

18 March 2010

Dear Mr. Lavery,

As a Hayle Town Councillor, following our objection to the forthcoming Licence to dredge the Hayle River, I have received four complaints regarding the storage of sand dredged from the Hayle Channel at both Lelant Quay and North Quay, Hayle. A part of the complaint was as to whether the dredging company required planning permission to store sand on the relevant quays. An enquiry has been directed to Jeremy Content, a planner, on this matter and I am delighted with his response that enquiries are being made within departments at Cornwall County Council.

These complaints led me to make enquiries of other sources:-

- I obtained from the internet an unsigned copy of the Licence for dredging made between Penwith District Council and Hayle Harbour Management Limited. I read with interest the content, but particularly article 6.2, which states that the company will ensure that no more than 5,000 tons of dredged material will be stockpiled on the quay side. I believe from the Harbour Act that the quayside within this legislation include both Lelant and North Quay.
- I then sought the aid of a quantity surveyor who assessed the sand stockpiled on Lelant Quay as in excess of 7,000 tons - photographs taken.
- I then by visual comparison compared the sand stored in 2 piles on North Quay and estimated that it is larger than that on Lelant Quay by about 40% - photographs taken.

Following a further complaint I visited Sandy Acres or Sandbank, Hayle which is land owned by the dredging company, and saw a deposit of yellow sand by visual comparison some 6 to 7 times the quantity of the sand on Lelant Quay. Whilst it is not known where this sand comes from a simple test will show its origins and how long since it was removed. For your information there were no signs on recent sand dune excavation at this site. - photographs taken.

I estimated using a simple formula based on the above facts that there is about 59,000 tons of sand at the 3 locations. I appreciate that my calculations are based on tons whilst the licence refers to tonnes, my research shows that there is a 1.6% variation between the 2 units of weight.

I also refer to article 5.1 of the licence which clearly states that the company is to keep record of the location dredged, start and finish time and tonnage removed, further more under article 4.4 that the company must set a long term dredging protocol, Is there one? Finally, article 10.1.1 refers to Dispute Resolution - Resolution must in the case of the council be directed through you. As there is no policing mechanism set for breach of licence I feel that my only redress is through you.

I wish to formally complain regarding this obvious breach of Licence conditions, I also wish that an investigation be commenced on the quantity of sand removed which must be recorded as per the licence, also whether if proved this quantity of sand can be stored at Sandy Acres. I feel that your licence (as transferred by Penwith DC to you) originally written by Simon Mansell who is still in your employ has been totally violated. My solution to this problem would be to return the excess sand to the beach but realise that there will always be a long process of resolution outside of common sense.

I feel that any new licence to extract sand, to be considered soon, should be deferred until this breach of licence allegation is fully and satisfactorily investigated and resolved. Finally I and many other people consider that the only solution to keep the seafaring industry alive would be to have a Local Enquiry, to which I and many others would support either sluicing or dredging and returning sand to the beach under a DEFRA Licence as we locals consider that our tourist industry (remember 3 miles of Golden Sand) is also important to the town employment.

I look forward to your reply.

Councillor Clive Polkinghorne