

Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: Ceredigion County Council
Application reference no: CML2133

Aberaeron, Ceredigion

Coastal defence works at Aberaeron, Ceredigion

03 January 2023

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OUR DECISION

Based on all the information available, and having regard to all relevant considerations NRW has decided 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 person or organisation set out below: Organisation name: Ceredigion County Council Address: Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron, SA46 0PA
Application Reference Number	CML2133
Date Application was duly made	14 July 2021
Proposal[s] covered by the application	Coastal defence works at Aberaeron, Ceredigion which comprise of five elements. This includes, construction of a new breakwater extending out for the North Pier, refurbishment and rebuilding of the pier-head of South Pier, flood wall construction, construction of the flood gate and improvements to existing defences on South Beach. (the Project)
Licensable marine activities	Construction works at North Pier, South Pier, Quay Parade, River Aeron, Pwll Cam and South Beach. (the Proposed Activities)
Marine Plan Area	Welsh inshore region and Welsh offshore region
Application documents:	5182114-ATK-MAR-GEN-RP-EN-3012 Environmental Statement 16 June 2021 v1 5182114-ATK-MAR-GEN-RP-EN-3013 Water Framework Directive Assessment (WFD) 15 November 2021 2 5182114-ATK-MAR-GEN-RP-EN-3018 WNMP Signposting Doc 05 August 2021 v1 5182114-ATK-MAR-GEN-RP-EN-3014 Habitat Regulation Assessment (HRA) 16 June 2021 v1

	App C Public Survey Consultation Survey 16 June 2021 v1
	App D Integration of ES comments 16 June 2021 v1
	App E Technical Report – Eco Marine 16 June 2021 v1
	App F HRA Stage 1 and Stage 2 16 June 2021 v1
	App G Aberaeron Coastal Defences Heritage DBA 16 June 2021 v1
	App I Landscape viewpoints photographs 16 June 2021 v1
	App J Landscape Constraints Plan 16 June 2021 v1
	App K Historic LiDAR Comparisons 16 June 2021 v1
	App M Aberaeron Envirocheck maps 16 June 2021 v1
	App N Impact Assessment Table_final 16 June 2021 v1
	App O Noise_Appendices 16 June 2021 v1
	Beach Nourishment Technical Note 15 November 2021 v1
	Ground Investigation Factual Report 2008 15 November 2021 v1
	Ground Investigation Factual Report 2019 15 November 2021 v1
	Ground Investigation Factual Report 2021 15 November 2021 v1
	5182114-ATK-MAR-GEN-RP-EN-3015 Construction Methodology document 16 June 2021 v1
	Non Technical Summary Final 21 July 2021 v2
	Aberaeron Coastal Defence GI Report 16 June 2021 v1
	Sediment Transport Modelling Report 15 November 2021 v1
	Titan Geophysics Aberaeron 19 August 2021 v1
	Vegetation Survey June 2021 15 November 2021 v1
	Quantum Ground Investigation Factual Report – Q0377/FR.01 16 June 2021 v1
	WYG, 2019. A111150-2 Aberaeron Coastal Defence Scheme: Ground Investigation Factual Report 16 June 2021 v1
	CML2133 Final Coordinates 14 July 2021 v3
	CML2133 Application Form 16 June 2021 v1

	5182114-ATK-MAR-GEN-DR-C-1000 Overall Scheme Arrangement 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-C-2000 Site Compound and Beach Access 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-C-2001 River Aeron and Pwll Cam Accomodation Works 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-L-3000 River Aeron Plan 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-L-3001 River Aeron Wall Elevations 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-C-3002 River Aeron Wall Sections 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-L-4000 Pwll Cam Plan 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-L-4001 Pwll Cam - Elevations and Sections 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-L 4002 Pwll Cam - Elevation from rear of inner harbour 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-L-5000 Flood Defences - General Arrangement 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-L-5001 Quay Parade - Plan 1 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-L-5002 Quay Parade - Plan 2 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-L-5003 Quay Parade – Elevation 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-C-7003 South Pier - Grouting Details 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-C-8000 South Beach - Key Plan 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-C-5004 Quay Parade and North Pier Grouting Details 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-C-7000 South Pier - Existing and Proposed Plan 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-C-7001 South Pier - Proposed and Existing Elevations Sheet 1 of 2 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-C-7002 South Pier - Proposed and Existing Elevations Sheet 2 of 2 16 June 2021 v1

