



MARINE CONSENTS GUIDANCE

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1.0 INTRODUCTION

- 1.1 This document outlines the various consents required for marine works, specifically focussing on the River Thames.
- 1.2 The contents of this document are not exhaustive. There may be specific additional consents required for individual sites.
- 1.3 The consents listed herein may have been superseded since this document was last updated.

2.0 FOOD AND ENVIRONMENT PROTECTION ACT LICENCE (FEPA)

- 2.1 This consent is granted by the Marine Consents and Environment Unit (MCEU), DEFRA.
- 2.2 A licence is required to deposit articles and substances at sea or in tidal waters (below mean high water spring tide mark), for example, the disposal of dredged material, or the placing of piles into the sea or tidal waters for construction purposes, and related activities.
- 2.3 The applicable law is the Food and Environment Protection Act 1985.
- 2.4 The consents process is:
1. Prospective applicant contacts the MCEU for informal discussions and scoping.
 2. MCEU liaises with its advisers concerning the possible impacts of the proposal. MCEU may convene a meeting with the applicant if deemed necessary.
 3. MCEU will then advise applicant if licence is needed and whether a formal EIA is required.
 4. Application sent to MCEU and sediment samples to Centre for Environment, Fisheries and Aquaculture Science (CEFAS) (where appropriate).
 5. MCEU sends copies of proposal to key consultees.
 6. MCEU collates and evaluates comments of internal and external consultees.

7. MCEU assess and determines the application, applicant notified of decision and any licensing conditions.
- 2.5 A dual application form is usually used as most applications for the FEPA license also require Coast Protection Act consent.
- 2.6 The standard disposal licences for dredged material are valid for 12 months.
- 2.7 An advert needs to be placed in the local paper and a notice attached in a prominent position adjacent to the works. Details of the plans must be placed at the local library or at a location with public access.
- 2.8 Licence charges are reviewed annually. The MCEU website outlines the latest charges for FEPA applications.
- 2.9 The application process takes a minimum of ten weeks.

3.0 COAST PROTECTION ACT (CPA)

- 3.1 This consent is granted by the Marine Consents and Environment Unit (MCEU), DEFRA.
- 3.2 Consent is required for:
- The construction, alteration or improvement of any works on, under or over any part of the River Thames lying below the level of mean high water springs;
 - The depositing of any object or any materials on the banks of the River Thames;
 - The removal of any object or any materials from any part of the River Thames lying below the level of mean low water springs;
 - The operation whether while being carried out or subsequently causes or is likely to result in obstruction or danger to navigation.
- 3.3 The applicable law is the Coast Protection Act 1949 (CPA). Under Section 35 of the CPA certain tidal operations are exempted from control under Section 34. These include operations already authorised under other legislation, approved coast protection works, works in enclosed docks and works covered by harbour orders.

- 3.4 The consents process is:
1. Informal discussions with MCEU.
 2. Formal application submitted, preferably on application form issued by MCEU.
 3. Applicant advertises application in local newspaper allowing 28 days for representations to be made to Secretary of State, DEFRA.
 4. At end of period, Secretary of State will consider the representations. If objections remain, he will ask the applicant to seek agreement with objectors. If agreement is not reached, then Secretary of State will proceed to a decision based on the information available to him plus any additional information he seeks.
 5. Decision is then made and consent granted, granted with conditions, or refused.
- 3.5 A dual application form is usually made with the Food and Environment Protection Act (FEPA) consent. DEFRA will consult Trinity House (a General Lighthouse Authority providing marine aids to navigation), Maritime and Coastguard Agency, English Nature, Environment Agency, Local Harbour Authority, Local Authority, CEFAS.
- 3.6 There are no charges applicable to the CPA consent application.
- 3.7 The application should take less than 12 weeks to process.

