

Northern Ireland Environment Agency

Marine Minerals Extraction: Instructions For The Payment Of Fees

April 2009

Introduction:

THE ENVIRONMENTAL IMPACT ASSESSMENT AND NATURAL HABITATS (EXTRACTION OF MINERALS BY MARINE DREDGING) (ENGLAND AND NORTHERN IRELAND) REGULATIONS 2007: PAYMENT OF FEES

When the Marine Minerals Dredging Regulations came into force on 1 May 2007, Regulation 25 allowed the NIEA, on behalf of the Minister for the Department of Environment Northern Ireland to recover its costs from applicants.

Applicants must pay the fees in three stages:

1. Pre-application
2. Dredging application
3. Monitoring (post-dredge)

Other Fees:

4. Variations

NB Please see annex at end of this document for fee determinations and payment methods

1. Pre-Application Fee

The intending applicant should notify the NIEA in writing of their intention to apply for a dredging permission before beginning work on the preparation of a dredging application (or the preparation of an Environmental Statement, if required).

Although not mandatory, it is **strongly** recommended that all prospective applicants seek pre-application advice from NIEA. This is to ensure that the application is as detailed as possible, and contains the scientific background necessary for it to be taken forward.

Process:

- Applicants should write to the NIEA requesting pre-application advice, enclosing an outline of their proposed dredging operations.
This should include:
 - i. A plan of the proposed dredging area, showing location in relation to any identifiable coastal or other navigational features and in relation to any European sites.
 - ii. A description of the proposal (size of area, proposed volume of material to be extracted etc).
 - iii. Proposed rate of extraction or period over which sampling would be carried out.

- This must be accompanied by a payment, which can take the form of a cheque or electronic payment.

- Your payment must be sent to NIEA's Business Unit, who will inform the Marine Assessment and Licensing Team when the payment has been received.

- The NIEA will acknowledge receipt of the payment in writing within 14 days, and will advise the applicant to start the pre-application advice process.

- **NB - The NIEA is not obliged to carry out any action in response to any sort of application until the full fee has been paid. If only part payment is received (for example if two Operators are making a joint application), the pre-application process will not be initiated until the NIEA has received full payment.**

2. Dredging Application Fee

An application for a dredging permission submitted to the NIEA must contain the following:

- i. A plan of the application area in relation to the UK coastline showing the co-ordinates of the area in WGS 84 format.
 - ii. An ES and Coastal Impact Study (CIS)/sufficient environmental information depending on whether the application is relevant or habitats project.
 - iii. A schedule of draft conditions.
 - iv. Completed Application Form.
- This must be accompanied by the **full payment**, which can take the form of a cheque or electronic payment.
 - The payment must be sent to the NIEA Water Management Unit Business Directorate, who will inform the Marine Assessment and Licensing Team when the payment has been received. This payment covers the NIEA's costs in processing the application.
 - The NIEA will send written acknowledgement of receipt of the payment to the Operator within 14 days.
 - If the DOE Minister determines that the proposal is exempt from this aspect of the Regulations (see paragraphs 3.2-3.6 of [MMG2](#)), the NIEA will issue the appropriate determination and will return the dredging fee to the applicant.

EEA (European Economic Area) States and Devolved Administrations:

- The applicant must verify whether a Devolved Administration (Scotland, Wales or England) or another EEA (European Economic Area) State is affected by the dredging application. If the proposed area straddles a border then this will be the case; however an area very close to the border could be seen to do this also. This will have to be judged on a case by case basis.
- If this is the case, the applicant must submit an application to the relevant devolved administration(s) along with the correct fee if necessary.

NB - The NIEA is not obliged to carry out any action in response to any sort of application until the full fee has been paid. If only part payment is received (for example if two Operators are making a joint application), the application will not be progressed until the NIEA has received full payment.

3. Monitoring Fees:

Monitoring conditions will be imposed on all dredging permissions to ensure compliance, and require the preparation of a monitoring programme to be approved by the Minister for the Environment before dredging can commence (examples can be seen in Annex C of MMG2).

Conditions will be imposed requiring all operators to fit an Electronic Monitoring System (EMS) approved by the NIEA to every dredging vessel, and all operators to pay annual monitoring fees to recover the costs of the NIEA and any agent acting on their behalf of:

- Interpreting and assessing the results of monitoring undertaken by the operators of their dredging operations.
- Considering both pre and post dredge survey reports, and all other survey and monitoring reports produced during dredging operations.
- Interpreting and assessing EMS data whilst dredging operations are ongoing.

