Subject: Fw: What does it take to get a straight answer from Defra.
From: "Latimers" <robert@latimers.com>
Date: Mon, 4 Sep 2006 22:26:53 +0100
To: <thomas@mcsuk.org>

Dear Tom

Thanks for the e-mail, I have contacted Charlotte Walsh and will help if I can, I enclose further information regarding the dredging you can form your own opinion regarding the reply, but the situation is now dangerous and Defra are determined to support this fiasco and as they say they will ensure it is a success. I would like to hear your comments.

Bob Latimer
----- Original Message -----
From: Dixon, Andrew R (ME)
To: 'Latimers'
Cc: Meekums, Michael (ME)
Sent: Wednesday, August 30, 2006 4:36 PM
Subject: RE: What does it take to get a straight answer from Defra.

Mr Latimer

Thank you for your letter of 21 August to Mr Anderson I attach a full response a hardcopy of which with attachments should be with you in the next few days.

Andy Dixon
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From: Latimers [mailto:robert@latimers.com]
Sent: 21 August 2006 15:09
To: Anderson, Rodney (MFD)
Subject: What does it take to get a straight answer from Defra.

Dear Mr. Anderson

Mr. Dixon says in his letter dated 17 August - "Thank you for your e-mails of 1 and 16 of August to Mr. Anderson and myself, I hope this letter will answer the concerns that you have raised" - one lives in hope, but then it appears one will only have to hope if we expect a honest straight forward answer from Defra. I asked -

1. As the EA appear to be unable to answer my questions, this is the reason I have contacted you - because of the lack of EIA I am unable to find out what controls were to be put in place regarding the salmon and sea trout making their way up river to spawn during this time. Under the EIR could you provide

all information relating to this issue and where and when and by whom it was considered? - I received nothing, I would like you to review your decision and send me the information as requested under the EIR?

2. "I find it hard to believe that you told me nothing was to take place until after the meeting of the 23 July, when immediately after our discussion the PoT started dredging the estuary." Why did you tell me nothing would happen yet the PoT then started to replace the capping?

2a. Your fishery department are buying all the salmon caught within the estuary to carry out tests for contamination. Are Defra saying I am wrong and this is not the case? - I would like you to review your decision and send me all information as requested under the EIR? I would further like to ask are you really saying the PoT did not inform Defra that they were to carry out dredging of sand and silt to replace the capping? I ask you to review your decision under EIR and that you forward us copies of all correspondence relating to this and the latest dredging activities?

3. I asked - "Under the EIR could we have copies of all correspondence from the previous meeting of the 10 May up to now, including the minutes of the meeting held on the 23 July" - I received the minutes for the 26 July, I ask you to review your decision under the EIR and send me all information as requested?

4. I asked - I quote; - "The licence holder (PoT) shall prepare two operational reports, the first 48hrs after the end of the placement stage and second 48hrs after the capping stage. A copy of each shall be sent to the Licencing Authority - I ask under the EIR for copies of both these reports and Defra's response and all information that came from these issues" - I received nothing - could I ask you to review your decision under the EIR and send me all information relating to these reports and who they were sent to?

5. I asked - "The information I have is that Westoe Colliery was a 2 million ton a year coal mine this would result in a minimum of 3 million tons of stone waste a year being dumped at Souter. I am advised that although Westoe had used this site for more than 100 years, if we take the last five of its life alone this would result in at least 15 million tons of waste being dumped at Souter, the question is,if the site is level with the sea bed where has it gone" - Mr. Dixon says "the mine stone is largely still located at the site" - if this is the case then under the EIR could we see copies of all information and assessments that were carried prior to the Trial to show that this is the case?

5a. Correct me if I am wrong but it was my understanding that when the Trial was complete the area covering the disposal site would rise approximately 3mts above the sea bed, the total tonnage Defra licenced to be dumped including the sediment and capping together would be 196,991 tons is this correct?

5b. Prior to the dumping you tell us that the site was fairly level rising to 1.3mt at one corner, could you explain and provide us with all information under the EIR, explaining why this would be, considering that dumping 200,000 tons would make the site rise 3mts, yet the dumping of 15million tons of coal waste had not had the same effect?

5c. Once again correct me if I am wrong but it was my understanding that the sediment and capping together would amount to 196,991 tons, and this is what Defra licenced, but it appears that although this was the amount licenced, more was dumped, under the EIR could we have copies of all information explaining why more should be dumped when we were told there had been full assessment made by Envirocentre?

