



Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: Kaymac Marine & Civil Engineering Ltd

Application reference no: CML2333

Replacement of Newport Effluent Outfall

23 November 2023

Contents

Marine Licensing Decision	1
1. APPLICATION DETAILS	4
1.1. The Application	4
2. APPLICATION PROCEDURE	7
2.1. The Application	7
2.2. Documents considered	7
2.3. Commercial Confidentiality	7
2.4. Publicity and advertising	7
2.5. Environmental impact Assessment	8
3. CONSULTATION	8
3.1. Consultees	8
4. BASIS FOR OUR DECISION	10
4.1. The need to protect the environment:	10
4.1.1. Water Framework Directive, Groundwater Directive and Water Environment Regulations 10	
4.1.2. Biodiversity and resilience of ecosystems duty	11
4.1.3. European Protected Sites and Ramsar Sites	11
4.1.4. European Protected Species	12
4.1.5. Marine Conservation Zones	13
4.1.6. Sites of Special Scientific Interest (SSSIs)	13
4.1.7. The Waste (England and Wales) Regulations 2011	14
4.1.8. Other matters considered relevant to the need to protect the environment	14
4.1.9. Conclusion of our considerations under the need to protect the Environment	14
4.2. The need to protect human health	14
4.3. The need to prevent interference with legitimate uses of the sea	15
4.4. Marine Policy Documents	15

Application Number: CML2333

4.5.	Other matters NRW thinks relevant.....	16
4.5.2.	Sustainable management of natural resources	16
5.	Conclusions and Recommendations	16
6.	AUTHORISATION	17
ANNEX 1		18

Application Number: CML2333

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.

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 company set out below: Company name: Kaymac Marine & Civil Engineering Ltd Company Number: 2975450 Address: Unit 1, Osprey Business Park, Byng Street, Landore, Swansea, SA1 2NR
Application Reference Number	CML2333
Date Application was duly made	21 June 2023
Proposals covered by the Application	Replacement of Newport Effluent Outfall (the Project)
Licensable marine activities	<u>Offshore Zone</u>
Marine Plan Area	The 'Offshore Zone' relates to the section of pipe that lies seaward of Mean Low Water Springs (MLWS). The discharge point within the Estuary is at chainage 1470m and the pipe becomes visible above the seabed at chainage 567m. Floating plant such as a Back Hoe dredger or an excavator on a barge will be used to excavate a trench adjacent to the existing outfall pipe in which the new pipe will be laid. Precast concrete mattresses will be lowered from a crane barge over the new pipe for protection and to prevent future movement. The trench throughout this section will be 900m in length with a depth of between 1.2 and 2.0m.
Application documents:	

	<u>Intertidal Zone</u> The 'Intertidal Zone' relates to the section of pipe within the intertidal zone between chainages 567m and 176m. This beach area will dry out during the low water periods and will be accessed by landing craft. This section will be excavated either from floating plant during high water periods or from the beach using amphibious plant during low water periods. A combination of the two will be used to maximise the working windows. The pipe will be laid within the trench at a depth of between 1.2 and 2m. It will then be covered with precast concrete mattresses for protection. <u>Decommissioning</u> On completion of the new outfall installation, the redundant exposed section of the outfall/pipeline and stone causeway in the intertidal zone between chainage 184m and 554m will be removed. (the Proposed Activities)	
	Welsh inshore region and Welsh offshore region	
	Title/Description of Document	Date Submitted
	CML2333 Band 3 marine-works-application-form June 2023	21 June 2023
	CML2333 Eastman - Newport Effluent Outfall Replacement 2024 RAMS	21 June 2023
	CML2333 Habitat Mitigation Outline Proposal	21 June 2023
	CML2333 Newport Effluent Pipe Replacement-Marine Licence Consultation Comments	21 June 2023
	CML2333 KM-EASTMAN-OUTFALL-12-05-23 - OS Location Map	21 June 2023
	CML2333 P8585 - Newport Effluent Pipe Replacement Scheme - WNMP signposting doc	21 June 2023
	CML2333 P12364 - Newport Effluent Pipe Replacement Scheme Phase 2 - HRA Assessment - Sept 2023 - Final	25 September 2023
	CML2333 P12364 - Newport Effluent Pipe Replacement Scheme Phase 2 - WFD Assessment - Final 19.06.2023	21 June 2023

