

Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: Breedon Trading Limited

Application reference no: MMML2367

Severn Estuary

Extraction of aggregates from Bedwyn Sands and North Middle Ground (NMG) in the Severn Estuary

18 October 2024

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OUR DECISION

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

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 company set out below: Company name: Breedon Trading Limited Company number: 00156531 Address: Breedon Group, Pinnacle House, Main Street, Breedon on the Hill, Derby, DE73 8AP
Application Reference Number	MMML2367
Date Application was duly made	22 November 2023
Proposal[s] covered by the application	Aggregate Extraction at Bedwyn Sands and North Middle Ground (NMG) (the Project)
Licensable marine activities	A maximum of 2,250,000 tonnes from Bedwyn Sands and 3,750,000 tonnes from NMG (Area 455/459) over the licence term of 15 years. The maximum annual extraction rates are 150,000 tonnes from Bedwyn Sands and 250,000 tonnes in total from NMG. (the Proposed Activities)
Marine Plan Area	Welsh inshore region and Welsh offshore region
Application documents:	MMML2367_Application_28Nov2023 MMML2367 R3836_Final_07Nov2022 MMML2367 R4241_Final_02Nov2023 MMML2367 R4339_Final_02Nov2023

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	MMML2367_Further_Clarification_Comments_Log_17Apr2024
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2 APPLICATION PROCEDURE

2.1. The Application

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 22 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

In compliance with s. 68 of the Marine and Coastal Access Act 2009 (the 2009 Act) and regulation 16 of the Marine Works (Environmental Impact Assessment) Regulations 2007, a public notice advertising the Project was placed in the South Wales Echo on 16 January 2024 & 23 January 2024 (the Public Notices) and a notice was published on NRW's website. The application documents were made available to the public at Breedon Severn Sands, Alexandra Dock, Newport, NP20 2WZ 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 42 days from the date of the first Public Notice to provide comments on the application.

0 public responses were received in response to the Public Notice.

3 CONSULTATION

3.1 Consultees

NRW considered it appropriate to consult the bodies listed in the table below on 14 December 2023, due to their particular expertise. These bodies were consulted for a period of 42 days. For those bodies which responded to the consultation an 'Y' can be found in the response received column, and those which did not respond to the consultation an 'N':

Consultee	Response received (Y/N)	Date of receipt
Natural Resources Wales Advisory (NRW A)	Y	25 January 2024 & 14 May 2024
Ministry of Defence (MoD)	Y	15 December 2023
Maritime and Coastguard Agency (MCA)	Y	09 January 2024

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The Crown Estate (TCE)	Y	24 January 2024
Local Biodiversity Officers (LBO)	N	
Local Planning Authorities (LPA)	N	
Local Harbour Authorities	N	
Local Port Authorities	N	
Gloucester Harbour Trustees	Y	18 December 2023
Newport Harbour Commissioners	Y	15 December 2023
Welsh Fisherman Association	N	
National Federation of Fishermen's Organisations (NFFO)	N	
Royal Yachting Association (RYA)	N	
Royal Society for the Protection of Birds (RSPB)	N	
Trinity House (TH)	N	
WG Marine and Fisheries Division/WG Marine Enforcement Officers	N	
Cadw	Y	18 December 2023
Natural England (NE)	Y	01 March 2024 & 24 May 2024
The Royal Commission on the Ancient and Historic Monuments of Wales (RCAHMW)	Y	12 January 2024
Welsh Archaeological Trust	N	
Environmental Public Health Service Wales	Y	03 January 2024
Department for Transport (DFT)	N	
Chamber of Shipping	N	
NERL Safeguarding	N	
IFCA (Devon & Severn)	Y	02 January 2024, 14 March 2024 & 30 May 2024

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 5 of this decision document.

4 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 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.

4.1 Screening

The application was considered by NRW to constitute an EIA development under the Regulations, and a Screening Opinion (ref SC2204) was issued on 03 February 2023.

Pursuant to Regulation 8 of the Regulations, NRW considered under SC2204 *that* the proposed works fell under Schedule A2, Paragraph 10 of the Regulations on the assessment of the effects of the project on the environment, specifically:

- Schedule A2, Extraction of minerals by fluvial or marine dredging

4.2 EIA

The Marine Licence application required for the Project was accompanied by an Environmental Statement (ES). NRW assessed the project as an EIA development under the Regulations and issued a Written Confirmation of the EIA Consent Decision on 18 October 2024. The Written Confirmation is available on the NRW website and the marine licensing public register. NRW is satisfied that the information incorporated in the EIA Consent Decision is up to date at the time of this decision.

In accordance with Regulation 24 of the Regulations, the following information is included in subsequent sections of this document:

- Conclusion of the EIA assessment
- Any conditions, mitigating and monitoring measures described in the regulatory decision
- Description of features/measures to avoid, prevent, reduce and offset likely significant adverse effects on the environment
- The main reasons and considerations on which this regulatory decision is based
- A summary of the results of consultations undertaken and how these have been incorporated into this regulatory decision

4.3 Conclusion of the EIA

NRW issued a Written Confirmation of the EIA Consent Decision on 18 October 2024, containing the conclusion about Environmental Impact arising from the project and the EIA Consent Decision. In reaching the conclusion, NRW considered the following information:

- The application for a Marine Licence
- The Environmental Statement submitted
- Any further information provided
- The responses to public consultation
- The responses to the technical consultation
- Any comments received from another EEA state
- Any features of the project, or proposed measures, to avoid, prevent, reduce or offset any likely significant adverse environmental effects

NRW considered the likely significant effects of the project, and reached a conclusion on the likely significant effects of the project with regard to the following:

- Population and human health
- Biodiversity
- Land, soil, water, air and climate
- Material assets, cultural heritage and landscape
- Risk of major accidents and disasters relevant to the project

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- Cumulative impacts and in-combination impacts

A summary of the conclusion on the likely significant effects of the project is incorporated below. Full details of the conclusion on the likely significant effects of the project can be found in the Written Confirmation of the EIA Consent Decision.

4.3.1 Population and human health

The ES has assessed the impact on population and the human health. Due to the nature of the operation, the measures proposed to reduce the impacts on population and human health, and conditions attached to the marine licence, NRW PS consider the risk of impacts on population and human health to be extremely low.

4.3.2 Biodiversity

The project has the potential to impact the following designated sites:

- Severn Estuary SAC
- Severn Estuary SPA
- Severn Estuary Ramsar
- Severn Estuary SSSI

NRW PS carried out a Habitat Regulation Assessment and concluded, subject to appropriate conditions detailed in Section 8 of the consent decision, that the Licensed Activities will not adversely affect the integrity of any of the European Sites. NRW is satisfied that the Proposed Activities do not have the potential to impact on the Severn Estuary SSSI and that its features are appropriately assessed as part of the HRA.

