



MARINE LICENSING DECISION

THE MARINE AND COASTAL ACCESS ACT (2009)

Applicant: Cardiff Council

Application reference no: CML2147

Cardiff Coastal Defence Scheme

7 July 2022

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OUR DECISION

Based on all the information available, and having regard to all relevant considerations NRW has decided to grant the marine licence sought by the Application subject to the conditions set out in Annex 1.

This decision document:

- explains how the application has been determined, having regard to the relevant legal framework outlined in section 5;
- explains how relevant considerations have been taken into account and how each of the legal requirements have been considered in determining the Application;
- provides a record of the decision-making process; and
- sets out the reasons for any conditions imposed in connection with any marine licence granted pursuant to the Application.

1 APPLICATION DETAILS

1.1 The Application

Applicant Name and Address	The Applicant is the organisation set out below: Organisation name: Cardiff Council Address: Cardiff Council, Room 301, County Hall, Atlantic Wharf, Cardiff, CF10 4UW
Application Reference Number	CML2147
Date Application was duly made	10/09/2021
Proposal[s] covered by the application	Cardiff Coastal Defence scheme aims to improve the existing coastal and fluvial defences to provide improved protection to parts of south east Cardiff and prevent the erosion of two decommissioned landfill sites: The Frag Tip and Lamby Way Tip. This comprises of improved coastal flood defences along the Severn Estuary, west and east of its confluence with the Rhymney River, and sections of new fluvial defences along both banks of the Rhymney River from its confluence with the Severn Estuary to Lamby Way bridge over an area of approximately 40ha. (the Project)
Licensable marine activities	(the Proposed Activities) 1. Along the coastline: 1.1. Installation of a sloping rock armour revetment of approx. 20m in width along the coastline: two sections of rock armour revetment (2.1km in length, crest of 3.5–4.3m and buried toe of 2.8m in width) with a maximum slope of 1:2.5. 1.2. A rock grading of 1 to 3 tonnes with scour protection at the toe embedded to approximately 1.0 metres and a geotextile membrane under the rock armour to stop sediment wash out.

	2. Along the bank of the Rhymney River: 2.1. Dycel 220 Erosion protection blocks or similar installed along the slope of the bank with a granular fill and graded formation underneath. 2.2. Double layer 450 mm rock armour toe with a soil fill on top to anchor the blocks. 2.3. Further up the slope, chestnut stakes will be driven through the Dycel blocks with horizontal logs to be tied to the stakes and brush wood placed in between. 2.4. Mud will be placed on top of the Dycel blocks to allow natural re-vegetation.
Marine Plan Area	Welsh inshore region and Welsh offshore region
Application documents:	• Cardiff Coastal Defences Area of Permanent Works • Cardiff Coastal Defences Area of Temporary Works • Cardiff Coastal Defences Scheme Footprint Below HAT • Cardiff Coastal Defences Scheme Footprint Below MHWS • Cardiff Coastal Defences Construction Method Statement • CCD-JBAU-00-00-AP-EN-0001-S3-P01-Marine_Licence_Additional_Sheets • Water Framework Directive WFD • Habitats Regulations Assessment HRA • Environmental Statement ES – Split into 2 documents: ○ CCD-JBAU-00-00-RP-EN-0002-S3-P04-Environmental_Statement Without Appendices ○ CCD-JBAU-00-00-RP-EN-0002-S3-P04-Environmental_Statement Apps E F G H and J • Non-Technical Summary - CCD-JBAU-00-00-RP-EN-0003-S3-P01-Non-Technical Summary • Environmental Statement Appendices: ○ Appendix A&B – Scoping Opinions ○ Appendix C – Ecology Phase 1 map – ‘Phase 1 habitats and redline V2’ ○ Appendix D – Ecology SINC sites map – ‘Cardiff SINCS’ ○ Appendix I&K – GGAT Desk-based Assessment ○ Appendix L – GI Report - CCD-JBAU-ZZ-00-RP-GT-0001-S3-P01-Ground_Investigation_Report ○ Protected sites map – ‘Protected sites red line v2’ ○ NVC/Detailed Botanical Survey - CCD-JBAU-XX-XX-TN-EN-0001-S3-P01-Botany_Survey ○ PEA - 2016s5078 Cardiff CRMP OBC - Preliminary Ecological Appraisal v1-2 ○ Contaminated Land Report - CCD-JBAU-ZZ-00-RP-GT-0002-S3-P01-Contaminated_Land_Review • Engineering drawings showing details of the proposed scheme • Location 11: ○ CCD-JBAU-00-11-DR-C-1100-S3-P01 to CCD-JBAU-00-11-DR-C-1106-S3-P01; Plus

	○ CCD-JBAU-00-11-DR-C-1150-S3-P01 & CCD-JBAU-00-11-DR-C-1151-S3-P01. • Location 12: ○ CCD-JBAU-00-12-DR-C-1200-S3-P02 to CCD-JBAU-00-12-DR-C-1214-S3-P01; Plus ○ CCD-JBAU-00-12-DR-C-1250-S3-P01 & CCD-JBAU-00-12-DR-C-1251-S3-P01. • Location 21: ○ CCD-JBAU-00-21-DR-C-2100-S3-P01 & CCD-JBAU-00-21-DR-C-2101-S3-P01; Plus ○ CCD-JBAU-00-21-DR-C-2150-S3-P01 & CCD-JBAU-00-21-DR-C-2151-S3-P01. • Location 22: ○ CCD-JBAU-00-22-SK-Z-0005 • Location 31: ○ CCD-JBAU-00-31-DR-C-3100-S3-P01 & CCD-JBAU-00-31-DR-C-3101-S3-P01; Plus ○ CCD-JBAU-00-31-DR-C-3150-S3-P01 & CCD-JBAU-00-31-DR-C-3151-S3-P01. • Location 32: ○ CCD-JBAU-00-32-DR-C-3200-S3-P01 to CCD-JBAU-00-32-DR-C-3206-S3-P01; Plus ○ CCD-JBAU-00-32-DR-C-3250-S3-P01 & CCD-JBAU-00-32-DR-C-3251-S3-P01. • Location 42: ○ CCD-JBAU-00-32-DR-C-3250-S3-P01; and ○ CCD-JBAU-00-42-DR-C-4250-S3-P01. • Location 52: ○ CCD-JBAU-00-52-DR-C-5200-S3-P01; and ○ CCD-JBAU-00-52-DR-C-5250-S3-P01 • Planning, Design and Access Statement V1-0 / 16/07/2021 • 2019s0183 Cardiff Outline CEMP v2.0 11.3.2022 • 2019s0183 Cardiff Outline SMP v3.0 11.3.2022 Final • Proposed Sediment Sample Plan 1.0 28.01.2022 • CCD-JBAU-XX-XX-RP-EN-0003-S3-P02-WFD • NVC vegetation map • CCD-JBAU-00-00-TN-EN-0002-S3-P01-PEA_Update • CCD-JBAU-00-00-MP-EN-S3-P01-Intertidal_Phase_1_Habitats • CCD-JBAU-XX-XX-TN-EN-0001-S3-P01-Botany_Survey • CCD-JBAU-00-00-RP-EN-S3-P02-Addendum_to_ES__HRA_Coastal_Squeeze • CCD-JBAU-00-00-TN-EN-0001-S0-P01-CS_numbers_clarification FINAL 10.12.21
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	• Planning, Design and Access Statement V1-0 / 16/07/2021 • WNMP signposting doc- 2019s0183 Cardiff 22.10.2021 • CCD-JBAU-XX-XX-RP-HM-0001-S3-P01-FCA_UPDATED
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2 APPLICATION PROCEDURE

2.1. The Application

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on **10 September 2021**. This means we considered it was in the correct form and contained sufficient information for us to begin our determination, but not that it necessarily contained all the information we needed to complete that determination, and the documents considered may therefore include documents provided after the Application was first made.

