

## Mussel Fishery Application

7/02/2017

Purely for information, unless of course if you want to respond yourself, please find following in date order recent dialogue between the Applicants for the Mussel fishery, and others including myself. Peter Scott is the solicitor representing the applicants – Wash Mussels. The correct address to raise objection is 'michael.gubbins@defra.gsi.gov.uk'

Tim Goodwin  
Commodore

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i)

**From:** [commodore@stoursailingclub.co.uk](mailto:commodore@stoursailingclub.co.uk) [<mailto:commodore@stoursailingclub.co.uk>]

**Sent:** 20 January 2017 00:19

**To:** Peter Scott

**Cc:** Anne Goldsack; Bob Calver; Brenda Read; [fromedemon@aol.com](mailto:fromedemon@aol.com); Phill Barnes; David Card; Tom Clayton; Bernard Jenkin; Stephen

Hopkins; [shellfish.orders@defra.gsi.gov.uk](mailto:shellfish.orders@defra.gsi.gov.uk); [defra.helpline@defra.gsi.gov.uk](mailto:defra.helpline@defra.gsi.gov.uk); [shaunmclennan@defra.co.uk](mailto:shaunmclennan@defra.co.uk).  
[pete.elliston@defra.gsi.gov.uk](mailto:pete.elliston@defra.gsi.gov.uk); Pete Elliston

**Subject:** Re: River Stour Mussel Fishery Order

Sorry Peter,

I was trying hard not to get drawn back into this - I wholeheartedly disagree with your comments below and as far as the leisure users of the River Stour are concerned, it really is going around in circles and everyone else can see it. Can you provide by return the current contact details for the Defra department dealing with this and the minister in charge.

Over nearly two years several important factors have been agreed to the benefit of 'ourselves' which have now disappeared from view and are not reflected the formal application. I could create a list of these, but that is your job and you are being paid for it. As I have said twice in as many weeks, I suggest go through all the dialogue over the last two years, list the points that have been discussed and previously identified to our favour, and then identify if each point is still in existence and where.

It is clear that we cannot rely on this process any longer so I say again - we are not prepared to support this development, and none of us have the right to accept an application that may have a negative effect on the beautiful, unspoilt, Stour Estuary. Only a public enquiry, for all interested parties and stakeholders to attend, is an acceptable way for all to take responsibility for objecting to, or supporting the application.

Without this, proceeding in any way, shape, or form is completely unacceptable.

Peter, if you don't 'get it', lets examine your statement of supposed reassurance in your email below, and I quote:- 'So far as frittering away common heritage, the expectation we have on the basis of the work carried out is that this would not be the case' IE. If you are so unsure of yourselves that you can only offer an 'expectation' of not wrecking our heritage wrapped up with a caveat against the 'work carried out' to evaluate it, then if that work turns out to be inadequate we can't call you or the applicants to book. Sorry, as reassurance goes that is extremely weak and very clearly not good enough. If you can absolutely GUARANTEE that nothing will be permanently lost or damaged in the Stour Estuary, and you offer both a contingency fund to correct any damage done, and to pay

for an independent survey (of our own choosing) to evaluate the damage and cost of correction, then I might begin to believe that you are looking after 'our' interests in a more even handed manner than is apparent at present.

Lastly, the risk assessment remains inadequate as far as leisure users of the river Stour is concerned because it is currently little more than a finger in the air assessment - if we don't believe the issue has been properly discharged then we are not prepared to support anything which might affect leisure river users adversely. Ask yourself the question from our point of view - why should we?

Regards,

Tim Goodwin

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ii)

On 23 Jan 2017, at 11:32, Peter Scott <[PScott@hcrlaw.com](mailto:PScott@hcrlaw.com)> wrote:

Dear Tim

I am afraid I cannot agree with your perspective in relation to the trial; in my view to impose such burdens on applicants as you suggest goes against all the established principles upon which any form of development consent is applied for and given.

The current contact point in DEFRA in relation to the order is still as stated in the second consultation documentation.