Numerous comments were received from IFCA, focusing mainly on the monitoring and the baseline used. NRW considered this representation and obtain confirmation and assurance from NRW A as the ANCB to proceed due to controls imposed in the licence through the inclusion of licence conditions.

4.3.3 Land, soil, water, air and climate

NRW PS consider that the works have been appropriately assessed and that, subject to the mitigation proposed within the ES and the licence conditions outlined in section 8 of the consent decision, no significant impact on water quality is predicted.

4.3.4 Material assets, cultural heritage and landscape

The ES has adequately assessed the impacts on marine archaeology and provided the recommendations for reporting protocols in the event of any unexpected discoveries and the conditions detailed in section 8 of the consent decision are followed, no impacts are predicted.

4.3.5 Risk of major accidents and disasters relevant to the project

Due to the nature of the operation, NRW PS consider the risk of a major accident or disaster to be extremely low. This is based on embedded mitigation measures proposed to reduce the risk of a major accident or pollution event and conditioned within the marine licence, stated in section 8 of the consent decision.

4.3.6 Cumulative impacts and in-combination impacts

As detailed in section 3.2.3 of the consent decision, NRW PS carried out a Habitat Regulation Assessment, as part of which an in-combination assessment was carried out and concluded subject to appropriate mitigation that the works would not cause a significant impact alone or in combination on a European designated site.

An in-combination assessment was also carried out as part of the WFD assessment and the ES assessment, which also concluded no significant impacts.

NRW PS considers that the Project as proposed and with the control measures imposed through conditions in the marine licence will not result in significant impacts alone or in combination with other projects. NRW PS concluded that the potential impacts due to the project have been adequately addressed in the ES.

4.4 EIA Consent Decision

NRW issued a Written Confirmation of the EIA Consent Decision which provides a conclusion on the environmental impacts arising from the project. NRW concluded that the environmental impacts of the Project have been adequately identified, described and assessed. Accordingly, NRW concluded a favourable determination and that EIA consent for the project should be given.

4.5 Mitigation and monitoring requirements

The Written Confirmation of the EIA Consent Decision issued by NRW on 18 October 2024, highlighted the mitigation or monitoring requirements required to be attached to the regulatory consent. These are set out below:

Licence conditions will be added to mitigate impacts on other legitimate sea users and avoid risks to navigation. These conditions ensure relevant stakeholders are notified prior to commencement of each phase of the Licensed Activities. This will include but is not limited to, local mariners, HM Coastguards, UK Hydrographic Office and Welsh Government Marine & Fisheries Division.

Licence conditions will be required to ensure pollution prevention best practice is always adhered to.

Licence conditions will be required to mitigate against the spread and introduction of INNS. This will include adherence to a biosecurity risk assessment and ensuring hopper washing is carried out appropriately.

A licence condition will be required to ensure a report on compliance to conditions in the licence is submitted for approval on an annual basis. This will allow the control of the conditions to discharge by the Licensing Authority.

To ensure predicted impacts are suitably controlled, a licence condition will be required to ensure only trailer suction hopper dredging is permitted. Furthermore, to record the location and intensity of all dredging activities, a licence condition will be required to ensure all dredgers operating in the licence area are fitted with a functional and operational Electronic Monitoring System. Finally, licence conditions will be required to ensure extraction rates are reported on an annual basis for both NMG (Area 455/459) and Bedwyn Sands. Any errors in reported extraction rates will need to be rectified within five days.

To prevent unexpected damage to the environment, licence conditions will be required to ensure no dredging operations are carried out within restricted areas prior to a pre-dredge monitoring report being submitted and approved by the licensing authority. The pre-dredge monitoring specification will need to be submitted and approved by the licensing authority. Licence conditions will be required to ensure the baseline survey is carried out in line with the latest version of the Regional Seabed Monitoring Plan (RSMP) Protocol for Sample Collection and Processing. To ensure no archaeological features are damaged by the activity, Licence conditions will be required to ensure the geophysical data in the pre-dredge monitoring report is reviewed and an updated archaeological baseline is submitted to the Licensing Authority for written approval prior to the commencement of dredging outside of the Exclusion Zone.

To ensure the impacts of the activity are controlled throughout the licence's life, licence conditions will require the adherence to industry standard monitoring approach, which includes a protocol of pre-commencement, operational and post-dredge (i.e., after cessation of dredging) monitoring. If unacceptable impacts are detected through these monitoring campaigns, adaptive management with specific mitigation measures (e.g., exclusion zones, limit on extraction or screening) can be applied.

To protect the other legitimate sea users, the natural and historic environment, licence conditions will be required to ensure an exclusion zone report is submitted and approved prior to commencement of any dredging activity outside of the Restricted Dredge Zone. This will include charts of obstructions (cables/pipelines), resource thickness, locations of sensitive nature conservation and archaeological features and their Exclusion Zones.

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To further protect the historic environment, a licence condition will be required to ensure any artefact of archaeological interest identified is recorded and reported according to the procedures set out in the 'Protocol for Reporting Finds of Archaeological Interest' (BMAPA and English Heritage 2005). Furthermore, a licence condition will be required to ensure any previously unreported wrecks (vessel or aircraft), or other sites of archaeological interest identified within the marine licence area, have an Exclusion Zone implemented around them in accordance with the procedures set out in the 'Protocol for Reporting Finds of Archaeological Interest' (BMAPA and English Heritage 2005).

To protect designated/listed sensitive species or habitat, a licence conditions will require that in the event of removal of any sensitive species or habitat designated by NRW under Schedule 7 of the Environment (Wales) Act 2016, no further removals occur at that location, or within 20 meters of that location. Furthermore, the location of all grab and vibrocore samples will need to be submitted to the Licensing Authority.

To protect the natural environment and also allow for recolonisation once dredging ceases, licence conditions will be required to ensure that sufficient sediment substrate remains in the licence area and is of a similar grading to that which existed before dredging commenced, with due allowance being made for natural sediment movements. Therefore, a licence condition will be required to (1) forbid dredging in areas of resource depth of 0.5m or less across the licence area; (2) ensure all monitoring surveys are of a comparable specification to the pre-dredge survey through a site-specific monitoring plan are in line with the latest version of the RSMP Protocol for Sample Collection and Processing; and (3) ensure all survey reports provide a comparison with the final report of the pre-dredge survey results.

Licence conditions will be required to ensure a substantive review of the dredging operations and monitoring campaigns is submitted within 9 months of the start of year 5 and year 10, following the commencement of dredging. The report must summarise the results of all monitoring undertaken and assess: (1) the impact of dredging operations on the marine environment; (2) the effectiveness of the conditions; (3) recommend any variations to the dredging operations as may be necessary to protect the environment; and (4) recommend any variations to the monitoring programme as may be necessary.

