



ENGLISH HERITAGE

Sustainable Marine Development & Climate Impacts Team
Area 2/D
Nobel House,
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London,
SW1P 3JR

Our ref: Defra/

29th October 2010

Dear Sir/Madam,

Contaminated dredged material in ports and marinas – a decision framework for assessment options and treatment of contaminated dredged materials – for comment

Thank you for the invitation to offer comment on ‘A Decision Framework for Assessing the Options for the Disposal and Treatment of Dredged Material.’

We offer the following responses to the questions relevant to our interests and responsibilities for the historic environment of England (including the English area of the UK Territorial Sea) as provided by the National Heritage Act 2002.

Section 1 - Introduction

Q1 - Do you have any comments on this approach?

In reference to Section 1.2 Legislation - we note that the 2nd paragraph on page 20 of the documents states – ‘In relation to the management of CDM within the marine environment, it would appear that the more likely type of relevant damage would be ‘Water Damage’ i.e. within the Water Framework Directive limits, rather than ‘Habitats/Species Damage’ due to the discrete locations of dredging and disposal activities and to the possibility of sediment contaminant standards being set under the Water Framework Directive Article 16 Daughter Directive (the EQS Directive - 2008/105/EC).’ We wish to add that the disposal of Contaminated Dredged Material (CDM) has high potential to impact upon sites of historic environment interest within the marine environment (and also in terrestrial locations). We would like to draw you attention to the UK and Devolved Administrations' draft Marine Policy Statement (MPS). This document states in section 3.6 with regard to marine dredging and disposal (other than aggregate extraction) that these activities may lead to ‘...potential destruction or destabilisation of known or unknown features of historic environmental interest’. Any decision framework must fully consider the impact of any CDM disposal option upon sites of known or unknown historic environment interest.

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Section 2 - Managing Contaminated Sediments

Q2 - Do you have any comments on the Goals at Annex A of the Framework document?

We support these goals and in particular any commitment to more environmentally sustainable management of CDM as per goal 3 – ‘Ensure that sediment dredging and dredged material disposal are managed in an environmentally sound manner.’

Q3 - Do you have any comments on the Principles at Annex B of the Framework document?

In reference to Principle 2 – ‘Engage with all stakeholders early and often.’ We wish to add that the heritage sector should be considered as key stakeholders. Early engagement will ensure that any potential impacts of the disposal of CDM can be effectively managed in consultation with the developer and other relevant bodies (such as the MMO).

Section 4 - Ex situ assessments to support decisions related to contaminated Dredged Material Management

Q4 - Do you agree that there can be no a priori preferred disposal or treatment options as above?

We agree with the 7th principle in Annex B that developers should ‘Select site-specific, project-specific, and sediment-specific risk management approaches that will achieve risk-based goals.’ We also add that consideration of impacts on the historic environment (coastal and marine) should be included in any such project risk management framework.

Section 5 Context for Use of a Decision Framework

Q5 - Do you agree that in principle the development of sediment management plans for estuarine and coastal waters?

We are prepared to accept this and in particular agree with the statement in Section 5 on page 22 that ‘To enable the sustainable development of our ports, harbours and marinas, it needs to be part of an integrated approach for the management of sediment in general and contaminated sediment in particular that also takes into account other relevant environmental and socio-economic issues.’ It is important for us to stress that the historic environment must be considered as one of the ‘relevant environmental issues’ within this process.

Section 6 - The Decision Framework

Q7 - Do you have any comments on this outline Decision Framework?

We note the detail of the outline decision framework and in particular the stages relating to the identification, screening, assessment and selection of management alternatives, as outlined on p.25 of the consultation document. During these stages the developers should seek the advice of English Heritage (as the government’s statutory advisor for the historic environment) and the MMO (as the government regulator for the marine environment) to ensure any CDM disposal scheme has fully considered and mitigated for potential impacts on the historic environment. We also note on page 28 that ‘It is very likely that such assessments will have to be subject to a formal Environmental Impact Assessment except possibly for projects dealing with small quantities of CMS with very straightforward disposal

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or treatment options.' We therefore add that any Environmental Statement submitted in support of an application for disposal of CDM must address the requirements of Environmental Impact Assessment (EIA), which are inclusive of the historic environment. We recommend that in such a case an archaeological desk-based assessment is commissioned from a specialist archaeological contractor working to recognised professional standards, such as the Institute for Archaeologists. This is essential to qualify any material or features of historic environment interest revealed by geophysical or geotechnical survey and develop appropriate management and mitigation measures.

Initial Screening of Management Alternatives

Q10 - Do you have any comments on these principles?

During this 'Initial screening' due consideration must be given to the historic environment as a key 'environmental concern'.

Initial Assessment of Management Alternatives

Q11 - Do you have any comments on the [criteria] and guidance for eliminating unreasonable alternatives?

In reference to section 6.6.1 we suggest that any option should be ruled out where it has been deemed to have an unacceptable impact upon the environment (historic or natural).

Q12 - Do you have any comments on the use of MCA at this stage?

We note from the Multi Criteria Analysis (MCA) recommendations on page 31 that 'To assess whether an option is 'clearly' inferior on environmental grounds, sensitivity testing of the weights should be done.' We therefore add that the potential risk of impacting upon the historic environment should be a key part of any MCA test.

Detailed Assessment of Management Alternatives

Q14 - Do you have any comments on the detailed assessment?

In reference to the main types of alternatives to conventional sea disposal, as outline in Section 6.7, on page 33, we wish to note that the first three alternatives on this list have significant potential for impact upon the historic environment (terrestrial or marine). To clarify these alternatives are: Capping within the marine environment. This can be level-bottom capping or the use of CAD (Contained Aquatic Disposal) cells - typically excavations used for the placement of CDM followed by capping. Confined disposal below HWMS e.g. the Slufter in The Netherlands land-based disposal with or without pre-treatment e.g. Landfill. We would expect early consultation with the developer to gauge the suitability of any management alternative in relation to the potential impact on the historic environment. If an option reaches the detailed assessment stage then any final application for a disposal licence should be accompanied by an Environmental Impact Assessment where the potential for impacts on the historic environment (known and unknown) are fully considered, and appropriate management and mitigation measures of these impacts are presented.



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Selection of Alternative(s)

Q16 - Do you have any comments on the steps to make the environmentally preferred selection?

The historic environment should be fully considered during the steps to make the environmentally preferred selection.

Develop Monitoring Plan

Q17 - Do you have any comments on the scope of the monitoring plan?

In order to 'evaluate the long-term remedy effectiveness in achieving remedial objectives and in reducing human health and/or environmental risks' any monitoring plan should be drawn up with archaeological advice to ensure impacts on the historic environment are not occurring due to the dredging operation or the selected management alternative.

Yours faithfully,

Christopher Pater
Marine Planning Unit - national

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