

**Case Name:** Thomson v Marine Management Organisation [2019] EWHC 2368 (Admin) (06 September 2019)

**Full case:** [Click Here](#)

**Commentary:** A challenge to the grant of a Marine Licence by the Marine Management Organisation (“MMO”) on the ground that the MMO had not followed Joint Nature Conservation Council (“JNCC”) guidance when carrying out the Environmental Impact Assessment was dismissed.

In July 2019 the Marine Management Organisation (“MMO”) granted a marine licence under S.71 of the Marine and Coastal Access Act 2009 for the dredging of sand in an area of Goodwin Sands, off the Kent coast, by the Dover Harbour Board. The dredged sand was to be used as aggregate for works being carried out as part of the Dover Western Docks Revival Project, a consented Nationally Significant Infrastructure Project.

The Claimant, a local resident, brought the challenge on the basis that the MMO had failed to consider the topography of the sand bank as a mandatory attributable as part of its assessment of the dredging under the Marine Works (Environmental Impact Assessment) Regulations 2007, as required under 2004 Guidance prepared by the JNCC. In the alternative it was argued that the MMO had failed to explain why it had not followed the JNCC Guidance. The Claimant held that if the assessment had been properly carried out the marine licence would not have been granted.

Mr Justice Ouseley held that the Claimant had fundamentally misunderstood the applicability of the JNCC Guidance to the facts of this case. The MMO and its advisors the judge held, had properly assessed the licence application and the claim was at its heart a challenge to its expert scientific judgment. The challenge was dismissed.

*Case summary prepared by Juliet Munn*