To understand the need of restoration measures after cessation of dredging, a licence conditions will be required to ensure that a specification for post-dredge monitoring is submitted to the Licensing Authority for written approval prior to the cessation of dredging. Post-dredge monitoring must be implemented in accordance with the approved specification and the monitoring report submitted which must include: (1) the condition of the seabed within the Licence Area; (2) an assessment of the need for further post-dredge monitoring of the Licence Area; (3) include evidence demonstrating that there have been no adverse impacts on the relevant environmental indicators, as identified in the pre-dredge survey report, and (4) if this evidence cannot be provided, then the report will detail recommendations of actions, which must be undertaken to ensure the remediation of any adverse impacts on the seabed sediment environment.

Licence conditions will be required to ensure that, in the event that the Licensing Authority determines that remedial work is required, the Licence Holder must ensure a scheme for remedial works is prepared and submitted to the Licensing Authority for approval. The remedial works must be implemented as approved.

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

4.6 Consideration of consultations undertaken

The consultation process described in section 2.4 and section 3 of this document was undertaken to ensure comment was received from appropriate parties.

A Transboundary Screening Assessment did not identify potential for effects to any other EEA State.

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A summary of responses from the consultation are included in Annex 2 of this document. NRW has had regard to consultation responses in making the regulatory decision. Where these have impacted on NRW's decision making, this has been noted in the relevant paragraph in section 5 of this decision document.

4.7 Description of features/measures to avoid, prevent, reduce and offset likely significant adverse effects on the environment

Exclusion zones are implemented to avoid heritage, nature conservation and resource thickness. With regard to the latter, where the resource is less than 0.5 m thick, exclusion zones are implemented.

To ensure safety to navigation during dredging operations, BMAPA, in consultation with the MCA has developed a Guide to Good Practice for ensuring navigation safety during dredging operations which the developer will adhere to.

To ensure mitigation is in place to reduce the risk of introduction and spread of INNS, the developer will adhere to the Biosecurity Plan Template and Guidance Document (BMAPA, 2018) and the INNS reporting protocol.

Pre-dredge and operational monitoring proposals are incorporated into the Environmental Statement.

It is proposed that the existing baseline datasets are maintained for use in future monitoring studies, with analysis compared against each dataset collected in the interim period.

It is proposed that the operational monitoring programme continues to follow that which is currently in place for each of the two extraction sites (Bedwyn and Area 455/459).

It is proposed that the future operational monitoring programme continues to collect the following:

- i. Annual offshore bathymetry data across the extraction sites and the wider Middle and Welsh Grounds (repeating the annual surveys collected since 2008 and, most recently, in 2023);
- ii. Analysis of the offshore bathymetry against the agreed metrics (i.e., height, area and volume of the offshore resource), as reported in ABPmer, 2022;
- iii. Collection of annual LiDAR data across the study foreshore, for subsequent analysis should the offshore bathymetry reveal an 'Amber' or 'Red' outcome;
- iv. Seabed grab samples collected in line with the RSMP approach (coverage and frequency over the renewal period to be agreed with Cefas during Year 1 of the new licenses), with subsequent analysis of particle size distribution (PSD) and macrobenthos;
- v. Annual reporting to include analysis of the wider regional Middle and Welsh Grounds as well as the established study areas associated with each of the extraction areas;
- vi. Monitoring data analysed to provide updated resource thickness maps across each of the licensed areas; and
- vii. 5-year substantive reviews of the annual monitoring survey data undertaken at 5-year intervals throughout the licence period.

The frequency of these surveys would be reviewed based on the results of the substantive reviews which would take place every five years during dredging operations.

A new resource assessment will be produced each time new bathymetric data are reported in order to ensure that an adequate layer of resource remains on the seabed.

As well as the sediment monitoring undertaken through the RSMP approach, the PSD analysis of the cargoes taken off each Area will also be undertaken and reported on in the regular annual monitoring reports (related to the review of the morphological conditions, see above), with highlighting of any noticeable changes in the particle size.

4.8 Main reasons for this regulatory decision

The main reasons for the regulatory decision made are described in section 5 of this decision document.

The conclusion of this regulatory decision is stated in section 6 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 in section 5 below in accordance with the **Marine and Coastal Access Act 2009** (the **2009 Act**).

Under the 2009 Act NRW is required to have regard to the following:

- the need to protect the environment (see section 5.1)
- the need to protect human health (see section 5.2)
- the need to prevent interference with legitimate uses of the sea (see 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 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 sections 5.1 to 5.5 below)
- such other matters as it thinks relevant (see 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 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.

5.1.1 Water Framework Directive, Groundwater Directive and Water Environment Regulations 2017

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:

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- Severn Lower (GB530905415401)

A Water Framework Directive Compliance Assessment has been undertaken for the Proposed Activities and taken into account in this decision. This assessment concludes that the activity/project has no potential to cause deterioration of any water body or prevent a water body or WFD Protected Area from meeting its objectives, taking into account any conditions or restrictions as applicable, either alone or in-combination with other activities.

Following a detailed assessment for Hydromorphology, Biology, water quality and Heavily Modified Waterbodies, no mitigation was required to conclude no likely significant effect. It was noted that mitigation was required to conclude no adverse effect on Biology, however this has been captured through the HRA by the inclusion of monitoring condition.

The licence holder will also be required to all works in line with the BMAPA 2018 Regional Biosecurity Plan Bristol Channel (and Celtic Sea) Region.

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.

Further details are described within the Water Framework Directive Compliance 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 Sites.

- Severn Estuary SAC
- Severn Estuary SPA
- Severn Estuary Ramsar

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

The following conclusions of the HRA have been considered by NRW in making this decision. In light of the conclusions of an appropriate assessment and taking account of the advice received from protected sites advisors, it has been established that the project will not adversely affect the integrity of any Natura 2000/Ramsar site, taking into account any conditions or restrictions as applicable, either alone or in-combination with other plans and projects.

Following the screening of protected sites and their features, Estuaries, Subtidal sandbanks which are covered by sea water all the time (subtidal sandbanks), and Mudflats and sandflats not covered by seawater at low tide (mudflats and sandflats) were all taken through to appropriate assessment where mitigation was imposed to rule adverse effect on site integrity (AEOSI).

The Marine Licence will include conditions to ensure Best Practice Procedures are followed while dredging and will also require monitoring of the sandbank to ensure the assumptions of no impacts to the features are correct. Monitoring will allow action to be taken if changes to the sandbank, surrounding area or particle size are identified. Monitoring will include annual bathymetry, collection and analysis of LiDAR data along the shore and particle size collection and analysis. A capping layer of 0.5m is to be conditioned within the licence which together with the tonnage uptake limits and the highly dynamic nature of the site, will contribute to avoid an AEOSI on sandeel population by the activity alone. As part of the RSMP, grab samples are to assess for their sandeel habitat suitability (preferred/marginal/prime/sub-prime) and any sandeels captured within macrofaunal monitoring sampling activities are to be recorded and reported. If deemed necessary, appropriate mitigation is to be included. The licence holder will also be required to all works in line with the BMAPA 2018 Regional Biosecurity Plan Bristol Channel (and Celtic Sea) Region.

