



Mr Mark Pearson  
Group Projects Director  
PD Ports  
(by email only)

Our reference: EIA/2017/00041

12 December 2017

Dear Mr Pearson,

**Ref: EIA/2017/00041 – Northern Gateway Container Terminal**

Additional comments were received during the scoping consultation in relation to the proposed extension of the Teesport Harbour Revision Order 2008 (the Order).

The Marine Management Organisation (MMO) consider the following comments to be outside the scope of considerations relevant to the proposed time extension for the Order.

Any development will also require a marine licence from the MMO which will be subject to a further application, the following comments should therefore be considered when submitting any application for a marine licence.

Topic Category	Comment
Marine ecology	The development should not encroach either physically, or via its associated infrastructure (roads, drains etc.) into the intertidal environment. There should be no net loss of habitat. When encroachment is shown in plans for any new works, considerable justification for this, together with details of mitigation and compensation would need to be included.
Marine ecology	The decision regarding whether further benthic ecology survey is needed should be based on the suitability of more recent data (e.g., that identified from 2014) to allow an appropriate comparison with those acquired during 2006. For example, if the spatial representation of new data is not sufficient or relevant then this would dictate that additional contemporary, fit-for-purpose data should be acquired through targeted survey work.
Coastal protection and flood defence	A Flood Risk Assessment (FRA) must also be submitted alongside any subsequent planning application in order that flood risk is given due diligence as part of the application process.
Coastal protection and flood defence	If there is any proposed works on or near a main river, on or near a flood defence structure, in a flood plain or on or near a sea defence you may need to apply to the Environment Agency



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	<p>(EA) for a Flood Risk Activity Permit. For more information, please follow the link below.  <a href="https://www.gov.uk/guidance/flood-risk-activities-environmental-permits">https://www.gov.uk/guidance/flood-risk-activities-environmental-permits</a></p>
Alternative use of dredged material	<p>Any future raising of land levels within the proposed terminal site, other than the landside elements that have commenced, as a result of reusing dredged material, may require an Environmental Permit under the Environmental Permitting (England and Wales) Regulations 2010 from the EA, unless a waste exemption or a "cut and fill" operation applies. A Waste Recovery Plan may need to be submitted prior to an Environmental Permit application being submitted, which details the land raising scheme and the proposed environmental measures that will be put into place. EA Guidance on the re-use of dredging materials may be found on the GOV website, while any treatment on-site will require a Mobile Plant Permit. The applicant is advised to contact <a href="mailto:NE-Waste@environment-agency.gov.uk">NE-Waste@environment-agency.gov.uk</a> to discuss any potential permitting issues.</p> <p>If any controlled waste is to be removed off site, then the site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably permitted facility. Any offsite waste used in the land raising is to be similarly conveyed and waste soils are to be correctly assessed and classified prior to import.</p> <p>The developer must apply the waste hierarchy in a priority order of prevention, reuse, recycling before considering other recovery or disposal options. Government Guidance on the waste hierarchy in England is at:  <a href="http://www.defra.gov.uk/publications/files/pb13530-waste-hierarchy-guidance.pdf">http://www.defra.gov.uk/publications/files/pb13530-waste-hierarchy-guidance.pdf</a></p> <p>Other environmental issues to consider include the impact on other businesses and operators. Odours may arise from the storage and re-use of dredged material, while the land raising works may involve increased dust, noise and traffic.</p>
Waterbirds, seabirds and European sites	<p>A Habitats Regulations Assessment will need to be submitted and reviewed prior to any works being consented.</p>
Waterbirds, seabirds and European sites & Fisheries resource	<p>The works to the watercourse should not be undertaken between the start of October and the end of April in any given year and if works are carried out between March and September, in any given year, a Silt Mitigation Plan must be in place and/or an appropriate water quality monitoring programme must be implemented in accordance with any scheme previously agreed with the EA.</p>
Water quality	<p>A full Water Framework Directive (WFD) assessment must be submitted and reviewed prior to any works being consented. The disturbance of sediments and potential release of contaminants</p>

	(priority substances) should be assessed within this. It is recommended that the EA is consulted with regards to the WFD assessment.
Marine and sediment quality	Disposal at sea will be subject to a marine licence and new samples and analysis of the dredge material may be required to assess the suitability of the material for disposal at sea. Sampling for a disposal licence should be designed through consultation with the MMO (and Cefas) via the pre-application licencing process. A regime of sediment sampling will be required to support a marine licence application for at sea disposal of the dredged material.
Noise and vibration and air quality	The MMO support the adoption of a 'soft-start' approach to any marine piling which occurs during construction. The highly audible percussive piling, in particular, has the potential to disturb, displace, injure or kill fish and marine mammals within the area. The Joint Nature Conservation Committee have guidance for the 'soft-start' approach to marine piling. The MMO would support the use of Auger Piling, as the noise and vibration disturbance is much lower than caused by other piling methods, such as percussive piling.
Noise and vibration and air quality	Underwater noise and vibration arising from the construction works, particularly the quay wall, should be revisited/reviewed as part of the environmental assessment works proposed to support the extension to the 2008 Harbour Revision Order and the potential impacts on sensitive marine receptors should be assessed.
Noise and vibration and air quality	The MMO recommend that underwater noise and vibration is considered, in line with the finalised construction activities, timings of works and updated baseline information (if applicable).
Noise and vibration and air quality	The ES concluded that the proposed development for fish populations is expected to be of negligible significance, with no overall effect on the estuarine populations of fish expected as a result of construction (as fish would be expected to move away from the noise source). No mitigation measures were proposed (see pages 389-391). The same was concluded for seals, although, the focus of the assessment seems to be on airborne noise more so than underwater noise. The MMO recommend that as part of the assessment, potential mitigation measures are also reviewed.
Fisheries resource	It is not clear whether the proposed SEIR will consider any impacts specifically related to underwater noise.
Fisheries resource	As piling is expected to be required for the construction of the quay wall, the MMO would expect that underwater noise and vibration arising from the construction works will be reviewed and the potential impacts on sensitive fish receptors assessed.
Fisheries resource	The final construction programme should be confirmed. This will help inform if any mitigation is required, e.g. for fish receptors.
Biosecurity	A biosecurity plan is expected to ensure best practice is used throughout the development.

Yours Sincerely

A handwritten signature in dark ink, appearing to be 'JB' followed by a stylized flourish.

Jayne Burns  
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