



Proposals to Revise Marine Licensing Fees

Consultation Paper

July 2024



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

An Roinn

**Talmhaíochta, Comhshaoil
agus Gnóthaí Tuaithe**

Department o'

**Fairmin, Environment
an' Kintra Matthers**

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Associated Documents

DAERA has completed a Section 75 Equality Screening and a Rural Needs Impact Assessment. As part of the consultation process and in line with our duties under Section 75 of the Northern Ireland Act 1998 and the Rural Needs Act (Northern Ireland) 2016, we will continue to assess the equality impacts of our proposals in Section 75 Groups and those living in rural areas on an ongoing basis.

DAERA has also completed a draft Regulatory Impact Assessment which examines the impact amending the Marine Licensing (Application Fees) Regulations (Northern Ireland) 2011 could have on businesses.

The Equality Screening, Rural Needs Impact Assessment and draft Regulatory Impact Assessment are available on the consultation website: <https://www.daera-ni.gov.uk/consultations> and can also be obtained in hard copy on request by email at: MarineLicensingFeesConsultation@daera-ni.gov.uk or by writing to:

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1. About this consultation

- 1.1 This consultation paper seeks views and comments on proposals to increase marine licensing fees from all interested parties. This consultation is likely to be of interest to businesses, operators, clubs/associations and individuals, conservation bodies and environmental groups that have an interest in the authorisation of activities which can impact on the marine environment, navigational safety, and human health.

Purpose of this consultation

- 1.2 DAERA recognises the need to keep people informed and to give people the opportunity to comment on our policy proposals. The consultation therefore invites people to answer a number of questions on proposals to increase marine licensing fees in line with the requirements of “Managing Public Money NI” in order to deliver a more effective marine licensing system.

Timing and duration of this consultation

- 1.3 The consultation will commence on the **9 July 2024** and close on the **3 September 2024**.

How to respond

- 1.4 You can respond to this consultation online by completing the Citizen Space response template which can be accessed using the link below:

<https://consultations.nidirect.gov.uk/>

Written responses should be sent to e-mail:

MarineLicensingFeesConsultation@daera-ni.gov.uk

Postal address:

Marine and Fisheries Division
Department of Agriculture, Environment and Rural Affairs
Ground Floor West
Clare House
303 Airport Road West
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- 1.5 When responding, please state whether you are doing so as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents, and where applicable, how the views of members were considered.
- 1.6 The consultation will be available in other formats upon request. You can email any queries to:

MarineLicensingFeesConsultation@daera-ni.gov.uk

2. How we consult

Consultation principles

- 2.1 The consultation can be responded to in full or in part, guided by where your interest lies. You may find it helpful to answer questions as they arise at the end of each proposal.
- 2.2 We know that not everyone will wish or feel able to answer all the questions in this consultation. You are encouraged to answer the questions you would like to respond to, but you don't have to respond to all of them. There are some questions to be answered on the 'About you' page. Once these have been completed you may submit your response.
- 2.3 In developing our proposed fees, we have undertaken research on how fees are calculated in neighbouring jurisdictions. We have also completed a Section 75 equality screening assessment form. As part of the consultation process and in line with our duties under Section 75 of the Northern Ireland Act 1998 and Rural Needs Act (Northern Ireland) 2016, we will continue to assess the equality impacts of our proposals on Section 75 Groups and those living in rural areas on an ongoing basis. We would welcome responses on potential equality and rural needs impacts you feel we may not have included.
- 2.4 Following the closing date, all responses will be analysed and considered along with other available evidence to inform recommendations from our ongoing review of marine licensing fees.
- 2.5 It will then be up to the DAERA Minister to consider how to proceed with the changes to marine licensing fees. The Minister will decide whether to proceed with the change, how to do this, and the timing of the introduction of change to marine licensing fees.

Confidentiality

- 2.6 The Department will publish a synopsis of responses to the consultation. This will include a list of names of organisations that responded but not personal names, addresses or other contact details. Your response, and all other responses to this consultation, may be disclosed on request and/or made available on the DAERA website (redacted). The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of responses as this will give you guidance on the legal position about any information given by you in response to this consultation.

