

Mr G Wheeler
ABLE (UK) Ltd
Able House
Billingham Reach
Industrial Estate
Billingham
Cleveland
TS23 1PX

Our ref: 32717/08/0
DC 7274

Date: 20/05/2008

Dear Mr Wheeler

FOOD AND ENVIRONMENT PROTECTION ACT 1985 (As Amended)
LICENCE FOR THE DEPOSIT OF WASTE AT SEA: 32717/08/0

**Disposal of dredged material from Seaton Channel, the Holding Basin
and Quays 10/11 of the TERRC Facility, River Tees.**

The Agency has completed its consideration of your application dated 02/12/2004 for a licence under Part II of the Food and Environment Protection Act 1985 (FEPA) to deposit waste at sea, and I enclose your licence herewith.

As part of determination process, a number of bodies were consulted for their views on your application. Whilst your application was for the disposal of dredged material, concern was expressed over the potential impact of the dredging works on the nearby sites of European nature conservation interest.

Under the Conservation (Natural Habitats &c.) Regulations 1994, an Appropriate Assessment was carried out by the Competent Authorities that recommended a number of mitigation measures, specifically:

- Avoid capital dredging during the critical spawning period of February and March;
- No dredging may take place within the period 2 hours either side of low water during the period November to February to minimise disturbance to birds during the winter period.

Since the 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 but I would draw your attention in particular to:

- a. Condition paragraph 5.2 - the masters' and agents' confirmation of receipt and understanding of the terms and conditions of the licence should be submitted to this office, using the enclosed forms, by
- b. Condition paragraph 5.3 - Disposal returns (using forms FEP/7 enclosed) must be submitted at the intervals shown on the licence. If the period covered includes a month during which the licence was renewed or varied then the amount deposited under each licence must be entered;

Under Section 8(12) of the Act, you may request, within 28 days of the issue of this licence, that the Department, as licensing authority, gives you notice in writing of the reasons for the inclusion of any provision in it. For its part, the licensing authority is obliged to comply with this request within 28 days of receiving it.

Should you wish to make formal representations then you must do so within 28 days of receipt of the aforesaid notice. A copy of notes for the guidance of persons making representations is available on request from the licensing authority

I would advise you that the issue of this 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. Approval from the local harbour authority may be required as well as agreement of 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 me.

Yours sincerely

Brian Hawkins
Marine Environment Team



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