Application Number: CML2333

	CML2333 P12364 Newport Effluent Pipe Replacement Scheme Biosecurity Plan - Final 19.06.2023	21 June 2023
	CML2333 P2214 WSI Offshore works FINAL DRAFT	21 June 2023
	CML2333 1001-1B- 3M WIDE FLEXIMAT	21 June 2023
	CML2333 1001-2- PROPOSED OUTFALL CONNECTION DETAILS- SEAWARD SIDE	21 June 2023
	CML2333 1001-09 - P2 SEAWARD CONNECTION TO NEW OUTFALL	21 June 2023
	CML2333 1001-10 - EXISTING OUTLET DETAIL	21 June 2023
	CML2333 1001-12 - PROPOSED OUTFALL OUTLET DETAIL	21 June 2023
	CML2333 1001-13 (1) EXISTING LONG CROSS SECTION (1 OF 7)	21 June 2023
	CML2333 1001-13 (2) EXISTING LONG CROSS SECTION (2 OF 7)	21 June 2023
	CML2333 1001-13 (3) EXISTING LONG CROSS SECTION (3 OF 7)	21 June 2023
	CML2333 1001-13 (4) EXISTING LONG CROSS SECTION (4 OF 7)	21 June 2023
	CML2333 1001-13 (5) EXISTING LONG CROSS SECTION (5 OF 7)	21 June 2023
	CML2333 1001-13 (6) EXISTING LONG CROSS SECTION (6 OF 7)	21 June 2023
	CML2333 1001-13 (7) EXISTING LONG CROSS SECTION (7 OF 7)	21 June 2023
	CML2333 1001-14 (1) PROPOSED LONG CROSS SECTION (1 OF 7)	21 June 2023
	CML2333 1001-14 (2) PROPOSED LONG CROSS SECTION (2 OF 7)	21 June 2023
	CML2333 1001-14 (3) PROPOSED LONG CROSS SECTION (3 OF 7)	21 June 2023

Application Number: CML2333

	CML2333 1001-14 (4) PROPOSED LONG CROSS SECTION (4 OF 7)	21 June 2023
	CML2333 1001-14 (5) PROPOSED LONG CROSS SECTION (5 OF 7)	21 June 2023
	CML2333 1001-14 (6) PROPOSED LONG CROSS SECTION (6 OF 7)	21 June 2023
	CML2333 1001-14 (7) PROPOSED LONG CROSS SECTION (7 OF 7)	21 June 2023

2. APPLICATION PROCEDURE**2.1. The Application**

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 21 June 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 Newport City Council on 03 July 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 published on 04 August 2023 on NRW's webpage here: [Notice of Application for the Replacement of the Newport Effluent Outfall - Natural Resources Wales Citizen Space - Citizen Space \(cyfoethnaturiol.cymru\)](#). The application was not advertised in a newspaper on this occasion due to the application originally being submitted under CML2222 where a public notice was advertised in a newspaper where no responses were received, however that application was later withdrawn.

The application documents were made available to the public via the public register here: [Public register - Customer Portal \(naturalresources.wales\)](#) and they could also be requested from Natural Resources Wales Marine Licensing Team, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP.

Application Number: CML2333

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 03 July 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 of receipt
The Crown Estate	Y	06 July 2023
NRW	Y	31 July 2023
MoD - Safeguarding Defence	Y	03 July 2023
Maritime & Coastguard Agency	Y	18 July 2023
Trinity House	Y	31 July 2023
Royal Yachting Association	Y	26 July 2023
Local Biodiversity Officer – <i>Newport</i>	N	
Local Planning Authority – <i>Newport City Council</i>	N	
Local Harbour Authority – ABP Newport	Y	31 July 2023
Local Harbour Authority – Gloucester	Y	10 July 2023

Application Number: CML2333

Local Port Authority – Newport	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	N	
Cadw	Y	26 July 2023
Chamber of Shipping	N	
NERL Safeguarding	Y	03 July 2023

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 4 of this decision document.

