



Llywodraeth Cymru
Welsh Government

Marine and Coastal Access Act (2009) – Section 74 Exemptions

Guidance relating to the Marine Licensing (Exempted Activities) (Wales) Order 2011,
as amended by the Marine Licensing (Exempted Activities) (Wales) (Amendment)
Order 2026

April 2026



Contents

Introduction	3
Marine Licence Exemptions	3
Common Conditions for Exemptions.....	6
Other permissions	7
Good Practice Guidance.....	8
Review of Exempted Activities.....	8
Explanation of certain terms used in the guidance and the Marine Licensing (Exempted Activities) Order 2011 (as amended).....	9

Cover Image: Harbourmaster, Aberaeron, Ceredigion

Introduction

The Marine and Coastal Access Act 2009 (“the Act”) established the marine licensing process and defines the Welsh Ministers as the appropriate licensing authority for Welsh waters (inshore and offshore regions). Marine licensing enables sustainable development in the Welsh marine area, ensuring regulated activities do not impact the environment, human health or interfere with other legitimate uses of the sea.

Section 66 of the Act identifies the types of activities that require a marine licence. A marine licence is generally required for the following types of activities:

- All forms of dredging.
- Construction activities.
- Deposits using a vehicle or vessel of substances or objects in the sea, on or under the seabed.
- Removal of objects from the seabed using a vehicle or vessel.

Section 74 of the Act enables the Welsh Ministers to make an order setting out the activities that do not require a marine licence, or do not require a marine licence if certain conditions are met. These are called exempted activities. Part 4, Chapter 2 of the Act also provides for certain exemptions and special cases where a marine licence may not be required. This guidance applies only to exemptions specified by an order made under Section 74 of the Act.

Natural Resources Wales carries out the administration of marine licensing on behalf of the Welsh Ministers. Any queries relating to the need for a marine licence should be directed to:
marinelicensing@naturalresourceswales.gov.uk

Marine Licence Exemptions

Exemptions enable day to day and low risk activities to be carried out without the need to apply for a Marine Licence. Exemptions can reduce the regulatory burden on activities subject to other regulatory controls, such as fishing, and they allow works to be taken to respond to an emergency, ensuring the safety of life, property and vessels.

The marine licence exemptions specified by an order are set out in the Marine Licensing (Exempted Activities) (Wales) Order 2011, amended by the Marine Licensing (Exempted Activities) (Wales) (Amendment) Order 2026.

If you intend to rely on an exemption from the need for a Marine Licence, it is your responsibility to ensure the activity you are planning fully meets the exemption and any conditions imposed. It is possible an exemption might apply in whole or partly apply to your proposed activity. Where the full conditions of the exemption cannot be met a Marine Licence is required.

Enforcement action might be taken against you if it is later determined that the activity, or the circumstances in which it was carried out, is not consistent with the terms of the relevant exemption. Should enforcement action be undertaken, to establish if a breach of the exemption has occurred you may be asked to provide written evidence of any discussions with the relevant statutory nature conservation body, The Maritime and Coastguard Agency, Trinity House and the Ministry of Defence, depending on the relevant exemption.

Under the Act the Welsh Ministers are the enforcement authority for marine licensing. Enforcement is carried out by Welsh Government Marine Enforcement Officers (MEOs).

Exempted Activities

The exempted activities have been grouped below into related themes for the purpose of this guidance. You must refer to The Marine Licensing (Exempted Activities) (Wales) Order 2011, as amended by The Marine Licensing (Exempted Activities) (Wales) (Amendment) Order 2026 for the specific details of each exemption and any necessary conditions.

Dredging

- Dredging for Harbour Authorities
- Navigational maintenance dredging
- Deposits in the course of aggregates or mineral dredging

Emergency, safety, and training

- Emergency works in response to flood or flood risk
- Cables and pipelines – authorised emergency inspection and repair
- Accidental deposits
- Removal of obstruction or danger to navigation
- Coastguard activities – safety purposes and training
- Flares and other such items for safety purposes and training
- Safety directions under the Merchant Shipping Act 1995
- Fire fighting
- Air accident investigation

Fishing and shellfish

- Fishing operations
- Shellfish propagation and cultivation

Ground investigation

- Seabed grab sampling
- Vibrocore sampling
- Trial Pits
- Boreholes

Habitat restoration

- Seagrass restoration

Litter

- Recovery of marine litter
- Use of vehicles or vessels by harbour authorities, NRW and environmental charities to remove marine litter, debris and dead animals

Maintenance and upgrading works

- Maintenance and upgrades to coastal protection, drainage and flood defence works
- Maintenance of existing bridges and cantilevered structures, including piers and jetties

