

Version 3: 30.03.2020. Previous guidance has been reviewed, and this latest version has been produced by Cefas and approved by Defra

**Marine-based Shellfish Aquaculture:** Including the following culture methods: on-bottom (using trestles or other ground anchored support system in the inter-tidal marine or estuarine area; or relaying directly on or in the ground); off-bottom (rafts, float supported systems or longlines in the offshore marine area).

Consent required	Regulator / Authorising remit	Regulator	Contacts
<p><b>Marine licence</b></p> <p><i>Although under certain circumstances shellfish farming is exempted from requiring a marine licence, all applicants must check and notify the MMO of intention before the activity can commence.</i></p> <p><i>Covers developments out to 200NM.</i></p> <p><i>Charges may apply.</i> <i>Two hours free consultation.</i></p> <p><i>Target Time = 13 weeks after validation of application.</i></p>	<p>Licensing of marine activities under the Marine and Coastal access Act (2009). The Marine management Organisation (MMO) is responsible for screening applications to see if a licence is required.</p> <p><i>The MMO will make marine licensing decisions in accordance with the appropriate marine policy document (marine policy statement and marine plan where adopted). Applicants should consider how their proposal is in accordance with marine plans and the Marine Policy Statement, and document this within an application for an aquaculture facility to the relevant regulator.</i></p> <p>Situations when shellfish are exempted under the Marine Licencing (Exempted Activities) Order 2011.</p> <ul style="list-style-type: none"> <li>(a) To the deposit of any shellfish, trestle, raft, cage, pole, marker or line in the course of the propagation or cultivation of shellfish.</li> <li>(b) To a removal activity or dredging activity carried on for the purpose of moving shellfish within the sea in the course of its propagation or cultivation</li> </ul> <p>Those activities that are exempt must still serve a notice of intention to carry out the activity before the activity is carried on.</p> <p>Exemptions <u>do not</u> apply when deposits are made for purposes of disposal or creating, altering or maintaining an artificial reef or are likely to cause an obstruction or danger to navigation</p>	<p>Marine Management Organisation (MMO)</p>	<p>Marine Licensing Team</p> <p>0300 123 1032</p> <p><a href="mailto:marine.consents@marinemanagement.org.uk">marine.consents@marinemanagement.org.uk</a></p> <p><a href="https://www.gov.uk/make-a-marine-licence-application#overview">https://www.gov.uk/make-a-marine-licence-application#overview</a></p> <p><a href="https://www.gov.uk/do-i-need-a-marine-licence#aquaculture">https://www.gov.uk/do-i-need-a-marine-licence#aquaculture</a></p>

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<i>Processes and consultees for situations when a marine licence is required</i>			
Environmental Impact Assessment (EIA)	The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017. Applications will need screening against the above to check if an EIA is required.	Marine Management Organisation	Marine Licensing Team 0300 123 1032 <a href="mailto:marine.consents@marinemanagement.org.uk">marine.consents@marinemanagement.org.uk</a> <a href="https://www.gov.uk/marine-licensing-impact-assessments#environmental-impact-assessment">https://www.gov.uk/marine-licensing-impact-assessments#environmental-impact-assessment</a>
Habitats Risk Assessments (HRA) When an EIA is not required but site falls within a European & Ramsar conservation site.	The MMO consults assess if there are any Likely Significant Effects (LSE) on European sites or Ramsars. If none it can proceed. If an LSE then an appropriate assessment is required under the Conservation of Offshore Marine Habitats and Species Regulations 2017. This is carried out by the applicant then assessed and conditioned by the Local authority after consulting with NE, JNCC & IFCA.	Natural England, JNCC & IFCA's	Marine Licensing Team 0300 123 1032 <a href="mailto:marine.consents@marinemanagement.org.uk">marine.consents@marinemanagement.org.uk</a> <a href="https://www.gov.uk/marine-licensing-impact-assessments#HRA">https://www.gov.uk/marine-licensing-impact-assessments#HRA</a>
Seabed management out to 12NM	The Crown Estate manage the seabed and work in partnership with customers and stakeholders to support the long-term sustainable development of the seabed	Crown Estate	<a href="https://www.thecrownestate.co.uk/en-gb/contact/">https://www.thecrownestate.co.uk/en-gb/contact/</a>
Fishery regulations and bylaws		Inshore Fisheries and Conservation Authorities (IFCAs)	<a href="http://www.association-ifca.org.uk/about-us/defra-guidance-to-the-ifcas">http://www.association-ifca.org.uk/about-us/defra-guidance-to-the-ifcas</a>
Water quality and environmental issues	Water Framework Directive (2000/60/EC) The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003.	Environment Agency (EA)	<a href="https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-and-coastal-waters">https://www.gov.uk/guidance/water-framework-directive-assessment-estuarine-and-coastal-waters</a>
Safety of Navigation	As statutory Consultee to the MMO, The Maritime and Coastguard Agency considers impact on the Safety of Navigation, Search and Rescue and Counter Pollution.	The Maritime and Coastguard Agency	Tel: 023 80329184

