

Consultation on marine licensing efficiencies

Date: 20 June 2025

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We work closely with our 33 agencies and arm’s length bodies on our ambition to make our air purer, our water cleaner, our land greener and our food more sustainable. Our mission is to restore and enhance the environment for the next generation, and to leave the environment in a better state than we found it.

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Any enquiries regarding this publication should be sent to us at

[marine.licensing@defra.gov.uk](mailto:marine.licensing@defra.gov.uk)

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# Executive summary

The UK Government’s vision is to have clean, healthy, safe, productive and biologically diverse oceans and seas. To help achieve this vision, [the Marine and Coastal Access Act 2009](https://www.legislation.gov.uk/ukpga/2009/23/contents) (MCAA) introduced the current marine licensing system, which came into effect in April 2011. The Marine Management Organisation (MMO) was created by MCAA and has responsibility for marine licensing in the English inshore and offshore region and the Northern Ireland offshore region.

Marine licensing covers a diverse range of activities from sea wall repairs through to large scale infrastructure developments[[1]](#footnote-2). Marine licensing aims to facilitate the sustainable use of the marine environment, so that activities can be permitted whilst minimising any environmental impacts and preventing interference with other legitimate uses of the sea, such as risks to navigation.

As the marine space becomes busier, we recognise it may become more difficult for regulators to make decisions that achieve sustainable development whilst balancing legitimate uses of the sea. It is important that we ensure that the marine licensing system is efficient and supports wider delivery of government policies, whilst maintaining its commitments to environmental protection and sustainable development.

As part of streamlining and improving the efficiency of marine licensing, we wish to gather views through this consultation on proposed amendments to marine licensing cost recovery, exemptions and ‘self-service’ licences.

We propose to:

* **add 5 new exemptions** for activities which we believe are unlikely to conflict with sustainable development
* **amend 4 existing exemptions** to widen their scope to increase clarity or include the use of techniques and technologies capable of further reducing environmental impact
* **remove existing exemptions** for activities where their continued exemption is likely to negatively impact the environment - such as disapplying existing exemptions in the context of activities occurring in or near Highly Protected Marine Areas (HPMAs) to prevent activities that could risk affecting the conservation objectives of these sites
* **add 2 new self-service activities** to improve consenting timeframes for low impact activities
* **improve the MMO’s ability to recover costs** incurred from marine licensing services to reduce reliance on Grant-in-Aid (GiA) funding and further align with government policy to set fee charges to fully recover costs[[2]](#footnote-3)

This will allow the MMO to better fulfil its duties and ensure the licensing system is streamlined, cost-effective and proportionate, and that efforts are directed to more complex cases and more significant opportunities for environmental gains.

# Introduction

This consultation is directed at anyone interested in the way marine activities are regulated in the English inshore and offshore and the Northern Ireland offshore region, especially anyone who has applied or may apply for a marine licence including:

* businesses and operators that carry out these activities (including exempted activities) in these marine areas
* coastal Local Planning Authorities (LPAs) and Inshore Fisheries and Conservation Authorities who have a role in regulating or commenting on project proposals
* conservation bodies and other groups that are concerned about the effects of activities on the marine environment, navigational matters and human health
* organisations that may be involved with novel uses of the marine environment

Many other people and groups are also concerned about activities in the seas around us and may therefore have an interest in these proposals.

# The consultation process

## Timing and duration of this consultation

The consultation will start on 20 June 2025and will be open for responses for eight weeks.

The consultation will end at 11:55pm on 15 August 2025.

## Responses

The government will analyse the response to this consultation and publish a summary of responses. If you do not wish for your response to be published, please make that clear in your reply.

In line with the government’s policy on openness, the information you submit may be made available to other parties, including personal information such as your name. If you do not consent to this, you must clearly request that your response be treated as confidential (except where disclosure is required by law). Any confidentiality disclaimer generated by your IT system in e-mail responses will not be treated as such a request.

You should also be aware that there may be circumstances in which we will be required to communicate this information to third parties on request, in order to comply with our obligations under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.

# Response guidance

You are welcome to answer all questions in this consultation, or to answer questions that are specific to your areas of interest.

Please provide evidence to support your response, including citations of relevant published sources where appropriate. Please reference the page number of a document if you are drawing attention to a particular statement.

For the purposes of this consultation, we define ‘evidence’ as: personal experience, case studies, datasets, qualitative and quantitative research (including evaluations), organisational learnings and official documents.

This consultation document accompanies the questions on [Citizen Space](https://consult.defra.gov.uk/marine-licensing/marine-licences).

We are interested in collecting the following information from those responding to this consultation:

1. Your name and whether you are responding on behalf of an organisation
2. Your email address and telephone number
3. Your address or the address of the organisation you are responding on behalf of

You are not obliged to provide any or all of the above information or respond to all of the questions below.

# General overview of marine licensing

[Section 65 of MCAA](https://www.legislation.gov.uk/ukpga/2009/23/part/4) sets out that no person may carry out a licensable marine activity, or cause or permit any other person to carry out such an activity except in accordance with a marine licence granted by the appropriate licensing authority. The Secretary of State is the appropriate licensing authority[[3]](#footnote-4) for the English inshore and offshore and Northern Ireland offshore regions and has delegated most licensing functions in those areas to the MMO[[4]](#footnote-5).

Licensable activities are set out in [section 66 of MCAA](https://www.legislation.gov.uk/ukpga/2009/23/part/4). There are 7 categories of activity that may need a marine licence. Follow the links to MMO guidance below to find out more about the activities and the circumstances in which they may need a marine licence:

* [deposit of any substance or object](https://www.gov.uk/guidance/deposits#deposit-of-any-substance-or-object)
* [scuttling (sinking) of any vessel or floating container](https://www.gov.uk/guidance/scuttling-of-any-floating-vessel-or-container)
* [dredging](https://www.gov.uk/guidance/dredging)
* [construction works (including laying of cables, maintenance, alteration or improvement of existing structures and assets)](https://www.gov.uk/guidance/construction-alteration-or-improvement-of-works)
* [removal of any substance or object](https://www.gov.uk/guidance/removal-of-any-substance-or-object)
* [use of explosives](https://www.gov.uk/guidance/deposits#deposit-or-use-of-explosives)
* [incineration of any substance or object](https://www.gov.uk/guidance/incineration-of-any-substance-or-object)

Many activities will therefore require a marine licence from the MMO prior to being undertaken unless a relevant exemption applies. To ensure proportionate management, the marine licensing system has an incremental approach to regulation through use of marine licence [exemptions](https://www.legislation.gov.uk/uksi/2011/409/contents), self-service licences, and standard marine licences, each having different requirements for developers. This system allows greater flexibility and efficiency in managing activities in the marine space, saving time and resources for both the MMO and applicants, freeing up resource to be directed towards more complex cases.

Marine licensing is also an important driver for meeting UK Government obligations and commitments to environmental protection. In particular:

1. Licensing decisions that may affect the UK marine area must be taken in accordance with the Marine Policy Statement and relevant marine plans, which set out policies for sustainable development ([section 58 of MCAA](https://www.legislation.gov.uk/ukpga/2009/23/part/3))
2. The duty under the UK Marine Strategy Regulations 2010 for the Secretary of State to exercise relevant functions so as to secure compliance with the requirement to take the necessary measures to achieve or maintain good environmental status of UK marine waters
3. The Marine Protected Area (MPA) condition target in the Environmental Targets (Marine Protected Areas) Regulations 2022

To ensure proportionate regulation in the marine environment, we are seeking views on proposals to create new marine licence exemptions, amend or remove others and to increase the number of activities suitable for self-service marine licensing. The objective is to reduce regulatory burden for individuals and businesses where appropriate whilst not compromising environmental protections, as well as mitigate risks to other legitimate uses of the sea.