Comments were also received from IFCA who raised comments on Annex I habitats, specifically H1110 (Subtidal sandbanks) and H1140 (Intertidal mudflats and sandflats) within the Severn Estuary SAC. These comments are detailed within section 5.1.8 below.

NRW is therefore satisfied that the Proposed Activities, either alone or in combination with other plans or projects, will not adversely affect the integrity of European Sites when undertaken in accordance with appropriate conditions as detailed in Annex 1.

Further details are described within the Habitats Regulations Assessment.

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 Project.

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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 (MCZ) were established under the 2009 Act to protect nationally important, rare or threatened habitats and species. The only currently designated MCZ in Wales is Skomer.

Under the 2009 Act, NRW must exercise its functions in the manner which it considers best furthers the conservation objectives stated for any MCZ or, where that is not possible, in the manner which it considers least hinders the achievement of those objectives.

b) Factors relevant to our determination

NRW is satisfied that there is no significant risk of the Proposed Activities on the MCZ **due** to the distance between Skomer MCZ and the location of the Licensed Activities.

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

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

- Severn Estuary SSSI

NRW is satisfied that the Proposed Activities do not have the potential to impact on the Severn Estuary SSSI and that its features are appropriately assessed as part of the HRA.

Appropriate consultation has been undertaken within NRW, as set out in section 3, and the response indicated no concerns.

5.1.7 The Waste (England and Wales) Regulations 2011**a) The legal framework**

The Waste (England and Wales) Regulations 2011 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 as no deposit will be done other than returning sediment to the system as it is dredged through screening process.

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

Physical Processes

NRW A agree with the mitigation measures proposed for the continued aggregate dredging at Bedwyn sands and NMG. Providing the conditions of the previous licence relating to the content and frequency of monitoring reports and substantive reviews continue into the new licence (adherence to the RSMP approach), NRW A agree with the conclusions of the assessments carried out. These conditions are detailed within Annex 1.

Following consultation with IFCA, numerous comments were made relating to both physical processes and benthic ecology. Given the comments made relate to both receptors, these have been considered below under benthic ecology.

Water and Sediment Quality

The assessment considered four impact pathways; including potential changes to suspended sediment concentrations, dissolved oxygen concentrations, water borne contaminant concentration and redistribution of sediment bound contaminants. All potential impacts on Water and Sediment Quality receptors were assessed as insignificant (not significant), due to the low magnitude of change and low probability of occurrence based principally on the sediment composition of the area.

Comments were received by NRW A in relation to the WFD assessment which concluded that the proposal, when considered alone and in-combination, will not pose a risk to deterioration of the Severn Lower waterbody, as detailed in section 5.1.1.

Benthic Environment

Based on the information presented and in the context of the current conservation objectives for the Severn Estuary, adherence to the Regional Seabed Monitoring Plan (RSMP) approach and the renewal nature of the proposal (i.e., no change in extent of aggregate extraction areas and/or extraction volumes) NRW A have no significant concerns with the proposal to renew the current licence and agree with the conclusions of the assessments. These conditions are detailed within Annex 1.

In relation to managing the spread of marine invasive non-native species – NRW A advised that the applicant completes and submits an updated version of the biosecurity risk assessment in relation to the proposed activity. NRW PS will ensure licence conditions are added to the marine licence to ensure all works are carried out in line with a biosecurity risk assessment and ensuring hopper washing is carried out appropriately. This condition is detailed within Annex 1.

IFCA raised numerous concerns regarding the potential impacts to the following features of marine protected areas:

- Annex I habitats, specifically H1110 (Subtidal sandbanks) and H1140 (Intertidal mudflats and sandflats) within the Severn Estuary SAC
- Severn Estuary SSSI
- Marine fish assemblage (sub-feature of Estuaries feature) of the Severn Estuary SAC

IFCA remains concerned about the level of precaution being used when considering potential impacts to Annex I habitats. IFCA believes that, based on the evidence available, and by the nature of the aggregate extraction process, the Conservation Objectives for these features will be directly impacted.

The IFCA comments received were shared with NRW A as the Appropriate Nature Conservation Body (ANCB) who noted the key feature of concern for this aggregate dredging licence application is the Annex 1 intertidal mudflats and sandflats habitats of the Severn Estuary SAC. NRW A remain content that the combination of historical monitoring data, the modelled predictions reported in the Environmental Impact Assessment (EIA) and the proposed mitigation measures, provide sufficient evidence and safeguarding measures to conclude no adverse effect on site integrity (AEOSI) for the Severn Estuary SAC for the renewal licence period. Mitigation measures in place via monitoring the

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benthic habitat, morphology and elevation of the seabed allow for adaptive management of the site should variations outside of natural variability to the extent or morphology of the mudflat and sandflat feature be detected. Adaptive management measures include reduction in dredging allowance and exclusion zones if necessary.

IFCA raised concerns about the monitoring that had been carried out in the past and the appropriateness of the baseline used.

These comments were shared with NRW A as the ANCB who stated that previous licence conditions for both sites in question stipulate ongoing monitoring of the aggregate resource since extraction began at Bedwyn Sands in 2008. Monitoring reports for both sites have shown fluctuations of accretion and lowering of the seabed since monitoring began (we note monitoring started later for North Middle Grounds as dredging began in 2011). The evidence presented through monitoring reports thus far indicates that changes in seabed elevations have not exceeded the range of natural variability to date.

NRW A recognise that the differentiation between the impacts caused by dredging activity and impacts to Annex 1 features due to natural variability is a key factor of determining whether AEOSI is a concern. NRW A highlighted the importance of past monitoring data in informing future assessments of cumulative impacts to the extent and morphology of the protected features. Within the Environmental Statement, the applicant outlines plans to use all available monitoring data collected dating back to 2008, to inform future assessments of cumulative impacts. This should include annual monitoring reports and substantive reviews. In order to discharge licence conditions, as the ANCB, NRW A review all monitoring reports and substantive reviews. This includes the survey specifications and report outputs to assess whether changes to seabed type, morphology and extent have exceeded the limits of natural variability and whether cumulative impacts have been accounted for.

NRW A note that predicted changes to hydrodynamics and bed shear stress do not show significant variation over the proposed 15-year licence period and are content that a realistic 'worst case scenario' for dredging activity and climatic conditions were used. NRW A are content that no significant changes to physical processes and the addition of appropriate mitigation measures, as described in Section 5 of the Coastal Impact Study, allows the support of the conclusion of no AEOSI.

Concerns were raised by IFCA relating to the management of sediment and maintaining sediment within the system. NRW A recognise the NRW Position Statement on The Sustainable Management of Marine and Coastal Sediment (PS 012) does encourage retaining sediments within each sediment cell, and therefore NRW A have advised and would continue to advise for the disposal of dredged material to remain within the same sediment cell. However, aggregate extraction is considered as an exception to this position as there are mitigation measures in place and periodic monitoring of a licensed area, as per the Regional Seabed Monitoring Programme (RSMP), to ensure any negative effects are detected at the earliest opportunity.

