

Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: Conwy County Borough Council

Application reference no: CML2430

Rhos on Sea, Conwy

Installation of navigational marker beacons, flap valves, and concrete repairs at Rhos on Sea

13 May 2024

TABLE OF CONTENTS

OUR DECISION.....	3
1 APPLICATION DETAILS	3
1.1 The Application.....	3
2 APPLICATION PROCEDURE	5
2.1 The Application.....	5
2.2 Documents considered	5
2.3 Commercial Confidentiality	5
2.4 Publicity and advertising	5
3 ENVIRONMENTAL IMPACT ASSESSMENT	5
4 CONSULTATION	6
4.1 Consultees	6
5 BASIS FOR OUR DECISION.....	7
5.1 The need to protect the environment	7
5.1.1 Water Framework Directive, Groundwater Directive and Water Environment Regulations	7
5.1.2 Biodiversity and resilience of ecosystems duty.....	8
5.1.3 European Protected Sites and Ramsar Sites	8
5.1.4 European Protected Species	9
5.1.5 Marine Conservation Zones	9
5.1.6 Sites of Special Scientific Interest (SSSIs)	10
5.1.7 The Waste (England and Wales) Regulations 2011	10
5.1.8 Other matters in considered relevant to the need to protect the environment.....	10
5.1.9 Conclusion of our considerations under the need to protect the Environment	11
5.2 The need to protect human health	11
5.2.1 Conclusion of our considerations under the need to protect human health	11
5.3 The need to prevent interference with legitimate uses of the sea	11
5.3.1 Conclusion of our considerations regarding the need to prevent interference with legitimate uses of the sea	11
5.4 Marine Policy Documents	11
5.5 Other matters NRW thinks relevant	12
5.5.1 Well-being of Future Generations (Wales) Act 2015	12
5.5.2 5.3.4 Sustainable management of natural resources	12
6 Conclusions and Recommendations	13
AUTHORISATION.....	13
ANNEX 1	14

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 5;
- explains how relevant considerations have been taken into account and how each of the legal requirements have been considered in determining the application;
- provides a record of the decision-making process; and
- sets out the reasons for any conditions imposed in connection with any marine licence granted pursuant to the application.

1 APPLICATION DETAILS

1.1 The Application

Applicant Name and Address	The Applicant is the person or organisation set out below: Organisation name: Conwy County Borough Council Address: Environment, Roads & Facilities; Coed Pella; Conwy Road; Colwyn Bay; LL29 7AZ
Application Reference Number	CML2430
Date application was duly made	26 April 2024
Proposal[s] covered by the application	The proposal relates to the completion of outstanding works for the Colwyn Bay Waterfront Project Phase 2b, consented under Marine Licence CML2149, which included the extension of three existing outfalls, the modification of an existing rock control structure, and the importation of approximately 1 million tonnes of dredged sand. Marine Licence CML2149 expired 14 March 2024 and the Proposed Activities relate to the completion of a number of licensable activities which were not concluded prior to the expiry date of the licence. Specifically, the installation of navigational marker beacons, flap valves, and concrete repairs at Rhos on Sea (the Project)
Licensable marine activities	• Installation of navigational markers beacons: Installation of five navigational marker beacons at the ends of rock groynes and outfalls on the beach at Rhos on Sea. • Installation of outfall non-return valves. • Like-for-like concrete repairs to concrete outfalls using a timber formwork. (the Proposed Activities)

