

Mr R Langman  
Hanson Aggregates Marine Limited  
Burnley Wharf  
Marine Parade  
Southampton  
SO14 5JF

Our Ref: MA295

8<sup>th</sup> May 2008

Dear Mr Langman,

**THE ENVIRONMENTAL IMPACT ASSESSMENT AND NATURAL HABITATS (EXTRACTION OF MINERALS BY MARINE DREDGING) (ENGLAND AND NORTHERN IRELAND) REGULATIONS 2007 - PROPOSAL BY HANSON AGGREGATES MARINE LIMITED (HAML), CEMEX UK MARINE LIMITED (CEMEX) AND UNITED MARINE DREDGING LIMITED (UMD) TO EXTRACT MARINE AGGREGATES FROM AREA 472, CULVER SANDS**

1. I refer to Mark Russell's letter of 16 August 2000 on behalf Hanson Aggregates Marine Limited, United Marine Dredging Limited and the South Coast Company Limited (now CEMEX UK Marine) to the former Department for Environment, Transport and the Regions under the superseded informal Government View procedures concerning a proposal for extracting up to 1.5 million tonnes of marine sand and gravel per annum over 10 years.
2. The proposal was subsequently revised from an area measuring 28.7km<sup>2</sup> to about 3.8km<sup>2</sup>. The revised proposal was to extract 1 million tonnes of marine sand and gravel per annum over 15 years from Area 472 which lies on the English side of the median line separating England and Wales, in the Inner Bristol Channel approximately 13km south of Barry and approximately 12km north east of Minehead. The application area is shown on the chart at Annex 1 and is defined by the WGS84 co-ordinates in Annex 2.
3. The application was accompanied by an Environmental Statement (ES) by EMU Ltd and a Coastal Impact Study (CIS) by H R Wallingford on behalf of the applicants. Subsequently, supplementary environmental information was also produced in support of the application prior to the publication of a Consultation Report prepared on behalf of the applicant.
4. Since the application was submitted, responsibility for marine minerals dredging matters has transferred to the Secretary of State for Environment, Food and Rural Affairs. The Marine and Fisheries Agency on behalf of the Secretary of State makes decisions about the environmental acceptability of marine minerals dredging proposals and deals with the monitoring of dredging permissions.

## **Procedural Issues**

5. 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 an ES accompanied your application, it has proceeded, by virtue of regulation 31(1) (a), to be determined by the Secretary of State as a dredging application under the Regulations.

6. Also, as specified in Regulation 31(2), the Secretary of State gave careful consideration to the amount of publicity already given to this application and is satisfied that it is substantially the same as that required by Regulation 12. So a decision may be made without any further publicity.

## **Public Consultation**

7. The applicants' agent submitted the ES and CIS in March 2004 and following consultation with relevant government departments, local authorities, environmental bodies and other interested parties, with public deposit/inspection points in West Somerset and Barry, supplementary environmental information was subsequently sent to those same parties in August 2005 which, again, they were invited to comment upon. An updated CIS was produced by HR Wallingford in December 2006 to clarify and provide additional information.

8. In September 2007, the Marine and Fisheries Agency circulated a consultation package prepared by the applicants consisting of a consultation report and its appendices; supplementary ES Report and a macrobenthic ecology report to consultees and others who had previously commented upon the application. The Consultation Report summarised the consultation process and dealt with the issues raised by consultees. The recipients of the Report were invited by the Agency to comment on the package.

9. The main issues raised during the course of the consultation process related to nature conservation; archaeology; side scan sonar/swathe bathymetry surveys; the need for the resource and coastal impacts.

10. All key stakeholders who are advisers to the Government on marine mineral dredging matters have been consulted about the application. The Centre for Environment, Fisheries and Aquaculture Science (Cefas) felt that there were discrepancies between the original Environmental Statement and the Consultation Report. As a precaution they recommended that the side-scan sonar/swathe bathymetry survey be undertaken on annual basis for the first five years after which a detailed review can be undertaken. The original ES suggested the use of annual monitoring undertaken during the summer months and recommended it be undertaken as originally stated. This is to provide evidence to ground truth the predictions made within the CIS concerning bank stability within the Culver region and any likely impact on coastal Bristol Channel. Natural England advised that specific targets and thresholds for monitoring be set, annual geophysical surveys for the first five years, a maximum dredge depth not exceeding 1 metre, at least for the first five years, sediment sampling to supplement geophysical data and help determine any

habitat change. The Royal Commission on the Ancient and Historical Monuments of Wales' main concern was the potential impact on remains of wrecks and downed aircraft and items lost or jettisoned overboard. Their other main concern was for effective monitoring of likely changes to the sediment transport to the wider Culver Sands system.

