

Mr S D Eades
Marinet
Allington House
Allington
Chippenham
Wiltshire
SN14 6LN

Your Ref:

Our Ref:

Date: 30 October 2007

Dear Mr Eades

The Statutory control of Marine Minerals Dredging

I am very sorry that I have not been able to reply sooner to your letter 20 August which you headed up as 'Statutory Basis for Marine Minerals Guidance 2'.

I think that perhaps I need to explain that it is the Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007 (the regulations) that establish the statutory procedures for the control of marine minerals dredging. Following their approval by Parliament, they came into force on 1 May. As explained in my letter to you of 16 July, their procedural guidance, 'Marine Minerals Guidance Note 2: The control of Marine Minerals Dredging from the British Seabed' (MMG2), is only a guide to how the regulations should operate. MMG2 has now been approved by Ministers and it too came into force on 1 May but, as also explained in my letter of 16 July, there is no need or intention for it to have statutory status.

I would reply as follows to the questions you now ask:

- 1 (i) It is not the usual practice of DCLG to notify respondents to public consultation exercises of when the results of such exercises are either put on its web-site or otherwise published.
- (ii) Paragraph 1.6 on page 6 of the Consultation Document published by DCLG in June 2006 states that 'Consultation responses may also be included in a statistical summary and a summary of responses may subsequently be placed on the DCLG web site'. The summary placed on the DCLG web site last November is, therefore, a summary of responses, as was explained in the Consultation Document, and adequately summarises all the responses that were received.
- (iii) As explained in my letter to you of 16 July, it is not the practice of DCLG to either respond to, or comment on, individual representations made to public consultation exercises. Responsibility for marine minerals dredging has now transferred to the Marine and Fisheries Agency (MFA) and it too will not respond to individual representations submitted in respect of the public consultation exercise

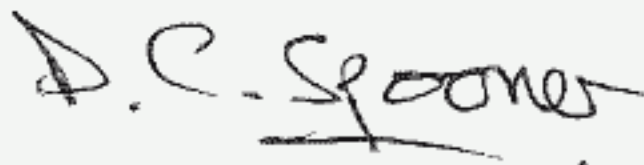
carried out by DCLG last summer into the Marine Dredging Regulations and their procedure guidance. Nevertheless, we are grateful for the comments that Marinnet made and I can assure you that they were taken into account in reconsidering both the regulations and its guidance following the public consultation exercise.

- 2 (i), (ii) and (iii) The intention of the Consultation Document on the Draft Regulations and their procedural guidance (MMG2) issued by DCLG last June was to seek comments on both these documents. As a guidance document, there has never been any intention for MMG2 to be placed on a 'statutory basis'; the regulations provide the statutory procedures for the control of marine minerals dredging and MMG2 provides guidance on how they should work in practice, as explained in the last paragraph of my letter to you of 16 July. .
- 3 (i) and (ii) Both the regulations and MMG2 were amended as a result of the public consultation exercise undertaken last summer; both came into force on 1 May this year and, therefore, apply to all new marine minerals dredging proposals submitted since that date.

(iii) The regulations and MMG2 do not apply to any marine minerals dredging that was licensed before 1 May unless there is either a proposal to amend the terms of the licence or if the Secretary of State considers that any existing licensed area is likely to have a significant effect on a European protected site. This is fully explained within paragraph 1.15 of MMG2 which can be downloaded from the MFA website. Visit www.mfa.gov.uk and go to 'Marine Environment' and then to 'Marine Minerals'.

(iv) There is only one final version of MMG2 and this can be downloaded from the MFA web-site

Yours sincerely



D C SPOONER

**REGULATORY ADVISOR
MARINE MINERALS TEAM**