

FOOD AND ENVIRONMENT PROTECTION ACT 1985 : PART II (AS AMENDED) -  
DEPOSITS IN THE SEA IN CONNECTION WITH MARINE CONSTRUCTION WORKS

**Licence 32823/08/1**

Marine Environment Team (hereinafter referred to as "the Licensing Authority") hereby authorises:

**Able U.K. Limited  
Able House  
Billingham Reach Industrial Estate  
Billingham  
TS23 1PX**

Company Registration No: **2079397**

(hereinafter referred to as "the Licence Holder") to deposit in the sea the substances or articles the particulars of which are set out at paragraph 1.1 of the attached Schedule. The Licence is subject to the conditions of use set out, or referred to, in the said Schedule.

This licence shall be valid from the beginning of the day of **12 March 2008**, (hereinafter referred to as the start date of this licence) to the end of the day of **02 March 2010**, (hereinafter referred to as the end or expiry date of this licence), and replaces licence 32823/08/0 and all the terms and conditions in the schedule associated with that licence.

For the purposes of this licence and attached schedule and unless indicated otherwise:-

- (i) all times shall be taken to be Greenwich Mean Time (GMT), and,
- (ii) all co-ordinates shall be taken to be latitude and longitude degrees and minutes to two decimal places.

Signed:

Marine Environment Team

for and on behalf of the Licensing Authority

Date of issue: 11 March 2008

The Licence Holder is urged to read carefully all the conditions and requirements of this Licence which are set out in the Schedule. You should acknowledge receipt of this licence and confirm that you have understood its term by signing and returning Form FEP 14 within 28 days of the date of issue of this licence

**1. Particulars of the deposit**

- 1.1 The type of works for which the deposit of the substances or articles as specified in paragraph 1.4 of this Schedule are :

**Quay / Wharf  
Outfall**

- 1.2 Details of the works requiring the deposit of the substances or articles as specified at paragraph 1.1 of this Schedule are:-

**Reconstruction of Quays 1, 10 and 11 at Seaton Port TERRC facility, River Tees including the installation of steel sheet piling along a 125 m section of Quay 1, a 333 m section at Quay 10 and a 170 m section at Quay 11 as described in Able UK Ltd's application of 7 February 2005 to the Department.**

- 1.3. Such works are as detailed in the drawing(s) and sectional plan(s) detailed below which were submitted in support of your application to the Licensing Authority of 07 February 2005

**A shown in drawing nos. SP/HG/004/05/02/029/04/RO, 030/04/RO, SP/GH/0/04/12/117 and 118 submitted with the application.  
TERRC Environmental Statement dated November 2005 and Supplementary Documents dated January 2006 and May 2006.  
TERRC Environmental Statement (Consolidated) dated June 2007.  
Drawing 72890/033 dated 22 November 2007 - Quays 10 & 11.  
Drawing 72890/026 dated 30 November 2007 - Quay 1.  
Drawing 72890/041 dated 22 November 2007 - Quays 10 & 11 Power Station Wall.  
Drawing TC-02190A dated 2 January 2008 - Site Location Plan.**

- 1.4 The substances or articles authorised for deposit at sea are:

**Iron / Steel  
Concrete**

- 1.5. The Licence Holder and any Agent and Contractor acting on their behalf is permitted to deposit the substances or articles specified at paragraph 1.4 of this Schedule, at the following location(s):

**SEATON CHANNEL, QUAYS1,10,11 R TEES**

<b>54 37.995 N</b>	<b>01 11.237 W</b>	<b>NZ5245626774</b>
<b>54 38.007 N</b>	<b>01 10.939 W</b>	<b>NZ5277626801</b>
<b>54 37.993 N</b>	<b>01 10.881 W</b>	<b>NZ5283926775</b>
<b>54 37.943 N</b>	<b>01 11.252 W</b>	<b>NZ5244126677</b>
<b>54 37.927 N</b>	<b>01 11.362 W</b>	<b>NZ5232326646</b>
<b>54 37.914 N</b>	<b>01 11.393 W</b>	<b>NZ5229026623</b>
<b>54 37.858 N</b>	<b>01 11.331 W</b>	<b>NZ5235826519</b>
<b>54 37.870 N</b>	<b>01 11.299 W</b>	<b>NZ5239226541</b>

- 1.6. The works shall be carried out in accordance with the works schedule and method statement as detailed in the following:

**Construction works will commence in the dock entrance at the corner of Quays 9 and 10 and continue towards Quay 11. Concurrently steel piling will be undertaken along Quay 1 with works to bring the quay level with to the top of the piling. From the new dock entrance, piling will extend eastwards towards Quay 11, to finish adjacent to the British Energy Power Station**

cooling water intake. Existing sheet piling to the west shoreline of the intake will also be reinforced. The new sheet piling which forms the shoreline defence will be installed to a maximum height of 5 metres AOD. Any new sheet piling installed to reinforce the British Energy frontage will be installed at a full tide height and to a maximum of 5 metres AOD. Mooring bollards will be installed.