## Standard marine licences

If a proposed activity requires a marine licence, and the activity is not one that meets with self-service criteria (see next section), a [standard marine licence](https://www.gov.uk/guidance/make-a-marine-licence-application) will be required. More information about the [standard marine licence process](https://www.gov.uk/guidance/the-marine-licence-application-timeline) and associated [fees](https://www.gov.uk/government/publications/marine-licensing-fees/marine-licensing-fees) can be found online.

In determining a standard marine licence, the MMO must have regard to the need to:

* protect the environment
* protect human health
* prevent interference with legitimate uses of the sea
* any such other matters as it thinks relevant

The MMO will therefore consider where an activity is taking place, the type of activity itself, and what impact it will have. The MMO may also require supporting information, for example to assess the impacts on a MPA or if the project has certain characteristics that trigger an Environmental Impact Assessment.

The MMO aim to determine a licence within 13 weeks of an application being allocated to a case officer. However, some low-risk activities may be eligible for an instant ‘self-service’ marine licence or be exempt from the need for a marine licence.

## Self-service marine licences

The MMO classes several types of activities as low risk, where they have been assessed as low risk and they are sufficiently consistent in nature and extent. In specific circumstances these activities are not subject to the standard marine licensing process and instead may qualify for a self-service marine licence (self-service activities). Under the Marine Licensing (Application Fees) Regulations 2014, applications that qualify for a self-service marine licence fall under the “Band 1” fee band (£50).

Since the introduction of the self-service system in 2017 the number of self-service applications has continued to increase, and since 2020 self-service permits have become the majority of marine licences issued.

Self-service determinations are reached based on [certain criteria](https://www.gov.uk/government/publications/self-service-marine-licensing/self-service-marine-licensing#basic-criteria-for-self-service-marine-licensing) being met. This is established during the application process through the MMO’s online assistance tool. The tool asks a series of questions, to establish location, activity, scale and impact. Where applicable, supporting documentation, such as a method statement agreed with Natural England (NE) will need to be uploaded. Where answers to these questions meet the criteria the MMO can be satisfied that the proposed activity is low risk and the online system can offer a ‘self-service’ licence.

Further information and guidance in respect of current self-service can be found [here](https://www.gov.uk/government/publications/self-service-marine-licensing).

## Marine licensing exemptions

Marine licensing exemptions are applied where there is even greater certainty that an activity is low risk irrespective of context, such as location, or the activities are managed through other regulation.

Current exemptions applicable in English inshore and offshore regions and the Northern Ireland offshore region are set out in the Marine Licensing (Exempted Activities) Order 2011 (the 2011 Order)[[5]](#footnote-6). For certain activities, exemptions are applied subject to relevant qualifying criteria and conditions being met. Exemptions are applied for one of three reasons:

1. The activity is considered very low risk irrespective of context
2. There is duplication of regulation with other consenting regimes
3. In certain circumstances where urgent action is required

In 2019, the Marine Licensing (Exempted Activities) (Amendment) Order 2019 (the 2019 Order) amended the 2011 Order to introduce new exemptions from the requirement to have a marine licence and clarified others which support activities that realise environmental benefit, such as removal of marine litter and debris[[6]](#footnote-7). To further support industry, organisations, and the public’s understanding of marine licensing exemptions, the MMO updated their online marine licensing checker and self-service function to include exemptions in December 2019.

Further information and guidance in respect of marine licence exemptions can be found [here](https://www.gov.uk/government/publications/marine-licensing-exempted-activities). A list of the current marine licensing exemptions [can be found online](https://www.gov.uk/government/publications/marine-licensing-exempted-activities/marine-licensing-exempted-activities--2).

## Using and sharing your information

How we use your personal data is set out in the consultation and call for evidence exercise privacy notice which can be found here [https://www.gov.uk/government/publications/defras-consultations-and-call-for-evidence-exercises-privacy-notice](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fpublications%2Fdefras-consultations-and-call-for-evidence-exercises-privacy-notice&data=05%7C02%7CAlastair.Welch%40defra.gov.uk%7Ccdfae16a2823498ad81908dd3553ca75%7C770a245002274c6290c74e38537f1102%7C0%7C0%7C638725356168425626%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=lL%2FZKdN%2BioSpzLr94Bci5Y4yNOQx890yU2lX%2FSMnr7M%3D&reserved=0)

**Other Information**

This consultation is being conducted in line with the Cabinet Office “Consultation Principles” and be found at: [Microsoft Word - Consultation Principles (1).docx (publishing.service.gov.uk)](https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fmedia%2F5aafa4f2e5274a7fbe4fbacb%2FConsultation_Principles__1_.pdf&data=05%7C02%7CAlastair.Welch%40defra.gov.uk%7Ccdfae16a2823498ad81908dd3553ca75%7C770a245002274c6290c74e38537f1102%7C0%7C0%7C638725356168446924%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=HyBSI0vqY3lF70JTVFlT3cE39brSPivuMhlkdTrax1o%3D&reserved=0)

**1. Would you like your response to be confidential?**

**Yes or No**

**If you answered Yes to this question, please give your reason(s).**

# Details of proposed amendments

References to Article numbers are to relevant Articles in the 2011 Order (as amended).

The MMO classes several types of activities as low risk but not low risk enough to qualify for an exemption. In specific circumstances these activities may qualify for a self-service marine licence. Applications that qualify for a self-service marine licence fall under the ‘Band 1’ fee band in the [Marine Licensing (Application Fees) Regulations 2014](https://www.legislation.gov.uk/uksi/2014/615/contents).

The proposed changes detailed below are to add 2 new activities into Band 1 in the Marine Licensing (Application Fees) Regulations 2014 so they can become self-service activities, in order to improve consenting timeframes for low impact activities.

## New self-service activities

### Scientific instruments – risks to navigation

Article 17 provides an exemption for scientific instruments and associated equipment and was amended by the 2019 Order to clarify, by providing specific examples, which types of scientific instruments or associated equipment are considered most likely to cause obstruction or danger to navigation, and for which the exemption is not available. The specific examples given are scientific instruments or equipment that are tethered, or which reduce navigational clearance by more than 5% by reference to Chart Datum. For these, a marine licence is required, and these are currently a band 2 or 3 activity.

The exclusion of tethered instruments and instruments which reduce navigational clearance by more than 5% from this exemption is driven by navigational risk, rather than any environmental impacts. As such, making this a self-service activity would mitigate cost and reduce consenting timeframe impacts for applicants, without impacting the goals of marine licensing.

**Proposed amendment to licensed activity management:**

The proposed amendment would retain the need for a marine licence to use scientific instruments that pose the greatest risk to the safety of navigation. However, where criteria are met the activity would move from a standard marine licence to a self-service licence under fee Band 1.

For the purposes of this exemption, the MMO’s online assistance tool defines 'Scientific instrument' as a specialist device or tool, designed to measure, record or analyse data for scientific purposes. It defines ‘Associated equipment’ as equipment fundamental to the functioning or operation of the instrument itself.

**2a. Do you agree with the proposed amendment to make tethered instruments a self-service activity?**

**Yes or No or Neither Agree nor Disagree**

**2b. Do you agree with the proposed amendment to make instruments which reduce navigational clearance by more than 5% a self-service activity?**

**Yes or No or Neither Agree nor Disagree**

**Do you have any further comments you wish to make on this proposal?**

### Investigations for unexploded ordinance

Applicants currently need a marine licence to carry out unexploded ordinance (UXO) investigations (minor side casting of material) to inform marine licence applications to permit the detonation of UXOs. However, the process for UXO investigations is considered low risk given that it is non-intrusive, and therefore this activity may be suitable for self-service permitting.

