

Mr Ian Taylor  
Westminster Gravels Limited  
Westminster House  
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Segensworth West  
Fareham  
Hampshire  
PO15 5SS

Our Ref: MA 234

Date: DRAFT

Dear Mr Taylor,

**THE ENVIRONMENTAL IMPACT ASSESSMENT AND NATURAL HABITATS  
(EXTRACTION OF MINERALS BY MARINE DREDGING) (ENGLAND AND NORTHERN  
IRELAND) REGULATIONS 2007**

**DREDGING APPLICATION BY WESTMINSTER GRAVELS LIMITED TO EXTRACT  
COARSE SAND AGGREGATE FROM AREA 457 IN LIVERPOOL BAY**

1. I am writing further to your initial letter of 22 May 1998 to the then Department of the Environment, Transport & the Regions under the now superseded informal Government View (GV) procedures for a favourable GV on a proposal for the extraction of up to 18 million tonnes (mt) of coarse sand aggregate from Area 457 over a 15 year period at a rate of up to 1.2 mt per annum. Area 457 is located approximately 25 km from the northwest coast of England and 28 km from the north coast of Wales. The application was for 65 km<sup>2</sup> but incorporates exclusion zones around two existing sub-sea oil and gas pipelines giving a net area of 54.67 km<sup>2</sup>.

2. The application area is as shown on the chart at Annex 1 and is defined by the following WGS84 co-ordinates:

	Latitude	Longitude
A	53 40.010	-3 33.347
B	53 40.006	-3 27.959
C	53 38.442	-3 29.604
D	53 38.013	-3 30.106
E	53 38.013	-3 27.830
F	53 36.477	-3 27.830
G	53 35.515	-3 29.259
H	53 35.543	-3 35.152
I	53 37.013	-3 38.079
J	53 38.006	-3 38.080
K	53 38.013	-3 33.813

3. The application is accompanied by an Environmental Statement (ES) which includes a Coastal Impact Study (CIS). A Consultation Report and Supplementary ES were prepared following public consultation by the applicant. Finally, a technical note of sediment transport through Area 457 was produced. The CIS and technical note were prepared by the coastal processes consultant HR Wallingford on behalf of the applicant.

### **Procedural Issues**

4. The Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007 (the regulations) came into force on 1 May 2007 and, as you had already submitted an ES to accompany your application for a favourable GV, it will now proceed, by virtue of regulation 31 (1) (a), to be determined by the Secretary of State as a dredging application under the new regulations.

5. In addition, as specified in regulation 31 (2), the Secretary of State has given careful consideration to the amount of publicity already given to this application - as detailed below - and is satisfied that it is substantially the same as that required by regulation 12 and decided that he may now proceed to issue a decision on the matter without any further publicity being required.

### **Public Consultation**

6. In mid 1999 consultation was carried out by the applicant to obtain environmental information on the area and identify key issues. In July 2000 the applicant circulated an Environmental Impact Assessment (EIA) Scoping Report to consultees. Issues raised and the remedial actions suggested to address them were reported in an ES. Under the GV Interim Procedures, in July 2002 the applicant circulated the GV application along with an ES and CIS produced in June 2002, to central government departments, local authorities, environmental bodies and other interested parties on a consultation list provided by the then Department for the Environment, Transport and the Regions. The application and both reports were advertised in Fishing News and the local press and deposited in two local authority offices for public inspection.

7. A Report on Consultation and a Supplementary ES, produced to address concerns raised during the 2002 public consultation exercise, were supplied by the applicant in December 2003 to consultees and others who had previously commented on the application. The consultees were invited by the applicants to respond with their comments directly to the then Office of the Deputy Prime Minister (ODPM).

8. In January 2004, in accordance with the GV Procedures, the then ODPM circulated the same Report on Consultation and Supplementary ES to all those parties who had previously been consulted on the application by the applicants or who had otherwise made representations on it, seeking confirmation as to whether their concerns which they had previously expressed had been satisfactorily resolved.