Yours

Peter

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iii)

**From:** [commodore@stoursailingclub.co.uk](mailto:commodore@stoursailingclub.co.uk) [<mailto:commodore@stoursailingclub.co.uk>]

**Sent:** 29 January 2017 20:03

**To:** Peter Scott

**Cc:** Anne Goldsack; Bob Calver; Brenda Read; [fromedemon@aol.com](mailto:fromedemon@aol.com); Phill Barnes; David Card; Tom Clayton; Bernard Jenkin; Stephen Hopkins; [defra.helpline@defra.gsi.gov.uk](mailto:defra.helpline@defra.gsi.gov.uk); Pete Elliston

**Subject:** Re: River Stour Mussel Fishery Order

Well Peter, if we agreed then there wouldn't be a huge issue for you to resolve would there?

I also note that you can't even do as requested and confirm current Defra contact details, all you can do is tell me where to look within an enormous quantity of documentation of which you are extremely familiar - sorry Peter, that lack of simple assistance shows exactly where you are coming from in this, and re-enforces the view that several have now arrived at.

We do not, in any way, shape or form, want this trial to be run in the Stour Estuary area - end of.

Thanks,

Tim Goodwin

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iv)

On 30 Jan 2017, at 10:37, Peter Scott <[PScott@hcrlaw.com](mailto:PScott@hcrlaw.com)> wrote:

Dear Tim

I attach a copy of the circular letter in relation to the consultation and also the introduction to the consultation either or both of which I assume would be read first, before engaging with details according to the interests of the consultees concerned.

You will find the contact details very clearly set out at the end of each of them. Hardly buried in an enormous quantity of documentation and a basis for inferences such as you draw.

Yours

Peter

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v)

**From:** [commodore@stoursailingclub.co.uk](mailto:commodore@stoursailingclub.co.uk)

**Sent:** Monday, January 30, 2017 10:58 AM

**To:** [Peter Scott](#)

**Cc:** [Anne Goldsack](#) ; [Bob Calver](#) ; [Brenda Read](#) ; [fromedemon@aol.com](mailto:fromedemon@aol.com) ; [Phill Barnes](#) ; [David Card](#) ; [Tom Clayton](#) ; [Bernard Jenkin](#) ; [Stephen Hopkins](#) ; [defra.helpline@defra.gsi.gov.uk](mailto:defra.helpline@defra.gsi.gov.uk) ; [Pete Elliston](#)

**Subject:** Re: River Stour Mussel Fishery Order

Thank-you.

The point you are completely missing Peter, is that this is just a small area of detail for a matter we really don't want to have to deal with in the first place - for you this is your day to day work for which you are being well paid and you should of course be rather more familiar with.

As an unwilling volunteer, I can assure you that I don't sit here with nothing to do eagerly awaiting the next opportunity to waste half a day on an application we don't want in the first place...

Thanks,

Tim

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vi)

On 30 Jan 2017, at 20:26, David Card (private) <[david.card1@btopenworld.com](mailto:david.card1@btopenworld.com)> wrote:

Tim

Well said. I support your points. As the many Sailing users of the river we have tried to understand and accommodate this application, however it is just not in the interest of any us or other Stour users to do this. The adage of "paralysis by analysis" is apt as this continued bombardment of words from the applicant on their arguments has only succeeded to divert our attention away from "OUR" fundamental user objection:

*"as the current sailing generation we have a duty to protect the freedoms enjoyed on this river by many previous generations for those who follow us. This application impinges on those freedoms and I for one object to this modern day attempt to "enclose" parts of this important river for tourism and wildlife for all not restricted to just a single commercial company".*

David Card

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vii)

**From:** [commodore@stoursailingclub.co.uk](mailto:commodore@stoursailingclub.co.uk)  
**Sent:** Tuesday, January 31, 2017 11:23 AM  
**To:** [David Card](#)  
**Subject:** Re: River Stour Mussel Fishery Order

All/

Over approximately two years, we have tried to be positive and open minded about this application and it is clear that previous promises and re-assurances are never going to appear in the formal documentation to build-in the controls we require. It is clear we cannot for one moment trust in the process that we have had forced upon us. We have now lost patience in trying to deal with something we never wanted it in the first place, we are not prepared to waste further volumes of time to no end result, and we will do everything we can to prevent the application from going ahead.

