

Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: Conygar Holyhead Limited

Application reference no: DML2163

Holyhead Waterfront Regeneration Scheme

Holyhead

20 February 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.

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 company set out below: Company name: Conygar Holyhead Limited Company number: 06329820 Address: 1 Duchess Street, London, England, W1W 6AN
Application Reference Number	DML2163
Date Application was duly made	18 November 2021
Proposal[s] covered by the application	Holyhead Waterfront Regeneration Scheme (the Project)
Licensable marine activities	Breakwater Construction Land Reclamation Marina Infrastructure (the Proposed Activities)
Marine Plan Area	Welsh inshore region and Welsh offshore region
Application documents:	Application documents are detailed in Annex 2

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2 APPLICATION PROCEDURE

2.1. The Application

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 18 November 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

We have received information in relation to the Application that appears to be commercially confidential on the grounds that disclosure of the information on the public register would adversely affect the confidentiality of commercial or industrial information where such confidentiality is protected by law to protect a legitimate commercial interest. As such we have not included this information on the register.

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 Holyhead, Anglesey and Bangor Mail on 21 January 2022 and 28 January 2022 (the Public Notices) and a notice was published on NRW's website. The application documents were made available to the public at via our [public register](#) 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 21 December 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	21 November 2021 & 21 December 2022
NRW	Y	14 February 2022
MoD - Safeguarding Defence	Y	10 January 2022

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Maritime & Coastguard Agency	Y	31 January 2022 & 15 December 2022
Trinity House	Y	24 December 2021
Royal Yachting Association	Y	01 February 2022
Local Biodiversity Officer	N	
Local Planning Authority	N	
Local Harbour Authority	N	
Local Port Authority	N	
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Government / Marine Enforcement Officers	N	
Welsh Archaeological Trust	N	
Royal Commission on Historic Monuments Wales	Y	25 January 2022
Cadw	Y	26 January 2022
Department for Transport (DFT)	N	
Chamber of Shipping	N	
NERL Safeguarding	Y	22 December 2022
Cefas	Y	19 January 2022
The Wildlife Trust	N	

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 (ref SC2006) was issued on 21 December 2020 .

Pursuant to Regulation 8 of the Regulations, NRW considered under SC2006 that the proposed works fell under Schedule A2, Paragraphs 7, 58 and 83 of the Regulations on the assessment of the effects of the project on the environment, specifically:

- Reclamation of land from the sea
- Urban development projects, including the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas
- Marinas

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 20 February 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 20 February 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

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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
- 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 ES has assessed the impact on population and the human health. Due to the nature of the operation, the measures proposed to reduce the impacts on population and human health, and conditions attached to the marine licence, NRW PS consider the risk of impacts on population and human health to be extremely low.

4.3.2 Biodiversity

The project has the potential to impact the following designated sites:

- Anglesey Terns SPA
- Holy Island SPA
- North Anglesey Marine SAC, West Wales Marine SAC & Bristol Channel Approaches SAC
- Menai Strait and Conwy Bay SAC

The following sites were ruled out for further consideration as detailed in section 3.2.3 of the EIA Consent Decision:

- Holy Island SAC
- Pen Llŷn a'r Sarnau
- Cardigan Bay SAC
- Pembrokeshire Marine SAC

NRW PS carried out a Habitat Regulation Assessment and concluded, subject to appropriate conditions detailed in Section 8 of the consent decision, that the Licensed Activities will not adversely affect the integrity of any of the European Sites.

The ES considers the potential further impact on biodiversity including pollution events and the spread of INNS. NRW PS conclude that considering the mitigation proposed within the ES and the licence conditions outlined in Section 8 of the consent decision related to pollution prevention best practice and adherence to a CEMP and BRA, no significant impact on biodiversity is predicted.

Nesting bird surveys will also be carried out and suitable buffer zones will be implemented around any nesting sites.

4.3.3 Land, soil, water, air and climate

The ES has assessed these impacts and proposed mitigation including adherence to a CEMP.