- 2.7 The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 give the public a right of access to any information held by a public authority, in this case DAERA. The right of access to information includes information provided in response to a consultation.
- 2.8 The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this publication should be made public or treated as confidential.
- 2.9 The information provided in your response, excluding personal data, may be published or disclosed in accordance with the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. Any personal information you provide in your response will be handled in accordance with the UK-GDPR and will not be published.
- 2.10 If you want the non-personal information that you provide to be treated as confidential, please tell us why, but be aware that under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 we cannot guarantee confidentiality.
- 2.11 For information regarding your personal data please refer to the DAERA Privacy Statement at [DAERA Privacy Statement | Department of Agriculture, Environment and Rural Affairs \(daera-ni.gov.uk\)](#).
- 2.12 For further information about confidentiality of responses please contact the Information Commissioners Office. Please see its website at www.ico.org.uk.

3. Executive Summary

Context

- 3.1 DAERA is the marine licensing authority for the Northern Ireland inshore region (0-12 nautical miles) as set out at section 113(6)(b) of the Marine and Coastal Access Act 2009. This function is discharged by the Marine Licensing Team which sits within Marine and Fisheries Division, part of the Department's Environment, Marine and Fisheries Group.
- 3.2 Marine licensing fees are set out in the [Marine Licensing \(Application Fees\) Regulations \(Northern Ireland\) 2011](#). The fees that are chargeable for the 2024/25 financial year are available from the DAERA website <https://www.daera-ni.gov.uk/publications/marine-licensing-northern-ireland-application-fees-202122>.
- 3.3 Discharging its marine licensing function helps DAERA to support sustainable development in the Northern Ireland inshore region. There is increasing interest in the use of the Northern Ireland marine area for renewable energy and such proposals can create economic opportunities through tackling climate change and reducing greenhouse gas emissions, while protecting the marine environment. It is therefore important that DAERA delivers an effective marine licensing system to support achievement of Northern Ireland Executive policies such as the Northern Ireland Energy Strategy target to deliver 1GW of offshore wind by 2030.
- 3.4 Unlike other UK marine licensing authorities, DAERA can only charge a fee for determining an application for a marine licence. This means the Department cannot recover the cost for other related aspects of the licensing process which require Departmental resources, such as:- the provision of pre-application advice or other assistance, monitoring compliance with licensing conditions, variation, suspension, revocation, or transfer of a licence.
- 3.5 This has resulted in the Department not recouping the cost of administering licence applications contrary to public financial policy. DAERA is conscious of its responsibilities under "[Managing Public Money NI](#)". This states that, with some exceptions, "fees for services should generally be charged at cost".
- 3.6 This consultation contains two sets of proposals. In the short-term, DAERA wishes to increase marine licensing application fees to ensure that a greater proportion of the cost of determining a marine licence is met by applicants. The consultation also sets out and seeks views on proposals to amend the Marine and Coastal Access Act 2009 to enable the Department to recover the cost of the resource that it expends in discharging all of its marine licensing functions.

Structure of the consultation

3.7 The consultation seeks views on two sets of proposals:-

In **Part 1** of this consultation DAERA is seeking views on proposals to amend fees for determining applications for marine licences. DAERA has powers under the Marine and Coastal Access Act 2009 to make these changes and it can be done by amending secondary legislation. Our objective for Part 1 is to increase the Department's cost recovery rate in short term in line with "[Managing Public Money NI](#)".

3.8 DAERA income and costs for delivering marine licensing functions during the financial year 2023/24 were used to provide an accurate cost recovery rate. This information was used to calculate the amount by which fees would need to increase to fully recover the cost of determining licence applications.

3.9 Revised fee tables and a proposed revision to how fees can be amended annually to take account of inflationary pressures are presented. Also included in Part 1 are proposals to recover the expense of providing services under the Marine Works (Environmental Impact Assessment) Regulations 2007, as amended. The proposed charge for EIA services is set out as an hourly rate, based on hourly staff costs during the 2023/24 financial year.