Application Number: CML2333

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 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.

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

Application Number: CML2333

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

- Severn Lower (GB530905415401)

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.

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

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 may affect the following European Protected Sites.

- Sever Estuary SAC
- Sever Estuary SPA
- Severn Estuary RAMSAR
- River Usk SAC
- River Wye SAC

A Habitats Regulations Assessment (HRA) 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. In light of the conclusions of an appropriate assessment, and taking account of the advice received from protected sites advisors, it has been established that the project will not adversely affect the integrity of any Natura 2000/Ramsar site, taking into account any conditions or restrictions as applicable, either alone or in-combination with other plans and projects.

Following consultation with NRW A, they disagreed with the conclusions of the HRA which stated no adverse effect. This was due to the worst case scenario of 727.5m² being presented for habitat loss of Mudflats and Sand Flats due to the pipe/rock mattress becoming exposed. However, following bathymetric data being presented by the applicant showing that habitat loss would only occur due to the natural variability of the habitat and sea bed levels returning to that of the 1970s, NRW confirmed that there would be no adverse effect and agreed with the HRA. The Licence Holder will also be required to submit a post construction report which provides evidence that the pipe/rock mattress is buried to the depths proposed in the methods provided, stated in licence condition 3.24, detailed in Annex 1.

The proposed activities have the potential to cause disturbance to the features of the Severn Estuary SPA during construction activities. However these species are only present during the winter months. Therefore, to avoid noise and visual disturbance to these species, no licensed activities will take place between 01 October and 31 March inclusively. This will be secured through licence condition 3.22, as detailed in Annex 1.

The Licence Holder will also be required to carry out works in line with the approved Biosecurity Risk Assessment to minimise the risk of spread of invasive species. They are also required to carry out the activities in line with best practice pollution prevention measures and submit a CEMP for approval prior to the commencement of any Licensed Activities. These conditions are detailed in Annex 1.

Following installation of the pipe, the Licence Holder must ensure sections of the old pipe are decommissioned in line with the approved method statement to ensure habitat recovers, ensuring no overall loss of habitat. This has been secured through the inclusion of licence condition 3.23, as detailed in Annex 1.

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 Sites when undertaken in accordance with appropriate conditions listed above.

Further details are described within the Habitats Regulations Assessment.

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

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 MCZ due to the distance between the proposed project and the MCZ.

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:

- Severn Estuary SSSI

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

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.

The applicant collected six sediment samples from the intertidal zone along the line of the trench that will be excavated for the new pipe. These samples were analysed for the suite of contaminants listed that is commonly used to determine the suitability for dredged sediment to be disposed of at sea.

Comparison of the data against Cefas Action Levels (AL) indicates some minor exceedances of AL 1, but no exceedances of AL 2 (where AL 2 thresholds exist), and a summary is provided below.

Any contaminants resuspended during the excavation works are likely to be rapidly diluted and dispersed with the tide and / or currents. It is concluded that there are not expected to be any non-temporary effects on the water quality element in terms of release of chemicals or resuspension of contaminants.

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

Following consultation with Cadw, it was requested that the area in the intertidal zone should be inspected by a qualified archaeologist used to working in estuarine conditions, before any works commence to identify any archaeological remains in the area and ensure that accidental damage does not occur to them. To ensure this takes place and other archaeological mitigation is implemented, the Licence Holder will be required to carry out the works in line with the approved Written Scheme of Investigation, as stated in licence condition 3.20, detailed in Annex 1.

No other comments or representations were received in relation to other matters considered relevant to the need to protect the environment. However, NRW Marine Licensing considers it appropriate to include pollution control licence conditions to minimise impacts on the marine environment. These conditions are detailed in Annex 1.

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

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.

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.

Following consultation with the MCA, it was stated that the works fall within port limits and is therefore outside of their jurisdiction. Consultation was also carried out with the local port authority however no response was received. It is therefore assumed that they had no comment to make. Consultation was also carried out with Trinity House who requested that the UKHO be informed prior to commencement of the Licensed Activities. This has been included as licence condition 3.18, as detailed in Annex 1.

