



## **Marine Licensing Decision**

The Marine and Coastal Access Act (2009)

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Applicant: **Pembrokeshire County Council**  
Application reference no: **DML2354**

***Tenby***

***Maintenance dredge at Tenby Harbour***

**07 March 2023**

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## OUR DECISION

Based on all the information available, and having regard to all relevant considerations NRW has decided grant the marine licence sought by the Application subject to the conditions set out in Annex 1.

This decision document:

- explains how the Application has been determined, having regard to the relevant legal framework outlined in section 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: Pembrokeshire County Council Address: County Hall, Freeman's Way, Haverfordwest SA61 1TP
Application Reference Number	DML2354
Date Application was duly made	28 September 2023
Proposal[s] covered by the Application	Dredge and disposal of material dredged from Tenby Harbour.  Material will be dredged from the mouth of Tenby Harbour using 13 tonne tracked diggers and tractor trailer units. Material dredged will be deposited upon an area of Tenby North Beach. Beach nourishment will be performed by means of land-based mechanical excavator at low tide  (the <b>Project</b> )
Licensable marine activities	Dredging and Deposit  (the <b>Proposed Activities</b> )
Marine Plan Area	Welsh inshore region and Welsh offshore region
Application documents:	DML2354 - Dredge Deposit overview 01  DML2354 - Ocean Ecology_TENPSA0623_PSD_V01_Data Submission

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	DML2354 Sample Analysis results v2
	DML2354 Application form Dredge and Disposal v2
	DML2354 Biosecurity RA and Management plan v2
	DML2354 Dredge area PDF 1 v2
	DML2354 Method Statement Sand Sampling FINALa v2
	DML2354 nrw-ps-analysis-results 2023 v2
	DML2354 PSA Sampling chart - coordinates v2
	DML2354 Tenby Harbour Beach Replenishment Sampling Advice FINAL (003)
	DML2354 Tenby Harbour dredge proposal HRA
	DML2354 Water Framework Assessment v2
	DML2354 WNMP Signposting Document (005) v2
	DML2354 Additional info from applicant.msg
	DML2354 Tenby Harbour and Tenby North Beach biotope survey report.pdf
	DML2354 Dredge coordinate format update

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## **2. APPLICATION PROCEDURE**

### **2.1. The Application**

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on **28 September 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 Pembrokeshire Coast National Park on 26 October 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 Tenby Observer on 01 November 2023.

The application documents were made available via the public register (<https://publicregister.naturalresources.wales/Search/Results?SearchTerm=DML2354>) 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 26 October 2023 and 11 January 2024, 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	7 responses between the 13 November 2023 and 01 March 2024
MoD - Safeguarding Defence	Y	01 November 2023
Maritime & Coastguard Agency	Y	14 November 2023
Trinity House	Y	27 November 2023
Royal Yachting Association	Y	22 November 2023
Local Biodiversity Officer <i>[insert which authority]</i>	Y	06 November 2023
Local Planning Authority <i>[insert which authority]</i>	N	
Local Harbour Authority <i>[insert which authority]</i>	N	
Local Port Authority <i>[insert which authority]</i>	N	
Welsh Fisherman's Association	N	
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Government Marine Enforcement Officers	N	
Cadw	Y	02 November 2023
Welsh Archaeological Trust	Y	02 November 2023
Royal Commission on Historic Monuments Wales	Y	17 November 2023
Chamber of Shipping	N	
NERL Safeguarding	Y	01 February 2024

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Cefas	Y	15 January 2024
Devon & Severn Inshore Fisheries & Conservation Authority	N	
National Park Authority: <i>Pembrokeshire Coast National Park</i>	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 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 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).

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#### **b) Factors relevant to our determination**

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

- GB611008590002 Carmarthen Bay

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 activity/project is considered as having no risk of causing deterioration or preventing any water body or WFD Protected Area from reaching its objectives and, taking account of the advice from technical officers, is considered compliant with the Water Framework Directive/Regulations.

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.:

- Condition 3.21, which ensures that the Licence Holder distributes dredged material evenly over Deposit Area [A] specified in Table 3 (LU165, Tenby North Beach).
- Condition 3.22, which ensures that the Licence Holder returns the disposal area to its original profile, or as close as reasonably practicable, following the completion of the Licensed Activities.
- Condition 3.14, which ensures that the Licence Holder uses pollution prevention best practice at all times. Any incidents are to be reported to the Licensing Authority as soon as possible using the hotline number 0300 065 3000.

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).

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The Habitats Regulations 2017 and the Offshore Habitats Regulations 2017 require that any project that is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) must be subject to an appropriate assessment. NRW undertakes a Habitats Regulation Assessment (HRA) to establish whether an appropriate assessment is required.

In addition, NRW must exercise its functions under the 2009 Act so as to secure compliance with the requirements of the relevant European Directives. NRW also has a duty under the Habitats Regulations 2017 to support wild birds by protecting habitats and avoiding pollution.