Marine Plan Area	Welsh inshore region and Welsh offshore region
Application documents:	• CML2430 - Updated PAD 02 May 2024 • CML2430 - BWL-299c - Project Biosecurity Plan 02 May 2024 • CML2430 - 2022-05-31 CEMP addendum 02 May 2024 • CML2430 - 2022-05-30 CEMP update 02 May 2024 • CML2430 - 100374-MMD-00-XX-RP-N-0049 - Written Scheme of Investigation P02 02 May 2024 • CML2430 - 100374-CEUK-66-2010L-02-00-C - Terminal Groyne Modifications (Landside) 08 April 2024 • CML2430 - 100374-MMD-00-XX-DR-Z-0001 Rhos redline 08 April 2024 • CML2430 - 100374-MMD-00-XX-RP-N-0003 Colwyn Bay Waterfront Phase 2b EIA Volume 1 Main Text P02 08 April 2024 • CML2430 - 100374-MMD-00-XX-RP-N-0003 Colwyn Bay Waterfront Phase 2b EIA Volume 1 Main Text 08 April 2024 • CML2430 - 100374-MMD-00-XX-RP-N-0005 Colwyn Bay Waterfront Phase 2b ES Volume 3 NTS 08 April 2024 • CML2430 - 100374-MMD-00-XX-RP-N-0023 Technical Appendix 1 08 April 2024 • CML2430 - 100374-MMD-00-XX-RP-N-0024 Technical Appendix 2 08 April 2024 • CML2430 - 100374-MMD-00-XX-RP-N-0025 Technical Appendix 3 08 April 2024 • CML2430 - 100374-MMD-00-XX-RP-N-0026 Technical Appendix 4 08 April 2024 • CML2430 - 100374-MMD-00-XX-RP-N-0027 Technical Appendix 7 08 April 2024 • CML2430 - 100374-MMD-00-XX-RP-N-0028 Technical Appendix 8 08 April 2024 • CML2430 - 100374-MMD-00-XX-RP-N-0029 Technical Appendix 9 08 April 2024 • CML2430 - 100374-MMD-00-XX-RP-N-0030 Technical Appendix 10 08 April 2024 • CML2430 - 100374-MMD-00-XX-RP-N-0031 Technical Appendix 11 08 April 2024 • CML2430 - 100374-MMD-00-XX-RP-N-0032 Technical Appendix 12 08 April 2024 • CML2430 - 100374-MMD-00-XX-RP-N-0033 Technical Appendix 13 08 April 2024 • CML2430 - 100374-MMD-00-XX-RP-N-0034 Technical Appendix 14 08 April 2024 • CML2430 - 100374-MMD-00-XX-RP-N-0035 Technical Appendix 16 08 April 2024 • CML2430 - 100374-MMD-01-XX-DR-D-0510 08 April 2024 • CML2430 - 100374-MMD-01-XX-DR-D-0513 08 April 2024 • CML2430 - Appendix 17.1 CC Geotechnical Ground Investigation for Colwyn Bay Waterfront Phase 2b CCG-C-20-11994 08 April 2024 • CML2430 - Appendix 17.2 100374-MMD-00-XX-RP-G-0001 - Ground Investigation Report 08 April 2024 • CML2430 - marine-works-application-form-updated 08 April 2024 • CML2430 - Method statements 08 April 2024 • CML2430 - Technical Appendix 17 - 100374-MMD-00-XX-RP-N-0036 08 April 2024 • CML2430 - WFD Assessment 08 April 2024

2 APPLICATION PROCEDURE

2.1 The Application

The application was accepted by Natural Resources Wales (**NRW**) and considered duly made on 26 April 2024. 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

Marine Licence CML2149 for the Colwyn Bay Waterfront Project Phase 2b expired 14 March 2024. The current application (CML2340) relates to the completion of a number of licensable activities which were not concluded prior to the expiry date of Marine Licence CML2149. Notices to the Public and LPA were previously given for the project as part of determination of the expired licence. As the Proposed Activities are considered of small magnitude and remain the same as previous consented within Marine Licence CML2149, NRW considers that no further notices for this Marine Licence application are needed on this occasion.

3 ENVIRONMENTAL IMPACT ASSESSMENT

Council Directive 2011/92/EU (as amended) on the assessment of the effects of certain public and private projects on the environment ("the EIA Directive") aims to protect the environment and the quality of life by ensuring that projects which are likely to have significant environmental effects by virtue of their nature, size or location are subject to an 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.

NRW has determined, pursuant to regulation 10(1)(b) of the Regulations, that an EIA is not required in respect of the application on the basis that NRW is satisfied that assessment of any significant effects on the environment of the Project has been previously carried out by NRW for Marine Licence CML2149 which expired 14 March 2024. NRW considers that such assessment is sufficient to meet the requirements of UK law that implements the EIA Directive in relation to the Project and is satisfied that the information incorporated in that assessment and consent is up to date at the time of this decision.

