

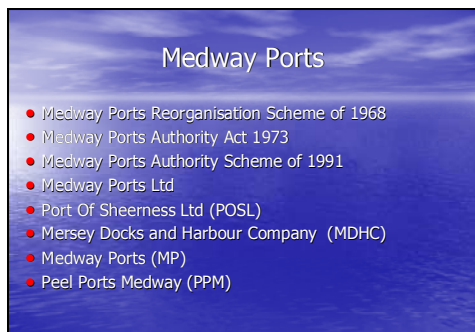
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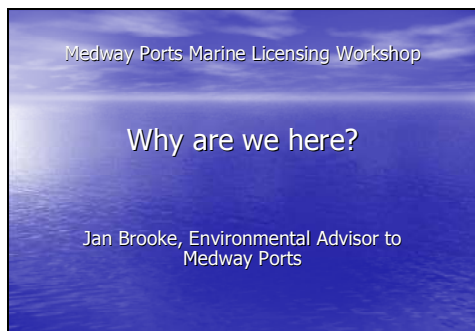
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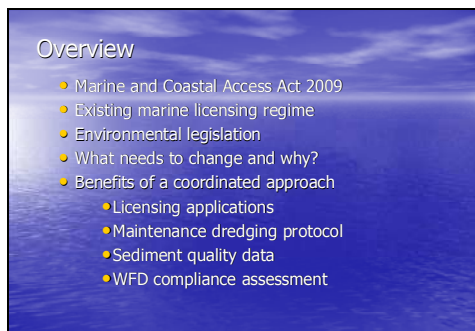
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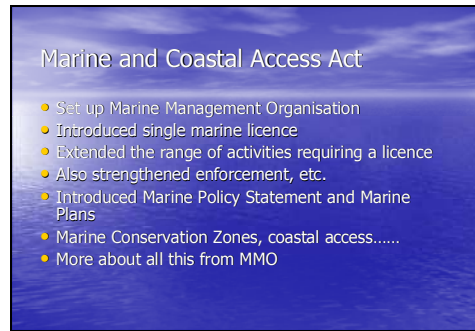
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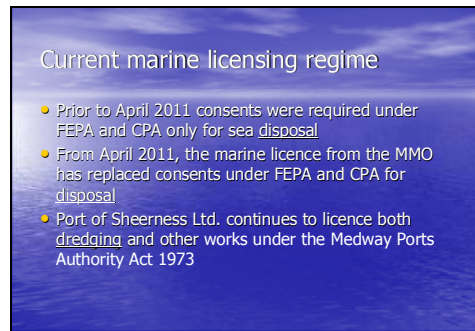
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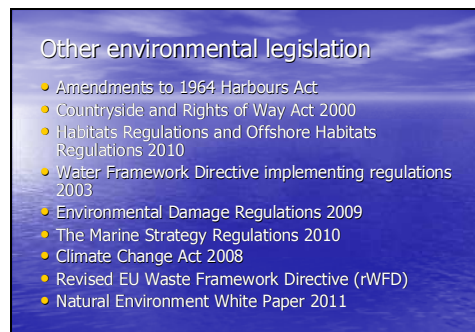
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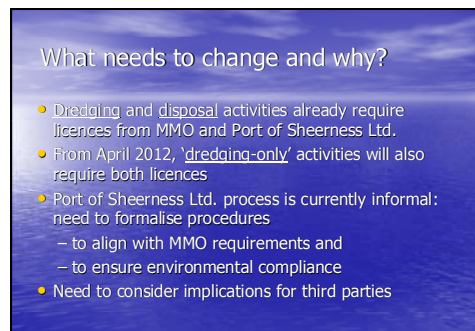
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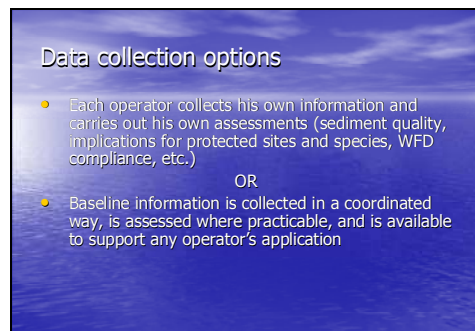
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10



21

Marine Licensing

Streamlining the system under the Marine and Coastal Access Act 2009 (MCAA)

A regime that ensures sustainable development in the marine environment, and a process that is customer focused, streamlined, accountable and transparent.

- Greater responsibilities and remit of MMO
- Application streamlining
- Whole project licensing
- Pre-application front-loading
- Fees: road to cost recovery
- Reviews and appeals: proper transparency
- Enforcement: effective and swift



26

Marine Licensing

What is the MMO doing?