A single application is usually made for both investigations and detonations, meaning applicants usually need to provide an estimate for the amount of UXOs they may need to detonate. Adding this activity to self-service would allow for applicants to investigate for UXOs quickly and cheaply, before applying for detonations. Therefore, this will help speed up the regulatory process for UXO investigations as well as produce better informed marine licence applications for the removal and detonation of UXOs.

**Proposed amendment to licensed activity management:**

The proposed amendment would retain the need for a marine licence to conduct UXO investigations. However, where criteria are met the activity would move from a standard marine licence to a self-service licence under fee Band 1. As an example, any risk associated with surveying in MPAs for these purposes would be controlled through the standard self-service requirement that activities in or within 200m of an MPA must have an agreed method from NE or Joint Nature Conservation Committee (JNCC). Moreover, any activities would not be permitted to take place at locations within 200m of a heritage designation without an agreed method statement from Historic England.

Applications for the removal and detonation of UXO would continue to require a standard marine licence (under fee Band 2 or Band 3) to ensure appropriate regulatory oversight.

**3. Do you agree with the proposed amendment to licensed activity management?**

**Yes or No or Neither Agree nor Disagree**

**Do you have any further comments you wish to make on this proposal?**

## New exemptions

### Removal of abandoned vessels

There are certain instances where vessels are left in a state of disrepair and effectively abandoned, for example because of the cost of repair or removal. In some cases, there may be a greater potential of impacts resulting from leaving the vessel in place than there would be from removing it. However, removal of an abandoned vessel from the seabed would likely require a licence and this means the owner may be unlikely to apply as there would be further costs. Similarly, if the Harbour Authority, LPA, or any other public authority or person seeking to keep the area clean wished to remove it they may also need a marine licence and incur fees.

**Proposed new exemption:**

The proposed new exemption will permit any person (i.e. not just owners or public bodies) to remove abandoned vessels from the marine environment without a licence. Abandoned vessels is taken here to mean any vessel left in a state of disrepair and left within the marine or coastal environment.

This exemption would not apply where the activity is likely to have a likely significant effect on an MPA. The proposed exemption would also be disapplied where the activity is likely to cause damage to features of archaeological or historical interest. These could include:

* protected wrecks designated under the Protection of Wrecks Act 1973
* scheduled monuments designated under the Ancient Monuments and Archaeological Areas Act 1979
* listed buildings designated under The Planning (Listed Buildings and Conservation Area) Act 1990

**4. Do you agree with the proposed new exemption?**

**Yes or No or Neither Agree nor Disagree**

**Do you have any further comments you wish to make on this proposal?**

### Firework displays

Currently, conducting a firework display on a vehicle, vessel, marine structure or floating container at sea requires a marine licence. However, these activities are usually very low risk unless near an MPA. ‘Marine structure' is defined as any platform or other artificial structure at sea, other than a pipeline[[7]](#footnote-8).

**Proposed new exemption:**

The proposed new exemption will permit the use of fireworks in the circumstances described above without the need for a marine licence.

This exemption would not apply where the activity may have a likely significant effect on an MPA. Moreover, there would be an expectation that any resulting debris would need to be considered and removed, which is encouraged through existing exemptions for marine litter removal.

**5. Do you agree with the proposed new exemption?**

**Yes or No or Neither Agree nor Disagree**

**Do you have any further comments you wish to make on this proposal?**

### Maintenance of bridges or cantilevered structures

It is a marine licensable activity to construct, alter or improve any works within the UK marine licensing area, either in or over the sea or on or under the seabed. Activities carried out on bridges and cantilever structures over water often require a marine licence because of the potential to cause an obstruction to navigation. However, many of these activities do not cause an obstruction or impact the marine environment.

**Proposed new exemption:**

The proposal is to exempt maintenance activities such as the fixing, replacement and upkeep of ancillary assets of structures from requiring a marine licence. This would, for example, exempt changes to or installation of lights, signage, work to pathways, fencing, road surfacing, drainage etc.

However, this would not be extended to work on the structure itself, and as such excludes replacing structural elements as well as painting or treating of any element of the ‘outside’ structure directly above the marine environment including use of scaffolding. Authorisation for these can be obtained via self-service where existing Band 1 criteria are met, and otherwise a standard marine licence so that impacts can be properly assessed.

'Maintenance' means the upkeep or repair of an existing structure or asset wholly within its existing three-dimensional boundaries.

**6. Do you agree with the proposed new exemption?**

**Yes or No or Neither Agree nor Disagree**

**Do you have any further comments you wish to make on this proposal?**

### Eco moorings

Traditional swing moorings can cause damage to seabed habitats as the chains sweep around the mooring block or anchor, causing abrasion and potential loss of sensitive habitats.

In contrast, eco moorings (also referred to as conservation moorings or Advanced Mooring Systems) involve a helical screw anchor being driven into the seabed with an elastic rode or chain with floats attached, connecting the anchor system with the mooring buoy. The elastic rode stretches at higher tides and contracts at lower tides, avoiding the scouring of the seabed. The moorings also provide a hassle-free option for boaters, with no need to drop their own anchors which often drag before taking hold requiring them to be cleaned.

**Proposed new exemption:**

Deposit of a mooring usually requires a marine licence[[8]](#footnote-9). However, to encourage the transition from the use of traditional moorings to eco moorings the proposed amendment would create a new exemption that exempts the requirement for a marine licence for the deposit of an eco mooring (moorings which use a buoyant bungee-like cord or floating, flexible rode to minimize contact with the seafloor) where it replaces an existing traditional mooring and is within the same footprint.

This exemption will only be for like for like replacements only in the same place and it does not authorise the installation of new moorings unless already exempt under Article 25 of the 2011 Order. Therefore, existing moorings already within an MPA can benefit from this exemption without further assessment of impacts.

**7. Do you agree with the proposed new exemption?**

**Yes or No or Neither Agree nor Disagree**

**Do you have any further comments you wish to make on this proposal?**

### Coastal flood defence works

There are some instances with coastal developments in England where several bodies will have a regulatory function. As such, applicants will require separate licences from multiple regulators. Systems are in place to help remove unnecessary delays, such as [The Coastal Concordat](https://www.gov.uk/government/publications/a-coastal-concordat-for-england/a-coastal-concordat-for-england-revised-december-2019) which provides a framework within which the separate processes for consenting these developments can be better coordinated amongst participating bodies.

Where applications for coastal flood defence works are consented by both the LPA and the MMO, they typically undertake the same assessments such as habitats regulations assessments (HRA) and environmental impact assessments (EIA), using the same evidence and engaging with the same statutory consultees, advisors and members of the public.

We wish to introduce a new exemption to improve efficiency and remove duplication.

**Proposed amendment to licensed activity management:**

To achieve more efficient regulation in the coastal region we propose to add a new exemption for the construction of coastal flood defence works where impacts occur within the LPAs jurisdiction to the mean low water mark, given that they already assess impacts to the marine environment as part of planning permission. This is only relevant to LPAs consenting under the Town and Countryside Planning Act.

This would remove duplication of consents by removing the need for a marine licence on top of planning permission, therefore speeding decisions along.

