



## **Full Council 28/01/25 – Consultation on Dredging**

### **1 Introduction**

Whitby Town Council are invited to respond to a consultation on an application for a marine license relating to the disposal of dredged materials.

Full information is below.

At the meeting of the 28<sup>th</sup> of January 2025, the Council will consider this.

### **2 The Consultation**

The Council received the following information.

#### **2.1 CONSULTATION ON APPLICATION FOR A MARINE LICENCE MLA/2024/00530 – Whitby Harbour Maintenance Dredging - Disposal of Dredged Material**

The Marine Management Organisation (MMO) has received an application for a licence under Part 4 of the Marine and Coastal Access Act 2009 ("the 2009 Act"). A copy of the application and supporting documentation is available for you to view on the public register using the following link;

[https://marinelicensing.marinemanagement.org.uk/mmofox5/fox/live/MMO\\_PUBLIC\\_REGISTER/](https://marinelicensing.marinemanagement.org.uk/mmofox5/fox/live/MMO_PUBLIC_REGISTER/)

Please note that this application only refers to the disposal activity as the applicant has stated that as the Statutory Harbour Authority, they have powers to dredge under the Whitby Harbour Act 1879.

To find, please search the case reference: MLA/2024/00530

#### **2.2 Marine and Coastal Access Act 2009 - key factors the MMO use**

MMO was established by the 2009 Act to make a contribution to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas.

The responsibilities of MMO include the licensing of construction works, deposits and removals in the marine area. Under Part 4 of the 2009 Act, a marine licence is required for all deposits or removals of articles or substances below the level of mean high water springs, unless a relevant exemption applies.

In determining an application for a marine licence MMO must have regard to:

- The need to protect the environment;
- The need to protect human health.
- The need to prevent interference with other legitimate uses of the sea;
- Other such matters that MMO considers relevant.

### **2.3 Marine Works (Environmental Impact Assessment) Regulations 2007 ("the MWR") (as amended):**

MMO does not consider the application is one that appears to be part of a project which falls within either Annex I or Annex II to European Directive 2011/92/EU or a Schedule A1 or A2 project of the MWR and as such environmental impact assessment under the MWR is not required and no environmental statement has been supplied. If you disagree with this opinion please indicate so in your response, providing rationale for your views.

### **2.4 What is the scope of this consultation?**

You are invited to respond by commenting on the proposals in the application. In particular, you are asked to provide any comments or observations you have, within your organisations remit, in respect of the various factors to which MMO must have regard when determining applications.

### **2.5 Submitting your consultation response**

Please submit your response to [marine.consents@marinemanagement.org.uk](mailto:marine.consents@marinemanagement.org.uk)

### **2.6 Public Register and Access to Information.**

Please note that any information you provide in response to this application may be published on MMO's Public Register. Where information is withheld from the Public Register we may still be required to disclose information provided by you to a third party to comply with information disclosure obligations under the Freedom of Information Act 2000 (FOIA) and where relevant the Environmental Information Regulations 2004 (EIRs). In any event, information disclosed will ordinarily include any

personal data of consultees' employees acting in their professional capacity as included in any response provided.

### **3 Documents**

In addition to the above, Council can consider the following information:

#### **3.1 Project description**

Project title

Renew of license for maintenance dredging and disposal in Whitby

Project background

In order for Whitby Harbour to remain operational, maintenance dredging is necessary. The material dredged is disposed of at a designated disposal site. North Yorkshire Council, as the Statutory Harbour Authority, has the powers to dredge under the Whitby Harbour Act 1879, therefore this licence covers only the sediment disposal activities.

This license will replace the previous (now expired) license but is intended to continue the same operations and requests the same permissions.

The project aims to dispose of the spoil from maintenance dredging to sea. This dredging is designed to maintain navigable depths with the SHA's limits.

Dredging of this nature has been conducted over many years to maintain similar depths with dredged material historically disposed of at the disposal site closest to Whitby Harbour (Whitby, TY180). Prior to disposal, any debris collected during dredging operations (such as logs, garbage or lost equipment from vessels) is removed and disposed of by alternative means, ashore.

Programme of works

The project involves ongoing maintenance dredging which, for the purposes of this license, will commence on license commencement and end at the expiry of the granted license term, after which a further license or extension will be requested. Operations will mainly be conducted between 0700hrs and 1900hrs, however, at times, it may be necessary to conduct work outside of these hours to suit tides and operational requirements. However, all operations will be conducted in a manner that is sensitive to the local community.

Sediment sampling has been conducted and results are included as part of this application.

There is expected to be two campaigns per year: a summer campaign and winter campaign. The winter campaign will focus on the pontoons and upper harbour channel. The summer campaign will focus on the lower harbour channel and entrance. The works will be conducted over a period of months as dredging (and therefore disposal) will be undertaken as required.

### **3.2 Application Form**

This is attached to this report.

### **3.3 More information**

As described above please follow the link to more documents.

The link is

[https://marinelicensing.marinemanagement.org.uk/mmofox5/fox/live/MMO\\_PUBLIC\\_REGISTER/](https://marinelicensing.marinemanagement.org.uk/mmofox5/fox/live/MMO_PUBLIC_REGISTER/)

The application reference is:

MLA/2024/00530.

## **4 Conclusion**

The Council has been asked to submit a response before the end of January 2025. At the meeting on the 28<sup>th</sup>, Cllrs will be asked for the points they wish to include, and the main points for the Council to make will be confirmed.