2.2. Documents considered

In reaching its decision, NRW has considered the documents listed in section 1 of this decision document along with such other information provided by the Applicant or received by consultees as NRW considered relevant.

2.3. Commercial Confidentiality

The Applicant made no claim that any information forming part of the Application was subject to commercial confidentiality and we have not received any information in relation to the Application that appears to be commercially confidential.

2.4. Publicity and advertising

In compliance with s. 68 of the Marine and Coastal Access Act 2009 (the 2009 Act) and regulation 16 of the Marine Works (Environmental Impact Assessment) Regulations 2007, a public notice advertising the Project was placed in The Western Mail on 17 and 24 of September 2021 (the Public Notices) and a notice was published on NRW's website. The application documents were made available to the public via the [public register](#) and they could also be requested from Natural Resources Wales Marine Licensing Team, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP.

The public were given a period of 42 days from the date of the first Public Notice to provide comments on the application.

No public responses were received in response to the Public Notice.

3 CONSULTATION

3.1 Consultees

NRW considered it appropriate to consult the bodies listed in the table below on 17/09/2021, due to their particular expertise. These bodies were consulted for a period of 42 days. For those bodies which responded to the consultation an 'Y' can be found in the response received column, and those which did not respond to the consultation an 'N':

Consultee	Response received (Y/N)	Date(s) of receipt
The Crown Estate / Swangrove Estate	N	
NRW	Y	05/11/2021
MoD - Safeguarding Defence	Y	19/10/2021
Maritime & Coastguard Agency	Y	04/11/2021
Trinity House	Y	19/11/2021
Royal Yachting Association	Y	21/10/2021
Local Biodiversity Officer	N	
Local Planning Authority	Y	01/12/2021

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Local Harbour Authority	Y	23/09/2021
Local Port Authority	N	
Royal Society for the Protection of Birds (RSPB)	N	
Cadw	Y	19/10/2021
Welsh Archaeological Trusts	Y	03/11/2021
Royal Commission on Historic Monuments Wales	Y	01/11/2021
Department for Transport (DFT)	N	
Chamber of Shipping	N	
NERL Safeguarding	N	
Devon and Severn IFCA	Y	01/11/2021
UK Hydrographic Office	N	
Local Port Manager	N	
Welsh Fisherman Association (WFA)	N	

Consultees who did not provide a response were assumed to have no comment.

NRW has had regard to all consultation responses received in making its decision. Where these have impacted on NRW's decision making, this has been noted in the relevant paragraph in section 5 of this decision document.

4 ENVIRONMENTAL IMPACT ASSESSMENT

Council Directive 2011/92/EU (as amended) on the assessment of the effects of certain public and private projects on the environment ("the EIA Directive") aims to protect the environment and the quality of life by ensuring that projects which are likely to have significant environmental effects by virtue of their nature, size or location are subject to an EIA before permission is granted.

The Marine Works (Environmental Impact Assessment) Regulations 2007 ("the Regulations") transpose the EIA Directive in Wales and England for marine licence applications.

4.1 Screening

The application was considered by NRW to constitute an EIA development under the Regulations, and a Screening Opinion (ref **SC2103**) to that effect was issued on **14 April 2021**.

Pursuant to Regulation 8 of the Regulations, NRW considered under SC2103 that the proposed works fell under Schedule A2, paragraph 69 of the Regulations on the assessment of the effects of the Project on the environment:

69: *"Coastal work to combat erosion and maritime works capable of altering the coast through the construction of, for example, dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works"*

4.2 EIA

The Marine Licence application required for the Project was accompanied by an Environmental Statement (ES). NRW assessed the Project as an EIA development under the Regulations and issued a Written Confirmation of the EIA Consent Decision on **07 July 2022**. The Written Confirmation is available on the NRW website and NRW [public register](#). NRW is satisfied that the information incorporated in the EIA Consent Decision is up to date at the time of this decision.

In accordance with Regulation 24 of the Regulations, the following information is included in subsequent sections of this document:

- Conclusion of the EIA assessment
- Any conditions, mitigating and monitoring measures described in the regulatory decision
- Description of features/measures to avoid, prevent, reduce and offset likely significant adverse effects on the environment
- The main reasons and considerations on which this regulatory decision is based
- A summary of the results of consultations undertaken and how these have been incorporated into this regulatory decision

4.3 Conclusion of the EIA

NRW issued a Written Confirmation of the EIA Consent Decision on **07 July 2022**, containing the conclusion about Environmental Impact arising from the Project and the EIA Consent Decision. In reaching the conclusion, NRW considered the following information:

- The application for a Marine Licence
- The Environmental Statement submitted
- Any further information provided
- The responses to public consultation
- The responses to the technical consultation
- Any comments received from another EEA state
- Any features of the Project, or proposed measures, to avoid, prevent, reduce or offset any likely significant adverse environmental effects

NRW considered the likely significant effects of the Project, and reached a conclusion on the likely significant effects of the Project with regard to the following:

- Population and human health
- Biodiversity
- Land, soil, water, air and climate

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- Material assets, cultural heritage and landscape
- Risk of major accidents and disasters relevant to the Project
- Cumulative impacts and in-combination impacts

A summary of the conclusion on the likely significant effects of the Project is incorporated below. Full details of the conclusion on the likely significant effects of the Project can be found in the Written Confirmation of the EIA Consent Decision.

4.3.1 Population and human health

The Cardiff Coastal Defence scheme aims to improve the existing coastal and fluvial defences to provide improved protection to people and property in parts of south east Cardiff from coastal erosion and flood risk and prevent the erosion of two decommissioned landfill sites; The Frag Tip and Lamby Way Tip. NRW is satisfied that by its nature it will provide beneficial outputs for population and human health. The risks to human health associated with the proposed works are considered to be low and with the proposed controls and mitigations in relation to pollution/contamination and landscape the risks are negligible. NRW are satisfied that there will be no significant impact on population or human health as a result of the project.

4.3.2 Biodiversity

There are several protected areas which have the potential to be affected by the Project. A Habitat Regulation Assessment concluded that adverse effects on the integrity of the Severn Estuary SAC could not be ruled out. The proposed works will contribute to footprint and coastal squeeze losses in the Severn Estuary SAC. NRW considers that the works are justified on grounds of no alternative solutions and 'imperative reasons of overriding public interest' (IROPI). Therefore, these losses will be compensated through the Welsh Government National Habitats Creation Programme (NHCP).

