



**Cyfoeth  
Naturiol**  
Cymru  
**Natural  
Resources**  
Wales

## **Marine Licensing Decision**

The Marine and Coastal Access Act (2009)

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**Applicant: Ceredigion County Council**  
**Application reference no: CML2346**

Glan Y Mor Public Right of Way (PRoW) Footbridge  
Maintenance and Erosion Control

**08 November 2023**

**Application Number: CML2346**

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## **OUR DECISION**

Based on all the information available, and having regard to all relevant considerations NRW has decided to 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 4;
- 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 organisation set out below:  Organisation name: Ceredigion County Council Address: Neuadd Cyngor Ceredigion, Penmorfa, Aberaeron, Ceredigion, SA46 0PA
Application Reference Number	CML2346
Date Application was duly made	15 August 2023
Proposal[s] covered by the Application	Glan Y Mor Public Right of Way (PRoW) Footbridge Maintenance and Erosion Control (the <b>Project</b> )
Licensable marine activities	An area of up to two metres in front of the east and west parapets of the northern abutment will be shuttered off using sandbags and/or ton bags, or equivalents, and the water pumped out through sediment filter bags. Once the working areas are dry, marine-grade concrete will be used to fill the voids and the scoured areas. This will be left to dry before the shuttering is removed.  Up to 10m <sup>3</sup> of scour protection boulders (up to 1.5 tonnes) will be placed along the west and east face of the northern abutment. In the case of the east face (the <b>Proposed Activities</b> )
Marine Plan Area	Welsh inshore region and Welsh offshore region

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Application documents:	<p>CML2346 - ED3816_Clarach_CCC_marine-works-application-form-updated - 15 August 2023</p> <p>CML2346 - ED3816 LP - 15 August 2023</p> <p>CML2346 - ED3816 Licence Plan - 15 August 2023</p> <p>CML2346 - ED3816 Elevation 1 of 2 - 15 August 2023</p> <p>CML2346 - ED3816 Elevation 2 of 2 - 15 August 2023</p> <p>CML2346 - ED3816 Shuttering Extent - 15 August 2023</p> <p>CML2346 - ED3816_Glanymor PRoW Footridge_PEA and ECIA - 15 August 2023</p> <p>ED3816_WFD Assessment - 15 August 2023</p> <p>CML2346 - ED3816_WNP Signposting Document - 15 August 2023</p> <p>CML2346 - ED3816_HRA _NCBM SPA_PLaS + WWM SACs - 15 August 2023</p> <p>CML2346 ED3816_Glan Y Mor Footbridge_Clarach_Pollution Prevention Plan_Updated_12_10_23 - 12 October 2023</p>
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## **2. APPLICATION PROCEDURE**

### **2.1. The Application**

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 15 August 2023. 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**

As required by s. 68 of the Marine and Coastal Access Act 2009 (the 2009 Act), notice was given to Ceredigion County Council on 21 August 2023.

As required by s. 68 of the 2009 Act NRW has required the Applicant to publish notice of the Application.

Public notice advertising the Project was placed in Cambrian News on 06 September 2023. The application documents were made available to the public at <https://publicregister.naturalresources.wales/Search/Results?SearchTerm=CML2346> 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 28 days from the date of the Public Notice to provide comments on the Application.

No public responses were received in response to the Public Notice.

### **2.5. 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 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 environmental impact assessment (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.

Having considered the Application NRW has determined that it does not constitute a development requiring EIA under the Regulations.

