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11 May 2004

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DP 686/03 - 07

Rt Hon Rhodri Morgan AM
First Minister/Prif Weinidog Cymru



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

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Our Ref/ Ein cyf: MB/FM/325/04

Janet Ryder AM
National Assembly for Wales
Cardiff Bay
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24th May 2004

Dear Janet

At Plenary on 11th May you asked whether the Assembly's responsibilities in connection with the consents regime for Mostyn Dock's dredging proposals were being managed so as to avoid any conflict of interest. I said I would write to you to clarify the position.

If I could refer you to the written response you have received from Minister for Environment, Planning and Countryside on the subject, the three competent authorities in respect of the applications to dredge Mostyn Dock are the Environment Agency, with regard to the consent to dredge, the Secretary of State for Transport for consent with regard to safety of navigation and the National Assembly for Wales with regard to the disposal consent.

The three consents in question are not subject to regulations 48 to 53 of the Conservation (Natural Habitats, &c.) Regulations 1994. Instead, the three regulators are giving effect to the Member State's obligations under Article 6 of the Habitats Directive. In doing so, they have adopted working arrangements which reflect the general approach set out in regulations 48 to 53 of the 1994 Regulations. These arrangements are not thought to give rise to any conflicts of interest.

For the sake of completeness, I should also add that the Environment Agency's function of giving consent for dredging in the Dee Estuary is actually exercised by the Dee and Clwyd Local Flood Defence Committee.

Yours
Rhodri