



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

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Adran Amgylchedd, Cynaliadwyedd a Thai
Department for Environment, Sustainability and Housing

Eich cyf . Your ref: Area 373 Helwick
Ein cyf . Our ref:
Dyddiad . Date: 1 August 2007

Dear Mr Wakerly

**GOVERNMENT VIEW (INTERIM ARRANGEMENTS) EXTRACTION OF MARINE
AGGREGATES BY DREDGING
APPLICATION BY LLANELLI SAND DREDGING LIMITED, FOR A LICENCE TO
EXTRACT MARINE AGGREGATES BY DREDGING IN AREA 373 HELWICK
BANK**

I refer to the application submitted by Llanelli Sand Dredging Ltd for a licence for the extraction of marine aggregates by dredging in Area 373 Helwick Bank. The Government View is required in connection with an application to the Crown Estate for a licence for the extraction of marine aggregates by dredging.

An inquiry was held into the proposal and sat for 10 days between 20 June and 7 July 2006. The Inspector considered the merits of the proposal in the light of the information submitted to the Inquiry, and prepared a report for consideration by the Welsh Assembly Government. He recommended that a favourable Government View be given in part, subject to conditions. A copy of the Inspector's report is attached to this letter.

The Inspector recommended that a favourable Government View should be given for a licence restricted to a maximum extraction rate of 150,000 tonnes per annum for a period not exceeding ten years. However, the Minister for Environment, Sustainability and Housing has decided that, in accordance with the Assembly

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Government's Interim Marine Aggregates Dredging Policy (November 2004), dredging should be limited to a period of seven years.

The Minister has accepted the Inspector's other recommendations and, on that basis, considers that no reasonable scientific doubt remains as to the absence of significant effects on the conservation objectives of either Carmarthen Bay and Estuaries Special Area of Conservation (SAC) or the Carmarthen Bay Special Protection Area (SPA).

The Minister is therefore prepared to give a favourable Government View for the award of a licence for the extraction of marine aggregates by dredging in Area 373 Helwick Bank, subject to conditions, which outline the environmental constraints pertaining to this Government View. A decision report will be published on the Welsh Assembly Government website. The favourable Government View includes Plan LSDL1, and Plan LSDL 2 which are referred to in the Conditions.

Conditions:

INTERPRETATION

In these Conditions, unless stated otherwise:

'**Active Dredging Zone**' means the Dredging Zone, nominated by the Operator, within which dredging is to take place at any one time;

'**Annual Review**' means a review of the results of monitoring carried out in the preceding year;

'**CCS**' means the Council of the City and County of Swansea;

'**CCW**' means the Countryside Council for Wales;

'**Commencement Date**' means the date on which dredging operations commence within the first 'Active Dredging Zone';

'**DEFRA**' means the Department for the Environment Food and Rural Affairs;

'**Dredging Zone**' means the two sub areas of the Licence Area shown on Plan LSDL1, annexed to these conditions;

'**Extended Bathymetric Survey Area**' means the bathymetric survey area, used between 2001 and 2005, shown on Plan LSDL2, annexed to these conditions;

'**Fisheries Organisations**' means the Marine Fisheries Agency, the South Wales Sea Fisheries Committee, the South and West Wales Fisheries Communities Ltd, the South and West Wales Association of Sea Angling Clubs and the Devon Sea Fisheries Committee;

'**HAT**' means the Highest Astronomic Tide;

'**Licence**' means a licence to dredge aggregates issued by The Crown Estate, pursuant to this Government View;

'**Licence Area**' means the area within which dredging may take place, defined as Area 373, Helwick Bank, shown on Plan LSDL 1, annexed to these conditions;

'**Monitoring Strategy**' means a strategy, submitted in accordance with the requirements of Condition 11;

'**MHWS**' means the Mean High Water Spring Tide;

'**MLW**' means Mean Low Water;

'**Original Bathymetric Survey Area**' means the area used for bathymetric survey between 1993 and 1997, shown on Plan LSDL 2, annexed to these conditions;

'**Operator**' means Llanelli Sand Dredging Ltd, the applicants for a licence to

dredge aggregates from Area 373, to be issued by The Crown Estate; and ‘**Substantive Review**’ means a review of the results of monitoring carried out in the preceding three years, future monitoring arrangements and continued dredging operations.

1. DURATION OF THE LICENCE

The Licence shall permit the removal of aggregates by dredging from the Licence Area by the Operator for a period of seven (7) years from the Commencement Date.

Reason: To protect the marine environment.

