

Marine Licensing Variation Decision

The Marine and Coastal Access Act (2009)

Applicant: Milford Haven Port Authority
Variation application reference no: CML2057v2

Pembroke Port, Pembroke Dock

Pembroke Dock Infrastructure Project

01 September 2022

Application Number: CML2057v2

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OUR DECISION

Based on all the information available, and having regard to all relevant considerations NRW has decided grant the variation to the Existing Marine Licence (see Annex 2) sought by the Variation Application.

This decision document:

- explains how the Variation Application has been determined, having regard to the relevant legal framework outlined in section 4;
- explains how relevant considerations have been taken into account and how each of the legal requirements have been considered in determining the Variation 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 Variation Application.

1 APPLICATION DETAILS

1.1 The Variation Application

Applicant name and address	The Applicant is the person or organisation set out below: Company/organisation name: Milford Haven Port Authority Address: Head Office, Gorsewood Drive, Milford Haven, SA73 3EP
Variation Application reference number	CML2057v2
Existing Marine Licence reference number	CML2057v1
Date Variation Application was duly made	No application was submitted, this is a NRW-led variation.
Description of variation	Addition of licence conditions 3.26.1 and 3.26.2 for the submission of a biosecurity risk assessment to be submitted before commencement of works.
Proposal[s] covered by the Variation Application	Pembroke Dock Infrastructure Project (the Project)
Licensable marine activities	• <i>Capital dredging around the slipways and within the Graving Dock;</i> • <i>Installation of a temporary stank (stacked containers) to allow works to be undergone in the dry;</i> • <i>Installation of a piled wall within the boundary of the new slipway</i> • <i>Excavation of rock material;</i> • <i>The creation of a single 'mega' slipway by combining the two existing westernmost slipways and extending the slipway into the Milford Haven Waterway into deeper water; and</i>

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	• <i>The infilling of the Graving Dock.</i> (the Proposed Activities)
Marine Plan area	Welsh inshore region and Welsh offshore region

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2 VARIATION APPLICATION PROCEDURE

2.1 The Variation

Following correspondence received from the NRW Advisory on 18 August 2022 we considered that a NRW led-variation was required to address comments related to the omitted biosecurity risk assessment condition to ensure protection of the environment, see further detail in section 4.

2.2 Documents considered

No additional documentation has been submitted.

2.3 Commercial Confidentiality

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

3 CONSULTATION

Correspondence with NRW Advisory was received on 18 August 2022 stating that the condition for the applicant to submit a biosecurity risk assessment before commencement of works was omitted from the original licence and previous variation CML2057v1. Therefore, no further consultation was required as part of this variation.

4 BASIS FOR OUR DECISION

In determining this marine licence variation, NRW has taken regard of the decisions made during the determination of CML2057v1, issued on 08 March 2022 and consider that the conclusion of the decision document dated 03 March 2022 remain valid.

Additional consideration to the need to protect the environment can be seen below.

The need to protect the environment:

After receiving correspondence from NRW Advisory noting that the need for a biosecurity risk assessment was omitted from the previous licence, NRW PS undertook this NRW-led variation to add conditions 3.26.1 and 3.26.2 which request the submission of such a document before the commencement of works. This ensures that the relevant mitigations will be included to prevent the risk of spreading INNS.

Conclusion of our considerations regarding the need to protect the environment

IN SUMMARY, having considered the need to protect interference with legitimate uses of the sea, after correspondence with the Trinity House, NRW are satisfied that the need to prevent interference with legitimate users of the sea has been considered and can be appropriately mitigated.

5 Conclusions and Recommendations

Based on all the information available, NRW's decision is to grant the variation to the Existing Marine Licence sought by the Variation Application. We have reached this decision having had regard to the relevant legal framework outlined in decision document dated 03 March 2022 and amendments outlined above. NRW has determined that a Variation to the Marine Licence for the Proposed Activities should

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be granted. 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.

AUTHORISATION

Report by: Jodie Pullen Position: Permitting Officer	Date: 19 August 2022	Signed: 
Authorised by: Emmer Litt Position: Permitting Team Leader	Date: 01/09/2022	Signed: 

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ANNEX 1 – Changes to Marine Licence

Additional Marine Licence conditions within CML2057v2

3.26 Biosecurity Risk Assessment

3.26.1 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.

3.26.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.26.1 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.