

11 April 2007

Dr Ian Selby
Operations and Resources Director
Hanson Aggregates Marine Limited
Burnley Wharf
Marine Parade
Southampton SO14 5JF

Our Ref: M14/-/2/92
Your Ref: 230204 ODPM HAML 401-2

Dear Dr Selby,

APPLICATION BY HANSON AGGREGATES MARINE LIMITED TO CONTINUE TO EXTRACT MARINE SAND AND GRAVEL FROM AREA 401/2 (A & B), OFF THE NORFOLK COAST

1. I am writing further to the letter from Hanson Aggregates Marine Limited (HAML) dated 23 February 2004 applying for a Government View (GV) on a proposal for the continued extraction of sand and gravel over a 15 year period from Area 401/2 off the Norfolk coast. This Area has two sub-areas, A and B, covering a total area of 50.96km², and is located off the East Anglian coast, approximately 22 kilometres seaward of Great Yarmouth. At the time of the application HAML was proposing to extract 18.75 million tonnes (mt) over the 15 year application period (1.5mt per annum in years 1 to 5; 1.25mt per annum in years 6 to 10; and 1mt per annum in years 11 to 15).
2. A Coastal Impact Study (CIS) and an Environmental Statement (ES) were produced in August 2004 and January 2005 respectively to accompany a revised proposal to extract a maximum of up to 2mt per annum over a 15 year period, although HAML explained that it is unlikely that in practice the actual off-take will reach the potential annual maximum tonnages (and the duration of the application has been shortened in the light of consultation as described below). It is also proposed that dredging operations in the Area will be limited to dredging zones of no more than 32km² in total and that within such zones, dredging will be limited to a maximum area of 16km² in any 6 month period. During the course of the consultation on the application undertaken under the GV procedures HAML amended their proposal so that dredging might only occur during the period up to the end of 2013, rather than cover the 15 year term that was originally applied for.

3. The application areas are as shown on the attached chart at Annex 1 and are defined by the following WGS84 co-ordinates:

Area 401/2A		
Coordinate	Longitude	Latitude
A1	002° 06.4229' E	52° 28.7738' N
A2	002° 05.9569' E	52° 28.7908' N
A3	002° 05.4570' E	52° 28.4408' N
A4	002° 04.9730' E	52° 28.4738' N
A5	002° 04.9570' E	52° 28.9238' N
A6	002° 04.7230' E	52° 29.0907' N
A7	002° 04.6070' E	52° 29.3737' N
A8	002° 04.4070' E	52° 29.6737' N
A9	002° 04.4730' E	52° 29.9407' N
A10	002° 04.9569' E	52° 30.2906' N
A11	002° 04.6900' E	52° 30.4736' N
A12	002° 03.3571' E	52° 30.5566' N
A13	002° 03.0901' E	52° 31.4235' N
A14	002° 05.5333' E	52° 32.4224' N
A15	002° 06.2472' E	52° 30.8570' N
A16	002° 06.6245' E	52° 30.9356' N
A17	002° 06.6408' E	52° 30.8826' N
A18	002° 07.1567' E	52° 30.9566' N
A19	002° 06.7067' E	52° 32.3235' N
A20	002° 06.8750' E	52° 32.2158' N
A21	002° 06.9206' E	52° 32.1260' N
A22	002° 07.4126' E	52° 32.1403' N
A23	002° 07.6829' E	52° 32.4508' N
A24	002° 07.6337' E	52° 32.5832' N
A25	002° 07.1291' E	52° 32.7429' N
A26	002° 06.8360' E	52° 32.9540' N
A27	002° 08.0179' E	52° 33.4375' N
A28	002° 08.0155' E	52° 32.7657' N
A29	002° 07.9673' E	52° 32.6980' N
A30	002° 08.6075' E	52° 32.7005' N
A31	002° 08.5951' E	52° 33.6721' N
A32	002° 10.1893' E	52° 34.3233' N
A33	002° 09.9894' E	52° 31.1906' N
A34	002° 09.7395' E	52° 28.7739' N
A35	002° 07.0898' E	52° 29.6237' N
A36	002° 07.1229' E	52° 26.5250' N
A37	002° 06.4899' E	52° 26.5250' N
A38	002° 06.5729' E	52° 27.3909' N
A39	002° 06.3069' E	52° 27.6909' N
A40	002° 06.0899' E	52° 28.2408' N

Area 401/2B		
Coordinate	Longitude	Latitude
B1	002° 04.2041' E	52° 27.7879' N
B2	002° 05.7230' E	52° 27.7909' N
B3	002° 06.0070' E	52° 27.4239' N
B4	002° 05.1571' E	52° 27.0409' N
B5	002° 05.1401' E	52° 26.5250' N
B6	002° 04.5901' E	52° 26.5250' N