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	5182114-ATK-MAR-GEN-DR-C-8001 South Beach - Proposed Rock Revetment Sections 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-C-8002 South Beach - Proposed Beach Nourishment Sections 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-C-8003 South Beach - Existing Groyne Sections 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-C-8004 South Beach - Proposed Groyne Sections 16 June 2021 v1
	5182114-ATK-MAR-GEN-DR-C-9001 Glass Wall - Typical Details 16 June 2021 v1
	Appendix A Drawing 5182114-ATK-MAR-GEN-DR-C-6000/C04 15 November 2021
	Appendix A Drawing 5182114-ATK-MAR-GEN-DR-C-4003/C04 15 November 2021
	5182114-ATK-MAR-GEN-RP-EN-3021-Coastal Squeeze 28 October 2022
	5182114-ATK-MAR-GEN-RP-EN-3014 HRA Stage 1 and Stage 2 Rev 5 Oct 22 28 October 2022
	5182114-ATK-MAR-GEN-RP-C-1048 Conceptual Understanding of Baseline v2.0 28 October 2022
	5182114-ATK-MAR-GEN-RP-C-1033 Numerical Modelling v1.0 28 October 2022

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2 APPLICATION PROCEDURE

2.1. The Application

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 14 July 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 Cambrian News on 29 July 2021 and 05 August 2021 (the Public Notices) and a notice was published on NRW's website. The application documents were made available to the public on the public register [Public register - Customer Portal \(naturalresources.wales\)](https://naturalresources.wales/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 02 August 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	Y	02 August 2021
NRW	Y	17 September 2021 27 January 2022

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		28 November 2022
MoD - Safeguarding Defence	Y	09 September 2021
Maritime & Coastguard Agency	Y	14 September 2021
Trinity House	Y	13 October 2021
Royal Yachting Association	Y	24 August 2021
Local Biodiversity Officer [Ceredigion County Council]	Y	03 September 2021
Local Planning Authority [Ceredigion County Council]	N	
Local Harbour Authority [Ceredigion]	N	
Local Port Authority [Ceredigion]	N	
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Archaeological Trust	Y	07 September 2021
Royal Commission on Historic Monuments Wales	Y	06 September 2021
Cadw	N	
Department for Transport (DFT)	N	
Chamber of Shipping	N	
NERL Safeguarding	Y	11 August 2021

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 (SC1901) was issued on 25 April 2019.

Pursuant to Regulation 8 of the Regulations, NRW considered under SC1901 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, specifically:

- *Schedule A2, Paragraph 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 *03 January 2023*. The Written Confirmation is available on the NRW website and the marine licensing 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 *03 January 2023*, 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

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- Land, soil, water, air and climate
- 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 Aberaeron Coastal Defence Scheme aims to improve the existing coastal and fluvial defences to provide protection to the local community and property. 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 had the potential to be affected by the Project. This was assessed in the Habitat Regulation Assessment, and it was concluded that adverse effect on site integrity can be ruled out, as detailed in section 3.2.4 of the ES consent Decision. The ES considered the impact on biodiversity and through the ES and representation received impacts upon a number of receptors including, marine mammals, fish, and benthic habitat where identified and additional mitigation was proposed, such as implementation of a CEMP and Biosecurity Risk Assessment.

NRW consider that biodiversity has been appropriately assessed and conclude that considering mitigation proposed within the ES and the licence conditions as outlined in section 8 of the EIA Consent Decision, 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 which include management of risks of accidental pollution events through pollution prevention best practice and implementation of a CEMP.

NRW consider that the works have been appropriately assessed and that considering mitigation proposed within the ES and the licence conditions outlined in section 7 and section 8 of the EIA Consent Decision, that no significant impact on water quality is predicted.