6. You tell me you are in charge of all relevant marine and fisheries policies and activities, if this is the case then can you tell me why Ben Bradshaw failed to inform Dr Caroline Lucas that the Port of Tyne Dredging Trial had failed and the capping did not come up to the standard required as Defra had set out in the licence? (I will fax a copy of the letter to the number provided)

6a Was the Minister aware that the PoT Trial was breaching the conditions of the licence and was not telling the MEP, or had Defra not told the Minister that the Trial was breaching the licence conditions issued by his department and this is the reason he had not told the MEP? (I must add it took 8 months for Defra to reply to the MEP)

7. The EA have sent me copies of an agreement they entered into with the TWTPA to protect the fish, yet

with the PoT Trial they did nothing, the EA say the PoT have statutory powers to dredge and there is nothing they can do to stop the dredging, unlike the New Tyne Tunnel, which I find most odd if they were a consultee, and page 32 of the work plan states I quote - "The EA will have an overseeing role" - the question is - who did have the overseeing role if the EA say it was not them? Under the EIR could you supply all reports and information from the EA in their overseeing role as it states in the work plan?

8. Souter site - under the EIR would you supply all information held by Defra that confirms that the waste dumped over the years remains in place?

9. We note you now say, I quote: - "This was all placed over the centre of the trial disposal site using a conventional trailer suction hopper dredger and opening the multiple hopper door to get a good column of sand in the water" - This is not the way the capping was installed for the original capping or the method stated in the work plan, why has this changed - under the EIR can you provide all information relating to this issue giving the reasons why? (I enclose a photograph showing there was certainly a good column of something, I am unsure if it is sand by the colour)

10. Could you explain where you say 95,000 cubic mtrs of silt + 57,000 cubic mts sand at the 'trial disposal site' a total of 152,000 cubic mts capping material - 'monitoring during the second week of July showed 64,000 cubic mts of this new capping material had been retained in the optimum capping area' - this means that only 42% of the capping has been retained, where has the rest gone?

10a. The type of disposal used for the second round of capping material from the dredger showing only 42% was retained in the area which was used to dispose of the contaminated sediment - under the EIR could you provide copies of information and reports and evidence showing that the same did not take place with the CDM with only 42% being retained within the disposal site?

11. As this is a trial and much is made of the monitoring by Defra and the PoT, also considering the risk assessment carried out by Cefas in November 05 showing the capping came no where near the standard required and was in clear breach of the licence. The licenced 31995/04/0 on the 20 August 2004 stated -

"The licence holder (PoT) shall prepare two operational reports, the first 48 hrs after the end of the placement stage and second 48hrs after the capping stage. A copy of each shall be sent to the Licencing Authority"

Clearly these reports are most crucial because either the capping was was not up to standard in the first place or it washed off and was never up to standard as confirmed by the Cefas risk assessment carried out in Nov 05. Bearing in mind the Cefas risk assement stated, I quote: - "Three scenarios were identified as likely to impact the integrity of the cap - 1. A single severe storm - 2. A serious of moderate storms in quick succession. - 3. Impact from trawling" -

These three scenarios have now lept to the forefront of the trial, and this is why. The Cefas risk assement was carried out approximately 6 months after the dumping was completed - Nov 05, you say the clean sand was dumped on the site June/July 06 again this is approximately 6 months later, so clearly Cefas must have instructed that prior to the June/July extra capping was dumped, a survey must have taken place as it had to be in everyone's interest to see the effects after the storms and after 6 months since the previous survey, this would give a good idea about the stability of the site, under the EIR could we see copies of the survey carried out prior to the June/July dumping? If no survey was carried out prior to the dumping, then the opportunity has been lost to assess the true situation of before and after, and clearly calls into question the competency of how this trial is being conducted. The trial was designed to meet certain objectives, one was the placement of adequate thickness of capping material over the whole volume of the deposited contaminated material, not just the centre, it appears that because Envirocentre got it wrong they want to allow to this now to take place.

Could we also, under the EIR, see copies of the PoT request and information informing Defra that the dumping was to take place in June/July?

I note with interest you mention the New Tyne Tunnel type dredging as Capital dredging, I also notice the PoT have more CDM, you suggest they wait to see the outcome of this trial. I want to point out that any

further dredging of this CDM must be considered as Capital Dredging by Defra as it should have been from the start, I would like a guarantee that this would be the case.

Your sincerely

Robert Latimer

Department for Environment, Food and Rural Affairs (Defra)

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