

Aquaculture Development in Wales:

Pre-Application Regulator/Authority Consultation Guidance for Developers

The organisations listed below are those that either regulate aquaculture development, routinely advise regulators, or grant seabed and foreshore title rights. Failure to acquire the required consents or agreement on favourable recommendations for those consents, or to secure seabed/foreshore rights, will preclude any development. It is therefore essential that all those authorities relevant to the development proposed are consulted at an early stage to identify any significant issues prior to proceeding with any formal application process.

Regulator/Authority	Regulatory/Authorising Remit	Consent/Authorisation	Applicable Species		
			Finfish	Shellfish	Seaweed
Local Authorities	Granting of development consents for land based fish farms. Potential consultee for marine based aquaculture developments.	Planning Permission.	Yes	Yes	Yes
	Environmental Health Roles Disposal of finfish and shellfish mortalities for onshore farming unless a notifiable disease, then Fish Health Inspectorate have overall responsibility Competent authority under nature conservation directives*	Environmental Health	Yes	Yes	Yes
Natural Resources Wales (NRW)	Licensing of marine activities under the Marine and Coastal Access Act (2009) e.g. finfish and shellfish farms.	Marine Licence.	Yes	Yes**	Yes***
	NRW provide advice to Welsh Government as their statutory nature conservation advisor. Statutory consultees/advisors to other competent authorities' EIA, HRA or WFD assessments e.g. Local Authorities planning permission. NRW are the Appropriate agency for WFD.	Planning permission advice and protected area advice.	Yes	Yes	Yes

	<p>Licence waste and veterinary discharges from fin fish farms & Abstraction and Discharges under Environmental Permitting Regulations (England & Wales) 2010 (as amended).</p> <p>NRW are responsible to improve or protect the Shellfish Water Protected Areas to support shellfish life and growth, and to contribute to the high quality of shellfish products suitable for human consumption.</p> <p>Permission to supply and introduce fish into Inland waters. The Keeping and Introduction of Fish (Wales) Regulations 2014</p> <p>Manage the Dee and Burry Cockle Regulating Orders</p> <p>Competent authority under nature conservation directives*</p>	<p>Abstraction & Discharge Permits.</p> <p>Shellfish Waters management & Consultee for FHI APB licensing</p> <p>Licenses freshwater fish culture and introductions</p> <p>Manage Regulatory Orders</p>	<p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p>	<p>Yes</p> <p>Yes</p> <p>No</p> <p>Yes</p>	<p>If part of RAS yes</p> <p>No</p> <p>No</p> <p>No</p>
Welsh Government (WG)	<p>Fisheries management, conservation and enforcement under the Marine and Coastal Access Act 2009, national and European fisheries legislation including the issuing of Several and Regulating Orders under the Sea Fisheries (Shellfish) Act 1967.</p> <p>Marine Spatial Planning including identification of aquaculture areas in Welsh seas and links to Welsh Aquaculture Strategy</p> <p>Designation of Shellfish Waters under the Water Framework Directive. WG are the appropriate authority for WFD</p> <p>Competent authority under nature conservation directives*</p>	<p>Permitting and regulation of certain activities.</p> <p>Identification of preferred areas for aquaculture.</p> <p>WFD shellfish waters designation.</p>	<p>Yes</p> <p>Yes</p> <p>No</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p> <p>No</p>

Fish Health Inspectorate (FHI)	Authorisation of aquaculture production businesses (APBs) under the Aquatic Animal Health (England & Wales) Regulations 2009	Authorisation to operate an APB	Yes	Yes	No
	Authorise the import of live fish and shellfish under the Aquatic Animal Health Directive 2006/88, and CITES where applicable	Authorisation to import livestock	Yes	Yes	No
	Permitting under the Alien and Locally Absent Species in Aquaculture (England & Wales) Regulations 2011. Lobster licensing.	Permitting farming of alien species.	Yes	Yes	Yes
	Disposal of shellfish mortality in farmed fish and shellfish where notifiable disease involved	Notifiable disease reporting and disposal	Yes	Yes	No
	Assist VMD and APHA with inspections regarding medicated feed and transport of live fish	Inspections on behalf of VMD and APHA	Yes	No	No
	Competent/regulatory authority under nature conservation directives where APBs fall within a European protected area (Special Protected Area, Special Area of Conservation or Ramsar Site)*	Habitats Risk Assessment (HRA)	Yes	Yes	No
Centre for Environment Fisheries & Aquaculture science (Cefas).	Advisors to regulating authorities on certain environmental impacts of development proposals.	Environmental Impact Assessment (EIA)	Yes	Yes	Yes
	Where Cefas/FHI act as a regulatory authority they have a responsibility to carry out such HRA's, unless another regulatory body involved at an earlier stage of any given development has already carried out such an HRA.*	Habitats Risk Assessment (HRA)	Yes	Yes	No