The ES considered potential for other impacts on biodiversity including on saltmarsh and water quality and considered that additional mitigation was required. NRW consider that although there is potential impact on these features, any significant impact can be avoided through the implementation of appropriate mitigation as detailed in section 8, this includes; Spread of INNS will be controlled through a Biosecurity Risk Assessment, impact to saltmarsh habitat through a Saltmarsh Management Plan, pollution/noise/disturbance through a CEMP and potential sediment contamination will be assessed through a Sediment Sample Plan and Analysis.

NRW conclude that considering mitigation proposed within the ES and the licence conditions, no significant impact on biodiversity is predicted.

4.3.3 Land, soil, water, air and climate

The installation, operation and maintenance of the Project will not give rise to the production of any hazardous waste. However, there is an impact pathway to water quality through an accidental pollution event also an increase in greenhouse emission from the construction of the Project. The ES has assessed impacts to land, soil, water, and air and proposed mitigation measures and adherence to best working practice to reduce its impacts. Mitigation measures include management of risks of accidental pollution events through pollution prevention best practice and implementation of a CEMP. Additionally, the implementation of the Sediment Sample Plan will ensure that appropriate management of any contaminated sediment is followed.

The scheme has been designed to incorporate climate change allowances and protect people and infrastructure from flooding as a consequence to climate change. Adequate mitigation has been put in place to reduce/offset emissions from its construction such as the use of alternative materials, low carbon fleet/plan, increase carbon sequestration and the use of hybrid or electric plant where possible.

NRW consider that the works have been appropriately assessed and that considering mitigation proposed within the ES and the licence conditions, that no significant impact on water quality is predicted.

4.3.4 Material assets, cultural heritage and landscape

The ES appropriately assesses the impact of the Project on designated historic assets and any direct or indirect impacts will not be significant. The proposed development is in an area where significant

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archaeological sites have previously been discovered and that there is a possibility that similar sites could be affected by the proposed development. Mitigation required will be secured using appropriate conditions within the marine licence controlled through the WSI and implemented through the CEMP .

Chapter 6 of the ES considers and discusses the landscape and visual impact of the scheme. The site location is a predominantly flat landscape with a few small hills that have been created by landfill sites in the surrounding area. It is considered that the proposed scheme would not create intrusive landscape features and therefore would not have any significant long-term impact in regard to landscape or visual amenity. Any landscape/visual impact due to the project construction is expected to be temporary. The landscape and visual impact associated with the construction phase of the scheme will be suitably controlled and mitigated through the implementation of the submitted Landscape Mitigation Plan (Appendix H to the ES). The mitigation options include accelerated recovery by replacing lost trees and vegetation, planting to provide a natural screen, and the erection of private fencing.

NRW consider that the works have been appropriately assessed and that considering mitigation proposed within the ES and the licence conditions will ensure no significant impact on cultural heritage and landscape.

4.3.5 Risk of major accidents and disasters relevant to the Project

The Project is not considered to have a high vulnerability to major accidents and disasters. The principal aim of the Project is to improve coastal defence and reduce the risk of erosion and damage to key infrastructure in the Cardiff/ Rhymney area. Construction best practice would be utilised to reduce any risk during the construction phase and further risk of major accidents and disasters is not considered to be significant.

A Flood Consequence Assessment was carried out as part of the ES and demonstrated that the works were not anticipated to increase flood risk within the area.

Due to the nature and scale of the operation, the risk of a major accident or disaster is low. In addition, sufficient pollution prevention measures have been proposed to reduce the risk of a major accident or pollution event.

4.3.6 Cumulative impacts and in-combination impacts

NRW concluded that the potential impacts due to the project have been adequately addressed in the ES. As detailed in section 3.2.3 NRW carried out a Habitat Regulation Assessment as part of which concluded that adverse effects on the integrity of the Severn Estuary SAC could not be ruled out. However, compensation for the Annex 1 habitat losses have been secured through the Welsh Government National Habitats Creation Programme (NHCP). Further assessments have concluded subject to appropriate mitigation that the works would not cause a significant impact alone or in combination on other designated sites, including SSSIs and SINCs. Similarly, there will be no cumulative or in-combination impact on any other features of the wider environment. NRW are satisfied that cumulative impacts have been adequately addressed in the ES.

4.4 EIA Consent Decision

NRW issued a Written Confirmation of the EIA Consent Decision which provides a conclusion on the environmental impacts arising from the Project. NRW concluded that the environmental impacts of the Project have been adequately identified, described and assessed. Accordingly, NRW concluded a favourable determination and that EIA consent for the Project should be given.

4.5 Mitigation and monitoring requirements

The Written Confirmation of the EIA Consent Decision issued by NRW on 07 July 2022, highlighted the mitigation or monitoring requirements required to be attached to the regulatory consent. These are set out below:

NRW is satisfied that appropriate intertidal habitat loss will be compensated through the NHCP, no licence condition is required for this purpose

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NRW is satisfied that, in line with Welsh Government policy¹, appropriate intertidal habitat loss compensation will be provided through Welsh Government's National Habitat Creation Programme and no licence condition is required for this purpose.

Licence conditions will be required to ensure that the following are submitted to the Licensing Authority for approval prior to commencement of works:

1. A **CEMP** (condition 3.18) to include, but not limited to:
 - Environmental permitting requirements and environmental planning conditions.
 - Protected species and habitat monitoring.
 - Providing toolbox talks on environmental issues.
 - Dust suppression measures.
 - Site waste management.
 - Materials management advice.
 - Pollution prevention and control.
 - Noise management.
 - Visual impacts.
 - Site security and delineation of working areas/exclusion areas including signage.
2. The implementation of the **Sediment Sample Plan** (condition 3.22) and sample results compared against CEFAS action levels. If contaminants are found to be present above Action Level 2, they will be disposed of to land; if below action level 1, they will be replaced during construction of the defences, and if between levels 1 and 2, the appropriate treatment will be agreed with NRW.
3. The development of a **Saltmarsh Management Plan** (condition 3.20) to include, but not limited to:
 - Pre-construction surveys to confirm the extent of valuable and sensitive saltmarsh habitat, to identify areas of erosion/accretion, baseline invertebrate survey, rare plant survey and review need of further mitigation measures
 - Agree mitigation of temporary works impacts
 - Requirement for a qualified Ecological Clerk of Works (ECoW)
 - Commit that best practice construction methods are followed
 - Post construction monitoring of saltmarsh plant species composition to inform needs for restoration of the saltmarsh
4. A **WSI** (condition 3.21) to include, but not limited to:
 - Completion/updating of the 2017 walkover survey to complete baseline.
 - Implementation of watching briefs to include ground-breaking and any further ground investigation works to take place prior to construction.
 - Monitoring of mudflat levels within the site 100m buffer, and the wider inter-tidal area adjacent to the site, as far as the MLWM. The monitoring is to be conducted in an annual basis for 5 years.
 - Details of the scope and methodology of an archaeological watching brief, with contingencies for sampling, reporting and archiving archaeological finds/remains.
 - Implementation of a Protocol for Archaeological Discoveries for the project.
5. A **Biosecurity Risk Assessment** (condition 3.19) to reduce risk of spreading INNS.