Other impacts were also identified, such as potential for disturbance of contaminated dredge material and release of contaminated sediment plumes. However, following sampling and analysis of the sediment and modelling carried out to understand the behaviour and concentration of the plume created, the risk of deterioration was ruled out.

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NRW consider that the works have been appropriately assessed and that, subject to the mitigation proposed within the ES and the licence conditions outlined in section 8 of the consent decision, no significant impact on water quality is predicted.

Potential impact on climate, air, soil and land have been appropriately considered within the ES and no significant impact is predicted.

4.3.4 *Material assets, cultural heritage and landscape*

The ES has assessed the impact on material assets, including architectural and archaeological heritage, valued for socio-economic or heritage reasons and impacts on landscape. A WSI will need to be submitted and implemented as approved by the Licensing Authority as detailed in section 8.2.2.1 of the consent decision. NRW PS consider that due to the design, installation methods and proposed mitigation there will be no adverse effect on material assets, cultural heritage and landscape as a result of the project.

4.3.5 *Risk of major accidents and disasters relevant to the project*

Due to the nature of the operation, NRW PS consider the risk of a major accident or disaster to be extremely low. This is based on pollution prevention measures proposed to reduce the risk of a major accident or pollution event and conditioned within the marine licence, stated in section 8.2.2.3 of the consent decision, along with the submission of a CEMP, stated in section 8.2.2.4 of the consent decision.

4.3.6 *Cumulative impacts and in-combination impacts*

As detailed in section 3.2.3 of the consent decision, NRW PS 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 PS considers that the Project as proposed and with the control measures imposed through conditions in the marine licence and the Planning permission will not result in significant impacts alone or in combination with other projects. NRW PS 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 20 February 2023, highlighted the mitigation or monitoring requirements required to be attached to the regulatory consent. These are set out below:

Licence conditions will be required to ensure a WSI is submitted to the Licensing Authority for approval prior to commencement of Licensed Activities. This will prevent impacts to non-designated prehistoric archaeological assets and maritime archaeology. The following actions will need to be included within the WSI:

- Implementation of a Protocol for Archaeological Discoveries for the project.
- Implementation of a walk-over survey of the foreshore/inter-tidal zone to characterise anthropological features in advance of land reclamation and to identify any currently undocumented archaeological material.
- Undertaking an up-to-date marine geophysical survey for the purpose of assessing marine archaeological material.

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- Undertaking targeted archaeological assessment of archaeological features present in the scheme offshore zone, including any identified during the marine geophysical survey.

Licence conditions will be required to ensure mitigation is implemented to avoid, prevent, reduce impacts of invasive non-native species. This will include ensuring that all equipment, materials, machinery and Personal Protective Equipment are appropriately cleaned. There will also be a requirement to submit a Biosecurity Risk Assessment to the Licensing Authority for approval prior to commencement of Licensed Activities.

Licence conditions will be required to ensure that pollution prevention best practice will be adhered to, this would include that appropriate bunding and storage facilities are installed to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment. This will reduce impacts on water quality.

Along with the conditions detailed above, licence conditions will be required to ensure a CEMP is submitted to the Licensing Authority for approval prior to commencement of Licensed Activities. This will minimise the risk of pollution and impacts on the marine environment, including but not limited to mitigation detailed in table 27.1 of the ES and standard best practice pollution prevention measures.

Licence conditions will be required to ensure a Nesting Bird Survey and Management Plan is submitted to the Licensing Authority for approval prior to commencement of Licensed Activities. This will prevent disturbance to nesting birds within the area during the construction phase.

Licence conditions will be required to ensure that appropriate notification is given to the UKHO before and after the commencement of Licensed Activities.

Licence conditions will be required to ensure that concrete is used in an appropriate manner.

Licence conditions will be required to ensure that any rock misplaced below Mean High Water Springs that cannot be recovered is located, and its position notified to appropriate authorities.

Licence conditions will be required to ensure appropriate sediment sampling and analysis is carried out after July 2023 (3 years since the original sampling) to ensure safe disposal of dredge material at sea.