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Public consultation

4. In February 2005, under the GV Interim Procedures, HAML submitted the ES and CIS and consulted all those central government departments, local authorities, environmental bodies and other interested parties on a Consultation List provided by the former Office of the Deputy Prime Minister and sought their views on them, as well as advertising the application both nationally and locally. These documents were also placed on deposit for public inspection at a number of local authority offices in Norfolk and Suffolk. Subsequently, in the light of the comments received, HAML arranged for the production of a number of Technical Notes, dealing with the issues raised during the consultation, and sent them to consultees as well as arranging for further notices and for this further environmental information to be available for public inspection at deposit points. A public meeting at which there were several presentations, followed by question and answer sessions, was also held at Great Yarmouth Racecourse on 19 April 2005 as part of this wide ranging consultation process. Subsequently, those with an interest in the proposal were given until 9 September 2005 to formally make their views known to HAML.
5. A Consultation Report (CR), including a supplement to the ES, was received by the then Office of the Deputy Prime Minister in November 2005 and circulated in January 2006 at the Confirmation Stage of the GV procedures to all those who had been consulted on the application and those who responded as part on the consultation process in 2005. Confirmation was sought as to whether concerns expressed at an earlier stage had been satisfactorily resolved.
6. Consultees expressed views on a number of issues but the single most important issue of concern in terms of the number of responses was the matter of coastal erosion. Some 400 respondents, mainly local stakeholders including Members of Parliament, local authorities, local lobby groups and local residents raised this issue when responding to the consultation undertaken in 2005. Some 83 respondents, including Tony Wright MP and 3 local authorities, have maintained their objection to the proposed dredging because they believe that these operations will lead to coastal erosion despite since seeing the CR, which includes a supplement to the ES, on this application and which addresses this issue. Some of them, for example Scratby Coastal Erosion Group, North Sea Action Group and Marinet, requested a public inquiry. Other environmental issues covered during the consultation related to the biological environment, nature conservation and potential impacts upon other marine users was also considered.
7. Responses were received from a range of key statutory scientific and environmental advisers to the Government, including the Department for Environment Food & Rural Affairs (Defra), the Joint Nature Conservation Committee (JNCC), English Nature and the Countryside Agency (now known as Natural England), and the Environment Agency.

Consideration

8. Dredging already takes place in the application area. A favourable GV was issued by the then Secretary of State for the Environment on 19 December 1995 to allow a maximum of 20 million tonnes to be extracted from Areas 401/1 and 401/2 over a 10 year period commencing on the date of issue of a subsequent licence from the Crown Estate Commissioners. The GV conditions restricted extraction to no more than 2 million tonnes per annum from the combined Areas of 401/1 and 401/2. The subsequent licence issued by the Crown Estate expired on 31 March 2006 and by that time only 14.42 million tonnes of marine sand and gravel had been extracted.
9. While this current amended application for a favourable GV to extract marine sand and gravel up to the end of 2013 has been progressing through the GV process, HAML applied to the Secretary of State and was granted two variations to the original 1995 GV to enable some of the un-dredged tonnage remaining from the 1995 GV to be extracted. On 31 March 2006 the First Secretary of State issued a variation to the original 1995 GV allowing HAML to extract up to 1.5 million tonnes of marine sand and gravel from Area 401/2 in the period 1 April 2006 to 31 December 2006. In the event, however, only approximately 300,000 tonnes were extracted in that 9 month period so a further variation to the 1995 GV was granted on 21 December 2006 by the Secretary of State to allow HAML to extract by the end of June 2007 up to the residual balance remaining un-dredged from the 1.5 million tonnes which had received a favourable GV on 31 March 2006.
10. The Secretary of State has carefully considered the views of local objectors to the current GV application and it is clear that they are contrary to those expressed by the statutory scientific and environmental advisers to the Government. The concerns of the local objectors over coastal erosion are not substantiated by the scientific evidence and findings within the ES, CIS or CR, all prepared by independent consultants on behalf of HAML. All these documents, which have been scrutinised by the Government's specialist advisers, demonstrate that dredging from Area 401/2 is not adversely affecting the coastline. The claims of local groups of a link between aggregate dredging and coastal erosion off some parts of the Norfolk coast have not been substantiated by any scientific evidence. The Secretary of State notes the large number of local objectors and the requests from some of them for a public inquiry but, in the absence of any scientific evidence to support these objections, considers a public inquiry to be unjustified before issuing her decision on the information before her. To hold a public local inquiry in such circumstances to consider unsubstantiated objections would put all parties to unnecessary expense and delay the dredging unnecessarily. The Secretary of State is not aware of any scientific evidence that demonstrates that coastal erosion is attributable to marine mineral dredging off the East Anglian coast.
11. The statutory advisers to the government, including Defra and its agencies, and non-departmental public bodies, are content for there to be a continuation of dredging in this Area and for this GV application to be approved subject to the imposition of suitable conditions to ensure monitoring and mitigation