4.3.4 Material assets, cultural heritage and landscape

The ES identified potential impact of the Project on designated historic assets including impacts to South Pier, North Pier and a number of Fish Traps. 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. Mitigation is required and will be secured using appropriate conditions within the marine licence specifically the production and adherence to a Written Scheme of Investigation (WSI) and a watching brief for the Project. NRW consider that the works have been appropriately assessed and that considering mitigation proposed within the ES and the licence conditions outlined in section 8 of the EIA consent decision 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. 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. Also, pollution preventing measures are to be conditioned within the marine licence.

NRW consider the risk of a major accident or disaster to be extremely low.

4.3.6 Cumulative impacts and in-combination impacts

As detailed in section 3.2.4 of the EIA Consent Decision, NRW carried out a Habitat Regulation Assessment, as part of which an in-combination assessment was carried out and concluded subject to appropriate mitigation that the works would not cause a significant impact alone or in combination on a European designated site.

NRW concluded that the potential impacts due to the project 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 *03 January 2023*, highlighted the mitigation or monitoring requirements required to be attached to the regulatory consent. These are set out below:

Licence condition will be required to ensure that the CEMP is submitted to and approved by the licensing authority prior to commencement of licensed activities. This document will detail management measures to reduce impacts during the construction phase such as adherence to pollution control legislation and guidance, and measures to avoid and mitigate impact to seal pups and reef features. The CEMP will also need to incorporate the mitigation detailed in Appendix F Habitat Regulation Assessment of the Environmental Statement. This is included as condition 3.18 of the Marine Licence and further advice on the content of the CEMP will be included within Annex 1 of the Marine Licence Cover Letter.

Licence condition will be required to ensure that a full archaeological survey is conducted prior to construction works. There will also be a requirement to produce a Written Scheme of Investigation which will be submitted to and approved by the licensing authority prior to commencement of licensed activities. This document will detail management measures including a watching brief. This has been included as condition 3.26 in Annex 1.

Licence conditions will be required to ensure that the Biosecurity Risk Assessment and Management Plan is submitted to and approved by the licensing authority prior to commencement of licensed activities this will ensure that the potential for the introduction and spread of INNS will be minimised.

A licence condition is required to ensure a seasonal timing (1st April-31st October inclusive and no night-time working all year) during which time no works within water in the estuary may take place, in order to minimise impact to migratory fish. This has been included as condition 3.24 and 3.25 in Annex 1.

Licence condition will be required to ensure that a Lighting Plan is produced which will be submitted to and approved by the licensing authority prior to the commencement of licensed activities. The document will detail management measures to avoid impacts on otters. This is included as licence condition 3.27.

In considering the requirements outlined above we do not consider that these requirements can be met by existing mitigation arrangements.

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. Consequently, no material was provided to other EEA member States in relation to the application.

NRW has had regard to consultation responses in making the regulatory 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.

4.7 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 Project has committed to producing a Construction Environment Management Plan (CEMP) which will include measures to manage and reduce potential risks that construction activities could cause to the environment.

Impacts on archaeological environment will be mitigated through the submission of a Written Scheme of Investigation and a Watching Brief. Additionally, a full Archaeological Survey is to be conducted in advance of construction works.

The Project has committed to producing a Biosecurity Risk Assessment and Management Plan to control the risk of the spread of Invasive Non-Native Species.

As detailed within drawing 5182114-ATK-MAR0GEN-DR-C-6000 C04 excavated material will not be used in the core structure, rather imported rock will be used. Excavated beach sediment will be used for beach nourishment activities and therefore maintaining the sediment in the active marine environment.

Prior to construction, the developer has agreed to carry out an assessment to identify seal pups on the beaches and will have continued surveillance during July – November. Mitigation relating to seal pups must be incorporated into the CEMP. The CEMP will be secured to the marine licence as detailed in condition 3.18.

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, and the conditions attached to it, 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**).

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)

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- 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*

The sea from the mean low water mark, up to 1 nautical mile from shore is protected under the WFD which requires a project or activity does not cause or contribute to deterioration in status of European Union (EU) water bodies or ‘prevent the water body achieving ‘good status’.