Licence conditions will be required to ensure the level of moorings provision (including visitor moorings) and positioning of those moorings is submitted to the Licensing Authority for approval prior to commencement of Licensed Activities. This will ensure the safety of navigation.

NRW PS has considered these requirements in making this regulatory decision. The conditions attached to the Marine Licence are set out in Annex 1, including reasons for the inclusion of each condition.

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.

NRW PS 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

Best practice dust minimisation and suppression techniques will be implemented. This will be considered as part of the CEMP detailed in section 8.2.2.4 of the consent decision.

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A range of incorporated mitigation measures are proposed to enhance the public realm and the usability of the roads and footways within the Project. In turn, these measures would contribute towards providing safe and sufficient access to the Project and towards encouraging the use of non-car modes of transport in accordance with national transport planning policy objectives.

Some of the temporary construction stage landscape and visual effects could be significant and adverse. As further details regarding the phasing of construction becomes available, it is likely to be possible to identify where, when, and for how long the adverse effects would be most likely to occur, and to incorporate appropriate mitigation measures into the CEMP.

Site fencing to be established along the boundary of the Local Wildlife Sites (LWS), ensuring that no works take place within the LWS. Ecological best practice measures to include locating and directing lighting away from the LWS.

On-site habitat creation, ecological enhancement measures, and ongoing management of the Project will be outlined in a Landscape and Ecology Management Plan (LEMP).

Pre-construction badger survey or works areas undertaken in advance to ensure the absence of setts within these areas. If setts are identified, a suitably qualified ecologist would assess whether a disturbance licence is required.

Ecological best practice measures will be implemented to reduce the potential indirect effects on bat species as a result of construction phase lighting.

To mitigate against the spread of terrestrial INNS, specifically Japanese knotweed, an Invasive Species Survey and Management Plan should be drawn up prior to the construction phase of the Project. This should include a location plan of Schedule 9 species and recommend management, control, and disposal options, as necessary. In addition, toolbox talks and biosecurity measures including a buffer of 10m would be placed around known stands, to prevent disturbance and possible spread. Where works are required within 7m of Japanese knotweed, advice should be sought from a specialist contractor.

Circular walking routes would be created and maintained within the site to encourage residents to use the open space available on-site as opposed to within the SSSI and LWS.

Creation of new subtidal rocky reef on the new quay wall and on the rubble mound of the new breakwater. Implementation of biodiversity enhancement measures to optimise introduced rocky habitat.

To compensate for the direct alteration or loss of feeding and/or breeding habitat for fish/shellfish, embedded mitigation in the form of placement of rock armament in the subtidal and intertidal extent of the new breakwater.

Provision of information to vessel owners on codes of conduct, including the Anglesey Marine Code, which provide guidance on vessel behaviour around birds.

To reduce impacts through noise and vibration during construction and operation, best practice measures will be implemented.

To reduce the impacts on archaeology and heritage, Building Recording, Sympathetic Design Scheme, and? Construction Management plan will be adhered to.

4.8 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)
- 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

NRW has considered the potential effect of the Proposed Activities on the following WFD waterbodies:

- Holyhead Bay (GB681010360000)

A WFD Compliance Assessment has been undertaken for the Proposed Activities and taken into account in this decision. The detailed Compliance Assessment (Stage 3) concluded, in consultation

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with technical specialist advisors, that the Project (alone or in-combination with other activities) will not pose a risk to deterioration in the status of any of the above listed waterbodies or jeopardise their attainment of good surface water status when undertaken in accordance with appropriate licence conditions. For example, licence condition 3.25 which requires a Biosecurity Risk Assessment to be submitted for approval prior to commencement of any Licensed Activities.

No potential risk was identified within Holyhead Bay water body, hence then potential risks to the connecting water bodies (Holyhead Strait and Caernarfon Bay North) was not considered in Stage 3: Detailed Assessment.

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

NRW is satisfied that in this case, we have taken into account and had due regard to this duty in so far as it is consistent with the function of determining an application for a Marine Licence under the Marine and Coastal Access Act 2009.