measures to protect the environment. Defra advised that the dredging should cease by the end of 2013, rather than continue for 15 years as was originally proposed, in order to coincide with the cessation of other dredging activities elsewhere off the East Anglian coast and to help facilitate a regional review assessing all the dredging activities in the East coast region. Overall, Defra is content that the information provided within the ES and from the various monitoring surveys undertaken within the Area does not indicate that any significant impacts have occurred outside the immediate dredge area as a result of the dredging operations carried out so far and, therefore, has no objections to a favourable GV being granted, subject to the imposition of conditions to control the duration of the GV and to require suitable monitoring measures. HAML have acceded to Defra's request that any dredging that might be approved should not continue beyond the end of 2013 and has modified the application accordingly.

12. In terms of the ecological nature of the seabed, the Secretary of State notes that following the cessation of dredging, it is anticipated that species diversity, abundance and biomass will return to the levels occurring before dredging started in this Area. The timescale for the recovery cannot be certain but based on similar environments to Area 401/2 it is likely that species diversity and abundance will be restored within 2-3 years, with biomass values returning in a longer time-frame.
13. The JNCC and Natural England are content that a full review of dredging impacts after 5 years will enable the Secretary of State to terminate all dredging if monitoring reveals unexpected impacts. The Secretary of State also notes that HAML is already liaising with the JNCC and Natural England, and will continue to do so, in respect of assessing the spatial extent of sabellaria spinulosa within the boundaries of the Area. Should this reef form be detected, appropriate protection measures will be taken including the creation of exclusion zones to prevent dredging taking place in areas that might be found to support such reef.
14. With regard to impacts on other marine users, the Secretary of State notes that the maximum active dredge zone will be restricted at any one time in order to maximise the area available to fishing vessels. Dredging vessels operating in the Area will need to comply with conditions attached to the GV designed to maintain safe navigation at sea.

Decision

15. As a result of the above considerations, and taking into account all the information before her, the Secretary of State has concluded that the proposed extraction from Area 401/2 (A & B) of up to 2 million tonnes of marine sand and gravel per annum up to the end of 2013 would be acceptable, provided that it is carried out in accordance with the conditions set out in Annex 2 to this letter and is subject to a Substantive Review of the continuation of dredging in this Area. Given that an existing GV variation enables extraction to take place up to the end of June this year, this GV shall not commence until 1 July 2007. Moreover, in the period from 1 July 2007 to 31 December 2007 only 0.5mt may be extracted from this Area, with up to

2mt per annum in the following calendar years up to the end of 2013. Although it is the Government's policy that reviews of the kind described above are undertaken at 5 yearly intervals, the Secretary of State considers that the Substantive Review for Area 401/2 should take place during 2010 because some dredging has already taken place in this Area since 1 April 2006.

16. The schedule of conditions at Annex 2 provides for a 5 year review in 2010 by the Secretary of State of the dredging of the GV area. This will be informed by a Substantive Review undertaken by the operator of the dredging operations in the GV area, summarising the results of the monitoring undertaken to date and detailing the environmental effects of the dredging operations, the effectiveness of the conditions imposed on the dredging operations and recommending any variations to the dredging operations as may be necessary to protect the environment. The Secretary of State will seek the views of appropriate consultation bodies on this Substantive Review when it is received by her, so that she is able to take their views into account in deciding whether the dredging operations may continue beyond 2010 and, if so, under what terms and conditions. The schedule of conditions also provides that, in the event that any significant adverse environmental impacts are identified in any other circumstance, the Secretary of State may propose to vary the terms and conditions to which the GV is subject or may propose to withdraw the GV, but will only do so following consultation with such of the consultation bodies as she considers necessary.
17. The Secretary of State invites the Crown Estate Commissioners to consider the imposition of conditions in the terms of those set out in Annex 2 to this letter on any licence which they may decide to issue.
18. This GV does not convey any additional approval or consent under any enactment, bye-law, order or regulation which may be required in relation to any operations carried out in accordance with the conditions in Annex 2 to this letter.
19. Finally, you should be aware that the Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007 will come into force on 1 May 2007 and that they will affect the procedures for the consideration and determination of applications to amend pre-existing GVs. Guidance on this and other aspects of the working of the Regulations will be issued at the same time as the Regulations come into force.
20. This letter is being copied to all consultees and a copy is also being sent to Jason Golder at the Crown Estate.

Yours sincerely,



D C Spooner