A Ramsar site is a wetland which has been designated under the Ramsar Convention. The Ramsar Convention does not place specific legal requirements on its parties (though Ramsar sites are often SSSIs or SPAs, considered below), however Ramsar status is considered by NRW as matter of policy in its decision making.

#### **b) Factors relevant to our determination**

The Project is located in the following European Protected Sites:

- UK0020020 Carmarthen Bay and Estuaries / Bae Caerfyrddin ac Aberoedd (Special Area of Conservation)
- UK0030396 Bristol Channel Approaches / Dynesfeydd Môr Hafren (Special Area of Conservation)

And may also affect the following European Protected Site:

- UK9014091 Bae Caerfyrddin / Carmarthen Bay (Special Protection Areas)

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

- North Anglesey Marine / Gogledd Môn Forol SAC
- West Wales Marine / Gorllewin Cymru Forol SAC

The above had initially been considered for **Harbour porpoise** as the activity falls within the Celtic & Irish Seas (Harbour porpoise). However, due to the location and nature of the activity the risk of disturbance and collision to the species was ruled out and the sites were not taken through the screening assessment.

A Habitats Regulations Assessment of the Proposed Activities has been undertaken, and NRW A (as Statutory Nature Conservation Body) was consulted on the HRA. Following the initial round of consultation, NRW A identified that a portion of the proposed harbour dredge area was not previously known to them to have been dredged, and an information gap was identified to describe the current ecological state of this region of the Carmarthen Bay and Estuaries SAC. Without this information the determination of the application could not continue, therefore the application was placed on hold on the 22 January 2024 while the applicant performed a Phase 1 Biotype survey over this area. On the 01 March 2024, following liaison with the applicant and acceptance of their survey report, NRW A submitted their final consultation response accepting the conclusion of the HRA.

Therefore in light of the conclusions of the 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. Further details are described within the Habitats Regulations Assessment.

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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**

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

#### **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:

- Tenby Cliffs and St. Catherine's Island SSSI

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Appropriate consultation has been undertaken with NRW A and a notification of potential impact to the SSSI was provided to NRW A in consultation dated 26 October 2023. NRW A raised that rocky habitats within the deposit area are likely to be sensitive features of the Tenby Cliffs and St. Catherine's Island SSSI and could be smothered by sediment deposition. However, NRW A was satisfied that this impact could be avoided by including the condition below in the marine licence:

- Condition 3.26, which ensures that the Licence Holder deposits no material upon rocky habitats within the deposit area.

NRW is therefore satisfied that the Proposed Activities, either alone or in combination with other plans or projects, will not adversely affect the SSSI when undertaken in accordance with appropriate conditions.

#### **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.

Following the submission of sediment sampling analysis results in support of the application, and subsequent consultation with Cefas, NRW PS is content that the Proposed Activities are in line with the relevant OSPAR guidelines for the management of dredged material and is suitable for disposal at LU165 (Tenby North Beach). However, as sediment samples were last collected in June 2023, further sampling would need to be undertaken prior to December 2027 (allowing a 5 year period between sampling regimes) in line with OSPAR guidance. This has been secured through the inclusion of the following licence conditions, as detailed in Annex 1:

- Condition 3.18.1, which ensures that the applicant requests a sediment sampling plan from the Licensing Authority by 28 December 2027.
- Condition 3.18.2, which ensures that the sampling is undertaken in accordance with the sampling plan described in condition 3.18.1 and is analysed at an NRW approved laboratory.
- Condition 3.18.3, which ensures that the written results of the sediment sampling undertaken pursuant to condition 3.18.1 is submitted for written approval by the Licensing Authority within two months of sampling taking place. This also sets that this must include an outline of an assessment of alternative uses for the sediment that is to be disposed.

NRW is therefore satisfied that the Proposed Activities meet the requirements of The Waste (England and Wales) Regulations 2011 when undertaken in accordance with appropriate conditions.

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

##### **Historic Environment**

Comments received following consultation responses from Welsh Archaeological Trust and Royal Commission on Historic Monuments Wales requested that the Licence Holder should ensure that any artefacts accidentally recovered during the work are retained and any find's location recorded before being reported. We consider it appropriate to include condition 3.24 which sets out the requirement for the Licence Holder to ensure that any artefacts accidentally recovered are retained and reported through the Marine Portable Antiquities Scheme, as detailed in Annex 1.

Additionally, NRW Permitting Service considers it appropriate to include pollution control licence conditions to minimise impacts on the marine environment. These conditions are detailed in Annex 1.