The Potential effect of the Project was also screened against the Water Framework Directive objectives for the following Water Bodies:

- GB651009030000 Cardigan Bay Central
- GB110063041450 Aeron
- GB41002G203300 Teifi and Coastal Ceredigion

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A Water Framework Directive Compliance Assessment was conducted for the proposal. NRW A raised initial concerns that further detail on the anticipated magnitude/extent of change in hydro morphological conditions of the Cardigan Bay Central Water body should be provided, including consideration on the sensitivity of these habitats to these changes in order to judge the significance of this impact. Detail on the extent of habitat loss was also required to understand the impact. In addition further clarification was required on underwater noise impacts and the addition of a Construction Environment Management Plan (CEMP).

Further clarifications submitted by the applicant on the 17 December 2021 confirmed that works will only occur at low tide, allowing impact of underwater noise to be scoping out. An update coastal process assessment was subsequently submitted on the 28 October 2022 which underpinned the assessment of hydro morphological impacts and allowed the adequate assessment of impact to *Sabellaria* reef.

Following consultation on the additional information, no further comments were raised on the Water Framework Directive Compliance Assessment.

Following consideration of the evidence presented and representation received NRW PS completed a Water Framework Compliance Assessment and concluded when considered alone and in-combination, the proposal will not pose a risk to deterioration of the above listed waterbodies.

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

Consideration of relevant species and habitats are detailed within section 5.1.3 below and also section 5.18.

NRW A highlighted the requirements on Ceredigion County Council as a public authority under the Environment (Wales) Act 2016 - Section 6. Under the Act, the Local Authority has a duty to maintain and enhance biodiversity in the exercise of its functions. *Sabellaria alveolata* reef (Section 7 habitat under Environment (Wales) Act 2016) present in the north of the proposed breakwater and the wider environment could be enhanced by incorporating biodiversity enhancement measures into the breakwater design. NRW A advised that measures such as careful orientation of rock armour and the incorporation of ecostructures could be used to encourage the settlement of local marine species including *Sabellaria alveolata* reef which would increase biodiversity of the structure. NRW PS has reminded the applicant of their duties as a public authority to maintain and enhance biodiversity under the Environment (Wales) Act 2016 and encourage the applicant to engage further with NRW A as it considers biodiversity enhancement measures.

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).

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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 may affect the following European Protected Sites:

- *Cardigan Bay / Bae Ceredigion SAC*
- *West Wales Marine / Gorllewin Cymru Forol SAC*
- *Llyn Peninsula and the Sarnau / Pen Llyn a'r Sarnau SAC*
- *Northern Cardigan Bay / Gogledd Bae Ceredigion SPA*
- *Dyfi Estuary / Aber Dyfi SPA*

A test of likely significant effect (TLSE) was undertaken and potential significant effects on features of the European Sites listed above initially could not be ruled out for the Cardigan Bay SAC.

NRW A raised concerns that there was not enough information/evidence provided to adequately assess the impact of the scheme on coastal processes through construction or operation. In relation to this, NRW A stated that no assessment could be completed on impacts to Benthic Ecology until the zone of influence had been clearly identified. NRW PS issued a request for further information/clarification from the applicant on 28 January 2022. Following this, the applicant engaged directly with NRW A as they looked to address the concerns.

On 28 October 2022 the applicant provided a final version of the coastal processes assessment/modelling which was considered by NRW PS. A further consultation with NRW A started on 07 November 2022. NRW A provided a response on 28 November 2022 and raised concerns surrounding the modelling and assessment carried out and considered that there was not enough information to rule out the disruption of some sediment pathways that supply sediment to the *Sabellaria* reef. However, although concerns remained surrounding the assessment and modelling carried out, NRW A were able to conclude that they did not consider that the impact to *Sabellaria* would lead to adverse effect on the integrity of the site, they came to this conclusion as the main sources supplying sediment to the reef remained undisturbed.

NRW A also raised concerns initially over underwater noise impacts to marine mammals. However, these concerns were alleviated following further clarifications by the applicant on 17 December 2021 confirming that the majority of works will be completed at low tide outside the water, including piling activities.

