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Wales

Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: Neath Port Talbot Council
Application reference no: CML2453

Skewen, Neath

Skewen Flood Alleviation Scheme

21 January 2025

Application Number: CML2453

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OUR DECISION

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

This decision document:

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

1. APPLICATION DETAILS

1.1. The Application

Applicant Name and Address	The Applicant is the organisation set out below: Organisation name: Neath Port Talbot Council Address: Highways and Drainage Services, The Quays, Brunel Way, Baglan Energy Park, Port Talbot, SA11 2GG
Application Reference Number	CML2453
Date Application was duly made	19 September 2024
Proposal[s] covered by the Application	Skewen Flood Alleviation Scheme (the Project)
Licensable marine activities	Construction of stepped cascade: A reinforced concrete stepped cascade will be constructed from the overflow structure to the banks of the River Clydach to facilitate the discharge of flood waters. Only the bottom section of this structure is located seaward of Mean High Water Springs. Construction of retaining wall and replacement of concrete slab wall: A block stone retaining wall will be constructed to support the existing ground downstream of the overflow structure. The existing concrete slab wall will be removed and replaced like for like.

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	Installation of rock armour: Turf reinforcement, rock rolls and rip rap will be installed on the river banks and in the river channel to reduce erosion due to flood flows. (the Proposed Activities)	
Marine Plan Area	Welsh inshore region and Welsh offshore region	
Application documents:	Title/Description of Document	Date Submitted
	CML2453 - Skewen Caenant Marine Licence Application_July 2024_Signed.pdf	09 July 2024
	CML2453 – Scheme Overview.pdf	23 October 2024
	CML2453 – Proposed Canal Overflow.pdf	11 September 2024
	CML2453 - Skewen - HRA Stage 1_July 2024_Issued.pdf	09 July 2024
	CML2453 - Skewen_WFD Assessment_July 2024_Issued.pdf	09 July 2024
	CML2453 - Skewen Marine Licence Boundary Coordinates (Updated).xlsx	23 October 2024
	CML2453 Skewen wnmp-signposting-doc-1_190924.xlsx	19 September 2024

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2. APPLICATION PROCEDURE

2.1. The Application

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 19 September 2024. This means we considered it was in the correct form and contained sufficient information for us to begin our determination, but not that it necessarily contained all the information we needed to complete that determination, and the documents considered may therefore include documents provided after the Application was first made.

2.2. Documents considered

In reaching its decision, NRW has considered the documents listed in section 1 of this decision document along with such other information provided by the Applicant or received by consultees as NRW considered relevant.

2.3. Commercial Confidentiality

The Applicant made no claim that any information forming part of the Application was subject to commercial confidentiality and we have not received any information in relation to the Application that appears to be commercially confidential.

2.4. Publicity and advertising

As required by s. 68 of the Marine and Coastal Access Act 2009 (the 2009 Act), notice was given to Neath Port Talbot Council on 01 November 2024.

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

Public notice advertising the Project was placed in the South Wales Evening Post on 02 November 2024. The application documents were made available to the public at [Public register - Customer Portal](#) and they could also be requested from Natural Resources Wales Marine Licensing Team, Welsh Government Offices, Cathays Park, King Edward VII Avenue, Cardiff, CF10 3NQ.

The public were given a period of 28 days from the date of the Public Notice to provide comments on the Application.

No public responses were received in response to the Public Notice.

2.5. Environmental impact Assessment

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

The Marine Works (Environmental Impact Assessment) Regulations 2007 ("the Regulations") transpose the EIA Directive in Wales and England for marine licence applications.

Having considered the Application, NRW has determined that it does not constitute a development requiring EIA under the Regulations.

