



Department of
**Agriculture, Environment
and Rural Affairs**

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Synopsis of responses to DAERA consultation on Proposals to Revise Marine Licensing Fees

**Marine Strategy and Catchments Branch
Marine & Fisheries Division
29 November 2024**



1. Timing and duration of consultation

The consultation commenced on the 9 July 2024 and closed on the 3 September 2024.

2. Introduction

The Marine and Coastal Access Act 2009 (MCAA 2009) is designed to help achieve clean, healthy, safe, productive and biologically diverse seas, in line with the UK vision. It provides for the sustainable use of marine resources and an integrated planning system for the marine area.

Part 4 of the MCAA 2009 introduced a streamlined licensing system that came into effect in April 2011. The aim is to enable consistent and sustainable decision making on activities within the marine area. In making those decisions, the Department must balance the need to protect the environment, the need to protect human health, the need to prevent interference with legitimate uses of the sea and any other such matter that that Department considers relevant.

DAERA is the Appropriate Licensing Authority for the Northern Ireland inshore region (0 to 12 nautical miles). The Secretary of State (SoS) is the Appropriate Licensing Authority for the Northern Ireland offshore region (12 nautical miles to the boundary with other jurisdictions) as set out in Section 113 of the MCAA 2009.

3. Summary of consultation proposals

Part 1: Proposed Amendments to Marine Licensing Fees Based on Current Powers

Provisions at section 67 of the MCAA 2009 enable DAERA, as the appropriate licensing authority for the Northern Ireland inshore region, to require that an application for a marine licence is accompanied by a fee. This is enacted through the Marine Licensing (Application Fees) Regulations (Northern Ireland) 2011 (Application Fees Regulations).

The Department is conscious that it does not have the legislative power to charge for the full range of marine licensing functions that it delivers, or the full cost of staff resources utilised to provide those functions. An assessment of applications indicated that approximately 40% of staff time was spent on determining applications for which the Department can charge a fee.

DAERA is conscious of its responsibilities under “[Managing Public Money NI](#)” which states that, with some exceptions, “fees for services should generally be charged at cost”. The revised fees have been calculated with that imperative in mind.

DAERA also has the power as set out in [the Marine Works \(Environmental Impact Assessment\) Regulations 2007 as amended](#), to require an applicant for a regulatory approval to pay reasonable fees in respect of relevant expenses incurred in providing a screening opinion, a scoping opinion, and aspects of monitoring under regulations 3(1) and 10(4J). However, DAERA has not yet exercised these powers. The consultation document set out proposed hourly rates for these services.

The Application Fees Regulations set out the fees that may be charged for an application for a marine licence to undertake certain activities. They simplify the process of ascertaining the application fee for all types of works and provide clarity to the applicant.

Part 2: Proposals to amend the Marine and Coastal Access Act 2009

DAERA wishes to amend the MCAA 2009 to provide the Department with greater powers to charge fees for aspects of the marine licensing process which the Department delivers but is currently unable to recover the cost. These include:- the provision of pre-application advice, monitoring the discharge of licence conditions and licence variation. A Financial Provisions Bill is expected to be introduced to the Northern Ireland Assembly in 2025 and would provide an opportunity to make these changes.

Whenever these powers become available DAERA anticipates that it will undertake a fundamental review of marine licensing fees. This is unlikely to commence before 2025.

The consultation posed 17 questions. One for each of the proposed amendments to the fee tables contained within the Schedule of the [Marine Licensing \(Application Fees\) Regulations \(Northern Ireland\) 2011](#) and three asking if the respondent agreed with the conclusions stated in the Section 75 Equality Screening Document, The Rural Needs Impact Assessment and the Regulatory Impact Assessment.

The consultation document asked stakeholders if they agreed with each proposal and to provide the reason for their answer.

4. Number of respondents

17 responses to the consultation were received from:-

- 2 eNGOs (RSPB and National Trust)
- 1 Sectoral body (Aquaculture Representative Group)
- 6 Government Agencies and Bodies (RoI – the Environmental Protection Agency, the Maritime Area Regulatory Authority and the Department of Agriculture, Food and the Marine); the Maritime and Coastguard Agency, the Scottish Government, and the Welsh Government)
- 1 Local Council (Newry, Mourne and Down District Council)
- 2 Private individuals
- 4 Industry (Whiteford Geoservices Ltd, a Kelp Farm, Mutual Energy and the Anthony Bates Partnership on behalf of Warrenpoint Harbour Authority)
- 1 Anonymous Response

A number of respondents provided a “yes” or “no” answer and did not provide information to support or supplement their view. These are included in the number of “yes/no” responses to each question but are not referred to in the subsequent analysis of responses.

The Department of Agriculture, Food and the Marine (RoI) and the Maritime and Coastguard Agency provided nil returns.

A number of helpful responses were received from public bodies in Ireland and include those from:-

- The Environmental Protection Agency. The response advises of legislation which governs the loading and dumping at sea of dredged material in Irish waters, the Dumping at Sea Act 1996, as amended. It also provides information on fee rates for dumping dredge material.
- The Maritime Area Regulatory Authority. The response notes the differences between the marine licensing systems in Northern Ireland and Ireland, highlighting that in Ireland fees are also payable in respect of leasing the seabed (Maritime Area Consents-MACs) which in the UK is the responsibility of The Crown Estate. The response highlights that the MAC application fee structure (albeit for a different

purpose) is more like what DAERA is proposing in that it is scaled by the size of a development.

- The Department of Agriculture, Food and the Marine. The response states that no areas of concern were identified.

Responses were also received from the Scottish and Welsh Governments which were supportive.

5. General points raised by consultees

Mutual Energy

Firstly, the response from **Mutual Energy** did not address each specific question. Rather, it asked that careful consideration be given to general points. Mutual Energy agreed with increasing costs for marine licences to ensure the Department is sufficiently funded and supported to meet its obligations in relation to determining applications associated with renewable projects.

Secondly, the responses states that to ensure best value to consumers, it is important that any additional costs being recovered via increases to licence fees are efficiently incurred and that associated consenting processes are streamlined. Thirdly, the response requests that the definition of a renewable project should be clarified to avoid ambiguity and reduce the possibility of inaccurate costs being attributed to other types of marine developments.

Department's Response

DAERA is aware of its responsibilities under the Climate Change Act (NI) 2022 and is working with other Departments to deliver an efficient and effective consenting process. The Department is developing a guidance document on the licensing process for offshore wind projects and will clarify the types of projects which will fall within the definition of a “renewable project”.

Anthony D Bates Partnership on behalf of Warrenpoint Harbour

Secondly, the Anthony D Bates Partnership responded on behalf of **Warrenpoint Harbour Authority**. Specific questions were answered, and a number of general points were raised. The response noted that the emphasis of the consultation was cost recovery as

opposed to DAERA achieving efficiency savings in the process. It also suggested that there appeared to be a focus on a comparison with rates in other geographic regions and not on the cost of providing the service in Northern Ireland. It concluded by stating that Warrenpoint Harbour Authority does not support the increase in fees.