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NRW A raised initial concerns that impacts to river lamprey and sea lamprey of Cardigan Bay SAC had not been considered by the applicant, specifically clarifications were needed in regard to piling activity for the South Pier. After further clarifications provided on 17 December 2021, NRW A requested seasonal timing restriction from 1st April to 31st October inclusive and no night-time working all year for any works within the estuary, the restriction does not apply to works outside the watercourse.

A lighting plan was also considered necessary to mitigate for impacts to otters during the construction phase of the works, this is included as condition 3.27 in Annex 1.

NRW PS carried out a Habitat Regulation Assessment, and in light of conclusions of an appropriate assessment and taking into account conditions or restrictions as applicable, either alone or in combination with other plans and projects, it has been established that the project will not adversely affect the integrity of the any designated site.

NRW PS consider that the mitigation proposed within the Appendix F Habitat Regulation Assessment of the Environmental Statement as well as those discussed above will need to be incorporated into a CEMP which will be secured through Marine Licence conditions 3.18.

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 determination and do not constrain or bind NRW in exercising this function. Should an application for

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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:

- Aberarth – Carreg Wylan

NRW is satisfied that the Proposed Activities do not have the potential to impact on Aberarth – Carreg Wylan.

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.

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

Historic Environment

As identified within the ES the works will have an impact to the historic fabric of the South Pier and works to the North Pier would alter the pier and its role in defining the harbour entrance. The applicant provided mitigations for this in Appendix G Table 7-1 and the Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW) agreed with these, specifically to produce an accompanying Written Scheme of Investigation (WSI) in advance of works, along with a watching brief.

The ES identified that two fish traps located on South Beach could be damaged during the construction phase, therefore, as advised by RCAHMW a full archaeological survey should be conducted in advance of construction works and should be applied for both fish traps on the south beach so that a baseline of their condition is fully established in advance of construction. In addition, a survey should be undertaken on Aberaeron fish trap 2 (NPRN 518839) located on the North Beach, due to potential long-term impact from a changed sediment regime.

Having regard for the comments received, NRW PS consider the need to include condition 3.26 as set out in Annex 1 in order to ensure a detailed WSI is produced and adhered too. The WSI should include as a minimum;

- An archaeological watching brief applied to the scheme, to extend to any work undertaken in relation to the north breakwater/North Pier extension in the event of removal of existing seabed sediment.
- A digital WSI 3D in nature
- A full archaeological survey should be conducted in advance of construction works and should be applied to both fish traps on the south beach so that a baseline of their condition is fully established on advance of construction.
- A survey should be undertaken on Aberaeron fish trap 2 located on the North beach, due to potential long-term impact from a changed sediment regime.
- All existing, extant archaeological remains should be fully recorded to ensure preservation by record (in the case of the North and South Pier), and to allow future comparison to assess the short-term and long-term impact of the scheme - North Pier, South Pier, Aberaeron Fish Trap 1, 2 and 3.
- All intrusive work undertaken to areas with maritime archaeological potential during the construction phase should be accompanied by an archaeological watching brief. These areas can be identified as North Pier extension, South Pier, Inner harbour/Pwll Cam, South Beach, Site compound.
- All survey results/records/reports should be deposited with the RCAHMW to allow their integration into the National Monuments Record, and to allow effective long-term monitoring of the historic assets concerned.

Landscape and Visual Amenity

NRW A agreed with the assessment within the ES and considered that landscape and visual impacts would be localised due to the steep rising surrounding topography. Therefore, NRW PS concluded that the potential impacts due the Project have been adequately addressed within the ES.

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Moblie Species

NRW A raised concerns initially over underwater noise impacts to marine mammals. However, these concerns were alleviated following further clarifications by the applicant on 17 December 2021 confirming that the majority of the works will be completed at low tide outside the water, including piling activities. Having regard for the comments received, NRW PS consider the need to include condition 3.24 as set out in Annex 1. In addition, condition 3.23 as set out in Annex 1 is considered necessary to ensure a soft-start procedure is used to further mitigate potential impact of underwater noise. NRW A and the Biodiversity Officer from Ceredigion County Council regarding potential impacts on seal pups at the Project site. Following further information presented by the applicant and representation from consultees, it is anticipated that works will start during winter which is in advance of the pupping season and as a result of the ongoing work in the following 12 months, it is predicted that the beaches will not be sufficiently quiet to create a suitable location for pupping. However, in the event of seal pups being present on the beaches at Aberaeron, there will be a need to wait for seal pups to mature and to have gone to sea. To secure this a pre-construction surveys will be required to identify presence of seal pups throughout July to November. In the event of seal pups being present on the beaches at Aberaeron there may be a need to restrict activities that will disturb seal pups. NRW PS consider the need to include condition 3.18 requiring production and adherence to a CEMP which will include the seal pup mitigation as set out in Annex 1.