3. CONSULTATION

3.1. Consultees

NRW considered it appropriate to consult the bodies listed in the table below on 01 November 2024, due to their particular expertise. These bodies were consulted for a period of 28 days. For those bodies which responded to the consultation an 'Y' can be found in the response received column, and those which did not respond to the consultation an 'N':

Consultee	Response received (Y/N)	Date(s) of receipt
The Crown Estate	Y	12 November 2024
NRW	Y	27 November 2024
MoD - Safeguarding Defence	Y	01 November 2024
Maritime & Coastguard Agency	Y	19 November 2024
Trinity House	Y	10 December 2024
Royal Yachting Association	N	
Local Biodiversity Officer (Rebecca Sharp)	N	
Local Planning Authority (Neath Port Talbot Council)	Y	1 st Consultation: 03 December 2024 2 nd Consultation: No response
Local Harbour Authority (Gareth Robins)	N	
Local Port Authority (Port of Neath)	Y	06 November 2024
National Federation of Fishermen's Organisation (NFFO)	N	
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Fishermen's Association	N	
Welsh Government Marine Enforcement Officers	N	
Welsh Archaeological Trust	N	
Royal Commission on the Ancient and Historical Monuments of Wales	Y	20 November 2024

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Cadw	Y	1 st Consultation: 21 November 2024 2 nd Consultation: 09 January 2025
Public Health Wales	N	
Chamber of Shipping	N	
NERL Safeguarding	Y	04 November 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 4 of this decision document.

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4. BASIS FOR OUR DECISION

In determining this application, including the terms on which it was granted, and the conditions attached to it, NRW has had regard to the factors set out in section 4 below in accordance with the 2009 Act.

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

- the need to protect the environment (see section 4.1);
- the need to protect human health (see section 4.2);
- the need to prevent interference with legitimate uses of the sea (see section 4.3);
- in the case of an application for a licence to authorise construction, alteration or improvement of works within the UK marine licensing area, the effects of any use intended to be made of the works in question when constructed, altered or improved (considered, if relevant in sections 4.1 to 4.5 below);
- any representations which it has received from any person having an interest in the outcome of the Application (summarised in section 3 and where relevant considered in sections 4.1 to 4.5 below); and
- such other matters as it thinks relevant (see section 4.5 below).

4.1. The need to protect the environment:

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

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

4.1.1. Water Framework Directive, Groundwater Directive and Water Environment Regulations

a) The legal framework

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (**Water Environment Regulations**) implement the requirements of the Water Framework Directive (**WFD**) (Directive 2000/60/EC) which requires consideration as to whether that proposals for development may cause deterioration or prevent a water body from achieving ‘good status’. Proposals likely to cause deterioration or prevent a waterbody from achieving good status should be rejected, unless derogation procedures have been applied.

Under the Water Environment Regulations, NRW must exercise its relevant functions to ensure compliance with the requirements of the WFD, the Environmental Quality Standards Directive (Directive 2008/105/EC) and the Groundwater Directive (Directive 2006/118/EEC).

b) Factors relevant to our determination

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

- GB541005800700 - Neath Estuary
- GB110058026390 - Clydach - headwaters to confluence with River Neath
- GB71010013 – Tennant Canal

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

The Tennant Canal was ruled out without further consideration as the works are taking place within the Neath Estuary which is not hydrologically linked to the Tennant Canal. Although the works involve the construction of an overflow structure from the canal into the estuary, no water will flow from the estuary into the canal. The structure being created is located above MHWS and is therefore outside of the marine licensable area. It will be subject to a FRAP application as well as any other relevant planning consents. The Tennant Canal would therefore be assessed as part of the WFD for these consents as opposed to the marine licence.

Initially, the Clydach had not been included within the WFD assessment as it was located upstream of the works however, following consultation with NRW advisory, they asked for it to be included. It was determined that noise and lighting has the potential to disturb and displace fauna as well as act as a barrier to migration. The presence of vehicles, equipment or materials within the water column could also serve as a barrier and pose a pollution risk through spillage or leakage.

