



Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: Associated British Ports Holdings Limited

Application reference no: RML2420

Port Talbot

Port Talbot Marine Ground Investigations

09 September 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: Associated British Ports Holdings Limited Company number: 01612178 Address: 25 Bedford Street, London, United Kingdom, WC2E 9ES
Application Reference Number	RML2420
Date Application was duly made	04 April 2024
Proposals covered by the Application	Future Port Talbot Marine Ground Investigation Works (the Project)
Licensable marine activities	• A maximum of 16 Cable Percussive/Sonic Core (CP/SC) boreholes taken to a maximum depth of 25.0 m. The use of either CP or SC drilling will be determined by the appointed Contractor. • A maximum of 16 Cable Percussive/Sonic Core with Rotary Core follow-on (CP/SC+RC) boreholes will be taken to a maximum depth of 40.0 m. The CP/SC drilling will extend to a depth of circa 25m with rotary follow on to advance the borehole to the scheduled depth. • A maximum of 33 Vibrocores taken to a maximum depth of 5.0 m below seabed level.

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	• A maximum of 15 Van Veen Grab (VVG) samples to a maximum depth of 1.0 m below seabed level. • A maximum of 19 Seismic Cone Penetration Tests with Piezocone taken to a maximum depth of 25.0m (the Proposed Activities)
Marine Plan Area	Welsh inshore region and Welsh offshore region
Application documents:	• RML2420 - FPT_GI_Works_marine-works-application-form-updated_v0.3 • RML2420 - FPT_GI_Works_Areas_Figure • RML2420 - FPT_GI_Works_WFD_assessment • RML2420 - FPT_GI_Works_Biodiversity_RA_24-07-08 • RML2420 - FPT_GI_Works_wnmp-signposting-doc-1 • RML2420 - FPT_Ground_Investigations_HRA • RML2420 - FPT_Ground_Investigations_Method_Statement • RML2420_Technical_Note_response_to_NRW_24-07-09 • RML2420 - R4292 Port Talbot Marine Ecology Survey Report v1.0 • RML2420_Technical_Note_2_140824 • RML2420 - FPT_GI_Works_Points_coordinates_v0.2

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2. APPLICATION PROCEDURE

2.1. The Application

The Application was accepted by Natural Resources Wales (NRW) considered duly made on **04 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

As required by s. 68 of the Marine and Coastal Access Act 2009 (the 2009 Act), notice was given to Neath Port Talbot Council and Swansea Council on 13 May 2024.

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 South Wales Evening Post on 03 May 2024. The application documents were made available to the public via the public register ([Public register - Customer Portal \(naturalresources.wales\)](#)) and they could also be requested from Natural Resources Wales Marine Licensing Team, Welsh Government Offices, Cathays Park, King Edward VII Avenue, Cardiff, CF10 3NQ.

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 **13 May 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	Y	16 May 2024
NRW	Y	07 June 2024
MoD - Safeguarding Defence	Y	24 July 2024
Maritime & Coastguard Agency	N	
Trinity House	Y	26 June 2024
Royal Yachting Association	Y	11 June 2024
Local Biodiversity Officer – Neath Port Talbot	N	
Local Planning Authority – Swansea	Y	06 June 2024 and 20 May 2024
Local Planning Authority – Port Talbot	N	
Local Harbour Authority – Neath Port Talbot	N	
Local Harbour Authority - Swansea	Y	
Local Port Authority – Neath	Y	23 May 2024
Local Port Authority – Port Talbot	N	
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Government Marine Enforcement Officers	N	
Welsh Archaeological Trust	N	
Royal Commission on the Ancient and Historical Monuments of Wales	Y	29 May 2024

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Cadw	Y	21 May 2024
NERL Safeguarding	Y	14 May 2024
Environmental Public Health Wales	Y	15 May 2024
National Federation of Fishermen's Organisations	N	
Welsh Fishermen's Association	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, 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:

- GB641008260000 Swansea Bay
- GB611008590001 Bristol Channel Outer North
- GB541005800600 Afan Estuary Incl Dock

A Water Framework Directive Compliance Assessment has been undertaken for the Proposed Activities and taken into account in this decision.

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

Boreholes and Cone Penetration Tests (CPTs) were initially proposed to be collected using a jack-up barge over the area which includes peat a clay exposures habitat. This habitat is designated under Section 7 of the Environment (Wales) Act 2016 as Habitats of Principle Importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. The applicant stated in their Supporting Information ("RML2420 - FPT_Ground_Investigations_Method_Statement") that the number of sample sites within the peat and clay exposures habitat had been minimised but that the collection of those samples were integral to the design.

In representation received dated 7 June 2024, NRW Advisory (NRW A) considered that the total loss of habitat due to sample collection and habitat destruction by compression under the jack-up barge legs could significantly impact the peat and clay exposures. NRW A considered that the intent to 'maintain and enhance' this feature had not been demonstrated and requested that the applicant provide further clarification on the sampling methodology and justification of sampling needs.