NRW A raised initial concerns that impacts to river lamprey and sea lamprey of Cardigan Bay SAC had not been considered by the applicant, specifically clarifications were needed in regard to piling activity for the South Pier. After further clarifications provided on 17 December 2021, NRW A requested seasonal timing restriction from 1st April to 31st October inclusive and no night-time working all year for any works within the estuary, the restriction does not apply to works outside the watercourse, this is included as condition 3.24 and 3.25 in Annex 1.

Following advice received from NRW A, NRW PS consider it necessary to include condition 3.27 a Lighting Plan. This plan should detail mitigation to minimise impact to otters and as a minimum include:

- Any lighting of the site during the hours of darkness will also seek to avoid suitable habitats for this species, such as the banks of the River Aeron and adjacent intertidal habitat.
- A lighting plan will be produced to reduce effects of nighttime works on otter, this will be conditioned as part of the marine licence.
- All works, with the exception of installing the Pwll Cam flood gate, will be carried out at low tide and during daylight hours. For the single occurrence for gate installation expected for night-time working, the contractor will follow best practice procedures for working at night, including measures to minimise noise and directional lighting.

Pollution Prevention

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 which include management of risks of accidental pollution events through pollution prevention best practice and implementation of a CEMP. Therefore, NRW PS consider the need to include condition 3.18 in Annex 1.

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Due to the nature of the works, there is a risk of spread of Invasive Non-Native Species (INNS). A Biosecurity Risk Assessment will be produced prior to commencement of works to reduce the risk of transfer or movement of INNS. NRW PS consider the need to include condition 3.19 which requires the submission and approval of a biosecurity risk assessment prior commencement of works, as detailed in Annex 1.

Coastal Processes and Benthic Habitats

NRW A raised significant concerns over the coastal processes modelling submitted with the application, NRW A considered there was not enough evidence presented in the reports to adequately assess the impact of the scheme on coastal processes through the construction and operation aspects. There was low confidence in the modelling provided, and NRW A considered that the sediment modelling report did not provide an adequate representation of baseline understanding of tidal currents (speed, direction, spring neap, ebb, flood), extreme waves, water levels, sediment transport (source, pathway, sink), seabed morphology and seabed type for the study area. NRW A also requested the inclusion of the river flow from the River Aeron.

As initially the zone of influence and other aspects of the model were uncertain, it was not possible to ascertain impacts on the Annex 1 features (geogenic and biogenic reef) of the Cardigan Bay SAC. It was considered that indirect loss of Annex 1 *Sabellaria alveolata* (biogenic) reef had not been adequately assessed along with direct loss of Annex 1 (geogenic) reef.

NRW A advised the applicant on the model parameters to be used and the updated model was submitted on 28 October 2022. NRW A confirmed based on the information received that there would not be an adverse effect on site integrity as a result of the project. NRW A also confirmed that the direct loss of blue mussel bed and cobble reef under the footprint of the breakwater will not result in an adverse effect on site integrity.

As detailed in section 2.1.4 NRW A still considered there to be limitations within the modelling carried out in support of the application including that there was not enough information to rule out the disruption of some sediment pathways that supply sediment to the *Sabellaria* reef. However, although concerns remained surrounding the assessment and modelling carried out, NRW A were able to conclude that they did not consider that the impact to *Sabellaria* would be significant, they came to this conclusion as the main sources supplying sediment to the reef remained undisturbed. Therefore, NRW PS is satisfied based on the evidence presented and representations received that significant impact is not predicted for either direct loss or indirect loss of habitat as a result of the scheme.