**8. Do you agree with the proposed new exemption?**

**Yes or** **No or Neither Agree nor Disagree**

**Do you have any further comments you wish to make on this proposal?**

## Amendments to existing exemptions

**Scientific instruments – risks to marine** **mammals part A: geophysical surveys**

The current exemption for scientific instruments and associated equipment removes the need for a marine licence for a lot of geophysical survey work undertaken at sea. The survey work is often carried out to inform characterisation of marine areas of interest for development.

Broadly speaking, scientific instruments and associated equipment used as part of a scientific experiment or survey are themselves low risk to marine wildlife. However, there are some, such as sub-bottom profiling equipment, which emit impulsive noise audible to marine mammals and so have greater potential to cause significant impacts. The potential for cumulative impacts on marine mammals is magnified in the context of a busy marine area and the increasing use of the technique. To understand the potential impact of these activities on underwater noise levels it is important that all instances of these activities are captured and impacts on underwater noise levels recorded.

We therefore propose to add a condition onto the existing exemption for users of these surveys to submit noise data from these activities to the Marine Noise Registry[[9]](#footnote-10). The purpose of this amendment is to gather data to inform future policy, providing a more realistic view of actual noise levels. It is important to note that this amendment does not change what needs to be considered for HRA purposes, where potential impacts associated with a development are already considered by regulators before licences are granted.

However, there is also the opportunity to bring these activities into self-service licensing, which would bring the management of these activities further in line with other regulators, such as Offshore Petroleum Regulator for Environment and Decommissioning.

**Proposed amendment of exemption:**

The proposed amendment would aim to remedy this issue by adding a condition to the exemption to require activity noise data to be submitted to the Marine Noise Registry for geophysical surveys that include sub-bottom profiling equipment (for example sparkers, boomers, Compressed High Intensity Radar Pulse and pingers).

**9a. Do you agree with the government’s proposal to amend this exemption in the circumstances described?**

**Yes or No or Neither Agree nor Disagree**

**9b. Do you think these activities should be brought into self-service licensing?**

**Yes or No or Neither Agree nor Disagree**

**Do you have any further comments you wish to make on this proposal?**

**Scientific instruments – risks to marine** **mammals part B: seismic airguns**

Geophysical surveys that use seismic airguns produce intense, impulsive noise which can propagate far from the source, and these surveys may occur over a duration of a few days to many weeks. Evidence has shown that these surveys have the potential to cause injury and disturbance to marine animals, including marine mammals, due to the high intensity multiple pulsed sound produced by these airguns. Data on cetacean auditory sensitivities suggest their hearing could be damaged by source levels emitted by airguns if the animals are close to them[[10]](#footnote-11) and there is evidence for short-term behavioural responses[[11]](#footnote-12).

**Proposed amendment of exemption:**

It is proposed to amend the exemption in Article 17 to exclude from its scope the use of seismic airguns, therefore any surveys which include the use of seismic airguns will require a standard marine licence.

**9c. Do you agree with the government’s proposal to dis-apply this exemption for the use of seismic airguns?**

**Yes or No or Neither Agree nor Disagree**

**Do you have any further comments you wish to make on this proposal (including any evidence of potential cost impacts)?**

### In-water hull cleaning

[Section 66(1) of MCAA](https://www.legislation.gov.uk/ukpga/2009/23/part/4) provides that it is a marine licensable activity to deposit any substance or object anywhere in the UK marine area, either in the sea or on or under the seabed. In water hull cleaning engages section 66 because of a deposit of a substance from the hull of the vessel while cleaning. Currently, deposits into the water cannot be eliminated entirely regardless of the method and so in most cases a marine licence is required.

The 2019 Order amended the 2011 Order to exempt small scale hull cleaning in order to encourage more regular maintenance to reduce biosecurity risk[[12]](#footnote-13). The current exemption removes the need for a marine licence in respect of the deposit of a substance from the hull of a vessel, in the course of in-water hull cleaning, provided the cleaning is carried out by hand using a soft cloth, sponge, the bristles of a soft brush, or sandpaper with a grit size of at least P2000. This exemption is therefore available for in water hull cleaning in very specific circumstances, and these are likely only suitable for cleaning of light recreational craft.

**Proposed amendment of exemption:**

The proposed amendment would look to extend this exemption to include the use of techniques and technology capable of significantly reducing deposits arising from the activity such that they are negligible, such as mechanical cleaners that remove the material in situ. This approach would build on the steps taken in the 2019 exemption encouraging regular maintenance of vessels and rewarding innovation and use of best practice, with a particular focus on biosecurity and reducing contamination.

**10. Do you agree with the proposed amendment of this exemption?**

**Yes or No or Neither Agree nor Disagree**

**Do you have any further comments you wish to make on this proposal?**

### Marine Management Organisation and Natural England marine protected area marker requirements

NE and public authorities do not need a licence to place markers, provided the purpose of the marker(s) is to indicate the existence and boundaries of specified MPAs and HPMAs. NE and public authorities may also remove markers placed for these purposes without a licence[[13]](#footnote-14).

As currently worded, the exemption is very specific and therefore excludes the use of markers for other purposes such as to mark no anchorage zones facilitating compliance with management needed to protect the MPA or HPMA. While these markers would facilitate the management of the site, they go further than marking the boundaries of the sites themselves and as such require a marine licence.

Furthermore, this exemption is one of the few under the 2011 Order that is subject to a requirement to obtain approval from the MMO. However, if the public authorities seeking approval are bodies with direct interest in the management of the MPA or HPMA, such as the MMO and NE, it would normally be appropriate for the MMO to grant approval.

**Proposed amendment of exemption:**

The proposed amendment to the exemption would be to expand the scope of the exemption to enable relevant public bodies to carry out other marker placing activities associated with the management of MPAs or HPMAs without a licence.

Moreover, the exemption would be changed to require notification to the MMO instead of approval to better reflect the context around MPA or HPMA management.

**11. Do you agree with the proposed amendment to this exemption?**

**Yes or No or Neither Agree nor Disagree**

**Do you have any further comments you wish to make on this proposal?**

**Harbour authority consent**

The current exemption for depositing and removing moorings and aids to navigation and the exemption for the depositing and removal of pontoons[[14]](#footnote-15) include specific activities where the activity is carried out in accordance with a required consent granted by a Harbour Authority.

This in effect removes the need for a licence from the MMO in these circumstances to avoid duplication of regulation. However, applicants can sometimes misinterpret this to simply mean Harbour Authority permission is required.

**Proposed amendment of exemption:**

The relevant exemptions would be amended to clarify the requirement for consent from another authority, add a condition for notification (when any person other than the Harbour Authority carries out the activity) of the intention to rely on the exemption to be given to the MMO and to require a copy of the consent granted by the relevant authority in such instances.

**12. Do you agree with the proposed amendment to this exemption?**

**Yes or No or Neither Agree nor Disagree**

**Do you have any further comments you wish to make on this proposal?**

**Removal of exemptions for Highly Protected Marine Areas**

HPMAs are MPAs (including in some cases the shoreline) that have been designated to allow the protection and full recovery of marine ecosystems. By setting aside some areas of sea with high levels of protection, HPMAs allow nature to fully recover to a more natural state, allowing the ecosystem to thrive.

Many but not all current marine licence exemptions are disapplied where an activity is capable of having a significant impact on an MPA. Exemptions which currently do not include this disapplication include, for example, the exemptions applicable to using moorings and aids to navigation. However, several of these exempted activities are incompatible with the higher conservation goals of HPMAs.

We therefore propose to disapply certain additional exemptions where the proposed activities risk significantly affecting HPMAs. See Annex A which lists exemptions which are currently disapplied and the additional exemptions that it is proposed would be disapplied where the activity in question is capable of having a significant impact on a HPMA.

