



Llywodraeth Cymru  
Welsh Government



# Marine Licensing in Wales Roles and Responsibilities

February 2023

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Cover Image: Visit Wales

## Purpose

This document sets out the roles and responsibilities of the Welsh Ministers and Natural Resources Wales (NRW) in relation to the delivery of marine licensing in Wales. The document also sets out the Welsh Ministers ambitions for marine licensing, and a commitment towards the continuous improvement of the process to ensure it remains fit for the future.

## Marine Licensing

The Marine and Coastal Access Act 2009 (“the Act”) established the marine licensing process. The process, set out in Part 4 of the Act regulates certain activities within the marine environment<sup>1</sup> to ensure the environment and human health are protected and activities do not interfere with other legitimate uses of the sea.

Marine Licensing helps to ensure our seas are used sustainably now and for future generations in line with the Welsh National Marine Plan, supporting Wales’ well-being goals and the delivery of Programme for Government commitments.

The process is well-established but will continue to evolve, securing positive outcomes through the sustainable management of natural resources and ensuring applicants benefit from a high-quality experience.

## Role and Responsibilities

### The Welsh Ministers

The Act defines the Welsh Ministers as the marine licensing authority and the appeals body in respect of Welsh waters<sup>2</sup>. In 2013, the Welsh Ministers delegated the administration and determination of marine licence applications to NRW<sup>3</sup>.

The Welsh Ministers retain responsibility for setting overall policy direction for marine licensing, managing appeals against a marine licensing decision and the making of secondary legislation to support the process (for example, setting of application fees and charges and exempted activities). Responsibilities also include periodically reviewing secondary legislation to ensure it remains fit for purpose.

The Act also defines the Welsh Ministers as the enforcement authority in respect of marine licensing in Welsh waters. Enforcement is carried out by the Welsh Government’s Marine Enforcement Officers (MEO).

### Enforcement

MEO's have a range of powers in respect of marine licensing. These powers are set out in Part 4 of the Act<sup>4</sup>. Generally, MEOs have two operational roles:

- 1) Inspection of projects, applying a risk-based approach, ensuring licence holders are complying with the terms and conditions of a licence,
- 2) Enforcement action (prosecution) against any breach of requirement for, or conditions of, a licence in line with Section 85 of the Act, this includes liaison with NRW to establish whether a breach has occurred.

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1 [www.legislation.gov.uk/ukpga/2009/23/section/66](http://www.legislation.gov.uk/ukpga/2009/23/section/66)

2 [www.legislation.gov.uk/ukpga/2009/23/part/4/chapter/5/crossheading/interpretation](http://www.legislation.gov.uk/ukpga/2009/23/part/4/chapter/5/crossheading/interpretation)

3 [Marine Licensing \(Delegation of Functions\) \(Wales\) Order 2013, Marine Licensing \(Delegation of Functions\) \(Wales\) Order 2017](#)

4 [www.legislation.gov.uk/ukpga/2009/23/part/4/chapter/3](http://www.legislation.gov.uk/ukpga/2009/23/part/4/chapter/3)

## Natural Resources Wales

NRW was established under the [Natural Resources Body for Wales \(Establishment\) Order 2012](#). It has a dual role in respect of marine licensing.

The Marine Licensing Team determines marine licence applications acting on behalf of the Welsh Ministers, with technical advisors providing advice to the Marine Licensing Team in their capacity as the Statutory Nature Conservation Body for Welsh inshore waters. NRW has governance arrangements in place to ensure there is clear separation of functions between its responsibilities for marine licensing and other functions.

When undertaking its delegated responsibilities for the administration and determination of applications for a marine licence on behalf of the Welsh Ministers, NRW does so acting in accordance with Part 4 of the Act and with a wide range of other [legislation](#) to support the sustainable use of Welsh waters. [Regulatory Principles](#) help guide its decision making.

To provide transparency in decision making NRW maintains a [public register](#) as required by the Act, which provides public access to application documentation and decisions. Where considered necessary, [position statements](#) for projects considered to be of high public interest are provided to ensure interested parties are kept up to date on matters during the determination process.

Main point of contact for marine licensing queries:

[marinelicensing@naturalresourceswales.gov.uk](mailto:marinelicensing@naturalresourceswales.gov.uk)

[naturalresources.wales/permits-and-permissions/marine-licensing/?lang=en](https://naturalresources.wales/permits-and-permissions/marine-licensing/?lang=en)

## Welsh Ministers Commitment

Marine Licensing is a shared responsibility between the Welsh Government and NRW. In partnership we ensure the process is **fair, fit for purpose, robust and transparent**. As the licensing authority, the Welsh Ministers ambition is for marine licensing to be:

- **Responsive:** by seeking feedback from users on how well the process is operating and where improvements could be made, monitoring performance and reporting on performance and successes.
- **Enabling:** presuming in favour of the sustainable development of the Welsh marine area as set out in the [Welsh National Marine Plan](#), and tailoring approaches to the needs of applicants, recognising that not all projects are the same and not all sectors are well-established, with some needing greater support and a more adaptive approach to licensing.
- **Flexible:** adopting a 'learn by doing' approach, if appropriate evidence is not immediately available, and learning from the experiences of other regulators to develop a learning culture in support of adaptive decision-making.
- **Efficient:** with timely decisions, streamlining with other consenting regimes where possible to maximise use of existing knowledge and data.
- **Forward looking:** anticipating and responding early to societal, technological and environmental change by systematically exploring future trends and developments, ensuring available resources are aligned.

- **Proportionate:** encouraging a focus on the key significant impacts, by retiring lower risk issues from Environmental Impact Assessments (where appropriate and evidence supports this approach) and using the best available evidence (from Wales and elsewhere) to inform decisions.
- **Transparent:** ensuring the marine licensing process is understood by all using clear and accessible language and by providing clarity on roles, with online capabilities to enable applicants and interested parties the ability to interrogate and follow progress of applications.
- **Collaborative:** solutions focused, creating meaningful interactions that build on mutual understanding, respect and openness and the provision of clear advice and guidance.

## **Governance and Reporting**

To ensure the Welsh Ministers marine licensing function continues to support the sustainable use of Welsh waters, the Welsh Government and NRW regularly discuss strategic matters associated with marine licensing and enforcement. Opportunities to improve the process are considered and jointly agreed.

NRW reports to the Welsh Ministers on its delivery of marine licensing, which includes updates on work underway to secure efficiencies and any key lessons learnt to inform future improvements.