NRW also considers that granting a marine licence for the Project would be compatible with NRW's measures to comply with UK law in implementing the EIA Directive.

NRW's decision takes into account the following factors:

3.1 The conclusion of NRW's assessment

NRW has considered the conclusions of the EIA, described in CML2149 EIA 2017 Written Confirmation of the EIA Consent Decision ("EIA Consent Decision") issued 09 March 2022 and available through the Online Public Register at <https://publicregister.naturalresources.wales/Search/Download?RecordId=84351>.

The EIA Consent Decision concluded that the environmental impacts of the project had been adequately identified, described and assessed. A favourable determination was reached and an EIA consent for the project was granted on the 09 March 2022.

3.2 The features of the project and measures envisaged to avoid, prevent, reduce and, if possible, offset likely significant adverse effects of the project on the environment

NRW considers that several of the project impacts were avoided, prevented or reduced through measures which form part of the agreed project proposal, as described in section 8.1 of the EIA Consent Decision, and summarised below:

- avoiding the core wintering bird season;
- working at low tide working implemented for intertidal construction works to minimise disturbance from construction;
- toolbox talks with site staff prior commencement to highlight the importance of the SPA habitat and wintering birds to increase awareness of the species sensitivity to minimising disturbance, and
- toolbox talks with site staff prior commencement to raise awareness of marine mammals for works associated with the beach recharge and dredger and pipeline movements.

3.3 Any relevant conditions, mitigation and monitoring requirements

NRW issued the EIA Consent Decision on 9 March 2022. Section 8.2 of the EIA Consent Decision highlighted key mitigation and monitoring requirements which are summarised below:

- Condition 3.18 which requires the Licence Holder to submit and work in line with a Construction Environmental Management Plan (CEMP);
- Condition 3.19 which requires the Licence Holder to submit and work in line with a Biosecurity Risk Assessment (BRA);
- Condition 3.20 which requires the Licence Holder to submit and work in line with a Written Scheme of Investigation (WSI);
- Condition 3.21 which requires the Licence Holder to submit and work in line with a Protocol for Archaeological Discoveries (PAD), and
- Condition 3.22 which imposes timing restrictions on the Project.

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

4 CONSULTATION

4.1 Consultees

NRW considered appropriate not to consult on this occasion due to the small magnitude of the activities applied for and that these activities were already assessed during the determination of Marine Licence CML2149, which recently expired on the 14 March 2024. In doing this, NRW has considered the consultation responses received and issues raised during the determination of Marine Licence CML2149.

Where these have impacted on NRW's decision making, this has been noted in the relevant paragraph in section 5 of this decision document.

5 BASIS FOR OUR DECISION

In determining this application, including the terms on which it was granted, and the conditions attached to it, NRW has had regard to the factors set out 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 sub-section 5.1);
- the need to protect human health (see sub-section 5.2);
- the need to prevent interference with legitimate uses of the sea (see sub-section 5.3);
- in the case of an application for a licence to authorise construction, alteration or improvement of works within the UK marine licensing area, the effects of any use intended to be made of the works in question when constructed, altered or improved (considered, if relevant in sub-sections 5.1 to 5.5 below);
- any representations which it has received from any person having an interest in the outcome of the application (summarised in section 3 and where relevant considered in sub-sections 5.1 to 5.5 below); and
- such other matters as it thinks relevant (see sub-section 5.5 below).

5.1 The need to protect the environment

The reference to the “environment” includes the local and global environment; the natural environment; and, by virtue of section 115(2) of the 2009 Act, any site of historic or archaeological interest. The natural environment may include the physical, chemical and biological state of the sea, the seabed and the seashore, and the ecosystems within it, or those that are directly or indirectly affected by an activity, whether within the marine licensing area or otherwise.

In considering the need to protect the environment we have considered the relevant environmental legislation set out below.