- We want the licensing of dredging to be proportionate, based on best practice, but comply with the law.
- We have set up a project team to look at all aspects of dredging and how it should be licensable.
- We will be carrying out informal consultation on our proposals.
- We will also be hosting three regional workshops.

22

Marine Licensing

What we licence

- Marine works
- Removals
- Marine minerals
- Renewables
- Harbour Orders
- Navigational Dredging
(From April 2012)



27

Marine Licensing

The principals of the Navigational Dredging Project

6 Main Aims of the Project

1. The MMO is aiming to build a licensing process from a position of knowledge about the relevance, requirements and effectiveness of the various existing Regulatory processes. The MMO is not seeking to invent a new approach rather to translate the most effective aspects of existing processes into a credible, transparent and accountable licensing process that meet its regulatory requirements and provide for business continuity for those who must use it.
2. The MMO recognises the importance of dredging licensing to business financial planning and budgeting. Through this project we will establish a licence duration that is clearly associated with the risk posed by the dredging activity.

23

Marine Licensing

What do we mean by navigational dredging?

Dredging is a licensable activity by virtue of the MCAA Part 4 66(1)(9) –

To carry out any form of dredging within the UK marine licensing area (whether or not involving the removal of any material from the sea or sea bed).

Dredging is defined in the MCAA as:

"dredging" includes using any device to move any material (whether or not suspended in water) from one part of the sea or sea bed to another part.

28

Marine Licensing

The principals of the Navigational Dredging Project

3. The MMO is aware of and will give due regard to the principles established in the Maintenance Dredging Protocol and Clearing the Waters guidance where ongoing maintenance dredging is recognised as forming part of the environmental baseline conditions.
4. The MMO recognises that these compliance mechanisms require the submission of an appropriate level of documentation on ongoing activities that may negate the requirement for a new assessment. The MMO will consider whether a similar provision for ongoing maintenance dredging could be built into the new licensing process.

24

Marine Licensing

- There are two types of dredging (non-aggregate) licensed by the MMO. These are:
 - Capital dredging; and
 - Maintenance dredging.

Capital dredging - Material arising from the excavation of the seabed, generally for construction or navigational purposes, in an area or down to a level (relative to Ordnance Datum) not previously dredged during the preceding 10 years.

Maintenance dredging - Material (generally of an unconsolidated nature) arising:

- From an area where the level of the seabed to be achieved by the dredging proposed is not lower (relative to Ordnance Datum), than it has been at any time during the preceding 10 years; or
- From an area for which there is evidence that dredging has previously been undertaken to that level (or lower) during that period.

29

Marine Licensing

The Principals of the Navigational Dredging Project

5. All dredging activities will require a licence, the MMO will consider whether the level of information required to form an application can be designed to be proportionate to the risk posed by the dredging activity. The MMO is aware of the potential for the effort and cost associated with the licensing process to be disproportionate.
6. The MMO invites input from industry as to the various considerations that form the decision on dredge design and methodology and how the MMO should view the issue of navigational safety.

25

Marine Licensing

What does this mean for you?

- From April 2012 a marine licence will be required for any form of dredging including Water Injection Dredging, plough dredging (incl. using plant from the shore) and dredging material for placement on land etc.
- The MCAA 2009 does not have a *de minimis* clause. Therefore no matter how small the amount of material dredged a marine licence will be required.
- If you are proposing to dredge and dispose of the dredged material at sea you can make an application for one licence – whole project licensing.

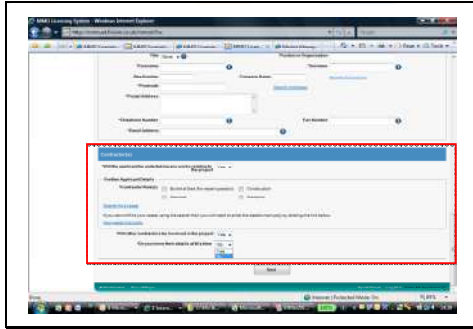
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Marine Licensing

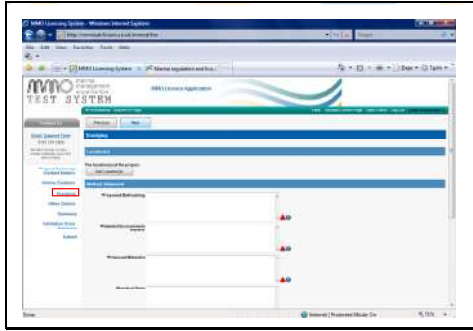
What will you need to do to apply for a licence?

1. Go to MMO Website – Licensing Web Portal
2. Register/Login to your MMO Licensing Web Portal account
3. View Workbasket
4. Complete Application Form
5. Pay Fee (Online card, Cheque or BACS) & Submit Application
6. View Submitted Application Online & Track Progress.

