

**LICENCES FOR MARINE WORKS INCLUDING DREDGING
IN UK ESTUARINE AND MARINE WATERS**



Grab from MV Mannin being deployed, North coast of Cornwall

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LICENCES FOR MARINE WORKS INCLUDING DREDGING

Many of our clients are understandably unaware of the regulatory framework in the marine environment. We are able to assist in all stages of licence applications and can give timely advice on the type of information (ecological, chemical and sedimentological/hydrological) that may be required in support of a licence application.

There have been significant changes in the regulatory framework and licensing procedures since the introduction of the Marine and Coastal Access Act 2009 (MCAA). From 6 April 2011 this replaced previous licensing regimes under the following legislation:

- Food and Environmental Protection Act 1985 (FEPA) Part 2
- Coast Protection Act 1949 (CPA) Section 34
- Environmental Impact Assessment (Extraction of Minerals by Marine Dredging) Regulations 2007

The licensing system is administered by different organisations in England, Wales, Scotland and Northern Ireland:

- England - Marine Management Organisation (MMO)
- Wales – Natural Resources Wales (NRW)
- Scotland - Marine Scotland Licensing Operations Team (MS LOT)
- N. Ireland - Department of the Environment Northern Ireland (DOENI)

Works carried out below Mean High Water Spring Tide in the UK are regulated by these four organisations. Even if you only need to do trivial works (e.g. removing a small amount of accumulated sediment) you will need to ensure that you either already covered (e.g. some activities carried out by Harbour Authorities are exempt) or obtain a licence or a notice that the activity is exempt.

APPLYING FOR A LICENCE IN ENGLAND

Aquatonics Ltd has experience of the new regulatory system in England, managed by the MMO. The MMO is based in Newcastle but also has regional offices. The HQ address is:

Marine Management Organisation
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH
Email info@marinemanagement.org.uk
Telephone 0300 123 1032

If you are planning any works in estuarine or marine sites in England (except oil and gas related projects, which are overseen by DECC) then you should go to the MMO website at <https://www.gov.uk/government/organisations/marine-management-organisation> which provides detailed advice.

The activities covered by the MMO include:

- Burial at sea
- Cable laying
- Construction (including renewable energy)
- Deposit and use of explosives
- Dredging (including maintenance dredging, capital dredging & aggregate dredging)
- Disposal of dredged material
- Disposal of fish and shellfish waste
- Diving
- Pipelines
- Removal of structures
- Deployment of scientific instruments and tracers

The MMO provide an informal screening exercise for applicants to assess:

- whether or not they need to apply for a licence
- which is the appropriate form
- what information the MMO need in order to consider an application.

You can also apply online on the MMO website, or Aquatonics Ltd can assist you in this process. After registration on the MMO web site it is a relatively straightforward process to complete the forms online. The MMO will appoint a case officer, acknowledge receipt of your application and notify you when a decision had been made or if more information is required.

Please note that at present the phone number given on the MMO Licence Application pages is for IT/web site queries. If you need to talk to someone about progress or discuss any aspect of your application then the best contact number for the MMO is 0300 1231032.

If the MMO require you to undertake specific work before issuing a licence they will inform you. We can assist in many of these studies, for example:

- Collection and analysis of sediment samples for contaminant analysis
- Collection and analysis of samples for particle size analysis
- Interpretation of contaminant data in relation to sediment standards (Defra Level 1 and Level 2 for disposal of dredged material and Probable Effects Levels (PELs))
- Interpretation of existing chemical and biological data
- Surveys of intertidal and subtidal habitats, anywhere in the UK. Surveys methods include Phase 1 walk-over surveys, identification of flora and fauna associated with hard substrates, net samples, core samples, grab samples and dredge samples
- Surveys for specific species, e.g. tentacled lagoon worm, *Corophium lacustre* and seahorses.
- Mapping of extent of biotopes and protected habitats

If you need any assistance with applying for marine licences we would be pleased to assist. Please contact us as early as possible.

APPLYING FOR A LICENCE IN WALES

Since April 2013 licences for marine works in Welsh inshore waters have been issued by Natural Resources Wales. Under Part 4 of the Marine and Coastal Access Act 2009 (MCAA), a marine licence is required before carrying out any 'licensable marine activity' (see below for definition) in Welsh waters.

Contact details for Natural Resources Wales:

Natural Resources Wales
Ty Cambria
29 Newport Road
Cardiff
CF24 0TP
Email: enquiries@naturalresourceswales.gov.uk
Telephone: 0300 065 3000 (Mon-Fri, 8am - 6pm)

The English language version of the relevant web pages is at:
<http://naturalresourceswales.gov.uk/apply-and-buy/marine-licensing/?lang=en>

APPLYING FOR A MARINE LICENCE IN SCOTLAND

Visit the Marine Scotland Licensing Operations Team web page at
<http://www.scotland.gov.uk/Topics/marine/Licensing/marine>

Contact details:

Marine Scotland Licensing Operations Team
PO Box 101
375 Victoria Road
Aberdeen AB11 9DB
Email: ms.marinelicensing@scotland.gsi.gov.uk
Telephone: 01224 295579

LICENSABLE ACTIVITIES

It is a licensable marine activity to:

- Deposit any substance or object, in the sea or on or under the sea bed from:
any vehicle, vessel, aircraft or marine structure;
any container floating in the sea; or
any structure on land constructed or adapted wholly or mainly for the purpose of depositing solids in the sea.
- Construct, alter or improve any works either in or over the sea or on or under the sea bed.
- Use a vehicle, vessel, aircraft, marine structure or floating container to remove any substance or object from the sea bed.
- Carry out any form of dredging (whether or not involving the removal of any material from the sea or sea bed).

Examples of licensable marine activities include:

- navigational dredging;
- disposal of dredged material;
- extraction of minerals by marine dredging; and
- any construction works which involve the placement (or removal) of material in the sea such as the construction or alteration of harbours/jetties.

WHAT DOES 'THE SEA' INCLUDE?

Under MCAA, 'the sea' includes:

- Any area submerged at mean high water spring tide. This includes waters in any area:
 - (a) which is closed, whether permanently or intermittently, by a lock or other artificial means against the regular action of the tide; but
 - (b) into which seawater is caused or permitted to flow, whether continuously or from time to time; and
 - (c) from which seawater is caused or permitted to flow, whether continuously or from time to time.
- The waters of every estuary, river or channel, so far as the tide flows at mean high water spring tide (MHWS).

ASSISTANCE FROM AQUATONICS

Aquatonics Ltd would be pleased to help any organisation that may need assistance with applications or survey work in support of a licence application. Please phone us on 01363 776456, mobile 07971 258594 or email phil@aquatonics.com