Department's Response

DAERA highlighted the need to comply with Managing Public Money NI as this was one of the drivers for the review. The Marine Licensing Branch has been working to streamline the marine licensing process. This was addressed at stakeholder workshops and through newsletters. DAERA Marine Licensing is committed to providing a high standard of customer service and has developed and implemented new processes in order to improve efficiency. These have included new information available to the public as listed below:

- Exemption Notification Form
- Variation Application Form
- PAD (Pre-Application Discussion) Form
- DOCs (Discharge of Conditions) Form

(Note, all forms are available online on the Marine Licensing webpage Marine Licensing | Department of Agriculture, Environment and Rural Affairs (daera-ni.gov.uk))

- 2 interactive Storymaps to be published online –
 - Marine Licensing Process
 - Marine Licensing Compliance and Enforcement Process
- DAERA Marine Mapviewer – all live licences mapped online and with a link to the public register
- A new compliance scheme is also being developed for monitoring post-consent marine licences

Other changes that have been made to date:

- Introduced Operating Principles;
- Embedded a 3-week rule;
- Created a Case Categorisation framework;
- Eliminated draft licences and the 'Draft Licence Acknowledgement';

- Introduced a 'within 12 month' start condition;
- Introduced a Case Officers Report

DAERA does not accept that the focus of the consultation is on comparing costs with other regions rather than the cost of providing the service in Northern Ireland. The proposed fees for renewables were calculated with reference to experience to date of determining this type of application. The proposed cost of marine licences for other bands was calculated by comparing DAERA's fee income during 2023/24 with the disparity between cost of providing the service and increasing fees by this amount. The use of benchmarking fees with other regulators is standard practice.

National Trust

In response to Question 2 on the introduction of a small licence fee the National Trust suggested that there is a need for a reduced licence fee to support blue carbon and nature-based solutions for coastal management. The response cited fees applicable in terrestrial planning and in Ireland where exemptions for these types of projects can be given.

Department's Response

DAERA recognises that as nature restoration plans are developed there may be a need for future policy development in this area. In the interim DAERA suggests that the cost of a marine licence should be included in grant applications by eNGOs.



6. Responses to the consultation questions

Question 1 - Should DAERA increase fees for marine renewable licences to the rates set out in Table 1?

Table 1 sets out the proposed fees for applications for a marine licence relating to renewable energy projects. This table consists of four bands in terms of generating capacity (wattage).

Respondent	Comment
Aquaculture Representative Group	No , does not agree with the proposed increase to the rates set out in Table 1. Agreed to a fixed fee for smaller developments but commented that the range of band R3 covers projects that could be 100 times greater (10MW to 1GW). Suggested the need for additional bands. Band R3 should be incremental as with R4. These amounts are not going to impact whether a company proceeds with developments of this size.
Whiteford Geoservices Ltd	Yes , agrees with the proposed increase to the rates set out in Table 1 Commented that there was a significant amount of work involved in this type of application and that commercial rates for such works would be a lot higher.
Kelp Farm	No , does not agree with the proposed increase to the rates set out in Table 1. Stated that it was ridiculous to talk about “running at a loss”. The Department is part of the civil service and supposed to be funded by central government.
National Trust	Yes , the National Trust recognises there is a need for the Department to be able to recoup the cost of service delivery under its responsibilities for managing public money. However, this support is conditional on it being ring fenced and spent on providing marine licensing services.
Newry, Mourne and Down Council	No , cost increase of c.140% appears excessive.
Individual (A)	No , no comments were provided.
Individual (B)	No , does not agree with the proposed increase to the rates set out in Table 1. Stated that it was ridiculous to talk about “running at a loss”. The Department is part of the civil service and not a private money-making business and costs reflect your inefficiencies and waste.
Anonymous	No , the cost of dredging is enough to pay without additional unnecessary cost.

Summary:

DAERA received eight responses from stakeholders on the proposed amendment of the fees for applications for a marine licence relating to renewable energy projects as set out in Table 1. Two responses were supportive (25%) and six were not (75%).

Department's Response:

DAERA accepts that the increase to fees is significant. However, the Department is conscious of its responsibilities under “[Managing Public Money NI](#)” which states that, with some exceptions, “fees for services should generally be charged at cost”. DAERA is mindful that it is funded by

taxpayers, is committed to recovering the cost of the service it provides and has introduced a number of improvements to the marine licensing system (please see response to general points raised by the Anthony Bates Partnership on behalf of Warrenpoint Harbour Authority in the “General Points” section). The Department is also conscious of the comments received during stakeholder events that certainty over fee levels is more important to some stakeholders than the fee amount.

DAERA has considered the proposal by the Aquaculture Representative Group to split band R3 into a number of bands. The band structure was selected to reflect the amount of effort expended by staff in determining an application for a marine licence. There is little difference in the level of skill required or the amount of time spent by staff determining a project with an estimated wattage of 10 MW to an application with an estimated wattage of 999.99 MW.

Department’s Position:

After full consideration of the points raised by consultees and to ensure compliance with [Managing Public Money NI](#) DAERA will proceed with the amendment of Table 1 as proposed in the consultation document.



Question 2 - Should DAERA introduce a new Band A for low value, low impact construction activities with an estimated value of up to £2,499 with a licence cost of £65? (Table 2)

Table 2 sets out the proposed fees for applications for a marine licence for construction projects. The proposed table consists of twelve bands, is based on the estimated value of the marine aspects of a project and contains three proposed new bands, Bands A, B and L.

Respondent	Comment
Aquaculture Representative Group	No , DAERA is trying to recover costs - you will have the same admin costs for these very small activities.
Whiteford Geoservices Ltd	Yes , no comment provided.
Kelp Farm	Yes , no comment provided.
Anthony Bates Partnership on behalf of Warrenpoint Harbour Authority	Yes , this seems reasonable for small scale/low value activities and sets a more appropriate fee for such projects reduced from the previous fee of £737.
RSPB	Yes , although RSPB has concerns about the wording which implies that lower value construction projects necessarily have lower environmental impacts and while there are no objections to the introduction of the new price bands for smaller projects, RSPB would request that any policy resulting from this consultation process does not make the implication above.
The National Trust	Yes , the National Trust would strongly support a BAND A rate however we recommend there should be guidance on what this could include. For example, not only judge this on low financial cost but also potentially low environmental impact/ positive environmental impact. Additional comments were made proposing the introduction of lower fees for marine nature recovery and restoration projects. These are addressed in the "General Points" section.
Newry, Mourne and Down Council	Yes , no comment provided.
Individuals (A)	No , no comment provided.
Individual (B)	No , no comment provided.
Anonymous	No , if someone needs a problem fixed and its a low impact it should be free observation inspections only.