IFCA also raised concerns surrounding the minimum sediment thickness of 0.5m and whether it will include the infill, or if this a minimum sediment thickness of only the surficial sediments. However, 0.5m of mobile sand will remain on average over the dredging area rather than Holocene infill (relict sediments). This has been addressed through the inclusion of licence conditions as detailed in Annex 1.

Fish and Shellfish Ecology

NRW A to requested further clarification from the applicant to support their conclusions within the sandeel assessment under the 'direct removal' pressure. Sandeels are protected under fish assemblages feature of the Sever Estuary RAMSAR.

Whilst the ES states that few sandeels were captured in the fish surveys undertaken at various times at both dredge sites, it also acknowledges that the fish survey methods used were not designed to capture sandeels. Based on that information the ES states that the sites are unlikely to hold important sandeel populations. However, the sediment type at both sites lies within the preferred habitat type for sandeels, and even when utilising non-specific survey methods sandeels were captured during the various fish surveys for the area. This information suggests that a larger population is present in the area than is implied within the ES.

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NRW A advise that within the RSMP monitoring requirements, any grab samples are assessed for their sandeel habitat suitability (preferred/marginal/prime/sub-prime) and any sandeels captured within macrofaunal monitoring sampling activities are recorded to give a better understanding of the potential value of the site for sandeel populations within the Severn Estuary. This will be conditioned within the licence and is detailed in Annex 1.

NRW A also acknowledged that given the mitigation that will be conditioned within the licence of a capping layer of at least 0.5m to be retained at the site, the cap on extraction at 250,000 tonnes a year for each site, the low expected levels of sediment screening and the dynamic nature of the Severn Estuary the remaining habitat would continue to be suitable for sandeels to recolonise following the cessation of dredging activities.

IFCA raised concerns surrounding the potential impacts to such fish species such as Cod and Whiting which are protected under fish assemblages feature of the Sever Estuary RAMSAR. These comments were shared with NRW A and whilst NRW A agreed that there could be some impact to these species from the dredging activity, they did not consider it to be significant on a population level. The diets of both species are varied, relying on multiple prey species across a wide area of the Severn estuary. If some of these prey components were locally impacted by the dredging activity there are other species/areas nearby that Whiting and Cod can exploit for food. A heat map of dredging activity was also provided which illustrates that the dredging activity has occurred across a relatively small spatial area and due to the nature of the site, access is restricted across the high tide period.

Marine Archaeology

RCAHMW and Cadw had no comment/objections to the scheme based on any impact to marine archaeology within the scheme area. Providing that the developer adheres to the recommendations for reporting protocols in the event of any unexpected discoveries no impacts are predicted.

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

The ES has assessed the impact on population and the human health. Due to the nature of the operation, the measures proposed to reduce the impacts on population and human health NRW PS consider the risk of impacts on population and human health to be extremely low.

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.

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.

The assessment considered one potential impact pathway for this receptor, related to the potential for changes to physical processes occurring (i.e. currents, waves and tides; seabed), thus impacting marine and land-based infrastructure and other marine users. This impact is assessed as insignificant, which NRW agrees with.

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Several mitigation measures aimed at increasing the navigation safety of the Inner Bristol Channel and Severn Estuary currently exist. These include emergency response infrastructure and the application of several pieces of maritime legislation that state best practice methods for safe operations at sea. The aggregate industry has furthermore developed a related code of practice, in consultation with regulators. With these in place, all residual impacts/risks were assessed as potentially minor adverse.

The MCA also stated that the proposed activities fall within the jurisdiction of a Statutory Harbour Authority - Gloucester Harbour Trustees and therefore they are responsible for the safety of navigation within their waters. Gloucester Harbour Trustees confirmed they have no objection to the proposed activities and the developer will be required to obtain gain the approval/agreement of the responsible local navigation authority or the Harbour Authority/Commissioners/Council.

No other 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.

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. NRW PS agree with the conclusions set out in the Environmental Statement 'MMML2367 R4339_Final_02Nov2023' section 'E.2.3 Welsh National Marine Plan' submitted on 17 November 2023.

The Table E-1 of the Environmental Statement submitted by the applicant demonstrates that the works comply with WNMP policies. The development has also considered its impact on the marine

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ecosystems and has where appropriate looked to avoid, minimise and mitigate potential impacts this is presented within section 5.

All activity is still within the 800K tonnes of aggregate extraction for the Severn Bristol Channel and that it contributes to policy AGG_01a.

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 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.

5.5.2 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) (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. We 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: Joe Thomas Position: Permitting Officer	Date: 18 October 2024	Signed: 
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Application Number: MMML2367

Authorised by: Emmer Litt Position: Permitting Team Leader	Date: 18 October 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

- 3.1.1** 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) and The Crown Estate 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 Commencement to be within 5 years of issue of Licence

Notification of commencement of first dredging operation under condition **0** must be received within **5 years** of the date of this Licence. If no notification is received within **5 years**, this licence shall be void.

Reason: To ensure that the conclusions made within the Environmental Statement (ES) are still valid.

3.3 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.

3.4 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.

3.5 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.

3.6 Notification of UK Hydrographic Office

The Licence Holder must notify the UK Hydrographic Office of the timetable of dredging operations, within **5 working days** of the commencement of dredging, to permit the promulgation of maritime safety information and updating of nautical charts and publications where necessary.

Reason: To ensure other vessels in the vicinity can safely plan and conduct their passage.

3.7 Inspection of Activity

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.

3.8 Cessation of dredging operations

3.8.1 All dredging operations permitted under this licence must cease no later than 31 December 2039.

Reason: To provide a termination to this licence.

- 3.8.2** The Licence Holder must cease all dredging activity when instructed by the Licensing Authority.

Reason:

3.9 Notification of Completion

- 3.9.1** 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.

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

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

3.10 Accident or Emergency

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.

3.11 Distribution of copies of this licence

The Licence Holder is required to ensure that a copy of this Licence is given to:

- i. All agent(s), contractor(s) and subcontractor(s) whose names have been provided to the Licensing Authority pursuant to condition **3.4**; and
- ii. The Masters of any vessels employed in the pursuance of this Licence whose details have been submitted to the Licensing Authority pursuant to condition **3.3**.

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.

3.12 Inspection of documents

Copies of this Licence shall be made available at the following locations:

- i. at the address of the Licence Holder specified in paragraph **1.2**;
- ii. 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;

- iii. 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.

Pollution control

3.13 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.

3.14 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.

3.15 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.

3.16 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.

Additional Permitted Activity

3.17 Permitted Sampling

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The Licence Holder is permitted to undertake the following sampling within and around the Licence Area (as detailed in Error! Reference source not found.), in accordance with the agreed specification under condition **3.20**, **3.50** and **3.62**:

- i. benthic grab samples using Hamon grab or similar apparatus;
- ii. sediment samples using clamshell grab or similar apparatus; and
- iii. vibrocores using a vibrocorer.