4.0 HARBOUR WORKS AND DREDGING LICENCE

- 4.1 The consent is granted by the local navigation authority. In London this is the Port of London Authority.
- 4.2 A licence is required to construct, alter, renew or extend any works in the harbour on, under or over tidal waters or land below the level of high water. Any works so constructed, altered, renewed or extended should not interfere with the public right of navigation or any other public right.
- 4.3 The applicable law varies from site to site. In London on the tidal Thames it is the Port of London Act 1968.
- 4.4 The consents process is:

1. Applicant to contact the harbour authority to determine if the works require a licence and the application procedure - a site visit may be arranged.
 2. Applicant returns appropriate information together with copies of any plans and the appropriate fee (where applicable).
 3. The harbour authority consults internally and with other relevant bodies, eg English Nature.
 4. Subject to no specific concerns arising from the consultation process, a licence will be issued.
 5. The harbour authority will monitor the progress of the works or dredging to assure compliance.
- 4.5 The harbour authority will consult with English Nature and other interested parties to determine if the proposed works are likely to have impact on the safety of navigation or other environmental impact. It will also consult its Advisory Committee (where appropriate).
- 4.6 Charges vary depending on the harbour authority and the nature of the proposal. The Port of London can provide further information.

5.0 LAND DRAINAGE CONSENT

- 5.1 Land Drainage consents are granted by the Environment Agency.
- 5.2 A consent is required for:
- Any works in, on, under or over a river or within the byelaw width of 8 metres;
 - Any works in, on, under or over a river or within 16m of a flood defence structure.
- 5.3 The applicable laws are the Land Drainage Act 1991 and Water Resources Act 1991. and local Byelaws.
- 5.4 The consents application procedure is:
- Informal contact the Agency and arrange meeting to discuss proposed works;
 - Applicant to submit drawings and method statements to the Agency;

- Subject to agreement of the information sent by the applicant the Agency will issue an application form;
- Application form completed and submitted by the Applicant along with the appropriate fee and associated information;
- The Agency consults internally and with English Nature (if required);
- Consent issued by the Agency within specified time period.

5.5 The Agency will check compliance of the work undertaken.

5.6 The Environment Agency consults with English Nature if the proposed works are likely to have any effect on a designated site.

5.7 The fees are currently £50 per application per structure.

5.8 The Environment Agency has 2 months from receipt of a validated application to determine consent.

5.9 Consented works must be carried out within 2 years of authorisation.

6.0 DISCHARGE CONSENT

5.1 Discharge consents are granted by the Environment Agency.

6.2 A consent is required for a discharge of any unwanted substance that comes from human activities which is put into rivers and seas that could potentially alter the environment it goes into (this water could include surface water run off from parts of the site).

6.3 The applicable laws are the Water Resources Act 1991, Environment Act 1995, Groundwater Regulations 1998 and EC Directives.

6.4 The consents application procedure is:

1. For larger developments (eg developments of > 10 houses, industrial/trade developments), the Environment Agency advises the applicant submits proposals as "pre application".
2. Applicant to contact the Agency for an Application Form pack (including guidelines and charging details).
3. Applicant to submit completed form, application fee, 3 copies of a location and site plan, percolation tests results and calculations detailing drainage field area if the discharge is to ground (based on the guidelines leaflet supplied), plant specification details and reasons for not connecting to a mains sewer.
4. The Agency consults internally and externally. Internal and external consultation gives people the opportunity to make a representation or objection on grounds of water quality, resources, groundwater protection, conservation and environmental health, fishers and food interests.
5. The proposal may be advertised in the local press and the London Gazette. Costs must be borne by the applicant. Application is advertised if deemed appropriate.
6. Consent determined by the Agency within a statutory time period, unless an extension is agreed with the application. Determination may result in approval (with conditions) or refusal (with the right to appeal).

6.5 Annual charging is applied when appropriate.

- 6.6 There is a two-tier application fee: standard and reduced. Annual charges may also be applicable.
- 6.7 The Environment Agency has a statutory period of up to 4 months to determine a validated application for consent to discharge. Extensions must be agreed with the applicant.

7.0 ABSTRACTION LICENCE

7.1 Abstraction licenses are granted by the Environment Agency.

7.2 An Abstraction Licence is required to remove or abstract more than 20 cubic metres (4,400 gallons) of water a day from a surface source or an underground source. The licence will specify the source, quantity and use of the abstraction and will have conditions attached to it.