**Proposed amendment of exemptions:**

It is proposed that additional exemptions (as listed in Annex A) would be amended so that these exemptions would not be applicable to activities which are capable of affecting (other than insignificantly) an HPMA. Examples of exemptions where it may not be appropriate for this type of amendment to be made include exemptions related to emergency pollution response and emergency response to flood risk and firefighting.

**13a. Do you agree with the proposals to disapply exemptions for certain activities which may have a significant effect on an HPMA (as listed in Annex A)?**

**Yes or No or Neither Agree nor Disagree**

**13b. Should any of the following exemptions not be disapplied (as listed in Annex A)?**

**•** **Moorings and aids to navigation**

**• Pontoons**

**• Diver trails within restricted areas**

**• Maintenance of harbour works**

**• Maintenance of coastal protection, drainage and flood defence works**

**•** **Shellfish propagation and cultivation**

**• Deposits in the course of normal navigation or maintenance**

**• Deposits of a substance arising from hull cleaning**

**• Dismantling a ship**

**• None of the above**

**Do you have any further comments you wish to make on this proposal (including any evidence of potential cost impacts)?**

## Further changes to self-service activities or exemptions

The government is committed to accelerating economic growth and promoting nature’s recovery. The proposals in this consultation are designed to support delivery of these government priorities by ensuring efficient, proportionate regulation through marine licensing. We would like to continue to work with stakeholders to identify any further opportunities for improvements.

We would therefore welcome suggestions from stakeholders on any further changes to self-service activities or exemptions you would recommend to enable marine licensing to further support the government’s growth agenda and environmental priorities. Work would be needed to scope out and determine the full impacts of any suggestions.

**14. Are there further changes to self-service activities or exemptions that you would recommend?**

# Marine licensing cost recovery

The UK Government wishes to drive quality, timeliness, and value for money in regulatory services. Developers in particular wish to see greater efficiencies in the services being provided, and accountability for the costs that those entail.

The consultation seeks views in respect of proposals to update fee rates for marine licensing services, increasing the marine licence fee cost recovery rate for some services which are currently undervalued. The intended outcome of the intervention is to reduce the reliance on GiA funding the assessment of marine developments, in line with the polluter pays principle. The Marine Licensing (Application Fees) Regulations 2014[[15]](#footnote-16) would be amended to incorporate the revised fees for both licence applications and post-consent work.

## Current marine licensing fee structure

The current fees regime for marine licence applications, where the Secretary of State is the appropriate licensing authority, is set out in the Marine Licensing (Application Fees) Regulations 2014. Fees for marine licence transfers, monitoring and variations where the Secretary of State is the appropriate licensing authority (other than certain petroleum or energy licences) (“post-consent fees”) are set out in the Public Bodies (Marine Management Organisation Fees) Order 2014[[16]](#footnote-17). Licence applications are assessed and categorised into fee bands as follows:

1. [Band 1](https://www.gov.uk/government/publications/marine-licensing-fees/marine-licensing-fees#self-service) (Self-service):

A self-service marine licence costs a fixed fee of £50 and is determined through the online self-service portal without the need for determination from a marine licensing case officer

1. [Band 2](https://www.gov.uk/government/publications/marine-licensing-fees/marine-licensing-fees#band-2) (Standard marine licence):

Band 2 marine licence fees are currently set by reference to the overall cost of a desired project. The current fee structure for band 2 marine licences is listed in the table below:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Fee Band** | **Project cost** | **MMO rate** | **Maximum fee** | **Payment Terms** |
| Band 2a | £0 to £49,999 | £122  per hour | £1,400 | Fees payable in full in arrears of determination of application |
| Band 2b | £50,000 to £999,999 | £122  per hour | £2,200 | Fees payable in full in arrears of determination of application |

*Table 1[[17]](#footnote-18)*

1. [Band 3](https://www.gov.uk/government/publications/marine-licensing-fees/marine-licensing-fees#band-3) (Complex marine licence):

Any band 1 or band 2 project with complex case characteristics[[18]](#footnote-19) is moved to band 3. A project or plan is treated as a complex case if it:

* is estimated to cost of more than £1 million or it is not possible to provide a confident cost estimate,
* requires an environmental impact assessment, or
* is likely, alone or in combination with other plans or projects, to have a significant effect on a protected site or any process on which any protected feature is dependent

These have no fee maximum, as complex characteristics can make determining the licence a longer process, with the need for external consultation and investigations. The current fee structure for Band 3 marine licences is listed in the table below:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Fee Band** | **Project cost** | **MMO rate** | **Maximum fee** | **Payment Terms** |
| Band 3 | Over £999,999 | £122 per hour | No maximum | Fees payable in full in arrears on a monthly basis |

*Table 2[[19]](#footnote-20).*

1. Marine licence variations

If circumstances change, a marine licence can be varied or transferred and can be obtained by request through the online case management system. In addition, the MMO may vary or transfer a marine licence[[20]](#footnote-21). If the licence holder requests a variation or transfer of their licence, then they must pay the appropriate fee. Requests for a variation or transfer are assessed and categorised into fee bands:

* Band V0: A change to a licence where the charge has been waived by the MMO
* Band V1: Administrative changes - Any request for a minor change to a marine licence, including:
  + a request to change the name or address of an agent, contractor or sub-contractor on a marine licence.
  + changes to the name of a vessel or registration number of a vehicle transferring the licence from the licensee to another named person
* Band V2: Routine changes - Any request to change a marine licence which does not require the MMO to consult its advisors
* Band V3: Complex changes - Any request to change a marine licence which does require the MMO to consult with its advisors

Current fee structure for variations to marine licences is listed in the table below:

|  |  |  |  |
| --- | --- | --- | --- |
| **Variation Type** | **MMO rate** | **Maximum fee** | **Description** |
| V0 | Not applicable | Not applicable | Not applicable[[21]](#footnote-22) |
| V1 | £94 per hour | £50 | Admin changes[[22]](#footnote-23) |
| V2 | £94 per hour | £200 | Routine changes |
| V3 | £94 per hour | No maximum | Complex changes |

*Table 3*

1. Dredge and Disposal Monitoring Charges

The MMO monitors the environmental conditions of marine disposal sites. Where a marine licence has been issued for the deposit of dredged material into the sea, licence holders are required to pay a charge based on the amount of material deposited, set at £0.01 per tonne of material. This levy has a maximum fee ceiling of £15,000. The current disposal levy fee structure is listed in the table below:

|  |  |  |  |
| --- | --- | --- | --- |
| **Fee** | **Monitoring activities required** | **MMO rate** | **Maximum fee** |
| Disposal levy | Monitoring the environmental conditions of marine disposal sites | Maximum tonnage of disposed material x £0.01 per tonne | £15,000 per annum |

*Table 4*

## Review of marine licensing cost recovery

The current fee rates and maximum fee caps for marine licensing, set in 2018, have not been able to fully recover costs for the services provided by the MMO. This has led to a reliance on GiA funding.

For example, 96% of the 485 Band 2 marine licence applications that have been determined since September 2018 have exceeded the maximum fee currently in place. For Band 2a, almost 86% have required more than 20 chargeable hours, with the average time per case coming in at around 41 chargeable hours. Similarly for Band 2b, almost 93% have required more than 20 chargeable hours to complete, with an average time per case of 49 chargeable hours.

Overall, Band 2 cost recovery performance has been only 32% on average, reflecting the increased complexity of the applications post-2018. Similarly, the hourly rate, which is currently set at £122, is no longer sufficient to achieve cost recovery, due to increased costs for the MMO in providing the service.