Reason: To allow the licence holder to undertake resource assessments whilst protecting the marine and historic environments.

3.18 Dropped Objects

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.

Pre-operation requirements

3.19 Prior approval in relation to Restricted Dredge Zone

The Licence Holder is not permitted to undertake dredging operations within the co-ordinates detailed in Error! Reference source not found. until a pre-dredge monitoring report is submitted to and approved in writing by the Licensing Authority in line with conditions **3.20** and **3.23**.

Reason: To protect nature conservation features, to protect wrecks, war graves and archaeology.

3.20 Pre-dredge monitoring survey specifications

3.20.1 The Licence Holder must ensure that a specification for the pre-dredge monitoring surveys to meet requirements of condition **3.22** is submitted to, and approved in writing, by the Licensing Authority, **at least 8 weeks** before surveys are due to commence, unless otherwise agreed by the Licensing Authority.

3.20.2 Copies of the approved specification, and of any approved changes to it should be provided to the Licensing Authority within **10 working days** of approval having been received.

Reason: To set a baseline to validate the predictions made in the ES and allow the identification of any unforeseen environmental impacts under this marine licence.

3.21 Pre-dredge monitoring report

The Licence Holder must submit a full report on the pre-dredge survey to the Licensing Authority for written approval within **9 months** of the completing of the final pre-dredge survey.

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All future monitoring reports should be compared to the results of the final pre-dredge survey report.

Reason: To set a baseline to validate the predictions made in the ES and allow the identification of any unforeseen environmental impacts under this marine licence.

3.22 Contents of pre-dredge survey report

3.22.1 The pre-dredge survey report must include provision for the following surveys to cover the marine licence area listed in Error! Reference source not found. and **Table 3** and reference sites/surrounding areas as specified below and in line with the pre-dredge surveys specifications as required by condition **3.20**. The specifications for such surveys must include the following detail:

- i. Bathymetry
- ii. Seabed Features
- iii. Resource Assessment
- iv. Seabed Sediment Sampling
- v. Benthic Ecology
- vi. Sensitive Habitats and/or Species
- vii. Archaeology
- viii. Sandeel Habitat

3.22.2 The Licence Holder must ensure that the baseline survey is carried out in line with the latest version of the Regional Seabed Monitoring Plan (RSMP) Protocol for Sample Collection and Processing.

3.22.3 Survey results must be submitted to the Centre for Environment Fisheries and Aquaculture Science (Cefas) and the Licensing Authority.

3.22.4 Pre-dredge survey must be carried out **within year 1** of the start date of the Licence.

Reason: To set a baseline to validate the predictions made in the ES and allow the identification of any unforeseen environmental impacts under this marine licence.

3.23 Exclusion Zone report

The Licence Holder must submit an Exclusion Zone report to the Licensing Authority for written approval at least **8 weeks** prior to commencement of any dredging activity outside of the Restricted Dredge Zone (Error! Reference source not found.). No dredging outside of the Restricted Dredge Zone may be undertaken without prior to written agreement from the Licensing Authority. The report must include details of the following:

- i. Charts or information detailing the location of known cable and pipelines present in or near the licence area;
- ii. Isopachyte charts detailing the location of areas where resource thickness is **0.5m** or less over **250m** by **250m** grid centred on **125m** nodes;
- iii. Charts detailing the location of known sensitive nature conservation features;

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- iv. Charts or information detailing known features of archaeological interest;
- v. Details of Exclusion Zones relating to any of the features listed in (i) to (iv).

Reason: To protect nature conservation features, to protect wrecks, war graves and archaeology.

3.24 Biosecurity Plan Implementation

The Licence Holder must conduct all activities in line with the BMAPA 2018 Regional Biosecurity Plan Bristol Channel (and Celtic Sea) Region and condition **3.33** and **3.34**.

Reason: To minimise the risk of marine invasive non-native species to the marine environment.

3.25 Archaeological mitigation Plan

The Licence Holder must review the geophysical data in the pre-dredge monitoring report (condition **3.21**) and submit an updated archaeological baseline to the Licensing Authority for written approval at least **8 weeks** prior to the commencement of dredging outside of the Exclusion Zone (Error! Reference source not found.).

Reason: To protect wrecks, war graves and archaeology.

3.26 Prohibition on dredging until pre-approval conditions discharged

The Licence Holder must ensure that no dredging activity takes place until conditions **3.21**, **3.23** and **3.25** have been discharged in writing by the Licensing Authority.

Reason: To protect nature conservation features, to protect wrecks, war graves and archaeology.

3.27 Implementation and variation of approved Plans

3.27.1 The Licence Holder must ensure that any actions outlined in the documents detailed in conditions **3.23**, **3.24** and **3.25** are implemented as approved in writing by the Licensing Authority.

3.27.2 Any proposed changes to the actions outlined in the documents must be submitted to and agreed in writing by the Licensing Authority prior to any changes being enacted.

Reason: To protect nature conservation features, to protect wrecks, war graves and archaeology.

3.28 Prohibition on dredging until navigational marking information obtained

The Licence Holder must ensure that no dredging shall take place until the Licence Holder has obtained information from Trinity House or the relevant Lighthouse Authority on navigational marks in the area. Damage must not be caused to such marks, nor shall they be removed. The Licence Holder will be liable for any expense arising from damage to or movement of such marks.

Reason: To ensure the safety of navigation.

Benthic Grab Sampling

3.29 Benthic Grab Samples - additional notification upon completion

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

Reason: To enable the Licensing Authority to comply with the reporting obligations in The Marine Licensing (Register of Licensing Information) (Wales) Regulations 2011 (Regulation 9).

3.30 Benthic Grab Samples - sensitive species/habitats

The Licence Holder must ensure that in the event of removal of any sensitive species or habitat designated by Natural Resources Wales under Schedule 7 of the Environment (Wales) Act 2016, no further removals occur at that location, or within 20meters of that location.

Reason: To minimise the impact on sensitive species designated under section 7 of the Environment (Wales) Act 2016.

Operational Requirements

3.31 Notified contractors and vehicles only to carry out Licensed Activities

Only those agents, contractors, subcontractors and vessels whose details have been notified to the Licensing Authority (as stated in condition **3.3** and **3.4**) may operate under the terms of 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.

3.32 Dredging methods

All dredging in the Licenced Area must be carried out by trailer suction hopper dredging. On-board screening is permitted under this licence.

Reason: To comply with the submitted application.

3.33 Hopper washing

The Licence Holder is permitted to undertake 'hopper washing', where necessary, to remove small amounts of residual material (less than 50m³) that remain in the hopper prior to vessel maintenance or extraction of a different grade of cargo, where the hopper washing activity meets the requirements of the biosecurity plan referenced in condition **3.24**. This material may be deposited within the Licensed Area, subject to condition **3.34**.

Reason: To allow the hopper to be cleaned and minimise the risk of marine invasive non-native species to the marine environment.

