



Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Licence Holder: MPH Construction Limited

Company Number: 01141925

Afon Wen Pile Repairs, Gwynedd

18 April 2024

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OUR DECISION

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

This decision document:

- explains how the Application has been determined, having regard to the relevant legal framework outlined in section 4;
- explains how relevant considerations have been taken into account and how each of the legal requirements have been considered in determining the Application;
- provides a record of the decision-making process; and
- sets out the reasons for any conditions imposed in connection with any marine licence granted pursuant to the Application.

1. APPLICATION DETAILS

1.1. The Application

Applicant Name and Address	The Applicant is the company set out below: Company name: MPH Construction Limited Company number: 01141925 Address: Bromfield House, Bromfield Industrial Estate, Queens Lane, Mold, CH7 1XB
Application Reference Number	CML2359
Date Application was duly made	27 November 2023
Proposal[s] covered by the Application	Sheet pile repairs to sea defence at Afon Wen (the Project)
Licensable marine activities	Construction, Alteration or Improvement including: Repair to sea defence at Afon Wen, consisting of filling void spaces with pumped concrete and reinstatement of approximately eight sheet piles using a piling hammer. Rock armour will be installed in front of the piles. (the Proposed Activities)
Marine Plan Area	Welsh inshore region and Welsh offshore region

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Application documents:	CML2359 - 1054_WAL_MPH - Band 2 Marine License_Application Form - 18/10/2023 CML2359 - 273503-1250-1054_WAL_MPH – Map - 18/10/2023 CML2359 - 23162B-FOG-001-A01 - Certificate of Approval in Principle and Design - 18/10/2023 CML2359 - Afon Wen Seawall Defence Works_HRA - 18/10/2023 CML2359 - afonwenseadefencewall12012023 - Monitoring Photos - 18/10/2023 CML2359 - Coastal Asset Condition Survey Report_compressed (1) - 18/10/2023 CML2359 - RE PA2302 Afon Wen - railway works – repairs - 18/10/2023 CML2359 - 1054_WAL_MPH - WNMP Signposting Document_Completed – 16/11/2023 CML2359 Confirmation that Coastal Squeeze Assessment not required - 27/11/2023 CML2359 - JBA WFD Assessment_Afon Wen - 15/03/2024 CML2359 - 23162B-001-B03.pdf – Detailed Drawing - 15/03/2024 CML2359 - 23162B-002-B03.pdf – Detailed Drawing - 15/03/2024 CML2359 - 2023s0781 Afon Wen Seawall Defence PEA - 15/03/2024 CML2359 - Afon Wen Sheet Pile Methodology - 03/04/2024
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2. APPLICATION PROCEDURE

2.1. The Application

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on **27 November 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 Gwynedd Council on 15 December 2023.

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

A public notice advertising the Project was placed in the Caernarfon Herald on 24 January 2024.

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

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NRW considered it appropriate to consult the bodies listed in the table below on 15 December 2023, due to their particular expertise. These bodies were consulted for a period of 28 days. For those bodies which responded to the consultation an 'Y' can be found in the response received column, and those which did not respond to the consultation an 'N':

Consultee	Response received (Y/N)	Date(s) of receipt
The Crown Estate	Y	08 January 2024
NRW	Y	1 st Consultation Response: 19 January 2024 2 nd Consultation Response: 15 March 2024
MoD - Safeguarding Defence	Y	18 December 2023
Maritime & Coastguard Agency	Y	12 January 2024
Trinity House	Y	18 January 2024
Royal Yachting Association	N	
Local Biodiversity Officer – Gwynedd Council	Y	02 January 2024
Local Planning Authority – Gwynedd Council	N	
Local Harbour Authority – Gwynedd Harbour Authority	N	
Local Port Authority - Abersoch, Pwllheli and Barmouth	N	
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Government Marine Enforcement Officers	N	
Welsh Archaeological Trust	Y	03 January 2024
Welsh Fishermens Association	N	
National Federation of Fishermen's Organisations (NFFO)	N	
Royal Commission on the Ancient and Historical Monuments of Wales	Y	20 December 2023
Cadw	Y	03 January 2024
Chamber of Shipping	N	

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NERL Safeguarding	Y	21 December 2023
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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.

