

**Land-based Marine Shellfish Aquaculture:** Including on-shore facilities for holding and rearing marine molluscs (shellfish hatcheries, including algal culture systems; abalone farming tanks using pumped sea water)

Consent required	Regulatory / Authorising remit	Regulator	Contacts
<p><b>Planning permission</b></p> <p><i>Charges apply</i></p> <p><i>Target times = 8 weeks minor, 13 weeks major or 16 weeks if EIA required.</i></p>	Granting of development consents for land based fish farms under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended	Local Authorities	<p>See relevant local authority</p> <p><a href="https://www.gov.uk/find-your-local-council">https://www.gov.uk/find-your-local-council</a></p> <p><a href="https://www.gov.uk/planning-permissions-for-farms/when-you-need-it">https://www.gov.uk/planning-permissions-for-farms/when-you-need-it</a></p>
<i>The following are the processes and consultees when planning requires an EIA, HRA or other Environmental consent.</i>			
Environmental Impact Assessment (EIA)	The local authorities will consult with relevant statutory consultees on specific environmental impacts of development proposals under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.	Local Authorities	<a href="http://planningguidance.planningportal.gov.uk/blog/guidance/environmental-impact-assessment/">http://planningguidance.planningportal.gov.uk/blog/guidance/environmental-impact-assessment/</a>
Habitats Risk Assessments (HRA) When an EIA is not required but site falls within a European & Ramsar conservation site.	The Local Authority 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 Habitats and Species Regulations 2017. This is carried out by the applicant then assessed and conditioned by the Local authority after consulting with NE & EA.	Natural England & JNCC	<a href="https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69580/pb13809-habitats-guidance.pdf">https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69580/pb13809-habitats-guidance.pdf</a>
Water Framework Directive	The Local authority will work closely with the Environment Agency (the competent Authority for WFD) and will be advised of any likely effects before issuing planning permission. Water Framework Directive (2000/60/EC). The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003	Environment Agency	<a href="http://planningguidance.planningportal.gov.uk/blog/guidance/water-supply-wastewater-and-water-quality/water-supply-wastewater-and-water-quality-considerations-for-planning-applications/">http://planningguidance.planningportal.gov.uk/blog/guidance/water-supply-wastewater-and-water-quality/water-supply-wastewater-and-water-quality-considerations-for-planning-applications/</a>

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<p><b>Marine licence</b></p> <p><i>An aquaculture facility pumping water ashore would require a licence for pumping / pipework and associated works that fall below Mean High Water Springs.</i></p> <p><i>Covers developments out to 200NM.</i></p> <p><i>Charges Apply, 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). Responsible for screening activities to see if a licence is required. (See section 66 part 4.)</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>	Marine Management Organisation	<p>Marine Licensing Team</p> <p>0300 123 1032</p> <p><a href="mailto:marine.consents@marinemangement.org.uk">marine.consents@marinemangement.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>
Environmental Impact Assessment (EIA)	Annex II of the Marine Works (Environmental Impact Assessment) Regulations 2007 as amended. Applications will need screening against the above Annex to check if an EIA is required (mainly sections 1 (f) and (g))	Marine Management Organisation	<p>Marine Licensing Team 0300 123 1032</p> <p><a href="mailto:marine.consents@marinemangement.org.uk">marine.consents@marinemangement.org.uk</a></p> <p><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></p>
<p><b>Water Abstraction &amp; Discharge Licences</b></p> <p>Abstraction consent may or may not be required, depending on circumstances. Discharge consent</p>	<p>Abstraction and Discharges under Environmental permitting regulations (England &amp; Wales) 2010</p> <p>The Water Act 2003 may be applicable if abstracting and discharging into freshwater</p>	Environment agency	<p>03708 506 506</p> <p><a href="mailto:enquiries@environment-agency.gov.uk">enquiries@environment-agency.gov.uk</a></p>

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will be required if water is returned to the marine environment.  <i>Charges apply</i>  <i>Target time = 13 weeks subject to exceptions.</i>			<a href="https://www.gov.uk/environmental-management/water">https://www.gov.uk/environmental-management/water</a>
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<b>Authorisation to operate an Aquaculture Production Business APB</b>  <i>(An authorisation in principle may be available before the APB is up and running)</i>  <i>No charges</i>  <i>Target time = 90 days including consultation</i>	Authorisation of aquaculture production businesses (APBs) under the Aquatic Animal Health (England & Wales) Regulations 2009  <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>	Fish Health Inspectorate (FHI)	01305 206700  <a href="mailto:FHI@cefas.co.uk">FHI@cefas.co.uk</a>  <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>
Processes and consultees for authorisation as a shellfish APB where planning or a marine licence has not been required (and therefore not required any Environmental assessment)			
Assessment under the Conservation of habitats and species Regulations 2017.  <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>	If the farm is in a European Marine Site it will require assessment against the conservation objectives that apply to the site.  The assessment process, if required, will involve data gathering, for which the applicant may be responsible.	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.	
Advice on fishery byelaws and other local issues	The local IFCA responsible for the area the farm is to operate within is consulted for advice on local fishery	Relevant local IFCA	<a href="http://www.association-ifca.org.uk/">http://www.association-ifca.org.uk/</a>

	byelaws and other relevant activities that the aquaculture operation may interact with.		
Advice on environmental impacts	Natural England is contacted for advice on the environmental and conservation issues that may apply to the aquaculture operation.	Natural England (NE) & Natural Resources Wales (NRW)	

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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>
<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><i>(FHI provide can advice and carryout inspection to ensure that the facility can be classed as <u>fully enclosed</u> and be exempt from permitting under ASR)</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>



Centre for Environment  
Fisheries & Aquaculture  
Science



Department  
for Environment  
Food & Rural Affairs

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<b>Disposal of mortalities</b>  <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>	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.	Regulation via Local Environmental Health Authorities.	<a href="https://www.food.gov.uk/enforcement/yourarea">https://www.food.gov.uk/enforcement/yourarea</a>
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