3.10 In **Part 2** DAERA is seeking views on proposals to increase the range of marine licensing services for which the Department can recover its expenses. This would involve amending the Marine and Coastal Access Act 2009, most likely via an Act of the Northern Ireland Assembly.

3.11 Following the passage of a Bill through the Assembly and Royal Assent, further policy development would be needed along with secondary legislation in the form of Regulations which set out a new policy framework for fees.

4. The Consultation

Introduction and Background

- 4.1 The Marine and Coastal Access Act 2009 (the MCAA 2009) introduced a revised system of marine management and licensing. Section 113(6)(b) of the MCAA 2009 established DAERA as the appropriate licensing authority for the Northern Ireland inshore region (0-12 nautical miles).
- 4.2 Section 65 of the MCAA 2009 established the requirement for a marine licence for certain activities. These are set out at section 66.
- 4.3 Section 67 states that the appropriate licensing authority may require an application for a marine licence to be accompanied by a fee. This means that DAERA can only prescribe a fee for the determination of an application for a marine licence. Fees are set out in the Marine Licensing (Application Fees) Regulations (Northern Ireland) 2011 and have been amended annually in line with the application of the GDP deflator, as set out at regulation 5. The fees that are currently chargeable are available from the DAERA website <https://www.daera-ni.gov.uk/publications/marine-licensing-northern-ireland-application-fees-202122>.
- 4.4 DAERA is unable to charge a fee for other related aspects of the licensing process which require Departmental resources. These functions include the provision of pre-application advice or other assistance, monitoring compliance with the licensing condition, and variation, suspension, revocation, or transfer of a licence.
- 4.5 This has resulted in unacceptably low levels of cost recovery for the Department. 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](#)”.
- 4.6 DAERA's policy objective is therefore to introduce changes in the short term by reviewing the fees set out in the Marine Licensing (Application Fees) Regulations (Northern Ireland) 2011. In the longer term, the Department wishes to recover the cost of the resource that it expends in discharging **all** of its marine licensing functions under the MCAA 2009.

Rationale for increasing fees

- 4.7 Marine licensing is an important statutory function that directly supports sustainable development in the Northern Ireland inshore region. There is increasing interest in the use of the Northern Ireland marine area for renewable energy and such proposals can create economic opportunities through tackling climate change and reducing greenhouse gas emissions, while protecting the marine environment.

- 4.8 The Climate Change Act (Northern Ireland) 2022 places a statutory duty on DAERA to assist in the delivery of a target of net zero emissions by 2050. It also creates an ambitious target of 80% renewable electricity consumption in Northern Ireland by 2030. This is reflected in the Northern Ireland Energy Strategy which is available from the Department for the Economy [website](#).
- 4.9 The Draft Offshore Renewable Energy Action Plan has been designed to accelerate the Energy Strategy ambition, setting the pathway to achieving the deployment of 1GW of offshore wind in advance of 2030, if feasibly possible, as a crucial step to deliver 1GW of offshore wind from 2030.
- 4.10 This has implications for DAERA as the licensing authority for the Northern Ireland in-shore region. DAERA is committed to taking a collaborative approach, working across Government to ensure that activities are being taken forward in a coordinated, informed, and transparent manner. A key objective is to prioritise and streamline the process for licensing and consenting.
- 4.11 However, current budget limits mean the Marine Licensing Branch is not able to increase staff resource despite the increased scale of marine developments and associated licence applications. This presents a significant risk to achievement of the Energy Strategy target.
- 4.12 The review of marine licensing fees is an integral part of a wider project to review the marine licensing system and to make it more efficient and equitable. It is based on the principle that users should pay for the service they receive.

