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10<sup>th</sup> October 2006.

For the attention of: Mr. Nigel Bayliss, Dept. for Communities and Local Government,  
Minerals Planning, Division B, Zone 4/B1,  
Eland House, Bressenden Place, London SW1E 5DU.

Dear Mr. Bayliss, Licence Decision June 2006 : Areas 202 and 436.

Thank you for your letter of 29<sup>th</sup> September 2006 which responds to the queries raised in our letter of 7<sup>th</sup> August 2006. Whilst we appreciate your comments in reply, we also note that some of our questions have been answered in part and others not at all. Hence this further letter.

#### **Area 436.**

We thank you for the clarification of the difference between the surrendering of a licence and its expiry. In this instance, we appreciate that the licence for Area 436 has expired, although the full extraction entitlement may not have been utilised.

Regarding the loss of seabed in Area 436 being greater than the amount dredged (i.e. only 20% of the loss of seabed can be attributed to dredging), we note the comments set out in H. R. Wallingford's letter of 30<sup>th</sup> June 2006 to Hanson Marine Aggregates Limited (HAML).

We have read the letter of 30<sup>th</sup> June from H. R. Wallingford again (a copy of this letter was supplied to us by HAML's consultant, Marine Ecological Surveys Ltd [MES Ltd]). At no point in H. R. Wallingford's letter to HAML can we find a direct answer to our question as to whether this loss - which is due to processes other than dredging - has or has not implications for the renewal of the Area 202 licence and other adjacent licences. To restate this issue: as we earlier advised MES Ltd and your Department [formerly ODPM], if a similar loss to that which has occurred in Area 436 were to occur in other areas, then the aggregate resource would disappear long before the aggregate companies had the opportunity to extract the resource. Therefore, is this to be expected to occur in Area 202 and adjacent areas on the basis of the documented experience in Area 436 ? If not, why not ?

Unless you can reply to us and indicate how and where this matter is specifically answered by H. R. Wallingford in their submissions to HAML, we must assume that your Department has granted a licence renewal in respect of Area 202 without this specific question being answered.

With regard to the question as to what steps your Department (DCLG) has taken to establish that Area 436 is being left in a condition to meet Section 41 (i) of Marine Minerals Guidance Note 1 (MMG1) – *an adequate depth (normally at least 50 cm) of suitable material has been left as a ‘capping layer’ to provide a substrate for recolonisation* – we note that your reply of 29<sup>th</sup> September 2006 has failed to address this point.

This point was similarly not addressed in MES Ltd’s ES Update accompanying the Area 202 licence renewal application – hence our question to you at the present time.

However we do note in the draft Schedule of Conditions issued for the renewal of the Area 202 licence the following statements in Section 8.4 [ Post-dredge monitoring programme]:

#### *8.4.1. Bathymetry*

*a final survey shall be carried out by the operators within 12 months of the cessation of dredging and shall cover the whole of Area 436 and Area 202 and extend not less than 2 kilometres outside the boundaries of both areas except where the boundary coincides with that of other adjacent licensed areas.*

And

#### *8.4.3 Seabed sediment sampling*

*A post-dredging survey shall be undertaken by the operators within 12 months of the cessation of dredging to the same specification as the benthic survey undertaken under the previous Government View for Areas 436 and 202.*

Our understanding of these Conditions and the general situation is that no survey has been done to date or will be done within the next twelve months to determine whether the condition of Area 436 at the time of the expiry of its licence (December 31<sup>st</sup> 2005) conforms with Section 41 (i) of MMG1. However, a survey will be carried out for Area 436 in 5 years time at the expiry of the current licence for Area 202 in order to establish the compliance of Area 436 with Section 41 (i).

Could you please confirm that this understanding is correct.

### **Monitoring Conditions.**

Thank you for your advice in your reply of 29<sup>th</sup> September 2006 advising that a set of monitoring conditions for Area 202 accompany the issue of the new licence for Area 202, and that this Schedule of Conditions includes a stipulation for Area 202 that “*the operators shall ensure that a minimum depth of 0.5 metres of aggregate resource remains in those parts of the area from which material has been dredged*” ref Condition 7.11.

We also thank you for your advice concerning the full Schedule of Conditions in respect of Area 202 covering all other matters. We would be grateful for your confirmation that the draft Schedule of Conditions set out in Appendix 5 of Marine Ecological Surveys Ltd’s ‘Summary of

Consultation' Report (May 2006) is in fact the final and actual Schedule of Conditions which is attached to the renewed licence for Area 202.

With regard to Area 436, we asked you in our letter of 7<sup>th</sup> August 2006 to advise us as to the nature of the monitoring regime that will be implemented by Hanson Marine Aggregates Ltd for Area 436 following the expiry of its licence (31<sup>st</sup> December 2005) in order to establish its rate of physical and biological recovery, and we asked you to supply us with a copy of the terms and conditions of this specific monitoring regime.

Your reply of 29<sup>th</sup> September 2006 failed to address this question and request. Unless you advise us to the contrary, we advise you that it is now our understanding that no such monitoring regime to establish the rate of the physical and biological recovery of Area 436 has been required of Hanson Marine Aggregates Ltd by your Department (formerly ODPM) and, consequently, no such monitoring regime exists.

We are obliged to you for your assistance with our enquiries and requests.

Yours sincerely

S. D. Eades  
On behalf of  
MARINET.