A detailed Method Statement supplied by Able (UK) Ltd is attached at Annex 1 to this Licence.

## 2. Persons Responsible for the Deposit of the Substances or Articles

- 2.1. The Agents and Contractors permitted to engage in activities subject to the terms and conditions of this licence are:-

<u>Name of Agent or Contractor</u>	<u>Function</u>
<b>Able UK Ltd</b>	<b>Construction Contractor</b>

- 2.2 The following operators and vessel(s) or vehicle(s) are permitted to engage in activities subject to the terms and conditions of this licence are:

<u>Name of Vessel or Vehicle Registration</u>	<u>Operator</u>	<u>Type</u>
<b>Tug Boat Construction Barge</b>	<b>Griffin Towage Able UK Ltd</b>	<b>TUG BARGE</b>

## 3. Distribution of copies of this Licence 32823/08/1

- 3.1 The Licence Holder is required to ensure that a copy of this licence **32823/08/1** and attached Schedule, any special conditions and any subsequent revisions or amendments thereto is given to:

3.1.1. All Agent(s) and Contractor(s) as detailed at paragraph 2.1; and

3.1.2 The Masters of all vessels and transport managers responsible for the vehicles employed in the pursuance of this Licence **32823/08/1** and detailed at paragraph 2.2.

- 3.2 Copies of this Licence **32823/08/1** shall also be available at the following locations :

3.2.1 at the address of the Licence Holder;

3.2.2 at any site office, located at or adjacent to the site of the works, used by the Licence Holder, agent(s) or contractors(s) responsible for the loading transportation or deposit of those substances or articles detailed at paragraph 1.2.1 of this Schedule; and,

3.2.3 on board each vessel or at the office of any transport manager with responsibility for vehicles from which licensed deposits are to be made.

## 4. Inspection of the Operation

- 4.1 The documents referred to in paragraph 3 shall be available at all reasonable times for inspection by an authorised Enforcement Officer at the locations stated in that paragraph.

- 4.2 The Licence Holder must advise the Licensing Authority and District Inspector of Fisheries (being a designated officer responsible for enforcement of this Licence) 5

working days before the licensed operation, or an individual phase of the operation is expected to commence.

**5. Returns to be made to the Licensing Authority**

- 5.1 The Licence Holder is required to acknowledge receipt of this licence **32823/08/1** and confirm that you have understood its term by signing and returning Form FEP 14 within 28 days of the date of issue of this Licence. No operations permitted under the terms of this licence **32823/08/1** shall commence until the FEP 14 form has been signed and returned to the Licensing Authority.
- 5.2 All persons referred to at paragraph 2.1 and 2.2 of this Schedule shall provide an acknowledgement, using Form FEP 13, of their receipt of this licence **32823/08/1** and their understanding of all the conditions specified therein to the Licensing Authority within 28 working days of the start date of this Licence **32823/08/1** or prior to engaging in any activity to which this Licence relates, whichever is the sooner.
- 5.3 Only those Agent(s) or Contractor(s) whose names appear at paragraph 2.1 and the vessel(s) and operator(s) whose names appear at paragraph 2.2 may operate under the terms of this Licence **32823/08/1** . Any changes must be notified to and be approved by the Licensing Authority in writing prior to operating under this Licence **32823/08/1** .

**6. Contacts**

- 6.1 Except where otherwise indicated, the primary point of contact with the Licensing Authority and the address for returns and correspondence shall be:-

**Marine and Fisheries Agency  
Marine Environment Team  
Area 6B  
3 - 8 Whitehall Place,  
London SW1A 2HH**

**Tel: 020 7270 8666/8659/8698**

- 6.2 For the purposes of this Licence **32823/08/1** any references to the Local District Inspector of Fisheries shall mean the relevant District Inspector in the area(s) located at:-

**Marine Fisheries Agency  
Fisheries Office  
Neville House  
Central Riverside  
Bell Street  
North Shields  
Tyne & Wear  
NE30 1LJ**