2. COMMENCEMENT OF DREDGING

The dredging operations permitted by the Government View shall be commenced before the expiration of two (2) years from the date when the Government View is issued, otherwise the Government View shall lapse. The Operator shall give six (6) weeks prior notice in writing of the Commencement Date to The Crown Estate, the Welsh Assembly Government, CCS, DEFRA and the Fisheries Organisations.

Reason: To prevent the accumulation of unimplemented Government Views within the Bristol Channel and to facilitate the effective monitoring of the dredging operations.

3. BOUNDARIES OF THE LICENCE AREA

The Licence Area is delineated on plan **LSDL1** and is marked by the reference points A, B, C and D. Dredging Zone 1 is marked by the reference points A, B, W and X. Dredging Zone 2 is marked by the reference points W, X, C and D. The geographical co-ordinates of these points are set out to WGS 84 datum on plan **LSDL 1**.

A copy of plan **LSDL 1** is annexed to these conditions.

Reason: To protect the marine environment.

4. MAXIMUM EXTRACTION RATE

Subject to any Annual or Substantive Review carried out in accordance with conditions 18 or 19, the extraction of aggregates from the Licence Area shall not exceed one hundred and fifty thousand (150,000) tonnes per year.

Reason: To allow monitoring and review to ensure protection of the marine environment.

5. MAXIMUM QUANTITY OF AGGREGATES TO BE EXTRACTED

Within the seven (7) year period described in Condition 1, no more than one million and fifty thousand (1,050,000) tonnes of aggregates shall be removed from the Licence Area.

Reason: To ensure protection of the marine environment.

6. PROCEDURE FOR NOMINATING AND CHANGING DREDGING ZONES

Six (6) weeks before the Commencement Date, the Operator shall give notice in writing, nominating one or other of the Dredging Zones as the Active Dredging Zone. Such notice shall be given to The Crown Estate, Welsh Assembly Government, CCS, DEFRA and the Fisheries Organisations. Dredging shall only take place in the Active Dredging Zone.

The Operator shall only change Active Dredging Zone after having given six (6) weeks notice in writing to The Crown Estate, Welsh Assembly Government, CCS, DEFRA and the Fisheries Organisations.

Reason: To protect the marine environment and fisheries interests.

7. APPOINTMENT OF A FISHERIES LIAISON OFFICER

The Operator shall appoint a fisheries liaison officer prior to the Commencement Date and shall retain a fisheries liaison officer during each year when the Operator intends to undertake dredging, unless dredging has been suspended under the terms of condition 18. The duties of the fisheries liaison officer shall be determined in consultation with the Fisheries Organisations.

Reason: To ensure good communications with the fisheries organisations.

8. DREDGING EQUIPMENT

The dredging operations permitted by the licence shall only be undertaken by a vessel:

- i. utilising a trailing suction hopper dredge; and
- ii. returning screenings and overspill material to the sea, as far as practicable, at the location from which it has been extracted.

Reason: To ensure protection of the marine environment.

9. NAVIGATION AND SAFETY PROCEDURES

The Operator shall ensure that the dredging vessel is equipped with:

- i. an electronic monitoring system that records the vessel's position at intervals of no greater than thirty (30) seconds both during dredging operations and when in transit to and from the Licence Area. The records so produced shall be available for inspection at all reasonable times by The Crown Estate, the Welsh Assembly Government and DEFRA;
- ii. navigation equipment (including a differential global positioning system), lighting, radar, VHF radio and fog warning equipment in compliance with the requirements of the International Regulations for Preventing Collisions at Sea 1972, as amended, (COLREGS), applicable at the time;
- iii. an automatic identification system (AIS) transponder;

The Operator shall ensure that:

- i. the International Safety Management (ISM) Code for training, including crew familiarisation and induction, is adhered to;
- ii. any other requirements of COLREGS and the Safety of Life at Sea (SOLAS) Convention are met; and
- iii. any other requirements of the Maritime and Coastguard Agency are adhered to.

The Crown Estate and the Welsh Assembly Government shall, at all reasonable times, be able to inspect any documents relating to the safety procedures set out in this condition.

Reason: To ensure compliance with the licence and to maintain safe navigation at sea.

10. NOTIFICATION OF DISCOVERY OF SIGNIFICANT ARCHAEOLOGICAL REMAINS

If, during the course of dredging operations, features of archaeological significance are found within the Licence Area, the Operator shall:

- i. as soon as possible, notify CADW, Welsh Historic Monuments, and CCS, of such finds; and
- ii. take such steps to protect the features of archaeological significance, in accordance with the requirements of CADW, or otherwise following the guidance in '*Marine Aggregate Dredging and the Historic Environment*' and the '*Protocol for Reporting Finds of Archaeological Interest*' or any guidance which may replace these documents.

