

**Councillor Mrs. S. Murray**

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To John Roberts,  
**Marine Consents & Environment Unit**  
**3 - 8 Whitehall Place**  
**(2nd Floor - Area D)**  
**London**  
**SW1A 2HH**

**4 March 2006**

Dear John,

Thank you so very much for visiting Whitsand Bay and participating in the Public Meeting in Millbrook.

I know that it must have been difficult to fit this visit into your busy schedule.

I am sure that you now fully understand the strength of feeling from the users of the Bay for various recreational purposes and those local businesses that rely on the tourist industry for the livelihood.

I was concerned that my question relating to the application of the Precautionary Principle was answered by Dr Lindsay Murray of CEFAS rather than by you as the Government Representative.

As I understand, the application of the Precautionary Principle is a political rather than a scientific instrument although I acknowledge that it does have bearing on scientific assessments..

I have written to Minister Bradshaw outlining my reasons for questioning this principle in relation to the Dredge Disposal at PLO31 (Rame Disposal Site) and attach a copy for your information.

I have also looked at some of the European Case Law concerning the application of the Precautionary Principle and would refer you to:

Case C-6/04 – Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland.

- Para 54 As to those submissions, the Court has already held that Article 6(3) of the Habitats Directive makes the requirement for an appropriate assessment of the implications of a plan or project conditional on there being a probability



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or a risk that it will have a significant effect on the site concerned. In the light, in particular, of the precautionary principle, such a risk exists if it cannot be excluded on the basis of objective information that the plan or project will have a significant effect on the site concerned (see, to this effect, Case C-127/02 *Waddenvereniging and Vogelbeschermingsvereniging* [2004] ECR I-7405, paragraphs 43 and 44).

(This paragraph is reproduced from the CURIA website.

Judgment date 20/10/2005.

A further case where the Precautionary Principle is cited reproduced from the same website is

**Case C-127/02** OPINION OF ADVOCATE GENERAL KOKOTT delivered on 29 January 2004

- Conclusion – 26 - For example, the Ministerial Declaration of the Sixth Trilateral Governmental Conference on the Protection of the Wadden Sea, Esbjerg, 13 November 1991, defined the precautionary principle as follows: ‘to take action to avoid activities which are assumed to have significant damaging impact on the environment, even where there is no sufficient scientific evidence to prove a causal link between activities and their impact.’

I believe it is up to the UK Government to look carefully at the above judgments and suspend the disposal of dredged spoil at the Rame Site (PLO31) with immediate effect due to the fact that the activities of disposal of dredged material at the site are assumed to have significant damaging impact on the environment, even where there is no sufficient scientific evidence to prove a causal link between activities and their impact.

The observations of the residents at the meeting and the video evidence of Dave Peake provide HM Government with adequate evidence to this effect.

I look forward to receiving your comments within the next 14 days when I will be taking the matter to the European Commission.

I am sure you will understand that I have to take this action as I have a duty to my constituents to ensure I carry out their wishes.

I am copying this to the local press, Councillors and other interested parties. I am sure you will wish to copy it to Andy Dixon and Dr Lindsay Murray.

With very best wishes

Sheryll Murray