In 2023/24 the cost to process marine licences was £6,100,000 whilst the fee income generated by these marine licences services was £3,200,000; therefore, MMO cost recovery was only 52%[[23]](#footnote-24).

It is important that these fees are uplifted to allow fuller recovery of costs and reduce subsidy by the taxpayer. This is especially important in the context of future pressures that will come from delivering the government’s ambition for the country to deliver clean power by 2030 requiring significant acceleration of building renewable energy.

## Details of proposed amendments

### Hourly rate and Band 3 licence conditions

The MMO’s operating costs to provide the marine licensing service have increased since 2018 and have also not accounted for inflation. As such, fees are currently not sufficient to enable full cost recovery of marine licensing case work (including dealing with applications, travel time associated with all licensing activity, post-consent monitoring, variations and transfers, and advice in relation to the marine licensing service[[24]](#footnote-25)). Associated fees therefore need to be uplifted to ensure sufficient funding is available for MMO resources and reduce the risk of processing delays.

Following economic analysis and review of cost models, an uplift from the current MMO case officer hourly rate for the marine licensing service of £122 per hour to £155 per hour is proposed across Bands 2 and 3 to bring fees in line with current MMO costs.

Further, some spatially large developments which have a large impact on other legitimate uses of the sea do not currently fall into the category of a Band 3 complex licence, due to the application not meeting any of the criteria for a Band 3 licence. These licences can nevertheless take a lot of work to determine due to technical assessment and consultation requirements, and therefore case officer hours usually greatly exceed the Band 2 maximum fee. In such cases, size is usually a good indicator of the length and complexity of the marine licensing determination due to the likelihood of larger developments having greater or more impacts on the environment and other legitimate uses of the sea.

**Proposed amendment:**

We propose to raise the hourly rate for the MMO’s marine licensing service to £155 per chargeable hour in 2025 with annual increases linked to inflation. This change will also include any work undertaken during the Nationally Significant Infrastructure Project (NSIP) process (The MMO will in due course also seek to consult on an increase to the hourly rate for EIA work). Marine licensing pre-application advice and other marine licensing or NSIP discretionary advice will increase to a new hourly rate of £155 plus VAT per hour with annual increases linked to inflation.

We also propose to add a new complex characteristic criterion so that if a licence application relates to a plan or project over 5 hectares in size it is a Band 3 application.

|  |  |  |
| --- | --- | --- |
| **Fee Band** | **Current Hourly Rate** | **Proposed Hourly Rate** |
| Bands 2 and 3 | £122 | £155 |

*Table 5*

**15a. Do you agree with the proposed amendment to increase the MMO’s hourly rate for the marine licensing service to £155?**

**Yes or No or Neither Agree nor Disagree**

**15b. Do you agree with the proposed amendment to bring licence applications for plans and projects over 5 hectares into Band 3 licensing?**

**Yes or No or Neither Agree nor Disagree**

**Do you have any further comments you wish to make on these proposals (including any evidence of potential cost impacts)?**

### Band 2 licence fee structure

Currently, Band 2 applications often reach their fee ceiling, meaning that the total cost of MMO case worker hours is higher than the cost of the licence. Since 2018, Band 2 cost recovery performance has been 32% on average. The current fee ceilings are therefore undervaluing the time and cost it takes to process and determine these licences.

As such, we have reviewed the fee structure and propose increasing the number of fee bands to better account for the number of case work hours different types of marine licence applications generally take to determine, based on project costs.

**Proposed amendment:**

The proposal is to introduce a four-tier system for Band 2 applications, to better align with MMO case officer hours required to determine projects of these scales, based on the proposed £155 hourly rate with annual increases linked to inflation. Additionally, the increased number of bands provides increased certainty to SME on the costs of applications.

We have adjusted the fee ceilings so that not all cases will hit the fee ceiling for their respective fee bands, (as fees are based on the hourly rate *up to* the fee ceiling) unlike the current system where the vast majority do exceed the fee ceiling. The below table illustrates the new proposed fee ceilings for Band 2 marine licences. Again, these would be 2025 fee ceilings with annual increases linked to inflation to prevent the need for future legislation.

|  |  |  |  |
| --- | --- | --- | --- |
| **Current Fee Band** | **Current Maximum fee** | **Current Minimum Project Cost** | **Current Maximum Project Cost** |
| Band 2A | £1,400 | £0 | £49,999 |
| Band 2B | £2,200 | £50,000 | £999,999 |

*Table 6*

|  |  |  |  |
| --- | --- | --- | --- |
| **New Fee Band** | **New Maximum Fee** | **New Minimum Project Cost** | **New Maximum Project Cost** |
| Band 2A | £2,950 | £0 | £19,999 |
| Band 2B | £4,650 | £20,000 | £74,999 |
| Band 2C | £9,290 | £75,000 | £249,999 |
| Band 2D | £12,390 | £250,000 | £999,999 |

*Table 7*

**16a. Do you agree with the proposed amendment?**

**Yes or No or Neither Agree nor Disagree**

**16b. If No, which of the following is the concern?**

**• Changes to maximum fee**

**• Changes to minimum and maximum project costs for each band**

**Do you have any further comments you wish to make on this proposal (including any evidence of potential cost impacts)?**

### Dredge and disposal levy charges

The MMO charges a levy at 1p per tonne up to a maximum of £15,000 for the disposal of dredged material at sea. This revenue is used to offset the costs of monitoring dredged material disposal sites, supporting the ongoing analysis of the potential impacts of dredge disposal undertaken by the MMO, in line with international obligations under the OSPAR convention[[25]](#footnote-26).

The annual expenditure for the MMO to monitor disposal sites ranged from £240k to £300k in 2014-2020. The income generated from the levy has only averaged £70k since 2014. To ensure parity with this disposal monitoring revenue the MMO has focused monitoring on a smaller number of sites, meaning fewer disposal sites being physically surveyed in recent years, reducing disposal site analysis.

The current fee structure also includes a maximum fee which ports can pay. This maximum fee however is generally only reached (and far exceeded) by a very small number of ports who dredge a lot of material.

**Proposed amendment:**

We propose to increase the disposal charge from 1p a tonne to 3p a tonne to better align with MMO disposal site monitoring costs.

We also propose to remove the annual tonnage maximum fee of £15,000. Any additional revenue will be used to by the MMO to cover the costs of, and improve, the annual dredge disposal monitoring programme.

|  |  |  |
| --- | --- | --- |
| **Fee** | **MMO rate** | **Maximum fee** |
| Current disposal levy | Maximum tonnage of disposed material x £0.01 per tonne | £15,000 per annum |
| Proposed disposal levy | Maximum tonnage of disposed material x £0.03 per tonne | None |

*Table 8*

**17a. Do you agree with the proposed amendment** **to increase the disposal charge from 1p a tonne to 3p a tonne?**

**Yes or No or Neither Agree nor Disagree**

**17b. Do you agree with the proposed amendment** **to remove the annual tonnage maximum fee of £15,000?**

**Yes or No or Neither Agree nor Disagree**

**Do you have any further comments you wish to make on this proposal (including any evidence of potential cost impacts)?**

### Marine licensing variations, post-consent monitoring, and inspections

The MMO’s post-consent marine licensing casework is increasing, especially in the offshore wind space where some licences can be subject to multiple variations over the lifespan of the project. This will increase as the government meets its ambition to be a clean energy superpower.

However, current MMO post-consent fees are out of date and insufficient at £94 per hour. This contrasts with the current licence application fee hourly rate of £122. Fees for post-consent marine licensing services have not been adjusted since 2014.