Markers, moorings, and pontoons

- Moorings and aids to navigation
- Temporary markers (maximum 28-day limit)
- Pontoons
- Markers for European marine sites and marine conservation zones
- Diver trails within restricted areas

Pollution response

- Deposit of equipment to control, contain or recover oil
- Deposit of marine chemical and marine oil treatment substances
- Activities falling within Part 6 of the Merchant Shipping Act 1995

Scientific research

- Scientific equipment and instruments
- Tracers and reagents

Vessels

- Launching of vessels
- Deposits in the course of normal navigation
- Dismantling of ships
- Salvage activities
- Rights of foreign vessels under international law
- Loading of vessels for incineration outside of Wales, Welsh inshore or offshore region
- In-water hull cleaning
- Removal of abandoned or derelict vessels

Other

- Bored tunnel
- Removal and deposit of windblown sand
- Discharge of offshore chemicals and oil
- Dry dock facilities
- Firework Displays
- Samples for testing and analysis

Common Conditions for Exemptions

Most exemptions contain conditions which must be satisfied before the exemption can be applied. If the conditions of the exemption cannot be met, a Marine Licence must be applied for and is required. **Any breach of the exemption terms and conditions may result in enforcement action.**

The conditions vary from one exemption to another. You must refer to the Marine Licensing (Exempted Activities) (Wales) Order 2011, as amended by the Marine Licensing (Exempted Activities) (Wales) (Amendment) Order 2026, for the conditions relevant to each exemption. The most common conditions are:

Assessment of risk to navigation – to determine whether your proposed activity causes or is likely to cause obstruction or danger to navigation you must engage with the following, retaining a record of your discussion with these authorities for compliance and enforcement purposes. You must also confirm to the following that their advice has been followed.

- The Maritime and Coastguard Agency – navigationsafety@mcga.gov.uk
- Trinity House – navigation@trinityhouse.co.uk
- Relevant Harbour Authority (if applicable).

Assessment of risk to the environment – to determine if your proposed activity is likely to have a significant effect on a marine protected area, sensitive seabed habitat or the sustainable management of natural resources, you must engage with the following, retaining a record of discussion for compliance and enforcement purposes. You should also follow any relevant guidance, as appropriate, produced by the relevant statutory nature conservation body.

- Natural Resources Wales – statutory nature conservation body for the Welsh inshore region: marine.advice@cyfoethnaturiolcymru.gov.uk
- Joint Nature Conservation Committee – statutory nature conservation body for the Welsh offshore region.

Assessment of risk to a protected wreck/historic asset – to determine if your proposed activity is likely to impact the historic environment or any protected wreck you must engage with the following, retaining a record of discussions for compliance and enforcement purposes:

- Cadw – scheduledmonuments@gov.wales
- Royal Commission on the Ancient and Historical Monuments of Wales: nmr.wales@rchmw.gov.uk

Assessment of impact to Ministry of Defence designated Danger Areas and Practice & Exercise Areas – you must seek advice and/or prior approval from the Ministry of Defence (MoD) if you propose to carry out an exempted activity within or near to an MoD designated Danger Areas and Practice & Exercise Areas: DIO-Safeguarding-Offshore@mod.gov.uk

Designated Danger Areas and Practice and Exercise Areas can be viewed on the Marine Planning Portal: [Marine planning portal | GOV.WALES](#).

Information to inform discussions

To inform your discussions with the authorities referred to above, you are likely to be required to provide details of your proposed activity, including the location (with latitude and longitude coordinates), timings of the proposed activity and the methodology for carrying out the proposed activity. It should also detail any local consultation undertaken in preparation for site selection.

The information you provide to inform your discussions with the navigation authorities should also include, but is not limited to, the current level of vessel activity (commercial and recreation) at the location of your proposed activity. You should also consider the potential impact of your proposed activity on other marine users, including considering whether issuing a Notice to Mariners is required to inform other sea users of your planned activities.

The Marine Planning Portal: [Marine planning portal | GOV.WALES](#) can be used to inform your understanding of the likely impacts your proposed activity could have on other sea users and the marine environment.

Prior Notification – Where a person intends to carry out an exempted activity following discussion and advice from the authorities above, prior notification of the intention to carry out an exempted activity must be given to the following:

- The Maritime and Coastguard Agency, at least 15 days prior to any activity taking place.
- Trinity House, at least 15 days prior to any activity taking place.
- UK Hydrographic Office, at least 5 days prior to any activity taking place.
- Ministry of Defence, at least 15 days prior to any activity taking place.