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

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

- GB651009350000 - Tremadog Bay
- GB511006511000 - Dwyfor
- GB110065053680 - Wen (Lleyn Peninsula)
- GB41002G204600 - Llyn and Eryri

A Water Framework Directive Compliance Assessment has been undertaken for the Proposed Activities and taken into account in this decision. This assessment concludes that given the nature and scale of the works, there will be no impact on any of the waterbodies listed above. Standard construction industry practices and associated measures for the management of pollution prevention will be implemented throughout the duration of the proposed works. In addition, standard pollution prevention conditions such as the use of bunded storage facilities, provision of spill kits and thorough cleaning of equipment, machinery and PPE will be included within the licence.

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

Concerns were initially raised by NRW Advisory (NRW A) regarding the loss of mudflat habitat as the footprint of the rock armour was not provided. Following a further information request the applicant confirmed that the rock armour would be 13m in length and extend 2.75m seaward of the emplaced sheet pile therefore, the total area of the rock armour would be 35.75m².

A site visit by NRW A confirmed that the footprint of the rock armour will not impact on the intertidal mudflat habitat, as the mudflat habitat is located further down the intertidal zone (>2.75m from the new piles).

The developer has proposed to adhere to the Afon Wen Sheet Pile Methodology which sets out a number of mitigation measures which will avoid and minimise potential impacts of the works on the environment, these include;

- Prior to works commencing each day, the works area and immediate vicinity will be checked for Otter presence. Should an Otter be encountered on site during the works, all works should cease immediately, and advice be obtained from an experienced ecologist.
- Soundex Noise Sound Barriers will be erected at the proposed site during the proposed pilling works.

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- Works should not be undertaken at night and watercourses should not be illuminated by lighting, such as security lights, during works. Excavations left overnight should either be covered, or an escape ramp installed to prevent the trapping of Otter.
- Work will be carried out on the intertidal and not during the high tide period, to prevent transmission of noise in the water column.
- All pumped concrete should be injected into void spaces when the tide is receding, opposed to incoming. This will provide additional time for the concrete to cure.
- Any chemical, fuel and oil stores will be located on impervious bases within a secured bund with a storage capacity 110% of the stored volume.
- Emergency spill kits will be available on site and staff trained in their use.

NRW consider that it is appropriate to include Licence condition to ensure compliance with the Afon Wen Sheet Pile Methodology.

NRW is therefore 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:

- Pen Llyn a'r Sarnau SAC
- Northern Cardigan Bay SPA

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

The HRA identified the potential on features of the designated sites as a result of noise disturbance and pollution from accidental fuel or concrete spills. The HRA concluded that subject to appropriate mitigation measure that adverse effect on features as a result of noise disturbance, or a pollution event can be ruled out. This mitigation included adherence to the Afon Wen Sheet Pile Methodology, a summary of key mitigation proposed within this document is presented in section 4.1.2(b) of this document.

Loss of reef, mudflat and sandflat habitat due to coastal squeeze was considered however, the proposed works are considered to be maintenance activities falling within the definition in NRW Guidance Note 062, section 1.4.2. *Welsh Government's 2021 Policy Clarification Note: Use of the National Habitat Creation Programme in delivering Flood and Coastal Erosion Risk Management projects*, paragraph 5.5 states: 'The Welsh Government does not consider section 63(1) of the Conservation of Habitats and Species Regulations 2017 to apply to any coastal squeeze attributed to the existence and maintenance of a historic flood defence, for example through the interaction of a historic defence and sea level rise.'

Therefore, whilst coastal squeeze may occur in relation to the presence of the structure, it is not considered by Welsh Government to be attributable to maintenance activities. Therefore, coastal squeeze was not considered further.

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.

Further detail can be found in the HRA.

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.

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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:

- Glanllynau a Glannau Pen-ychain i Gricieth SSSI

NRW A were consulted, and no concerns were raised. NRW is therefore satisfied that the Proposed Activities do not have the potential to impact on the site listed above.

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.