9. The responses from these parties expressed concern about the potential effects of the proposed dredging on sediment transport within Liverpool Bay and that cumulative and in-combination effects had not been adequately considered; nor had the importance of the protected conservation sites in the bay. The issues were that Area 457 may be a source of sand carried from offshore to supply beaches in the area; the availability of sediment offshore to replenish the extracted sediment; and the potential impact of the proposed dredging operations on the current sand extraction operations closer in-shore and on-shore. The lack of proposed mitigation and monitoring measures was also highlighted.

10. A number of parties initially raised at this stage the issue that the applicant had failed to demonstrate a pressing need for the dredged material. However, the Supplement to the ES explained the identification of a market for high quality marine aggregate in Lancashire and the northwest of England, there being limited reserves in the region of high grade construction sand suitable for general building and the manufacture of concrete. Also, the supply of high grade sand from marine sources would reduce pressure on existing land-based sources and the call for more land-based quarries.

11. In April 2004 an objection was lodged by Merseyside Environmental Advisory Service on behalf of Sefton Council and the Metropolitan Borough of Wirral against the application as they considered that a number of issues which could potentially affect the Wirral coastline had not been adequately addressed.

12. These issues reflected those raised by other parties to the effect that the applicant had failed to adequately demonstrate that there would be no coastal impacts or to quantify any such impacts and had failed to demonstrate that there would not be a likely significant impact on potentially internationally designated sites of nature conservation importance.

13. Further discussions on these issues were held between the parties, with a technical meeting being held in May 2007. A technical note of sediment transport through Area 457 was produced on behalf of the applicant by HR Wallingford and presented to Merseyside Environmental Advisory Service, Sefton Council and the Metropolitan Borough of Wirral. They all considered this further additional information and considered that their outstanding concerns with the application had been satisfactorily addressed and that the proposed dredging would not affect the coastline or sediment supply and, consequently, would not impact on any internationally designated coastal nature conservation sites. Merseyside Environmental Advisory Service, Sefton Council and the Metropolitan Borough of Wirral then withdrew their objections to the application subject to the imposition of monitoring conditions to identify any potential adverse effects of the dredging operations on the marine environment.

14. In addition, BHP Billington Petroleum Limited is the operator of two oil and gas facilities comprising platforms and subsurface pipelines in Liverpool Bay. It raised concerns in relation to risk and safety of the proposed dredging activity with their offshore infrastructure. It requested that primacy be given to the current holders of oil and gas licences; that a ship collision risk assessment should include the potential for ship to platform collision; and for an active exclusion zone to be placed around two sub-sea pipelines. These requests have been accepted by the applicants who have indicated their

agreement to having them reflected in the conditions attached to any Dredging Permission that might be issued by the Secretary of State.

15. The Joint Nature Conservation Committee (JNCC) raised concerns with the ES and Supplementary ES to the effect that areas in Liverpool Bay could qualify for designation as European sites of nature conservation importance under the European 'Birds' and 'Habitats' Directives. Consequently, it requested an assessment of potential areas for possible designation as marine Special Protection Areas (SPAs); a clear demonstration of no significant potential impacts on birds; and that an assessment of cumulative impacts should consider other dredging activities in the area as well as oil and gas developments, offshore wind farms and sea defences. It also requested a reassessment of the possible presence of biogenic reef.

16. Following additional information supplied by the applicant on the proposed marine SPA and on the distribution data of birds, JNCC stated that it was content that no further assessment of potential areas for designation was required. A more in-depth assessment of the cumulative impacts of the proposed dredging was also supplied by the applicant, who also agreed to undertake a pre-dredge survey to investigate the potential of biogenic reef within the proposed dredging area.

17. In August 2006 JNCC confirmed that it had no further outstanding issues with the application as long as the commitments made within the ES and subsequent communications and agreements were followed and that monitoring requirements and mitigation measures were included in the Schedule of Conditions to address issues with biogenic reefs and birds.

## Consideration

18. The Secretary of State has carefully considered the application, all the environmental information, including the CIS, ES, Supplementary ES and the technical note of sediment transport through Area 457; the draft schedule of conditions describing proposed monitoring and mitigation measures, as submitted by the applicant; and all the comments of consultees and all other representations received.

