

Fern Skeldon
Marine Management Organisation
PO Box 1275
Newcastle upon Tyne
NE99 5BN

Our ref: NA/2021/115294/02-L01
Your ref: MLA/2020/00506
Date: 29 June 2021

Dear Fern

SOUTH BANK QUAY - PHASE 1 WORKS COMPRISING OF DEMOLITION, CAPITAL DREDGING, OFFSHORE DISPOSAL OF DREDGED MATERIAL, PLACEMENT OF ROCK IN THE BERTH POCKET AND CONSTRUCTION AND OPERATION OF NEW QUAY. (ADDITIONAL INFORMATION RECEIVED 21/05/21). LAND AT SOUTH BANK WHARF, GRANGETOWN, LACKENBY.

Thank you for re-consulting us on the above marine licence application which we received 21 May 2021.

Environment Agency position

We have reviewed the supplementary information received and wish to **remove our objection**, dated 22 February 2021, subject to a **CONDITION**.

Condition – Water Quality Monitoring

The piling and dredging activities approved by this licence may not commence until such a time as a scheme of monitoring has been submitted to, and approved in writing by, the Marine Management Organisation. The scheme shall include:

- Baseline assessment prior to commencement.
- Programme to monitor dissolved oxygen levels and turbidity
- Programme of post-implementation monitoring

The scheme shall be fully implemented and subsequently adhered to in accordance with the timing/phasing arrangements embodied within the scheme, or any details as may be subsequently agreed, in writing by, the MMO.

Reason

The applicant wishes for there to be no restrictions to piling and dredging operations. A condition to monitor impacts to water quality during construction would a suitable compromise.

Atlantic Salmon are an internationally important protected species, which are currently at risk of decline. The EA has a duty to maintain, improve and develop all salmon, trout, lamprey, smelt and freshwater fisheries, under the Salmon and Freshwater Fisheries Act, 1975 (SFFA) as modified by the Marine and Coastal Access Act, 2009. We discharge these responsibilities alongside our overarching duties to further conservation, promote



sustainable development and water based recreation.

As temperature increases during the summer months, water becomes much less soluble to oxygen and as such the risk of hypoxia to fish increases. During the summer months, not only is this the most likely time for dissolved oxygen to be naturally low, but also when the salmon's metabolic rate is at its highest and demand is greatest. If at all possible the months of July and August should be avoided.

This condition would also ensure that the conclusions drawn in the supplementary report are realised in respect to elevated concentrations of suspended solids.

Beyond this, we wish to offer the following additional comments:

Dissolved Oxygen monitoring – Advice to MMO/Applicant

We have suggested a condition that would allow the applicant to submit a bespoke programme for consideration. Our preference for dissolved oxygen monitoring is that monitoring is carried out between 1 July and 1 September inclusive, where activities are being carried out, and this should be monitored prior to dredging activity and during dredging activity at regular intervals. We would respectfully request that this is shared with the Environment Agency as this would greatly help to build a better understanding of the impacts of dredging activity in the Tees.

If a drop of 1mg/l of dissolved oxygen is observed, then operations causing that effect should temporarily pause for a period of 6 hours (a tidal cycle) or until the reading returns to the previously observed level.

Loss of intertidal habitat and impacts to juvenile fish – Advice to MMO/Applicant

The supplementary information has acknowledged the project would result in a loss of habitat. We were pleased to see the level of work gone into this, particularly in the beam trawl and fyke nets, which has shown the importance of the intertidal zone and the importance of the wooden structures for juvenile fish. It is important to note that the survey was completed in November and during the summer months it is likely that it would show other fish species utilise the area.

We understand, with exception to the inclusion of vertipools, that it is not likely that further on-site mitigation can be achieved to compensate for this loss of habitat. It would be preferable if the MMO were able to condition the requirement of mitigation off-site but we appreciate that there may be no mechanism for this in the marine planning system. We are aware that the wider losses of habitat linked to the development in the South Tees area would be included in the South Tees Environment and Biodiversity Strategy. The requirement for this is already conditioned to the terrestrial application for this development; on this basis we are happy to defer this matter to this condition and will work closely with the applicant to ensure this is achieved.

Flood Risk – Advice to MMO

Due to the minimal flood risk associated with the proposed works; the Environment Agency will not be requesting the applicant to apply for an Environmental Permit under the Environmental Permitting Regulations 2016 in addition to the marine license for this section of work.



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Should you require any additional information please don't hesitate to contact me.

Yours faithfully

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