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).

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 does not affect a European Site.

- Anglesey Terns SPA
- Holy Island SPA
- North Anglesey Marine SAC, West Wales Marine SAC & Bristol Channel Approaches SAC
- Menai Starit and Conwy Bay SAC

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The potential for the project to affect the following Natura 2000 sites was also initially considered, but can be ruled out without further consideration:

- Holy Island SAC – Assessed as part of the planning determination since only the proposed activities located landward of MHWS have the potential to impact this protected site.
- Pen Llŷn a'r Sarnau, Cardigan Bay SAC & Pembrokeshire Marine SAC – Pen Llŷn a'r Sarnau, Pembrokeshire Marine SAC and Cardigan Bay SAC have been initially considered for bottlenose dolphins and grey seals as the activity falls within the MMMU. However, due to the location and nature of the activity the risk of disturbance and collision to the species has been ruled out and the sites have not been taken through the screening assessment.

A Habitats Regulations Assessment of the Proposed Activities has been undertaken, and NRW TE (as Statutory Nature Conservation Body) has been consulted on the HRA.

The following conclusions of the HRA have been considered by NRW PS in making this decision.

NRW PS is therefore satisfied, in light of the conclusions of an appropriate assessment, and in consultation with the protected sites advisors, that the Project will not adversely affect the integrity of any Natura 2000/Ramsar site, either alone or in-combination with other plans and projects, when undertaken in accordance with appropriate licensed conditions.

Reef feature from the Menai Strait and Conwy Bay SAC was brought through to appropriate assessment due to the possible:

- Introduction of INNS during the construction phase of the proposed activities.
- Spread of INNS due to unmanaged vessel traffic/activity.
- Spread of INNS within the immediate area (*Didemnum vexillum*) due to infestation of INNS on new structures.

NRW PS consider that the possible adverse effect on the feature could be mitigated by the Licence Holder being required to submit a biosecurity risk assessment for approval prior to commencement of Licensed Activities. Any actions outlined in this document must be implemented. This will be included as a licence condition as detailed in Annex 1, condition 3.25. Additionally, Vessel Traffic as vectors for INNS will also be managed through the implementation of the Holyhead Port Biosecurity Plan. This is a requirement all marine users in Holyhead Port must abide by. There are also international and port-level control measures in place, as well as a requirement to adhere to the Holyhead Port Biosecurity Plan which will enforce appropriate biosecurity measures. This will also mitigate against possible impact pathways through the spread of INNS during the operational phase of the breakwater.

All features of the Anglesey Terns SPA, Holy Island SPA North Anglesey Marine SAC, West Wales Marine SAC & Bristol Channel Approaches SAC have been brought through to appropriate assessment due to the possibility of a pollution incident during the construction and operational phase. NRW PS consider that adverse effects could be mitigated by:

- The Port Oil Spill Contingency Plan (Stena Line Ports Ltd, 2017) which would be followed in times of a pollution event.
- During construction, the potential for impacts to surface water quality would be managed by implementing construction best practice as given in CIRIA's Environmental Good Practice on Site, 3rd Edition (2010) and Construction Industry Publication Construction Environmental Manual (2015). These mitigation measures would be included within a Construction Environmental Management Plan (CEMP) which is to be submitted and approved prior to the commencement of licenced activities, as detailed in Annex 1 condition 3.26.
- Marina discharges will be managed by the enforcement of simple housekeeping rules. These would include:
 - No pump-out of bilge water or holding tanks;
 - No use of "sea toilets" within the marina;
 - No discharge of solid waste;
 - No filling of fuel tanks except at the designated fuel berth; and,
 - Regular collection of any litter for disposal.

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Appropriate spill kits will also be available as well as ensuring that suitable bunding and storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment. This will be conditioned within the licence.

NRW TE did not agree with the use of Temporary Threshold Shifts (TTS) onset as a proxy for disturbance in the ES and have presented a number of indicative fixed noise thresholds which should be reviewed, with sufficient justification for the method chosen. NRW TE requested that impact conclusions in the assessments should be revisited with the reviewed values. NRW TE also advised inclusion of the potential for disturbance pathways from recreational crafts.