<p>Food Standards Agency (FSA)</p>	<p>Classification and administration of shellfish harvesting areas (shellfish classified waters) and bio-toxin monitoring under Shellfish Hygiene Directive (EC Regulation 854/2004).</p> <p>Approval of shellfish purification plants under EC Regulation 853/2004, laying down specific hygiene rules for food of animal origin.</p> <p>Competent authority under nature conservation directives*</p>	<p>Classification of safe areas for shellfish aquaculture and biotoxin monitoring</p> <p>Approval of purification plants for shellfish</p>	<p>No</p> <p>No</p>	<p>Yes</p> <p>Yes</p>	<p>No</p> <p>No</p>
<p>Landowners including The Crown Estate (CE) and Swangrove Estate (SE) and Port Authorities</p>	<p>Grant seabed/foreshore rights for aquaculture developments</p> <p>Competent authority under nature conservation directives*</p>	<p>Seabed/Foreshore Lease</p>	<p>Yes</p>	<p>Yes****</p>	<p>Yes</p>
<p>Maritime & Coastguard Agency (MCA)</p>	<p>Works towards the prevention of the loss of life on the coast and at sea. Production of legislation and guidance on maritime matters, and provide certification to seafarers.</p> <p>MCA need to confirm no hazard to navigation for activities exempt from a marine licence.</p>	<p>Documentation/training of Seafarers, Seafarer Safety and Health, Counter Pollution, Environmental Policy, Search and Rescue, Survey and Inspection, Ship Standards, Enforcement, Receiver of Wreck</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>
<p>Trinity House</p>	<p>Trinity House are required to be contacted after receiving a marine license to determine if navigational markers are required for any aquaculture infrastructure.</p>	<p>Safety of navigation (markers)</p>	<p>Yes</p>	<p>Yes</p>	<p>Yes</p>
<p>Veterinary Medicines Directorate (VMD)</p>	<p>Protects animal health, human health and the environment. Sampling and monitoring of aquaculture premises.</p>	<p>Authorisations of approved medicine and</p>	<p>Yes</p>	<p>No</p>	<p>No</p>

	Use of Medicated Feed and other medicines in fish farming.	approval for manufacture of medicated feeds.			
Animal and Plant Health Agency (APHA)	<p>Notifiable disease regulation and reporting alongside FHI; fish mortalities reporting (via local authorities)</p> <p>Animal welfare in transport, on farm and during slaughter. APHA issue licences to all transporters of live animals under the Animal Welfare in Transport Regulations. Those fish farmers (or traders in ornamental animals) who transport their own animals, or specialist companies transporting fish must be licensed.</p> <p>Competent authority under nature conservation directives*</p>	<p>Notifiable disease reporting</p> <p>Animal Transport Certificates and Transporter Authorisation</p>	Yes	Yes	No
Gangmasters Licensing Authority (GLA)	Protection of workers from exploitation set up under the Gangmasters (Licensing) Act 2004. The GLA regulates those who provide or employ workers to gather shellfish by hand. It would also cover those who supply workers to carry out processing and packaging of any fish or shellfish and any associated products.	GLA Licence	Possibly	Possibly	No

* May be required to undertake an EIA, HRA or WFD assessment. The responsibility to produce HRAs for aquaculture plans or projects will depend upon the location and the activity. However, if more than one permission is needed from multiple competent authorities, not all competent authorities should produce individual HRAs for the same development. Rather, they should coordinate, identify a lead and make sure the subsequent HRA is fit for purpose for all agencies roles and responsibilities. There is some emphasis on the applicant here to ensure all relevant authorities are aware of who they have approached and to provide the relevant supporting information for the authorities to undertake the assessment.

** In certain circumstances depending on the infrastructure involved shellfish cultivation is exempt under The Marine Licensing (Exempted Activities) (Wales) Order 2011; the applicant needs to check if their proposal is exempt by contacting NRW, and to see if the proposal is likely to cause an obstruction or danger to navigation by contacting the MCA and Trinity House.

