

Medway Ports' Maintenance Dredging Licensing Workshops 23rd - 24th November 2011

Background

Two workshops were organised by Medway Ports: at Rochester Cruising Club on the evening of Wednesday 23rd November 2011 for operators of small facilities; and at Port of Sheerness on the morning of Thursday 24th November 2011 for larger/commercial operators.

The objectives of these workshops were:

- to introduce and explain the various changes affecting the licensing of maintenance dredging activities in The Swale and the Medway Estuary; and
- to discuss several initiatives proposed by Medway Ports to facilitate the maintenance dredging licensing process for third party operators.

Cathryn Spain, Medway Ports Harbourmaster, welcomed participants and explained the context within which the Port of Sheerness Ltd. (POSL) issues dredging and other licences.

Jan Brooke, Environmental Advisor to Medway Ports highlighted the range of environmental legislation with which both POSL and the Marine Management Organisation (MMO) must now comply. She also explained how POSL needs to formalise its licensing procedures both to align with the MMO's new marine licensing regime and to ensure environmental compliance.

Brian Hawkins, MMO, described the role of the MMO and the new marine licensing regime, in particular the forthcoming requirement for a licence for marine dredging. **From April 2012, those undertaking agitation, plough or water injection dredging or similar (as well as those dredging for disposal to land) will require a dredging licence from the MMO as well as a licence from PoSL.**

Ingrid Chudleigh, Natural England, explained the maintenance dredging protocol and its role in the licensing process. Specifically, where a maintenance dredging activity is assessed in the baseline document and it is concluded that the activity does not lead to an adverse effect on the integrity of the relevant European protected area(s), no further work should be required to demonstrate compliance with the EU Birds and Habitats Directives' UK implementing regulations.

POSL licensing system

Phil Woodgate, Medway Ports Assistant Harbour Master (Hydrography) described the proposed changes in the POSL licensing system. One of these changes will involve dividing applications into two types of project:

- (i) smaller and less environmentally complex projects which it is proposed will be licensed first by POSL (operators will then also apply to the MMO for a marine licence)
- (ii) larger or more environmentally complex projects which will be directed first to the MMO (*inter alia* because POSL do not have the necessary in-house environmental expertise to advise applicants)

PoSL is intending to charge a fee of around £300 for a dredging licence, equivalent to the existing fee for a river works licence.

Jan Brooke confirmed Medway Ports' intention to introduce a process which will enable applicants with projects in category (i) above to proceed to MMO marine licence application stage with a well-informed application having secured their POSL licence. For projects in category (ii) above, it would be Medway Port's intention to issue a POSL licence as soon as the applicant has a marine licence from the MMO (i.e. on the assumption that the MMO will have dealt with relevant environmental issues). This approach should help to minimise duplication, costs and delays.

Workshop participants agreed, in principle, that this is a potentially useful way forward.

Maintenance dredging protocol

Jan Brooke explained the proposed approach to completing the maintenance dredging protocol (MDP). Medway Ports have already funded the collation of much of the existing background data and the assessment of the Port's own dredging. The next stage is to include all third party dredging in the assessment. To do this, Medway Ports requires each operator to provide honest and accurate information on historic dredging. Some of the larger operators (in terms of quantities dredged) will also be asked to make a contribution towards the cost of the consultants who will carry out this work. The outcomes of this work will be made freely available to those participating. The benefit to an operator of contributing (information and/or cash) to this process is that, once his/her information is included in the MDP (and assuming the conclusion is that maintenance dredging is not affecting the integrity of the protected areas), no further work on this aspect will be required when a licence application is made. Conversely, operators whose dredging is not included in the MDP assessment may be asked by the MMO to carry out their own assessment, possibly at significant cost.

Workshop participants were supportive of the proposed approach.

Sediment quality data

Jan Brooke then explained Medway Ports' proposed approach to dealing with gaps in sediment quality data. In the first instance, operators will be asked to advise Medway Ports of any potentially relevant already existing sediment quality data. Once all available data have been collated, added to Medway Ports' existing data and reviewed, a meeting will be sought with the MMO and CEFAS to ask for advice on what further information is required/where data gaps need to be filled. Medway Ports will then undertake the sampling, but those operators who are likely to benefit from having such data available (i.e. operators in areas where such data do not currently exist) may be asked to contribute towards the cost of the analysis. Such costs are expected to be substantially lower than having to carry out such sampling and analysis individually. Medway Ports will then analyse the outcomes and make the results of the sediment quality baseline available for all participating organisations to use. The alternative is that operators in areas where no data exist may be asked by the MMO to carry out their own sampling and analysis, possibly at significant cost. It should also be noted that - even with a baseline in place - the MMO may ask for more data to support a licence application: however, even in this situation there should be considerable cost savings when compared to the 'no baseline' situation.

Workshop participants agreed in principle with this approach.

Water Framework Directive

Insofar as demonstrating compliance with the Water Framework Directive (WFD) is concerned, Jan Brooke explained that Medway Ports intends to use the outcomes of the MDP and sediment quality work to inform a 'strategic level' WFD compliance assessment of all maintenance dredging in the Swale and Medway water bodies. This strategic level assessment would be based on the process set out in the Environment Agency's 'Clearing the Waters' guidance. Agreement has been sought and obtained from the Environment Agency to progress this strategic approach as a trial: normally, an application-specific WFD compliance assessment would need to be prepared to accompany a license application. Whilst it might be expected that most maintenance dredging would in any event 'screen-out' from further WFD assessment (i.e. the scheme-specific process should be fairly straightforward), a strategic WFD compliance level assessment would reduce still further the work likely to be required by an individual operator in most situations.

Workshop participants were supportive of the proposed approach to demonstrating WFD compliance.

Wider environmental parameters

Finally, Jan Brooke explained that Medway Ports propose to begin the process of collating information on wider environmental parameters. This is a longer term objective, but the data (sources) collated are intended to be made available with an indication, where possible, of whether information is anecdotal or supported by scientific evidence.

Workshop participants agreed that it makes sense to collate such information as part of the data gathering exercise but accepted that this is unlikely to be complete in the near future.

Way forward

It was confirmed that the following actions will be taken:

- Medway Ports to make available workshop PowerPoint presentations, week commencing 28th November
- Medway Ports to prepare and circulate a brief workshop report and a template explaining the type of data required, week commencing 28th November
- All operators to complete the template and provide their completed information to Medway Ports, before Christmas
- Medway Ports to apply to the MMO for a sampling licence to cover all areas of potential interest, before Christmas
- Medway Ports to discuss with consultants the likely requirements for finalising the MDP; to establish expected costs; and to let and manage the contract, January – March 2012
- Medway Ports to arrange a meeting with MMO and CEFAS, early 2012; to collect samples and to arrange for analysis, January – March 2012
- Medway Ports to prepare strategic WFD compliance assessment, March 2012

Overall aim: to have completed MDP, WFD compliance assessment and sediment quality baseline by end March 2012

Open issues

The following were amongst the other issues raised during but not addressed by the workshop sessions. These therefore remain open issues which will require attention in future by the appropriate body:

- problems with the closure of land disposal sites, notably Hoo
- whether washing silt from slipways will require a marine licence
- future licensing requirements for emergency works
- sources of sediment, sources of pollution
- importance of considering implications for adjacent berths when licensing water injection or agitation dredging
- operation of Faversham sluice