
STATUTORY INSTRUMENTS

2013 No. 526

The Marine Licensing (Exempted Activities) (Amendment) Order 2013

Insertion of article 18A

8. After article 18 (deposits in the course of aggregates or mineral dredging) insert—

“Navigational dredging

18A.—(1) Article 4 applies to a dredging activity carried on for the purpose of conserving or maintaining the navigation of an area of the sea.

(2) Paragraph (1) is subject to conditions 1 to 3.

(3) Condition 1 is that notice of the intention to carry on the dredging activity must be given to the licensing authority before the dredging activity is carried on.

(4) Condition 2 is that the dredging activity may only be carried on at a site and at a depth where, in the 10 years before the dredging activity is commenced, at least one other dredging activity or relevant operation has been carried on for the purpose referred to in paragraph (1).

(5) Condition 3 is that at the site where the dredging activity is to be carried on no more than 1500 cubic metres of material are to be dredged as a result of—

- (a) that dredging activity; and
- (b) any other dredging activities carried on for the purpose referred to in paragraph (1) in the year before that dredging activity is commenced.

(6) But article 4 does not apply—

- (a) to any such dredging activity where the volume of material dredged exceeds 500 cubic metres;
- (b) to any such dredging activity that causes, or is likely to cause, obstruction or danger to navigation;
- (c) to any such dredging activity which has or is likely to have the effect, in relation to any body of water, of—
 - (i) preventing the achievement of any of the environmental objectives listed in the relevant river basin management plan as applicable in relation to that body of water; or
 - (ii) causing environmental damage; or

(d) to any such dredging activity—

- (i) that falls within sub-paragraph (a), (b) or (c) of paragraph (7); and
- (ii) that is not directly connected with or necessary to the management of the site or zone (as the case may be) referred to in that sub-paragraph.

(7) A dredging activity falls within this paragraph if—

- (a) it is a plan or project likely (either alone or in combination with other plans or projects) to have a significant effect on a European site;
- (b) it is likely to have a significant effect on a Ramsar site; or
- (c) it is capable of affecting (other than insignificantly)—
 - (i) the protected features of an MCZ; or
 - (ii) any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependent.

(8) In paragraph (4), “relevant operation” means any operation carried on before the commencement of Part 4 of the Act which, if it had been carried on after that commencement, would have been a dredging activity.

(9) In paragraph (6)—

“body of water” means a body of groundwater or body of surface water within the meanings given by Article 2 of the Water Framework Directive;

“environmental damage” means damage of a kind falling within regulation 4(1)(b) of the Environmental Damage (Prevention and Remediation) Regulations 2009⁽¹⁾;

“river basin management plan” means a river basin management plan within the meaning of, and which is prepared pursuant to any enactment giving effect to, Article 13 of the Water Framework Directive, and “the relevant river basin management plan”, in relation to a body of water, means the river basin management plan applicable in relation to that body of water.

(10) In paragraph (7)(a) and (b), “likely” has the same meaning as in the Habitats Directive.

(11) In paragraph (9), “the Water Framework Directive” means Directive [2000/60/EC](#) of the European Parliament and of the Council establishing a framework for Community action in the field of water policy⁽²⁾.”.

⁽¹⁾ [S.I. 2009/153](#).

⁽²⁾ OJNo. L 327, 22.12.2000, p.1, last amended by Directive [2009/31/EC](#) of the European Council and of the Council (OJ No. L 140, 5.6.2009, p. 114).