Summary:

DAERA received ten responses from stakeholders on the proposed introduction of a new Band A for low value, low impact construction activities with an estimated value of up to £2,499 with a



licence cost of £65. Six responses were supportive (60%), and four responses did not support the proposal (40%).

Department's Response: DAERA is conscious of its costs in determining applications for Band A projects and will publish Guidance on which types of projects will fall into this band. DAERA wishes to highlight that projects for which a public consultation is required will not be included in this band. DAERA wishes to highlight that the cost of determining Band A applications will therefore be lower and that this is reflected in the licence cost.

There are however costs in respect of staff time and because of this the service cannot be provided free of charge as suggested by the anonymous response. DAERA accepts that lower value construction projects do not necessarily have lower environmental impacts and wishes to assure the RSPB that only projects with a low risk of causing environmental impacts will be included in this band and conditioned via Guidance.

Department's Position: After giving full consideration to the points raised by respondents, DAERA will proceed with introducing a new Band A via the Marine Licensing (Application Fees) (Amendment) Regulations (Northern Ireland) 2024. The Department will publish Guidance on projects falling within this Band in early 2025 to coincide with the anticipated date when the Regulations become effective. The Guidance will highlight that only projects which pose a low risk to the environment will fall within Band A.



Question 3 - Should DAERA introduce a new Band B for lower value construction projects which are likely to have a low impact on the environment and have an estimated value of between £2,500 and £4,999 with a licence cost of £200 (Table 2)?

Table 2 sets out the proposed fees for applications for a marine licence for construction projects. The proposed table consists of twelve bands, is based on the estimated value of the marine aspects of a project and contains three proposed new bands, Bands A, B and L.

Respondent	Comment
Aquaculture Representative Group	Yes , if that will recover sufficient costs of dealing with applications.
Whiteford Geoservices Ltd	Yes , no additional comment provided.
Kelp Farm	Yes , no additional comment provided.
Anthony Bates Partnership on behalf of Warrenpoint Harbour Authority	Yes , this seems reasonable for small scale/low value activities and sets a more appropriate fee for such projects reduced from the previous fee of £737.
RSPB	Yes , although RSPB has concerns about the wording which implies that lower value construction projects necessarily have lower environmental impacts and while there are no objections to the introduction of the new price bands for smaller projects, we would request that any policy resulting from this consultation process does not make the implication above.
National Trust	<p>Yes, we would strongly support a Band B rate however we recommend there should be guidance on what this could include. For example, not only judge this on low financial cost but also potentially low environmental impact/ positive environmental impact.</p> <p>Also there is a significant jump between the cost of a licence for Band B £4999 and Band C £5000 – an increase from £200 ((4% cost on top) to £1682 (33% cost on top) – cost is not always directly related to complexity of a project which is why we would recommend that the guidance for project cost should also include allowances for carrying out work which benefits the environment.</p> <p>With the need for blue carbon and other nature-based solutions for future marine and coastal management it is vital that the financial cost of carrying out public good above the statutory minimum is not penalised by costing more in terms of licence fees. This comment is addressed in the “General Points” section.</p>
Newry, Mourne and Down Council	Yes , no additional comment provided.
Individual (A)	No , no additional comment provided.

Individual (B)	No , no additional comment provided.
Anonymous	No , if someone needs a problem fixed and its a low impact it should be free observation inspections only.

Summary:

DAERA received ten responses from stakeholders on the proposed introduction of a new Band B for lower value construction projects which are likely to have a low impact on the environment and have an estimated value of between £2,500 and £4,999 with a licence cost of £200. Seven responses were supportive (70%). Three responses did not support the proposal (30%).

Department's Response: DAERA is conscious of its costs in determining applications for Band B projects and will publish Guidance on which types of projects will fall into this band. DAERA wishes to highlight that the cost of determining these applications is likely to be significantly lower than those for Band C and that this is reflected in the licence cost. There are however costs in respect of staff time and because of this the service will not be provided free of charge. DAERA accepts that lower value construction projects do not necessarily have lower environmental impacts and wishes to assure the RSPB that only projects with a low risk of causing environmental impacts will be included in this band. The supportive comments from the National Trust are noted.

Department's Position: After giving full consideration to the points raised by respondents, DAERA will proceed with introducing a new Band B via the Marine Licensing (Application Fees) (Amendment) Regulations (Northern Ireland) 2024 to help deliver full cost recovery. The Department will publish Guidance on projects falling within this Band in early 2025 to coincide with the Regulations becoming effective which will highlight that only projects which pose a low risk to the environment will fall within this Band B.



Question 4 - Question 4: Should DAERA increase fees to the rates set out in Table 2?

Table 2 sets out the proposed fees for applications for a marine licence for construction projects. The proposed table consists of twelve bands, is based on the estimated value of the marine aspects of a project and contains three proposed new bands, Bands A, B and L.

Respondent	Comment
Aquaculture Representative Group	Yes , no additional comment provided.
Whiteford Geoservices Ltd	Yes , no additional comment provided.
Kelp Farm	No , no additional comment provided.
RSPB	No objections but has concerns about the wording which implies that lower value construction projects necessarily have lower environmental impacts and while there are no objections to the introduction of the new price bands for smaller projects, we would request that any policy resulting from this consultation process does not make the implication above.
National Trust	National Trust recognises there is a need for the department to be able to recoup the cost-of-service delivery under its responsibilities for managing public money. However, we recommend there should be guidance on what this could include. For example; not only judge this on low financial cost but also potentially low environmental impact/ positive environmental impact. With the need for blue carbon and other nature-based solutions for future marine and coastal management it is vital that the financial cost of carrying out public good above the statutory minimum is not penalised by costing more in terms of licence fees. Additional examples for consideration for a lower rate/exemption would be the removal of pollution and or waste from a site as there would also be additional fees for safe disposal.
Newry, Mourne and Down Council	No , excessive percentage increase proposed.
Individual (A)	No , no additional comment provided.
Individual (B)	No , no additional comment provided.
Anonymous	No , if someone need a problem fixed and its a low impact it should be free observation inspections only.

Summary:

DAERA received 9 responses from stakeholders on the proposed increase of fees for construction licences. Four responses were supportive (44%), and five responses did not support the proposal (56%).

Department's Response: A number of responses to this question are addressed the response to questions 2 and 3. DAERA acknowledges that the proposed increase is significant and is aware that eNGOs like other users of the marine environment will pay higher marine licensing fees. DAERA

recognises that as nature restoration plans are developed there may be a need for future policy development work in this area. DAERA's advice to eNGOs is that marine licence fees should be built into grant applications.

Department's Position: After giving full consideration to the issues raised by respondents, it is DAERA's intention to proceed with the proposed rates in Table 2 of the consultation document via the Marine Licensing (Application Fees) (Amendment) Regulations (Northern Ireland) 2024. The Department will publish Guidance to accompany the Regulations in 2025.



Question 5 - Should DAERA introduce a new Band L for construction licences for construction projects with an estimated value of £50 million plus with a marine licensing fee of £54,450 (Table 2)?