Sandbags are proposed to be used as protection in-between tides prior to the installation of the new sheet piles. These will only be used as a short-term measure between tide times and once sheet piles achieve maximum penetration, they will no longer be used.

All sandbags will be filled with beach sand adjacent to the sheet pile works on site. When the temporary sandbag protection is completed, sand will be returned back to the same area of the beach from which it was removed and all hessian sacking and ties will be removed from site.

All on site waste from the construction works will be transported to the compound tip away from the beach.

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

During the initial consultation, the Biodiversity Officer for Gwynedd raised concerns regarding the suitability of the Preliminary Ecological Appraisal (PEA). The applicant provided an amended version which was subsequently sent to the Biodiversity Officer. No further comments were received and therefore, we are satisfied that this matter has been addressed.

No further 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 [provided that the Proposed Activities are implemented in accordance with the conditions set out in Annex 1].

4.3. The need to prevent interference with legitimate uses of the sea

Legitimate uses of the sea include (but are not limited to): navigation (including taking any steps for the purpose of navigational safety); fishing; mineral extraction; and amenity use.

No comments or representations were received in relation to the need to prevent interference with legitimate uses of the sea and no other concerns in this regard have been identified. However, NRW Marine Licensing considers it appropriate to include licence conditions to ensure the safety of navigation which includes ensuring all relevant parties are notified prior to the commencement of Licensed Activities. These conditions are detailed in Annex 1.

4.3.1. Conclusion of our considerations regarding the need to prevent interference with legitimate uses of the sea

IN SUMMARY, having considered the need to protect interference with legitimate uses of the sea, NRW does not consider that any impacts of the Project (either alone or in combination with other plans or projects) are sufficient on their own to justify refusal of the Application [provided that the Proposed Activities are implemented in accordance with the conditions set out in Annex 1].

4.4. Marine Policy Documents

a) The Legal framework

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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.

Shoreline Management Plan (SMP)

Shoreline Management Plans (SMP) are non-statutory policy documents with the purpose of providing a large-scale assessment to support coastal management planning.

b) Our determination**UK Marine Policy Statement 2011**

This decision has been taken in accordance with marine policy as set out in the UK Marine Policy Statement 2011.

Welsh National Marine Plan

This decision has been taken in accordance with marine policy as set out in the Welsh National Marine Plan.

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;

- SOC_02 Well-being of coastal communities,
- SOC_03 Marine pollution incidents,
- SOC_08&09 Resilience to/effects on coastal change and flooding, and
- SOC_11 Resilience to climate change.
- ENV_03 Invasive non-native species

The works involve maintenance of a sea defence which is integral to preventing flooding and protecting National Rail infrastructure. The development has also considered its impact on the marine ecosystems and has where appropriate looked to avoid, minimise and mitigate potential impacts and has incorporated a series of mitigation as described above in section 4.1.2 In addition, using sand from site within the sandbags reduces the potential of introduction of INNS.

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

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Shoreline Management Plan

Welsh National Marine Plan SOC_09 considers that projects that align with the relevant Shoreline Management Plan and its policies are encouraged. The project is located within the St Ann's Head to Great Ormes Head Shoreline Management Plan and the relevant policy unit number within the SMP is 12.24. The policy unit of the coastline is 'Hold the line' for epoch 1 followed by 'Managed realignment' for the 2nd and 3rd epoch. We consider the proposal is in line with the SMP policy for epoch 1, and considering its scale, will not preclude managed realignment in the future.

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.

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.

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6. AUTHORISATION

Report by: Jack Thompson Position: Marine Licensing Officer	Date: 05 April 2024	Signed: 
Authorised by: Emmer Litt Position: Marine Licensing Team Leader	Date: 18 April 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 **zone30@hmcg.gov.uk**.

Reason: To ensure the safety of navigation.

3.5 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.

3.6 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.

3.7 Notification of Completion

- 3.7.1** 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.

- 3.7.2** 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.

- 3.7.3** A notification must be sent to The Source Data Receipt team, UK Hydrographic Office, (email: **sdr@ukho.gov.uk**) on completion of the licensed activities, no later than **10 working days** after their completion. The information provided must include: latitude and longitude coordinates in WGS84 (ETRS89) datum of the installed works on and/or

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above the seabed, any changes to engineering drawings, post dredge surveys, details of new or changed aids to navigation where applicable.

