must also be notified within 10 days of completion of the works.

Reason: In order to ensure that the MMO officer is aware of the operations at sea occurring within its jurisdiction in order to notify other sea users and can arrange enforcement visits as appropriate.

- 3.1.2** Prior to the commencement of any activities, the Licence Holder must submit a plan for the approval of the MMO regarding the protection of breeding birds. This plan will provide details of the pre-construction surveys to be undertaken, how mitigation measures will be assessed and a programme for shrub clearance.

Reason: In order to reduce impacts to breeding birds.

3.2 During the Works

- 3.2.1** The Licence Holder must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO, Marine Pollution Response Team within 48 hrs of an incident occurring.

Within Office hours 0870 785 1050

Outside Office hours 07770 977 825

At all times if other numbers out of order - 0845 051 8486

dispersants@marinemanagement.org.uk

Reason: In order to ensure that any spills are appropriately recorded and managed to minimise impact to sensitive receptors and general marine environment.

- 3.2.2** The Licence Holder shall ensure that any man-made material is separated from the dredged material and disposed to land.

Reason: In order to exclude the disposal at sea of man-made material such as shopping trolleys, masonry, paint cans etc.

- 3.2.3** The Licence holder must ensure that any coatings/treatments are suitable for use in the marine environment and are used in accordance with best environmental practice, (e.g. approved by Health and Safety Executive, Environment Agency Pollution Prevention Control Guidelines).

Reason: In order to ensure that hazardous chemicals that may be toxic, persistent or bioaccumulative are not released into the marine environment and are used appropriately.

- 3.2.4** The Licence Holder must install bunding and/or storage facilities to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment. i.e. secondary containment should be used with a capacity of not less than 110% of the containers storage capacity.

Reason: In order to prevent marine pollution incidents by adopting best practice techniques.

- 3.2.5** The Licence Holder must ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment. Concrete and cement mixing and washing areas should be contained and sited at least 10 metres from any watercourse or surface water drain to minimise the risk of run off entering a watercourse.

Reason: In order to avoid damage to the marine environment by contamination of concrete wash water, which is highly alkaline and contains high levels of suspended sediment

- 3.2.6** The Licence Holder shall ensure that soft-start procedures are used in piling works, to ensure incremental increases in pile power over a set time period, until fully operational power is achieved. The soft-start duration should be a period of not less than 20 minutes. Should piling cease for a period of time greater than 10 minutes, the soft start procedure must be repeated.

Reason: In order to allow mobile sensitive receptors to move away from the noise source and reduce the likelihood of exposing the animal to sounds which can cause injury.

- 3.2.7** The Licence Holder shall ensure that all piling activities are only undertaken between the hours of 06:00 and 22:00.

Reason: In order to reduce the risk of injury and disturbance to mammals and fish who transit through this area.

- 3.2.8** The Licence Holder must employ the use of a backhoe dredge to minimise resuspension of sediment during dredging operations. The use of a trailing suction hopper dredger is permitted in cases of minor dredging.

Reason: In order to prevent the mobilisation of contaminated sediment material.

- 3.2.9** If any findings of archaeological interest are made during the works, the Licence Holder must record the findings and inform the MMO within 72 hours.

Reason: In order to protect any unknown archaeological remains.

3.3 Conditions upon completion of the Works

- 3.3.1** The Licence Holder must ensure that any equipment, temporary structures, waste and/or debris associated with the works are removed within 6 weeks of completion of the works.

Reason: In order to prevent the accumulation of unlicensed materials/debris and the potential environmental damage, safety & navigational issues associated with such materials/debris.

- 3.3.2** The District Marine Office must be notified within 10 days of completion of the works.

Reason: In order to ensure that the MMO office is aware of the operations at sea occurring within its jurisdiction in order to notify other sea users, and can arrange enforcement visits as appropriate.

Section 4: Changes to this licence

Should the Licence Holder become aware that any of the information on which the granting of this licence was based has changed or is likely to change, they shall notify the MMO at the earliest opportunity.

Should the Licence Holder wish to undertake the Licensed Activity in a manner that is contrary to the terms and conditions of this licence they shall inform the MMO at the earliest opportunity and in any event shall not carry out the Licensed Activity in a manner contrary to the terms and conditions of this licence unless and until permission has been given by MMO.

Section 5: Disposal Sites

Dredged Material Disposal (Disposal Sites)

TEES BAY C (WGS84) as defined by the following coordinates:

54°41.8980'N 00°57.4020'W

54°41.4000'N 00°58.6980'W

54°42.3000'N 00°59.8980'W

54°42.5999'N 00°58.6020'W

54°41.8980'N 00°57.4020'W