### **3. CONSULTATION**

#### **3.1. Consultees**

NRW considered it appropriate to consult the bodies listed in the table below on 21 August 2023, due to their particular expertise. These bodies were consulted for a period of 28 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	N	
NRW	Y	4 responses received between 15 September 2023 and 16 October 2023
MoD - Safeguarding Defence	Y	25 August 2023
Maritime & Coastguard Agency	Y	18 September 2023
Trinity House	Y	05 September 2023
Royal Yachting Association	Y	24 August 2023
Local Biodiversity Officer (Russel Hughes-Pickering)	N	
Local Planning Authority (Ceredigion County Council)	Y	07 September 2023
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Government Marine Enforcement Officers	N	
Welsh Archaeological Trust	Y	05 September 2023
Royal Commission on Historic Monuments Wales	Y	24 August 2023
Cadw	Y	06 September 2023
Chamber of Shipping	N	
NERL Safeguarding	Y	01 September 2023
IFCA	N	
NFFO	Y	22 August 2023
Welsh Fisherman Association	N	

Consultees who did not provide a response were assumed to have no comment.

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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 4 of this decision document.

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#### **4. 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 4 below in accordance with the 2009 Act.

Under the 2009 Act NRW is required to have regard to the following:

- the need to protect the environment (see section 4.1);
- the need to protect human health (see section 4.2);
- the need to prevent interference with legitimate uses of the sea (see section 4.3);
- 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 4.1 to 4.5 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 4.1 to 4.5 below); and
- such other matters as it thinks relevant (see section 4.5 below).

##### **4.1. 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 seabed and the seashore, 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.

##### **4.1.1. Water Framework Directive, Groundwater Directive and Water Environment Regulations**

###### **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**

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

- Clarach - GB110063041610
- Cardigan Bay North - GB6210009600000

A Water Framework Directive Compliance Assessment has been undertaken for the Proposed Activities and taken into account in this decision. This assessment concludes that the project has no potential to cause deterioration of any water body or prevent a water body or WFD Protected Area from meeting its objectives, taking into account any conditions or restrictions as applicable, either alone or in-combination with other activities.

Based on this assessment it is considered that the Proposed Activities when considered alone and in-combination, 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 conditions, i.e., pollution prevention conditions and use of concrete conditions as detailed in Annex 1.

Further details are described within the Water Framework Directive Compliance Assessment.

### **4.1.2. 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**

The applicant stated that a water vole (protected under section 9 of the Wildlife and Countryside Act 1981) survey had been undertaken and that no evidence of voles were identified and the works area was highly unsuitable. However, following consultation with NRW advisory, it was highlighted that a survey conducted in 2022 by a UK water vole specialist had found burrows and feeding remains 25m upstream at the confluence of a drainage ditch. Although the specialist agreed that the existing stone section of the bank where the works were being conducted was not suitable habitat for water voles, given the proximity to suitable habitat upstream, protective measures were required to ensure no offences were committed. NRW advisory suggested that an Ecological Clerk of Works (ECoW) or suitably qualified individual be present to oversee the works.

These concerns were raised with the applicant who subsequently explained that the Ecological Appraisal report had surveyed the works area as well as a 10m buffer zone for typical signs such as burrows, feeding areas and latrines; however, areas outside of the 10m buffer zone were only assessed for habitat suitability, not specific signs of water vole presence.

The applicant indicated that the Ecological Appraisal report agreed with the specialist that the entire embankment area beyond the end of the scour protection boulders had high potential. However, the applicant concluded that type and scale of the works will result in a negligible impact on water voles. The applicant indicated in support of this conclusion that contractors would not require a space greater than 5 metres in front of the east face and 8 metres in front of the west face of the abutment and no plant, machinery or materials would be stored along the embankment. Furthermore, access to the east face of the north abutment will be via the C1049 which is immediately adjacent to the bridge, as well as access to the west face, so the contractor will have no need to encroach on the high-potential habitat upstream.

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The applicant also stated that it was standard procedure for an ecologist to conduct pre-commencement surveys and oversee the works throughout their duration. These members of staff are suitably qualified, and regularly undertake water vole surveys as a standard for the Ecological Appraisal procedure when a scheme is in close proximity to freshwater habitats. Whilst none of these ecologists are licenced, this does not mean they are not suitably qualified. Requiring a licenced surveyor just to undertake the pre-commencement checks or to observe the works in their entirety would be prohibitively costly for the project particularly when no Water Vole burrows, latrines, or signs of activity have been identified in the works area, the nearest signs are 25 metres upstream and the council is already funding suitably qualified resources that can fulfil this duty in-house.