Following further justification and clarification from the applicant (detailed in section 5.1.1 of 'DML2163 PB8908-RHD-ZZ-XX-RP-Z-0077-RFI response document'), the assessment for the potential effects of underwater noise associated with construction activities, taking into account the medium sensitivity for disturbance and the very low magnitude, has been assessed as negligible (not significant) for all marine mammal species. There is therefore no change to the conclusion of the assessments presented in Sections 14.6.2 and 14.6.3 of the ES.

Whilst NRW TE ultimately disagreed with the approach taken when assessing underwater noise impacts on marine mammals, NRW TE acknowledged that a change to the assessment would not result in a change to the conclusions of the assessment.

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 has taken into account the requirements for issuing an EPS licence in making this decision and for the reasons set out below is satisfied on the basis of the information it has considered that it is not unlikely that an EPS licence would be granted for 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 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 due to the distance between the nearest MCZ and the Proposed Activities.

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:

- Holy Island Coast SSSI

NRW is satisfied that the Proposed Activities do not have the potential to impact on the Holyh Island SSSI.

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 PS is satisfied that the Proposed Activities meet the requirements of The Waste (England and Wales) Regulations 2011.

Following the submission of sediment sampling analysis results in support of the application, and subsequent consultation with Cefas, NRW PS is content that the Licensed Activities are in line with the relevant OSPAR guidelines for the management of dredged material and is suitable for disposal at sea. However, as sediment samples were last collected in July 2020, further sampling would need to be undertaken prior to July 2023 (allowing a 3 year period between sampling regimes) in line with OSPAR guidance. This has been secured through the inclusion of Licence Condition 3.33, as detailed in Annex 1.

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

RCAHWW requested that the applicant produce a Written Scheme of Investigation (WSI) for approval prior to commencement of licensed activities. This will be included as a licence condition as detailed in Annex 1 condition 3.27.

NRW TE requested clarification on how the potential for a local change to the fish community had been adequately considered within the assessment, noting that this request was not directly relevant for the HRA or WFD assessments. The applicant stated that the ES provided evidence that any impacts would be confined to an area of 100m around the footprint of the Project. As such, potential impacts on fish are considered to be minimal even on a local scale, and the level of detail provided in the ES is considered to be proportionate to the risk. Whilst NRW TE stated that this effect of the permanent loss of habitat has not been fully considered within the assessment, and also not when considering potential cumulative effects with other development planned for the New Harbour area, NRW PS agree with the statement made by the applicant that any impacts would be negligible.

NRW TE also requested that nesting bird surveys are carried out and suitable buffer zones are implemented around any nesting sites. This has been secured through the inclusion of licence

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condition 3.28 detailed in Annex 1, which requires the applicant to submit a nesting bird survey and mitigation plan prior to commencement of any licensed activities.

No other comments or representations were received in relation to other matters considered relevant to the need to protect the environment. However, NRW Permitting Service considers it appropriate to include pollution control licence conditions and conditions to ensure best practice is followed to minimise impacts on the marine environment. These conditions are detailed in Annex 1.

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 provided that the Proposed Activities are implemented in accordance with the conditions set out in Annex 1.

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.

The RYA and MCA both requested that local mariners are notified, as well as the UKHO prior to any commencement of licensed activities. This has been secured through the inclusion of licensed conditions 3.1.3 and 3.29, as detailed in Annex 1.

Clarifications were requested from the RYA on the level of consideration given to the design and positioning of the slipway. Concerns were raised about the proposal for incorporating the slipway into the development as this may adversely affect the launching and recovery of dinghies, due to impacts of wind from the Project. The applicant provided justification, detailed in full in section 8 of 'DML2163 PB8908-RHD-ZZ-XX-RP-Z-0077-RFI', which NRW PS were satisfied with.

RYA also raised concerns concerning the positioning of moorings within the harbour and marina with respect to ensuring repositioned moorings do not reduce access or disrupt club or other recreational activity. This has been addressed through the inclusion of licence condition 3.34, as detailed in Annex 1.

