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From: David Johnson [mailto:David@ospar.,org]
Sent: 11 January 2007 11:51
To: 'Latimers'
Cc: 'Chris.Vivian@cefas.co.uk'; 'richard.moxon@defra.gsi.gov.uk'; Hanne; Amparo
Subject: Port of Tyne Capping trial

Dear Mr Latimer

I note the correction from Dr Vivian explaining that you have not had any previous correspondence with CEFAS, my apologies for the misunderstanding. However, I hope that you have now received the CD from Dr Vivian in addition to the EIHA extract forwarded by my colleague Hanne-Grete Nilsen.

In response to your questions directed specifically to OSPAR, and our subsequent telephone conversation, I should re-emphasise that the 1992 OSPAR Convention requires Contracting Parties to take all possible steps to prevent and eliminate pollution by dumping of wastes, in particular as provided for in Annex II. The OSPAR Commission is responsible for coordinating collective international efforts, together with subsequent monitoring, evaluation and reporting on the relative success of these efforts. The Secretariat facilitates the work of the Commission. Revised Guidelines for the Management of Dredged Material (Agreement Reference number: 2004-08) were apted at the 2004 Meeting of the OSPAR Commission. The UK have taken these guidelines into consideration in this instance.

Therefore, in response to questions 3, 4 and 7, I can only reply as follows:

1. Q3 - the terms of the Licence are a national matter. However, as this is a trial, it would seem sensible that flexibility should be allowed to achieve the best practicable environmental option.
2. Q4 - OSPAR can consider the results of the trial informed by modelling and monitoring. A further report will be made to EIHA 2007, together with information of any results from similar operations elsewhere. Key issues include the timing of placement of contaminated material, depth of water, the composition and thickness of any cap, and subsequent integrity of the site. Clearly this will be reflected in any guidance document to be prepared by the UK for this type of activity within UK waters based upon the POT experience.
3. Q7 - The trial can only be promoted as successful based on objective conclusions once the two year trial period has concluded. No conclusions can be reached until another round of monitoring has taken place later this year.

As you know EIHA, which is a working group of OSPAR's Biodiversity Strategy Committee, has agreed to keep this matter on its agenda and therefore there will be opportunities for Observer organisations and/or other Contracting Parties to ask further questions of the UK delegation on the subject of the capping trial.

Yours sincerely
David Johnson

Professor David Johnson
Executive Secretary
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