Licence variations make up ~40% of the marine licence determinations made by the MMO which require case work time. As such, the associated fees need to be uplifted to ensure sufficient MMO resource and reduce the risk of processing delays.

**Proposed amendment:**

We propose to amend fees for marine licence variations, post-consent monitoring and inspections to be in line with the proposed new hourly rate of £155 per hour in 2025 with annual increases linked to inflation. These amendments will also apply to such activities for deemed marine licences under the NSIP process.

We also propose to increase the fee ceiling for variations. Band V1 (administrative change) licences would be subject to a maximum fee of £200, Band V2 (standard) licences would be subject to a maximum of £500 and Band V3 (complex) licences would be uncapped. Post-consent monitoring and inspections would be subject to a maximum fee of £1,500. All of these would be at the new hourly rate of £155 per hour.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Variation Type** | **Current MMO rate** | **Current maximum fee** | **Proposed MMO rate** | **Proposed maximum fee** |
| V0 | Not applicable | Not applicable | Not applicable | Not applicable |
| V1 | £94 per hour | £50 | £155 per hour | £200 |
| V2 | £94 per hour | £200 | £155 per hour | £500 |
| V3 | £94 per hour | No maximum | £155 per hour | No maximum |
| Post- consent | £94 per hour | £750 | £155 per hour | £1,500 |

*Table 9*

**18a. Do you agree with the proposed amendment** **to increase the MMO’s hourly rate for marine licence variations, post-consent monitoring and inspections to £155?**

**Yes or No or Neither Agree nor Disagree**

**18b. Do you agree with the proposed amendment** **to increase the fee ceiling for variations, post-consent monitoring and inspections?**

**Yes or No or Neither Agree nor Disagree**

**Do you have any further comments you wish to make on this proposal (including any evidence of potential cost impacts)?**

## Description of transitional policy

It is anticipated that a number of licence applications submitted under the current (2018) fees regime will be awaiting determination when the new fee structure comes into effect. The following transitional arrangements are proposed:

* **Band 1 (Self-Service)** will not require transitional arrangements as there is no change to the current charge
* **Band 2** applications received from the implementation date will be charged at the new regime rate. However, it is anticipated that there will be a number of applications ongoing at the point of transition. For these applications, the MMO will honour the existing band cap and hourly rate
* **Band 3 and hourly rate** will be charged at the revised fee rate of £155 per hour for case-officer hours worked on or after the implementation date, irrespective of when the application is received. This will include travel time associated with all licence activity

**Marine licence variations:**

* **V1** – applications received from the implementation date will be charged at the new regime rate. However, it is anticipated there will be a number of applications ongoing at the point of transition. For these applications the MMO will honour the existing band cap and hourly rate
* **V2** – applications received from the implementation date will be charged at the new regime rate. However, it is anticipated there will be a number of applications ongoing at the point of transition. For these applications the MMO will honour the existing band cap and hourly rate
* **V3 hourly** will be charged at the revised fee rate of £155 per hour for case officer hours worked on or after the implementation date, irrespective of when the application is received. This will include travel time associated with all licence activity

**Post consent monitoring and inspections:**

* Post consent monitoring and inspections will move to the new hourly rate of £155 from the implementation date

**Dredge and disposal levy:**

* Returns are based on calendar year, so the MMO will implement the new fees from 1st January 2027. All deposits reported for 2027 onwards (and reported from 2028) will be invoiced at 3p per tonne with no cap. This will give businesses an opportunity to prepare for the new arrangements.

**19a. Do you have any comments on the proposed transitional arrangements for Band 2 marine licence applications?**

**19b. Do you have any comments on the proposed transitional arrangements for Band 3 marine licence applications?**

**19c. Do you have any comments on the proposed transitional arrangements for Band V1 marine licence variations?**

**19d. Do you have any comments on the proposed transitional arrangements for Band V2 marine licence variations?**

**19e. Do you have any comments on the proposed transitional arrangements for Band V3 marine licence variations?**

**19f. Do you have any comments on the proposed transitional arrangements for post consent monitoring and inspections?**

**19g. Do you have any comments on the proposed transitional arrangements for the dredge and disposal levy?**

### Ability for primary advisers to charge for advice in support of marine licensing decisions

Primary advisers such as NE, the Environment Agency and the JNCC may provide advice to support the MMO in their decisions to determine marine licence applications. However, there is currently no mechanism in place for primary advisers to recover the costs incurred when providing this advice, and therefore this creates a financial burden for primary advisers which must be recovered through GiA.

**Proposed amendment:**

Work is still needed to scope out and to determine the full impacts of this proposal. As such, we are seeking views on whether stakeholders agree in principle with Defra providing a mechanism for primary advisers to charge for advice in support of marine licensing decisions.

**20. Do you agree in principle with Defra providing a mechanism for primary advisers to recover costs when providing advice in support of marine licensing decisions?**

**Yes or No or Neither Agree nor Disagree**

**Do you have any further comments you wish to make on this proposal (including any evidence of potential cost impacts)?**

# Consultee feedback on the online survey

Dear Consultee,

Thank you for taking your time to participate in this online survey. It would be appreciated, if you can provide us with an insight into how you view the tool and the area(s) you feel is in need of improvement, by completing our feedback questionnaire.

Overall, how satisfied are you with our online consultation tool?

1. Very satisfied
2. Satisfied
3. Neither satisfied nor dissatisfied
4. Dissatisfied
5. Very dissatisfied
6. Don't know

Please give us any comments you have on the tool, including suggestions on how we could improve it.

# How to respond and next steps

The closing date for this consultation is **15 August 2025**. Responses received by this date will be analysed and considered by Ministers in their consideration of the proposals for amending marine licensing exemptions and self-service permits.

To submit your consultation response, please use one of the following channels:

1. Citizen Space (our online consultation tool)
2. Via email to [marine.licensing@defra.gov.uk](mailto:marine.licensing@defra.gov.uk)

We have asked you a number of specific questions in this document. If you have any other views on the subject of this consultation, which have not been addressed, you are welcome to provide us with these views in your response.

**During this consultation, if you have any enquiries, please contact:** [**marine.licensing@defra.gov.uk**](mailto:marine.licensing@defra.gov.uk)

# Acronyms

**DPA** The Data Protection Act 2018

**EIA** Environmental Impact Assessment

**EIR** The Environmental Information Regulations 2004

**FOIA** The Freedom of Information Act 2000

**GiA** Grant-in-Aid

**HPMA** Highly Protected Marine Area

**HRA** Habitats Regulations Assessment

**JNCC** Joint Nature Conservation Committee

**LPA** Local Planning Authority

**MCAA** The Marine and Coastal Access Act 2009

**MCZ** Marine Conservation Zone

**MMO** The Marine Management Organisation

**MPA** Marine Protected Area

**NE** Natural England

**NSIP** Nationally Significant Infrastructure Project

**UXO** Unexploded Ordinance

# Annex A: HPMA exemption amendments

It is proposed that some exemptions should be disapplied where an activity is capable of affecting, (other than insignificantly), the protected features of a HPMA, including supporting ecological or geomorphological processes.