Marine Licensing Fees in other Jurisdictions

England

- 4.13 The Marine Management Organisation (MMO) discharges marine licensing functions on behalf of the Secretary of State in the English in-shore and off-shore regions and in the Northern Ireland off-shore region under agreements made under the provisions of section 14 of the MCAA 2009.
- 4.14 The MMO has a fee structure which comprises 3 bands, the fee for a marine licence for a Band 1 activity is £50 and the licence is issued via a self-service computer system. The MMO has two types of Band 2 applications; Band 2A is for those activities which do not fall into Band 1 and have an estimated value of less than £50,000. Band 2B activities also do not fall within Band 1 and are projects with an estimated value of £50,000 or more, but less than £1,000,000. The fee for determining Band 2 applications is an hourly rate of £122 per hour with a ceiling of £1,400 for Band 2A applications. For Band 2B applications the ceiling is £2,200. Band 3 activities are those which do not fall within bands 1 and 2 and are EIA projects for which a rate of

£122 per hour applies with no ceiling specified. Fees are also payable in respect of pre-application advice, screening, and scoping services and for varying a licence. Full details of MMO fees are available from [Marine licence fees - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/marine-licence-fees)

Wales

- 4.15 Natural Resources Wales discharges marine licensing functions on behalf of Welsh Ministers. Like the MMO it charges a pre-determined rate for determining applications for a marine licence for small to medium sized projects and an hourly rate to determine applications for complex (EIA) projects or those with an estimated value in excess of £1 million. The fee to determine an application for a marine licence for a Band 1 activity is £600. Band 2 activities are specified with reference to section 66 of the MCAA 2009 and specifically exclude EIA projects or have an estimated cost of more than £1,000,000. The fee to determine such an application is £1,920. Band 3 activities are those which do not fall within bands 1 and 2 and projects which are subject to the application of the Marine Works (EIA) Regulations 2007. Natural Resources Wales charges a rate of £120 per hour for determining Band 3 applications.
- 4.16 Natural Resources Wales charges for varying a marine licence. The fee is dependent on the complexity of the variation and not the overall size/scale of the project and ranges from £240 for administrative amendments to £480 for more complex amendments. Any amendments which require a consultation are charged at a rate of £120 per hour. Fees are also charged for pre-application advice and for EIA services.
- 4.17 Full details of Natural Resources Wales marine licensing fees are available from [Natural Resources Wales / Marine licence fees](#).

Scotland

- 4.18 The Marine Directorate Licensing Operations Team (MD-LOT) is the regulator responsible for determining marine licence applications on behalf of the Scottish Ministers in the Scottish inshore and offshore regions. The structure of marine licensing fees in Scotland is broadly similar to Northern Ireland in that a band structure which is linked to the estimated size of the project is used and there is no hourly rate. Fees for lower bands tend to be on a par or slightly lower than those charged in Northern Ireland. However, there is considerable discrepancy between fees for larger projects with fees in Scotland significantly higher than those in Northern Ireland.
- 4.19 The legal framework until very recently was broadly equivalent to Northern Ireland and marine licensing fees were chargeable in respect of determining applications only. However, section 232 of the recently enacted Levelling-Up and Regeneration Act 2023 extended some of the fee-charging powers conferred on Welsh Ministers to include Scottish Ministers. These changes have not yet been commenced.

4.20 Full details marine licensing fees are available from the webpage [Marine licensing and consenting: application fees - gov.scot \(www.gov.scot\)](https://www.gov.scot/topics/marine-licensing-and-consenting/application-fees)

Ireland

4.21 The Maritime Area Regulatory Authority (MARA) is the body responsible for licensing projects in the Irish maritime area. MARA was launched on the 17th July 2023. Fees for certain maritime usages are set out in [The Maritime Area Usage \(Licence Fees\) Regulations No. 402/2023](#).