Table 2 sets out the proposed fees for applications for a marine licence for construction projects. The proposed table consists of twelve bands, is based on the estimated value of the marine aspects of a project and contains three proposed new bands, Bands A, B and L.

Respondent	Comment
Aquaculture Representative Group	No , agrees to a higher fee with very large projects, but why not incremental related to estimated value as per ORE development.
Whiteford Geoservices Ltd	Yes , no additional comment provided.
Kelp Farm	Yes , no additional comment provided.
The National Trust	Didn't provide a yes/no response but stated, "However this is potentially not high enough as for a £5,000 project the percentage fee on top is 33% while for the £50million example the fee is only 0.1% of the total existing project cost. This is not a fair percentage of the project or recognising the likely complex nature of the project".
Individual (A)	No , no additional comment provided.
Individual (B)	No , no additional comment provided.
Anonymous	No , people should be encouraged to construct innovative ideas and not buried in nonsense fees.

Summary:

DAERA received 7 responses from stakeholders on the proposed introduction of a new Band L for construction licences for construction projects with an estimated value of £50 million plus with a marine licensing fee of £54,450. Four responses were supportive (57% (it was assumed that the National Trust response supported this proposal)) and three responses did not support the proposal (43%).

Department's Response: DAERA notes the comments that the Band L fee is a small percentage of the estimated project costs and that the fee is not incremental. The fee was calculated by applying a ratio of 1.64, the same ratio of monetary value between Bands J and K.

Department's Position: DAERA has given full consideration to the issues raised, Band L was calculated by applying a ratio of 1.64, the same ratio of monetary value between Bands J and K. Furthermore, based on previous data DAERA does not anticipate applications for a large number of marine licences for this size of project. Furthermore, DAERA anticipates undertaking a fundamental review of fees should additional fee charging powers become available via the Financial Provisions Bill, possibly in 2026. The Department will reconsider band structures at this stage. It is therefore DAERA's intention to proceed with the proposed rates for Band L construction projects via the Marine Licensing (Application Fees) (Amendment) Regulations (Northern Ireland) 2024.

Question 6 - Should DAERA increase fees for maintenance dredge and dredge disposal to the rates set out in Tables 3 and 4?

Tables 3 and 4 set out the proposed rates for maintenance dredge and dredge disposal licences. Both contain 7 bands and are based on the estimated dredge tonnage. Band 7 (1 million tonnes plus) is a new addition to table 3 (maintenance dredge).

Respondent	Comment
Aquaculture Representative Group	Yes , if these recover the necessary costs, but the higher bands do seem quite low for major dredging operations.
Whiteford Geoservices Ltd	Yes , no additional comment provided.
Kelp Farm	No , no additional comment provided.
The National Trust	<p>Yes/no response not given.</p> <p>The response suggested that it would be useful to also have a smaller maintenance dredge and disposal category (for example under 2000 tonnes). It also requested clarification if clearing and potential sand/other substrata removal and renourishment schemes on soft coasts in order to support nature based, blue carbon, soft engineering, coastal adaptation and restoration of sites was included in the definition of maintenance dredging.</p> <p>Clarification on the period of time that these dredging licences will cover was requested.</p>
Anthony Bates Partnership on behalf of Warrenpoint Harbour Authority	No , changes represent an increase of 128% on current 2024/25 fees plus the potential to charge additional fees with no justification other than DAERA cost recovery.
Individual (A)	No , no additional comment provided.
Individual (B)	No , no additional comment provided.
Anonymous	No , dredging is expensive enough and why would it need to be raised 100 % for a maintenance dredge that has low impact and should be treated as an essential requirement to business and not a chance of someone putting the arm in for a process that was conducted effectively before by sensible people.

Summary:

DAERA received eight responses from stakeholders on the proposed increases to fees for maintenance dredge and dredge disposal licences. Three responses were supportive (37.5%), and four responses did not support the proposal (62.5%).

The responses included requests for a band for small maintenance dredge, clarification on the definition of maintenance dredging and the duration of licences.

Department's Response: DAERA is aware that the costs of marine licences for maintenance dredge and its disposal are increasing significantly and that it can be an essential requirement to business. DAERA wishes to highlight the exemption for dredging activities set out at section 75 of the MCAA 2009 which organisations with a Harbour Order in place can access. DAERA must adhere to the requirements of [Managing Public Money NI](#) and is cognisant of the financial pressures faced by the Northern Ireland Executive. DAERA trusts that stakeholders will understand the need to increase its level of cost recovery for providing marine licensing services. In respect of a definition of maintenance dredge, DAERA relies on section 66 of MCAA 2009 which states that “dredging” includes “using any device to move any material (whether or not suspended in water) from one part of the sea or seabed to another part”.

DAERA's [Guidance](#) on dredging and disposal, and aggregate dredging, under Part 4 of the Marine and Coastal Access Act 2009 provides the following clarification,

- o Capital - 'Material arising from the excavation of the seabed, generally for construction or navigational purposes, in an area or down to a level (relevant of Ordnance Datum) not previously dredged during the preceding 10 years.'
- o Maintenance - 'Material (general of an unconsolidated nature) arising:
 - From an area where the level of the seabed to be achieved by the dredging proposed is not lower (relative to Ordnance Datum), than it has been at any time during the preceding 10 years
 - From an area for which there is evidence that dredging has previously been undertaken to that level (or lower) during that period.

DAERA can confirm that the period of a dredge licence is 3 years.

Department's Position: DAERA has carefully considered the comments provided by respondents and it is the Department's intention to proceed with the proposed rates for maintenance dredge and its disposal set out in Tables 3 and 4 of the consultation document via the Marine Licensing (Application Fees) (Amendment) Regulations (Northern Ireland) 2024.



Question 7: Should DAERA increase fees for capital dredge and dredge disposal to the rates set out in Tables 5 and 6?

Tables 5 and 6 set out the proposed rates for capital dredge and dredge disposal licences. Both contain 7 bands and are based on the estimated dredge tonnage.

Respondent	Comment
Aquaculture Representative Group	Yes , if these recover the necessary costs, but the higher bands do seem quite low for major dredging operations- upper bands could be higher.
Whiteford Geoservices Ltd	Yes , no additional comment provided.
Kelp Farm	No , the council can already barely afford to dredge the harbours and by increasing the fees you will undoubtedly increase the cost of dredging the public harbours.
Anthony Bates Partnership on behalf of Warrenpoint Harbour Authority	No , changes represent an increase of 128% on current 2024/25 fees plus the potential to charge additional fees with no justification other than DAERA cost recovery.
The National Trust	Yes , the seabed is specifically mentioned it would also be useful to clarify if the intertidal area (e.g. up to the Highest Astronomical Tide) is also included in Capital Dredging rates. We would support the need to increase the capital dredging rates as there are very few areas of undisturbed seabed and there is more risk of disturbing coastal processes and releasing pollutants from the sediment/ disturbing archaeological remains.
Individual (A)	No , no additional comment provided.
Individual (B)	No , no additional comment provided.
Anonymous	No , the rate is fine the rate it is it should be treated as promoting business to develop and no buried in paper cost.