To further support sediment supply to reef *Sabellaria alveolata* reef in future, NRW A have advised the applicant explore the potential to deposit dredge arising from the harbour maintenance to the southern end of South Beach. We would encourage the applicant to engage with NRW A as it looks at ways to support sediment supply to reef.

In addition, the LPA Biodiversity Officer raised concerns over the use of anchoring/access and impacts to *Sabellaria* reef. To address this, NRW PS consider that condition 3.20 is necessary to restricts the access to the area specified within the method statement. Mitigation to reduce impact to reef features must be considered within the CEMP which is secured through licence conditions.

A Coastal Squeeze Impact Assessment was completed and submitted on the 28 October. The works lie within the West of Wales Shoreline Management Plan 2 (SMP2) policy units Aberaeron South Beach (8.2) and Aberaeron Harbour (8.3) The policy for these units is Hold the Line in all epochs except unit 8.2 in the third epoch which is Managed Realignment. The Shoreline Management Plan and the coastal squeeze assessment completed by the applicant do not identify significant loss of designated habitat

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as a result of coastal squeeze, subject to relevant mitigation, namely that the managed realignment policy is implemented in policy Unit 8.2 from 2055), NRW A agree with this conclusion. The works take place in a small proportion of Policy unit 8.2 and does not preclude managed realignment taking place within the unit in future. NRW PS would encourage the applicant to engage with NRW A in future as it considers opportunities for Managed Realignment in policy unit 8.2.

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.

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.

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.

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.

Following consultation response received from MCA, NRW consider it necessary to include appropriate licence condition to ensure the safety of navigation which includes ensuring all relevant parties are notified prior to the commencement of Licensed Activities. These conditions are detailed in Annex 1, specifically condition 3.21 which refers to lighting and marking requested by both the Marine Coastguard Agency and Trinity House to ensure the Project does not interfere with legitimate users of the sea.

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.

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)

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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

This decision has been taken in accordance with marine policy as set out in the Welsh National Marine Plan.

Shoreline Management Plan

The proposed works lie within the West of Wales Shoreline Management Plan 2 (SMP2) policy units Aberaeron South Beach (8.2) and Aberaeron Harbour (8.3). The policy for these units is Hold the Line in all epochs except unit 8.2 in the third epoch which is Managed Realignment. The works take place in a small proportion of Policy unit 8.2 and does not preclude managed realignment taking place within the unit in future. Additionally, a full coastal squeeze assessment has been completed by the applicant which concluded that HTL would not lead to a significant effect on the integrity of the designated site as a result of coastal squeeze.

NRW PS would encourage the applicant to engage with NRW A in future as it considers opportunities for Managed Realignment in policy unit 8.2.

More information can be found in the Coastal Squeeze Assessment.

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.

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b) (b) Our determination

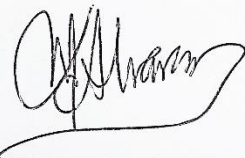
NRW is satisfied that this decision, when implemented in accordance with the attached conditions, is consistent with its general purpose of pursuing the sustainable management of natural resources in relation to Wales, and applying the principles of sustainable management of natural resources.

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.

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: Jodie Pullen Position: Permitting Officer	Date: 12 December 2022	Signed: 
Authorised by: Maria Alvarez Position: Lead Specialist Officer (acting Permitting Team Leader)	Date: 03 January 2023	Signed: 

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 the 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 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 works, 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.

- 3.1.5** The Licence Holder must ensure that Ministry of Defence safeguarding are made aware of the Works prior to commencement by contacting: DIO-Safeguarding-Offshore@mod.uk.

Reason: To ensure the MOD is notified of works in the area for safety reasons.

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

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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

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 as amended.

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 **zone29@hmcg.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 Works at any reasonable time.

Reason: 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.

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

- 3.6.3** The Licence Holder must notify the Harbour Authority within 10 days of completion of the Licensed Activities. Any change data including engineering drawings, hydrographic surveys, details of new or changed aids to navigation must then be sent to the Harbour Authority with the instruction to pass onto the UKHO as per guidance in 'Harbour

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Master's Guide to Hydrographic and Maritime Information Exchange' published on the UKHO website.