NRW Marine Licensing also considers it appropriate to include licence conditions to ensure the safety of navigation which includes ensuring all other 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 WNMP 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.

Application Number: CML2333

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 'P8585 - Newport Effluent Pipe Replacement Scheme - WNMP signposting doc ', submitted 21 June 2023.

The WNMP signposting document that was submitted by the applicant demonstrates that the works complied with WNMP policies including Planning Policy GEN_01, Sustainable economic growth ECON_01, Seascape SOC_07, Marine pollution incidents SOC_03 and Invasive non-native species ENV_03.

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

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.

Application Number: CML2333

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: Joe Thomas Position: Marine Licensing Officer	Date: 16/11/2023	Signed: 
Authorised by: Emmer Litt Position: Marine Licensing Team Leader	Date: 23 November 2023	Signed: 

Application Number: CML2333

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.

Application Number: CML2333

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 **zone27@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

Application Number: CML2333

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,

Application Number: CML2333

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

Application Number: CML2333

the marine environment. Secondary containment must be used with a capacity of **no less than 110%** of the container's storage capacity

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

3.16 Prevention of Disposal of Man-made Debris

The Licence Holder must ensure that all reasonable precautions are taken to prevent the disposal of man-made debris to the marine environment. Such material must be removed immediately and be disposed of appropriately. If it is not possible to prevent manmade debris from entering the marine environment during the Licensed Activities, the Licensed Activities must cease immediately.

Reason: To minimise the amount of man-made materials disposed of at sea.

3.17 Cleanliness of Equipment

The Licence Holder must ensure that equipment, machinery and PPE are washed with freshwater and/or thoroughly airdried before deployment and before moving between locations.

Reason: To minimise the risk of spread of invasive non-native species.

Activity-specific Conditions

3.18 Notification of UKHO

The Licence Holder must ensure that notification is sent to The Source Data Receipt team, UK Hydrographic Office (email: sdr@ukho.gov.uk) at least **10 days** prior to commencement of the Licensed Activities. The information supplied must include the start date and end date, a description of the works, positions of the work area (WGS84), and details of any marking arrangements.

Reason: To ensure that navigation warnings can be issued to marine users and for the update of nautical charts.

3.19 Construction Environmental Management Plan (CEMP)

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

3.19.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.19.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

Reason: To minimise the risk of pollution incidents and the risk of fuels/other contaminants entering the marine environment.

3.20 Written Scheme of Investigation (WSI)

Application Number: CML2333

The Licence Holder must implement any actions outlined in the WSI submitted 21 June 2023 and detailed in section 2.3 as approved by the Licensing Authority. Any proposed changes to the actions outlined in the Biosecurity Management Plan 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.

3.21 Biosecurity Management Plan

The Licence Holder must implement any actions outlined in the Biosecurity Management Plan, submitted **21 June 2023** and detailed in section 2.3 as approved by the Licensing Authority. Any proposed changes to the actions outlined in the Biosecurity Management Plan 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.

3.22 Timing Restriction

The Licence Holder must ensure that no Licensed Activities take place between **01 October** and **31 March** inclusive, without prior written approval from the Licensing Authority.

Reason: To minimise the impacts of overwintering birds.

3.23 Decommissioning

The Licence Holder must ensure that upon completion of Licensed Activity 1 - Installation of New Outfall all licensed activities and associated works under Licensed Activity 2 – Old Outfall Decommissioning are completed in accordance with the Newport Effluent Outfall Replacement Scheme Outline Method Statement & Risk Assessments (ref. KM-EASTMAN-RAMS-12-05-23) submitted on **21 June 2023** and detailed in section 2.3 of this Licence. Any proposed changes to the actions outlined in the Outfall Replacement Scheme Outline Method Statement & Risk Assessments must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

Reason: To ensure the a section of the old outfall is decommissioned to allow the surrounding habitat to recover.

3.24 Post-construction Report

The Licence Holder must submit a post-construction report stating the burial depth achieved to the Licensing Authority at least **6 weeks** following completion of Licensed Activity 1.

Reason: To ensure the pipe is buried to the correct depth in accordance with the methods approved allowing the habitat to recover above the installed outfall.