Summary:

DAERA received eight responses from stakeholders on the proposed increases to fees for capital dredge and dredge disposal licences. Three responses were supportive (38%), and five responses did not support the proposal (82%).

Department's Response: DAERA notes that a number of responses support the proposed rates and there were suggestions that the higher bands appeared quite low for major dredging operations. DAERA is aware of the risk of disturbing coastal processes and archaeological remains during capital dredge activities. These risks are given full consideration in the licence determination process.

A number of responses did not support the proposed increases and cited potential costs to councils and that the requirements of Managing Public Money NI were the sole driver. DAERA wishes to highlight the exemption for dredging activities set out at section 75 of the MCAA 2009 which organisations with a Harbour Order in place can access. DAERA must adhere to the

requirements of Managing Public Money NI and is cognisant of the financial pressures faced by the Northern Ireland Executive. DAERA trusts that stakeholders will understand the need to increase its level of cost recovery for providing marine licensing services and wishes to highlight the improvements/efficiencies that it has introduced to the marine licensing process such as those set out in response to general comments made by the Anthony Bates Partnership on behalf of Warrenpoint Harbour Authority and include new forms, story maps and operating principles.

Department's Position: After giving full consideration to the points raised by stakeholders, it is DAERA's intention to proceed with the proposed rates for capital dredge and its disposal set out in Tables 5 and 6 of the consultation via the Marine Licensing (Application Fees) (Amendment) Regulations (Northern Ireland) 2024.



Question 8: Should DAERA increase the fee for the deposit of tracer dyes, biocides and other such materials to the rate set out in Table 7?

Table 7 sets out the proposed fee for applications for the deposit of tracer dyes, biocides and other such materials and the proposed new rate is £1,273.

Respondent	Comment
Aquaculture Representative Group	Yes , no additional comment provided.
Whiteford Geoservices Ltd	Yes , no additional comment provided.
Kelp Farm	Yes , no additional comment provided.
Newry, Mourne and Down Council	Yes , no additional comment provided.
Individual (A)	No , no additional comment provided.
Individual (B)	No , no additional comment provided.
Anonymous	No , leave as it is no action required.

Summary:

DAERA received seven responses from stakeholders on the proposed increases to fees for the deposit of tracer dyes, biocides and other such materials. Four responses were supportive (57%), and three responses did not support the proposal (43%).

Department's Response: Not applicable, no justification was received to support the answers provided.

Department's Position: It is DAERA's intention to proceed with the proposed rates for the deposit of tracer dyes, biocides and other such materials as set out in Table 7 of the consultation document via the Marine Licensing (Application Fees) (Amendment) Regulations (Northern Ireland) 2024.

Question 9: Should DAERA increase the fee for the extraction of marine minerals to the rate set out in Table 8?

Table 8 sets out the proposed fee for applications for the extraction of marine minerals. The proposed new rate is £90,284.

Respondent	Comment
Aquaculture Representative Group	Yes , no additional comment provided.
Whiteford Geoservices Ltd	Yes , no additional comment provided.
Kelp Farm	Yes , no additional comment provided.
National Trust	Yes , no additional comment provided.
Newry, Mourne and Down Council	Yes , no additional comment provided.
Individual (A)	No , no additional comment provided.
Individual (B)	No , no additional comment provided.
Anonymous	No , they should promote business, not punish it when it does not help the extraction.

Summary:

DAERA received eight responses from stakeholders on the proposed increases to fees for licences permitting the extraction of marine minerals. Five responses were supportive (63%), and three responses did not support the proposal (37%).

Department's Response: Not applicable, DAERA notes the comments made by the anonymous response.

Department's Position: It is DAERA's intention to proceed with the proposed rates for the extraction of marine minerals set out in Table 8 of the consultation document via the Marine Licensing (Application Fees) (Amendment) Regulations (Northern Ireland) 2024.

Question 10: Should DAERA use the hourly rates set out at Table 9 to recoup the expenses it incurs in providing EIA services?

Table 9 sets out proposed hourly rates for the provision of a screening opinion, a scoping opinion and aspects of monitoring under the Marine Works (EIA) Regulations 2007, as amended.

Respondent	Comment
Aquaculture Representative Group	No , if you are changing legislation, which takes time and can't be done frequently, then the wording should be such that the rates can be increased as wages increase. So, a given rate that can be increased every x years in line with inflation.
Whiteford Geoservices Ltd	Yes , these rates are relatively low when compared to commercial rates.
Kelp Farm	No , DAERA is not a private business. These are government services designed for the betterment of society and requires government investment.
Anthony Bates Partnership on behalf of Warrenpoint Harbour Authority	No , these charges are not currently raised and if charged would represent a further increase over and above the increase in fees proposed elsewhere.
RSPB	Commented that the organisation has potential concerns regarding the potential uncertainty surrounding the varying hourly rates of staff providing marine licensing services. While RSPB has no objection to DAERA recouping these costs, they have concerns that the cost for this will be unpredictable, especially should staff absence dictate that the work must be completed by someone of a higher grade than anticipated. RSPB would be concerned that this introduces a significant amount of uncertainty which would not be conducive to ensuring full compliance with the marine construction licensing regime, and therefore potentially risking more unauthorised activity through potential applicants bypassing seeking consents, which could result in significant environmental harm. To ensure that the maximum number of people engage positively with the system, it is important that there is certainty of costs upfront.
National Trust	No , there should be one rate rather than 3 different hourly rates as the applicant does not have control over what person in the Marine Licencing team is working on their case. In addition, it would also be useful to be able to negotiate a service level agreement for larger projects so that it is easier to budget for work to be completed. This could be similar to the Pre-application Advice and Planning Performance Agreements (PPAs).
Newry, Mourne and Down Council	No , no additional comment provided.
Individual (A)	No , no additional comment provided.
Individual (B)	No , no additional comment provided.

Anonymous	No , too expensive we would like to be on the same rates charge minimum wage rates.
<p>Summary:</p> <p>DAERA received ten responses from stakeholders on the use of the hourly rates set out at Table 9 to recoup the expenses it incurs in providing EIA services. Two responses were supportive (20%) and eight responses did not support the proposal (80%).</p> <p>Department's Response: DAERA notes that the response from stakeholders to introducing fees for EIA services is predominantly negative and the comments that charging a different rate for staff involved in the process introduces an element of uncertainty into the cost of the service. DAERA also notes comments suggesting that the rates seem reasonable and a suggestion that minimum wage rates should apply. DAERA's approach had been proposed on the basis that it would allow DAERA to recoup the cost of providing the service with users paying for the level of staff involved in the process. DAERA does not wish to make a profit from providing marine licensing services and accepts that this proposed approach while fair does introduce uncertainty.</p> <p>Department's Position: DAERA will not proceed with introducing a charge for the provision of a screening opinion, a scoping opinion and aspects of monitoring under the Marine Works (EIA) Regulations 2007, as amended at this time. Further policy development will be undertaken on hourly rates and incorporated into the review of marine licensing fees that will be undertaken following the introduction of the Financial Provisions Bill.</p>	

PART 2

Question 11: Should DAERA have the power to charge a reasonable fee to recoup the cost of providing pre-application advice or other assistance?

