



River Works Licence

Peel Ports **MEDWAY**

Peel Ports Group



April 2010

Peel Ports Medway

River Works Licence Application

INTRODUCTION

Any works which are to be carried out within the Port Limit must have a River Works Licence to ensure that all relevant consultations have been carried out and that there are no adverse effects on the safety of navigation within the Port. Under the Medway Ports Authority Act 1973 the Applicant is required to obtain the approval of all other relevant consenting authorities prior to the completion of the Licence. For example, three Local Authorities are listed but only one should be approached for Planning Approval, ie the Council within whose boundaries the site lies. The organisations are listed on the enclosed document, QF597, as amended from time to time. Document QF598 in this booklet lists the relevant extracts from the M.P.A. Act 1973.

It is advisable to apply for the River Works Licence before the other applications are made so that any discussions which may result in changes to the proposed works will produce a uniform scheme, applicable to all of the organisations.

A copy of each of the approvals should be sent to the Assistant Harbour Master (Hydrography) as soon as possible. Upon receipt, following the formal approval of the Harbour Master, instructions will be issued for the Heads of Terms of the Licence to be drawn up. Terms will not be issued until copies of all of the required approvals have been received. It is imperative that no works at all are undertaken until the River Works Licence has been completed. If works are carried out without a Licence from Port of Sheerness Ltd then they will be required to be removed at your own cost.

If dredging of the river bed is required as part of the proposed works an Application must be made for the appropriate Licence.

Applicants should note that a standard fee must accompany the Application and that, on completion of the documentation, a Licence Fee and legal fees will be payable.

River Works Licence

Port of Sheerness... Introduction

COMPANY NAMES

The Medway Ports Reorganisation Scheme 1968 created the “Medway Ports Authority”, for the purpose, amongst others, of securing the efficient and economical development of harbours then under the respective jurisdictions of the Commissioners of the Faversham Navigation, the Conservators of Milton Creek, the Conservators of the River Medway, the Medway Lower Navigation Company and the Queenborough-in-Sheppey Corporation. The said harbours were transferred to the Authority by the Scheme on the 1st October 1969.

The Medway Ports Authority Act 1973 repealed certain of the 1968 provisions and conferred further powers and included a definition of the “Medway Approach Area”.

Following the requirements of the Ports Act 1991, the Medway Ports

Authority Scheme 1991 transferred property, rights and liabilities as well as all functions conferred or imposed upon the Authority by any provision contained in the Medway Ports Authority Act 1973 to “Medway Ports Ltd”. The provisions of the MPA Act 1973 were then vested within “Port of Sheerness Ltd”.

Medway Ports Ltd was then the subject of a “management buyout” with employees able to own shares. Following a declaration to the effect that it was the wish of the Company to become a public limited company, listed on the London stock market, the Company was then in a position for already-listed companies to bid for it.

In October 1993 the Company was bought by the Mersey Docks and Harbour Company (MDHC) of Liverpool.

In September 2005 MDHC was bought by Peel Holdings so that Medway Ports is now part of the Peel Ports group. Peel Holdings is a private company, not listed on the London stock market.

Statutory obligations are vested in “Port of Sheerness Ltd” (P.O.S.L.) which trades as “Medway Ports”.

The following Sections of this Act are relevant to all Applications for River Works and Dredging Licences:-

3.- (1) In this Act, unless the subject or context otherwise requires -
..... “the level of high water” means the level of mean high-water springs;

37. - (1) The Authority may upon such terms and conditions as they think fit grant to any person a licence to construct, alter, renew, extend or maintain any works on, under or over tidal waters or tidal lands below the level of high water in the port notwithstanding interference with public rights of navigation and other public rights by such works as constructed, altered, renewed, extended or maintained.

(2) Application for a works licence shall be made in writing to the Authority and shall be accompanied by plans, sections and particulars of the works to which the application relates and shall specify whether the applicant holds such rights in, under or over land as are necessary to enable him to enjoy the benefit of the licence and, if not, the action taken to enable him to obtain such rights if the licence is granted, and in granting any such licence the Authority may require modifications in the plans, sections and particulars so submitted.