11. Of the local stakeholders consulted, Berrow Parish Council, Georgeham Parish Council, Northam Town Council, Old Cleeve Parish Council and Porlock Parish Council, South Wales Sea Fisheries Committee, South and West Wales Fishing Communities Ltd, Wildlife Trust objected on the grounds of coastal impact, effect on: biodiversity, fish and fishermen, Taw/Torridge Estuary, beach depletion, local sands and shingle ridges. MARINET were concerned about the status of the sandbanks, the exchange of sediments between the minor and major banks and the adequacy of any monitoring programme. Although North Somerset Council did not object to the proposal they supported effective monitoring matched by effective intervention and noted the potential loss of sand on certain beaches. They felt that analysis of beach profiles be undertaken prior to dredging. Sandbanks also needed monitoring and other users of the estuary need to be fully considered as well as cumulative impacts of the proposal.

### **Consideration**

12. The Secretary of State has carefully considered the application including all the environmental information, the draft schedule of conditions describing proposed monitoring and mitigation measures and all the comments of consultees and all other representations received.

13. The Secretary of State 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 new matters of fact which would affect the decision. Paragraph 80 of the MPS1 *Practice Guide* states that "MPS1 takes account of the contribution from this source (i.e., marine dredged aggregate to national aggregate supply), but does not give comprehensive guidance on it. The relevant policy guidance is MMG1."

14. The Secretary of State notes that the key stakeholders who are advisers to the Government on marine mineral dredging matters are content for a dredging permission to be issued. As regards Cefas's comments the applicants had proposed within the conditions to undertake the sidescan sonar and swathe surveys annually for the first five years. The applicants and NE met and as a result the draft conditions were amended and agreed which included a provision for an interim survey report. The Royal Commission on the Ancient and Historical Monuments for Wales concerns about efficient monitoring is addressed in the conditions. The applicants are confident that the pre-dredge surveys will ascertain the nature and extent of any wreckage on the seabed to the north in Welsh waters or indeed in English waters and on the surface of the sandbank. Any

archaeological finds will be reported and dealt with in accordance with the English Heritage/British Marine Aggregate Producers Association Protocol 2005.

15. The concerns expressed by local interests are addressed within the Consultation Report and in the additional Coastal Impact Assessment report which concluded that there is no connection through sediment transport between the main Culver Sand and the minor bank to the southwest of it. It also concluded that the extraction of up to 2.5 metres of sand from the surface of the minor bank in the proposed area of dredging will not change the form of the main Culver Sand which is subject to continuing natural evolution, so there is expected to be no appreciable effect on waves along the coastline.

### **Decision**

16. The Secretary of State has carefully taken into account the above considerations and all the information available and has concluded that the proposed extraction from Area 472 of up to a maximum of 15 million tonnes of marine sand and gravel over a 15 year period is acceptable at a maximum of 1 million tonnes per annum.

17. The Secretary of State, therefore, grants a dredging permission for this proposal, provided that it is carried out in accordance to the schedule of conditions set out in Annex 2 which includes a requirement to review the continuation of dredging in the permitted area after 5 and 10 years. At the time of the first review, and the second if there is one, the Secretary of State will be able to decide whether or not the dredging operations may continue and, if so, under what terms and conditions.

18. The 5 yearly reviews carried out by the Secretary of State will be informed by Substantive Reviews undertaken by the operator of the dredging operations in the Permission 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 these Reviews when they are received, so that they are able to take their views into account. In the event that any significant adverse environmental impacts are identified in this, or any other circumstance, the Secretary of State may propose to vary the terms and conditions to which this dredging permission is subject or may propose to revoke the permission, but will only do so following consultation with consultation bodies as considered necessary.

19. 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. In this instance, the dredging permission shall initially be implemented by Hanson Aggregates Marine Limited, CEMEX UK Marine Limited and United Marine Dredging Limited.

20. You are reminded that under Regulation 16 (6) of the Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007, 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.

21. 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.

22. A copy of this decision letter, with attachments, goes to all consultees and all other parties who have 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 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 8076 or 8661, E-mail: [marineminerals@mfa.gsi.gov.uk](mailto:marineminerals@mfa.gsi.gov.uk).

Yours sincerely



**Alan Dell**  
**Marine Environment Team**