

Sent by e mail

07 July 2022

Dear Simon Dooley

MARINE AND COASTAL ACCESS ACT 2009: PART 4 – MARINE LICENSING

LICENCE FOR CARDIFF COASTAL DEFENCE SCHEME

LICENCE NUMBER: CML2147

I am writing to advise you that the Marine Licensing Team, on behalf of the Welsh Ministers, as Licensing Authority, has considered your application, dated **10 September 2021** for a Marine Licence under Part 4 of the Marine and Coastal Access Act 2009, and hereby grant a Marine Licence for you to undertake the above stated works.

Accordingly, please find attached for your review and retention a copy of Marine Licence **CML2147** and its conditions.

Advisory Note

I would like to bring to your attention the following points raised in relation to the outline CEMP and to be addressed in the final CEMP:

- Section 1.4 of the outline CEMP states that “Any environmental incidents must be reported immediately to the Site Supervisor, Project Manager and ECW.” However, a notification to NRW will also be needed and should be included in the final CEMP.
- Pollution concerns arising from the storage and use of oils and concretes should be explicitly addressed and appropriate pollution prevention methods detailed, in line with the relevant NetRegs guidance.
- NRW are aware of a number of Dŵr Cymru Welsh Water assets within the working area, including 2 combined sewer outfalls and 1 surface water, which are integral to water quality operation. We therefore advise checking plans with DCWW to ensure that assets are not compromised during construction and addressing this in CEMP with regard to water quality concerns.
- Section P1.5 details the use of track mats as requested but does not include the use of temporary barriers or fencing to control access tracks. This is an important mitigation measure to minimise damage to sensitive habitats as detailed in section C1.13 and should be included in the final CEMP.

- The objective in Section C1.5 of the outline CEMP should be reworded to state 'Protect birds from disturbance'. Given the importance of the Redshank roost at this location, impacts should be circumvented by following the hierarchy of avoiding the winter period as far as practicable, failing that works must avoid 2 hours either side of high tide. The roosts should be monitored by the ECoW to prevent any disturbance during works.
- In addition to actions to safeguard the Severn Estuary SPA over-wintering bird features, we recommend that an action relating to the need to prevent disturbance to any ground nesting birds is added to C1.5, e.g. a walkover survey by the ECoW prior to any works commencing.

Since the site is near port limits, the applicant should notify the local navigation authority (Cardiff Harbour Authority) as they may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works, as deemed necessary.

In regards to the Written Scheme of Investigation referred to in condition 3.21., we advise that you liaise with the Royal Commission for Ancient and Historic Monuments Wales as you develop this document. It is expected that the Written Scheme of Investigation should include the following:

- Completion/updating of the 2017 walkover survey.
- Implementation of watching briefs for any further pre-construction ground investigation work
Implementation of watching briefs for any ground-breaking that impacts on tidal flat deposits and/or identified historic assets.
the inclusion of monitoring of mudflat levels within the site 100m buffer, and the wider inter-tidal area adjacent to the site, as far as the MLWM

Marine Licence, **CML2147**, constitutes a statutory consent; therefore, the conditions set out herein must be complied with in full and will be binding upon any agent or contractor who undertakes any activity on the project on your behalf.

You are urged to read the conditions of Marine Licence **CML2147** carefully, in particular the need to advise Welsh Government Marine Enforcement Officers of the commencement of works within **10 days** prior to work starting.

Marine Licence, **CML2147** is solely granted for the work to be undertaken at **Cardiff**; however, it does not absolve you from applying for further consents or licences as necessary to enable the full completion of your project.

If the works authorised by this Licence are unlikely to be completed by the expiry date, the Licence Holder should apply for a replacement marine licence **at least 4 months** prior to the expiry date of this Licence.

Should you require clarification as to the reasons for the inclusion of any of the conditions attached to the Licence then you must request written notice within **28 days** of the receipt of this letter.

Rights of appeal

You have the right of appeal to the Welsh Ministers against this decision. The Appeal must be made in accordance with the Marine Licensing (Appeals Against Licensing Decisions) (Wales) Regulations 2011.

A notice of appeal must be received by the Welsh Ministers within six months beginning with the date of the decision to which the appeal relates.

You must send written notice of appeal including the documents listed below to the Welsh Ministers at the following address:

Welsh Ministers c/o Marine Licensing Branch, Welsh Government, Cathays Park, Cardiff. CF10 3NQ.

At the same time you must send a copy of the notice of appeal to the Natural Resources Body for Wales at the following address:

Permitting Service Manager, Permitting Service(Cardiff), Natural Resources Wales, Cambria House, 29 Newport Road, Cardiff, CF24 0TP

The notice of appeal must include:

- a) the name, address (including any email address) and telephone number of the appellant and any agent acting for the appellant;
- b) a statement of the grounds of appeal;
- c) a statement as to whether the appellant wishes to have the appeal dealt with by way of written representations, a hearing or an inquiry;
- d) a copy of the decision to which the appeal relates;
- e) a copy of all documents upon which the appellant wishes to rely; and
- f) a list of all the documents, including dates (where any document is dated), specified in bullet points d and e above. :

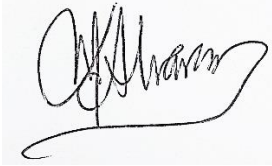
You may withdraw an appeal by notifying the Welsh Ministers in writing and sending a copy of that notification to the NRW at the address specified above.

Please be aware that the Welsh Government has changed the Marine Licensing fees and charges in Wales. You will be charged for any post licensing work associated with your licence. If you have any queries regarding the fee changes, please email the Marine Licensing Team via marinelicensing@naturalresourceswales.gov.uk

Following the UK's departure from the EU on 31 January 2020 and the end of the transition period on 31 December 2020, the legal obligations relating to compliance with environmental permits and legislation will continue to apply. NRW will continue to issue and regulate all

permits and licenses in line with our current practice. If you have any questions about your permits or licenses and/or site management, please contact our Customer Care Centre on 03000 653 000.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Maria Alvarez', with a stylized flourish at the end.

Maria Alvarez
Marine Licensing Team
Natural Resources Wales