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Environmental Code Of Practice

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ENVIRONMENTAL CODE OF PRACTICE Consents & Planning

Overview

The construction and maintenance of infrastructure to support the recreational boating sector is regulated by many different organisations. Understanding the permissions required to enable development and activities to take place can be complicated with the information needed scattered between many different consenting authorities.

Marine Consents

This section outlines which consents are needed for which activities and provides a summary of each type of consent. More detail can be found in the Marine Consents Guide published by the Solent Forum in 2006 and available on their website:

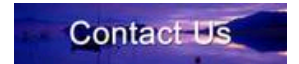
www.solentforum.hants.org.uk/publications/marinecons.html

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- Planning Consent - required for development as defined within Section 55 of the [Town and Country Planning Act 1990](#) which includes change of use, engineering operations, building works, etc. Apply to the Planning Department of your local authority for further information or contact the BMF for further support.
 - FEPA Licence - required prior to the deposit of articles and substances at sea, e.g., the disposal of dredged material, or the placing of piles into the sea for construction purposes. Applications should be made to the MFA.
 - Land Drainage Consent - required for any works in, on, under or over a main river, or within 8m of a main river. Any works to fill, divert, obstruct or culvert any ordinary watercourse also requires consent, as do any works within 15m of a sea defence. This is to ensure that they neither interfere with the Agency's work nor adversely affect the environment, fisheries, wildlife and flood defence in the locality. You should apply to the Environment Agency or SEPA – contact your nearest office for further details and an application form. It is worth noting that both Agencies generally oppose the use of culverts (further details are available from your local Agency office).
 - Coast Protection Act Consent - required for the construction, alteration or improvement of any works on, under or over and part of the seashore lying below the level of mean high water springs. Consent is also required for the deposit of any object or any materials from any part of the seashore and the removal of any object or materials from any part of the seashore lying below mean low water springs.
- A consent from the MFA is also required if the operation is likely to cause obstruction or danger to navigation.
- Harbour Authority Consent – The Harbour Authority may, grant a licence to any person to construct, alter, renew or extend any works within the boundary of the harbour on, under or over tidal waters or land below the level of high water. Apply to the relevant Harbour Authority.
 - Pollution Prevention & Control Permit -required for the deposit, storage, treatment or disposal of waste. You should contact your nearest Environment Agency or SEPA office for further details and an application form.
 - Discharge Consent -required for any discharge to controlled waters (which includes

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rivers, streams, canals, ground waters, harbours and coastal waters). Discharges which require a consent include sewage effluent, trade effluent, discharges resulting from de-watering operations, and site drainage (such as car parks and delivery areas). You should apply to the Environment Agency or SEPA – contact your nearest office for further details and an application form.

Visit the [Environment Agency's website](#) to view their charging regime for discharge consents.

Other Consents

- Transport and Works Act (TWA) 1992 consent - TWA consent can also be applied for works which interfere with rights of navigation in waters up to the seaward limits of the territorial sea (section 3(1) (b)). A TWA order can grant rights and powers to the applicant of a private or local nature, which is not available under the general law. These may involve the construction and/or use of works which affect public rights, such as a right of navigation on a river or in the sea. An order can provide the statutory means by which such public rights may be extinguished or changed temporarily or permanently to accommodate the scheme.
- Land ownership - although a consent or licence for an activity may be granted, permission from the land owner may still be required. Ownership of the foreshore and inshore waters is complex. Local Authorities, Harbour Authorities, British Waterways, private individuals and organisations and the Crown Estate can all be landowners in the coastal zone. The Land Registry can provide details of ownership above Mean Low Water Mark and below this you should contact the Crown Estate, Land Registry or the Harbour Authority. The Crown Estate owns around 55% of the foreshore and approximately half of the beds of estuarial areas and tidal rivers in the United Kingdom. It also owns the seabed out to the 12 mile territorial limit. The Crown Estate grants leases or licences, of which there are over 2,000, all around the coast. The largest leaseholders are local authorities, ports, harbours and conservation bodies.

The permission of British Waterways is required for any works that require access to their property or which may impact upon it – see their Code of Practice for "[Works Affecting British Waterways](#)". Section 2 of this code sets out the procedure for requesting permission.

Members should submit a Notification form to BW outlining the proposed works. BW will carry out a preliminary appraisal considering any technical and environmental issues, and may require further information from the applicant. A cost undertaking agreement must be entered into to allow BW to recover costs in carrying out this appraisal.

The appraisal may result in changes being made to the proposed works and a final submission must be made confirming how the works are to be carried out. BW will then prepare a contract setting out the conditions under which it agrees to the works. This may include a fee, including on going fees, to cover costs associated with the works.



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