Reason: To protect wrecks, marine war graves and archaeology.

11. OFFSHORE MONITORING STRATEGY AND BASELINE SURVEY

Dredging operations shall not commence until:

- i. a Monitoring Strategy covering the proposed baseline survey and monitoring of the bathymetry, benthos and seabed sediment composition has been submitted to and approved in writing by the Welsh Assembly Government, following consultation with CCS, CCW and DEFRA; and
- ii. the baseline survey set out in the approved Monitoring Strategy has been completed.

If the submitted Monitoring Strategy is not approved within three (3) months of the submission of all necessary information, the surveys may commence in accordance with the submitted Strategy.

Reason: To provide baseline data necessary for the effective monitoring of the effects of dredging operations in the interests of protecting the marine environment.

12. ANNUAL BEACH SURVEYS

Dredging operations shall not commence until:

- i. details of the annual beach surveys at Rhossili, Mewslade, Port Eynon and Oxwich beaches, which shall include ten (10) beach profiles and sediment size samples at three points (MLW, MHWS and HAT) on each profile (to be undertaken consistently either in March or September) and Real Time Kinematic (RTK) surveys (normally to be undertaken in June or July), have been submitted to and approved in writing by the Welsh Assembly Government, following consultation with CCS, CCW and DEFRA; and
- ii. any baseline survey set out in the approved scheme has been completed; If the submitted details are not approved within three (3) months of the submission of all necessary information, then the surveys may commence in

accordance with the submitted details.

Reason: To provide data necessary for the effective monitoring of the effects of dredging operations in order to protect the beaches.

13. ANNUAL BATHYMETRIC SURVEYS

Each year during the currency of the licence, normally in June or July, a bathymetric survey, covering the Extended Bathymetric Survey Area, shown on plan **LSDL2** shall be undertaken. The methodology for that survey shall be submitted to and approved by the Welsh Assembly Government, in consultation with CCS, CCW and DEFRA, before the first survey is undertaken.

The baseline survey shall include:

- i. multi-beam survey of the Licence area, and otherwise use single beam survey, at sufficient resolution to provide accurate data on the morphology of the Extended Bathymetric Survey Area; and
- ii. sub-tidal transects which link to beach profiles at Mewslade, Port Eynon (Profile 2) and Oxwich (Profile 2).

The subsequent annual surveys shall include:

- i. single beam survey of the Extended Bathymetric Survey Area, but with a high density grid of survey points covering the area actually dredged during the preceding year and any likely 'spread area', in order to assess the extent and rates of replenishment; and
- ii. transects as undertaken in the baseline survey.

The surveys shall be corrected to Chart Datum Helwick Bank (CDHB) and be accompanied by a plot of dredging intensity and the monthly volumes of aggregates extracted since the previous survey. A copy of Plan **LSDL 2** is annexed to these Conditions.

Reason: To ensure effective environmental monitoring of the effects of dredging operations in the interests of protecting the marine environment.

14. PERIODIC BENTHIC SURVEYS

A benthic survey, in accordance with the approved Monitoring Strategy, shall be undertaken in the second, fourth, and sixth years after the Commencement Date. The benthic survey shall be undertaken at the same time of year on each occasion, in June or July, unless otherwise agreed with CCW and DEFRA.

Reason: To ensure effective monitoring of the effects of dredging operations in the interests of protecting the marine environment.

15. POST DREDGE SURVEYS

On completion of the full term of the Licence, unless otherwise agreed with the Welsh Assembly Government, following consultation with CCS, CCW and DEFRA, the Operator shall undertake a single set of bathymetric, beach and benthic surveys.

Reason: To ensure effective monitoring of the effects of dredging operations in

the interests of protecting the marine environment.

16. SURVEY REPORTING ARRANGEMENTS

The data collected during the surveys required under Conditions 11 to 15, together with all other data and reports required to interpret it, shall be:

- i. made available to the Welsh Assembly Government, The Crown Estate, CCS, CCW and DEFRA as hard copies and in digital form, no later than six (6) months after the completion of the fieldwork for each survey. In addition, the annual bathymetric survey data and any relevant reports shall be provided to the UK Hydrographic Office as hard copies and in digital form no more than six (6) months after the completion of the fieldwork for each survey.
- ii. retained by the Operator during the currency of the Licence and for a period of five (5) years thereafter.