5.1.1 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

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

- North Wales Coastal Waterbody (GB641011650000)

This application relates to the completion of a number of licensable activity which were not concluded prior to the expiry date of Marine Licence CML2149. The Water Framework Directive Compliance Assessment conducted as part of the determination of CML2149 has been reviewed

and is still considered applicable. This assessment concluded that there is no potential to cause deterioration of the water body or prevent it from meeting its objectives.

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, specifically, conditions 3.18 and 3.19 which requires the licence holder to work in line with the approved CEMP and BRA.

Further details are described within the Water Framework Directive Compliance Assessment (CML2149 MLT WFD Assessment).

5.1.2 Biodiversity and resilience of ecosystems duty

a) The legal framework

Section 6 of the Environment Wales Act 2016 requires that we seek to maintain and enhance biodiversity in the exercise of our functions, and in so doing promote the resilience of ecosystems, in a manner that is consistent with the proper exercise of our functions.

b) Factors relevant to our determination

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

5.1.3 European Protected Sites and Ramsar Sites

a) The legal framework

European sites are those designated under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (Offshore Habitats Regulations 2017) as Special Protection Areas (**SPAs**) and Special Areas of Conservation (**SACs**).

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

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

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

b) Factors relevant to our determination

The Project is located in the following European Protected Site:

- Menai Strait and Conwy Bay SAC
- Liverpool Bay SPA

The Project is also considered functionally linked to the following designated sites through highly mobile species:

- North Anglesey Marine SAC
- Bristol Channel Approaches SAC
- Pen Llyn a'r Sarnau SAC
- Cardigan Bay Marine SAC
- West Wales Marine SAC

This application relates to the completion of a number of licensable activity which were not concluded prior to the expiry date of Marine Licence CML2149. The HRA conducted as part of the determination of CML2149 has been reviewed and is still considered applicable. This assessment concluded that the Proposed Activities, either alone or in combination with other plans or projects, will not adversely affect the integrity of European Sites when undertaken in accordance with appropriate conditions, specifically, conditions 3.18 and 3.19 in Annex 1 which requires the licence holder to work in line with the approved CEMP and BRA as well as conditions 3.22 which imposes timing restrictions to avoid core bird overwintering season.

NRW is therefore satisfied that the Project, alone or in-combination with other plans or projects, will not adversely affect the integrity of European Site(s) when undertaken in accordance with conditions securing the mitigation above.

5.1.4 European Protected Species

a) The legal framework

The Habitats Regulations 2017 and the Offshore Habitats Regulations 2017 also confer protection on certain designated species (European Protected Species). A licence (**EPS licence**) must be obtained in order, whether deliberately or accidentally, to capture, kill, disturb or injure such a species, damage or destroy their breeding or resting places or obstruct access to their resting or sheltering places.

b) Factors relevant to our determination

NRW considers that no protected species are likely to be impacted by the Proposed Activities.

Any determination made as part of this decision are without prejudice to the consideration NRW is required to give an EPS licence application as the body with a statutory responsibility for its determination and do not constrain or bind NRW in exercising this function. Should an application for an EPS licence in relation to the Project be made, it will be determined by NRW based on all the relevant information available to NRW at that time.

5.1.5 Marine Conservation Zones

a) The legal framework

Marine Conservation Zones 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 Island.

Under the 2009 Act, NRW must exercise its functions in the manner which it considers best furthers the conservation objectives stated for any Marine Conservation Zone 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 Marine Conservation Zone

5.1.6 Sites of Special Scientific Interest (SSSIs)

a) The legal framework

Sites of Special Scientific Interest are designated under the Wildlife and Countryside Act 1981 (1981 Act) and protected by law to conserve their wildlife or geology. NRW must take reasonable steps, consistent with the proper exercise of its functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which an SSSI is of special scientific interest.

b) Factors relevant to our determination

This application relates to the completion of a number of licensable activity which were not concluded prior to the expiry date of Marine Licence CML2149. Potential impacts on SSSI were considered as part of the determination of CML2149 and are detailed within Decision Document date 08 March 2022, this has been reviewed and is still considered applicable.