On the 09 July 2024, the applicant submitted a Technical Note ("RML2420_Technical_Note_response_to_NRW_24-07-09") providing further information on the methodology, number of samples, and further justification of the need to survey the peat and clay exposures habitat as well as habitat survey data. The applicant indicated that a review of the planned boreholes and CPTs had been conducted and each sample station considered individually in term of its location and needs for the project. Tidal constraints to sample site locations were also taken into consideration. Where possible sample location were relocated to avoid peat and clay exposures. However, a single borehole and three CPT stations within the peat and clay exposures were still considered essential to inform the project design. The Technical Note detailed that these samples had to be collected using a jack-up barge for health and safety reasons due to tidal constraints.

On the 26 July 2024, NRW A acknowledged the efforts for repositioning stations but indicates that the habitat is irreplaceable and highly sensitive to physical loss. NRW A indicated they could not support

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the project as proposed due to the potential loss of up to 18.1m² of clay and peat exposures and advised the revision of the methods to collect samples intertidally using a tracked rig rather than subtidal collection.

The applicant submitted a second Technical Note on the 14 August 2024 ("RML2420_Technical_Note_2_140824") in which it stated that their engineering design team had considered the stations' locations to determine the best sampling method to minimise impact on peat and clay in a safe operational approach (i.e., one that would not represent an unacceptable risk to the health and safety of operatives and plant). This resulted in changes to the locations and proposed sampling methodology as follows:

- where peat and clay exposures could not be avoided to co-locate the borehole and a CPT which are to be collected using a jack-up barge. In addition only 2 of the 4 legs of the jack up barge are proposed to be positioned on the peat and clay exposures habitat reducing the area of peat and clay exposures lost/damaged from 18.1m² to 12.202m²
- the remaining CPT stations are moved to avoid the section 7 habitat, and will be collected using a track rig intertidally.

NRW A reviewed the second technical note are satisfied that appropriate steps have been taken to minimise the impacts of the works as much as possible and have no further objections provided that the proposed methodology is adhered to.

NRW considers that the area of habitat to be lost under the Proposal is small and is satisfied that in this case all options have been considered and the impact on the Section 7 peat and clay exposures habitat has been minimised.

NRW considers that the biodiversity and ecosystems resilience duty under Section 6 has been satisfied in so far as 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.

- Severn Estuary / Mor Hafren (Wales) SAC
- Carmarthen Bay and Estuaries / Bae Caerfyrddin ac Aberoedd SAC
- Bristol Channel Approaches / Dynesfeydd Mor Hafren SAC
- Bae Caerfyrddin / Carmarthen Bay SAC
- West Wales Marine SAC
- Pembrokeshire Marine SAC

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

The project has been screened for likelihood of significant effects and, taking account of the advice received from protected sites advisors, is considered not likely to have a significant effect on any European site.

Further details are described within the Habitats Regulations Assessment.

NRW is therefore satisfied that the Proposed Activities, either alone or in combination with other plans or projects, will not adversely affect the integrity of European Sites.

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 due to the distance between the proposed activities and 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 is satisfied that there is no impact pathway to any SSSI. NRW A were satisfied that no impacts to Crymlyn Burrows and Margam Moors SSSI features were expected as the SSSI is approximately 5 km away, works will be temporary in nature and the timing of the works were proposed to avoid sensitive period. Although should the Proposal be conducted within the sensitive period, NRW considers it is unlikely to impact upon the wading bird assemblage feature at Crymlyn Burrows mainly because the works will happen at a considerable distance from the site and it is temporary in nature.

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.

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

Within NRW A representation dated 7 June 2024 NRW A acknowledged that a biosecurity risk assessment and management plan had been produced, however considered that further detail was required in particular in relation to the vessel details prior to the assessment being considered adequate. An updated Biosecurity Risk Assessment was submitted on the 9 July 2024, NRW A confirmed that the applicant has addressed comments made.

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NRW consider that adherence to the Biosecurity Risk Assessment and measures proposed within can be secured through licence conditions. (see condition 3.19 of Annex 1).

The application identifies within Method Statement dated February 2024 the potential for a range of marine archaeology to be present within the proposed area including the potential for submerged prehistoric landscapes and previously undiscovered shipwreck material. The Royal Commission of Ancient and Historical Monuments of Wales welcome the mitigation proposed within the method statement and considered that a Written Scheme of Investigation should be produced containing a protocol for archaeological discoveries, geoarchaeological review and detail surrounding establishment of archaeological exclusion zones. NRW consider that a Written Scheme of Investigation can be secured through conditions of the Marine Licence (See condition 3.18 of Annex 1).

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.

4.2. The need to protect human health

No comments or representations were received in relation to the need to protect human health and no other concerns in this regard have been identified.

4.2.1. Conclusion of our considerations under the need to protect human health

IN SUMMARY, having considered the need to protect human health, NRW does not consider that any impacts of the Project (either alone or in combination with other plans or projects) are sufficient on their own to justify refusal of the Application.