Reason: To permit the promulgation of Maritime Safety Information and the updating of nautical charts and publications to ensure other vessels in the vicinity can safely plan and conduct their passage.

3.8 Accident or Emergency

- 3.8.1** 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.

- 3.8.2** If it is necessary for the Licence Holder to recover or remove any equipment, plant or machinery used to undertake the Licensed Activities that have been dropped as a result of an accident or emergency, the Licence Holder is permitted to do so provided that the methodology for such recovery or removal has been approved by the Licensing Authority.

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

3.9 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.

3.10 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;

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- 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

3.11 Notified Contractors, Vessels and/or Vehicles only to Carry out Licensed Activities

Only those agent(s), contractor(s), sub-contractor(s), vessels and/or vehicles whose details have been notified to the Licensing Authority may operate under the terms of this Licence. Any changes must be notified to and be approved by the Licensing Authority in writing prior to any such agent, contractor, subcontractors or vehicles carrying out any Licensed Activities pursuant to or otherwise operating under this Licence.

Reason: To ensure that the Licensing Authority are made aware, in a timely manner, of the agent(s), contractor(s), sub-contractor(s) operating under this Licence to enable the Licensing Authority to comply with the reporting obligations in the Marine Licensing (Register of Licensing Information (Wales) Regulations 2011 as amended.

3.12 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.

3.13 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

3.14 Removal of Deposited Material

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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**3.15 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.

3.16 Spillage of Pollutants

The Licence Holder must employ bunding, storage facilities and spill kits to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment. Secondary containment must be used with a capacity of **no less than 110%** of the container's storage capacity

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

3.17 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.

3.18 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**3.19 Coatings**

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

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

3.20 Use of Render and Concrete

- 3.20.1** The Licence Holder must ensure that no waste concrete slurry or wash water from the use of concrete or cement are discharged into the marine environment. Concrete and cement mixing and washing areas should be contained and sited at least 10 metres from any watercourse or surface water drain to minimise the risk of runoff entering a watercourse.

Reason: To minimise risk of damage to the marine environment by wet concrete contamination.

- 3.20.2** The Licence Holder must ensure that if concrete is to be sprayed in the vicinity of the marine environment (e.g. bridges, retaining walls, etc.), suitable pollution prevention measures are taken to prevent rebounded or windblown concrete from entering the water environment.

Reason: To minimise risk of damage to the marine environment by wet concrete contamination.

- 3.20.3** The Licence Holder must ensure materials used are suitable for use in the marine environment and works should be timed to ensure maximum concrete cure time.

Reason: To minimise the risk of marine pollution incidents.

3.21 Silt Run Off

The Licence Holder must ensure that silt laden run off from construction, excavation, material storage areas (including excavated material storage), haul roads or any other associated activities is kept to a minimum.

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

3.22 Misplaced Rock

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

Reason: To ensure the safety of navigation.

3.23 Re-suspension of Sediment

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

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

3.24 Rock Armour Footprint

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The Licence Holder must ensure that the footprint of the rock armour does not extend in a seaward direction beyond 2.75m of the sheet piles.

Reason: To ensure no loss of habitat in the seaward direction.

3.25 Percussive Piling Soft-start Procedures

The Licence Holder must ensure that if percussive piling is used, soft-start procedures are used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration should be a period of no less than **20 minutes**. Should piling cease for a period greater than **10 minutes**, then the soft start procedure must be repeated.

Reason: To allow mobile sensitive receptors to move away from the source of acoustic disturbance in order to reduce the impact on sensitive receptors.

3.26 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.

3.27 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 works.

Reason: To ensure compliance with the Approved Application.

3.28 Implement Actions Within a Document

The Licence Holder must implement any actions outlined in the Afon Wen Sheet Pile Methodology, submitted **03 April 2024** and detailed in section 2.3 as approved by the Licensing Authority. Any proposed changes to the actions outlined in the Afon Wen Sheet Pile Methodology must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

Reason: To ensure mitigation/actions are implemented as approved.