

Sent by e mail

Date 13 October 2022

Dear Emyr Williams,

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

LICENCE FOR FARCHYNYS FLOOD BANK REPAIR

LICENCE NUMBER: CML2232

I refer to the above application for a licence under s67 of the Marine and Coastal Access Act 2009 ('the Act').

The application has been determined under s69 of the Act and after careful consideration of all the evidence submitted, the Natural Resources Body for Wales, acting on behalf of the licensing authority, has decided to refuse the application.

The predominant reason for the decision is outlined below:

Through determination of the licence application, it was concluded the works could result in an adverse effect on the integrity of a designated European Marine Site as documented in section 4 of the Habitat Regulation Assessment (HRA). The main impact is to the Atlantic Salt Meadow feature of the Pen Llyn a'r Sarnau Special Area Conservation (SAC), where proposed works would alter the tidal inundation and potentially lead to the long-term degradation of the saltmarsh habitat which would require Habitat Regulation derogations to proceed. For HRA derogations to progress, enough information needs to be provided for NRW to decide whether there are no feasible alternative solutions, there are imperative reasons of overriding public interest and the necessary compensatory measures can be secured. Further information relating the above and other considerations can be found in the associated Decision Document.

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.

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



Dr. Emmer Litt

**Marine Licensing Team Leader
Natural Resources Wales**