In the meeting I attended at RHYC many months ago, amongst other things we were assured by the applicants and their representatives:-

- i) that the number of sites would be reduced from 5 to 3 (inc that the most Westerly one would go)
- ii) that the size of the plots would be reduced
- iii) Surface buoys would not be used
- iv) Tonnages would be nothing like those in the application

I could of course be mistaken but I cannot find any evidence of these factors being formally built-in to the application anywhere. There are other points, if I have time I will go through my recording of the meeting and list them fully for everyone's (or no-ones!) interest.

We should be aware that within the current draft order dated 19/8/2016 (just downloaded), it STILL states:-

2) "the management plan" means the management plan dated 2nd January 2014, submitted to the Secretary of State by the grantee and deposited at the offices of the Secretary of State for Environment, Food and Rural Affairs, Nobel House, 17 Smith Square, London SW1P 3JR;

**(\*\* NB. AS FAR AS I CAN SEE THAT MEANS THE ORIGINAL DRAFT, DATED 2/1/2014 IS STILL THE ONE IN USE AND THAT NO CHANGES WHATSOEVER HAVE BEEN MADE TO ACCOMMODATE US).**

### **Marking of limits of the fishery**

3. The grantee must mark out the limits of the fishery in such manner as the Secretary of State may from time to time direct and must maintain those marks in position and in good repair.

**(Does this mean that the secretary of state with no marine or local input dictates that the plots are marked?)**

4. Refers to management in accordance to the management plan, but does not specifically identify it.

**(NB.Later in the document the management plan dated 2/01/2014 is referred to, which surely means there have been no changes made whatsoever since. I would also question that 3 years later the same plan is still appropriate?)**

The draft order dated 19/8/2016 STILL CONTAINS the line:-

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

**(personally I find that offensive...)**

I have tried downloading all the documents to compare the originals and their reference dates and then the same for the revised documents to clarify what documents are current and exactly to what they refer, but the naming conventions and audit trail on the documents is confusing and currently the originals will not download correctly. If anyone has the mind to look at this, please download the current several order and double check to which documents it refers because on the face of it they don't look right? To me it looks like the current version of the Several Order refers to the original documents and not later ones, whether or not amended to suit our point of view.

To sum up the general feed back I get locally, is that whatever the outcome no notice will be taken of any restrictions placed on river users whatsoever due directly to this application.

If funding could be made available (or somehow found) for an organisation of our choosing to be selected to environmentally and legally defend ourselves then that would likely be a good approach - our collective well meaning effort is at best on the back foot when compared to a properly funded application with both legal and consultancy services acting upon the applicants behalf. With that in mind, I wonder if the cost of the professional services being utilised 'for' the application are from private funds of the applicants, or are publicly funded due to general policies to diversify as a 'farming' nation? It wouldn't completely surprise me to learn that this application is grant supported - Peter, would you care to confirm that no grant support whatsoever has been available to 'further' this application?

Tim

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viii)

**From:** "David Card (private)" <[david.card1@btopenworld.com](mailto:david.card1@btopenworld.com)>

**Subject:** Fw: River Stour Mussel Fishery Order

**Date:** 31 January 2017 at 11:53:43 GMT

All

FYI you see that we are being played around and not getting anywhere. Suggest you write to Defra and your local MP should you be minded to object that age old rights are likely to be lost should Defra grant exclusive rights to just a single identity.

On pure safety/navigation grounds affecting the main shipping channel to Mistley the Harwich Port authority have said they have no objections. So they are not supporting the Leisure/Tourist/Environmental position. (I can accept that given their defined responsibilities).

Dave Card