##### **Pollution prevention activities**

Comments received from Maritime & Coastguard Agency have raised the need for the Licence Holder to perform oil and fuel storage pollution prevention activities to minimise risk to the marine environment. The activities mentioned are already addressed within the licence under the following standard condition:

- Condition 3.15; ensures that the Licence Holder utilises 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 is also to be used with a capacity of no less than 110% of the container's storage capacity

#### **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**

##### **Bathing Water Beaches**

Tenby North Beach is a designated Bathing Water beach. As part of protecting this site from any risk of contamination from sources linked this dredge and disposal, and possibly impacting the health of beach goers, NRW Advisory has recommended the application of a timing restriction upon the activities to avoid the bathing season (May to September). This is set out in the following condition;

- Condition 3.23, which ensures that no works take place between 01 May and 30 September inclusive, without prior written approval from the Licensing Authority.

#### **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.

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#### **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.

Comments received from Maritime & Coastguard Agency have raised the responsibility of the harbour authority, as the Licence Holder, to issue local warnings to alert those navigating in the vicinity to the presence of the works. Additionally the agency also raised the responsibility of the Licence Holder to communicate with the UK Hydrographic Office on the works. NRW PS have concluded that the following conditions included in the licence address these points with further detail from the consultation response being included in the advisory notes submitted to the Licence Holder.

- Condition 3.25, which ensures that the Licence Holder notify The Source Data Receipt team within the 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.
- Condition 3.1.3, which requires that the Licence Holder ensures 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.

##### **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. It is considered that the Project is in accordance with the WNMP and a signposting document was submitted by the applicant which demonstrated that the works complied with WNMP policies including;

- **ECON\_01** Sustainable Economic Growth; whereby the activity seeks to eliminate the negative economic and cultural impact on all harbour users from the build-up of sand at the mouth of the harbour, thereby impeding navigation in this area. Performing the dredging activity will also protect employment within Tenby by enabling commercial operations to continue in the harbour.
- **SOC\_01** Access to the marine environment; maintaining chart datum at Tenby Harbour permits the continued access to the marine environment for both private and commercial users, including marine day tips and sea excursions from the transit point of Tenby Pier.
- **SOC\_02** Well-being of coastal communities; access to water and coastal assets contribute to the health and wellbeing of local communities and such engagement is encouraged through local groups such as the sea cadets and rowing clubs, who require navigable access the marine environment from the harbour, access which is maintained by way of this planned dredge activity.

The development has also considered its impact on the marine ecosystems and has where appropriate looked to avoid, minimise and mitigate potential impacts.

NRW considers that this decision has been taken in accordance with marine policy as set out in the Welsh National Marine Plan.

### **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

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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.

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:  Chris Roscoe  Position: Marine Licensing Officer	Date:  05 March 2024	Signed:  
Authorised by:  Emmer Litt  Position: Marine Licensing Team Leader	Date:  07 March 2024	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**

- 3.1.2** 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 **zone28@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 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 Sediment Sampling and Analysis**

- 3.18.1 The Licence Holder must request a sediment sampling plan from the Licensing Authority by **28 December 2027**.
- 3.18.2 The Licence Holder must ensure that the sampling is undertaken in accordance with the sampling plan described in condition 3.18.1 and is analysed at an NRW approved laboratory.
- 3.18.3 The Licence Holder must submit the written results of the sediment sampling undertaken pursuant to condition 3.18.2 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.
- 3.18.4 The Licence Holder must ensure no Licensed Activities are carried out after the following dates without written approval from the Licensing Authority: **28 April 2028**.

*Reason: To ensure that material remains acceptable for disposal at seas and to ensure that the Licence Holder has obtained the correct authorisations prior to continuing the activity.*

### **3.19 Disposal Returns**

- 3.19.1** Certified returns of quantities of substances or articles deposited under this Licence are required to be submitted by **31 January** and **31 July** 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

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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 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.*

### **3.21 Distribution of Material**

The Licence Holder must ensure that during the course of disposal, material is distributed evenly over Deposit Area [A] as specified in Table 3 (LU165, Tenby North Beach).

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

### **3.22 Construction, Alteration or Improvement – Returning to Original Profile**

The Licence Holder must ensure the area is returned to the original profile, or as close as reasonably practicable, following the completion of Licensed Activities.

*Reason: To ensure compliance with the Approved Application.*

### **3.23 Dredge disposal Time Restrictions**

The Licence Holder must ensure that no Licensed Activities take place between **01 May** and **30 September** inclusive, without prior written approval from the Licensing Authority.

*Reason: To minimise the risk transfer of any contaminated material impacting the beach's water quality during the bathing water season.*

### **3.24 Reporting of Artefacts**

The Licence Holder must ensure that any artefacts accidentally recovered are retained and reported through the Marine Portable Antiquities Scheme.

*Reason: To ensure all archaeological finds are reported*

### **3.25 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 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.

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

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### **3.26 Location of Deposits**

The Licence Holder must ensure that no material is deposited upon rocky habitats within the deposit area.

*Reason: To minimise impact on sensitive habitats.*