To prevent this, the applicant proposed a series of mitigation measures such as:

- Works will be carried out during daylight hours (it is anticipated that all construction activities will be limited to daytime hours (for example, 7:30am to 6:00pm from Monday to Friday, and from 8:00am to 1:00pm on Saturdays). This will avoid the need for artificial lighting that could disturb fish.
- Site compounds, materials and equipment will be appropriately secured and fenced off, away from surface waterbodies.
- The Scheme will make use of well-maintained equipment and plant to minimise potential for fuel/oil and chemical leaks. Plant and machinery will be switched off when not in use.
- The works will take place on the banks of the River Clydach and on the canal tow path. It is not envisaged that any plant, equipment or vessels will be sat in the River Clydach.
- The proposed works will strictly follow the Pollution Prevention Guidelines (PPGs)/ Guidance on Pollution Prevention (GPPs) and the Construction Industry Research and Information Association (CIRIA) guidance on the control of water pollution from construction sites.
- The majority of works will be taking place out of the water column and/or at low tide. As such, the potential for noise/vibration to be transmitted through the water column is minimised.

Conditions related to the use of render and concrete have also been added to the licence to ensure that cure times are suitable and wash sites are not located in close proximity to the waterbody. A condition restricting working hours has also been added to prevent the use of artificial lighting and therefore minimising impacts on migratory fish. These can be seen in Annex 1.

Impacts on the Neath Estuary were assessed and, given the mitigation measures listed above, no impacts were expected from noise/light, obstruction or pollution. However, during consultation, NRW

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Advisory requested further evidence from the applicant to support the conclusion that there would be no hydrological impact on the River Neath as a result of the rock armour deposits. NRW A requested flow data and an assessment of change to the flow rates to determine any potential erosion of the river bank downstream.

Following discussions with MLT, a decision was made to not request flow data from the applicant. As part of the WFD assessment, we are required to assess the impacts on the waterbody as a whole. Given the small scale nature of the works, we are of the opinion that the works will not cause the deterioration of the hydromorphology element to the water body level and therefore, additional flow data would not change the conclusion of our assessment.

Based on this assessment, it is considered that the Proposed Activities when considered alone and in-combination, will not pose a risk to deterioration in the status of any of the above listed waterbodies or jeopardise their attainment of good surface water status.

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

4.1.2. Biodiversity and resilience of ecosystems duty

a) The legal framework

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

b) Factors relevant to our determination

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

4.1.3. European Protected Sites and Ramsar Sites

a) The legal framework

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

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.

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b) Factors relevant to our determination

The Project does not affect a European Site. The closest designated site is the Crymlyn Bog / Cors Crymlyn SAC which is located 3.5km west of the works site. It is not hydrologically linked and therefore, there is no impact pathway

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

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

4.1.4. Marine Conservation Zones

a) The legal framework

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

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

b) Factors relevant to our determination

NRW is satisfied that there is no significant risk of the Proposed Activities on the Skomer MCZ.

4.1.5. Sites of Special Scientific Interest (SSSIs)

a) The legal framework

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

b) Factors relevant to our determination

NRW is satisfied that there is no impact pathway to any SSSI.

4.1.6. The Waste (England and Wales) Regulations 2011

a) The legal framework

The Waste (England and Wales) Regulations 2011 (as amended) establish a legal framework for treating waste. This is designed to protect the environment and human health by emphasising the importance of proper waste management, recovery and recycling techniques to reduce pressure on resources and improve their use. Waste generated by a project or activity must in general terms be

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dealt with in an environmentally friendly way. To achieve this the Regulations describe a waste hierarchy which gives an order of preference for how waste is dealt with (prevention, re-use, recovery for other purposes such as energy, and finally disposal).

b) Factors relevant to our determination

NRW is satisfied that the Proposed Activities meet the requirements of The Waste (England and Wales) Regulations 2011.

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

Cadw were consulted as part of this application and stated that a historic impact assessment (HIA) would be required as no consideration had been given to the potential impact the works would have on a number of assets in the vicinity of the works. Furthermore, the works were likely to be considered in the curtilage of a number of listed buildings and as such, listed buildings consent would be required prior to commencement.