			<a href="mailto:navigationsafety@mcga.gov.uk">navigationsafety@mcga.gov.uk</a>  <a href="https://www.gov.uk/government/organisations/maritime-and-coastguard-agency">https://www.gov.uk/government/organisations/maritime-and-coastguard-agency</a>
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<p><b>Crown Estate Seabed Lease</b></p> <p><i>Extends out to 12 NM.</i></p> <p><i>Application No charge</i></p> <p><i>Annual rental applies.</i></p> <p><i>Target time = Without reasonable delay.</i></p>	<p>The Crown Estate does not have a regulatory role. However, a seabed lease may be required and can be applied for at any time. If a marine licence has not yet been obtained then a lease options is available rather than a full lease.</p> <p>This licence only relates to the seabed, but does not confer any rights to fish or shellfish present.</p>	Crown Estate	<p>Aquaculture Leases 0131 260 6076 or 0131 260 6078</p> <p><a href="https://www.thecrownestate.co.uk/en-gb/contact/">https://www.thecrownestate.co.uk/en-gb/contact/</a></p>
<p><b>Several Order Application</b></p> <p><i>These are not mandatory, but can give security of tenure and some degree of stock protection in law to successful applicants.</i></p> <p><i>Extends out to 6 NM.</i></p>	<p>A several Order grants the successful applicant sole rights to a specific area of the seabed for one or more named shellfish species. These Orders are granted by Act of Parliament under the Sea Fisheries (Shellfish) Act 1967 as amended.</p> <p><i>The process of consultation and issue can be lengthy due to the fact that the Orders follow Parliamentary process.</i></p>	Defra	<p>Shellfish and Aquaculture Area 8A Millbank 17 Smith Square SW1P 3JR</p> <p>0207 979 8680</p> <p><a href="https://www.gov.uk/shellfisheries-several-orders-and-regulating-orders">https://www.gov.uk/shellfisheries-several-orders-and-regulating-orders</a></p>
<p><b>Navigational markers</b></p>	<p>Subsequent to receiving permission from the MMO then Trinity House need to be notified for navigational purposes.</p>	Trinity House	<p>020 7481 6900</p> <p><a href="mailto:navigation.directorate@thls.org">navigation.directorate@thls.org</a></p>

