



Marine and Fisheries Agency, 3-8 Whitehall Place, London, SW1A 2HH  
Telephone: Fax: **020 7270 8709** Email: **marine.consents@mfa.gsi.gov.uk**  
Website: [www.mfa.gov.uk](http://www.mfa.gov.uk)

Able U.K. Limited  
Able House  
Billingham Reach Industrial Estate  
Billingham  
TS23 1PX  
Attn: Mr G Wheeler

Our ref: 32823/08/0 /  
DC 7348  
Date: 28/02/2008

Dear Mr Wheeler

**FOOD AND ENVIRONMENT PROTECTION ACT 1985 (AS AMENDED)  
LICENCE TO UNDERTAKE CONSTRUCTION WORKS (REF 32823/08/0)**

**TERRC FACILITY – RECONSTRUCTION OF QUAYS 1, 10 & 11**

I am pleased to advise you that the Agency has completed its consideration of your application for the reconstruction of Quays 1, 10 and 11 at the Teeside Environmental Reclamation and Recycling facility (TERRC) at Seaton Port on the River Tees submitted by Able (UK) Ltd under Part II of the Food and Environment Protection Act 1985. A licence authorising the deposit of materials solely in relation to these works are enclosed with this letter.

As required under the Conservation Regulations 1994, an Appropriate Assessment of the complete TERRC proposal was undertaken since it was considered that the full scheme would be likely to have a significant effect on the designated Teesmouth & Cleveland Coast Special Area of Conservation (SPA) and Ramsar site. The qualifying features affected are:

- Supports populations of European importance of the following species, listed on Annex 1 of the EU Birds Directive: Little Tern, 37 pairs representing at least 1.5% of the breeding population in Great Britain; sandwich tern, 2,190 individuals representing at least 5.2% of the population in Great Britain on passage migration.
- Supports populations of European importance of the following migratory species: Ringed Plover, 634 individuals on passage migration, representing at least 1.3% of the Europe/Northern Africa wintering population; Knot, 4,190 individuals representing at least 1.2% of the wintering North-eastern Canada/Greenland/Iceland & North-western Europe population; Redshank, 1,648 individuals

representing at least 1.1% of the wintering Eastern Atlantic population.

- Over winter, regularly supports 21,406 individual waterfowl including Sanderling, Lapwing, Shelduck, Cormorant, Redshank and Knot.

In conducting the Appropriate Assessment the licensing Authority, in consultation with other Competent Authorities and its advisors, considered that the reconstruction of Quays 1, 10 & 11 in combination with the other applications at the TERRC site could result in adverse impacts to the integrity of the designated nature conservation sites. However, the licensing authority has also had regard to the proposed mitigation measures to reduce these adverse impacts. Provided the full mitigation measures are applied, it is the licensing authorities conclusion that there will be no overall adverse to the nature conservation site.

Accordingly, in determining this application, and taking into account other applications made by Able (UK) Ltd in relation to the TERRC site, the licensing authority has agreed to grant a licence to Able (UK) Ltd, reference 32823/08/0, for the reconstruction of Quays 1, 10 & 11. The issue of this licence is dependant upon the mitigation measures proposed by Able (UK) Ltd for the whole of the TERRC site being implemented. The licence also includes conditions to minimise the impact of these specific works and the environment.

Since this 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 the requirement for the licence holder formally to confirm receipt and understanding of the terms and conditions of the licences, using the enclosed forms, within one month of their receipt.

Under Section 8(12) of the Act, you may request, within 28 days of the issue of a consent, that the Agency, as licensing authority, gives you notice in writing of the reasons for the inclusion of any provision within the licence. 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 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 further 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 Agency under the Coast Protection Act 1949, or 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 Consents Manager**  
**Marine Environment Team**



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