19. He has also considered the application in the light of guidance in *Marine Minerals Guidance Note 1: Guidance on the Extraction by Dredging of Sand, Gravel and Other Minerals from the English Seabed* (MMG1) 2002, the *National and Regional Guidelines for Aggregates Provision in England 2001-2016* (2003), *Minerals Policy Statement 1: Planning and Minerals* (MPS1) 2006 and the Aggregates section of the related *Practice Guide* (2006). While MPS1 and its related *Practice Guide* were only published in November 2006, the Secretary of State does not consider that they contain any new evidence or matters of fact which would affect his decision. Paragraph 80 of the MPS1 *Practice Guide* states that MPS1 takes account of the contribution of marine dredged aggregate to national aggregate supply, but does not give comprehensive guidance on it. The relevant policy guidance is *Marine Minerals Guidance Note 1*.

20. The Secretary of State notes that the main concerns of consultees and other parties raised during the consultation stages related to the need for the dredged material, coastal impact, the possible altered transportation of sediment and the related cumulative and in-combination effects with other activities in Liverpool Bay, especially in relation to Offshore Wind Farms. The Secretary of State has, in accordance with the guidance in MMG1, carefully considered the potential environmental impacts of the proposal. He takes the view that the concerns raised by consultees can be satisfactorily addressed by appropriate monitoring and mitigation measures as set out in the Schedule of Conditions attached at Annex 2.

## **Decision**

21. Having carefully taken into account the above considerations and all the information before him, the Secretary of State has concluded that there is a need for the dredged material and that the proposed extraction from Area 457 Liverpool Bay of up to 1.2 mt of coarse sand aggregate per annum over a 15 year period will not affect the coastline and will not significantly affect the marine environment, provided that it is carried out in accordance with conditions to mitigate any potential adverse effects and to provide for adequate monitoring. He, therefore, hereby grants dredging permission for this proposal subject to the schedule of conditions set out in Annex 2 to this letter which include a requirement for him to review the continuation of dredging in the permitted area after 5 and 10 years.

22. The 5 and 10 year reviews will be informed by Substantive Reviews, undertaken on behalf of the operator by acknowledged independent experts in the appropriate fields, of the dredging operations within the permitted dredging area, summarising the results of the monitoring undertaken to date and detailing the environmental effects of the dredging operations and the effectiveness of the conditions imposed on the dredging operations and recommending any variations to the dredging operations that may be necessary to protect the environment. The Secretary of State will seek the views of appropriate consultation bodies on these Substantive Reviews when they are received by him, so that he is able to take their advice into account when deciding whether the dredging operations may continue beyond 5 and 10 years and, if so, on what terms and conditions. The schedule of conditions at Annex 2 also provides that, in the event of any significant adverse environmental impacts being identified in any circumstance, the Secretary of State may propose to vary the terms and conditions of this dredging permission or may propose to revoke it but will only do so following consultation with such of the consultation bodies as he considers necessary.

23. This dredging permission will enure solely for the benefit of the owner of the minerals to be dredged, the Crown Estate, which may, with the prior written agreement of the Secretary of State assign it, in whole or in part, to an operator or operators who may carry out the dredging operations hereby permitted.