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

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

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 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.

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.

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.

The information to be gathered through the ground investigation works is needed for the design and development of the port for future development intended to support the Floating Offshore Wind (FLOW) industry. The FLOW proposals are critical to the Welsh Government ambitions to deliver 4.5GW of FLOW capacity in the Celtic Sea by 2030 and the Net Zero ambitions.

The WNMP Ports and Shipping Policy P&S_02 identifies Port Talbot as one of the ports in Wales that have the greatest competitive advantage in exploiting opportunities arising from low carbon and renewable energy generation.

Policy ENV_01 of the WNMP states that:

Proposals should demonstrate how potential impacts on marine ecosystems have been taken into consideration and should, in order of preference:

- a) avoid adverse impacts; and/or
- b) minimise impacts where they cannot be avoided; and/or
- c) mitigate impacts where they cannot be minimised.

If significant adverse impacts cannot be avoided, minimised or mitigated, proposals must present a clear and convincing case for proceeding.

NRW considers that the applicant has done a great effort to avoid as much as possible impacting peat and clay exposures habitat (Section 7 of the Environment (Wales) Act 2016); however, some sampling stations will have to be collected over the habitat as these are understood to be vital for the full consideration of the habitat to support the planning and development of the port FLOW infrastructure.

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As demonstrated within the Technical Note 14 August 2024 ("RML2420_Technical_Note_2_140824"), the applicant has worked closely with their engineering design team and contractor to relocate sampling stations and change preferred methods to minimise the impact on the section 7 listed habitat. Moreover, as stated in their Technical Notes, a suitable precautionary buffer zone (20m) has been established around stations located in the area where the habitat is found (northern part of the foreshore at Port Talbot) to provide reassurance that priority habitats would not be further impacted by the positioning of the barge spud legs.

NRW considers that potential impacts on the marine environment have been taken into account and that the applicant has looked to avoid and minimise impacts where possible, particularly to peat and clay exposures habitat (see section 4.1.2 for further details). However, as advised by NRW A, there remains the potential for up to 18.1m² of permanent loss or damage to peat and clay exposures which is considered irreplaceable owing to the particular processes and geological timescales leading to their formation.

NRW consider, that the remaining 18.1m² of permanent habitat loss is exceptionally small, that impacts have been minimised as far as possible, and that the Proposal will support detailed design of potential future development that would support other policies in the WNMP. NRW considers the applicant has raised a convincing case for proceeding as required by WNMP. NRW is satisfied 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 section 4 of the Environment (Wales) Act 2016 so far as consistent with the proper exercise of its functions.

b) Our determination

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

5. Conclusions and Recommendations

Based on all the information available, and having regard to all relevant considerations including the consultation responses, NRW's decision is to grant the Marine Licence sought by the Application. We have reached this decision having had regard to the relevant legal framework outlined in section 4 and have also explained in section 4 how each of the legal requirements have been considered. NRW has determined that a Marine Licence for the Proposed Activities should be granted.

Conditions have been attached to the Marine Licence as set out in Annex 1. The reason for the inclusion of each condition is set out with the conditions.

6. AUTHORISATION

Report by: Rhiannon Smith Position: Marine Licensing Officer	Date: 09 September 2024	Signed: 
Authorised by: Emmer Litt Position: Marine Licensing Team Leader	Date: 10 September 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 **zone27@hmcg.gov.uk**.

Reason: To ensure the safety of navigation.

3.5 Inspection of Licensed Activities

The Licence Holder must allow Marine Enforcement Officers or any other person authorised by the Licensing Authority to inspect the Works at any reasonable time.

Reason: To allow for inspection of the Licensed Activities to check compliance with the Licence.

3.6 Notification of Completion

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

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

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

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

3.7 Accident or Emergency

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

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

- 3.7.2** If it is necessary for the Licence Holder to recover or remove any equipment, plant or machinery used to undertake the Licensed Activities that have been dropped as a result of an accident or emergency, the Licence Holder is permitted to do so provided that

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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 Approval of Written Scheme of Investigations (WSI)

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

3.18.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition(s) 3.21.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

Reason: To minimise the risk to the historic environment.

3.19 Biosecurity Risk Assessment

The Licence Holder must ensure that any actions outlined in Biosecurity Risk Assessment "RML2420_FPT_GI_works_Biosecurity_RA_24-07-08" submitted 9 July 2024) are implemented. The Biosecurity Risk Assessment must be available for inspection at all reasonable times at the locations detailed in condition 3.9 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 the risk of spread of invasive non-native species.

3.20 Reporting of Artefacts

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

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Reason: To ensure all archaeological finds are reported

3.21 Additional Notification upon Completion

The Licence Holder must inform the Licensing Authority, of the location of all completed samples within **10 days** of completion of the work.

Reason: To comply with Marine Licensing (Register of Licensing Information) (Wales) Regulations 2011 9(2)(C)