

Dear Sir or Madam,

Thank you for giving us the opportunity to comment upon the above consultation. The questionnaire did not seem a good fit for the nature of the response Trinity House wished to give, so I hope that it is acceptable to provide that comment in email form as below – I would be grateful if you would confirm this.

I would like to take this opportunity to explain the functions of Trinity House and its operations within the marine environment.

Trinity House ("TH") is the General Lighthouse Authority ("GLA") for England, Wales, the Channel Islands and Gibraltar. TH is a corporation established by Royal Charter, and its powers as a GLA are principally derived from the Merchant Shipping Act 1995, as amended ("the 1995 Act").

Our primary role is to deliver a reliable, efficient, and cost-effective aids-to-navigation service for the benefit and safety of all mariners and the marine environment, commensurate with the level of risk. This includes the superintendence and management of all lighthouses, buoys and beacons within our area and covers the approval, inspection and audit of all local aids to navigation, of which there are currently around 10,800. Additionally, our statutory responsibility for superintendence and management encompasses advising Government and determining the marking requirements that operators of offshore structures, renewable energy developments and aquaculture sites must establish in the interests of the safety of navigation. We also have powers under the 1995 Act to mark, destroy, remove or raise wrecks that pose a navigational hazard and which lie outside areas controlled by harbour or conservancy authorities.

TH operates around 500 floating aids to navigation (such as buoys and lightvessels) within its jurisdiction that require periodic deployment, maintenance, repositioning or redeployment in response to sometimes rapidly changing navigational requirements and hazards. When determining the position of such anchored floating aids to navigation (based on the navigational requirement), there is little scope for flexibility.

In addition, wrecks that are a danger or obstruction to navigation (or that have the potential to become so) often require marking with aids to navigation on an urgent basis (e.g. within a few hours) in order to safeguard life, to prevent shipping casualties and to reduce the risk of environmental damage. Sometimes wrecks or floating objects may need to be relocated if they pose a danger to navigation. TH considers that overall, aids to navigation (and their associated moorings) have an insignificant impact on the marine environment – especially when set against their benefits.

TH is required to carry out hydrographic surveys from time to time to confirm marking requirements for existing channels, fairways and dangers and also to assess the requirements for the marking of wrecks or other obstructions. Surveys will be carried out using both multi-beam and single-beam echo sounders together with wire sweep to confirm clearance depths over new obstructions, if considered necessary.

In the rare cases where development (as defined by the T&CPA 1990) is essential in meeting our statutory function in England, Trinity House would do so using permitted development rights Schedule II, Part 8, Class E to The Town and Country Planning (General Permitted Development) (England) Order 2015 and so would not trigger any mechanism in respect to Biodiversity Net Gain. Much more frequently, Trinity House will be undertaking marine licensable activity (as defined under the Marine & Coastal Access Act 2009). However, such marine licensable activity in respect to Trinity House's statutory function is exempt from requiring a marine licence under The Marine Licensing (Exempted Activities) Order 2011.

Should the Marine Net Gain proposals be implemented through the existing planning and marine licencing consenting regimes, they would not affect Trinity House's activities – and it is right that they should not. The work of Trinity House is essential to marine safety and so to biodiversity, and additional layers of bureaucracy and cost would make it increasingly challenging for us to do that effectively. I would furthermore note that none of the work that Trinity House undertakes is significant in scale or potential biodiversity impact. Trinity House is a competent authority under the Conservation of Habitats and Species Regulations and a Section 28G Authority under the Wildlife and Countryside Act 1981 and the obligations placed upon it through that legislation as well as in relation to Marine Conservation Zones through the Marine & Coastal Access Act 2009 are already extensive.

I would therefore request that whatever arrangements are finalised in respect to Marine Net Gain exclude activities that are required by Trinity House in meeting its statutory functions. I would submit that the present afore-mentioned system of marine licence exemptions and planning permitted development rights could be used to ensure that is the case.

Yours sincerely,

Peter Hill

Estates and Property Manager