



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CML2133

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Sent by e mail

Date 03 January 2023

Dear Rhodri Llwyd,

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

LICENCE FOR ABERAERON COASTAL DEFENCE SCHEME

LICENCE NUMBER: CML2133

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 **14 July 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 **CML2133** and its conditions.

Advisory Note

The Environment (Wales) Act 2016 section 6 set out that public authorities have a duty to maintain and enhance biodiversity in the exercise of its functions. NRW A have highlighted a number of opportunities for this to take place, namely through biodiversity enhancement measure within the breakwater and increased sediment supply through disposal of dredge arisings. We would strongly recommend that you review NRW A consultation response attached and engage directly with them as you seek future opportunities for enhancement.

Condition 3.18 requires the production and adherence to a Construction Environment Management Plan. Further advice on what to include within the CEMP has been provided by NRW A and is detailed in Annex 1. We would strongly advice that you engage with both NRW A and Ceredigion County Council Biodiversity Officer as you develop the plan. As detailed in the licence the plan will need to be submitted to the Licensing Authority for approval prior to commencement of works.

The Marine and Coastguard Authority (MCA) indicates that where works take place within port limits, Ceredigion County Council (CCC) should gain the approval/agreement of the responsible local navigation authority or the Harbour Authority/Commissioners/Council.

CCC should issue local warnings to alert those navigating in the vicinity to the presence of the works, as deemed necessary.

The MCA also reminds CCC to consult with the local navigation authority or Harbour Authority/Commissioners/Council to discuss what impact the proposed work will have on oil spill risk and pollution mitigation measures. The relevant oil spill contingency plan(s) will need to be amended to reflect the additional risk.

Marine Licence, **CML2133**, 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 **CML2133** 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, **CML2133** is solely granted for the work to be undertaken at **Aberaeron**; 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



Jodie Pullen
Marine Licensing Team
Natural Resources Wales

Annex 1 – CEMP Requirements

Regarding **condition 3.18** Construction Environment Management Plan, consultation has highlighted that the CEMP should at list include the following mitigation proposed as part of the HRA:

- The use of a circular waste system within the Site;
- Site compounds, materials and equipment will be appropriately secured and fenced off, away from the Site if necessary;
- The Scheme will make use of well-maintained equipment and plant to minimise potential for fuel/oil and chemical leaks. Plant and machinery will be switched off when not in use;
- Best practice measures and the cleanliness of equipment used;
- Safe storage of bunding and the cleaning of equipment.
- A pre-construction walkover survey of the working corridor and construction area will be undertaken by a suitable trained ecologist to determine Sabellaria presence and working corridors / practices will be amended as necessary, in consultation with NRW.
- The scaffolding platforms will be screened to prevent the debris from the works from falling into the water.
- To protect the Sabellaria reefs and mussel bed habitats along North Beach, it is proposed that vehicles and plants will track across the South Beach thereby avoiding these habitats;
- To reduce turbidity, excavation will be carried out at low tide for the sections of breakwater that will be above MLWS. For sections of the breakwater below MLWS, excavation will need to take place under water. A geofabric mat will also be positioned onto the seabed in the excavated footprint of the breakwater, which will help reduce the washout of bed material beneath the rocks both during construction and in the future. Construction vehicles will utilise the upper beach as much as possible, to avoid beach materials being washed out into the sea. The tipping of rock from the barge and rock stockpiling on the beach will take place as high up the intertidal zone as possible to reduce wash out of fines into the sea;
- An Environmental site supervisor will be appointed to oversee construction work for the Scheme to ensure that work within the intertidal area and industry standard practices for pollution control are implemented;
- Monitoring of bed levels will be carried out following construction, with maintenance dredging taking place to remove excess sediment build up, if necessary. Monitoring of sediment build up in the 'V' shaped notch between the North Pier and the groyne will also take place, with excess sediment removed and recycled if required. Arisings from existing harbour dredging operations are deposited on South Beach and this method would continue with post-construction maintenance dredging. The large majority of this material is placed at the northern end of the South Beach in the vicinity of the Yacht Club, at the top of the shingle bank, to build up the width of

the shingle berm and improve the level of protection against wave overtopping. The material also provides protection against erosion. This has the advantage of retaining materials within the beach rather than removing surplus materials for disposal.

- If the build-up of sediment occurs it may also be suitable to move navigation marks of buoys in locations deemed to be too shallow for navigation. This would be decided in conjunction with the harbour authority;
- All vessel operators working on the Scheme will be given a briefing, alerting them to the possible presence of marine mammals in the area, and the guidelines (including the Ceredigion Marine Code of Conduct) for safe vessel operation in the presence of cetaceans;
- Vessel operators will be required to use predefined and regular routes, as these will become known to marine mammals using these waters;
- Periodic re-assessment of mitigation measures for marine mammals and their effectiveness will be undertaken by the environmental site supervisor;
- The use of competent observer(s) to spot marine mammals along the Aberaeron frontage during high noise and vibration activities, in particular rock placement and piling operations. If cetaceans are observed, works will be delayed until they have left the area;
- The generation of underwater sounds at night are to be avoided. The construction working hours are 7am to 7pm and therefore underwater night time sound will not be generated;
- The majority of the marine works will take place at low tide, to avoid working in the water column. Piling operations will be undertaken at low tide to avoid generation of percussive noise in the water column and a soft start approach will be used;
- Rock delivery by sea will avoid tipping rock below MLWS. A rock delivery location for where rock tipping will be permitted will be provided agreed between CCC and the contractor and provided to the vessel operators. Three boats per day would be used to transit to the tipping location during the rock delivery phase, the effect of vessel disturbance is considered negligible;
- An Ecological Clerk of works will be present which will have the powers to stop works if necessary;
- Prior to construction start, an assessment of seal pup situation on the beaches should be assessed with continuing surveillance during July – November. 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;
- All works, with the exception of installing the Pwll Cam flood gate and excavation and rock dumping of the northern extent of the breakwater, will be carried out at low tide and during daylight hours;

- For the construction work at Pwll Cam dock, fish rescue will be undertaken after installation of the coffer dam and before the dock becomes dry, the piling and drilling work will take place within the dock outside of the water column;
- A suitably experienced ecologist will carry out a daily pre work survey when working in the River Aeron for otter resting places immediately prior to site works;
- Measures to reduce the risk of harm to commuting and foraging otter will include covering open trenches at night or providing a means of escape (such as a plank of wood) at night to prevent mammals becoming trapped, and safe overnight storage of plant, materials and equipment;
- The Scheme will aim to improve connectivity between the River Aeron and the sea, the latter of which provides an important foraging area for otters. This will be done by extending the existing wall ledge on the northern bank of the river further downstream. Provision of a ledge will enable otters to better migrate back upstream during periods of high water and reduce them being forced onto dry land and towards busy roads.
- The pre-construction walkover undertaken by the environmental site supervisor will undertake a check for nesting birds within the construction footprint and advise on any necessary action to avoid disturbance;
- 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;
- Periodic re-assessment of mitigation measures for birds and their effectiveness will be undertaken by the environmental site supervisor.
- As a precautionary, a toolbox talk will be provided, and biosecurity measures will be included to ensure the risk of spread of invasive non-native species (INNS) is reduced.
- A plan for prevention of crushed rock being washed away during fluvial events must be prepared and approved before commencement of use of crushed rock for temporary access routes within the harbour, Pwll Cam and Afon Aeron.