NRW has considered the impact of the Project on the following sites:

- Traeth Pensarn SSSI

NRW is satisfied that the Proposed Activities do not have the potential to impact on the SSSI when undertaken in accordance with appropriate conditions, specifically, conditions 3.18 and 3.19 in Annex 1 which requires the licence holder to work in line with the approved CEMP and BRA.

5.1.7 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, i.e., condition 3.18 in Annex 1 which requires the licence holder to work in line with the approved CEMP.

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

This application relates to the completion of a number of licensable activity which were not concluded prior to the expiry date of Marine Licence CML2149. Potential impacts on the historic environment were considered as part of the determination of CML2149 and are detailed within Decision Document date 08 March 2022, this has been reviewed and is still considered applicable. Following consultation undertaken during the determination of Marine Licence CML2149, Royal Commission on the Ancient and Historical Monuments of Wales and Clwyd-Powys Archaeological Trust requested mitigation to avoid and/or mitigate impacts on the historic environment, specifically

the need for a Written Scheme of Investigation (WSI) and a Protocol for Archaeological Discoveries (PAD).

NRW is satisfied that the Proposed Activities do not have the potential to impact on the historic environment if undertaken in accordance with appropriate conditions, i.e., conditions 3.20 and 3.21 in Annex 1 which require the licence holder to work in line with the approved WSI and PAD.

5.1.9 Conclusion of our considerations under the need to protect the Environment

In summary, having considered the need to protect the environment, NRW does not consider that any impacts of the Project on the environment (either alone or in combination with other plans or projects) are sufficient on their own to justify refusal of the application provided that the Proposed Activities are implemented in accordance with the conditions set out in Annex 1.

5.2 The need to protect human health

This application relates to the completion of a number of licensable activity which were not concluded prior to the expiry date of Marine Licence CML2149. Potential impacts on the human health were considered as part of the determination of CML2149 and are detailed within Decision Document date 08 March 2022, this has been reviewed and is still considered applicable. No comments or representations were received in relation to the need to protect human health and no other concerns in this regard have been identified.

5.2.1 Conclusion of our considerations under the need to protect human health

In summary, having considered the need to protect human health, NRW does not consider that any impacts of the Project (either alone or in combination with other plans or projects) are sufficient on their own to justify refusal of the application provided that the Proposed Activities are implemented in accordance with the conditions set out in Annex 1.

5.3 The need to prevent interference with legitimate uses of the sea

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

During consultation undertaken during the determination of Marine Licence CML2149, the MCA raised concerns regarding the management of restrictions on access to Rhos on Sea harbour during the construction of the northern arm of the groyne and beach recharge works. This issue was clarified by the applicant indicating that the contractor will be responsible of manage the harbour access changes during construction if needed, MCA were satisfied with this response, and NRW considered the matter resolved.

NRW consider the need to notify UKHO to allow the update of charts following completion of the activity. This has been included in condition 3.23 of annex 1.

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

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

5.4 Marine Policy Documents

a) The Legal framework

NRW is required to take its decision in accordance with the appropriate marine policy documents unless relevant considerations indicate otherwise.

UK Marine Policy Statement 2011 (MPS)

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

Welsh National Marine Plan (WNMP)

The WMNP is the Marine Plan for the Welsh inshore region and the Welsh offshore region and sets out the Welsh Government's policies for and in connection with the sustainable development of this area.

b) Our determination

UK Marine Policy Statement 2011

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

Welsh National Marine Plan

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

5.5 Other matters NRW thinks relevant

5.5.1 Well-being of Future Generations (Wales) Act 2015

a) The legal framework

In making its decision, NRW is required to take all reasonable steps to meet its published well-being objectives, which are designed to maximise NRW's contribution to achieving each of the wellbeing 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 wellbeing 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.

5.5.2 5.3.4 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

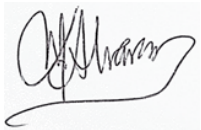
NRW is satisfied that this decision, when implemented in accordance with the attached conditions, is consistent with its general purpose of pursuing the sustainable management of natural resources in relation to Wales, and applying the principles of sustainable management of natural resources.