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

Background

- 4.22 Marine licensing fees are set out in the Marine Licensing (Application Fees) Regulations (Northern Ireland) 2011. The Regulations contain fee tables for various types of activities, including offshore energy renewable energy licences which are linked to the project's power output; marine construction licences which are linked to the estimated value of the project; maintenance and capital dredging and disposal licences which are linked to the tonnage of the dredge material; a fee for the deposit of tracers and a fee for a licence to extract marine minerals (aggregates).
- 4.23 The tables were based on the types of fees charged under the previous licensing regime provided for in the Food and Environmental Protection Act 1985.
- 4.24 Regulation 5 of the Marine Licensing (Application Fees) Regulations (Northern Ireland) 2011 set out a formula which provides for an annual uplift of fees in line with the Gross Domestic Product Deflator Index (GDP deflator).
- 4.25 DAERA also has the power provided 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 regulation 3(1) and 10(4J). However, DAERA has not yet exercised these powers.

How were the proposed fee rates calculated?

- 4.26 DAERA is aware that income (receipts) from marine licensing fees is variable and outside the Department's control. During the financial year 2023/24 DAERA's income from marine licensing was £101,377. However, during this period the full cost of providing this public service was £613,210 excluding travel and subsistence. The current fee charging policy has resulted in a significant disparity between the cost of providing marine licensing services and the cost to the public purse.
- 4.27 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 this function. An assessment of applications indicated that approximately 40% of staff time was spent on determining applications.
- 4.28 Following an analysis of the 2023/24 receipts and related licensing costs, DAERA calculated that fees needed to increase by 141.95% on top of the original fee to reasonably recover the full cost of determining applications. This figure was then

applied to all fee tables with the exception of the fee for band 3 and 4 renewable licences. The proposed costs for these were calculated using the estimated cost in terms of staff resources necessary to determine the complex applications for these licences.

Marine licences for the construction of renewables

- 4.29 DAERA is conscious of its duty under The Climate Change Act (Northern Ireland) 2022 to assist in the delivery of a target of net zero emissions by 2050. It is also cognisant of the requirements of the Northern Ireland Energy Strategy and the Draft Offshore Renewable Energy Action Plan to achieve the deployment of 1GW of offshore wind in advance of 2030. Staff in the Marine Licensing Branch are engaging with potential applicants and anticipate that a number of applications for marine licences could be received in the near future.
- 4.30 Previous experience in determining applications for a marine licence for large projects has indicated that such applications are complex and require significant staff resources.
- 4.31 The proposed revised cost for determining applications for licences for projects with an estimated wattage of 0-.999 megawatts (Band R1) and 1-9.999 megawatts (Band R2) have been increased to ensure full cost recovery.
- 4.32 For larger projects DAERA estimates that determining these applications (Band R3) would take approximately a year and cost £162,465.
- 4.33 An additional band (R4) has been added to encompass projects with an estimated wattage of 1gigawatt and beyond, the cost of which is £30,000 for each additional 500 megawatt above 1.0 GW, i.e. £162,465 plus £30,000 for each additional 500 megawatt.

The proposed revised fee table for renewables is set out below.

Table 1: Revised fee table for renewables

Band	Proposed Fee
R1(Up to 0.99 MW)	£12,325
R2(1.0 to 9.99 MW)	£38,538
R3(10MW to 999.9 MW)	£162,465
New Band R4 (1.0 Gigawatt and above)	£162,465 plus £30,000 for each additional 500MW above 1.0 GW (gigawatt)

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

Yes/No.

Please insert comments

Marine licences for construction activities

- 4.34 A marine licence is required to deposit a substance or object in the UK marine area unless the activity is exempt. Applications for construction licences are the most common type of application DAERA receives.
- 4.35 The Department is conscious of its responsibilities under “Managing Public Money NI” to achieve full cost recovery but also aware that the increase necessary to achieve full cost recovery could be problematical for Small and Medium-sized Enterprises (SMEs).
- 4.36 DAERA is also aware that some activities such as depositing a marker buoy are small scale activities which typically, pose limited risk to the environment. Consequently, DAERA is therefore proposing that these are regulated in a proportionate manner and is seeking views on the introduction of two additional construction licence bands; Bands A and B.
- 4.37 Band A would apply to licensable activities with an estimated value up to £2,499 with a licence cost of £65 and Band B is for projects with an estimated value between £2,500 and £4,999, such as repairs to head walls, and would have a licence cost of £200. Based on 2023/24 fees this would represent savings to applicants of £635 and £495 respectively.
- 4.38 This would mean that the previous Band A would become B and so forth.