			<a href="http://www.trinityhouse.co.uk/">http://www.trinityhouse.co.uk/</a>
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<p><b>Sanitary Surveys</b> <i>Required to identify suitable sampling points for the shellfish classification monitoring (see below)</i></p>	<p>Undertake a collection of tasks termed a 'sanitary survey' to identify sources of pollution in shellfish harvesting and relay areas, and provision of a sampling plan in accordance with EC Regulation 854/2004</p>	<p>Food Standards Agency are the Competent Authority.</p>	<p><a href="https://www.food.gov.uk/business-guidance/shellfish-production-area-assessments">https://www.food.gov.uk/business-guidance/shellfish-production-area-assessments</a></p>
<p><b>Shellfish Classification</b> <i>Water and shellfish sampling is carried out by local health authorities to ensure food safety of the final product.</i></p>	<p>Classification of shellfish harvesting areas under EC Regulation 854/2004</p> <p><i>All shellfish harvested for human consumption must originate from classified waters, and the shellfish must meet minimum microbiological standards so that they are fit for human consumption. There is a requirement for shellfish producers to meet certain end product standards.</i></p>	<p>Food Standards Agency are the Competent Authority and determines the classification for each shellfish bed, Local Health Authorities carry out official control sampling</p>	<p><a href="http://www.food.gov.uk/enforcement/monitoring/shellfish/shellharvestareas">http://www.food.gov.uk/enforcement/monitoring/shellfish/shellharvestareas</a></p>
<p><b>Biotoxin Monitoring</b> <i>All shellfish harvesting areas must be assessed for the presence of harmful algal species</i></p>	<p>Biotoxin monitoring is carried out by the FSA to ensure that harvested shellfish meet certain standards and do not pose a risk to human health. This monitoring is a requirement of EC Regulation 854/2004.</p>	<p>FSA is the central competent authority and co-ordinates and funds the testing. Local authorities carry out official control sampling.</p>	<p><a href="https://www.food.gov.uk/business-guidance/shellfish-controls-information">https://www.food.gov.uk/business-guidance/shellfish-controls-information</a></p>
<p><b>Authorisation to operate an Aquaculture Production Business APB</b></p>	<p>Authorisation of aquaculture production businesses (APBs) under the Aquatic Animal Health (England &amp; Wales) Regulations 2009</p>	<p>Fish Health Inspectorate (FHI)</p>	<p>01305 206700</p>

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<p><i>(An authorisation in principle may be available before the APB is up and running)</i></p> <p>No charges</p> <p>Target time = 90 days including consultation</p>	<p><i>N.B. Authorisation for APB, Import &amp; Permitting of Alien species may all be dealt with as one by FHI in many cases.</i></p>		<p><a href="mailto:FHI@cefas.co.uk">FHI@cefas.co.uk</a></p> <p><a href="https://www.gov.uk/fish-and-shellfish-farm-authorisation-and-registration">https://www.gov.uk/fish-and-shellfish-farm-authorisation-and-registration</a></p>
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<p><i>Processes and consultees for authorisation as a shellfish APB if a Marine licence was not required.</i></p>			
<p>Assessment under the Conservation of habitats and species Regulations 2010.</p> <p><i>Target time will depend upon the data collection requirement. It will be useful for the applicant to contact Natural England for a scoping opinion.</i></p>	<p>If the farm is in a European Marine Site and it has not required a Marine licence, it will require assessment against the conservation objectives that apply to the site.</p> <p>The assessment process, if required, will involve data gathering, for which the applicant may be responsible.</p>	<p>The licensing authority (MMO, Crown Estate, FHI, issuer of the lease or other appropriate body) will take advice from Natural England or Natural Resources Wales.</p>	
<p>Advice on fishery byelaws and other local issues</p>	<p>The local IFCA responsible for the area the farm is to operate within is consulted for advice on local fishery byelaws and other relevant activities that the aquaculture operation may interact with.</p>	<p>Relevant local IFCA</p>	<p><a href="http://www.association-ifca.org.uk/">http://www.association-ifca.org.uk/</a></p>
<p>Advice on environmental impacts</p>	<p>Natural England is contacted for advice on the environmental and conservation issues that may apply to the aquaculture operation.</p>	<p>Natural England (NE) for applications in England, Natural Resources Wales (NRW) for applications in Wales.</p>	<p><a href="https://www.gov.uk/fish-and-shellfish-farm-authorisation-and-registration">https://www.gov.uk/fish-and-shellfish-farm-authorisation-and-registration</a></p> <p><a href="http://publications.naturalengland.org.uk/publication/4038539">http://publications.naturalengland.org.uk/publication/4038539</a></p>

