-----Original Message-----
From: robert latimer [mailto:robert@latimers.com]
Sent: 15 May 2007 10:26
To: 'Anderson, Rodney (MFD)'
Subject: Defra won't answer my questions

Dear Rodney

The purpose of this letter is to demonstrate to you and others that neither you nor Geoff Bowles are providing me with the answers to my questions. Because of this I sat down and considered the issues carefully, I looked at the information Defra had provided and what they had not provided. I also took into consideration what had gone on before, during, and after the stakeholders meeting that was held in February. It is quite clear that Defra are being deliberately evasive and are attempting to cover up to what is a serious situation. It is upsetting to have taken the time and trouble to list my questions only to not have them answered. Adding to this I have asked both the PoT and Geoff Bowles for a copy of the minutes of the stakeholders meeting, a list of names of who attended and also details of the amount of extra capping that has been added to the dumping of the CDM, 3 months have now passed and still I have received nothing, can you provide this information? I have asked Geoff Bowles to provide an e-mail copy of his letter, again he has declined, so again, can you e-mail a copy of his letter answering my questions?

I must also take issue with your recent e-mail, I quote - "***Whilst Geoff has answered your specific questions I would also like to respond to you personally" -*** I don't want you to respond personally, I want you to respond professionally. I want you to answer my questions because Geoff has failed to do so - what is he afraid of - if Geoff is such an expert and this trial is such a success why is he being so evasive?

How can you say in one breath "***Geoff has answered your specific questions***" - then in the next - "***It is not that we are unwilling to provide you with additional information***" - I don't want additional information I just want my questions answered. You say - ***"It remains our view that the best way of resolving this is for you to sit down with the case officer"*** I am finding it hard to keep up with who the case officer is, first we had Smith, then we had Dixon, now we have Bowles, we have written to them all and this is the reason why one minute Souter is a non-dispersive site and next it is a dispersive site***.*** You go on to say "***I believe that this is a reasonable and proportionate response by the Department"*** The department may be a providing a response but it is neither reasonable nor proportionate, in fact it is totally unreasonable and impractical to travel all the way to London to obtain answers to questions when they could be just as easily be answered in a letter, as an example I refer to my question ***1. -*** "***Were Defra aware that the Souter Site was a dispersive site prior to the issuing of the licence? Prior to the issuing of the licence, did Cefas ever advise Defra that it was a dispersive site and did Defra ever ask Cefas it was a dispersive site? If Defra had no knowledge that the site was a dispersive site prior to the issuing of the licence, would you please state when Cefas first informed Defra that it was a dispersive site? Also, given that it was agreed between Cefas and Defra prior to the issuing of the licence that a cap of dumped dredge material at the dumping site would be required, does this need for a cap not imply that the dumping site had a dispersive nature? And was this foregoing logic ever explored between Defra and Cefas prior to the issuing of the licence?***

Rodney, there's my question ***1.*** above and here is Geoff Bowles' response below, for ease of identification I have numbered Geoff'; answers, can you show me which of his answers refers to which of my questions? - I ask this question personally -
a) "The question of dispersiveness of the site was raised in Mr Dixon's letter to you of 30 August 2007 (**it was 2006 actually*****) in relation to the dispersion of mine tailings from the site over time"*** Rodney , the question I asked ***was "were Defra aware it was a dispersive site before they issued the licence "*** Rodney, show me where Geoff answered my question in his response?
b) "With hindsight, this may have been somewhat misleading" Rodney, Could you explain what part of the answer is misleading , and which question does this response relate to?