The annual monitoring fee contains two elements:

- The first part of the annual fee is for considering monitoring reports, **and will be payable in full when the first monitoring report is submitted** in accordance with the conditions attached to the permission. The NIEA will then invoice the operator annually on that day until the last post-dredge monitoring report is submitted, or otherwise as may be required by the conditions attached to the dredging permission.
- The second part of the annual fee is for interpreting and assessing EMS data, **and will become payable in full on the day on which dredging commences** under the permission. The NIEA will then invoice the operator annually on that day until dredging under the permission ceases or otherwise as may be required by the conditions attached to the dredging permission. This element of the fee will not be payable during any complete year in which no dredging takes place, i.e. during pre and post-dredge periods.
- The Operators will be invoiced by NIEA.

4. Fee for Variations to a GV/Dredging Permission

A dredging permission holder may apply to the Minister of the Department of the Environment to vary the terms of that permission. The variation must be screened to determine whether it is a relevant or habitats project under the EIA or Habitats Directive.

- If the variation **is** deemed a relevant or habitats project, an ES or appropriate assessment will be required as appropriate. Henceforth, the procedure for processing the variation is almost identical to that of processing a new dredging application (consultation, advertising etc). The NIEA charges a fee to recover the costs of processing a variation – this fee is considerably higher if the variation is an EIA or habitats project due to the increased volume of work.
- If the variation **is not** an EIA or habitats project then a more streamlined process can take place, with no advertising and a smaller-scale consultation of only key Consultees.
- The NIEA will not start to process the variation until it has confirmation from the SSD that the full relevant fee has been paid.

Dredging outside of British waters – Applies to all fees:

When permitted dredging straddles the boundary of Northern Irish waters with Scottish, Welsh or Northern Irish waters, the fees will be determined by agreement between the Secretary of State and the relevant administration on a case by case basis, but will not be any more than the maximum monitoring fees payable to either of them.

The Secretary of State and the devolved administrations will also agree to which regulator the fees are payable.

Annex - MARINE MINERALS DREDGING FEE DETERMINATION 2007

The Minister for the Environment, in exercise of the powers conferred on him by regulation 25 of the Environmental Impact Assessment and Natural Habitats (Extraction of Minerals by Marine Dredging) (England and Northern Ireland) Regulations 2007, SI 2007/1067 ("the Regulations") hereby makes the following determination:-

Citation

1) This determination may be cited as the Marine Minerals Dredging Fee Determination 2009.

Determination

2) The Minister for the Environment determines the fees to be paid in respect of dredging proposals and permissions in respect of Northern Irish waters, as defined in the Regulations.

3) The fees set by this determination shall have effect in relation to—

(a) pre-application advice requested and applications submitted on or after 1 April 2009, and

(b) the interpretation and assessment of the results of monitoring of dredging carried out under any permission granted after that date.

Department of Finance and Personnel consent

4) Before making this determination, the Minister for the Environment obtained the consent of the Treasury.

Activity	Fee
1. Providing pre-application advice under any one or more of regulations 7(2), 8(3) and 8(4).	£22,000
2. Processing application for dredging permission made under regulation 10(1).	£28,000
3. Interpreting and assessing the results of monitoring dredging permissions in accordance with conditions under regulation 13(6) as follows:	
(a) considering monitoring reports prepared in respect of the pre and post dredging and operational dredging periods.	£7,000 per annum
(b) interpreting and assessing the Electronic Monitoring System (EMS) data produced during the operational dredging period for each year in which the dredging takes place.	£14,000 per annum

4. Processing applications under regulation 18(1) for variations which constitute relevant projects or habitats projects under the Regulations.	£27,000
5. Processing applications under regulation 18(1) For all other variations.	£8,000

Payment Options:

Option 1:

Send a crossed cheque made payable to the Department of the Environment Northern Ireland and write your account number on the back of the cheque. Then send it to:

**NIEA
c/o Water Management Unit
17 Antrim Road
Lisburn BT27 3AL**

Option 2:

Pay by BACS. If you wish to pay by this method you will need our account details, which are:

- **Northern Bank**
- **Sort Code: 95 - 01 – 21**
- **Account: 51063634**