**Tel: 0191 257 4520**

- 6.3 For the purposes of this Licence **32823/08/1** any references to the Centre for Environment, Fisheries, and Aquaculture Science (CEFAS) shall mean:-

**Centre for the Environment, Fisheries, and Aquaculture Science  
(CEFAS),  
The Laboratory  
Remembrance Avenue  
Burnham-on-Crouch  
Essex CM0 8HA**

**Tel: 01621 787200**

**7. Force Majeure**

- 7.1 If, by reason of "force majeure" the substances or articles specified at sub-paragraph 1.4 of this Schedule, are deposited otherwise than in the area authorised by this licence at paragraph 1.5, full details of the circumstances shall be notified to the Licensing Authority 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 because the safety of human life and/or of the vessel is threatened.

**8. Changes to this licence**

- 8.1 In the event of the Licence Holder becoming aware that any of the information on which the granting of this licence **32823/08/1** was based has changed or is likely to change, he/she shall notify the Licensing Authority at the earliest opportunity of the details.
- 8.2 Similarly in the event that the Licence Holder wishes any of the particulars set down in the Schedule to be altered he/she shall inform the Licensing Authority at the earliest opportunity. The terms and conditions of this Licence apply until such time as they may be varied by the Licensing Authority.

**9. Supplementary Conditions**

- 9.1 The Licence Holder must ensure that any equipment, temporary works and/or debris associated with the works are removed from the foreshore/seabed upon completion of the works.
- 9.2 The Licence Holder must ensure that all reasonable precautions are taken to prevent wet concrete coming into contact with the marine environment.
- 9.3 Suitable bunding, storage facilities etc. should be employed to prevent the release of fuel oils, lubricating fluids etc. associated with the plant and equipment into the marine environment.
- 9.4 The Licence Holder must ensure that best environmental practice is undertaken to minimise the resuspension of sediments during these works.
- 9.5 The Licence Holder must ensure that no piling works are carried out within the period 2 hours either side of low tide during the period June - August and November to February.
- 9.6 The Licence Holder must ensure that all piling operations adopt 'soft start' procedures at all times.
- 9.7 The Licence Holder must ensure that in addition to the initial licence charge paid with the application relating to this licence, the Licence Holder shall pay further annual instalments of the licence charge in respect of the second period of twelve months of the licence. Payment of each annual instalment shall be due and be made to the Licensing Authority 28 days prior to the anniversary of the original start date of this licence.
- 9.8 The Licence shall be deemed to become invalid and shall be liable to be revoked in the event that the Licence Holder fails to make full payment of each annual instalment of the licence charge within a period of 28 days following the respective due date for payment.
- 9.9 The Licensing Authority reserves the right to seek a further variation charge in the event that the licence holder requests any significant change to the work or the working methods to which this licence applies, or to its terms and conditions. Should the licence holder seek to make changes to the terms and conditions of this licence or to the work to which it relates which in the opinion of the licensing authority will require it to be substantially re-assessed, the Licensing Authority may seek to revoke this licence and request a revised application.

**EXPLANATORY NOTES**

This page does not form part of this licence **32823/08/1** or its associated schedule but the licence holder is recommended to read the following guidance notes.

1. The granting of this licence **32823/08/1** does not absolve the Licence Holder from obtaining such other authorisations, consents and approvals which may be required under any other legislation, controls or regulations.
2. Under Section 8 of the Food and Environment Protection Act 1985, the Licensing Authority may vary or revoke this Licence **32823/08/1** if it appears to the Authority that the Licence Holder is in breach of any conditions in it or for any other reason that appears to the Authority to be relevant.
3. A person who makes a deposit, or causes a deposit to be made, at sea in contravention of the conditions specified in this licence **32823/08/1** may be found guilty of an offence under Section 9(1) of the Food and Environment Protection Act. It is a defence under Section 9(3) of the Act for a person charged with such an offence to prove that the operation was carried out for the purpose of securing the safety of the vessel or of saving life ("force majeure") and that he/she took steps within 48 hours following the incident to send full details of the incident including those relating to the operation, the locality and the circumstances in which it took place and the substances or articles concerned, to the Licensing Authority (see paragraph 6 of the schedule).
4. If the works authorised by this Licence **32823/08/1** are unlikely to be completed by the expiry date of this licence, the Licence Holder should apply for a replacement licence at least 10 weeks prior to the expiry date of this Licence

This is an annex to the schedule of Licence 32823/08/1

The Able (UK) Ltd TERRC Facility Method Statement is attached as a separate document to the schedule of this Licence as Annex 1.

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