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 provided that the Proposed Activities are implemented in accordance with the conditions set out in Annex 1.

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)

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The MPS is the framework for preparing Marine Plans and taking decisions affecting the marine environment.

Welsh National Marine Plan (WNMP)

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.

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. NRW PS agree with the conclusions set out in 'DML2163 - Holyhead Waterfront Regeneration Scheme_WNMP Assessment', submitted 12 November 2021.

The WNMP signposting document that was submitted by the applicant demonstrates that the works complied with WNMP policies including *Sustainable economic growth ECON_01*, *Access to the marine environment SOC_01*, *Well-being of coastal communities SOC_02*, *Marine pollution incidents SOC_03*, *Resilience to effects on coastal change and flooding SOC_08&09*, *Resilience to climate change SOC_11*, *Invasive non-native species ENV_03*, *Dredging and disposal (supporting) D&D_01* and ports and shipping *P&S_01&02*.

The development has also considered its impact on the marine ecosystems and has where appropriate looked to avoid, minimise and mitigate potential impacts this is presented within section 5.

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 PS has taken into account its well-being objectives and is satisfied that its decision is consistent with meeting those objectives.

NRW PS 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 PS 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 PS 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: Joe Thomas Position: Permitting Officer	Date: 20 February 2023	Signed: 
Authorised by: John Wheadon Position: Permitting Service Manager	Date: 20 February 2023	Signed: 

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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.

3.2 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 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.

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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 **zone31@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.

3.7 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.

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Reason: To allow for the recovery of objects that have been accidentally dropped when carrying out the Licensed Activities.

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.

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

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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.

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.

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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 Pollution Control for Pumping Vessels

The Licence Holder must employ suitable pollution control measures when servicing pumping vessels. Spill kits must be available onshore and offshore and all personnel involved in dredging operations must be aware of the location of the kits and trained to use them.

Reason: To minimise the risk of pollution to the marine environment.

3.19 Returns

3.19.1 Certified returns of quantities of substances or articles deposited under this Licence are required to be submitted by **31 June** and **31 January** each year. The returns must specify the full Licence number and amount deposited (tonnage) each calendar month at each authorised Deposit Area. Where no deposit is made in a given period a NIL return is required.

3.19.2 If this Licence expires during the course of the calendar year and is not superseded by a further Licence relating to the Licenced Activities, a certified return of quantities of substances or articles deposited under this Licence shall be submitted not later than **28 working days** after the Licence End Date.

Reason: To allow Cefas to compile UK disposal records to OSPAR Commission to comply with the requirements of the OSPAR convention.

3.20 Annual Quantity of Disposal

The Licence Holder must ensure that the annual disposal of material to IS043 (Holyhead North) does not exceed 107,200 tonnes.

Reason: To ensure the deposit is within the environmental limits assessed in the application.

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3.21 Distribution of Material

The Licence Holder must ensure that during the course of disposal, material is distributed evenly over ISO43 (Holyhead North).

Reason: To avoid shoaling and minimise the risk to navigational safety.

3.22 Record of Quantity of Deposited Material

The Licence Holder must keep a log detailing the time, date, location and quantity of material deposited at sea. This log must be available for inspection by appropriately authorised officers of the Licensing Authority and Marine Enforcement Officers.

Reason: To allow the Licensing Authority to check compliance with the Licence.

3.23 Inspection of Disposal Vessel

Subject to meeting any mandatory health and safety obligations, the Licence Holder must provide, at reasonable notice, access and, if necessary, appropriate transportation to the disposal vessel to facilitate any inspection that the Licensing Authority, or Marine Enforcement Officers consider may be necessary.

Reason: To allow the Licensing Authority to check compliance with the Licence.

