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Mr Mark Pearson  
Group Projects Director  
PD Teesport Ltd  
Vulcan Street  
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(by email only)

Our reference:DC10120

1 May 2018

Dear Mr Pearson,

**PD TEESPORT'S APPLICATION UNDER ARTICLE 6 THE TEESPORT HARBOUR  
REVISION ORDER 2008 FOR A TEN YEAR EXTENSION TO THE PERIOD FOR  
COMPLETION OF THE WORKS**

**THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007,  
AS AMENDED ("THE 2007 REGULATIONS")**

**Introduction**

An application was received on 4 September 2017 under article 6 of S.I. 2008 No. 1160, the Teesport Harbour Revision Order 2008 ("the Order"), to the Marine Management Organisation ("MMO") by PD Teesport Ltd for a 15 year extension (subsequently revised on the 19 December 2017 by the applicant to a 10 year extension) to the period of time for completion of the works authorised by the Order.

Article 6 prescribes the following:

*"Period for completion of works*

*6. –(1) subject to paragraph (2), if the works are not completed within ten years from the coming into force of this Order or such extended time as the Secretary of State may on the application of the Company allow, then on the expiration of that period or such extended time (as the case may be) the powers by this Order granted to the Company for making and maintaining the works shall cease except as to so much thereof as is then substantially commenced.*

*(2) Nothing in paragraph (1) shall apply to any works carried out under paragraph (3) of article 3 (Power to construct works) or article 5 (Subsidiary works)."*



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## **Background**

The works authorised by the Order constitute a deep sea container terminal at the River Tees, Redcar and comprise capital dredging, construction of a new quay wall, reclamation and the disposal of dredged material.

PD Teesport Ltd remain convinced of the need for direct deep sea container capacity at Teesport. However PD Teesport considers that the recession has led to a downturn in demand in the short term such that it is now envisaged that the authorised works will not be completed within the timescale currently permitted.

## **Process undertaken for extension of the Order**

The power to grant an extension of time has been delegated by the Secretary of State to the MMO under an agreement made under Section 14 of the Marine and Coastal Access Act 2009.

Environmental Impact Assessment (“EIA”) consent is required under the 2007 Regulations as the application for an extension of time falls within paragraph d (iii) of the definition of regulatory approval in the 2007 Regulations.

Pursuant of Regulation 8 of The 2007 Regulations, the MMO determined that that the proposed works fell under Schedule A2 of the Regulations on the assessment of the effects of the project on the environment, specifically:

*Paragraph 63 – Construction of harbours and port installations including fishing harbours (unless included in Schedule A1)*

*Paragraph 89 - Any change to or extension of development of a description listed in paragraphs 1 to 87 of this Schedule where that development is already authorised, executed or in the process of being executed.*

Following consultation with advisors, the MMO provided a Scoping Opinion on 12 December 2017 to PD Teesport Ltd to inform the content of an Environmental Statement (“ES”) Addendum, in order to update the content of the original ES (which informed the original Teesport Harbour Revision Order 2008) and consider the environmental impacts of a 10 year extension.

PD Teesport provided this information in the form of a Supplementary Environmental Information Report (“the ES 2018 addendum”) on 11 January 2018. The ES 2018 addendum, updated underwater noise assessment, Archaeological Written Scheme of Investigation, Transport Statement and Water Framework Directive assessment were sent to MMO’s statutory consultees for a consultation period of 42 days.

The extension request was publicised by means of an advert being placed in two local papers, The Gazette and the Northern Echo on 29 January and 5 February 2018, starting a 42 day public consultation period. No objections to the application for the 10 year extension were received in this period from the public or statutory consultees.

## **MMO Decision**

Having considered the application for an extension and following its favourable EIA consideration and determination, the MMO sees no reason to refuse the application for a 10 year extension to the period of time for completion of the works authorised by the Order. Accordingly the MMO is content to grant PD Teesport Ltd a 10 year extension to the Order which begins on 8 May 2018 and ends on 7 May 2028.

It must also be noted that the works authorised by the Order are subject to a marine licence being granted by the MMO under the Marine and Coastal Access Act 2009. Any such marine licence application may also be subject to further EIA assessment and determination at the time of application.

A handwritten signature in black ink, appearing to read 'Trudi Wakelin', with a stylized flourish at the end.

Trudi Wakelin  
Director of Marine Licensing

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