



SCIENCE TEAM

1 PRESTON STREET
CARNFORTH
LANCASHIRE
LA5 9BY

Tel: (01524) 727970

Fax: (01524) 730638

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

7th December 2018

Dear Marine Licensing Team

Re: Consultation on proposed changes to Marine Licensing Exemptions

At the December Authority meeting the following was approved and is provided as the NWIFCA's response to the Marine Licensing Exemptions consultation.

Para.6. New exemption: recovery of marine litter and abandoned, discarded or lost fishing gear (ADLFG)

NWIFCA agree to the proposed new exemption to permit divers to remove marine litter and ADLFG from the marine environment during the course of diving activities and to do so without disproportionate regulatory burden, provided the proposed exemption is worded to ensure the protection of protected species and habitats and items of archaeological or historical interest. The Authority fully supports this new exemption to allow conscientious divers to assist in protecting the marine environment.

Para. 7. New exemption: use of vehicles and vessels to remove marine debris by a Harbour Authority

NWIFCA agree to the proposed new exemption to permit Harbour Authorities to carry out activities to remove marine debris and litter, provided the proposed exemption is worded to ensure the protection of protected species and habitats and items of archaeological or historical interest. This exemption makes enormous sense in the fight against marine litter.

Para. 8. New exemption: in-water hull cleaning of lightly fouled recreational vessels

NWIFCA does not agree to this proposal without a clear definition of 'lightly fouled'. The risk of spread of INNS is not just from large vessels traversing international waters. It can be spread from district to district. The north west is relatively marine INNS free and efforts need to be made more rather than less stringent to ensure this continues. There needs to be more resourcing for enforcing the existing regulations.

Para. 9. Disapplication of current exemption: shellfish propagation and cultivation for new shellfish farms or extensions to areas of shellfish propagation and cultivation by existing shellfish farms (Article 13)

The NWIFCA agrees with Government policy to support aquaculture in its role in the production of UK produced sustainable seafood.

The NWIFCA would support an intention to provide aquaculture with a certain level of security and longevity in ability to plan, as required for any successful business model, and the dove-tailing of Marine Licensing in to Marine Planning process appears a sensible approach.

However, the NWIFCA finds this proposed disapplication of the existing exemption to be confused. The proposal appears to potentially create a further layer of regulation and procedure for an already heavily regulated sector, which in practice could cause protracted and damaging delays to legitimate aquaculture activity.

NWIFCA would suggest that this proposal undergoes further discussion with the shellfish aquaculture sector to improve on the proposals and in finding a way forward acceptable to all parties. We understand that Defra has offered the facility of such discussion on 10th December 2018 and looks forward to commenting on a revised proposal.

In the meantime NWIFCA would suggest that this proposal in its current format is removed from the present consultation, so as not to delay other useful changes.

Para. 10. Amendment to existing exemption: scientific instruments (Article 17)

NWIFCA agrees to the proposed amendment to the existing exemption for scientific equipment tethered to the seabed. Safety at sea must take precedence over other issues and if a problem has been identified with scientific equipment anchored to the seafloor where it is deemed may pose a potential risk to the safety of navigation then this needs to be addressed.

Para. 11. Amendment to existing exemption: maintenance of coast protection, drainage and flood defence works (Article 19)

NWIFCA is unclear as to the intention of this proposal. If it relates solely to *maintenance of existing coast protection* then NWIFCA agrees with the exemption proposed, along with the EA suggested amendment to the wording to include beach profiling and recycling.

However, if it relates to new or altered coast protection work then NWIFCA does not agree to the proposed amendment. All new or altered coast protection works should go through the full Marine Licensing process to ensure full consultation with affected or interested parties and to be subject to MMO rigour.

Para. 12. Amendment to exemption: emergency work in response to flood or flood risk (Article 20)

NWIFCA agrees with this proposed amendment and has no further comment to make.

Para. 13. Amendment to exemption: use of vehicles to remove litter, seaweed or dead animals (Article 21)

NWIFCA agrees with this proposed amendment and has no further comment to make.

Para. 14. Amendment to exemption: moorings or aids to navigation (Article 25)

NWIFCA agrees with this proposed amendment and has no further comment to make.

Para. 15. Amendment to existing exemption: temporary markers (Article 26A)

NWIFCA agrees with this proposed amendment providing a requirement for timely Notice to Mariners applies.

Para 16. Amendment to existing exemption: diver trails within restricted areas (Article 31)

NWIFCA agrees with this proposed amendment and has no further comment to make.

Para 17. Amendment to existing exemption: cables and pipeline – authorised emergency inspection repair (Article 34)

NWIFCA agrees with the proposed amendment to the existing exemption for EMERGENCY repair works. NWIFCA agrees with the 17.5 paragraph that this should NOT include cables and pipeline protections and these should require Marine Licenses through the correct Marine Licensing procedures.

Yours on behalf of NWIFCA

Ms Mandy Knott
Senior Scientist.