



Chief Executive Officer

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Mr Desmond Swayne TD MP
House of Commons
London
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21/10

17 October 2008

Dear Mr Swayne,

Thank you for your letter of 19th September. I apologise for the delay in responding to you. My staff have been working hard to try to find a solution to the current problems being faced at Lymington and I was waiting to respond with news of concrete progress.

I understand that there are very real concerns over the impacts of the new and existing ferries in Lymington. In particular with regard to the potential for salt marsh erosion, conflicts with recreational users and increased traffic.

As you are aware, the Marine and Fisheries Agency's role in this relates to approving works to the existing berth at Lymington Harbour under the Food and Environment Protection Act (FEPA). FEPA is concerned with the environmental impact of the deposition of material below the Mean High Water Mark, which in this instance relates to the impacts of the minor berth improvement works. Our remit does not cover the operation of the ferries which is at the heart of discussions. Even if we had the legal remit our licences are time limited to cover the extent of construction activity. Furthermore, we do not have the competence either to monitor or enforce any conditions related to the ferry operations such as speed of vessels.

We are, however, working hard to ensure that concerns raised at Lymington are addressed. The key is to determine who is responsible for the ferry operations, and to establish whether or not there is in fact a regulatory gap. In addition to encouraging regulators and the Government Office South East to work together we are also working closely with policy colleagues at Defra to ensure that all is done within central government to resolve these matters.

We are involved in the Appropriate Assessment discussions and have agreed to consider the possible indirect effects of the ferries, not as part of the project being considered under our remit but in recognition that this is a significant nature conservation concern. The MFA remains committed to moving this forward and have taken the view that some of the data

from the sea trials are likely to contribute to the validation of modelling predictions which we are considering with Natural England.

I hope that this reassures you that the MFA is fully aware of the frustrations over this matter and is working hard to find a sustainable solution. It would, however, be wrong for the MFA to accept responsibility as lead regulator in the matter when it does not have either the legal remit or competence to address some key areas of concern.

Yours sincerely

Nigel Gooding

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