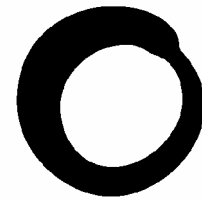




Marine Information Network
www.marinet.org.uk



**Friends of
the Earth**

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4th September 2006.

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

Dear Mr. Singleton, East Channel : Regional Monitoring Programme.

Mr. Bill Rigby and I would like to thank you for the invitation to and for the hospitality at the meeting on 22nd August 2006 at Baden Powell House, London, in order to consider the blueprint for the Regional Monitoring Programme relating to the East Channel dredging licences.

A number of points arise from that meeting relating to the design and development of the monitoring programme which we feel it would be helpful to record, and concerning which we would be pleased to receive your further response.

1. We would be grateful if you could let us have a hard copy of the full Monitoring Blueprint, a copy of which was on display at the meeting.

2. Regarding the measurement and assessment of the impact of dredging, we have noted from the reply of East Channel Association officers at the meeting that:

i/. 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.

ii/. 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.

3. We observed at the meeting at Baden Powell House that the Monitoring Blueprint had not been made available to delegates and invitees prior to the meeting, thus limiting our ability to comment on the blueprint.

We asked that the first annual report of the monitoring programme could be presented in 2007 to the annual meeting at least four weeks prior to the meeting so that delegates and invitees will have had a chance to assess the findings of the report. It is *essential* that this procedure is followed otherwise there is a serious likelihood that each forthcoming year’s monitoring programme will have been devised prior to the meeting of delegates and invitees, and therefore their comments cannot be absorbed into the forthcoming year’s design. This is particularly worrying given that the Monitoring Programme has yet to establish thresholds and, under procedures which exist at present, the ability of delegates and invitees to comment on those thresholds will, in effect, be extremely limited. Thus, it is clear that under the arrangements currently designed by the ECA it will take an unacceptable period of time (around three years) for a reservation brought up at the annual meeting to be reflected in the monitoring programme i.e. a deficiency observed in 2007 at the annual meeting will miss the design of the 2008 monitoring programme and therefore will have to wait until the design of the 2009 monitoring programme.

The reply of ECA in this matter simply stated that our request for the monitoring report to be presented to delegates and invitees at least four weeks before the annual meeting would “be considered”.

Accordingly, we formally request this consideration by the ECA, and we would be grateful if you would advise us of the result of your consideration.

4. Given the importance of the above matters regarding the ability of third parties, such as ourselves, to be involved in assessment of monitoring results and the design of monitoring programmes we would like, upon reflection following the meeting, to propose that the annual meeting should be followed six months later by a further meeting of the “annual delegates” to enable us to consider what actions have taken place following concerns expressed at the annual review meeting. This would ensure that these annual review meetings are kept informed in a timely manner of monitoring developments and that real dialogue can occur.

Accordingly, we would like to request that the ECA consider a subsequent review meeting six months after the annual monitoring review meeting for third parties. If there are no concerns expressed at the annual review meeting, then this six month meeting need not be convened. However provision for this additional meeting is, we believe, essential.

5. Also, upon further reflection following the meeting, we must advise that we have reservations about the Decision Flow Chart which we saw in the Monitoring Blueprint document. As the design currently stands, this decision-making procedure excludes organisations such as ours from the workings of the Technical Monitoring Board.

We would like to make a request that organisations such as ours be allowed to participate in the work of the Technical Monitoring Board. We see no reason why this request should not be acceptable, and we would welcome an explanation of your decision should this request be denied. In this event, we request as a minimum that the minutes of the Technical Monitoring Board meetings be made available to us within a reasonable time period (say, 30 days) of each meeting of the Board.

6. Some of MARINET’s members along the south coast have an interest in sea fishing, or are associated with organisations which have such an interest.

Accordingly, we would be grateful if you would, as you advised delegates, inform us of the terms of reference of the Fisheries Liaison Committee and the procedure by which our members and their associates may contact this Liaison Committee.

We are 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)
M. Duffy (EN)
T. Edwards (JNCC)
J. Edwards (The Wildlife Trusts)
M. Moore (Marine Conservation Society)