7.3 The applicable laws are the Water Resources Act 1991, Water Resources (Abstraction and Impounding) Regulations 2006, Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003.

7.4 The consent application procedure is:

1. Informal contact with the local Environment Agency representative to discuss the application before it is submitted.
2. Applicant to submit formal application with supporting information and fee (including (in duplicate) information, maps and any reports which the Environment Agency reasonably requires to determine the application (this could include an Environmental Impact Assessment)).
3. Application formally acknowledged (within 28 days of receipt).
4. Application advertised in local newspapers and on Environment Agency's website within 28 days of receipt of the application stating a 28 day time limit for representations.
5. Notice of the application is sent to any relevant water undertaker, navigation, harbour, conservancy authority or internal drainage board.
6. If the Secretary of State doesn't call in the application, the Environment Agency then has 3 or 4 months to determine the application (subject to extension in certain circumstances).
7. Appeals to the Environment Agency's decision must be made to the Secretary of State in writing within 28 days of the decision being given.

8. Appeals and applications called in by the Secretary of State are heard at a hearing or at inquiry before an inspector. The Environment Agency will take into consideration:

- Representations from third parties;
- Whether the grant of the licence will prevent a holder of a current licence or someone who is exercising the right to abstraction without a licence from exercising their right;
- The effect the grant of the licence will have on any minimum acceptable flow set for these waters.
- Its general environmental duty

7.5 There is an application charge (details available on request from the Environment Agency). Charges can also be made for the grant of the licence, either as a single sum or payable at fixed intervals. Advertising costs may also apply. All charges are determined under s41(1) Environment Act 1995.

7.6 The Environment Agency normally has 3 months (where the application has been exempt from the advertisement obligation) or 4 months (if the application has been advertised) to give its decision from the date the application was received.

8.0 IMPOUNDING LICENCE

8.1 Impounding licenses are granted by the Environment Agency.

8.2 An Impounding Licence is required for the right to impound water into a stream to fill a reservoir where the reservoir discharges water to another inland water so that it becomes a source of supply within the meaning of s221 (1) Water Resources Act 1991.

8.3 The applicable law is the Water Resources Act 1991.

8.4 The application procedure and timescale is the same as for the Abstraction Licence.

8.5 Application fee details are available on request from the Environment Agency.

9.0 DREDGING LICENCE

- 9.1 A dredging license is granted by the local Navigation Authority. On the tidal Thames this is the Port of London Authority
- 9.2 A Dredging Licence is required in order to undertake dredging of the River Thames.
- 9.3 The disposal of dredged spoil must be done in accordance with s167 Water Resources Act 1991 and Part 2 Environmental Protection Act 1990 and the Port of London Act 1968.
- 9.4 The application procedure is as follows:
1. The applicant should contact the PLA's River Works Licensing Department (telephone 01474 562 267) who will issue Form 215.
 2. Form 215 should be returned to the PLA together with the fee and sufficient information to enable the completion by the PLA of an assessment of the Licence and an environmental review. Such information is likely to include the following:
 - Description of the proposed works, the location, nature and quantity of material to be dredged, the type of dredger to be used, the intended start-date and completion-date for the works, and details of disposal (where applicable);
 - Results of contamination testing (you may wish to contact the PLA for advice prior to specifying the parameters to be tested for);
 - Hydrographic and hydrodynamic characteristics of the river in the vicinity of the proposed works;
 - Any expected effects on nearby sites designated for nature conservation interest and on nearby berths;
 - Conservancy issues including water quality, fisheries, archaeology, recreation, local community and navigation issues. Applicants may be requested to provide information on some or all of these characteristics.
 3. Consultation between relevant PLA officers on navigation, river regime and environment;
 4. Where necessary, consultation may also be required with other bodies such as English Nature, the Environment Agency, and Kent and Essex Sea Fisheries

Committee (in practice, consultation is regularly carried out via the Dredging Liaison Group)

- 9.5 The application charge will depend on the location and scale of the dredge and comprises a fee to cover the cost of the administrative processing of the application.
- 9.6 A minimum period of 3 months for the assessment process and subsequent grant of the Licence. Conditions may be attached to the Licence to place constraints or monitoring requirements on the operation.