c) "As both I and Dr Vivian described at the Stakeholders meeting in February and which is further explained in Linsay Murray's e-mail of 2 March 2007,
the dispersiveness of a site depends on the site charactistics such as tides, waves etc, and on characteristic of the material consideration" Rodney, could you explain how this response of Geoff Bowles answers my question, when I asked "***If Defra had no knowledge that the site was a dispersive site did Defra ever ask Cefas if it was a dispersive site"***
d) My question ***"given that it was agreed between Cefas and Defra prior to the issuing of the licence that a cap of dumped dredge material at the dumping site would be required, does this need for a cap not imply that the dumping site had a dispersive nature" Answer - "Thus, a site can be dispersive for one material but non-dispersive for another"*** Rodney, could you explain how this answers my question?
e) "In the case of a capping project, since capping integrity is key, it is the characteristics of the capping material (predominantly clean sand in this case)
that are of prime importance in relation to the hydrodynamic of the site" - Rodney can you tell me why - ***If the sand capping is of prime importance, why was the sand capping left from from April 2005 until June/July 2006, at a depth of only 200mm thick, when the licence stated it had to be 1500mm thick.***
f) "The material was capped to ensure that the contaminated material was isolated from the marine environment and would not be dispersed by tidal
processes or disturbed by the action of marine organisms" - Rodney could you explain which question this response refers to?
g) "How the material was expected to behave was addressed by the Port in the environment information supporting their application and subsequently
was rigorously assessed by Cefas" - What the PoT said in the environment information supporting their application was "The CDM from the three priority docks will therefore be placed in the Souter point (Outer) disposal ground (figure 6). This site is fully licenced for sea disposal and has already been charactised as a non-dispersive site" - Rodney, If is was considered as a non-dispersal site and was fully licenced as such, then the licence had to have been consented on the basis that what was being dumped and licenced was mine tailings not CDM, if the site is now classed as a dispersive site then consent for CDM should not have been given , particularly if Cefas rigorously assessed the difference of the disposal between mine tailings and CDM . Could you show me where this response refers to my question and show me in the information that has been provided by Defra where Cefas rigorously assessed this situation?.

I have used my No 1. question as an example to show you and others that Geoff Bowles has not answered my questions.

Geoff Bowles states - "***How the material was expected to behave was addressed by the Port in the environment information supporting their application and subsequently was rigorously assessed by Cefas***"

This was the end result of the Cefas rigorous assessment of the Ports environment information -

"A bathymetric monitoring survey following placement of CDM and <u>silt cap</u> was undertaken on the 11 April illustrated that the silt cap had failed to act as predicted, and only 20% - 30% of the silt cap material could be accounted for. Silt capping was halted and immediate placement of sand was started. The 29 loads, approximately 90,000cu mts (144,000 tonnes) of sand was placed and the cap was completed on 15 April 2005 " This is very interesting information worthy of an assessment in its own right but Defra and Cefas would not want to admit that and that is the real reason I am not receiving a reply to the questions regarding Souter as a dispersive site.

Remember the amount of CDM Defra licensed to be dumped was 60,000cu mts, so at a meter thick this would cover a seabed area of 60,000sq meters, but the thickness stated in the licence was.5mts thick, so to make it 1.5mts thick this would reduce the 60,000sq mt seabed area to be covered down to 40,000sq meters, in effect 2/thirds as 20,000cu mts of the CDM would be needed to put on top of the existing CDM to get the 1.5mt thickness . The sand capping was to be .5mts thick and as the report states 90,000cu mts of clean sand was dumped on top of the CDM so as can be seen

somthing has gone wrong with the calculations, in fact the capping was in places only .2mt thick so something had gone disastrously wrong, both Defra and Cefas are now playing this fact down. The catastrophe does not end there, with the 60,000cu mts of CDM lying on the seabed 1,5mt thick covering a seabed area of 40,000sq mts, the PoT tell us they then dumped 90,000cu mts of clean sand, so in effect the sand capping at .5mt thick should have covered the CDM 4 times over at the thickness required by the licence of ,5mt. So what went wrong? Cefas said on the 13/10/05 "***PoT maintained that the project was a success however Cefas view was that the cap had not met the design intent and that there was potential risk of exposure of the contaminated material from the thin cap"*** Worse was to come, considering 4 times the required amount of sand had been placed on the site as capping, yet in places the thickness was only .2mt thick, and because of this a further 57,000cu mt of sand alone was again dumped on the site, this was enough to increase the thickness of the capping by 1mt, remember this was in addition to the 95,000cu mt of clean silt dumped prior to the dumping of the sand yet we are told the cap only increased to half the required thickness. Rodney, this is why Defra are not answering my questions or providing me with information under the FOI Act - the trial is a disaster and it is time you admitted it.

I ask you for the final time to answer my questions, and provide the information asked for under the FOI Act, if I receive nothing by the end of the week then I will proceed to ask Mr Milliband the same questions through the local and national press.