¹ [WELSH GOVERNMENT policy clarification note of August 2021](#)

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Licence conditions (3.11, 3.12, 3.14 – 3.17) will be required to ensure that pollution prevention best practice will be adhered to, this would include that appropriate bunding and storage facilities are installed to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment. Conditions will also be required to ensure appropriate control of the use of concrete in the marine environment. This will mitigate possible impacts on water quality.

Licence conditions (3.1.4 and 3.6.3) will be required to ensure the UK Hydrographic Office are notified prior to the commencement and on completion of Licensed Activities. This will ensure the promulgation of Maritime Safety Information and the updating of nautical charts and publications to ensure other vessels in the vicinity can safely plan and conduct their passage.

4.6 Consideration of consultations undertaken

The consultation process described in section 2.4 and section 3 of this document was undertaken to ensure comment was received from appropriate parties.

A Transboundary Screening Assessment did not identify potential for effects to any other EEA State.

4.7 Description of features/measures to avoid, prevent, reduce and offset likely significant adverse effects on the environment

NRW considers that the following features of the project, or measures included within the project proposal, as described in the application form, Environmental Statement and other supporting information, would avoid, prevent, reduce or offset any likely significant adverse environmental effects

The Scheme has been designed, as far as practicable, to minimise effects on built heritage and archaeology, climate, seascape and landscape, population and human health. For example, trees and vegetation lost will be replaced with new growth designed to integrate with existing vegetation, provide natural screening and visual interest for the public; archaeological finds will be fenced for protection; coastal defence monitored for damage and repaired during operation.

The Project has committed to producing a **CEMP** in line with the outline CEMP which will include measures to manage and reduce potential risks that construction activities could cause to the environment.

The project has also committed to producing a **Saltmarsh Management Plan** in line with the outline Saltmarsh Management Plan which will include measures to manage and reduce potential risks to the saltmarsh habitat.

Impacts on archaeological environment will be mitigated through the submission of a **WSI**. The WSI will include among other things a monitoring plan for 5 years post-construction to mitigate archaeological impacts and to further determine the potential for encountering unknown archaeological remains.

Further mitigation includes the efficient use of material following a waste hierarchy to be implemented throughout construction and reuse of excavated material as infill if suitable. During construction, the materials will be delivered to the intertidal area via an access route on the embankment. No materials, including excavated sediment, will be stored on the foreshore. Further measures will also be taken to help to reduce adverse landscape and visual effects of the project and are encompassed in the Landscape Mitigation Plan (Appendix H to the ES).

4.8 Main reasons for this regulatory decision

The main reasons for the regulatory decision made are described in section 5 of this decision document.

The conclusion of this regulatory decision is stated in section 6 of this decision document.

5 BASIS FOR OUR DECISION

In determining this application, including the terms on which it was granted, NRW has had regard to the factors set out in section 5 below in accordance with the **Marine and Coastal Access Act 2009** (the **2009 Act**).

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Under the 2009 Act NRW is required to have regard to the following:

- the need to protect the environment (see section 5.1)
- the need to protect human health (see section 5.2)
- the need to prevent interference with legitimate uses of the sea (see section 5.3)
- in the case of an application for a licence to authorise construction, alteration or improvement of works within the UK marine licensing area, the effects of any use intended to be made of the works in question when constructed, altered or improved (considered, if relevant in sections 5.1 to 5.5 below)
- any representations which it has received from any person having an interest in the outcome of the application. (summarised in section 3 and where relevant considered in sections 5.1 to 5.5 below)
- such other matters as it thinks relevant (see section 5.5 below)

5.1 The need to protect the environment:

The reference to the “environment” includes the local and global environment; the natural environment; and, by virtue of section 115(2) of the 2009 Act, any site of historic or archaeological interest. The natural environment may include the physical, chemical and biological state of the sea, the sea-bed and the sea-shore, and the ecosystems within it, or those that are directly or indirectly affected by an activity, whether within the marine licensing area or otherwise.

In considering the need to protect the environment we have considered the relevant environmental legislation set out below.

5.1.1 Water Framework Directive, Groundwater Directive and Water Environment Regulations 2017

a) The legal framework

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (**Water Environment Regulations**) implement the requirements of the Water Framework Directive (**WFD**) (Directive 2000/60/EC) which requires consideration as to whether that proposals for development may cause deterioration or prevent a water body from achieving ‘good status’. Proposals likely to cause deterioration or prevent a waterbody from achieving good status should be rejected, unless derogation procedures have been applied.

Under the Water Environment Regulations, NRW must exercise its relevant functions to ensure compliance with the requirements of the WFD, the Environmental Quality Standards Directive (Directive 2008/105/EC) and the Groundwater Directive (Directive 2006/118/EEC).

b) Factors relevant to our determination

NRW has considered the potential effect of the Proposed Activities on the following WFD waterbodies:

- GB530905415401: Severn Lower
- GB40902G201500: SE Valleys Southern Devonian Old Red Sandstone & Triassic Mercia Mudstone
- GB109057027150: Roath Brook (Unnamed trib - source to conf Rhymney R)
- GB109057027280: Rhymney R - conf Nant Cylla to Chapel Wood
- GB109057027160: Nant Glandulas - source to conf Rhymney R

A Water Framework Directive Compliance Assessment has been undertaken for the Proposed Activities and taken into account in this decision.

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NRW TE raised concern that the scheme would impact the highly sensitive saltmarsh habitat and as such NRW TE considered it could prevent the water body from achieving Good Environmental Potential. However, following further consideration NRW TE later confirmed that values of direct and indirect losses (coastal squeeze and footprint) of saltmarsh habitat predicted did not result in a drop in class for the saltmarsh sub-element and therefore the angiosperms quality element. Therefore the risk of deterioration as a result of salt marsh habitat loss could be ruled out.

NRW TE initially advised that the scheme may require derogation under Article 4(7), specifically as it was considered the project was in conflict with the mitigation measures associated with the Severn Estuary Lower highly modified water body. These measures included “retain habitats”, “enhance ecology”, “preserve and restore habitats”. However, following further consideration surrounding: (1) the scale of the impact in relation to the size of the water body; (2) the current status of the highly sensitive saltmarsh habitat in the water body; (3) the uniqueness of saltmarsh habitat for the water body, and (4) its vulnerability to coastal squeeze and boundary erosion. NRW TE agreed that when considered alone and in-combination, the proposal will not pose a risk to deterioration of the Severn Lower water body. This was based on the proposal being considered of small scale in relation to the water body size and the habitat as having a stable status, not being unique for the water body or not being highly vulnerable to the main pressures

NRW therefore considers that based on this assessment that the Proposed Activities when considered alone and in-combination, will not pose a risk to deterioration in the status of any of the above listed waterbodies or jeopardise their attainment of good surface water status when undertaken in accordance with appropriate conditions.

Further details are described within the Water Framework Directive Compliance assessment.

