



Llywodraeth Cymru  
Welsh Government

# Information Note

## Disposal Sites in Welsh Waters

There are a number of areas in Welsh inshore waters designated for the purpose of receiving dredged material, which mostly comprises of maintenance and capital dredge arisings. The number of open designated disposal sites varies year on year.

### Disposal at sea history

The disposal of waste material at sea has been regulated since the early 1960s.

In 1974, the Dumping at Sea Act was introduced by the UK Government, the regulator at the time was the Ministry of Agriculture, Fisheries and Food (MAFF).

The Dumping at Sea Act 1974 was repealed and replaced with the Food and Environment Protection Act 1985 (FEPA). Both Acts required a licence to dispose of material at sea. The regulator for FEPA was the UK Government (MAFF, which later became the Marine and Fisheries Agency) until further powers over the marine environment were transferred to the Welsh Ministers in 2007. FEPA licences were issued by the Welsh Government until FEPA was repealed and replaced with marine licensing introduced through the Marine and Coastal Access Act 2009.

The Welsh Government was the regulator for marine licensing under the Marine and Coastal Access Act 2009 until certain marine licensing functions were delegated to Natural Resources Wales through the Marine Licensing (Delegation of Functions) (Wales) Order 2013 and the Marine Licensing (Delegation of Functions) (Wales) Order 2017.

Sites have been opened at different times in response to applications for disposal activity. Open sites are those which have continued to be identified as suitable for receiving dredged material following a thorough and robust assessment of each new application for disposal.

### Current regulatory obligations regarding disposal of waste at sea

The disposal of dredged material at sea continues to be regulated under Part 4 of the Marine and Coastal Access Act 2009 - marine licensing.

Section 71 of the Marine and Coastal Access Act 2009 ensures compliance with international obligations, such as those relating to the disposal of waste at sea under

the OSPAR<sup>1</sup> Convention and the London Convention and London Protocol, to which the UK are a Contracting Party. Compliance is achieved through the assessment of an application, including the testing of material and the subsequent granting or refusal of a marine licence.

Recognising the importance of dredge and disposal operations to the safe passage of vessels to and from ports, harbours and marinas, the Welsh National Marine Plan includes a policy specifically relating to dredge and disposal activities.

## Assessing an application for dredge and/or disposal operations

Natural Resources Wales as the regulator for marine licencing, acting on behalf of Welsh Ministers, assesses the suitability of an application for dredged material to be deposited back at sea in line with the relevant legislation and international obligations. To inform the assessment of an application to dredge and/or dispose of material, NRW consults internal and external technical consultees, including the Centre for Environment, Fisheries and Aquaculture Science (Cefas), in its capacity as a scientific advisor to NRW, and key stakeholders.

When consulted on applications and in providing advice to NRW, Cefas will undertake a detailed evaluation of the impacts of the proposed disposal activity on the marine environment, human health and other legitimate uses of the seas which includes consideration of:

- the level of contamination of the material to be dredged and disposed of to the site;
- the amounts that the disposal site has previously received (based on yearly basis and if needed on a monthly basis);
- the applied for disposal volume (i.e. can the disposal site accommodate the tonnage applied for, based on expert judgement and records of previous disposal operations at the site);
- if there are multiple users of the site, the number of licences and current total licensed tonnage for a disposal to ensure the site can accommodate all licensed tonnage; and,
- the type of material to be deposited i.e. if the material is consolidated it could build up and cause an issue for navigation through the shallowing of a site.

As part of the assessment process, Cefas will produce a sediment sampling and analysis plan on behalf of NRW. This plan will advise applicants on the location, method, number of samples and the types of chemical and physical analysis required to ensure the material will be suitable for disposal back at sea. These sample plans are developed having regard to the OSPAR guidelines for the management of dredged material (OSPAR, 2014).

Following consultation on a marine licence application which will have been informed by the sediment sampling and analysis undertaken in line with CEFAS advice, NRW will determine the suitability of a proposed disposal site, ensuring the dredged material deposited does not interfere with other legitimate uses of the sea or have adverse impacts on the marine environment or human health in line with the requirements of Part 4 of the Marine and Coastal Access Act 2009.

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<sup>1</sup> Oslo Paris Convention for the Protection of the Marine Environment of the North-East Atlantic

## Identifying disposal sites

Disposal sites are identified by applicants in their application which may be either an existing open site or a potential new site. NRW will determine whether the disposal site identified is appropriate or not following assessment. If an appropriate disposal site cannot be identified then a new disposal site could be characterised and designated. This would normally be identified during the marine licence pre-application phase and reasons may include:

- there are no existing disposal sites that the project can logistically use;
- existing disposal sites cannot take the type of material that will be dredged; and/or
- capacity at an existing disposal site has been reached.

## Characterising a new disposal site

The responsibility for characterising a new disposal site lies with the applicant. The key factors considered when selecting a disposal site are listed in the Revised Specific Guidelines for Assessment of Dredged Material (International Maritime Organisation, 2014) that supplement Annex 2 of the 1996 Protocol (London Protocol) (IMO, 2003), these are:

- there are no existing disposal sites that the project can logistically use;
- location of amenities, protected areas, and other uses of the sea in the area;
- characteristics of the water-column and the sea-bed at potential disposal sites;
- economic and operational feasibility of marine transport of the material to the site;
- size of the disposal site: large enough to accommodate the anticipated ongoing volumes of material without unacceptable degradation of the marine environment or interference with other uses of the sea, but small enough for practical monitoring;
- characteristics of the material to be dumped, including the presence and mobility of contaminants; and
- the presence of other disposal sites in the vicinity.

Once a potential new disposal site has been characterised, NRW will undertake a consultation with interested parties, it then makes an evaluation of the characterisation information and if the evaluation is favourable, NRW designates the site as “open”.

## When is a site considered closed

For the purpose of marine licencing a disposal site is classified as “disused” after a period of 5 years without use and is classified as “closed” after a period of 10 years without use.

NRW may also close a site for other reasons, such as new evidence of potential impacts or to accommodate another activity with the agreement of parties that use the disposal site.

## Management and monitoring of disposal sites

As part of its UK role within OSPAR, Cefas maintains an active list of all open, closed or disused sites in UK waters, allocating a unique reference number for each site.

NRW ensures sites are managed and monitored, where needed for compliance purposes, through conditions on the marine licence. Through licence condition all licence holders are required to submit annual returns to NRW on the type and amount of material disposed of during the year. NRW provides this information to Cefas to inform a wider UK return to OSPAR.

Working in partnership with NRW, the Welsh Government intends to undertake strategic high-level reviews of all open disposal sites in Welsh waters every 5 years. This review will continue to provide further evidence on how sites are functioning to ensure Welsh Ministers remain compliant with OSPAR requirements.