The applicant was informed and subsequently provided correspondence they'd had with Cadw in 2023. As part of this, they'd provided a HIA and received permission from Cadw to undertake the works. This has not been included in the marine licence application.

The correspondence was sent to Cadw who confirmed that another HIA was not required and were therefore happy for the licence to be issued.

The LPA also raised concerns regarding the project. Whilst they did not object to the proposal, they requested further details be provided in respect of proposed working hours and the location of any construction works compound (office and storage) areas. They requested that a Construction Environmental Management Plan (CEMP) be prepared and provided a number of points to address.

Many of the points raised by the LPA seemed more suited to terrestrial works such as further information on drainage and traffic management. Given that the Skewen flood alleviation scheme encompasses a broad range of works, many of which are terrestrial and fall outside the jurisdiction of the marine licensing team, I called the LPA and suggested that the CEMP be included in the terrestrial consents, when applied for, as opposed to the marine licence. The LPA agreed with this proposal. A follow up email was sent to the LPA to confirm that they had no further comments and were happy for us to proceed with determination.

No response was received and therefore, it was assumed that the LPA had no further comment to make.

Although no navigational concerns were raised during consultation, given that the works involve the placement of rock armour, a condition has been added to the licence to ensure that in the event of a misplaced rock, the appropriate authorities are notified (see Annex 1).

4.1.8. Conclusion of our considerations under the need to protect the Environment

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

4.2. The need to protect human health

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

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

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

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

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

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

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

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

4.4. Marine Policy Documents

a) The Legal framework

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.

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The project has demonstrated compliance with the following policies:

SOC_02: Wellbeing of coastal communities - The scheme will reduce flood risk for local residents thus improving their health and wellbeing.

SOC_08: Resilience to coastal change and flooding - The design of the Scheme has been carried out in line with the requirements of the Welsh Government for the development of residential areas in relation to flood risk, as well as in line with guidance for flood and coastal erosion risk management and adaptation to climate change.

SOC_11: Resilience to climate change - Consideration of future climate change, and adaptation to climate change, have been incorporated into the design of the Scheme, which will be designed in accordance with the guidance 'Adapting to Climate Change: Guidance for Flood and Coastal Erosion Risk Management Authorities in Wales (2017)' in which new development should consider measures to help reduce effects related to climate change and to build resilience to the measures (mitigation and adaptation). The purpose of the proposed Scheme is to improve climate change adaptation and resilience by reducing the risk of flooding to Skewen.

4.5. Other matters NRW thinks relevant

4.5.1. Well-being of Future Generations (Wales) Act 2015

a) The legal framework

In making its decision, NRW is required to take all reasonable steps to meet its published well-being objectives, which are designed to maximise NRW's contribution to achieving each of the well-being goals set out in the Well-being of Future Generations (Wales) Act 2015. NRW must also act in accordance with the principles of sustainable development.

b) Our determination

NRW has taken into account its well-being objectives and is satisfied that its decision is consistent with meeting those objectives.

NRW is also satisfied that its decision is consistent with the sustainable development principle i.e. seeking to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.5.2. Sustainable management of natural resources

a) The legal framework

NRW's general purpose is to pursue the sustainable management of natural resources in relation to Wales and applying the principles of sustainable management of natural resources as set out in section 4 of the Environment (Wales) Act 2016 so far as consistent with the proper exercise of its functions.

b) Our determination

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


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5. Conclusions and Recommendations

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

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

6. AUTHORISATION

Report by: Jack Thompson Position: Marine Licensing Officer	Date: 13 January 2025	Signed: 
Authorised by: Emmer Litt Position: Marine Licensing Team Leader	Date: 21 January 2025	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) 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.

- 3.1.4** A notification must be sent to The Source Data Receipt team, UK Hydrographic Office (email: sdr@ukho.gov.uk) of commencement of the licensed activities, at least **10 days** before commencement of the works. The information supplied must include the start date and end date, a description of the works, positions of the work area (WGS84), and details of any marking arrangements. A copy of the notification must be sent to the NRW within **5 working days** of the notification being sent.