Bob Latimer

-----Original Message-----
From: Anderson, Rodney (MFD) [mailto:Rodney.Anderson@defra.gsi.gov.uk]
Sent: 01 May 2007 17:56
To: robert latimer; rodney.anderson@defra.gov.uk
Cc: Sargeant, Anna (MFA); Bowles, Geoff (MFA); Gooding, Nigel A (MFA)
Subject: RE: Defra letter 27 April still provides no answers.

Dear Robert

Whilst Geoff has answered your specific questions I would also like to respond to you personally. The licensing functions transferred to the Marine & Fisheries Agency with effect from 1 April 2006 so it is technically for the MFA to respond. However, since your information requests arose mostly on my watch I am clearly concerned that any remaining issues are resolved.

It is not that we are unwilling to provide you with additional information. As you have previously observed we have provided you already with a great deal of material. So far, we do not seem to have satisfied you that all the information you seek has been provided. On the other hand it is not clear to us where you believe there are gaps in the supply. It remains our view that the best way of resolving this is for you to sit down with the case officer and go through the issue so that questions can be answered and any missing information supplied.

I believe that this is a reasonable and proportionate response by the Department, especially bearing in mind the efforts we have gone to previously to assist. But, if you do not accept this it is of course open to you to go down the formal complaints route as set out in Geoff's latest e-mail.

Yours sincerely

Rodney Anderson

From: robert latimer [mailto:robert@latimers.com]
Sent: 01 May 2007 14:32
To: rodney.anderson@defra.gov.uk
Subject: FW: Defra letter 27 April still provides no answers.

Dear Rodney

As you can see by Geoff Bowles e-mail this situation is becoming silly, but more it makes one think what is going on, I ask myself why is Rodney not wanting to supply the information, it must be easy for you to say to Geoff Bowles answer Bob's questions and provide him with the information he has asked for under EIR? Why is it your allowing your department to play about, I am not going to start writing to all these people names below when you tell me - I am already dealing with the man at the top and that's you Rodney so why talk to the people below. I have now spoken to the Information Commissioners Office who tell me that since my request for Defra to carry out a review was made on the 16 April it is from that date that my request for a review starts.

Rather than beat about the bush any longer Rodney, I am asking you - are you going to provide the information I have requested? Could you inform me either way by return so I can proceed to the Information Commissioner to investigate my complaint..

Bob Latimer

-----Original Message-----
From: Bowles, Geoff (MFA) [mailto:geoff.bowles@defra.gsi.gov.uk]
Sent: 01 May 2007 12:01
To: rodney.anderson@defra.gov.uk
Cc: robert latimer
Subject: RE: Defra letter 27 April still provides no answers.

Dear Mr Latimer,

Your email to Rodney Anderson and his reply of 29 April concerning my involvement with your information request refer. I have been asked to provide you with i) details of how you can make representations regarding the handling of your information request and ii) an answer to your question regarding the Tyne Tunnel.

Your email sent to my colleague Andrew Dixon (who has since left Defra) dated 18th April was made under the Environmental Information Regulations (EIR). My response provided in a letter of 5th April was made in compliance with our obligations under the Deposits in the Sea (Public Registers of Information) Regulations 1996 since your questions related to information about the issue and administration of a licence issued under the Food & Environment Protection Act 1985.

Should you wish to raise concerns over the handling of your request you can do so as follows:
a) if you wish to raise an objection regarding the manner in which your request was handled under the Public Register Regulations you should address this to David Holliday (Director of Operations) or Nigel Gooding (Chief Executive) at the Marine and Fisheries Agency, 3-8 Whitehall Place, London, SW1A 2HH, or

b) if you consider that your request under the EIR was not discharged in accordance with our data information obligations you should write to Clive Porro, Head of Defra's Access to Information Unit, Area1E, 3-8 Whitehall Place, London, SW1A 2HH.

So far as the position on the Tyne Tunnel is concerned, I can advise you that to date no application for a licence under the Food & Environment Protection Act 1985 has been made to dispose at sea of any materials associated with the excavation of the Tyne Tunnel. Accordingly, neither the Agency (or previously the Marine Consents & Environment Unit) has issued a licence for such disposal.

Geoff Bowles
Marine & Fisheries Agency
020 7270 8656
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