3.24 Log of Operations

The Licence Holder must ensure that the Master or the Officer of the Watch of each vessel, as referred to condition 3.2 of this Licence, undertaking the deposit of any substances or articles specified in Table 2, shall maintain a written log of operations recording the following information:

- the name of the vessel;
- the quantity and type of each substance or article loaded for deposit;
- the date and time of departure from the port or site at which the substances or articles are loaded for deposit in the sea and time of arrival (and date if different) at the Deposit Area on each occasion that it proceeds to and from such area;
- latitude and longitude position (in degrees and minutes and decimal of a minute to at least one decimal place) of the deposit within the Deposit Area.

Reason: To ensure that the material is disposed within the disposal site, and to ensure material is disposed evenly across the site.

3.25 Biosecurity Risk Assessment

3.25.1 The Licence Holder must submit a Biosecurity Risk Assessment to the Licensing Authority for written approval at least **6 weeks** prior to commencement of the Licensed Activities. No Works may be undertaken prior to written approval from the Licensing Authority.

3.25.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.25.1 are implemented as approved in writing by the Licensing Authority.

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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 minimise the risk of spread of invasive non-native species.

3.26 Construction Environmental Management Plan

3.26.1 The Licence Holder must submit a Construction Environmental Management Plan to the Licensing Authority for written approval at least **6 weeks** prior to commencement of the Licensed Activities. No Works 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 minimise the risk of pollution and impacts on the marine environment

3.27 Written Scheme of Investigation

3.27.1 The Licence Holder must submit a Written Scheme of Investigation to the Licensing Authority for written approval at least **6 weeks** prior to commencement of the Licensed Activities. No Works 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.

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

3.28 Nesting Bird Survey and Management Plan

3.28.1 The Licence Holder must submit a Nesting Bird Survey 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.

3.28.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.28.1 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 prevent disturbance to nesting birds within the area during the construction phase.

3.29 UK Hydrographic Office Notification

3.29.1 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 works. 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.

3.29.2 The Licence Holder must notify the UK Hydrographic Office of the Licensed Area and the Licensed Activities within **10 days** of the completion of the Licensed Activities.

Reason: To ensure the safety of navigation.

3.30 Use of Render and Concrete

3.30.1 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.

3.30.2 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.

3.31 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.

3.32 Misplaced Rock

The Licence Holder must ensure that any rock misplaced below Mean High Water Springs that cannot be recovered is located, and its position notified to the Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) and the Licensing Authority within **48 hours**.

Reason: To ensure the safety of navigation.

3.33 Sediment Sampling and Analysis

3.33.1 If License Activity 4 is carried out after **July 2023**, the Licence Holder must request a sediment sampling plan from the Licensing Authority.

3.33.2 The Licence Holder must ensure that the sampling is undertaken in accordance with the sampling plan described in condition 3.33.1 and is analysed at an NRW approved laboratory.

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- 3.33.3** The Licence Holder must submit the written results of the sediment sampling undertaken pursuant to condition 3.33.2 for written approval by the Licensing Authority within two months of sampling taking place. This must include an outline of an assessment of alternative uses for the sediment that is to be disposed.

Reason: To ensure that material remains acceptable for disposal at sea.

3.34 Moorings

- 3.34.1** The Licence Holder must submit the level of moorings provision (including visitor moorings) and positioning of those moorings 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.

- 3.34.2** The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.34.1 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 the safety of navigation.

ANNEX 2

Supporting Documents

Title/Description of Document	Date Submitted
DML2163 Dredge Disposal Application_Holyhead Waterfront Regeneration Scheme	12 November 2021
DML2163 Marine Works Application_Holyhead Waterfront Regeneration Scheme	12 November 2021
DML2163 HWRS_RLB_CoOrds_works below MHWS	12 November 2021
DML2163 HWRS_shapefile_BW_Newry_Reclaim	12 November 2021
DML2163 HWRS_shapefile_PorthYFelin_Reclaim	12 November 2021
DML2163 - Appendix 10.1 LVIA Methodology	12 November 2021
DML2163 - Appendix 10.2 Visualisation Methodology	12 November 2021