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<p><b>Authorisation to import livestock</b> <i>Required if shellfish are to be sourced from anywhere outside England, Wales or Scotland.</i></p> <p><i>No charges</i></p> <p><i>Target time = 15 to 90 days</i></p>	<p>Authorisation to import livestock for aquaculture from EU or third countries under Aquatic animal health Directive 2006/88.</p> <p><i>N.B. Authorisation for APB, Import &amp; Permitting of Alien species may all be dealt with as one by FHI in many cases.</i></p>	<p>Fish Health Inspectorate (FHI)</p>	<p>01305 206700</p> <p><a href="mailto:FHI@cefas.co.uk">FHI@cefas.co.uk</a></p> <p><a href="https://www.gov.uk/import-or-export-live-fish-and-shellfish">https://www.gov.uk/import-or-export-live-fish-and-shellfish</a></p>
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<p><b>Permitting farming of alien species.</b></p> <p><i>No administration charges but potentially significant charges to industry to carry out risk assessments.</i></p> <p><i>Target time = 15 to 90 days</i></p>	<p>Permitting under the Alien and Locally Absent Species in Aquaculture (England &amp; Wales) Regulations 2011.</p> <p><i>N.B. Authorisation for APB, Import &amp; Permitting of Alien species may all be dealt with as one by FHI in many cases.</i></p>	<p>Fish Health Inspectorate (FHI)</p>	<p>01305 206700</p> <p><a href="mailto:FHI@cefas.co.uk">FHI@cefas.co.uk</a></p> <p><a href="https://www.gov.uk/introduce-or-keep-non-native-fish-and-shellfish">https://www.gov.uk/introduce-or-keep-non-native-fish-and-shellfish</a></p>
<p><b>Disposal of mortalities</b></p> <p><i>Whilst not an activity that requires licensing, it is a requirement for all shellfish aquaculture enterprises to follow rules on disposal of specified waste.</i></p>	<p>Council Regulation EC 1069/2009 on animal by-products defines shells from shellfish with flesh attached as Category III waste, and disposal of this should be in accordance with the local health authority rules. Shells with no flesh remaining are not treated as specified waste products and should be disposed of as normal commercial waste in accordance with Local Health Authority rules.</p>	<p>Regulation via Local Environmental Health Authorities.</p>	<p><a href="https://www.food.gov.uk/enforcement/yourarea">https://www.food.gov.uk/enforcement/yourarea</a></p>
<p><b>Inspection of vessels &amp; premises</b></p> <p><b>Local fishery bylaws</b></p>	<p>Fisheries &amp; conservation management and enforcement under the Marine and Coastal Access Act 2009, national and European legislation.</p>	<p>Inshore Fisheries and Conservation Authority (IFCA)</p>	<p><a href="http://www.association-ifca.org.uk/">http://www.association-ifca.org.uk/</a></p> <p><a href="http://www.association-ifca.org.uk/marine-protected-areas">http://www.association-ifca.org.uk/marine-protected-areas</a></p>



Centre for Environment  
Fisheries & Aquaculture  
Science



Department  
for Environment  
Food & Rural Affairs

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<b>Permitting of certain activities</b>	Management of Marine Protected Areas (MPA's), European Marine Sites (EMS) & Marine Conservations Zones (MCZ)		<a href="https://www.gov.uk/government/collections/fishing-offences-penalties-and-inspections">https://www.gov.uk/government/collections/fishing-offences-penalties-and-inspections</a>
<b>GLA Licence</b>  Shellfish gathering / food processing and packaging	The Gangmasters Licensing Authority regulates the supply of temporary labour into the fresh produce sector including those supplied to gather shellfish by hand as well as any processing and packaging of fresh produce – including shellfish and marine fish.	GLA	0345 602 5020  <a href="mailto:licensing@gla.gsi.gov.uk">licensing@gla.gsi.gov.uk</a>  <a href="http://www.gla.gov.uk/i-am-a/i-supply-workers/do-i-need-a-glaa-licence/which-activities-need-a-licence/">http://www.gla.gov.uk/i-am-a/i-supply-workers/do-i-need-a-glaa-licence/which-activities-need-a-licence/</a>