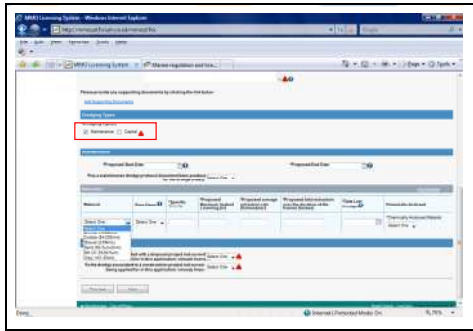
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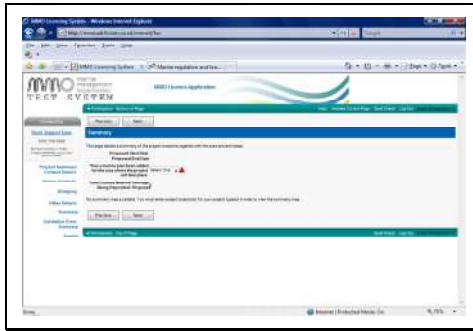
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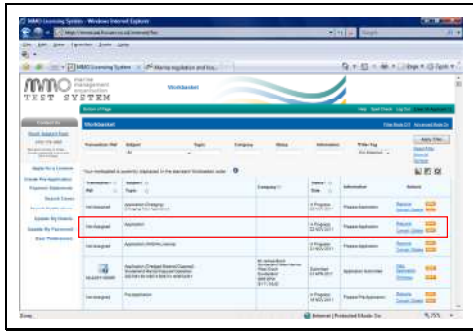
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46

Marine Licensing

What else are we considering?

We are looking at working with Harbour Authorities who currently licence third party dredging under their own local powers to reduce the administrative burden on operators.

The MMO would still require an application to be made and separate licensing decisions to be determined. But there are areas where we can work together.

However it is unlikely these will be in place by April.

47

Maintenance Dredging Protocol

23 Nov 2011

48

Presentation overview

- Background to the Habitats and Birds Directive.
- What is the Maintenance Dredging Protocol?
- The Baseline Document
- What are the environmental concerns associated with maintenance dredging?
- What are the important environmental features of the Medway?

49

Background to the Habitats and Birds Directive

- European Legislation.
- The Birds Directive puts a duty on the UK Government to designate Special Protection Areas (SPAs) for rare and vulnerable wild birds.
- The Habitats Directive puts a duty on the UK Government to designate Special Areas of Conservation (SACs) for rare and vulnerable species and habitats.

50

Background to the Habitats and Birds Directive

- The Conservation of Habitats and Species Regulations 2010.
- European Sites – the collective name for SPA and SACs.
- Under the Habitats Regulations, Natural England is required to fully consider the impacts of "plans or projects" on European features.

51

What is the Maintenance Dredging Protocol?



Where maintenance dredging operations have the potential to affect European sites, the Government considers that maintenance dredging should be considered as a 'plan or project' for the purposes of the EC Habitats Directive, and assessed in accordance with Article 6 (3) of that Directive.

As a result, the Protocol was agreed between Defra, Marine and Fisheries Agency (now the MMO), English Nature (now NE) and the Ports Industry.

52

The Baseline Document



The Baseline Document will include:

- Current and historical information on dredging activities within the area.
- The environmental features and their condition.
- Known impacts on the environmental features resulting from dredging.
- Suggested mitigation to avoid an adverse effect on the designated features.

53

The Baseline Document



How will the document be used:

- It will provide a basis against which maintenance dredging applications can be assessed.
- It will be assumed that if a maintenance dredging proposal is consistent with what has been identified in the baseline document, then it will not require a repeat assessment under the Habitats Directive.
- The document will be used to stream line and speed up the consenting process as all impacts from known maintenance dredging will have been identified and mitigated where possible.

54

What are the environmental concerns associated with Maintenance Dredging?



In the context of protecting European sites, the main impacts of concern relate to:

- Management of the sediment budget
- Remobilisation of contaminants
- Turbidity impacts
- Smothering of sub-tidal or inter-tidal plant and animal communities

55

What are the important environmental features of the Medway?



56

What are the important environmental features of the Medway?



The Medway Estuary and Marshes SPA

Designated features include: intertidal mudflats and saltmarsh and important assemblages of wetland bird species.

Medway Estuary rMCZ no 6

Recommended features for designation include: a range of broad-scale habitats (both intertidal and sub-tidal) and the Tentacled Lagoon Worm.