In addition to the above authorities, while not a condition of the exemptions, any person wishing to rely on an exemption should provide prior notification to the following, at least 15 days prior to any activity commencing:

- Natural Resources Wales Marine Licensing Team: marinelicensing@naturalresourceswales.gov.uk
- Welsh Government's Marine Enforcement Team: marinelicensingenforcement@gov.wales

All prior notifications to the authorities above must detail the date of the intended works and the exemption being relied on. The owner of the activity being carried out must also ensure that all contractors and sub-contractors working on their behalf are aware of what exemption is being relied on and the exact terms and conditions of the exemption. This is to ensure the activity is carried out in line with the requirements of the exemption.

Other permissions

Marine licence exemptions, where they apply, do not remove the requirement for you to secure all other consents or permissions needed for your proposed activity. For example, it is likely you may require permission from the relevant local planning authority if your proposed activity is located above the Mean Low Water Mark and could have landward impacts. You are encouraged to speak to the relevant local planning authority before you begin any works.

You will also require a landowner agreement from The Crown Estate if the activity interacts with the foreshore (the land between mean high and mean low water mark) or seabed that they manage.

A map of The Crown Estate's foreshore and estuary ownership is available on its [Open Data Portal](#).

For exempted survey activities that physically interact with the seabed or foreshore under ownership of The Crown Estate a [Seabed Survey Licence \(SSL\)](#) or [Coastal Survey Licence \(CSL\)](#) from The Crown Estate will be required. For enquiries regarding SSLs please email consents@thecrownestate.co.uk or CoastalTeam@thecrownestate.co.uk regarding CSLs. For further information, please refer to the appropriate webpages on The Crown Estate website: [Licensing & guidelines | The Crown Estate](#).

It is advisable to speak to other authorities responsible for issuing consents or permissions as early as possible and before you undertake any work.

Marine licence exemptions also do not absolve any other public authority from complying with their own legal duties under relevant legislation.

Good Practice Guidance

It is advised that the following good practice is considered and applied before undertaking any exempted activity:

- Pollution prevention measures – please refer to NRW website for guidance on suitable or necessary pollution prevention measures.
- Invasive Non-native Species Biosecurity Assessment – please refer to NRW website for further details.
- Protocol for Archaeological Discoveries (PAD) in Wales, overseen by the Royal Commission on the Ancient and Historical Monuments of Wales.

Review of Exempted Activities

It is good practice to periodically review exemptions to ensure it remains appropriate to continue to exempt activities from the marine licensing process, having regard to the Welsh Ministers requirements under the Act to protect the environment, human health and other sea users. We intend to review exempted activities every 5 years, unless a specific need is identified to review exemptions sooner.

Explanation of certain terms used in the guidance and the Marine Licensing (Exempted Activities) Order 2011 (as amended)

Capital Dredging	Capital dredging is dredging in an area and to a depth not previously dredged, or to a depth not dredged within the last 10 years.
Chart datum	In the British Isles, Chart Datum is approximately, the level of the Lowest Astronomical Tide (LAT).
Debris	Includes remnants from something that has been destroyed or pieces of unwanted or discarded material that may be spread around.
Designated Danger Areas and Practice and Exercise Areas	Ministry of Defence Designated Danger Areas and Practice and Exercise areas, designated for the purpose of military testing, training exercises or deployments.
Emergency Work	<p>An emergency, relevant to marine licensing is a situation, which, if not urgently remedied or actioned could cause severe consequences to human health, safety of navigation, the environment, property, including publicly owned infrastructure.</p> <p>Exemptions enabling works to be carried out to deal with an emergency do not apply where there has been failure to maintain an asset prior to an emergency.</p>
Intertidal Area	The area between the level of mean high water spring tides and the level of mean low water spring tides.
Maintenance	Means the upkeep, minor repairs or reasonable improvements of an existing structure or asset wholly within its existing boundaries. It does not include significant alterations.
Marine Litter	Any persistent, manufactured or processed solid material discarded, disposed of or abandoned in the marine and coastal environment. The definition of marine litter for the purpose of marine licence exemptions does not extend to dumped munitions.
Marine Protected Area	A general term used to describe the following designated sites in the marine area for the purpose of nature conservation: Special Area of Conservation, Special Protection Area, Marine Conservation Zone, Ramsar Site and Sites of Special Scientific Interest.
Routine Minor Works	Routine minor works includes, but is not limited to, the replacement and upkeep of ancillary assets of structures, such as installation of lights, signage, work to pathways, fencing and road surfacing.
Scientific survey or experiment	Is a campaign of surveying the marine environment for the purpose of scientific observation and/or analysis.