(3) If within three months from the date of the making of an application under subsection (2) of this section the Authority do not grant a works licence in accordance with the application, they shall be deemed to have refused the application.

(4) For the purposes of section 7 of the Telegraph Act, 1878, any work proposed to be done under a works licence shall be deemed to be work proposed to be done in the execution of an undertaking authorised by an Act of Parliament.

(5) In the exercise of the powers conferred by a works licence, the holder of the licence shall not damage or injuriously affect any electricity work, gas work or sewerage work or, without the consent of the electricity undertakers, the gas undertakers or the sewerage board, as the case may be, interfere with or adversely affect the operation of any such work.

38. - (1) The Authority may upon such terms and conditions as they think fit grant to any person a licence to dredge in any part of the bed and foreshore of the waters of the port.

(2) Application for a dredging licence shall be made in writing to the Authority and shall be accompanied by plans, sections and particulars defining the nature, extent and manner of the operations to be carried out in the exercise of the powers granted by the licence and in granting any such licence the Authority may require modifications in the plans, sections and particulars so submitted.

(3) If within three months from the date of the making of an application under subsection (2) of this section the Authority do not grant a dredging licence in accordance with the application, they shall be deemed to have refused the application.

(4) The issue of a licence under this section shall not confer statutory authority for the carrying out of the work covered by the licence.

(5) Any materials taken up or collected by means of dredging in pursuance of a dredging licence shall be the property of the holder of the licence and he may use, sell or otherwise dispose of or remove or deposit the same as he thinks fit:

Provided that -

(a) no such materials shall be laid down or deposited in any place below the level of high water except in such position as may be approved by the Authority and subject to such conditions or restrictions as may be imposed by the Authority;

(b) if it appears to the holder of a dredging licence that the Authority have unreasonably withheld their approval under paragraph (a) of this proviso or that any restriction or regulation imposed by the Authority under that paragraph is unreasonable, he may appeal to the Secretary of State whose decision shall be binding upon the parties;

(c) no such materials shall be laid down or deposited in any place or manner so as to cover any subaqueous cable belonging to or used by the Post Office or to impede in any way the inspection, maintenance, removal or renewal of any such cable.

(6) In the exercise of the powers conferred by a dredging licence the holder of the licence shall not interfere with, damage, injuriously affect or adversely affect the operation of-

- (a) any electricity work without the consent of the electricity undertakers;
- (b) any gas work without the consent of the gas undertaker; or
- (c) any sewerage work without the consent of the sewerage board.

(7) Not less than twenty-eight days before the exercise of any powers under a dredging licence within a distance of 50 yards of any subaqueous cable belonging to or used by the Post Office, the holder of the licence shall give notice in writing to the Post Office of such intended exercise.

39. - (1) Any applicant for a works licence or a dredging licence who is aggrieved by

- (a) the refusal of the Authority to grant the licence;
- (b) any terms or conditions upon which the licence is granted;
- (c) any modifications required by the Authority in the plans, sections and particulars submitted by the applicant;

may, within twenty-eight days from the date upon which the Authority notify the applicant of their decision or the date on which the Authority are under subsection (3) of section 37 (Licensing of works) of this Act or subsection (3) of section 38 (Licence to dredge) of this Act deemed to have refused the application, appeal to the

appropriate Minister whose decision shall be binding upon the parties.

(2) A person who appeals to the appropriate Minister under this section shall give to the Authority notice of his appeal accompanied by a copy of his statement of appeal and the Authority shall within twenty-eight days from the receipt of such notice be entitled to furnish the appropriate Minister with their observations on the appeal.

(3) (a) On an appeal under this section the appropriate Minister may -

- (i) dismiss the appeal; or
- (ii) require the Authority to grant the licence upon such terms and conditions as the appropriate Minister may determine; or
- (iii) require the Authority to approve the plans, sections and particulars without modification or subject to such modifications as the appropriate Minister may determine.

(b) The Authority shall give effect to any requirement made by the appropriate Minister under paragraph (a) of this subsection.

