



Marine Information Network
www.marinet.org.uk

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7th June 2008.

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

Dear Sir, Marine Aggregate Dredging Licence Application, Area 457, Liverpool Bay.

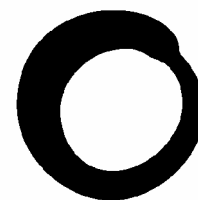
Thank you for the letter from your Agency dated 19th May 2008, ref. MA234, informing us that the Secretary of State has decided to grant a licence to Westminster Gravels Limited to extract 18 million tonnes of coarse sand aggregate from Area 457 over a 15 year period at a rate of up to 1,2 million tonnes per annum.

We believe that the Secretary of State has incorrectly arrived at the decision referred to above, and we are requesting that it be revoked and be examined by a Planning Inspector under the provisions set out in Marine Minerals Guidance Note 2. The reasons for our request are as follows.

1. We have advised Westminster Gravels Ltd, via their consultant Environmental Resources Management Ltd, on 30th October 2002, 15th November 2002, and 22nd December 2002 that their Environmental Statement is seriously deficient in the following respects : it failed to demonstrate a clear need for aggregate to be extracted from Area 457; it failed to adequately assess the impact of extraction on marine life, particularly fish; it failed to adequately sample for and assess the presence of chemical and radioactive pollution in sediment in and around the extraction site; it failed to explain how extraction of surface sand from the seabed would not interfere adversely in the coastal processes which sustain the beaches and dune system between Liverpool and Preston, including the Sefton SAC and the Ribble estuary SPA; it failed to explain how monitoring, should a licence be granted, would be undertaken to determine no future adverse effect in all the foregoing parameters.

Copies of the correspondence referred to above are enclosed.

2. We advised the Government licensing agency (ODPM) of our concern in respect of the above matters in a letter dated 5th November 2002. A copy is enclosed.



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the Earth**

3. Environmental Resources Management Ltd (ERM) responded on 24th July 2003 to our advice dated 30th October and 15th November 2002. A copy of this response by ERM is attached.

4. We advised the Government licensing agency (ODPM) on 1st March 2004 that we considered that the Supplementary Environmental Statement and Licence Application by Westminster Gravels Ltd continued to display the same faults and deficiencies which we recorded in 30th October and 15th November 2002. Namely: it failed to demonstrate a clear need for aggregate to be extracted from Area 457; it failed to adequately assess the impact of extraction on marine life, particularly fish; it failed to adequately sample for and assess the presence of chemical and radioactive pollution in sediments in and around the extraction site; it failed to explain how extraction of surface sand from the seabed would not interfere adversely in the coastal processes which sustain the beaches and dune system between Liverpool and Preston, including the Sefton SAC and the Ribble estuary SPA; it failed to explain how monitoring, should a licence be granted, would be undertaken to determine no future adverse effect in all the foregoing parameters.

In our advice to the Government licensing agency, dated 1st March 2004, we asked for an acknowledgement of receipt of our comments, and for the advice of the agency (ODPM) on how it intended to proceed. We received no response from the agency (ODPM).

A copy of our advice dated 1st March 2004 is enclosed.

5. On 7th December 2007 the Marine and Fisheries Agency advised us, for information purposes only, of a draft decision sent to Westminster Gravels Ltd in respect of approval of the marine aggregate dredging licence for Area 457. Copy enclosed.

We replied on 16th December 2007 to your Agency's information advice, 7th December 2007, informing you of our profound concern that neither the applicant nor its consultants, nor your officers, have sought to consult with us since the submission of our evidence on 1st March 2004. We also asked you to establish whether your officers knew of any evaluation that had been undertaken by the applicant and its consultants with regard to our concerns, and whether such an evaluation had been made available to you. We further asked you to advise us whether the new procedures established under Marine Minerals Guidance Note 2 exist as a procedure open to us. Namely, the right of those consulted to seek a review of the evidence by a Planning Inspector if they consider the evaluation of evidence and determination of the licence to be inadequate and unsatisfactory. Copy of our letter of 16th December 2007 is enclosed.

We received no reply from your Agency.

6. We are now advised, 19th May 2008, that your Agency has granted the licence.

Accordingly, we must now advise you that we consider:

Firstly, that the response of Westminster Gravel Ltd, and its consultant ERM Ltd, has been wholly inadequate with respect to the concerns that we have expressed and that, apart from one letter dated 24th July 2003, they have made no attempt to contact us to discuss and attend to our concerns.

Secondly, that the response from your agency (ODPM and subsequently MFA) has been wholly inadequate with respect to the concerns that we have expressed and that your officers have made no attempt to discuss our concerns with us, despite our requests that they do so.

Therefore we are asking you to place the determination of this licence before a Planning Inspector in accordance with Sections 2.12 and 4.27 of Marine Mineral Guidance Note 2 (MMG2). Further, we are asking the Secretary of State to invoke the powers under Section 7.1 of MMG2 which enable the Secretary of State “ to vary, suspend or revoke a dredging permission at any time during its life if he considers it appropriate to do so to protect the environment from significant environmental effects caused by a breach of a condition attached to a permission or otherwise. This might occur, for example, as a result of any other unforeseen reason”.

This will then enable the Secretary of State to act under Section 7.6 of MMG2 which enables a Planning Inspector to consider the matters which we have raised and which, in our estimation, have been inadequately and unsatisfactorily evaluated.

We would be obliged to receive your response to this request.

Yours faithfully

S. D. Eades
On behalf of
MARINET.