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31st October 2006.

For the attention of: Mr. Graham Singleton, East Channel Association, Cemex UK,
Baltic Wharf, Elm Street, Marine Parade, Southampton SO15 5JF.

Dear Mr. Singleton, Eastern English Channel : Regional Monitoring Programme.

Thank you for your letter of 28th September 2006 which replied to ours dated 4th September following the East Channel Association meeting in London on 22nd August in order to consider the blueprint for the Regional Monitoring Programme relating to the East Channel dredging licences. A number of matters arise from your reply of 28th September, and these are the subject of this letter.

1. We asked if you could make available to us a hard copy of the full Monitoring Blueprint, and in your reply of 28th September you advised that this is being updated. We would be grateful if you could make a hard copy of this revised Monitoring Blueprint available to us at your earliest convenience.
2. In our letter of 4th September, we made the following observation in respect of thresholds for assessing the severity of impact and the need for these thresholds to be established *before* the monitoring programme commences:

“Thresholds for assessing the severity of impact have not been established before the monitoring programme commences, but rather will be set during the course of the five year programme of monitoring. We have expressed serious concern to you about this approach as we believe it to be flawed and open to abuse. When a test is being devised, in this case to determine whether dredging is having an adverse impact on the various constituent aspects of the marine environment, it is normal for the “pass mark” of that test to be determined before the test commences, and not once the results have been obtained. This ensures rigour and objectivity in the testing process.

In this instance, it is essential that testing observes the precautionary principle i.e. the setting of thresholds that would signal when dredging could be beginning to impact adversely on the environment. Marine policy of government is now based on the precautionary principle, ref. *Safeguarding Our Seas*, DEFRA 2002.

We therefore believe that it is essential that the Regional Monitoring Programme establishes thresholds, at a minimum on a preliminary basis thus allowing modification at a later date if justified, in order to ensure that the Monitoring Programme accords with government policy and that the monitoring programme is established on a proper objective, scientific basis.

Accordingly, we ask that you refer this request to the Technical Monitoring Body of the Monitoring Programme, and we advise that we will be notifying the Department for Communities and Local Government of our request.

We would be pleased to receive your confirmation that you have referred this matter to the Technical Monitoring Board, and we would be pleased to receive their response via your Association in due course.”

In your reply dated 28th September you advised that you had submitted our views on this important matter of thresholds and their establishment prior to the commencement of monitoring to the Technical Working Group. In our submission of 4th September you will note that we asked you to advise us of the Technical Working Group’s response to this matter.

To date, we have no advice from you concerning the Technical Working Group’s response. If you now have the Working Group’s response, could you please inform us of their reply. If you have received no response so far from the Working Group, we request that you re-contact the Working Group on our behalf in order to obtain this response.

We advise that we will be notifying the Department for Communities and Local Government of this specific request.

3. In our letter of 4th September we informed you that we believe the use of fluorescent material to be essential in order to establish the dispersion of unwanted dredged material from the dredger in respect of the assessment of plume dispersal in Area 473, and we asked that you recommend this to the Technical Working Group and that you obtain the response of the Working Group to our proposal. Our specific request was as follows:

“A key marine habitat in the Eastern English Channel is “sublittoral sands and gravels” which has legal protection under the United Nations Convention on Biodiversity. We have noted that the Joint Nature Conservation Committee has drawn this obligation to the attention of government and the ECA and, as a consequence, the regional monitoring programme will be assessing plume dispersal from Area 473, Greenwich Light East, in order to determine whether this habitat and its benthic communities are or are not adversely affected.

During the presentation at Baden Powell House officers of the ECA advised the meeting that fluorescent tracers, of various grain size, will be placed on the seabed in the vicinity of the dredging areas in order to determine sediment movement.

We asked whether this fluorescent material was also to be placed in the discharge of unwanted dredged material from the dredger, thus enabling a similar type measurement of dispersal to be made. The answer given to the meeting by ECA officers was no, fluorescent material is not to be used for this purpose in the monitoring programme.

We are of the clear opinion that the placing of fluorescent material in the discharge of unwanted material from the dredger would give an excellent indication of the dispersal of plume material, and that it would particularly be so given that the fluorescent material is of varying grain size.

