



Allington House
Allington
Chippenham
Wiltshire SN14 6LN
Tel. 01249 653972

16th December 2007.

For the attention of: The Chief Executive Officer, Marine and Fisheries Agency,
3-8 Whitehall Place, London SW1A 2HH.

Dear Sir, Renewal of Marine Aggregate Licences in Area 401/2 and Area 202/436.

We have been in communication with your officers from the outset in the matter of the renewal of marine aggregate dredging licences for Area 401/2 and Area 202/436. Please see your file for the details of this correspondence, or visit the MARINET website where this correspondence is recorded: <http://www.marinet.org.uk/mad/objection.html>. We can also provide hard copies of this correspondence if you require.

We are writing to you because we believe that the evidence we have submitted to your officers has been inadequately assessed and, when we draw this belief and the evidence for our belief to the attention of your officers, their response remains unsatisfactory. In short we believe that, in respect of independent parties (such as MARINET), the consultation process set out in Marine Minerals Guidance Notes 1 and 2 is being poorly and inadequately applied by your officers. We wish to bring this belief to your attention, and ask you to investigate to establish whether you believe our concerns have substance.

Area 401/2.

During the consultation process into the licence renewal application for Area 401/2 we have drawn to the attention of the applicant's environmental consultants and your officers the two following sets of facts:

1. The offshore sandbank, known as Scroby Sands, which lies adjacent to Area 401/2 has been experiencing significant, measurable and recorded erosion since the commencement of aggregate dredging in this locality. We provided documented evidence to the consultation process to substantiate this assertion. We further advised that the significance of this erosion of Scroby Sands is such that it has altered the nature of the offshore wave regime, and this altered wave regime is likely to have an erosive impact on the coastline. We recorded in the consultation process that this set of facts had not been assessed by the licence applicant and its consultants, and we drew this set

of facts to the attention of your officers as being a material issue in whether the licence should be renewed.

2. Also during the consultation process, we drew to the attention of the applicant's consultants and your officers our belief, and the evidence for our belief, that the wave model which the applicant's consultants had used to predict the wave regime was constructed on flawed scientific data. We documented this flaw. We identified this issue to the applicant and your officers as being a material issue in whether the licence should be renewed.

It remains our belief that neither of the above matters have been properly assessed by the applicant and its consultants. Further, neither the applicant nor your officers have communicated with us in connection with the evidence in respect of either of these concerns. There has been communication between the applicant and your officers in respect of issues relating to the renewal of the licence, but these two specific issues have been persistently ignored by the applicant and your officers, despite our repeated attempts to draw these matters to their attention.

As a result, when the licence decision was determined by your officers, under the Government View procedure, it was asserted that there was "no scientific evidence" to support the belief of those parties in the consultation process who believe that there is a link between dredging in Area 401/2 and erosion of the adjacent coastline.

We find this conclusion by your officers to be at fault. It is at fault because there is scientific evidence to the contrary and we presented this evidence during the consultation procedure to the applicant and your officers, but our submission of evidence was steadfastly ignored.

In the most recent correspondence with your officers, 28th August 2007 from ourselves and 16th November 2007 from your officers, we have sought to establish whether there is any appeal against what we consider to be an unreasonable and unreasoned decision by your officers in respect of Area 401/2. We are informed that there is no right of appeal.

Hence, we are now bringing the matter of the decision in respect of Area 401/2, and how that decision was arrived at, to your personal attention.

Area 202/436.

In the case of Area 202/436, we have been similarly involved in the consultation process with the applicant, its consultants and your officers prior to the granting of a renewed licence for Area 202 and the expiry of the licence for Area 436 (these two Areas have been historically and practically linked in the licensing process).

At the conclusion of this process, we are of the belief that the following matters remain outstanding:

1. The bathymetric monitoring of Area 436 at the conclusion of its licence established that the volume of sand (seabed) which had been displaced from the seabed during the period of the licence was far greater than could be accounted for by aggregate extraction alone. In fact, aggregate extraction could only account for 20% of the removal of the seabed, and the depth of the

loss (up to 5 metres in places) was substantially greater than the prediction at the time of the issuing of the original licence.

We informed the applicant's consultants and your officers that it was essential to determine the cause of this loss of seabed beyond what could be accounted for by extraction alone, and to assess whether the process accounting for this loss had wider application and significance for the other aggregate dredging licences in the locality. In short, it is of concern if the seabed is being eroded at a rate substantially faster than the extraction rate because the aggregate resource in the locality may disappear long before the aggregate company has the ability to extract it and this, in turn, has major significance for the marine benthos.

The applicant's consultants and your officers have communicated with us on this matter in response to our expression of concern, but at no time has a clear explanation been forthcoming of why this substantial additional loss of seabed has occurred (the applicant's consultant did respond to expressions of concern on this matter, but undertook no additional scientific studies to verify the cause of the erosion); and, no study has been undertaken as to whether this loss of seabed has wider implications for the other aggregate extraction sites in the locality.

Hence, we consider our primary concerns have remain unaddressed at the time of the determination of the licence renewal for Area 202.

2. When the licence for Area 436 expired (i.e. contemporaneously to the renewal of the licence for Area 202) there was no record in the Environmental Statement by the applicant as to whether the applicant (i.e. licence holder for Area 436) had provided evidence, as required by under the Government View procedure and by Marine Mineral Guidance Note 2, to show that a minimum of 50cm of suitable seabed remained in Area 436 to allow recolonisation by marine life.

We drew this deficiency – a legal requirement under the Government View procedure – to the attention of your officers and informed them that, in our view, that this deficiency amounts to a breach of the licence terms for Area 436 and that no new licence should be issued for Area 202 until this fault had been remedied.

In the reply received from your officers, dated 4th December 2007, the statement is made that “there is no requirement for an assessment to be made of the depth of seabed in Area 436”. We believe that this assertion by your officers is in breach of the Government View procedure.

Hence, we bring it to your attention.

3. Upon the expiry of the licence for Area 436, we also believe that the licence holder is required to undertake a monitoring survey to establish the condition of the marine benthos at the time of the expiry of the licence, and again at later dates in order to establish the rate of recovery of the marine benthos in that area.

When the Environmental Statement was submitted for the renewal of the licence for Area 202, no mention or information was provided in respect of such a monitoring programme for Area 436.

We drew this failure to the attention of the applicant and its consultants, and to your officers. We informed your officers that we believed in constituted a breach of the licence terms for Area 436 and that, in our belief, no licence renewal for Area 202 should be granted until this failure had been remedied.

The reply of 4th December 2007 from your officers has still failed to address this question of an adequate and comprehensive monitoring regime (i.e. assessing the impact of dredging on the marine benthos) for Area 436, and we believe our concerns on this matter are being ignored. Further, we believe that current licensing practice for Area 202/436 – namely, the absence of an adequate monitoring regime - is in breach of the Government View procedure.

Hence, we bring this matter to your attention.

We would be grateful for your consideration of the matters which we have detailed above, and to receive your advice accordingly.

As earlier stated, we are able to submit evidence of our correspondence with all parties should you so require.

Yours faithfully

S. D. Eades
On behalf of
MARINET.