Part 2 of the consultation documents sets out proposals to amend the Marine and Coastal Access Act 2009 to give DAERA powers similar to those enjoyed by other UK licensing authorities to make Regulations containing charges for services currently provided free such as pre-application advice etc. DAERA would undertake a fundamental review of marine licensing charges before bringing forward a new charging regime which would involve consultation with stakeholders. It is unlikely that such a review would commence until 2025.

Respondent	Comment
Aquaculture Representative Group	No , we don't want to put off applications - the costs of pre-application advice should be recovered from the application and licence fees.
Whiteford Geoservices Ltd	No , I would be worried that it might set a precedent for other planning type arrangements. Maybe you could charge a one-off fee?
Kelp Farm	No , you are not a private business.
Anthony Bates Partnership on behalf of Warrenpoint Harbour Authority	No , these charges are not currently raised and if charged would represent a further increase over and above the increase in fees proposed in Part 1 of the consultation document.
National Trust	Yes/no response not given. Comment only provided to the effect that the National Trust has received a good service from the Marine Licencing and others within the wider Marine Division and cites an example. The response expresses concern that there is the potential for more cases of potential marine licencing infractions if people and or organisations try to avoid all the different additional fees as part of the application process.
Newry, Mourne and Down Council	No , no additional comment provided.
Individual (A)	No , no additional comment provided.
Individual (B)	No , no additional comment provided.
Anonymous	No , they should be promoting businesses to complete the required forms.

Summary:

DAERA received nine responses from stakeholders on the proposal that it should have the power to charge a reasonable fee to recoup the cost of providing pre-application advice or other assistance. One response was supportive (11%), and seven responses did not support the proposal (89%), DAERA was unable to ascribe a positive or negative response to the comments provided by the National Trust.

Department's Response: DAERA notes the concerns raised by a number of respondents. In response to the issue raised by the Aquaculture Representative Group that the costs of pre-application advice should be recovered from the applicant and from Whiteford Geoservices Ltd that a one-off fee could be charged, DAERA wishes to highlight that there are instances where pre-application advice will not result in an application, or a marine licence being submitted/granted. Furthermore, the amount of pre-application advice can vary significantly between proposals. DAERA is seeking an enabling power to allow it to recoup the costs of providing pre-application advice. The detail of how this would be delivered has not yet been worked out and it is possible that a flat rate for pre-application advice and other services could be developed. DAERA will consult on the detail of any future marine licensing charging proposals.

DAERA notes comments by the Anthony Bates Partnership on behalf of Warrenpoint Harbour Authority that it would represent a further increase over and above the increase in fees proposed in Part 1 of the consultation document which DAERA accepts. DAERA also notes concerns raised by the National Trust that there is potential for more cases of marine licensing infractions if people and/or organisations try to avoid all the different additional fees as part of the application process. DAERA remains committed to enforcing the marine licensing requirements of the MCAA 2009 in a proportionate way. Additional fee income could result in a better enforcement service. Details of our enforcement policy is available from <https://www.daera-ni.gov.uk/publications/marine-licensing-compliance-enforcement>

Department's Position: DAERA has given full consideration to the issues raised and the Department's view is that it is reasonable that it should have powers similar to those available to other UK licensing authorities to make Regulations containing charges for services currently provided free of charge such as pre-application advice etc. DAERA will therefore pursue amending the MCAA 2009 to obtain such enabling powers via the Financial Provisions Bill.

DAERA wishes to highlight that it would undertake a fundamental review of marine licensing charges before bringing forward a new charging regime which would involve consultation with stakeholders. It is unlikely that such a review would commence until 2025.



Question 12: Should DAERA have the power to charge a reasonable fee to recoup the cost of monitoring compliance with licence conditions and determining an application by the licensee for a variation, suspension, revocation and/or transfer of a marine licence?

Part 2 of the consultation document sets out proposals to amend the Marine and Coastal Access Act 2009 to give DAERA powers similar to those enjoyed by other UK licensing authorities to make Regulations containing charges for services currently provided free such as monitoring compliance with licence conditions and determining an application by the licensee for a variation, suspension, revocation and/or transfer of a marine licence, etc. DAERA would undertake a fundamental review of marine licensing charges before bringing forward a new charging regime which would involve consultation with stakeholders. It is unlikely that such a review would commence until 2025.

Respondent	Comment
Aquaculture Representative Group	Yes , no additional comment provided.
Whiteford Geoservices Ltd	Yes , no additional comment provided.
Kelp Farm	No , the people who do this work already get paid and are employed by the government.
National Trust	Yes/no response not given. Comment only provided to the effect that it is not possible to agree to a 'reasonable fee' being a good idea without further information about how much all the potential additional fees are likely to cost all together.
Anthony Bates Partnership on behalf of Warrenpoint Harbour Authority	No , these charges are not currently raised and if charged would represent a further increase over and above the increase in fees proposed in Part 1 of the consultation document.
Newry, Mourne and Down Council	No , no additional comment provided.
Individual (A)	No , no additional comment provided.
Individual (B)	No , no additional comment provided.
Anonymous	No , monitoring is sent to DAERA, and the contractor has already incurred the cost of consultants and equipment to record information required for monitoring checks should be your cost.

Summary:

DAERA received nine responses from stakeholders on the proposal that it should have the power to charge a reasonable fee to recoup the cost of charging a reasonable fee to recoup the cost of monitoring compliance with licence conditions and determining an application by

the licensee for a variation, suspension, revocation and/or transfer of a marine licence. Two responses were supportive (22%), six responses did not support the proposal (67%). DAERA was unable to ascribe a positive or negative response to the comments provided by the National Trust.

Department's Response: DAERA notes the comments and accepts that these proposals amount to an additional increase in fees and wishes to highlight it would undertake a fundamental review of marine licensing charges before bringing forward a new charging regime which would involve consultation with stakeholders. It is unlikely that such a review would commence until 2025.

DAERA accepts that licensees incur the cost of consultants and equipment to record information required for monitoring checks. However, this is a cost of undertaking development in the marine environment. DAERA does not agree that it should bear the cost of interpreting monitoring data and wishes to highlight that unlike the developer the Department does not accrue financial reward from the activity.