Therefore, given the importance of the need to assess whether the sublittoral sand and gravel habitats are or are not being adversely impacted, and given that this technique is clearly suited to this purpose, we ask that you recommend to the Technical Monitoring Board, on our behalf, that the plume dispersal monitoring programme be amended in order to incorporate this particular technique and approach; and, we advise that we will be notifying the Department for Communities and Local Government of our request.

We would be pleased to receive your confirmation that you have referred this matter to the Technical Monitoring Board, and we would be pleased to receive their response via your Association in due course.”

In your reply of 28th September you state that you have referred our request to the Technical Working Group. To date, we have no advice from you concerning the Technical Working Group's response. If you now have the Working Group's response, could you please inform us of their reply. If you have received no response so far from the Working Group, we request that you re-contact the Working Group on our behalf in order to obtain this response.

We advise that we will be notifying the Department for Communities and Local Government of this specific request.

4. In our submission of 4th September we asked for the first annual report of the monitoring programme, which will be presented in 2007 to the East Channel Environmental Network (ECEN) [i.e. ourselves and other interested parties and their delegates], to be presented at least four weeks before the convening of the ECEN meeting so that we and other members have an opportunity to assess the findings of the report.

Your reply of 28th September you gave no such commitment to advise us of the reports findings prior to the ECEN meeting. Indeed, you stated “ *To involve the broad range of ECEN members any earlier than July/August would mean a significant overlap with the deliberations of the TWG members. Our view is that this would lead to prolonged deliberations and drift in timetable deadlines. Experience to date has shown there is not a lot of slack in the overall monitoring cycle.*”

This, indeed, is precisely our point. Due to the fact that the Technical Working Group (TWG) is considering the findings of the annual report *prior* to the ECEN meeting and thus deciding and determining the subsequent year's monitoring programme, unless the ECEN members are informed of the report and its findings **well in advance of the ECEN meeting in August** it will not be possible for ECEN members to make any observations or recommendations to the Technical Working Group for issues and modifications in respect of the next year's monitoring programme.

If this situation arises, any recommendations made by ECEN members will *not* be able to be incorporated into the next year's monitoring programme, and thus such recommendations will have to wait a further twelve months before they can be considered. This is both absurd and unacceptable.

Accordingly, we restate our request that ECEN members be informed of the results of the annual monitoring report well in advance of the ECEN meeting so that any recommendations of ECEN members can be considered by the Technical Working Group for incorporation in the next year's monitoring programme. Anything less than this would be regarded by us as inconsistent with an open and unbiased design of the monitoring programme. Therefore we re-iterate our specific request to you that this matter be seriously reconsidered by the East Channel Association, and we would be grateful for your considered reply at an early date.

5. We note your broad agreement to more frequent ECEN meetings.

6. In our submission of 4th September we asked that organisations like ourselves be allowed to take part in the work of the Technical Working Group, and that the minutes of the meetings of the Technical Working Group be made available to ECEN members within a reasonable time period (say, 30 days) of each meeting of the Technical Working Group.

In your reply of 28th September you state that it would make the work of the Technical Working Groups impractical if all ECEN organisations were to be allowed to be involved in the work of the Technical Working Group.

Whilst we doubt that all ECEN members would wish to be involved, may we re-submit our request so we (and other ECEN members) be allowed to attend these meetings as an observer. Such involvement would not interfere with the working of the Technical Working Group. We would be grateful for your reply to this request.

Also, we asked that the minutes of the Technical Working Group be available to ourselves (and other ECEN members) within 30 days of each meeting. You did not respond to this particular request, and accordingly we resubmit this request.

In your letter of 28th September you also asked that we provide you with the names of fishing organisations with whom our south coast members are associated. I advise that we will be forwarding your request to our members and I will ask them to provide these details. I will also provide our members with the terms of reference of the Fisheries Liaison Committee that you kindly provided.

We remain grateful to you for your advice and assistance.

Yours sincerely

S. D. Eades
On behalf of
MARINET, Marine Network of
Friends of the Earth Local Groups.

cc. D. Spooner (DCLG)
J. Roberts (DEFRA)
Dr. C. M. G. Vivian (CEFAS)
T. Edwards (JNCC)
J. Edwards (The Wildlife Trusts)
M. Moore (Marine Conservation Society)