5.1.2 Biodiversity and resilience of ecosystems duty

a) The legal framework

Section 6 of the **Environment Wales Act 2016** requires that we seek to maintain and enhance biodiversity in the exercise of our functions, and in so doing promote the resilience of ecosystems, in a manner that is consistent with the proper exercise of our functions.

b) Factors relevant to our determination

Relevant section 7 habitats (mudflats and saltmarshes) have been considered under the Severn Estuary designated sites and WFD assessments (see sections 5.1.1 and 5.1.3) . NRW is satisfied that in this case, we have taken into account and had due regard to this duty in so far as it is consistent with the function of determining an application for a Marine Licence under the Marine and Coastal Access Act 2009.

5.1.3 European Protected Sites and Ramsar Sites

a) The legal framework

European sites are those designated under the Conservation of Habitats and Species Regulations 2017 (**Habitats Regulations 2017**) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (**Offshore Habitats Regulations 2017**) as Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).

The Habitats Regulations 2017 and the Offshore Habitats Regulations 2017 require that any project that is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) must be subject to an appropriate assessment. NRW undertakes a Habitats Regulation Assessment (**HRA**) to establish whether an appropriate assessment is required.

In addition NRW must exercise its functions under the 2009 Act so as to secure compliance with the requirements of the relevant European Directives. NRW also has a duty under the Habitats Regulations 2017 to support wild birds by protecting habitats and avoiding pollution.

A Ramsar site is a wetland which has been designated under the Ramsar Convention. The Ramsar Convention does not place specific legal requirements on its parties (though Ramsar sites are often SSSIs or SPAs, considered below), however Ramsar status is considered by NRW as matter of policy in its decision making.

b) Factors relevant to our determination

The Project is located within a European Protected Site. The effects of proposal on the following European Sites, their features and conservation objectives have been considered by NRW during the licence determination:

- Severn Estuary Special Area of Conservation (SAC) – UK0013030
- Severn Estuary Special Protection Area (SPA) – UK9015022
- Severn Estuary Ramsar Site – UK11081

A HRA of the Proposed Activities has been undertaken, and NRW (as Statutory Nature Conservation Body) has been consulted.

A Habitats Regulation Assessment (HRA) was carried out and concluded that adverse effects on the integrity of the Severn Estuary SAC could not be ruled out.

The scheme will result in permanent direct and indirect loss of Annex 1 intertidal habitats (*Mudflats and sandflats not covered by seawater at low tide* and *Atlantic salt meadows*). The proposed works will contribute to footprint and coastal squeeze losses in the Severn Estuary.

The works lie within Policy Unit CAR2 and CAR3 of the Severn Estuary Shoreline Management Plan. The proposal is in line with the policy recommendations for the area which are Hold the Line. However the Plan also identify that putting the Hold the Line policy into effect will result in loss of Annex 1 habitat through coastal squeeze.

Following the conclusion of adverse effects on the integrity of a European Site, the licence determination proceeded under Article 6(4) of the Habitats Directive which provides a derogation which would allow a plan or project to be approved in limited circumstances even though it would or may have an adverse effect on the integrity of a European site. Under article 6(4) a plan or project can only proceed provided three sequential tests are met:

- There must be no feasible alternative solutions to the plan or project which are less damaging to the affected European site(s).
- There must be imperative reasons of overriding public interest for the plan or project to proceed.
- All necessary compensatory measures must be secured to ensure that the overall coherence of the network of European sites is protected.

It was considered that there were no feasible alternatives to the project and a Statement of Case was produced by NRW identifying the imperative reasons of overriding public interest for the plan, information to support this consideration was detailed in chapter 2 and within the Shoreline Management Plan. The Annex 1 habitat losses will be compensated through the Welsh Government National Habitats Creation Programme (NHCP). The Statement of Case was sent to Welsh Government on the 28 March 2022. Approval to grant a licence under Article 6(4) of the Habitats Directive was provided by Welsh Government on **19 June 2022**.

Further details are described within the Habitats Regulations Assessment.

5.1.4 European Protected Species

a) The legal framework

The Habitats Regulations 2017 and the Offshore Habitats Regulations 2017 also confer protection on certain designated species (European Protected Species). A licence (EPS licence) must be obtained in order, whether deliberately or accidentally, to capture, kill, disturb or injure such a species, damage or destroy their breeding or resting places or obstruct access to their resting or sheltering places.

b) Factors relevant to our determination

NRW considers that no protected species are likely to be impacted by the Project

Any determination made as part of this decision are without prejudice to the consideration NRW is required to give an EPS licence application as the body with a statutory responsibility for its

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determination and do not constrain or bind NRW in exercising this function. Should an application for an EPS licence in relation to the Project be made it will be determined by NRW based on all the relevant information available to NRW at that time.

5.1.5 Marine Conservation Zones

a) The legal framework

Marine Conservation Zones (MCZ) were established under the 2009 Act to protect nationally important, rare or threatened habitats and species. The only currently designated MCZ in Wales is Skomer.

Under the 2009 Act, NRW must exercise its functions in the manner which it considers best furthers the conservation objectives stated for any MCZ or, where that is not possible, in the manner which it considers least hinders the achievement of those objectives.

b) Factors relevant to our determination

NRW is satisfied that there is no significant risk of the Proposed Activities on the MCZ

5.1.6 Sites of Special Scientific Interest (SSSIs)

a) The legal framework

Sites of Special Scientific Interest are designated under the Wildlife and Countryside Act 1981 (**1981 Act**) and protected by law to conserve their wildlife or geology. NRW must take reasonable steps, consistent with the proper exercise of its functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which an SSSI is of special scientific interest.

b) Factors relevant to our determination

NRW has considered the impact of the Project on the following sites:

- Severn Estuary SSSI
- Gwen Levels SSSI.

To reduce impact on features of the SSSI the applicant proposed to adhere to a CEMP and to follow pollution prevention best practices. This will reduce potential impact to the site as a result of pollution incident and working practices. A CEMP (condition 3.18), the implementation of the Sediment Sample Plan (condition 3.22), the development of a Saltmarsh Management Plan (condition 3.20), and a Biosecurity Risk Assessment (condition 3.19) will all contribute to the protection of the features of the SSSI.

NRW considers that when the activity is done in line with its conditions there will be no adverse impact on any of the features of the SSSIs.

5.1.7 The Waste (England and Wales) Regulations 2011

a) The legal framework

The Waste (England and Wales) Regulations 2011 establish a legal framework for treating waste. This is designed to protect the environment and human health by emphasising the importance of proper waste management, recovery and recycling techniques to reduce pressure on resources and improve their use. Waste generated by a project or activity must in general terms be dealt with in an environmentally friendly way. To achieve this the Regulations describe a waste hierarchy which gives an order of preference for how waste is dealt with (prevention, re-use, recovery for other purposes such as energy, and finally disposal).

b) Factors relevant to our determination

NRW is satisfied that the Proposed Activities meet the requirements of The Waste (England and Wales) Regulations 2011. The Project includes the efficient use of material such a waste hierarchy to be implemented throughout construction and reuse of excavated material as infill if suitable. A sediment

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Sample Plan will be implemented to ensure that the sediment to be excavated is appropriately dealt with to avoid further damage to the environment.