Reason: To enable assessment of the environment effects of the dredging operations in the interests of protecting the marine environment.

17. BANK VOLUME THRESHOLDS

Two Bank Volume Thresholds have been defined, which relate to the Original Bathymetric Survey Area, shown on Plan **LSDL 2**:

- i. the Warning Volume Threshold, which is a bank volume of 13.925 million cubic metres measured between CDHB and 10 metres below CDHB; and
- ii. the Suspension Volume Threshold, which is a bank volume of 13.649 million cubic metres, measured as defined in (i) above.

These thresholds and the survey area used for the calculation may be altered, by agreement between the Operator and the Welsh Assembly Government, at any Annual or Substantive Review. A copy of Plan **LSDL 2** is annexed to these Conditions.

Reason: To provide action trigger points to be considered during Annual and Substantive Reviews.

18. ANNUAL REVIEW OF MONITORING RESULTS

Each year, upon completion of the bathymetric and beach survey reports, the Operator shall arrange a joint meeting with the Welsh Assembly Government, CCS and CCW and DEFRA to discuss the main findings of those surveys and any other relevant information.

If the last bathymetric survey demonstrates that the volume of the Bank (as defined in Condition 17) has fallen below the Warning Volume Threshold, the Operator shall:

- i. provide a report analysing the reasons for any measured decline in bank volume or significant changes in morphology; and
- ii. consider making changes to the dredging arrangements, including the transfer of subsequent dredging operations to the other Dredging Zone.

If the last bathymetric survey demonstrates that the volume of the Bank (as defined in Condition 17) has fallen below the Suspension Volume Threshold, for

the first time, the Operator shall take the actions set out in relation to a breach of the Warning Volume Threshold.

If the last bathymetric survey demonstrates that, for a second successive year, the volume of the Bank remains below the Suspension Volume Threshold, the Operator shall, upon receipt of notice in writing from the Welsh Assembly Government, suspend dredging. Dredging shall not be resumed until the Operator has undertaken a further bathymetric survey that demonstrates that the volume of the Bank has returned to a volume greater than the Warning Volume Threshold.

If the monitoring undertaken during the preceding year, or any other information available to the Welsh Assembly Government, identifies a significant adverse environmental effect, not previously identified, the Operator may, upon receipt of notice in writing from the Welsh Assembly Government, be required to introduce such changes to the dredging operations or monitoring arrangements as are required to avoid or mitigate that effect.

Reason: To ensure that the dredging operations do not cause any significant adverse environment effect.

19. SUBSTANTIVE REVIEW

Every three (3) years after the Commencement Date, the Operator shall arrange a joint Substantive Review meeting with the Welsh Assembly Government, CCS, CCW and DEFRA to discuss the main findings of surveys during the preceding three (3) years and to agree any necessary amendments to the dredging arrangements and monitoring. The Substantive Review shall also include any matters covered in the Annual Reviews.

Reason: To ensure effective assessment of the environmental effects of the dredging operations in the interests of protecting the environment.

20. SURVEY REQUIREMENTS IN THE EVENT THAT THE LICENCE IS SUSPENDED

In the event that the Welsh Assembly Government has suspended the Licence, in accordance with the procedures in conditions 18 or 19, the Operator shall continue the annual programme of bathymetric and beach surveys, unless and until the Operator has given six (6) months notice in writing to the Welsh Assembly Government that it does not intend to resume dredging at any time during the remainder of the Licence period defined in Condition 1.

In the event that the Welsh Assembly Government has suspended the Licence, the programme of benthic monitoring shall be suspended. If dredging is resumed, a revised programme of benthic monitoring shall be undertaken, as follows: the first benthic survey shall take place in the first appropriate month after dredging has been permitted to resume and at three yearly intervals thereafter, save that any benthic survey that falls due in the last two years of the Licence, shall be deferred to become the post dredge benthic survey, required under condition 15.

Reason: To ensure effective monitoring of the effects of dredging operations in the interests of protecting the marine environment.

21. VESSEL MOVEMENTS

No more than two (2) cargoes of dredged material from the Licence Area, or from Area 476 Nobel Banks, shall be delivered by the Operator to Burry Port in any twenty-four (24) hour period.

Reason: To ensure minimal disturbance to protected species, namely the common scoter.

If you wish to discuss any matters arising from the Government View, please speak to Jeff Spear in Planning Division, telephone number 029 20823714 or email jeff.spear@wales.gsi.gov.uk

A copy of this letter is being sent to The Crown Estate and to consultees

Yours sincerely

ROSEMARY THOMAS
Head of Planning Division