*** Seaweed cultivation is currently not covered specifically under marine licensing or the Marine Licensing (Exempted Activities) (Wales) Order 2011, but infrastructure is similar (rope and line) to shellfish. The applicant needs to check if their proposal is exempt by contacting NRW, and to see if the proposal is likely to cause an obstruction or danger to navigation by contacting the MCA and Trinity house

**** Shellfish farms located on the foreshore may fall on non-Crown land and may therefore require permission from the specific landowner.

Contact Details

Regulator/Authority	E-mail	Telephone	Website
Local Authorities	See weblink	See weblink	http://wlga.wales/welsh-local-authority-links
Natural Resources Wales	<p>Marine licensing: marinelicensing@naturalresourceswales.gov.uk</p> <p>Water abstraction and discharge: permitreceiptcentre@naturalresourceswales.gov.uk</p> <p>EIA/HRA advice and assessment: strategic.assessment@cyfoethnaturiolcymru.gov.uk for HRA or planning@cyfoethnaturiolcymru.gov.uk for EIA</p>	General enquiries 0300 065 3000	<p>http://naturalresourceswales.gov.uk/permits-and-permissions/?lang=en</p> <p>http://www.legislation.gov.uk/wsi/2011/559/pdfs/wsi_20110559_mi.pdf</p> <p>http://naturalresourceswales.gov.uk/guidance-and-advice/environmental-topics/water-management-and-quality/water-quality/improving-water-quality/?lang=en</p> <p>http://naturalresourceswales.gov.uk/guidance-and-advice/environmental-topics/water-management-and-quality/water-quality/shellfish-water-protected-areas/?lang=en</p> <p>http://naturalresourceswales.gov.uk/permits-and-permissions/water-abstraction-and-impoundment/changes-to-water-abstraction-licensing-exemptions/?lang=en</p> <p>http://naturalresourceswales.gov.uk/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/the-role-of-natural-resources-wales-in-environmental-assessment/?lang=en</p>

Welsh Government	marineandfisheries@gov.wales marineplanning@wales.gsi.gov.uk	0300 025 2454	http://gov.wales/topics/environmentcountryside/marineandfisheries/?lang=en http://gov.wales/topics/environmentcountryside/marineandfisheries/marine-planning/?lang=en http://gov.wales/topics/environmentcountryside/marineandfisheries/SeaFisheries/aquaculture/spatial-assessment-of-the-potential-for-aquaculture-in-welsh-waters/?lang=en
Fish Health Inspectorate (FHI)	fhi@cefas.co.uk	01305 206700	https://www.gov.uk/fish-and-shellfish-farm-authorisation-and-registration https://www.gov.uk/guidance/import-or-export-live-fish-and-shellfish
Centre for Environment Fisheries & Aquaculture science (Cefas).	fhi@cefas.co.uk	01502 562244	https://www.cefas.co.uk/
Food Standards Agency (FSA)	Food.Policy.Wales@food.gov.uk shellfishtoxins@foodstandards.gsi.gov.uk For local authorities: lasupportwales@foodstandards.gsi.gov.uk	Rebecca Watts on 020 7276 8046 Or General contact 029 2067 8940	https://www.food.gov.uk/wales/about-fsa-wales/contact-us https://www.food.gov.uk/wales/safetyhygienewales/shellmonitowalesbranch https://www.food.gov.uk/enforcement/monitoring/shellfish/shellharvestareas https://www.food.gov.uk/enforcement/monitoring/shellfish/ewb_iotoxin

			https://www.food.gov.uk/enforcement/monitoring/shellfish/shellfish-purification
The Crown Estate (CE)	Charlene.McPake@thecrownestate.co.uk	020 7851 5090	http://www.thecrownestate.co.uk/rural-and-coastal/coastal/downloads/
Maritime & Coastguard Agency (MCA)	infoline@mcga.gov.uk	0203 817 2000	https://www.gov.uk/government/organisations/maritime-and-coastguard-agency
Trinity House	navigation.directorate@thls.org	020 7481 6900	http://www.trinityhouse.co.uk/
Veterinary Medicines Directorate (VMD)	inspections@vmd.defra.gsi.gov.uk	01932 336911	https://www.gov.uk/government/organisations/veterinary-medicines-directorate
Animal and Plant Health Agency (APHA)	APHA.CymruWales@apha.gsi.gov.uk	0300 303 8268 For Carmarthen field office 01267 245 500 For Caernarfon field office 01286 674 626	https://www.gov.uk/government/organisations/animal-and-plant-health-agency/about/access-and-opening
Gangmasters licencing authority (GLA)	licensing@gla.gsi.gov.uk	0345 602 5020	http://www.gla.gov.uk/