5.1.8 Other matters considered relevant to the need to protect the environment

Coastal Processes

NRW TE considered that the developer's inundation approach for coastal squeeze calculations presented with the application was not accurate. NRW TE proposed alternative modelled figures which result in far larger habitat loss estimates. Due to the low confidence in both of the presented methodologies, it was agreed by both the applicant and NRW TE that on a precautionary basis the value obtained for future intertidal habitat loss predictions should be based on the more precautionary NRW TE modelling approach. The modelling result was used to confirm the need of habitat compensation under the HRA process, this is further discussed in section 5.1.3.

NRW TE confirmed their agreement with other mitigation measures outlined in the ES, particularly in regard to sediment management and monitoring proposed by the developers for the first 5 years of the project post construction.

NRW is satisfied that the loss of intertidal habitat has been properly estimated in line with the precautionary principle and that physical processes have been adequately assessed.

INNS

NRW TE raised concerns regarding the risk of spread of Invasive Non-Native Species (INNS). A Biosecurity Risk Assessment (condition 3.19) will be produced prior works commence to reduce the risk of transfer or movement of INNS.

Pollution Prevention

Conditions have been added to the licence (3.23 and 3.24) to minimise risk of damage to the marine environment through concrete contamination.

Historic Environment

Cadw agrees with the conclusions of the ES (Chapter 7) with regard to the impacts on listed buildings and monuments. Cadw considers that the proposed development will not have any direct impact on any designated historic assets and any indirect impacts will not be significant.

The Royal Commission on the Ancient and Historic Monument in Wales (**RCAHMW**) and the Glamorgan-Gwent Archaeological Trust (**GGAT**) had no objections to the Project provided the Licence Holder submit a Written Scheme of Investigation (**WSI**, condition 3.21) for a programme of archaeological work. The WSI will need to be carried out by either a ClfA Registered Organisation or an accredited Member and approved by the Licensing Authority prior commencement of works.

Cadw and the RCAHMW indicated that the proposed development is in an area where significant archaeological sites have previously been discovered and that there is a possibility that similar sites could be affected by the proposed development. Therefore, the RCAHMW has requested monitoring of the mudflat levels within the site 100m buffer, and the wider inter-tidal area adjacent to the site, as far as the MLWM. This monitoring will be undertaken over a period of five years through the proposed annual drone monitoring of the mudflats (Section 4.5 of the ES).

NRW are therefore satisfied that all other matters have been appropriately assessed and that the mitigation required can be secured using appropriate conditions within the licence.

5.1.9 Conclusion of our considerations under the need to protect the Environment

IN SUMMARY, having considered the need to protect the environment, NRW does not consider that any impacts of the Project on the environment (either alone or in combination with other plans or projects) are sufficient on their own to justify refusal of the application [provided that the Proposed Activities are implemented in accordance with the conditions set out in Annex 1.

5.2 The need to protect human health

No comments or representations were received in relation to the need to protect human health and no other concerns in this regard have been identified. The proposed scheme aims to provide improved protection to people and property from coastal erosion and flood risk and to prevent the erosion of two decommissioned landfill sites; The Frag Tip and Lamby Way Tip.

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5.2.1 Conclusion of our considerations under the need to protect human health

IN SUMMARY, having considered the need to protect human health, NRW does not consider that any impacts of the Project (either alone or in combination with other plans or projects) are sufficient on their own to justify refusal of the application [provided that the Proposed Activities are implemented in accordance with the conditions set out in Annex 1.

5.3 The need to prevent interference with legitimate uses of the sea

Legitimate uses of the sea include (but are not limited to): navigation (including taking any steps for the purpose of navigational safety); fishing; mineral extraction; and amenity use.

Consultation responses were received from the Harbour Authority, the RYA and Marine and Coastguard Agency. Harbour authority and RYA had no objections or comments to the proposed Licensed Activities. The MCA requested that licence conditions to ensure local marine users, HM Coastguard and UK Hydrographic Office are made aware of the Licensed Activities prior to commencement. MCA also requested that UK Hydrographic office is notified following completion of the Licensed Activities. This has been secured through licence conditions (3.1, 3.4, 3.5 and 3.7).

NRW is satisfied the Proposed Activities will not interfere with legitimate uses of the sea when undertaken in accordance with appropriate conditions as detailed above.

5.3.1 Conclusion of our considerations regarding the need to prevent interference with legitimate uses of the sea

IN SUMMARY, having considered the need to protect interference with legitimate uses of the sea, NRW does not consider that any impacts of the Project (either alone or in combination with other plans or projects) are sufficient on their own to justify refusal of the application [provided that the Proposed Activities are implemented in accordance with the conditions set out in Annex 1.

5.4 Marine Policy Documents

a) The Legal framework

NRW is required to take its decision in accordance with the appropriate marine policy documents unless relevant considerations indicate otherwise:

UK Marine Policy Statement 2011 (MPS)

The MPS is the framework for preparing Marine Plans and taking decisions affecting the marine environment.

Welsh National Marine Plan (WNMP)

The WMNP is the Marine Plan for the Welsh inshore region and the Welsh offshore region and sets out the Welsh Government's policies for and in connection with the sustainable development of this area.

Shoreline Management Plan

Shoreline Management Plan (SMP) SMPs are non-statutory policy documents with the purpose of providing a large-scale assessment to support coastal support management planning.

b) Our determination

UK Marine Policy Statement 2011

This decision has been taken in accordance with marine policy as set out in the UK Marine Policy Statement 2011

Welsh National Marine Plan

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This decision has been taken in accordance with marine policy as set out in the Welsh National Marine Plan. It is considered that the Project is in accordance with the WNMP supporting sustainable economic growth (ECON_01) both during the construction phase and the operational phase of the project. The Project is designed to protect commercial and residential properties and critical active travel infrastructure, the erosion of the disused landfill as well as reinstate and improve the access to the Wales Coast Path. A WNMP signposting document was submitted by the applicant which demonstrated that the works complied with WNMP policies including Access to the marine environment SOC_01, Well-being of coastal communities SOC_02, Marine pollution incidents SOC_03, Resilience to/effects on coastal change and flooding SOC_08&09, Resilience to climate change SOC_11, and including measures to safeguard Historic assets SOC_05. The development has also considered its impact on the marine ecosystems and has where appropriate looked to avoid, minimise and mitigate potential impacts this is presented within section 5.

Shoreline Management Plan

The proposed works lie within the Severn Estuary Shoreline Management Plan 2 (SMP2) policy units CAR2 and CAR3. The policy for these units is Hold the Line, therefore, the Project at Cardiff Coastal Defence is in line with the SMP policy.

5.5 Other matters NRW thinks relevant

5.5.1 Well-being of Future Generations (Wales) Act 2015

a) The legal framework

In making its decision, NRW is required to take all reasonable steps to meet its published well-being objectives, which are designed to maximise NRW's contribution to achieving each of the well-being goals set out in the Well-being of Future Generations (Wales) Act 2015. NRW must also act in accordance with the principles of sustainable development.

b) Our determination

NRW has taken into account its well-being objectives and is satisfied that its decision is consistent with meeting those objectives.