3.34 Restriction on locations of hopper washing

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Hopper washing must not take place within any Exclusion Zones implemented to protect archaeological or nature conservation features identified in condition **3.23** and **3.44**. The release of any material and/or residues is only permitted within an aggregate extraction area for which the Licence Holder holds a valid marine licence.

Reason: To minimise the risk of marine invasive non-native species to the marine environment.

3.35 EMS requirements

The Licence Holder must ensure that all dredgers operating in the licence area are fitted with a functional and operational Electronic Monitoring System (EMS) approved by the Crown Estate and the Licensing Authority.

Reason: To ensure accurate spatial and temporal monitoring of dredging activities.

3.36 Retention of aggregate substrate

The Licence Holder must ensure that no dredging occur in areas of resource **0.5m** or less measured over a **250m** by **250m** grid centred on **125m** nodes.

Reason: To ensure that sufficient habitat is retained to allow benthic re-colonisation of the active dredge zone (ADZ) upon cessation of dredging activity.

Archaeology

3.37 Recording of archaeological finds

The Licence Holder must ensure that any items of archaeological and/or military interest identified and retrieved from dredged material as it is processed ashore must be recorded and reported according to the procedures set out in the 'Protocol for Reporting Finds of Archaeological Interest' (BMAPA and English Heritage 2005). Cadw and the relevant Welsh Archaeological Trust must also be notified of these finds.

Reason: To ensure all archaeological finds are reported appropriately.

3.38 Reporting of wrecks

The Licence Holder must ensure that any previously unreported wrecks (vessel or aircraft) or other sites of archaeological interest identified within the marine licence area, have an Exclusion Zone implemented around them in accordance with the procedures set out in the 'Protocol for Reporting Finds of Archaeological Interest' (BMAPA and English Heritage 2005). This location must also be reported to the Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW).

Reason: To ensure all wrecks are reported and protected appropriately.

Navigation

3.39 Navigation Charts

The Licence Holder must ensure that all dredging vessels carry up to date editions of the relevant Admiralty Charts (or approved electronic equivalent).

Reason: To ensure the safety of navigation.

3.40 Navigational Safety during Dredging Operations

The Licence Holder must ensure that the common measures procedures set out in the "Guide to Good Practice for Ensuring Navigational Safety during Dredging Operations" (BMAPA, the Maritime and Coastguard Agency and Trinity House 2012) are abided by.

Reason: To allow the dissemination of safety information and maintain safe navigation at sea.

3.41 Debris left on the seabed

The Licence Holder must ensure that the position of any item of debris relating to the licensed activity left on the seabed is reported to the UK Hydrographic Office within **30 days**. The Licence Holder must ensure that the position and nature of the debris is disseminated via the Kingfisher bulletin service at the earliest opportunity. The Licence Holder may remove such debris as described in condition **3.18**.

Reason: To allow the dissemination of safety information and maintain safe navigation at sea.

Exclusion zones

3.42 Notification of exclusion zones

The coordinates of any Exclusion Zones must be provided in writing to the Licensing Authority and The Crown Estate within **5 working days** of its implementation.

Reason: To protect areas of known sensitive nature conservation features.

3.43 No dredging within Exclusion Zones

The Licence Holder must ensure that no dredging takes place within any Exclusion Zones without prior written approval from the Licensing Authority.

Reason: To protect nature conservation features and wrecks, war graves and archaeology.

3.44 Modifications to exclusion zones

Variations to any Exclusion Zones must be approved by in writing by the Licensing Authority before being implemented. Approved changes must be notified to The Crown Estate within **5 days** of its approval.

Reason: To protect nature conservation features and wrecks, war graves and archaeology.

Reporting of Extraction Rate

3.45 Reporting of annual extraction for Bedwyn Sands

The Licence Holder must on an annual basis, from the commencement of dredging and for the duration of the Licence:

- i. Provide annual returns to the Licensing Authority, no later than **31 January**, in writing of the amount of material landed from Bedwyn Sands, in both tonnes and m³ (wet

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weight / as dredged) for the preceding calendar year, including the total extracted amount over the lifetime of the licence;

- ii. Provide the conversion factor applied.

Reason: To ensure that the NRW PS is kept informed, in a timely manner, of the amount of material dredged.

3.46 Reporting of annual extraction for NMG (Area 455/459)

The Licence Holder must on an annual basis, from the commencement of dredging and for the duration of the Licence:

- i. Provide annual returns to the Licensing Authority, no later than **31 January**, in writing of the amount of material landed from NMG (Area 455/459), in both tonnes and m³ (wet weight / as dredged) for the preceding calendar year, including the total extracted amount over the lifetime of the licence;
- ii. Provide the conversion factor applied.

Reason: To ensure that the NRW PS is kept informed, in a timely manner, of the amount of material dredged.

3.47 Reporting of errors in returns

The Licence Holder must notify and submit a correction to the Licensing Authority if it becomes apparent that the submitted return specified in condition **3.45** and **3.46** contains an error, within **5 days** of the error being identified.

Reason: To ensure that the NRW PS is kept informed, in a timely manner, of the amount of material dredged.

Operational Stage Monitoring Programme

3.48 Site specific monitoring plan

The Licence Holder must submit a site-specific monitoring plan, in line with the latest version of the Regional Seabed Monitoring Plan (RSMP) Protocol for Sample Collection and Processing for written approval by the Licensing Authority within **4 months** of the commencement of **Licensed Activity 1 and 2**, unless otherwise agreed by the Licensing Authority.

Reason: To secure the effective environmental monitoring of the dredging in the interests of protecting the marine environment and assess whether dredging operations are consistent with the predictions made in the ES.

3.49 Monitoring schedule

The monitoring plan referenced in condition **3.48** must include a timetable for the individual monitoring surveys, which are to be undertaken during the first **5 years** from the commencement of dredging.

Reason: To secure the effective environmental monitoring of the dredging in the interests of protecting the marine environment and assess whether dredging operations are consistent with the predictions made in the ES.

3.50 Subsequent monitoring plans

The Licence Holder must submit subsequent monitoring plans to the Licensing Authority following the completion of the substantive reviews as required by condition **3.58**, within **6 months** of the discharge of condition **3.58**, unless previously agreed with the licensing authority.

Reason: To secure the effective environmental monitoring of the dredging in the interests of protecting the marine environment and assess whether dredging operations are consistent with the predictions made in the ES.

3.51 Implementation of monitoring plan

The Licence Holder must ensure that the monitoring programme is implemented in accordance with the approved specification as required by condition **3.48**. The programme must be maintained throughout the period in which dredging is carried out.

Reason: To secure the effective environmental monitoring of the dredging in the interests of protecting the marine environment and assess whether dredging operations are consistent with the predictions made in the ES.

3.52 Changes to monitoring plan

Any changes to the approved monitoring scheme must be:

- i. When instigated by the Licence Holder, submitted to the Licensing Authority, for approval no later than **8 weeks** before the revised monitoring programme is due to start.
- ii. Implemented as approved.