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

3.2 Notification of Vessels and/or Vehicles

The Licence Holder must ensure that the details of the vessels and/or vehicles utilised to undertake the Licensed Activities are submitted to the Licensing Authority and Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) at least **24 hours** prior to the commencement of the Licensed Activities.

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Reason: To ensure that the Licensing Authority are made aware, in a timely manner, of the vessels and/or vehicles operating under this licence to enable the Licensing Authority to comply with the reporting obligations in the Marine Licensing (Register of Licensing Information (Wales) Regulations 2011 as amended.

3.3 Notification of Agents/Contractors/Sub-contractors

The Licence Holder must ensure that details of any agent(s), contractor(s) or sub-contractor(s) utilised to undertake the Licensed Activities are submitted to the Licensing Authority at least **24 hours** prior to the commencement of Licensed Activities.

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

3.4 Inspection of Licensed Activities

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

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

3.5 Notification of Completion

- 3.5.1** 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.

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

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

3.6 Accident or Emergency

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

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

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

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

3.7 Distribution of Copies of this Licence

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

- **All agents, contractors and subcontractors whose names have been provided to the Licensing Authority under condition 3.3 and**
- **The Masters of any vessels and transport managers responsible for the vehicles employed in accordance with this Licence whose details have been submitted to the Licensing Authority under condition 3.2.**

Reason: To ensure that all agent(s), contractor(s), sub-contractor(s) and vessel Masters are aware of their obligations under the conditions established within this Licence to ensure compliance with the conditions.

3.8 Inspection of Documents

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

- **at the address of the Licence Holder specified in section 1.2;**
- **at any site office, located at or adjacent to the Licensed Area, used by the Licence Holder or its agent(s), contractor(s) or sub-contractor(s) responsible for the loading transportation or deposit of any substances or articles permitted as part of the Licensed Activities;**
- **on board each vessel or vehicle carrying out Licensed Activities.**

The documents referred to in this Condition shall be available at all reasonable times for inspection by officers appropriately authorised by the Licensing Authority and authorised Marine Enforcement Officers at the locations stated in that paragraph.

Reason: To ensure that all agent(s), contractor(s), sub-contractor(s) and vessel Masters may access the details of this Licence at all times and to ensure that the details of this Licence are available for inspection when required.

Vessels, Plant and Equipment

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

Application Number: CML2453

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

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

3.10 Refuelling of Plant and Equipment

The Licence Holder must ensure that plant, vehicles and machinery are not refuelled on the foreshore or in the sea.

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

3.11 Equipment, Structures and Access

The Licence Holder must ensure that all equipment, temporary structures, access tracks, waste and/or debris associated with the Licensed Activities are removed on completion of the Licensed activities.

Reason: To minimise impacts on the marine environment and other users of the sea/seabed.

Safety

3.12 Removal of Deposited Material

If the Licensing Authority considers it necessary or advisable for the safety of navigation, the Licence Holder must remove any deposit specified by the Licensing Authority or Marine Enforcement Officers within one month of notice being given by the Licensing Authority, and shall not replace such material until the Licensing Authority has given its written approval.

Reason: To ensure that any material which may pose a hazard to safe navigation has been removed.

Pollution control

3.13 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

Application Number: CML2453

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.

3.17 Use of Render and Concrete

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

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

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

3.18 Concrete Cure Time

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

Reason: To minimise the risk of marine pollution incidents.

3.19 Misplaced Rock

Application Number: CML2453

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

Reason: To ensure the safety of navigation.

3.20 Construction Time Restrictions

The Licence Holder must ensure that no works take place outside the hours between 07:30am and 18:00pm inclusive, without prior written approval from the Licensing Authority.

Reason: To remove the need for artificial lighting and therefore minimise impacts to migratory fish.