DAERA proposes that all other bands are increased to the levels in Table 2.

DAERA is also proposing a new band, Band L for projects with an estimated value of £50 million plus. This would have marine licensing fee of £54,450. An advantage of this approach is that it provides for a realignment of the band structure to take account inflationary pressures since 2011. The proposed marine licensing fee of £54,450 has been calculated using a ratio of 1.64, the same ratio of monetary value between the Bands “J” and “K”.

Table 2: Revised fee table for construction licences

Band (based on estimated value of the marine aspects of a project)	Proposed Fee
Band A Up to £2,499 (New Band)	New fee £65
Band B £2,500 - £4,999 (New Band)	New fee £200
Band C £5,000 - to - £19,999 (Old Band A)	£1,682
Band D £20,000 - £49,999 (Old Band B)	£2,323
Band E £50,000 - £199,999 (Old Band C)	£4,433
Band F £200,000 - £499,999 (Old Band D)	£6,378
G £500,000 - £999,999 (Old Band E)	£7,399
Band H £1,000,000 - £2,999,999 (Old Band F)	£13,852
Band I £3,000,000 - £4,999,999 (Old Band G)	£17,074
Band J £5,000,000 - £19,999,999 (Old Band H)	£20,300
Band K £20,000,000 - £49,999,999 (Old Band I)	£33,203
New Band L £50,000,000 and above	£54,450

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?

Yes/No.

<p>Please insert comments</p>
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Question 3: Should DAERA introduce a new Band B for lower value construction projects which have 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?

Yes/No.

Please insert comments

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

Yes/No.

Please insert comments

Question 5: Should DAERA introduce a new Band L for Construction licences for projects with an estimated value of £50 million plus with a marine licensing fee of £54,450?

Yes/No.

Please insert comments

Dredge and Dredge Disposal

- 4.39 Dredging and disposal of dredged material to sea are licensable activities under the MCAA 2009.
- 4.40 The MCAA was subsequently amended by the Marine and Coastal Access Act 2009 (Amendment) Regulations 2011 which added a further condition to section 75.
- 4.41 DAERA is proposing to increase existing fees for dredge and dredge disposal to ensure full cost recovery. Proposed fees are set out for maintenance and capital dredging and the disposal of dredge material and are based on the tonnage of material to be dredged and disposed of. Four additional bands have been added to the table for licences for maintenance dredging. The structure of the other tables is unchanged. The purpose of this is to correct an anomaly in the Marine Licensing (Application Fees) Regulations 2011 which contains a table for a licence to dispose of 1 million tonnes plus of dredge material. The band structure for maintenance and capital dredging and the dredge and disposal licences remains unchanged.
- 4.42 Maintenance dredge is the removal or relocation of sediment that builds up on the seafloor of existing shipping channels to maintain the required depth.

Table 3: Revised fee table for licences for maintenance dredging

Band (based on estimated dredge tonnage)	Proposed Fee
Band 1 (Up to 9,999t)	£752
Band 2 (10,000t - 24,999t)	£910
Band 3 (25,000t - 49,999t)	£1,062
New Band 4 (50,000t - 99,999t)	£1,710
New Band 5 (100,000t - 499,999t)	£3,835
New Band 6 (500,000t - 999,999t)	£5,441
New Band 7 (1,000,000t and above)	£9,175

Table 4: Revised fee table of maintenance dredge disposal

Band (based on estimated dredge tonnage)	Proposed Fee
Band 1 (Up to 9,999t)	£6,189
Band 2 (10,000t - 24,999t)	£8,449
Band 3 (25,000t - 49,999t)	£11,829
Band 4 (50,000t - 99,999t)	£16,685
Band 5 (100,000t - 499,999t)	£23,525
Band 6 (500,000t - 999,999t)	£33,203
Band 7 (1,000,000t and above)	£55,774

4.43 Capital dredge is the removal of sediments to create new or expand existing navigational channels, berthing pockets and turning basins to establish new dredge design levels. It involves the removal and relocation of previously undisturbed seabed to increase water depths.