Some existing exemptions are already disapplied for activities capable of affecting (other than insignificantly) Marine Conservation Zones (MCZs). This disapplication will automatically apply to HPMAs (which are a category of MCZ). Column 2 of the table below indicates whether a disapplication is a proposed new disapplication for HPMAs or an existing disapplication for MCZs.

| **Marine licensing exempt activities** | **Type of disapplication proposed: new or existing** |
| --- | --- |
| Moorings and aids to navigation ([Article 25 of the 2011 Exempted Activities Order](https://www.legislation.gov.uk/uksi/2011/409/article/25A)) | New |
| Temporary markers ([Article 26A of the 2011 Exempted Activities Order](https://www.legislation.gov.uk/uksi/2011/409/article/26A)) | Existing |
| Pontoons ([Article 25A of the 2011 Exempted Activities Order](https://www.legislation.gov.uk/uksi/2011/409/article/25A)) | New |
| Diver trails within restricted areas ([Article 31 of the 2011 Exempted Activities Order](https://www.legislation.gov.uk/uksi/2011/409/article/31)) | New |
| Removal of marine litter ([Article 21A of the 2011 Exempted Activities Order](https://www.legislation.gov.uk/uksi/2011/409/article/21A)) | Existing |
| Use of vehicles or vessels by harbour authorities to remove marine litter and debris ([Article 24A of the 2011 Exempted Activities Order](https://www.legislation.gov.uk/uksi/2011/409/article/24A)) | Existing |
| Use of vehicles to remove litter, seaweed or dead animals from beaches and inter-tidal areas ([Article 21 of the 2011 Exempted Activities Order](https://www.legislation.gov.uk/uksi/2011/409/article/21)) | Existing |
| Scientific instruments etc ([Article 17 of the 2011 Exempted Activities Order](https://www.legislation.gov.uk/uksi/2011/409/article/17)) | Existing |
| Samples for testing and analysis ([Article 17A of the 2011 Exempted Activities Order](https://www.legislation.gov.uk/uksi/2011/409/article/17A)) | Existing |
| Maintenance of harbour works ([Article 23 of the 2011 Exempted Activities Order](https://www.legislation.gov.uk/uksi/2011/409/article/23)) | New |
| Maintenance of coastal protection, drainage and flood defence works ([Article 19 of the 2011 Exempted Activities Order](https://www.legislation.gov.uk/uksi/2011/409/article/19)) | New |
| Navigational Dredging ([Article 18A of the 2011 Exempted Activities Order](https://www.legislation.gov.uk/uksi/2011/409/article/18A)) | Existing |
| Shellfish propagation and cultivation ([Article 13 of the 2011 Exempted Activities Order](https://www.legislation.gov.uk/uksi/2011/409/article/13)) | New |
| Deposits in the course of normal navigation or maintenance ([Article 22 the 2011 Exempted Activities Order](https://www.legislation.gov.uk/uksi/2011/409/article/22)) | New (note: the proposal is to remain exempt, but to apply condition to specific activity related to spud legs. A spud leg is used as an anchor for securing floating work platforms in their watery bed to prevent general movement and drifting from their work area. The activity would be to support work or activities, not where they are used as an anchor for a house boat.) |
| Deposits of a substance arising from hull cleaning ([Article 27A the 2011 Exempted Activities Order](https://www.legislation.gov.uk/uksi/2011/409/article/27A)) | New |
| Dismantling a ship ([Article 28 the 2011 Exempted Activities Order](https://www.legislation.gov.uk/uksi/2011/409/article/28)) | New |
| Accidental deposits ([Article 17B the 2011 Exempted Activities Order](https://www.legislation.gov.uk/uksi/2011/409/article/17B)) | Existing |

1. Marine licensable activities are described in section 66 of MCAA. [↑](#footnote-ref-2)
2. [Managing Public Money](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1153523/Managing_Public_Money_-_May_2023_.pdf): Fees, Charges and Levies, 6.2, HM Treasury, pg. 49. [↑](#footnote-ref-3)
3. [See section 113 of MCAA](mailto:https://www.legislation.gov.uk/ukpga/2009/23/section/113) for a definition of appropriate licensing authority. [↑](#footnote-ref-4)
4. [The Marine Licensing (Delegation of Functions) Order 2011/627](https://www.legislation.gov.uk/uksi/2011/627) [↑](#footnote-ref-5)
5. [The Marine Licensing (Exempted Activities) Order 2011 (legislation.gov.uk)](https://www.legislation.gov.uk/uksi/2011/409/contents/made) [↑](#footnote-ref-6)
6. [The Marine Licensing (Exempted Activities) (Amendment) Order 2019 (legislation.gov.uk)](https://www.legislation.gov.uk/uksi/2019/893/contents/made) [↑](#footnote-ref-7)
7. Section 115 of [Marine and Coastal Access Act 2009 (legislation.gov.uk)](https://www.legislation.gov.uk/ukpga/2009/23/part/4) [↑](#footnote-ref-8)
8. Some exemptions apply to deposits of, or works activity on, moorings by harbour and lighthouse authorities under Article 25 of the 2011 Order [↑](#footnote-ref-9)
9. See [the Marine Noise Registry Service](https://mnr.jncc.gov.uk/) [↑](#footnote-ref-10)
10. For example: Southall et al 2019 (and references within); Weir, 2008; Southall et al 2007; Stone and Tasker 2006; Gordon et al 2004. [↑](#footnote-ref-11)
11. For example: Southall et al 2021 (and references within); Sarnocińska et al 2020; Thompson et al 2013. [↑](#footnote-ref-12)
12. Section 27A of [The Marine Licensing (Exempted Activities) Order 2011 (legislation.gov.uk)](https://www.legislation.gov.uk/uksi/2011/409/article/27A) [↑](#footnote-ref-13)
13. The exemption is set out in Article 26 of the 2011 Order. It enables Natural England to place or remove markers indicating the existence and extent of specified MPAs (as defined in the Conservation of Habitats and Species Regulations 2017) and enables public authorities to place or remove markers indicating the existence and extent of an MCZ. [↑](#footnote-ref-14)
14. See Article 25 of [The Marine Licensing (Exempted Activities) Order 2011 (legislation.gov.uk)](https://www.legislation.gov.uk/uksi/2011/409) [↑](#footnote-ref-15)
15. [The Marine Licensing (Application Fees) Regulations 2014](https://www.legislation.gov.uk/uksi/2014/615/contents/made) [↑](#footnote-ref-16)
16. [The Public Bodies (Marine Management Organisation) (Fees) Order 2014 (legislation.gov.uk)](https://www.legislation.gov.uk/ukdsi/2014/9780111114797) [↑](#footnote-ref-17)
17. [Marine licence fees - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/marine-licensing-fees/marine-licensing-fees) [↑](#footnote-ref-18)
18. [Marine licence fees - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/marine-licensing-fees/marine-licensing-fees#complex-case-characteristics) [↑](#footnote-ref-19)
19. [Marine licence fees - GOV.UK (www.gov.uk)](https://www.gov.uk/government/publications/marine-licensing-fees/marine-licensing-fees) [↑](#footnote-ref-20)
20. [Section 72 of the Marine and Coastal Access Act](https://www.legislation.gov.uk/ukpga/2009/23/section/72) sets out the powers of a licensing authority to vary a marine licence. [↑](#footnote-ref-21)
21. A change to a licence where the charge has been waived by the MMO. [↑](#footnote-ref-22)
22. Any application for a minor change to a marine licence: change of name of vessel, change of registration number of a vehicle or the name or address of an agent, contractor or sub-contractor. [↑](#footnote-ref-23)
23. As calculated in June 2024 [↑](#footnote-ref-24)
24. The fees structure for marine licensing services, including the fee structures for advice, applications, monitoring, and variations are set out in the following link: Marine licence fees - GOV.UK (www.gov.uk). [↑](#footnote-ref-25)
25. [Sintra Statement Paper (ospar.org)](https://www.ospar.org/site/assets/files/1169/ospar_convention.pdf) [↑](#footnote-ref-26)