

Application to Undertake Dredging on the Tidal Thames

1 INTRODUCTION

This Information Note is the first in a set of three documents designed to inform berth operators and environmental stakeholders about the requirements associated with applications for consent to undertake maintenance dredging on the tidal Thames*. The Information Notes are intended for use by berth operators when planning maintenance dredging campaigns at their berths, dock entrances, etc. and to assist in ensuring that the planning and environmental requirements associated with the dredging licence application process are clearly understood.

Capital dredging is treated as a new project and may be subject to different legislative and environmental requirements, although the general principles set out in this note will still be applicable.

This Information Note (IN 1) provides guidance on the application process and the standard information required by the Port of London Authority (PLA) to progress a dredging application. Information Note 2 (IN2) provides advice on sediment sampling and analysis requirements. Information Note 3 (IN3) advises berth operators on the wider environmental issues (including those relating to the natural, physical, chemical, human and/or built environment) that the PLA must take into account during the assessment of dredging licence applications.

2 THE REQUIREMENT FOR A LICENCE UNDER THE PORT OF LONDON ACT 1968 (AS AMENDED)

Before any dredging work is undertaken on the tidal Thames it is a statutory requirement that a licence for such works is granted under Section 73 of the Port of London Act 1968. Section 73 relates to the control of dredging works. Dredging works are defined as including any operation to cleanse, scour, cut, deepen, widen, dredge or take up or remove material from the bed and banks of the Thames. Bed levelling, ploughing and hydrodynamic dredging fall within this definition.

The legal basis of the PLA's powers (within its limits) is such that, once licensed by the PLA, such dredging operations are exempted from the need to obtain a separate consent under Section 34 of The Coast Protection Act 1949.

Landowner consent will be required before dredging is undertaken. For much of the tidal Thames the PLA is the landowner, although there are several areas where the landowner is the Crown Estate.

Whilst the PLA Licence covers all forms of dredging, in any situation other than the application of hydrodynamic techniques, an additional licence for the disposal of the material will be required. With respect to the latter it is usual practice for the material to be disposed of to an existing licensed land-based site or alternatively to sea. In the case of sea disposal, a licence is required under Section 5 of the Food and

* within the limits of jurisdiction of the Port of London Authority

Environment Protection Act (FEPA) 1985 which is administered by Defra's Marine Consents and Environment Unit (MCEU; www.mceu.gov.uk).

3 PROCEDURE FOR THE GRANT OF A PLA DREDGING LICENCE

3.1 Applying for a licence for the first time

The initial contact in respect of an application to undertake dredging should be made formally through the PLA's River Works Licensing Department (telephone: 01474 562 267) who will issue Form 215. This should be completed and returned in order to initiate the process.

Before an application for a Dredging Licence can be considered, the PLA will require the applicant to submit sufficient information to enable both the completion of an assessment of the licence and the undertaking of an environmental review. An application charge is payable, dependent on the location and scale of the dredge, and comprises a fee to cover the cost of the administrative processing of the application. Details of the fee payable can be obtained from the River Works Licensing Department. The appropriate application fee should be submitted together with the completed application form.

A minimum period of 3 months needs to be allowed (from the time of providing all the relevant information needed to process the application) for the assessment process and the subsequent grant of licences by the Licensing Committee of the PLA Board. Only in exceptional circumstances can the timescale for processing be reduced. In this case an additional charge to cover increased costs will be imposed on the applicant. Licence applicants should be aware that in some circumstances separate statutory timescales may apply, which are outside of the PLA's control, i.e. the application of the Countryside and Rights of Way Act (CRoW) 2000 (refer to IN3).

Before submitting the application reference should be made to Information Notes 2 and 3 in respect of the detailed technical contents of the licence application. However, these are briefly summarised below:

- 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).
- Timely pre-dredge survey marked up to show the *dredging* requirements. (Note that all surveys should be also be forwarded separately to the Port Hydrographer). Such surveys can be carried out by the PLA's Hydrographic Department who are able to provide competitive rates (contact John Pinder, Port Hydrographer 01474 562210)
- Results of sediment quality analysis.
- Description of the hydrodynamic characteristics of the river in the vicinity of the proposed works.
- Any potential effects on nearby sites designated for nature conservation interest and on nearby berths.

In addition, the review will require consideration of possible water quality, fisheries, archaeology, recreation, local community, navigation issues and in combination

effects. Applicants may be requested to provide information on some or all of these characteristics (refer to IN 3 for further details).