(4) In this section “the appropriate Minister” means -

- (a) in the case of an appeal by the applicant for a works licence, the Secretary of State;
- (b) in the case of an appeal by the applicant for a dredging licence, the Secretary of State for the Environment.

40. - (1) No person shall -

(a) construct, alter renew or extend any works on, under or over tidal waters or tidal lands below the level of high water in the port unless he is licensed so to do by a works licence and except upon the terms and conditions (if any) upon which the licence is granted and in accordance with the plans, sections and particulars approved in pursuance of section 37 (Licensing of works) or section 39 (Appeals in respect of works licence or dredging licence) of this Act:

(b) dredge, dig or raise any gravel, sand, clay or other substance in the bed and foreshore of the waters of the port unless he is licensed to do so by a dredging licence and except upon the terms and conditions (if any) upon which the licence is granted and in accordance with the plans, sections and particulars approved in pursuance of section 38 (Licence to dredge) or section 39 (Appeals in respect of works licence or dredging licence) of this Act:

Provided that this subsection shall not apply to the construction, alteration, renewal or extension of any works or any dredging specifically authorised by any enactment.

(2) Any person offending against the provisions of this section or who contravenes or who fails to comply with any term or condition upon which a works licence or a dredging licence, as the case may be, is granted by the Authority shall be liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

(3) A works licence shall not be required for the carrying out, construction, placing, alteration, renewal, maintenance or retention of any work by the river authority or any drainage authority in the exercise of their functions under any enactment and a dredging licence shall not be required by the river authority or any drainage authority in the exercise of their functions under any enactment.

(4) Nothing under this section shall affect the powers of the Post Office under the Telegraph Acts, 1863 to 1916.

Medway Ports

River Works and Dredging Licence Applications

Consenting Authorities

QF597

1. Food and Environment Protection Act 1985 Part II

And

2. Coast Protection Act 1949

Marine Consents Team
Marine Management Organisation
PO Box 1275
Newcastle upon Tyne
NE99 5BN

www.marinemanagement.org.uk

3. Rochester Oyster Fishery Act

The Rochester Oyster & Floating Fishery
125 Fairview Avenue
Wigmore
Kent ME8 0QD

4. The Swale

The Queenborough Oyster Fishery
C/o Swale Borough Council
Swale House
East Street
Sittingbourne
Kent ME10 3HT

OR

Trustees of the 5th Earl Sondes Settlement
Strutt & Parker
41 Milford Street
Salisbury
Wiltshire
SP1 2BP

The Swale, East of Fowley Island

Kent Wildfowling & Conservation Association
c/o Dudley Cramp
Dudley Cramp & Co.
42 High Street
Sittingbourne
Kent ME10 4PB

5. Planning Acts

Medway Council
Compass Centre
Chatham Maritime
Pembroke
Chatham
Kent ME4 4YH

OR

Swale Borough Council
Swale House
East Street
Sittingbourne
Kent ME10 3HT

OR

Tonbridge & Malling Borough Council
Council Offices
West Malling
Maidstone
Kent ME19 6LZ

6. Countryside Act 1981 and subsequent Regulations Council Directive 92/43/EEC(c) (The Habitats Directive) Countryside and Rights of Way Act 2000

Natural England
Kent Team
International House
Dover Place
Ashford
Kent TN23 1HU

7. Water Resources Act 1991 Waste Management Licensing Regulations Sea Defences

The Environment Agency
Kent Area
Orchard House
Endeavour Park
London Road
Addington
West Malling
Kent ME19 5SH

8. Drains etc.

Lower Medway Internal Drainage Board
17 Albion Place
Maidstone
Kent ME14 5DY

9. Water

Southern Water
Network Development
Southern House
Sparrow Grove
Otterbourne
Winchester
Hants. SO21 2SW

Tel: 0845 278 0845
Fax: 01962 715246

OR Mid Kent Water plc
Engineering Services
Rocfort Road
Snodland
Kent ME6 5AH

Tel: 01634 873111
Fax: 01634 245232

10. Gas

Transco
Plant Protection Team
2 Leasons Hill
St Mary Cray
Orpington
Kent BR5 2TN

Fax No. 01689 991300

11. Electricity

SEEBOARD
CABLEWATCH
PO Box 15
Lewes Road
East Grinstead
West Sussex RH19 3WE

Tel: 0800 0565866
Tel: 01342 413248
Tel: 01342 413184

12. Crown Estates

16 New Burlington Place
London W1S 2HX

Tel: 0207 851 5267

**APPLICATION NUMBER:
Office Use.**

MEDWAY PORTS

RIVER WORKS APPLICATION

QF599

- a. Name, address and telephone number of proposed licence/leaseholder

Contact name, address and telephone number.

