

# Transparency data: Deployment of oyster trestles to the west of Whitstable Harbour

In late 2016 the MMO was contacted by members of the public reporting concerns relating to the deployment of oyster trestles to the west of Whitstable Harbour.

Whilst it was understood that the Whitstable Oyster Fishery Company (WOFC) have deployed Oyster trestles in this location since 2009 the concerns were that the footprint and number of trestles had increased, over a relatively short period of time, in an area also used by swimmers, sailors and navigators.

In February 2017, in response to questions from members of the public the MMO [agreed to work with the Maritime and Coastguard Agency and Trinity House](#) to assess how oyster racks in the area may affect local navigation and safety.

Following an initial investigation by the MMO into the concerns raised, in July 2017, [independent experts commissioned by the Maritime and Coastguard Agency produced a report](#) looking at navigational risks in relation to oyster farm activity in the Whitstable area.

The report concluded that the farm's operations are acceptable as a low risk to marine navigation. It also recommended mitigation to reduce the risk even further, although acknowledging that the farm's owners have already adopted this in some instances.

[The MMO provided a further update on its investigation in February 2018](#)

clarifying that after careful consideration it had concluded there was insufficient evidence to prove a criminal offence in relation to its remit under the Marine and Coastal Access Act 2009. This update went on to explain that the MMO considered the oyster farm's activities met the requirements of the exemption relating to shellfish propagation and cultivation under the Marine Licensing (Exempted Activities) Order 2011 as amended (Article 13).

In March 2018, the MMO received further contact from members of the public alleging the deployment of additional oyster trestles which they felt increased the risk to swimmers, sailors and navigators. Additional concerns also related to the propagation of non-native oysters.

The MMO can clarify that if the applicant seeks to expand the current site in future, it is likely that contact will need to be made with the MMO in order to ascertain whether a marine licence, or an additional exemption notification form, is required and the applicant has been advised accordingly. Any application for a marine licence would be consulted upon through the usual process and any notification in relation to an exemption will be placed on the public register.

The MMO is continuing to monitor the development and inspections are on-going.

## **Relevant marine licensing legislation**

The deposit of an object or substance from a vehicle, vessel, aircraft or marine structure and or the construction of works in the UK marine area is a licensable activity under part 4 of the Marine and Coastal Access Act (MACAA) although the Marine Licensing (exempted activities) Order 2011 (as amended) (“the amended order”) provides a number of exemptions removing the requirement to obtain a marine licence for some low risk activities where certain conditions are met.

In particular exemption 13 of the amended order covers the deposit and removal of any shellfish, trestle, cage, pole, rope, marker or line in the course of propagation and cultivation of shellfish when certain conditions are met.

Further information relating to exemptions can be found on the [marine licence exempted activities page](#).

Applicants are required to satisfy themselves that their proposed activities meet the terms of any exemption they intend to rely on. In the event that it is subsequently determined that an activity undertaken was not consistent with the activity described or not in accordance with the conditions contained in the relevant exemption, then enforcement action may be taken.

## **Propagation of non-native shellfish**

The MMO understands that WOFC has obtained approval from [Centre for Environment Fisheries and Aquaculture Science \(Cefas\)](#) for the propagation of non-native oysters. As the regulator responsible for propagation and cultivation of non-native species of shellfish, any queries and/or concerns about this specific matter should be directed to Cefas in the first instance.