3.2 Consultation

Dredging licence applications are subject to consultation between relevant PLA officers on navigation, river regime and environment. Further, where considered necessary under the terms of the PLA's Maintenance Dredging framework, consultation may also be undertaken with other bodies such as English Nature, the Environment Agency and Kent & Essex Sea Fisheries Committee. Consultation is often carried out via the regular meetings of the Dredging Liaison Group (a stakeholder group facilitated by the Thames Estuary Partnership). If, following the licence application, the review and consultation processes identify potentially significant environmental impacts, the PLA may require further, more detailed investigations to be undertaken. In such circumstances, prior to the completion of the necessary reports (which may take time to prepare) applicants must not assume that a Dredging Licence will be issued. Berth owners and operators are therefore advised that it would be prudent to give careful consideration to the need to obtain any relevant environmental information well in advance of submitting an application.

Should the environmental assessment of an individual licence application identify specific concerns, the PLA will consider the use of conditions on the licence to place constraints or monitoring requirements on the operation. Some examples of existing constraints on maintenance dredging activities are given below:

- Dredging to be carried out only at specific states of the tide.
- Water quality monitoring to be carried out during dredging eg. to monitor dissolved oxygen, suspended solids, zinc, mercury etc.
- Dredging methodology to be selected to minimise the amount of suspended solids added to the marine environment.

Dredging licences will always carry a requirement to undertake pre- and post-bathymetric surveys of the dredged area and submit them to the PLA promptly.

3.4 Updating of licences

Currently, licences are granted either on a 'one-off' basis or an annual basis. The granting of a longer term licences in areas where routine maintenance dredging has been ongoing with no environmental or other impacts is under consideration. Provision would be made in such longer term licences for further assessments to be made should there be any change to: dredging technique, quantity of material to be dredged or other significant change to methodology or circumstances.

Once berth owners and operators have been through the procedure outlined above and a review has been completed for a particular dredging location, much of the information collected is likely to remain relevant for subsequent Dredging Licence applications at the same site. However, it is likely that a thorough review will need to be undertaken at each renewal application.

It is the applicant's responsibility to ensure that licences are kept up to date. Undertaking dredging works without a valid licence is a criminal offence.

3.5 After a PLA Licence has been issued:

The conditions that form part of the licence will be monitored by the PLA to ensure compliance. The PLA's Harbour Service Launch may monitor ongoing dredging operations and visits may be made to view dredging operations by the PLA's River Engineering and Environment Department. Dredging will be subject to being stopped if licence conditions are not complied with.

In addition to any specific conditions for particular licences there are a set of standard conditions applicable to all dredging licences as follows:

- 1 To produce the Licensee's part of the Licence for inspection when required to do so by an officer of the PLA.
- 2 To inform the PLA's River Engineer in writing of the dredging commencement date at least 5 working days in advance of any dredging operation to be carried out under this Licence commencing.
- 3 To supply the PLA [at least 5 days] prior to the dredging commencement date with a method statement setting out how the dredging is to be undertaken.
- 4 To carry out the dredging to the PLA's satisfaction and in accordance with the method statement provided to the PLA.
- 5 To comply with the requirements of the PLA's harbourmaster as to the mooring, placing, marking, regulation for navigational purposes and working of vessels used in connection with dredging, including, where necessary, the production of Notices to Mariners (see also 11 below)
- 6 To deposit all dredged material ashore, beyond the reach of the highest tides, at an appropriately licensed land disposal site or, with the express permission of the Department for the Environment, Food and Rural Affairs (DEFRA), in an area at sea appointed by DEFRA, all in accordance with the information previously provided to the PLA.
7. To undertake pre-dredge surveys (see above) before and post-dredge surveys no later than one week after each separate dredging operation carried out under this Licence.
- 8 To provide the PLA with the results of any surveys undertaken prior to and on completion of dredging operations and to permit the PLA to freely use those results as it thinks fit (including by publication either on their own or combined with other data) for the purposes of promoting safety of navigation.
9. To permit the PLA to freely use the environmental information (provided as part of the application or subsequently provided in connection with dredging

operations carried out under this dredging licence) as it thinks fit (including any publication either on its own or combined with other information).

10. To comply at all times with the PLA's harbourmaster's directions (refer 5 above)

11. To issue a Notice to Mariners prior to the commencement of any works. (this is formally issued by the PLA and requires, on average, three weeks notice for publication).

12. To indemnify the PLA against all actions proceedings claims demands damages costs expenses and losses arising out of the dredging or the grant of this Licence.

3.6 Licence variation or revocation

The PLA may vary or revoke a licence if:

- It appears that there is a breach of any of its conditions
- There is a change in circumstances relating to the marine environment or because of increased scientific knowledge that may affect the decision to determine the licence.

4 CONTACT DETAILS

For further details on any of the issues covered in this Information Note, please contact:

Michael Costaras, River Engineer, on 01474 562331 or michael.costaras@pola.co.uk

Nicola Clay, Environmental Scientist, on 01474 562241 or nicola.clay@pola.co.uk

Licensing Officer, on 01474 562267

Port of London Authority: www.portoflondon.co.uk