NRW is also satisfied that its decision is consistent with the sustainable development principle i.e. seeking to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

5.5.2 Sustainable management of natural resources

a) The legal framework

NRW's general purpose is to pursue the sustainable management of natural resources in relation to Wales and applying the principles of sustainable management of natural resources as set out in section 4 of the Environment (Wales) Act 2016 so far as consistent with the proper exercise of its functions.

b) (b) Our determination

NRW is satisfied that this decision, when implemented in accordance with the attached conditions, is consistent with its general purpose of pursuing the sustainable management of natural resources in relation to Wales, and applying the principles of sustainable management of natural resources.

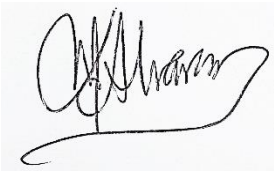
6 Conclusions and Recommendations

Based on all the information available, and having regard to all relevant considerations including consultation responses, NRW's decision is to grant the Marine Licence sought by the Application. We have reached this decision having had regard to the relevant legal framework outlined in section 5. We have also explained in section 5 how each of the legal requirements have been considered. NRW has determined that a Marine Licence for the Proposed Activities should be granted.

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Conditions have been attached to the Marine Licence as set out in Annex 1. The reason for the inclusion of each condition is set out with the conditions.

7 AUTHORISATION

Report by: Maria Alvarez Position: Permitting Officer	Date: 07/07/2022	Signed: 
Authorised by: Emmer Litt Position: Permitting Team Leader	Date: 07/07/2022	Signed: 

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ANNEX 1

Conditions imposed and reasons for those conditions.

Note: Condition numbers used below reflect the condition numbers used in the licence.

CONDITIONS

Notification and Inspection

3.1. Notification of Commencement

- 3.1.1. The Licence Holder must notify the Licensing Authority no less than 10 days before the commencement of the Licensed Activities, or an individual phase of the Licensed Activities, is expected to commence.

Reason: To ensure Licensing Authority are aware of the commencement of Licensed Activities.

- 3.1.2. The Licence Holder must notify Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) no less than 10 days before the commencement of the Licensed Activities, or an individual phase of the Licensed Activities, is expected to commence.

Reason: To ensure the Marine Enforcement Officers are aware of the commencement of Licensed Activities.

- 3.1.3. The Licence Holder must ensure that local mariners and fishermen's organisations are made fully aware of the Licensed Activities through local notices to mariners 10 days prior to the commencement of the Licensed Activities.

Reason: To minimise interference with other sea users and inform them of the licensed activities to ensure other vessels in the vicinity can safely plan and conduct their passage.

- 3.1.4. The Licence Holder must ensure that notification is sent to The Source Data Receipt team, UK Hydrographic Office (email: sdr@ukho.gov.uk) at least 10 days prior to commencement of the Licensed Activities. The information supplied must include the start date and end date, a description of the Licensed Activities, positions of the work area (WGS84), and details of any marking arrangements.

Reason: To ensure that navigation warnings can be issued to marine users and for the update of nautical charts.

3.2. Notification of Vessels and/or Vehicles

The Licence Holder must ensure that the details of the vessels and/or vehicles utilised to undertake the Licensed Activities are submitted to the Licensing Authority and Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) at least 24 hours prior to the commencement of the Licensed Activities.

Reason: To ensure that the Licensing Authority are made aware, in a timely manner, of the vessels and/or vehicles operating under this licence to enable the Licensing Authority to comply with the reporting obligations in the Marine Licensing (Register of Licensing Information (Wales) Regulations 2011 as amended.

3.3. Notification of Agents/Contractors/Sub-contractors

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The Licence Holder must ensure that details of any agent(s), contractor(s) or sub-contractor(s) utilised to undertake the Licensed Activities are submitted to the Licensing Authority at least 24 hours prior to the commencement of Licensed Activities.

Reason: To ensure that the Licensing Authority are made aware, in a timely manner, of the agent(s), contractor(s) or sub-contractor(s) operating under this licence and in order to enable the Licensing Authority to comply with the reporting obligations in the Marine Licensing (Register of Licensing Information (Wales) Regulations 2011.

3.4. Notification of HM Coastguard

The Licence Holder must ensure that HM Coastguard is made aware of the Licensed Activities at least 24 hours prior to commencement by contacting The National Maritime Operations Centre at zone27@mcga.gov.uk.

Reason: To ensure the safety of navigation.

3.5. Inspection of Licensed Activities

The Licence Holder must allow Marine Enforcement Officers or any other person authorised by the Licensing Authority to inspect the Licensed Activities at any reasonable time.

To allow for inspection of the Licensed Activities to check compliance with the Licence.

3.6. Notification of Completion

3.6.1. The Licence Holder must notify the Licensing Authority within 10 days of completion of the Licensed Activities.

Reason: To ensure the Licensing Authority are aware of the completion of Licensed Activities.

3.6.2. The Licence Holder must notify Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) within 10 days of completion of the Licensed Activities.

To ensure the Marine Enforcement Officers are aware of the completion of Licensed Activities.

3.6.3. The Licence Holder must notify The Source Data Receipt team, UK Hydrographic Office (email: sdr@ukho.gov.uk) no later than 10 days after the completion of the Licensed Activities. The information provided must include: any changes to engineering drawings, post dredge surveys, details of new or changed aids to navigation where applicable.

Reason: To ensure that navigation warnings can be issued to marine users and for the update of nautical charts.

3.6.4 The Licence Holder must inform the Licensing Authority, of the location of all completed trail pits/boreholes within 10 days of completion of the work.

Reason: To comply with Marine Licensing (Register of Licensing Information) (Wales) Regulations 2011 9(2)(C)

3.7. Accident or Emergency

3.7.1. If, by reason of force majeure any substances or articles are deposited otherwise than as permitted as part of the Licensed Activities or in the Licensed Area full details of the circumstances shall be notified to the Licensing Authority within 48 hours of the incident occurring.

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3.7.2. In case of damage to, or destruction or decay of the licensed activities, that could result in a danger or obstruction to navigation, notification must be issued to the Maritime and Coastguard Agency, Trinity House/NLB, the Kingfisher Information Service of Seafish and the UKHO, as soon as possible and no later than 24 hours following the identification of damage, destruction or decay. The Licence Holder shall lay down such buoys, exhibit such lights and take such steps as directed by Trinity House

3.7.3. If it is necessary for the Licence Holder to recover or remove any equipment, plant or machinery used to undertake the Licensed Activities that have been dropped as a result of an accident or emergency, the Licence Holder is permitted to do so provided that the methodology for such recovery or removal has been approved by the Licensing Authority.

Reason: To allow the Licensing Authority to take appropriate action to ensure the appropriate removal of the unlicensed deposit. To allow for the recovery of objects that have been accidentally dropped when carrying out the Licensed Activities. To ensure the safety of navigation.

3.8. Distribution of Copies of this Licence

The Licence Holder is required to ensure that a copy of this Licence is given to:

- All agent(s), contractor(s) and sub-contractor(s) whose names have been provided to the Licensing Authority under condition 3.3 and
- The Masters of any vessels and transport managers responsible for the vehicles employed in accordance of this Licence whose details have been submitted to the Licensing Authority under condition 3.2.