57

MAINTENANCE DREDGING LICENSING



Current Procedure:

Under section 38 of the MEDWAY PORTS AUTHORITY ACT 1973

- Apply in writing to the Harbour Master with details of location, material type, volume and method of removal
- Approval given by letter from the Harbour Master

58

MAINTENANCE DREDGING LICENSING



The Future:

- From April 2012 all maintenance dredging will require both a POSL Licence and an MMO Licence

59

MAINTENANCE DREDGING LICENSING



New Procedure (1)

- Small and/or less environmentally complex schemes – apply initially to the Harbour Master
- Licence issued by POSL after suitable investigation
- Then apply to the MMO with a copy of the POSL licence
- MMO issues a licence with minimal effort and cost

60

MAINTENANCE DREDGING LICENSING



New Procedure (2):

- For larger and more environmentally complex schemes – apply initially to the MMO
- Then apply to the Harbour Master with a copy of the MMO licence. POSL issues a licence without further environmental work

61

MAINTENANCE DREDGING LICENSING

THE \$64,000 QUESTION!

It is envisaged that a POSL Licence application and issue will cost in the region of:

£300-00 +VAT


- ANY CHANGES WILL BE PUBLISHED IN THE PORTS ANNUAL SCHEDULE OF FEES AND CHARGES

62

MAINTENANCE DREDGING LICENSING

POTENTIAL BENEFITS:

- Logical order
- Deal with the most appropriate body from the start
- Access to available data
- Environmentally compliant
- Reduce delays
- Cost saving



63



64

Licensing proposed way forward

- Small and less environmentally complex applications to be dealt with by Port of Sheerness Ltd in first instance; application for marine licence to be made to MMO in parallel or when POSL license issued
- Larger and/or more environmentally complex applications to be dealt with by MMO; POSL licence typically a formality once marine licence is issued by MMO

65

Reactions?

- Any suggestions for an alternative or better approach?
- Agree way forward
- Discuss practical steps and responsibilities
- Deadlines

66

Maintenance dredging protocol

- Medway Ports funded collation of much existing baseline data; identified gaps
- Medway Ports' dredging activities already assessed vs. protected area objectives
- Complete data collection (notably sediment quality)
- Assess (alone and in-combination) effects of third party dredging
- Deadline March 2012
- More about this from Natural England

67

MDP proposed way forward

- All operators provide honest and accurate information on recent/current dredging and disposal
- All operators make available relevant scientific data and anecdotal information
- Additional consultancy costs to be met by main beneficiaries (in terms of maintenance dredging volumes)
- Medway Ports to continue to coordinate process, commission and manage consultants, etc.

68

Reactions?

- Any suggestions for an alternative or better approach?
- Agree way forward
- Discuss practical steps and responsibilities
- Deadlines

69

Sediment quality data

- Medway Ports already hold sediment quality data for some areas
- However, additional sampling and analysis required to complete sediment quality data baseline e.g. The Swale; upstream of Chatham
- Deadline March 2012
- More data may be required to support a licence application but there should nonetheless be considerable cost savings when compared to the 'no baseline' situation

70

Sediment quality data proposed way forward

- Medway Ports to agree requirements and collect samples
- Analysis costs to be met by main beneficiaries (according to data gaps and sampling locations)
- Medway Ports to coordinate process, fund review of information, manage data, etc.

71

Reactions?

- Any suggestions for an alternative or better approach?
- Agree way forward
- Discuss practical steps and responsibilities
- Deadlines

76

Proposal

- Medway Ports to investigate possibility of collating and managing data
- Data and information from environmental studies, etc.
- Request such information from all interested organisations, groups and individuals
- Data in system only as good as data provided
- Differentiate scientific and anecdotal
- Proposed as a common baseline for all

72

EU Water Framework Directive

- 2003 Directive sets ecological and chemical targets for all water bodies
- 'Measures' to achieve status objectives described in statutory River Basin Management Plan
- New WFD 'compliance assessment' process developed by Environment Agency and ports sector; adopted by MMO
- Only limited exemptions available if dredging affects ecological status at water body level
- No exemptions available if an effect on chemical status

77

Reactions?

- Any suggestions for an alternative or better approach?
- Agree way forward
 - Discuss practical steps and responsibilities
 - Deadlines

73

WFD compliance assessment

- Statutory bodies such as POSL and MMO must have regard to the RBMP and WFD objectives
- A WFD compliance assessment should accompany any marine licence application
- Medway Ports to investigate possibility of preparing a strategic level assessment mainly using sediment quality and MDP information
- Equivalent in principle to Maintenance Dredging Protocol but no formal arrangement
- Proposed as a common baseline for all

78

Proposed Programme to April 2012

- Maintenance Dredge Protocol
- Sediment Quality Sampling & Analysis
- Water Framework Directive
- Other Information

74

Reactions?

- Any suggestions for an alternative or better approach?
- Agree way forward
- Discuss practical steps and responsibilities
- Deadlines

75

Other relevant information

- Also important to collate and manage other types of environmental information
- Biodiversity and nature (non-protected)
- Water quality
- Fisheries and shellfisheries including nursery areas
- Archaeology and heritage
- Local community and economy
- etc.