6 CONCLUSIONS AND RECOMMENDATIONS

Based on all the information available, and having regard to all relevant considerations including consultation responses, NRW's decision is to grant the marine licence sought by the application. We have reached this decision having had regard to the relevant legal framework outlined in section 5 and have also explained in section 5 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.

7 AUTHORISATION

Report by: Maria Alvarez Position: Lead Specialist Permitting Officer	Date: 08 May 2024	Signed: 
Authorised by: Emmer Litt Position: Permitting Team Leader	Date: 13 May 2024	Signed: 

ANNEX 1

Conditions imposed and reasons for those conditions

CONDITIONS

Notification and Inspection

3.1 Notification of Commencement

- 3.1.1** The Licence Holder must notify the Licensing Authority no less than **5 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 **5 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 **5 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.

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 zone32@hmcg.gov.uk.

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.

3.6 Notification of Completion

- 3.6.1** The Licence Holder must notify the Licensing Authority within 10 days of completion of the Licensed Activities.

Reason: To ensure the Licensing Authority are aware of the completion of Licensed Activities.

- 3.6.2** The Licence Holder must notify Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) within 10 days of completion of the Licensed Activities.

Reason: To ensure the Marine Enforcement Officers are aware of the completion of Licensed Activities.

3.7 Accident or Emergency

- 3.7.1** If, by reason of force majeure any substances or articles are deposited otherwise than as permitted as part of the Licensed Activities or in the Licensed Area full details of the circumstances shall be notified to the Licensing Authority within 48 hours of the incident occurring.

Reason: To allow the Licensing Authority to take appropriate action to ensure the appropriate removal of the unlicensed deposit.

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

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 agent(s), contractor(s) and sub-contractor(s) 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, 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 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 Construction Environmental Management Plan (CEMP)

The Licence Holder must implement the CEMP (CML2430 - 2022-05-30 CEMP update and CML2430 - 2022-05-31 CEMP addendum submitted the submitted the 02 May 2024). The CEMP must be available for inspection at all reasonable times at the locations detailed in section 1.2 by the Licensing Authority and/or Marine Enforcement Officers. Any proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

Reason: To minimise risk from construction activities to the marine environment

3.19 Biosecurity Risk Assessment (BRA)

The Licence Holder must implement the BRA (CML2430 - BWL-299c - Project Biosecurity Plan submitted the 02 May 2024). The BRA must be available for inspection at all reasonable times at the locations detailed in section 1.2 by the Licensing Authority and/or Marine Enforcement Officers. Any proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

Reason: To minimise risk of introducing or spreading of INNS to the project area.

3.20 Written Scheme of Investigation (WSI)

The Licence Holder must implement the WSI (CML2430 - 100374-MMD-00-XX-RP-N-0049 - Written Scheme of Investigation P02 submitted the 02 May 2024). The WSI must be available for inspection at all reasonable times at the locations detailed in section 1.2 by the Licensing Authority and/or Marine Enforcement Officers. Any proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

Reason: To protect historical features from construction activities and to ensure features are accurately recorded.

3.21 Protocol for Archaeological Discoveries (PAD)

The Licence Holder must implement the PAD (CML2430 - Updated PAD submitted the 02 May 2024). The WSI must be available for inspection at all reasonable times at the locations detailed in section 1.2 by the Licensing Authority and/or Marine Enforcement Officers. Any proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

Reason: To ensure any archaeological finds are accurately recorded.

3.22 Construction Time Restrictions

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

Reason: To avoid potential impact of the works on overwintering birds.

3.23 Notifications

3.23.1 A notification must be sent to The Source Data Receipt team, UK Hydrographic Office (email: sdr@ukho.gov.uk) of commencement of the licensed activities, at least 5 days before commencement of the works. The information supplied must include the start date and end date, a description of the works, positions of the work area (WGS84), and details of any marking arrangements.

3.23.2 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 days after their completion. The information provided must include latitude and longitude coordinates in WGS84 (ETRS89) datum of the installed works on and/or above the seabed, any changes to engineering drawings, post dredge surveys, details of new or changed aids to navigation where applicable.

Reason: To allow for the promulgation of nautical charts.