

The ‘Thames Concordat’ – An agreed way of working between the Marine Management Organisation (MMO) and the Port of London Authority (PLA)

1 Introduction

This document represents an agreement between the Marine Management Organisation (MMO) and the Port of London Authority (PLA) on the streamlining of marine regulatory activity within the jurisdiction of the PLA, namely from the PLA’s seaward limits in the Outer Thames Estuary to the PLA’s landward limits at Teddington Lock (the Tidal Thames) and tidal tributaries. It is intended that this agreement will form the cornerstone of future cooperation between both organisations in relation to the regulation of activities within this area prior to and, where applicable, following the proposed delegation of powers to the PLA under the Marine and Coastal Access Act 2009.

2 Responsibilities of MMO and PLA

The MMO was established by the Marine and Coastal Access Act 2009 to make a contribution to the achievement of sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas. The UK Government’s Marine Policy Statement forms the framework for the MMO’s management of the marine area.

The responsibilities of the MMO include licensing of ‘marine licensable activities’¹ such as construction works, deposits and removals. Amongst other things, marine licences are required for all deposits or removals of articles or substances below the level of mean high water springs (MHWS), and for all dredging activity unless relevant exemptions apply.

The PLA, as a statutory harbour authority, was established as a Public Trust in 1908, its legislative base and context most recently updated by the Port of London Act 1968 and subsequently through a number of Harbour Revision Orders, the most recent in 2003. The PLA’s statutory responsibilities include licensing all works in, on or over MHWS and for all dredging activity. Furthermore, it has duties under the Harbours Act 1964, and must comply with these requirements when considering any application for river works or dredging made under the Port of London Act 1968, and also in its own activities and functions.

¹ as defined under Section 66 of the Marine and Coastal Access Act 2009

3 Principles of engagement

The MMO and PLA already work closely with regards to the regulation of activities within the Thames, as evidence by joint working on the Thames Tideway Tunnel project. However it is recognised that both regulatory bodies could work more closely to ensure that applications received under respective legislative regimes are dealt with in a streamlined manner. The MMO and PLA therefore agree to adhere to the five high level principles as outlined within the coastal concordat², launched by the Secretary of State in November 2013.

The five high level principles are as follows:

1. Applicants seeking regulatory approval should be provided with a **single point of entry** into the regulatory system for consenting coastal development, guiding them to the organisations responsible for the range of consents, permissions and licences that may be required for their development.
2. Regulators should agree a **single lead authority** for coordinating the requirements of Environmental Impact Assessment Directive or Habitats Regulations Assessments.
3. Where opportunities for **coordinating³, dispensing or deferring regulatory** responsibilities are legally possible and appropriate, they should be taken.
4. Where possible, at the pre-application stage, competent authorities and statutory advisors should agree the likely environmental and habitats assessment **evidence requirements** of all authorities at all stages of the consenting process.
5. Where possible regulators and statutory advisors should each provide **coordinated advice** to applicants from across their respective organisations.

4 Application of principles

The principles established in the implementation plan for the coastal concordat⁴ will be used by both the MMO and PLA staff when considering applications for regulated activities within the Tidal Thames where both organisations have a regulatory remit.

²<https://www.gov.uk/government/publications/a-coastal-concordat-for-england>

³The term coordinating is additional to the coastal concordat as the concordat was set up to deal with overlapping but distinct regulatory regimes whereas the PLA and MMO both licence the same activity

⁴https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/259443/coastal-concordat-implementation-20131118.pdf