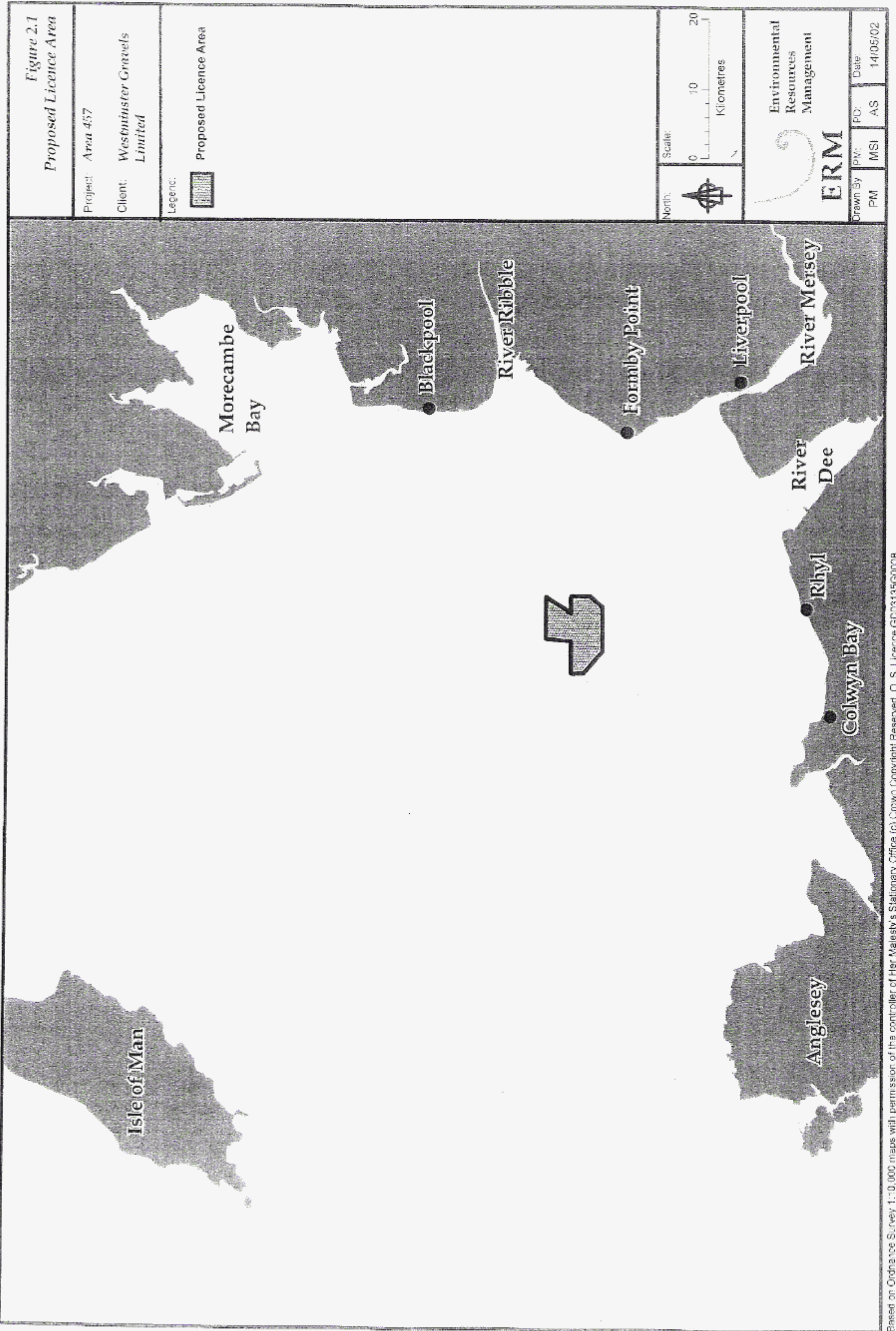
24. You are reminded that under regulation 16 (6), where a permission has been transferred, with the regulator's approval, the transferee must notify the regulator of the

transferred permission and of the date of transfer within 40 days, otherwise it shall cease to have effect.

25. This dredging permission does not convey any additional approval or consent under any other 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.

26. This decision letter with attachments is being copied to all consultees and all other parties who have otherwise made representations on this application; it will be posted on the Marine and Fisheries Agency (MFA) web-site ([www.mfa.gov.uk](http://www.mfa.gov.uk)); and it will be available, by prior arrangement, for public inspection in the marine minerals dredging application public register maintained at the MFA's offices at 3-8, Whitehall Place, London, SW1A 2HH. Telephone: 020 7270 8328. E-mail: [marineminerals@mfa.gsi.gov.uk](mailto:marineminerals@mfa.gsi.gov.uk) .

Marine Environment Team  
Marine and Fisheries Agency



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