



Clerk, Delabole Parish Council  
Clerk, St Endellion Parish Council  
Clerk, Tintagel Parish Council

[Clerk@delaboleparishcouncil.gov.uk](mailto:Clerk@delaboleparishcouncil.gov.uk)  
[stendellionpc@gmail.com](mailto:stendellionpc@gmail.com)  
[clerk@tintagelparishcouncil.gov.uk](mailto:clerk@tintagelparishcouncil.gov.uk)

**Our reference: C2513**

**[by email only]**

7 August 2024

Dear Clerks of Delabole, St Endellion and Tintagel Parish Council,

**Marine Licence determination for a Seaweed Farm (North Cornwall)  
(MLA/2022/00180)**

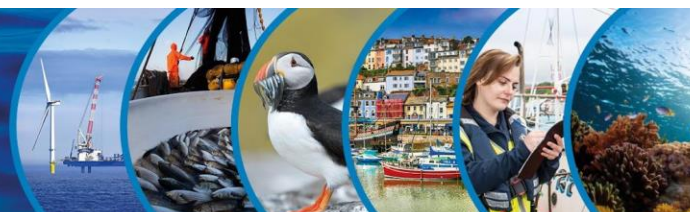
The Marine Management Organisation (MMO) has received your letter dated 12 June 2024 regarding the marine licence application process for a Seaweed Farm in North Cornwall (Marine licence application reference MLA/2022/00180, licence reference L/2023/00169/1). The letter was received by Lancaster House on 12 July 2024 and passed to us on 23 July 2024.

The MMO understands that you are notifying the MMO that you do not support the granting of the licence and are raising a complaint regarding consultation undertaken during the licence determination process and the location of the seaweed farm

**1. Case Background**

The application, MLA/2022/00180, was for a seaweed farm in North Cornwall. The application was submitted to the MMO on 28 April 2022. Following thorough consideration of the application, supporting documents and consultation responses provided by our primary advisors, the MMO used the best available evidence to reach a positive determination on the application. A marine licence was granted on 10 August 2023.

**2. Consultation with the Local Planning Authority/Parish Councils.**



As part of the determination process the MMO consulted with a wide range of statutory advisors and organisations. Details of these consultations can be seen on the MMO's Public Register. All responses received were considered by the MMO.

The applicant (Penmayn) undertook their own consultation prior to submission of the marine licence application. The MMO do not stipulate who applicants should consult with prior to submission of their application and is unable to comment on plans that were presented to individuals and groups before the marine licence application was submitted.

The MMO note that the applicant stated in their consultation log that they had consulted with St Endellion, Delabole and Tintagel Parish Councils. The MMO note that your letter states Tintagel Parish Council have no record of being contacted by Penmayn Ltd. Thank you for bringing this to our attention.

The MMO also note that information given to St Endellion Parish Council when contacted by Penmayn was for a smaller scheme than was eventually licensed. Please note that the application submitted to the MMO contained details on the size of the scheme and these details were available on the MMO Public register for consultees to view and comment on during the consultation process.

As part of the application process the MMO consulted directly with the Local Planning Authority – Cornwall Council. In response to this the MMO received a proforma from St Endellion Parish Council stating support for the project. The MMO have since been informed by St Endellion that this response was submitted in error. The MMO consult the local planning authority for all marine licence applications as a primary advisor, and do not currently consult local parish councils in addition to local planning authorities. Parish councils do have the opportunity to submit their views during the public consultation period of an application however.

### **3. Location of the seaweed farm.**

The MMO notes that you are concerned that the licence seeks to introduce a large body of infrastructure in water which will be highly visible from the Cornwall National Landscape (formerly AONB). The seaweed farm location falls beyond the boundary of the Cornwall Area of Outstanding Natural beauty and therefore Cornwall National Landscape were not consulted. Cornwall Council and Natural England were consulted. The seaweed farm is to be lit according to Trinity House guidelines (perimeter) yellow spherical buoys exhibiting a Fl.Y.5s light (flashing, yellow, every five seconds), surmounted by a yellow 'X' shaped top mark. No issues were raised regarding impacts to seascape by consultees whilst determining this licence. As the project would be approximately 3 kilometres (km) from shore and the majority of farm infrastructure would be below the sea surface, the MMO used the best available evidence regarding impacts to seascape and landscape in reaching a determination and are content that impacts to visual amenity are minimal.

The MMO also note that you are concerned that the area has frequent large swells and direct impacts from severe Atlantic storms. The applicant submitted a navigational risk assessment as part of their application. On the advice provided by the Maritime and Coastguard Agency the applicant was asked to update and amend this to ensure it was sufficient. The navigational risk assessment has been added to the licence and a schedule along with a condition stipulating that all work must adhere to it. As such the MMO are content with the proposed location.

### **4. Previous correspondence.**



The MMO notes that we provided a written response (reference C2362) to a complaint raised by Nicola Williams (Vickery), Planning Lead for St Endellion Parish Council on 20 March 2024. We have also provided a written response to an enquiry (reference E2693) to Suzanne Cleave at Delabole Parish Council on 11 March 2024.

## 5. MMOs role in determining an application for a marine licence.

For clarity, in determining an application for a marine licence (including the terms on which it is to be granted and what conditions, if any, are to be attached to it), the MMO must have regard to the need to protect the environment, the need to protect human health, the need to prevent interference with legitimate uses of the sea, and such other matters as the MMO thinks relevant. The MMO must have regard to the effects of any use intended to be made of the works in question when constructed, altered, or improved, and must have regard to any representations which we receive from any person having an interest in the outcome of the application (MCAA 2009).

The MMO does not make a determination until it is content that the best available evidence has been supplied in order to make a decision. At this point, the MMO will either grant a licence, grant the licence subject to conditions, or refuse the application. A positive determination will only be granted if we can conclude that the proposed works will not have a significant impact on either the environment, human health, or other legitimate uses of the sea. In order for the MMO to conclude this, it may attach conditions to a licence if we consider it necessary to mitigate any known impacts. Please see our website for further information on our determination process:

[Make a marine licence application - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/make-a-marine-licence-application)

In reaching a determination on MLA/2022/00180 the MMO considered all of the above. This included advice from our primary advisors on impacts of the proposals on marine life and seascape. The MMO were content that with the inclusion of specific licence conditions, the proposal would not have a significant effect on the environment, human health, or other legitimate uses of the sea. All documentation for the marine licence application, along with our determination can be found on the MMO's public register: [https://marinelicensing.marinemanagement.org.uk/mmofox5/fox/live/MMO\\_PUBLIC\\_REGISTER/](https://marinelicensing.marinemanagement.org.uk/mmofox5/fox/live/MMO_PUBLIC_REGISTER/)

Should you have any concerns about how your complaint has been handled you are entitled to a Tier 2 complaint review. If you wish to proceed to Tier 2 of the complaints process, you should request this within six months of the date of this letter by contacting us at:

Tier 2 complaints  
Marine Management Organisation  
Lancaster House  
Monarch Road  
Newcastle upon Tyne  
NE4 7YH  
Email: [info@marinemanagement.org.uk](mailto:info@marinemanagement.org.uk)

I hope the information provided has helped to provide clarity on our determination process for this marine licence.

Yours sincerely,



*KR White*

Katherine White  
Marine Licensing Senior Case Manager  
T: 02087202551  
M: 07919304181

