Dear Mr Latimer

In your email of 7th February 2007 timed at 10:11 you stated:

"Further to our telephone conversation this morning, I include the reply I received yesterday from Cefas, I believe the reply is a disgrace and falls into line with the attitude that Cefas have adopted during this trial. I am an engineer with my own business so I feel quite competent to say the standard of this reply calls into question the role of Cefas if this is the type of people they employ. I did not ask for a personal opinion I asked Cefas a number of questions only one under the EIR yet he appears to refer to each question under the EIR which is puzzling. The question I did ask under the EIR - refers to information provided by Cefas only three months ago - not as I requested. If as claimed the situation regarding the classification of the Souter site as a dispersive site was discussed at several meetings with other statutory bodies, the PoT and their advisors Envirocentre then the information must be held on record. The situation here is Cefas refer to 1979 yet the 5 years prior to 1993 in excess of 15 million tons of waste was dumped on this site but in 2004 we are told the site was almost level with the sea bed, this certainly does not seem a low dispersiveness site to me, but it appears by this reply that Cefas considers it is unreasonable to ask questions."

With regard to the issue of the dispersiveness of the Souter Point site there are a number of points that need to be made clear:

1. Minutes of meetings do not record all the discussions that took place but usually focus on agreed actions and key points of discussion.

2. Cefas did not advise Defra or Port of Tyne 3 months ago about the dispersiveness of the Souter Point site. No such document exists. Mr Latimer is welcome to visit Cefas and examine our files on this project if he wishes to check this point.

3. Some 3 months ago Cefas submitted a report to OSPAR that dealt with this point under the section titled 'Location of disposal site'. You already have a copy of this document.

4. There is no formal classification of the dispersiveness of disposal sites.

5. The degree of dispersiveness of the Souter Point site was an issue of disagreement between Cefas and EnviroCentre (the Port of Tyne's environmental consultant) in the discussion of the original application during 2003. It has not been a substantive item of discussion since then. There are 2 documents from this time that mention this issue. It is important to remember that the original application was for the open disposal of contaminated material without any cap and these documents were written with that in mind although capping is mentioned as a mitigation technique that should be explored. The documents are:

- A document titled 'FEPA monitoring at dredged material disposal sites off the Tyne' dated March 2003 although it was actually finalised on 2nd April 2003. This contains several highlighted passages that refer to the materials dumped in this area, the dispersiveness of disposal sites off the Tyne-Tees coast and the behaviour of minestone at a shallower, more dynamic site off Sunderland.
- A document titled 'Tyne annex v2.doc' dated May 2003 containing 'Annex 1.0 Biological effects of TBT and historic contamination at the disposal grounds' Annex 2.0 Physical Impacts and proposed disposal modelling' and Appendix 1 'Specific points on scores for exposure scenarios of 1-10ppm TBT'. This report duplicates some of the material in the previous report. This document contains a highlighted section reporting the result of modelling of sediment movement and erosion that indicates transport only occurring during storm events.

With regard to the issue of the large volume of minestone dumped on this site, some confusion may possibly have arisen as to the area being referred to i.e. the location of the capping project that has not been affected by minestone deposition as opposed to the North-West corner of the disposal site that has been affected by minestone deposition. The only letter to you in 2004 that I can find (15th November 2004 from Mike Smith, Defra) does not state that the site was level with the seabed. The following points may help to clarify the situation:

- Minestone was licensed to be disposed of at the Souter Point (Inner) site that was a triangular portion of the western end of the main Souter Point site. This triangle is approximately formed by taking a line from the south-west corner of the main Souter Point site, in a direction of about 020 degrees until it intersects the northerly boundary of the main Souter Point site.
- The North-West part of this triangular site still has a large mound of minestone as can be seen on the attached images derived from a multi-beam bathymetry survey done in 2003. The first images shows the mound in the North-

West corner of the main Souter Point site while the second shows a more zoomed in image of the mound. The final image shows a cross-section of the mound derived from the bathymetry data indicating a mound of up to 6 metres high over a substantial area. This data has not been fully worked up so the depth data may not fully accurate.

- We have not quantified the volume of material in the mound. However, my rough estimate suggest that it would appear to be at least 0.8 by 0.4 Km in size, with a thickness of up to 6-7 metres. If that is the case a rough estimate of the volume of the mound would be at least 1 million cubic metres or 1.8 million tonnes.
- The second document referred to above has a minestone section in appendix 1 that discusses the behaviour of minestone at the Wearmouth site based on a number of surveys. You will note that only some 5 years deposition of minestone could be accounted for in the mound on the site despite active disposal of minestone at the site when the surveys mentioned were carried out. That discussion comes to the conclusion that the minestone disintegrates into sand and clay particles that are indistinguishable from other marine sediments in the area. A more detailed paper describing that study is available if you wish to see it but it is only available as a paper copy.
- Samples of minestone that Cefas examined when disposal was taking place clearly showed that it was soft and was relatively friable.
- The North-West part of the Souter Point disposal site where the minestone mound is located is shallower that the capping site by some 10 metres that means it will be more susceptible to wave action at the seabed than the capping site.
- Thus, it is not the case that 15 million tonnes of minestone deposited at the Souter Point site has all dispersed out of the site. A substantial mound of minestone still exists with no doubt some additional material outside the mound. In addition, some minestone will have disintegrated into its constituent components (sand, silt, mica etc) that will have dispersed away from the mound at least to some extent and possibly constitutes a significant amount of the sediment within the westerly part of the Souter Point disposal site. This point was clearly made to you in the 3rd paragraph on page 3 of Andrew Dixon's letter to you dated 2nd November 2006.

As regards your final point, I do not consider it unreasonable for him to ask questions. Indeed, he will have ample opportunity to do just that at the stakeholder meeting for this project on 20th February that he has been invited to attend.

Dr Chris Vivian.