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

- 3.6.4** The Licence Holder must ensure that notification is sent to The Source Data Receipt team, UK Hydrographic Office (email: sdr@ukho.gov.uk) within 10 days of completion of the Licensed Activities. The information supplied must include the start date and end date, a description of the works, 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.

3.7 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.

Reason: To allow the Licensing Authority to take appropriate action to ensure the appropriate removal of the unlicensed deposit.

- 3.7.2** 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 for the recovery of objects that have been accidentally dropped when carrying out the Licensed Activities.

- 3.7.3** The Licence Holder must ensure, in case of damage to, or destruction or decay of the authorised development seaward of MHWS or any part thereof, that could result in a danger or obstruction to navigation, notification must be issued to the NRW, 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.

Reason: To ensure the safety to 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 agents, contractors and subcontractors 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.

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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 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), 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 on the marine environment and other users of the sea/seabed.

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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 fuels/other contaminants entering the marine environment.

3.16 Prevention of Disposal of Man-made Debris

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 Environment Management Plan

3.18.1 The Licence Holder must submit a Construction Environment Management Plan to the Licensing Authority for written approval at least 6 weeks prior to commencement of the Licensed Activities. The CEMP must incorporate the mitigation detailed within Appendix F

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Habitat Regulation Assessment. 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 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 and Management Plan

- 3.19.1** The Licence Holder must submit a Biosecurity Risk Assessment and Management Plan 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 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 Access

The Licence Holder must only access the Licensed Area within the area specified in Method Statement document dated 16 June 2021. Any proposed changes to the access area will need to be submitted to and approved in writing by the Licensing Authority prior to any changes being enacted.

Reason: To ensure prevention of impacts to protected sites.

3.21 Navigation

- 3.21.1** The Licence Holder must ensure that any navigational aids are returned to, or as close as reasonably practicable to, their original location following the completion of the works unless otherwise agreed in writing with the Licensing Authority.

- 3.21.2** The Licence Holder must ensure that the project exhibit such lights, marks, sounds, signals and other aids to navigation and to take such steps for the prevention of danger to navigation as directed by Trinity House.

- 3.21.3** The Licence Holder must provide notification to Trinity House detailing the availability of aids to navigation.

Reason: To ensure safety to navigation.

3.22 Percussive Piling Soft-start Procedures

The Licence Holder must ensure that if percussive piling is used, soft-start procedures are used to ensure incremental increase in pile power over a set time period until full operational power is achieved.

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The soft-start duration should be a period of no less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

Reason: To allow mobile sensitive receptors to move away from the source of acoustic disturbance in order to reduce the impact on sensitive receptors.

3.23 Piling Timing Restriction

The Licence Holder must ensure piling activities are undertaken at low tide.

Reason: To allow movement of migratory species.

3.24 Construction Time Restrictions

The Licence Holder must ensure that no Licensed Activities within water in the estuary take place between 01 April and 31 October inclusive, without prior written approval from the Licensing Authority. This includes the transfer of materials to and around site, as well as construction activities. The restriction is from the end of the existing South Pier running north east to form a right angle with the central line of the proposed new breakwater to the tidal limit of the estuary.

Reason: To minimise impacts to migratory fish.

3.25 Working Hours Time Restrictions

The Licence Holder must ensure that no Licenced Activities take place during night time hours between the North and South pier, to avoid disturbance to migratory fish.

Reason: To minimise impacts to migratory fish.

3.26 Written Scheme of Investigation (WSI)

3.26.1 The Licence Holder must submit a WSI 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.

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

3.27 Lighting Plan

3.27.1 The Licence Holder must submit a Lighting Plan 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.

3.27.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.27.1 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 of impacts to otter during construction of works.

3.28 Use of Render and Concrete

3.28.1 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.

3.28.2 The Licence Holder must ensure that if concrete is to be sprayed in the vicinity of the marine environment (e.g. bridges, retaining walls, etc.), suitable pollution prevention measures are taken to prevent rebounded or windblown concrete from entering the water environment.

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

3.29 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.