Reason: To secure the effective environmental monitoring of the dredging in the interests of protecting the marine environment and assess whether dredging operations are consistent with the predictions made in the ES.

3.53 Comparability with pre-dredge survey

The Licence Holder must ensure that all monitoring surveys are of a comparable specification to the pre-dredge survey, in line with the latest version of the RSMP Protocol for Sample Collection and Processing and as agreed in the site-specific monitoring plan as required by condition **3.48**, unless previously agreed with the Licensing Authority.

Reason: To secure the effective environmental monitoring of the dredging in the interests of protecting the marine environment and assess whether dredging operations are consistent with the predictions made in the ES.

3.54 Comparison to pre-dredge report

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The Licence Holder must ensure that all survey reports shall provide a comparison with the final report of the pre-dredge survey results described in condition **3.22**.

Reason: To secure the effective environmental monitoring of the dredging in the interests of protecting the marine environment and assess whether dredging operations are consistent with the predictions made in the ES.

3.55 Timescale for submission

The Licence Holder must ensure that all monitoring reports are be submitted to the Licensing Authority for written approval within **9 months** of the completion of the monitoring surveys.

Reason: To secure the effective environmental monitoring of the dredging in the interests of protecting the marine environment and assess whether dredging operations are consistent with the predictions made in the ES.

3.56 Inclusion of maps in monitoring reports

The Licence Holder must ensure that all monitoring reports include a map of the licenced areas clearly indicating the dredge intensity (EMS plots) along with figure for the total area dredged during the preceding **12 months**.

Reason: To secure the effective environmental monitoring of the dredging in the interests of protecting the marine environment and assess whether dredging operations are consistent with the predictions made in the ES.

Reviews of the Dredging Operations

3.57 Annual Compliance Report

The Licence Holder must produce a report on compliance with the conditions to which this Marine Licence is subject, including a summary of the monitoring undertaken. The Licence Holder must submit copies of the report to the Licensing Authority, within **3 months** of the end of each 12-month period following the date of commencement of dredging.

Reason: To ensure that the NRW PS is kept informed in a timely manner of the licence holder's compliance with the conditions to which this licence is subject.

3.58 Substantive review of operations

The Licence Holder must submit a substantive review of the dredging operations that have taken place under the Marine Licence to the Licensing Authority within **9 months** of the start of **year 5 and year 10**, following the commencement of dredging within the Licensed Area, unless previously agreed otherwise with the Licensing Authority. The report must summarise the results of all monitoring undertaken as required by condition **3.51** and detail:

- i. The impact of dredging operations on the marine environment;
- ii. The effectiveness of the conditions imposed on the dredging operations and recommending any variations to the dredging operations as may be necessary to protect the environment; and

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- iii. Any recommendations of variations to the monitoring programme as may be necessary to ensure that effective environmental monitoring of the dredging is maintained.

Reason: To ensure that the NRW PS is kept informed in a timely manner of the licence holder's compliance with the conditions to which this licence is subject.

3.59 Recommendations arising from monitoring reports

The Licence Holder must ensure that any recommendations on amendments to licensed operations arising from monitoring survey reports that have been approved by the Licensing Authority are adhered to.

Reason: To ensure any recommendations are implemented as approved.

Post-Dredge Monitoring Programme

3.60 Post-dredge monitoring specification

The Licence Holder must ensure that a specification for post-dredge monitoring is submitted to the Licensing Authority for written approval at least **8 weeks** prior to the cessation of dredging.

Reason: To secure the effective environmental monitoring of the dredging in the interests of protecting the marine environment and assess whether dredging operations are consistent with the predictions made in the ES.

3.61 Implementation of post dredge monitoring

The Licence Holder must ensure that the post-dredge monitoring programme is implemented in accordance with the approved specification within **12 months** from the cessation of the dredging.

Reason: To secure the effective environmental monitoring of the dredging in the interests of protecting the marine environment and assess whether dredging operations are consistent with the predictions made in the ES.

3.62 Changes to monitoring scheme

The Licence Holder must ensure that any changes to the approved monitoring scheme must be submitted to the Licensing Authority for approval no later than **8 weeks** before the revised monitoring programme is due to start. Any changes must be implemented as approved.

Reason: To secure the effective environmental monitoring of the dredging in the interests of protecting the marine environment and assess whether dredging operations are consistent with the predictions made in the ES.

3.63 Post-dredge monitoring report

The Licence Holder must submit a post-dredge monitoring report to the Licensing Authority, within **18 months** of cessation of dredging. The post-dredge monitoring report must include:

- i. A report describing the condition of the seabed within the Licence Area following the cessation of dredging. The report must ensure that an assessment is made of the need for further post-dredge monitoring of the Licence Area.

- ii. Appropriate evidence demonstrating that there have been no adverse impacts on the relevant environmental indicators, as identified in the pre-dredge survey report.
- iii. If this evidence cannot be provided then the report will detail recommendations of actions, which must be undertaken to ensure the remediation of any adverse impacts on the seabed sediment environment.

Reason: To secure the effective environmental monitoring of the dredging in the interests of protecting the marine environment and assess whether dredging operations are consistent with the predictions made in the ES.

3.64 Compatibility with pre-dredge survey

The Licence Holder must ensure that all monitoring surveys are comparable to the pre-dredge survey, in line with the latest version of the RSMP Protocol for Sample Collection and Processing and as agreed in the post-dredging monitoring specifications as required by condition **3.63** unless previously agreed with the Licensing Authority.

Reason: To secure the effective environmental monitoring of the dredging in the interests of protecting the marine environment and assess whether dredging operations are consistent with the predictions made in the ES.

3.65 Seabed sediment condition after cessation of dredging

The Licence Holder must ensure that upon cessation of dredging the sediment substrate must be of a similar grading to the conditions that existed before dredging commenced with due allowance being made for natural sediment movements.

Reason: To ensure the seabed is left in a similar condition to that which existed before the commencement of dredging operations.

3.66 Scheme for remedial work

In the event that the Licensing Authority determines that remedial work is required, the Licence Holder must ensure a scheme for remedial works is prepared and submitted to the Licensing Authority for written approval within **3 months** from the date of submission of the Post-dredge monitoring reporting as required by condition **3.63**.

Reason: To ensure the seabed is left in a similar condition to that which existed before the commencement of dredging operations.

3.67 Implementation of scheme for remedial work

Where required by the Licensing Authority, the Licence Holder must ensure that the scheme referenced in condition **3.67** is implemented as approved.

Reason: To ensure the seabed is left in a similar condition to that which existed before the commencement of dredging operations.

3.68 Bathymetric survey reports

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The Licence Holder must ensure that copies of the approved depth data and associated reports from the bathymetric surveys are provided to the UK Hydrographic Office in digital form within **30 days** of approval.

Reason: To ensure that relevant marine charts are kept up to date.