Table 5: Revised fee table for licences for capital dredging

Band (based on estimated dredge tonnage)	Proposed Fee
Band 1 (Up to 9,999t)	£2,760
Band 2 (10,000t - 24,999t)	£3,840
Band 3 (25,000t - 49,999t)	£5,233
Band 4 (50,000t - 99,999t)	£7,384
Band 5 (100,000t - 499,999t)	£10,314
Band 6 (500,000t - 999,999t)	£14,635
Band 7 (1,000,000t and above)	£24,660

Table 6: Revised fee table of capital dredge disposal

Band (based on estimated dredge tonnage)	Proposed Fee
Band 1 (Up to 9,999t)	£8,323
Band 2 (10,000t - 24,999t)	£11,418
Band 3 (25,000t - 49,999t)	£15,255
Band 4 (50,000t - 99,999t)	£22,649
Band 5 (100,000t - 499,999t)	£31,877
Band 6 (500,000t - 999,999t)	£45,130
Band 7 (1,000,000t and above)	£76,059

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

Yes/No.

Please insert comments

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

Yes/No.

Please insert comments

Tracer dyes, biocides and other such materials, and marine minerals

4.44 DAERA is proposing to increase the existing fee for the deposit of tracer dyes, biocides and other such materials to ensure full cost recovery. The proposed fee is set out in table 7 below.

Table 7: Revised fee for the deposit of tracer dyes, biocides and other such materials.

Proposed Fee	£1,273
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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?

Yes/No.

Please insert comments

4.45 DAERA is proposing to increase the existing fees for the extraction of marine minerals to ensure full cost recovery. The proposed fee is set out in table 8 below.

Table 8: Revised fee for the extraction of marine minerals

Proposed Fee	£90,284
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Question 9: Should DAERA increase the fee for the extraction of marine minerals to the rate set out in Table 8?

Yes/No.

Please insert comments

Recouping Costs for EIA Services

4.46 DAERA can charge reasonable fees in respect of expenses incurred in providing a screening opinion, a scoping opinion and also in respect of certain aspects of monitoring under regulation 3(1) and 10(4J) of the Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended). To date the Department has not exercised this option. DAERA proposes to recover the cost of providing these services via charging an hourly rate for each grade. Staff will record their time and bills will be issued in arrears on a monthly basis.

4.47 The proposed rates for each grade have been obtained from DAERA finance and are based on 2023/24 rates. This rate includes salary and overheads such as accommodation and IT costs.

These are set out in table 9 below and are set out in the table below.

Table 9: Hourly rate for staff providing EIA services.

Grade	Hourly Rate
Senior Principal (G6)	£68
Principal Scientific Officer (G7)	£58
Senior Scientific Officer	£47
Higher Scientific Officer	£38

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

Yes/No.

Please insert comments

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

Background

- 4.48 DAERA wishes to amend the Marine and Coastal Act 2009 (MCA Act) to provide the Department with greater powers to charge fees for aspects of the marine licensing process which the Department currently delivers but is unable to recover the cost.
- 4.49 This will enable DAERA to undertake a fundamental review of marine licensing fees where options such as hourly charging can be considered. This is unlikely to commence before 2025. A Financial Provisions Bill is to be introduced to the Assembly later this year and would provide an opportunity for these changes to be made.

