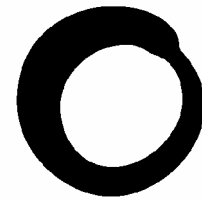




Marine Information Network
www.marinet.org.uk



**Friends of
the Earth**

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2nd April 2007.

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, Marine Minerals Licence Application : Area 401/2.

Thank you for your letter of 6th March 2007 which replied to ours of 8th January 2007 concerning the current licence application by Hanson Aggregates Marine Ltd (HAML) to dredge sand and gravel from Area 401/2 following the expiry of the previous licence on 31st March 2006.

We would like to offer the following additional comments.

Firstly, we thank you for the provision of the letters sent by your Department to HAML on 31st March and 21st December 2006 informing the company of the licence extension granted by the Secretary of State, and for your advice that the reason why you did not inform us of these licence extensions – although we have a registered objection with you regarding the HAML application for a new licence – was that the Secretary of State did not consider that the licence extensions would have a significant effect on the environment and, in such circumstances, it is not the practice of your Department to consult the general public.

We do observe that your Department may have acted in accordance with current procedures. However such a failure to advise us is, in our opinion, hardly consistent with good practice in a system of government that is enthused by democratic procedures.

As we observed to your Department in our comments on the public consultation last year on the Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2006 “*At the present time an organisation like MARINET, which has a clear and registered interest in these matters, cannot be placed on the list of organisations which are automatically notified of marine dredging applications. Instead, MARINET has to rely on its members reading advertisements in the public press – always an uncertain procedure. We regard this as most unsatisfactory. Accordingly, we request that the regulations are amended to enable the government to place (and remove) an organisation on the list*

of organisations so that the organisation is automatically notified once the government is in receipt of such a request from that organisation.”

In this specific instance (the Secretary of State’s decisions to grant extensions to the original licence before determining HAML’s new licence application) there were, of course, no advertisements and we were wholly reliant upon your Department to advise us of your actions. This you failed to do, and you only responded to our request for information on this specific matter following a letter from us on 18th November 2006.

It is our belief that, in accordance with the democratic spirit in government, your Department should be informing registered public stakeholders of your decisions, and when you come to seek statutory status for the Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2006 we trust that you will heed our request.

In the meantime, we would particularly request that you keep us informed of all decisions by the Secretary of State in respect of the Area 401/2 licence application; and, further, we would be grateful for your advice as to when the Secretary of State will be seeking Parliamentary approval for the Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2006.

Secondly, in your letter of 6th March 2007 you advised us that you anticipated that the Secretary of State’s decision on HAML’s new licence application would be issued shortly.

This statement by yourself has been made against the background of our letter of 18th February 2006 to your Department (attention of Mr. Matthew Louis) in which we advised you that following the ES procedure there remained serious outstanding and unresolved concerns between ourselves and HAML over their ES, and also against the background where we again advised your Department of this situation in our letter of 8th January 2007.

In our letter of 8th January 2007 we asked if the Secretary of State was going to make a decision on HAML’s new licence application without your Department seeking to discuss with us our outstanding concerns. In other words, arriving at a decision regardless of these concerns and any path to their resolution.

Your reply of 6th March 2007 entirely ignored this specific matter.

Accordingly, we repeat to you : will the Secretary of State make a decision on the new HAML licence application for Area 401/2 without your Department seeking to discuss with us our outstanding concerns and how they may be resolved ?

Yours sincerely

S. D. Eades
On behalf of
MARINET.