Department's Position: DAERA has fully considered the views expressed by consultees. The Department's view is that it is reasonable that it should have powers similar to those available to other UK licensing authorities to make Regulations containing charges for services currently provided such as monitoring compliance with licence conditions and determining an application by the licensee for a variation, suspension, revocation and/or transfer of a marine licence, etc. DAERA wishes to highlight that any charges developed will be in proportion to the effort expended in analysing information and determining changes to a marine licence. DAERA will therefore pursue amending the MCAA 2009 via the Financial Provisions Bill to obtain such enabling powers. DAERA wishes to highlight that it would undertake a fundamental review of marine licensing charges before bringing forward a new charging regime which would involve consultation with stakeholders. It is unlikely that such a review would commence until 2025.



Question 13: Should DAERA have the power to require a person/organisation to pay a deposit in respect of fees payable for marine licensing services and recover a fee or deposit as a civil debt in the event that payment is not made?

Part 2 of the consultation documents sets out proposals to amend the Marine and Coastal Access Act 2009 to give DAERA powers similar to those enjoyed by other UK licensing authorities to make Regulations which require a person/organisation to pay a deposit in respect of fees payable for marine licensing services and recover a fee or deposit as a civil debt in the event that payment is not made in addition to other enforcement action such as issuing notices to vary, suspend or revoke the licence. DAERA would undertake a fundamental review of marine licensing charges before bringing forward a new charging regime which would involve consultation with stakeholders. It is unlikely that such a review would commence until 2025.

Respondent	Comment
Aquaculture Representative Group	Yes , no additional comment provided.
Whiteford Geoservices Ltd	No , no additional comment provided.
Kelp Farm	No , if the applicant can't pay it probably means they don't have the money, and you are just wasting money on court fees.
Newry, Mourne and Down Council	No , no additional comment provided.
Individual (A)	No , no additional comment provided.
Individual (B)	No , no additional comment provided.
Anonymous	No , no additional comment provided.

Summary: DAERA received seven responses from stakeholders on the proposal that it should have the power to require a person/organisation to pay a deposit in respect of fees payable for marine licensing services and recover a fee or deposit as a civil debt, in the event that payment is not made. One response was supportive (14%), and six responses did not support the proposal (86%).

Department's Response: DAERA notes that only one comment was received to the effect that if the applicant can't pay it probably means they don't have the money, and the Department could be wasting money on court fees. DAERA wishes to highlight that the charge would be in respect of a deposit for marine licensing fees and if a person does not have sufficient capital to pay a deposit for a fee for marine licence it is unlikely they will have sufficient capital to undertake the activity.

Department's Position: DAERA's view is that it is reasonable that it should have powers similar to those available to other UK licensing authorities to make Regulations which require a person/organisation to pay a deposit in respect of fees payable for marine licensing services and recover a fee or deposit as a civil debt in the event that payment is not made in addition to other enforcement action such as issuing notices to vary, suspend or revoke the licence. DAERA wishes to highlight that it would undertake a fundamental review of marine licensing charges before bringing forward a new charging regime which would involve consultation with stakeholders commencing in 2025 at the earliest.

Question 14: Should DAERA have the power to introduce an appeals mechanism against fee enforcement notices?

Part 2 of the consultation documents sets out proposals to amend the Marine and Coastal Access Act 2009 to give DAERA powers similar to those enjoyed by other UK licensing authorities to make Regulations which require a person/organisation to pay a deposit in respect of fees payable for marine licensing services and recover a fee or deposit as a civil debt in addition to other enforcement action such as issuing notices to vary, suspend or revoke the licence and an appeals mechanism against such notices. DAERA would undertake a fundamental review of marine licensing charges before bringing forward a new charging regime which would involve consultation with stakeholders. It is unlikely that such a review would commence until 2025.

Respondent	Comment
Aquaculture Representative Group	Yes , no additional comment provided.
Whiteford Geoservices Ltd	No , I don't agree with making planning fees enforceable under the law. A refusal to grant the approval or retraction of the approval would be a better mechanism.
Kelp Farm	No , no additional comment provided.
Newry, Mourne and Down Council	Yes , no additional comment provided.
Individual (A)	No , no additional comment provided.
Individual (B)	No , no additional comment provided.
Anonymous	No , this sounds like your guilty until proven innocent.

Summary:

DAERA received seven responses from stakeholders on the proposal that it should have the power to introduce an appeals mechanism against fee enforcement notices. Two responses were supportive (29%), and five responses did not support the proposal (71%).

Department's Response: DAERA notes the comments made by Whiteford Geoservices Ltd that a refusal or retraction of the approval would be a better enforcement mechanism. However, a deposit could be sought in respect of the provision of pre-application advice or considering monitoring data and as such, refusal to grant a licence would not be an effective tool. DAERA is not proposing to introduce additional fines rather a mechanism to recover a fee or deposit which has not been paid as a civil debt in addition to other enforcement action such as issuing notices to vary, suspend or revoke the licence and an appeals mechanism against such notices.

Department's Position: Having considered the comments by consultees, DAERA's view is that it is reasonable that it should have enforcement powers similar to those available to other UK licensing authorities. DAERA believes that it is important that an appeals mechanism against fee enforcement notices. DAERA wishes to highlight that further consultation with stakeholders would be part of review of marine licensing charges.

RESPONSE TO STATUTORY ASSESSMENTS

Question 15: The Section 75 Equality Screening concludes that a review of marine licensing fees is unlikely to have any impacts on people in terms of their equality of opportunity, their rights as people with a disability or their human rights under the Human Rights Act 1998.

Do you support this conclusion, and do you have any views on the content of this document or any information you wish to share with the Department?

Respondent	Comment
Aquaculture Representative Group	Yes , no additional comment provided.
Whiteford Geoservices Ltd	I support that conclusion.
Kelp Farm Business	No , no additional comment provided.
Anthony Bates Partnership on behalf of Warrenpoint Harbour Authority	Yes , no additional comment provided.
Individual (B)	No , does not support this assumption. Huge charges for any marine foreshore work or development are detrimental to people such as myself who are islanders and use the shores as access to mainland, a workplace and is central to our culture. We for generations have used the island shores for landing, shelter, processing seaweed and fish, mending/making nets/creels and living. This is part of island culture and our human rights to be able to use the shoreline without extraneous bureaucracy imposing fines from an office that knows little about the island or its people.
Anonymous	It should be confidential.

Summary:

DAERA received six responses from stakeholders on the Section 75 Equality Screening conclusion that a review of marine licensing fees is unlikely to have any impacts on people in terms of their equality of opportunity, their rights as people with a disability or their human rights under the Human Rights Act 1998. Three responses were supportive (50%), and two responses did not support the proposal (33%). DAERA was unable to ascribe a positive or negative response to the comments provided by the anonymous respondent.

