

Marine Licensing

**Date** 07 August 2014 13:05:35

**To** Brown, Tamsin (AVFM - Marine & Fisheries); Keirle, Kerry (SF - NRF- Environment - Energy, Water, Flood); Marine Licensing

**Cc** Hamer, John (AVFM - Marine & Fisheries); Smart, Eleanor

**Subject** RE: Marine Consent Exemptions

Kerry,

The current Exemptions Order does allow Coastal Protection Authorities to maintain coast protection works, provided that the work undertaken is within the same footprint.

However, it does not allow for local authorities to be exempted from the need for a Marine Licence for maintenance to flood defence works or maintenance of drainage.

Our initial view is that it would be appropriate (pending consultation) for the exemptions order be amended to allow local authorities (and potentially other bodies such as Network Rail) to maintain flood defence works and drainage works. We would also suggest the drainage works should be further defined (for example is this in relation to a drainage structure or drainage within a channel).

This view is based similar works being undertaken by the EA (read NRW) be taken as exempt with other authorities, such as Local Authorities and potentially other bodies such as Network Rail not being exempt for the same activity.

We understand that the review of the Exemptions Order will take time and therefore cannot be considered to be a short term solution.

However, NRW are bound by the legislation under which we operate as licensing authority acting on behalf of Welsh Ministers. As such we are required to consider any works that require a Marine Licence and are not exempt as we would any other licence application.

Should Welsh Government wish NRW to prioritise a particular licensable activity over another for example by applying a reduced timescale service level, we would expect that direction to come to us from Welsh government. However, it should be noted

that whilst a reduced timescale may be appropriate for 'emergency' applications this may not be as appropriate for regular, foreseeable maintenance activities when considering the need to treat all our customers fairly. Furthermore, this would not alter aspects of the process such as additional supporting information that may be required.

We would welcome further discussion with Welsh Government on this issue.

Kind regards,

Lisa Hopkinson

Trwyddedu Morol/ Marine Licensing

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Ein diben yw sicrhau bod adnoddau naturiol Cymru yn cael eu cynnal, eu gwella a'u defnyddio yn gynaliadwy, yn awr ac yn y dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

**From:** Brown, Tamsin (SF - NRF-AFM Marine & Fisheries)  
[mailto:Tamsin.Brown@Wales.GSI.Gov.UK]

**Sent:** 04 August 2014 11:12

**To:** Keirle, Kerry (SF - NRF- Environment - Energy, Water, Flood); Marine Licensing

**Cc:** Hamer, John (SF - NRF-AFM Marine & Fisheries)

**Subject:** FW: Marine Consent Exemptions

Kerry – with apologies for delay, I think this is for Natural Resources Wales, as licensing authority, in the first instance to consider and advise on.

NRW – please can you provide a response to Kerry and myself on this matter and we can then discuss any next steps, if required.

Many thanks

Tamsin

**Tamsin Brown**

Marine Strategy Framework Directive and Licensing Leader

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**From:** Keirle, Kerry (SF - NRF- Environment - Energy, Water, Flood)

**Sent:** 16 July 2014 14:49

**To:** Brown, Tamsin (SF - NRF-AFM Marine & Fisheries)

**Subject:** FW: Marine Consent Exemptions

Hello Tamsin, I'd be grateful for your advice on the attached issue please which has been reported to me by local authority representatives. It appears coastal LAs require a marine license to carry out flood and coastal risk maintenance activities whereas NRW are exempted when carrying out identical activities.

Regards

Kerry

**From:** Williams, Emyr [<mailto:Emyr.Williams@pembrokeshire.gov.uk>]

**Sent:** 16 July 2014 09:11

**To:** Keirle, Kerry (SF - NRF- Environment - Energy, Water, Flood)

**Subject:** Marine Consent Exemptions

Good morning Kerry

Here is a short paper on the issue of marine consent exemptions as we discussed last week which I have circulated to Rowland, Huw and Rhodri for comment. They have agreed with the contents so I am forwarding it to you in the anticipation that the matter can be progressed.

If you need any more please let me know.

Regards

Emyr Williams

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