



Department
for Environment
Food & Rural Affairs

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www.gov.uk/defra

Date: 2nd November 2018

Dear Consultee

Consultation on proposed changes to Marine Licensing Exemptions

The Department for Environment, Food and Rural Affairs invites your views on our proposals to revise the current marine licensing requirements. The range of licensable activities are set out under the Marine and Coastal Act 2009 (MCAA) under MCAA section 66. Anyone undertaking such activity is required to obtain a marine licence from the appropriate licensing authority

There are a few specific circumstances where those undertaking a licensable activity are exempted from the requirement to obtain a marine licence. These exemptions are set out under section 74 of MCAA and in the Marine Licensing (Exempted Activities) Orders 2011 and 2013. We will be consulting on the introduction of new exemptions to the regime and amendments to some existing exemptions. The proposed changes are looking to be implemented to lessen the legislative burden needed to complete these activities.

The proposed changes comprise of new exemptions for the following activities:

- The recovery of marine litter and abandoned, discarded or lost fishing gear (ADLFG/ghost gear) by recreational divers.
- The use of vehicles or vessels to routinely remove marine debris by a Harbour Authority
- In-water hull cleaning of lightly fouled recreational vessels,

Propose to dis-apply current Exemptions for the following activities:

- Shellfish Propagation and Cultivation (Article 13) in the circumstance of new areas of shellfish propagation and cultivation or extensions to existing areas of shellfish propagation and cultivation
- Scientific Instruments (Article 17)

Proposed amendments of existing Exemptions to provide clarification for the following activities:

- Maintenance of coast protection, drainage and flood defence works (Article 19)
- Emergency works in response to flood or flood risk (Article 20)
- Use of vehicles to remove litter, seaweed or dead animals (Article 21)
- Moorings or aids to navigation (Article 25)
- Temporary markers (Article 26a)
- Diver Trails within restricted areas (Article 31)
- Cables and Pipeline – authorised emergency inspection and repair (Article 34)

This consultation applies to English Inshore and Offshore marine area, and Northern Ireland Offshore marine area where the Secretary of State (SOS) is the appropriate licensing authority.

The following documents relating to this consultation may be found on the government website at www.gov.uk/

- a copy of this letter,
- the Consultation document,

We welcome your views on the consultation. If you wish to obtain a hard copy of this consultation, please make your request:

By email to: Exemption@defra.gsi.gov.uk

Or send your request to the following address:

Marine Licensing Team (Exemptions)
Seacole Block,
2 Marsham Street
London SW1P 4DF

Responses

To submit your response to the consultation you are invited to:

- complete the online consultation questionnaire provided through Citizen Space <https://www.gov.uk/government/consultations/marine-licensing-proposed-changes-to-exemptions> (a response though this means would be preferable as it allows for more efficient analysis of responses and a quicker government response to the consultation),
or if this is not possible
- respond by email to Exemption@defra.gsi.gov.uk
or
- in writing to the address given in the section above.

This consultation is open for six weeks, the deadline for submitting a response is by midnight on 14th December

Consultation Criteria

This consultation is in line with the Consultations Principles. This can be found at <http://www.cabinetoffice.gov.uk/resource-library/consultation-principles-guidance>

Confidentiality and data protection

A summary of responses to this consultation will be published on the Government website at: www.gov.uk/defra. The summary will include a list of organisations that responded **but not** personal names, addresses or other contact details.

Information provided in response to this consultation, including personal information, may be made available to the public on request, in accordance with the requirements of the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIRs). Defra may also publish the responses to the FOIA/EIR requests on www.gov.uk/defra.

If you want information, including personal information such as your name, that you provide to be treated as confidential, please explain clearly in writing when you provide your response to the consultation why you need to keep these details confidential. If we receive a request for the information under the FOIA or the EIRs we will take full account of your explanation, but we cannot guarantee that confidentiality can be maintained in all circumstances. However, Defra will not permit any unwarranted breach of confidentiality nor will we act in contravention of our obligations under the Data Protection Act 1998 (DPA). An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as a confidentiality request.

Defra will share the information you provide in response to the consultation, including any personal data, with a third party of contracted external analysts for the purposes of response analysis and provision of a report.

Defra is the data controller in respect of any personal data that you provide, and Defra's Personal Information Charter, which gives details of your rights in respect of the handling of your personal data, can be found at:

<https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs/about/personal-information-charter>.

This consultation is being conducted in line with the "Consultation Principles" as set out in the Better Regulation Executive guidance which can be found at:

<https://www.gov.uk/government/publications/consultation-principles-guidance>.

If you have any comments or complaints about the consultation process, please address them to:

Consultation Co-ordinator
Department for Environment, Food and Rural Affairs
Seacole Block
2 Marsham Street
London
SW1 4DF

Or email: consultation.coordinator@defra.gsi.gov.uk .

Thank you for your help in this matter. If you have any queries, please contact us as above.

Yours faithfully