Situation in other UK Regions

- 4.50 Other UK regulators possess the ability to apply charges for a broader range of marine licensing services than DAERA.
- 4.51 DAERA would like to amend the MCAA in a similar way to amendments made by Part 6 of the Environment (Wales) Act 2016 which inserted a new section 67A and a new section 72A into the MCA Act.
- 4.52 Section 67A granted new powers to the Welsh Ministers to charge reasonable costs incurred in connection with the provision of advice or other assistance. Section 72A enables Welsh Ministers to charge fees for monitoring activities authorised by marine licences and assessing and interpreting the results of such monitoring as well as for dealing with applications by licensees for variations, suspensions, revocations, or transfers of a marine licence.
- 4.53 Details of the fees charged by other UK Regulators are available from the following webpages:

Organisation	Web Page
Marine Management Organisation	https://www.gov.uk/government/publications/marine-licensing-fees/marine-licensing-fees
Marine Directorate	https://www.gov.scot/publications/marine-licence-application-fees/
Natural Resources Wales	https://naturalresources.wales/permits-and-permissions/marine-licensing/marine-licensing-fees-and-charges/?lang=en

DAERA Proposals

Provision of Advice and Assistance and Charging of Fees

4.54 DAERA wishes to take powers similar to those taken by the Welsh Ministers under section 67A of the MCAA to enable it to provide advice or other assistance to prospective applicants for marine licences before they make a formal application and to be able to charge for reasonable costs incurred providing such advice or other assistance. The types of service currently provided free of charge include pre-application advice through meetings, travel to and attendance at site visits and email communication with prospective applicants on the amount and type of information necessary to enable the application to be accepted by the Department.

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

Yes/No.

Please insert comments

Charging of Fees for monitoring discharging a condition of a licence and for variation, suspension, etc. of licences

4.55 DAERA also incurs the cost of staff attending site visits and meetings, considering written information pertinent to assessing the extent of compliance with licence conditions. Monitoring in the form of interpreting data provided by the licensee or undertaking direct monitoring of the impact the licensed activity is having on the marine environment are costly in terms of staff time. These services are currently provided free of charge. The Department currently also varies, transfers, and revokes marine licences free of charge; actions which can involve the consideration of often complex information.

4.56 DAERA wishes to take a power to bring forward Regulations to set fees for the following services:

(a) monitoring compliance with the conditions of a licence.

(b) undertaking monitoring of the environmental impacts of an activity authorised by a marine licence.

- (c) assessing and interpreting the results of any monitoring of an activity authorised by a marine licence.
- (d) dealing with an application by the licensee for a variation, suspension, revocation and/or transfer of a marine licence under section 72 of the MCAA.
- (e) carrying out any investigation, examination or test which in its opinion is necessary or expedient to enable it to determine an application by a licensee for a variation, suspension, revocation and/or transfer of a licence under section 72.

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?

Yes/No.

Please insert comments

Deposits on account

4.57 DAERA wishes to take a power to bring forward Regulations which would require persons to pay deposits on account in respect of fees payable for marine licensing services. DAERA also wishes to take a power which would allow it to recover a fee or deposit charged as a civil debt in addition to any other action that may be taken by it such as issuing notices to vary, suspend or revoke the licence. This would ensure, that if the Department moves to a fee model involving hourly charging that it can charge a deposit for these services and have options to ensure fees are paid. DAERA would also introduce an appeals mechanism against such fee enforcement notices.

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?

Yes/No.

Please insert comments

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

Yes/No.

Please insert comments

Comments on the Assessments

4.58 DAERA has completed a Section 75 Equality Screening, a Rural Needs Impact Assessment and a draft Regulatory Impact Assessment which examines the impact amending the Marine Licensing (Application Fees) Regulations (Northern Ireland) 2011 could have.

4.59 These documents are available on the consultation website <insert website details> and can also be obtained in hard copy on request by email at MarineLicensingFeesConsultation@daera-ni.gov.uk or by writing to:

Marine and Fisheries Division
Department of Agriculture, Environment and Rural Affairs
Ground Floor West
Clare House
303 Airport Road West
Sydenham Intake
Belfast
BT3 9ED

4.60 DAERA would like your views on these documents and would be grateful if you could answer the following questions:

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?

Yes/No.

Please insert comments

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?

Yes/No.

Please insert comments

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 or any relevant information you wish to share with the Department?

Yes/No.

Please insert comments

ANNEX A: List of consultation questions

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

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?

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?

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

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?

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

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

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?

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

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

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

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?

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?

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

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?

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?

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?

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