Reason: To ensure that all agent(s), contractor(s), sub-contractor(s) and vessel Masters are aware of their obligations under the conditions established within this Licence to ensure compliance with the conditions.

3.9. Inspection of Documents

Copies of this Licence shall be made available at the following locations:

- at the address of the Licence Holder specified in section 1.2;
- at any site office, located at or adjacent to the Licensed Area, used by the Licence Holder or its agent(s), contractor(s) or sub-contractor(s) responsible for the loading transportation or deposit of any substances or articles permitted as part of the Licensed Activities;
- on board each vessel or vehicle carrying out Licensed Activities.

The documents referred to in this Condition shall be available at all reasonable times for inspection by officers appropriately authorised by the Licensing Authority and authorised Marine Enforcement Officers at the locations stated in that paragraph.

Reason: To ensure that all agent(s), contractor(s), sub-contractor(s) and vessel Masters may access the details of this Licence at all times and to ensure that the details of this Licence are available for inspection when required.

Vessels, Plant and Equipment

3.10. Notified Contractors, Vessels and/or Vehicles only to Carry out Licensed Activities

Only those agent(s), contractor(s), sub-contractor(s), vessels and/or vehicles whose details have been notified to the Licensing Authority may operate under the terms of this Licence. Any changes must be

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notified to and be approved by the Licensing Authority in writing prior to any such agent, contractor, subcontractors or vehicles carrying out any Licensed Activities pursuant to or otherwise operating under this Licence.

Reason: To ensure that the Licensing Authority are made aware, in a timely manner, of the agent(s), contractor(s) or sub-contractor(s) operating under this Licence to enable the Licensing Authority to comply with the reporting obligations in The Marine Licensing (Register of Licensing Information (Wales) Regulations 2011 as amended.

3.11. Refuelling of Plant and Equipment

The Licence Holder must ensure that plant, vehicles and machinery are not refuelled on the foreshore or in the sea.

Reason: To minimise the risk of fuels/other contaminants entering the marine environment.

3.12. Equipment, Structures and Access

The Licence Holder must ensure that all equipment, temporary structures, access tracks, waste and/or debris associated with the Licensed Activities are removed on completion of the Licensed activities.

Reason: To minimise impacts to the marine environment and other users of the sea/seabed.

Safety**3.13. Removal of Deposited Material**

If the Licensing Authority considers it necessary or advisable for the safety of navigation, the Licence Holder must remove any deposit specified by the Licensing Authority or Marine Enforcement Officers within one month of notice being given by the Licensing Authority, and shall not replace such material until the Licensing Authority has given its written approval.

Reason: To ensure that any material which may pose a hazard to safe navigation has been removed.

Pollution control**3.14. Pollution Prevention**

The Licence Holder must ensure that pollution prevention best practice is adhered to at all times. Any incidents must be reported to the Licensing Authority as soon as possible using the hotline number 0300 065 3000.

Reason: To minimise the risk of pollution incidents, and to ensure the timely report of such incidents, to enable the Licensing Authority to take action as appropriate.

3.15. Spillage of Pollutants

The Licence Holder must employ bunding, storage facilities and spill kits to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment. Secondary containment must be used with a capacity of no less than 110% of the container's storage capacity

Reason: To minimise the risk of fuel/oil entering the marine environment.

3.16. Prevention of Disposal of Man-made Debris

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The Licence Holder must ensure that all reasonable precautions are taken to prevent the disposal of man-made debris to the marine environment. Such material must be removed immediately and be disposed of appropriately. If it is not possible to prevent manmade debris from entering the marine environment during the Licensed Activities, the Licensed Activities must cease immediately.

Reason: To minimise the amount of man-made materials disposed of at sea.

3.17. Cleanliness of Equipment

The Licence Holder must ensure that equipment, machinery and PPE are washed with freshwater and/or thoroughly airdried before deployment and before moving between locations.

Reason: To minimise the risk of spread of invasive non-native species.

Activity-specific Conditions**3.18. Construction Environmental Management Plan (CEMP)**

3.18.1. The Licence Holder must submit a CEMP to the Licensing Authority for written approval at least 6 weeks prior to commencement of the Licensed Activities. The CEMP must be in accordance with the outline CEMP (2019s0183 Cardiff Outline CEMP). No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.

3.18.2. The Licence Holder must ensure that any actions outlined in the documents detailed in condition(s) 3.18.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

Reason: To ensure appropriate pollution prevention, mitigation to reduce impact to protected habitat and noise mitigation are adhered to.

3.19. Biosecurity Risk Assessment

3.19.1. The Licence Holder must submit a Biosecurity Risk Assessment to the Licensing Authority for written approval at least 6 weeks prior to commencement of the Licensed Activities. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.

3.19.2. The Licence Holder must ensure that any actions outlined in the documents detailed in condition(s) 3.19.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

Reason: To ensure prevention of impacts to non-designated prehistoric archaeological assets and maritime archaeology.

3.20. Saltmarsh Habitat Management Plan

3.20.1. The Licence Holder must submit a Saltmarsh Habitat Management Plan (to the Licensing Authority for written approval at least 6 weeks prior to commencement of the Licensed Activities. The Saltmarsh Habitat Management Plan must be in accordance with the outline Saltmarsh Management Plan (2019s0183 Cardiff Outline SMP v3.0 11.3.2022 Final). No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.

3.20.2. The Licence Holder must ensure that any actions outlined in the documents detailed in condition(s) 3.20.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

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Reason: To ensure prevention and control impacts to Saltmarsh habitat outside the direct footprint of the development.

3.21. Written Scheme of Investigation (WSI)

- 3.21.1. The Licence Holder must submit a WSI to the Licensing Authority for written approval at least 2 months prior to commencement of the Licensed Activities. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.
- 3.21.2. The Licence Holder must ensure that any actions outlined in the documents detailed in condition(s) 3.21.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

Reason: To ensure prevention of impacts to non-designated prehistoric archaeological assets and maritime archaeology.

3.22. Sediment Sample Plan

- 3.22.1. The Licence Holder must ensure that the sampling is undertaken in accordance with the sampling plan described in "Proposed Sediment Sample Plan 1.0 28.01.2022" and is analysed at an NRW approved laboratory.
- 3.22.2. The Licence Holder must submit the written results of the sediment sampling undertaken for written approval by the Licensing Authority prior to commencement of Licensed Activity 1 and 2. This must include an outline of an assessment of alternative uses for the sediment that is to be disposed. Licensed Activities 1 and 2 may not be undertaken prior to written approval from the Licensing Authority.

Reason: To ensure sediment to be excavated is appropriately dealt with to avoid further damage to the environment.

3.23. Use of Render and Concrete

The Licence Holder must ensure that no waste concrete slurry or wash water from the use of concrete or cement are discharged into the marine environment. Concrete and cement mixing and washing areas should be contained and sited at least 10 metres from any watercourse or surface water drain to minimise the risk of runoff entering a watercourse.

Reason: To minimise risk of damage to the marine environment by wet concrete contamination.

3.24. Concrete Cure Time

The Licence Holder must ensure materials used are suitable for use in the marine environment and works should be timed to ensure maximum concrete cure time.

Reason: To minimise the risk of marine pollution incidents.