NRW advisory were consulted on the applicant's response and were content that appropriate actions/reasoning had been applied and that there would be no detrimental impacts on water voles.

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.

### **4.1.3. 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 is located in/may affect the following European Protected Sites:

- Pen Llyn a'r Sarnau SAC
- West Wales Marine / Gorllewin Cymru Forol SAC
- Northern Cardigan Bay / Gogledd Bae Ceredigion SPA

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

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

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Disturbance through noise and vibration coupled with potential pollution risk and increased sedimentation had the potential to detrimentally affect grey seal, bottlenose dolphin and otter within the Pen Llyn a'r Sarnau SAC as well as red throated diver within the Northern Cardigan Bay SPA and harbour porpoise within the West Wales Marine SAC.

Following consultation with NRW advisory, concerns were raised regarding the washing of machinery/equipment as the applicant's pollution prevention plan (PPP) stated that water would drain to the ground. Advisory suggested that if the Licence Holder intends to wash concrete, then wash water should be contained for disposal rather than being allowed to drain to ground. Furthermore, waste should be stored away from surface water drains and watercourses.

These comments were passed on to the applicant who subsequently submitted an updated PPP which confirmed that any waste water from machinery that has been in contact with concrete must be collected, stored within the site compound and then disposed of accordingly. They also confirmed that the site compound would be situated more than 10m away from any watercourse to minimise the potential for pollution via run off.

Following a second consultation with NRW advisory, they were content with the following mitigation proposed by the applicant:

- Only working at low tide
- Storing waste away from watercourses and disposing appropriately
- Use of sediment filter bags during de-watering process
- Concrete to be mixed at least 10m away from watercourses or surface drains
- The works will be carried out in strict accordance with GPP5 ('Works and maintenance in or near water')

NRW have also applied the following activity specific conditions (conditions 3.20, 3.21 and 3.22 in Annex 1) to minimise the risk of pollution events occurring from the use of concrete and minimise the risk of damage to sensitive receptors and deterioration of water quality.

NRW will also apply standard pollution prevention conditions (see condition 3.14 - 3.16 in Annex 1) such as the use of bunded storage facilities and provision of spill kits. Further details are described within the Habitats Regulations Assessment. NRW advisory were consulted and agreed that if the mitigation above is applied, then there will be no adverse effects.

NRW is therefore satisfied that the Proposed Activities, either alone or in combination with other plans or projects, will not adversely affect the integrity of European Site(s) [when undertaken in accordance with appropriate conditions.

### **4.1.4. 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**

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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 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.

### **4.1.5. 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 Skomer.

### **4.1.6. 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:

- Craigyfulfran and Clarach SSSI
- Borth to Clarach SSSI

NRW is satisfied that the Proposed Activities do not have the potential to impact on either site when undertaken in accordance with appropriate conditions. Appropriate consultation has been undertaken within NRW, as set out in section 3 and the response indicated that a SSSI assent may be required given the works proximity to the SSSI's listed above and that some elements of the project may take place landward of mean high water springs (MHWS).

The applicant confirmed that no element of the works will be taking place at a location landward of MHWS. The only other potential element is the site compound for which a location had not been confirmed, however, they will ensure that this is placed outside of the SSSI boundaries.

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Given the scale, location, and the lack of any SSSI protected features at the works site, the applicant's appraisal report identified that the likelihood of a significant effects on either SSSI is negligible.

NRW advisory were consulted on the response and stated that if the applicant has deemed that a SSSI assent is not required, then there is no need for further comment as it is up to them to determine whether it's necessary.

Therefore, NRW is satisfied that the Proposed Activities are not operations likely to damage the SSSI and that the method statement proposed as part of the Application appropriately addresses any risks arising from the Proposed Activities.

### **4.1.7. The Waste (England and Wales) Regulations 2011**

#### **a) The legal framework**

The Waste (England and Wales) Regulations 2011 (as amended) 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 when undertaken in accordance with appropriate conditions.