- b. Name and address of applicant (if different from above).
- c. Location of proposed works. (Applicant must provide a location plan on largest scale Ordnance Survey Map plus a large scale site plan and details of works drawn to scale).
- d. Nature of works. If necessary, please continue on separate sheet.
- e. Modus Operandi. If necessary, please continue on separate sheet.
- f. Are works temporary or permanent? (Please indicate full details in modus operandi).

g. Anticipated start date.

h. Anticipated duration of works.

i. Is closure of river required?
If "YES", please give details.

j. The Applicant should do all things necessary to obtain the consents and permissions of all necessary public local and other Authorities and persons (including the consent of any adjoining riparian owners who are affected by the works) and make all payments required for obtaining such consents and permissions and to provide copies of such consents and permissions to the Port Authority prior to commencement of the works.

Agreement to this. Please tick box.

k. Details of expected maintenance of works after completion.

Signed by Print Name

For and on behalf of Date

NB. Please note that the minimum time for consideration of this application is four weeks from receipt of this application.

Please complete this form and return it with your remittance for **£290-00 + VAT** (Total amount £333-50). Your cheque should be made payable to "**Port of Sheerness Ltd**".

For the attention of:-

Mr. P.A. Woodgate
Assistant Harbour Master (Hydrography)
Peel Ports Medway
Sheerness Docks
SHEERNESS
Kent ME12 1RS



**PORT OF SHEERNESS LTD.
MEDWAY PORTS AUTHORITY ACT 1973**

**SECTION 37 - LICENSING OF WORKS (TIDAL WATERS)
SECTION 38 - LICENCE TO DREDGE**

COMPLETION NOTICE

Licence No. :-

Description of Works:-

Plan No.

Location of Works:-

Notice is hereby given that the work is now complete and ready for your inspection on : (Date)

Signed:

Date:

For and on Behalf of

(Licence Holder)

Telephone

Fax

Mobile



SHEERNESS DOCKS
SHEERNESS
KENT ME12 1RS

Tel: 01795 596596 Fax: 01795 660072 Telex: 96435

River Works Licence No. for

Certificate of Practical Completion of the Works

Licence between

Port of Sheerness Ltd
Maritime Centre
Port of Liverpool
L21 1LA

And

In accordance with clause of the Licence Conditions we confirm that practical completion of the works was achieved on

.....

Medway Ports

On behalf of Port of Sheerness Ltd

QF650/0507/03



**SHEERNESS DOCKS
SHEERNESS
KENT ME12 1RS**

Tel: 01795 596596 Fax: 01795 660072 Telex: 96435

**River Works Licence No. _____ for
Licence Holder: _____**

Notice of Remedial Works

Following an inspection of the site carried out on _____, Notice is hereby given that the following Remedial Works must be carried out in order that the works comply with the Conditions of Clause _____ of the Licence:-

Date of next inspection

.....

Medway Ports

On behalf of Port of Sheerness Ltd

QF651/0507/03



SHEERNESS DOCKS
SHEERNESS
KENT ME12 1RS

Tel: 01795 596596 Fax: 01795 660072 Telex: 96435

**River Works Licence No. _____ for
Licence Holder: _____**

Notice of Completion of Works

Completion Notice (QF615) Received on

Following the receipt of a Completion Notice on _____, a site inspection has shown that the following works are yet to be carried out in order that the works comply with the Conditions of Clause _____ of the Licence:-

These works are to be completed by

.....

Medway Ports

On behalf of Port of Sheerness Ltd

QF652/0507/03