Department's Response: DAERA notes that one response, from individual (B) stated that "huge charges for any marine foreshore work or development are detrimental to people such as myself who are islanders and use the shores as access to mainland, a workplace and is central to our culture. We for generations have used the island shores for landing, shelter, processing seaweed and fish, mending/making nets/creels and living. This is part of island culture and our human rights to be able to use the shoreline without extraneous bureaucracy imposing fines from an office that knows little about the island or its people". DAERA notes that increases to marine

licensing fees could impact on people who use the marine environment such as islanders. However, it is important to note that a marine licence is not required for activities such as fishing and related activities which are regulated elsewhere. The requirement to have a marine licence was introduced by the MCAA 2009 and is therefore not new. Rathlin Island is Northern Ireland's only inhabited offshore island. DAERA is aware of the [Rathlin Island Policy and Action Plan](#) which were published by the Department for Infrastructure. Future engagement on the issue could be taken forward through mechanisms established under the policy.

All screenings are available on its website under the Equality Scheme heading on the DAERA homepage.

Department's Position: Following consideration of the comments provided DAERA has prepared a further Section 75 Equality Screening which notes the comments received and concerns. However, no data was provided to support the comments made.



RESPONSE TO STATUTORY ASSESSMENTS

Question 16: The Rural Needs Impact Assessment concludes that a review of marine licensing fees is unlikely to impact on people in rural areas.

Do you support this conclusion, and do you have any views on the content of this document or any information you wish to share with the Department?

Respondent	Comment
Aquaculture Representative Group	Yes , no additional comment provided.
Whiteford Geoservices Ltd	I support that conclusion.
Kelp Farm	No , I don't support this conclusion as you are talking about increasing fees for government services of course this will have an effect on rural areas. Most harbours are in rural areas and any increase in fees will create higher costs as a knock-on effect.
Anthony Bates Partnership on behalf of Warrenpoint Harbour Authority	Yes , no additional comment provided.
Individual (B)	I do not support this assumption. Huge charges for any marine foreshore work or development are detrimental to people such as myself, who are rural islanders and use the shores as access to mainland, a workplace and is central to our culture. We for generations have used the island shores for landing, shelter, processing seaweed and fish, mending/making nets/creels and living. This is part of island culture and our human rights to be able to use the shoreline without extraneous bureaucracy imposing fines from an office that knows little about the island or its people.

Summary:

DAERA received five responses from stakeholders on the Rural Needs Impact Assessment conclusion that a review of marine licensing fees is unlikely to impact on people in rural areas. Three responses were supportive (60%) and two responses did not support the proposal (40%).

Department's Response: DAERA notes the comment from the Kelp Farm that most harbours are in rural areas and any increase in fees will create higher costs and a knock-on effect. DAERA questions the impact marine licensing fees will have on harbours in rural areas. It is likely that an increase in marine licensing fees could impact harbours in terms of fees for dredge and dredge disposal. However, DAERA wishes to highlight the exemption for dredging activities set out at section 75 of the MCAA 2009 which organisations with a Harbour Order in place can access.

DAERA also notes that increases to marine licensing fees could impact on people who use the marine environment such as islanders. DAERA accepts that there is a potential impact on this rural community and would welcome information to quantify what this could be. However, it is important to note that a marine licence is not required for activities such as fishing and associated

activities which are regulated elsewhere. The requirement to have a marine licence was introduced by the MCAA 2009 and is therefore not new. An analysis of applications for marine licences from the financial year 2018/19 to the end of the financial year 2023/24 marine licensing register suggests that approximately 60% of applications for a marine licence are from organisations which are not based in rural areas. DAERA notes that increases to marine licensing fees could impact on people who use the marine environment such as islanders. Rathlin is the only inhabited island off the coast of Northern Ireland, so the impacts are likely to be felt by this particular rural community as opposed to people more broadly in rural areas. Future engagement on the issue can be taken forward via mechanisms established by the Rathlin Island Policy and Action Plan

Department's Position: DAERA has considered the comments provided and notes that increases to marine licensing fees could impact on people who use the marine environment such as islanders. Rathlin is the only inhabited island off the coast of Northern Ireland, so the impacts are likely to be felt by this particular rural community as opposed to people more broadly in rural areas. Future engagement on the issue can be taken forward via mechanisms established by the Rathlin Island Policy and Action Plan. The RNIA has been updated to reflect the comments received and DAERA would welcome supporting data on the points raised by consultees.



RESPONSE TO REGULATORY IMPACT ASSESSMENT

Question 17: DAERA has undertaken a draft Regulatory Impact Assessment on the economic impact amending the Marine Licensing (Application Fees) Regulations (Northern Ireland) 2011 could have. Do you agree with the information contained in this document and do you have any relevant information you wish to share with the Department?

Respondent	Comment
Aquaculture Representative Group	<p>Yes, the most important aspect of this is the ability to ringfence the fees received to enable DAERA to have the resources to operate effectively, which it currently does not.</p> <p>DAERA needs to be resourced sufficiently to enforce the polluter pays principle and supporting sustainable farming, fisheries & aquaculture. Increasing cost recovery through licence fees should contribute to ensuring marine developments are appropriately mitigated.</p> <p>Good to see that monitoring licence conditions are being adhered to are also included.</p>
Whiteford Geoservices Ltd	I support that conclusion.
Anthony Bates Partnership on behalf of Warrenpoint Harbour Authority	No , options of improved efficiency and cost saving not explored. Assessment is based on cost recovery as preferred option with only alternative presented being no change.
Individual (B)	Your impact assessment has obviously missed the target completely. You should be looking at how you can be supporting rural marine communities instead of trying to just balance your books to match your unrealistic academic economics.
Anonymous	No , I do not agree any increase will have a large impact on the people who need it.

Summary:

DAERA received Five responses from stakeholders on the draft Regulatory Impact Assessment on the economic impact amending the Marine Licensing (Application Fees) Regulations (Northern Ireland) 2011 could have. Two responses were supportive (40%), and three responses did not support the proposal (60%).

Department's Response: DAERA welcomes the comments that are supportive of increasing cost recovery and ensuring compliance with licensing conditions. DAERA has identified areas where efficiency can be improved, and savings realised. Unfortunately, such improvements were not highlighted sufficiently in the consultation document. The purpose of a Regulatory Impact Assessment is to assess the economic impacts of the legislation and not to identify potential funding needs for individual sectors/communities.

Department's Position: The RIA has been updated in line with comments received as part of the consultation.

7. Next steps

Following consideration of the comments received in connection with the consultation DAERA will take the following actions subject to the necessary approvals:-

1. Introduce the revised fees set out in the consultation document at tables 1-9 via The Marine Licensing (Application Fees) (Amendment) Regulations (Northern Ireland) 2024. It is anticipated that the Regulations will become effective on 1 January 2025.
2. Seek to amend the fee charging provisions in the Marine and Coastal Access Act 2009 to ensure the Department has similar powers to those available to other UK Regulators. It is anticipated that this will be achieved via the Financial Provisions Bill which is being led by the Department of Finance and could be introduced to the Northern Ireland Assembly in 2025.
3. Include the comments received in the consultation in a new Section 75 Equality Screening and amend the Rural Needs Impact Assessment and Regulatory Impact Assessment.
4. Develop and publish guidance on the revised fees
5. Undertake further policy development on options for charging hourly rates for EIA services.