Condition 3.18 regarding the disposal of man-made debris and deposited materials has been included to ensure that all waste is removed upon completion of the licensed activities.

### **4.1.8. Other matters considered relevant to the need to protect the environment**

NRW advisory requested further information regarding how the deposited boulders would be secured and if there were any rescue plans should they become dislodged and enter the river.

The applicant explained that the very weight of the boulders minimised the risk of displacement however, they would also be interlocked to further reduce the risk. This approach has been used in the boulder arrangement upstream, as well as the coastal defence boulders placed around the old beach carpark, both of which have been in place for a significant period of time without any issues.

In the low likelihood a boulder does become dislodged into and is carried to a new location by the watercourse, the applicant will relocate the boulder back to the bridge during their annual asset maintenance and inspection programme. Given that the boulders are there to protect the abutment, recovery of displaced boulders would be prioritised to ensure the abutment remains protected.

### **4.1.9. 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.

## **4.2. The need to protect human health**

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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.

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

### **4.3. 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.

No comments or representations were received in relation to the need to prevent interference with legitimate uses of the sea and no other concerns in this regard have been identified. However, NRW Marine Licensing considers it appropriate to include licence conditions 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.

#### **4.3.1. 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.

### **4.4. 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)**

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.

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## **Welsh National Marine Plan**

This decision has been taken in accordance with marine policy as set out in the Welsh National Marine Plan. The proposal aligns with the following policies:

T&R\_01a: and T&R\_01b: Tourism and recreation

Clarach Bay and Beach is a tourist hot spot, with several large and extensive Caravan Parks. The repaired and protected PRoW bridge will continue the connectivity between both sides of the beach for tourists, benefitting businesses as well as individuals. Furthermore, the footbridge promotes active travel in the vicinity as opposed to driving to get from one side to the other.

SOC 1: Access to the marine environment and SOC 2: Well-being of coastal communities

The bridge facilitates continued connectivity across the Clarach beach which allows both tourists and the coastal community to access the area and benefit from the wellbeing it provides.

SOC 3: Marine Pollution Incidents

The contractor will be competent, working in full accordance with the General Practice for Pollution Prevention 5: Works in or Near Water and the Pollution Prevention Plan submitted as part of the application.

### **4.5. Other matters NRW thinks relevant**

#### **4.5.1. 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.

#### **4.5.2. 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.

##### **b) Our determination**

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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.

**5. Conclusions and Recommendations**

Based on all the information available, and having regard to all relevant considerations including the 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 4 and have also explained in section 4 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.

**6. AUTHORISATION**

Report by: Jack Thompson  Position: Marine Licensing Officer	Date: 27 October 2023	Signed: J.Thompson
Authorised by:  Emmer Litt  Position: Marine Licensing Team Leader	Date:  07 November 2023	Signed:  EJLITT

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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**

- 3.1.2** 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 **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.*

### **3.7 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

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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.*

### **3.8 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 with 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,

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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.*

## **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

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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 Refuelling of Plant and Equipment**

The Licence Holder must ensure that plant, vehicles and machinery are not refuelled on the foreshore or in the watercourse.

*Reason: To minimise the risk of fuels/other contaminants entering the marine environment.*

### **3.17 Coatings**

The Licence Holder must ensure that any coatings/treatments used in carrying out the Licensed Activities are suitable for use in the marine environment and are used in accordance with best environmental practice.

*Reason: To ensure hazardous chemicals that may be toxic, persistent or bio-accumulative are not released into the marine environment and to minimise the risk of marine pollution incidents by adopting best practice techniques.*

### **3.18 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.*

### **3.19 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**

### **3.20 Use of Render and Concrete**

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.

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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.*

**3.21 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.*

**3.22 Re-suspension of Sediment**

The Licence Holder must ensure that best practice is used to minimise re-suspension of sediment.

*Reason: To minimise the risk of damage to sensitive receptors and deterioration of water quality.*