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DML2163 - Appendix 10.3 Extracts from Published Character Studies	12 November 2021
DML2163 - Appendix 10.4 Effects on Character	12 November 2021
DML2163 - Appendix 10.5 Effects on Viewpoints	12 November 2021
DML2163 - Appendix 10.6 Photomontages	12 November 2021
DML2163 - Appendix 10.7 Arboricultural Assessment	12 November 2021
DML2163 - Appendix 11.1 Extended Phase 1 Habitat Survey	12 November 2021
DML2163 - Appendix 11.2 Bat Survey Report	12 November 2021
DML2163 - Appendix 11.3 Reptile Survey Report	12 November 2021
DML2163 - Appendix 11.4 GCN Pond Survey Report	12 November 2021
DML2163 - Appendix 11.5 Intertidal survey	12 November 2021
DML2163 - Appendix 11.6 Biodiversity Assessment_v2	12 November 2021
DML2163 - Appendix 12.1 Marine Survey Specification	12 November 2021
DML2163 - Appendix 12.2 Sampling Plan Survey Confirmation	12 November 2021
DML2163 - Appendix 12.3 Subtidal Survey Report 2020	12 November 2021
DML2163 - Appendix 12.4 Marine Ecological Survey Report 2009	12 November 2021
DML2163 - Appendix 16.1 Preliminary Ground Investigation Report	12 November 2021

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DML2163 - Appendix 17.1 Sediment Sample Results	12 November 2021
DML2163 - Appendix 17.2 Flood Consequence Assessment	12 November 2021
DML2163 - Appendix 18.1-18.7 Noise Appendices	12 November 2021
DML2163 - Appendix 20.1 Holyhead Waterfront DBA_v2	12 November 2021
DML2163 - Appendix 20.2 Holyhead Waterfront HIA_v2	12 November 2021
DML2163 - Appendix 20.3 Gazetteer of Underwater Heritage Assets	12 November 2021
DML2163 - Appendix 20.4 Underwater DDV and ROV stills	12 November 2021
DML2163 - Appendix 23.1 Welsh Language Impact Assessment	12 November 2021
DML2163 - Appendix 6.1 Environmental Scoping Report	12 November 2021
DML2163 - Appendix 6.2 Scoping Opinions	12 November 2021
DML2163 - Appendix 6.3 Sediment Sample Plan	12 November 2021
DML2163 - Appendix 6.4 Modelling Specification	12 November 2021
DML2163 - Appendix 7.1 Hydrodynamic Modelling Report	12 November 2021
DML2163 - Appendix 7.2 Wave Transformation Modelling	12 November 2021
DML2163 - Appendix 7.3 Wave Penetration Modelling	12 November 2021
DML2163 - Appendix 8.1 Transport Assessment_v2	12 November 2021
DML2163 - Appendix 9.1 Construction Dust Assessment Methodology	12 November 2021

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DML2163 - Appendix 9.2 Assessment of Vehicle Exhaust Emissions	12 November 2021
DML2163 - Fig_1_1_ProposedDevelopment	12 November 2021
DML2163 - Holyhead Waterfront Regeneration Scheme_ES	12 November 2021
DML2163 - Holyhead Waterfront Regeneration Scheme_NTS	12 November 2021
DML2163 - Holyhead Waterfront Regeneration Scheme_WNMP Assessment	12 November 2021
DML2163 - PB8908-RHD-ZZ-ZZ-DR-C-0033	12 November 2021
DML2163 - PB8908-RHD-ZZ-ZZ-DR-C-0034	12 November 2021
DML2163 - PB8908-RHD-ZZ-ZZ-DR-C-0036	12 November 2021
DML2163 - PB8908-RHD-ZZ-ZZ-DR-C-0037	12 November 2021
DML2163 - PB8908-RHD-ZZ-ZZ-DR-C-0038	12 November 2021
DML2163 - PB8908-RHD-ZZ-ZZ-DR-C-0039	12 November 2021
DML2163 - PB8908-RHD-ZZ-ZZ-DR-C-0040	12 November 2021
DML2163 PB8908-RHD-ZZ-XX-RP-Z-0077-RFI response document	18 November 2022