

Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: Milford Haven Port Authority
Application reference no: CML2484

Milford Haven Port Authority Jetty Improvements

05 September 2025

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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: Milford Haven Port Authority Address: Head Office, Milford Haven Port Authority, Gorsewood Drive, Milford Haven, Pembrokeshire, SA73 3EP
Application Reference Number	CML2484
Date Application was duly made	18 December 2024
Proposal[s] covered by the Application	Milford Haven Port Authority Jetty Improvements (the Project)
Licensable marine activities	Removal of the existing pontoon Removal of the existing gangway Removal of the existing pontoon piles Installation of new pontoons Installation of fuel station (the Proposed Activities)
Marine Plan Area	Welsh inshore region and Welsh offshore region

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Application documents:	CML2484 MLA Form_CLEAN CML2484 PC1477 MHPA 2020 Pilot Boat Jetty Environmental Report_CLEAN CML2484 - PC1477 MHPA 2020 Pilot Boat Jetty HRA CML2484 - PC1477 MHPA 2020 Pilot Boat Jetty WER CML2484 PBJ_area_coordinates CML2484 Applicant Response Document 2
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2. APPLICATION PROCEDURE

2.1. The Application

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on **18 December 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 Pembrokeshire County Council and the Pembrokeshire Coast National Park Authority on 30 January 2025.

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 Western Telegraph on 29 January 2025. 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 30 January 2025, 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	18 February 2025
NRW Advisory (NRW A)	Y	5 Responses received on: 27 February 2025, 04 March 2025, 02 May 2025, 22 July 2025 and 04 August 2025.
MoD - Safeguarding Defence	Y	31 January 2025
Maritime & Coastguard Agency	Y	06 February 2025
Trinity House	N	
Royal Yachting Association	Y	26 February 2025
Local Biodiversity Officer (Pembrokeshire County Council)	N	
Local Planning Authority (Pembrokeshire County Council and Pembrokeshire Coast National Park Authority)	Y	18 February 2025
Local Harbour Authority (ABP)	N	
Local Port Authority (Milford Haven Port Authority)	N	
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Government Marine Enforcement Officers	Y	27 February 2025
Welsh Archaeological Trust	Y	06 February 2025
Royal Commission on the Ancient and Historical Monuments of Wales	Y	10 February 2025
Cadw	Y	12 February 2025
Chamber of Shipping	N	

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NERL Safeguarding	Y	31 January 2025
Environmental Public Health Service Wales	Y	30 January 2025
Welsh Fishermen's Association	N	
National Federation of Fishermen's Organisations (NFFO)	N	

Consultees who did not provide a response were assumed to have no comment.

NRW has had regard to all consultation responses received in making its decision. Where these have impacted on NRW's decision making, this has been noted in the relevant paragraph in section 4 of this decision document.

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

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

- GB641008220000 - Milford Haven Outer
- GB110061031240 - Huberston Pill - headwaters to tidal limit
- GB531006114100 - Milford Haven Inner

A Water Framework Directive (WFD) Compliance Assessment has been undertaken for the Proposed Activities and taken into account in this decision. This assessment concludes that the project is considered as having no risk of causing deterioration or preventing any water body or WFD Protected Area from reaching its objectives and, taking account of the advice from technical officers, is considered compliant with the WFD Regulations.

Initially, the project involved the installation of 32 piles and NRW A had a number of concerns regarding the lack of modelling or calculations presented within the application to determine the spatial extent of the impact of increased turbidity (27 February 2025). Furthermore, the applicant had not established baseline environmental conditions for sediment bound contaminants at the proposed works site.

NRW A noted that the applicant's environmental statement was insufficient and missing specific sections on benthic ecology and the projects potential effects (27 February 2025). They advised that a baseline characterisation survey of the benthic environment under the footprint of the proposed works, and adjacent areas, be undertaken to allow for the identification of sensitive features such as seagrass or maerl beds. The applicant had indicated a potential habitat loss of up to 9.04m² and therefore, the survey would indicate which habitat would be lost.

Information regarding the size and depth of the piles was missing, the exact piling methodology was not clearly stated and limited detail regarding the use and impact of the jack up barge had been provided. NRW A advised that this information should be included in the Environmental Report (27 February 2025).

NRW A also noted that fish species are particularly sensitive to noise impacts during migration and spawning (27 February 2025). The Milford Haven waterway is a key migration and spawning route for a number of species. Further information regarding the piling activities was therefore requested and this has been discussed further in Section 4.1.3(b).

The applicant subsequently provided a response document on 08 April 2025, to address NRW A's concerns. The applicant referenced the WFD Compliance assessment for Milford Haven Port Authority's maintenance dredge licence (DML2166) which concludes that, given the sampling undertaken to support the licence, it's unlikely the area within the proposed works holds high, or levels of contaminants that could result in a deterioration in water quality if disturbed. NRW A agreed with this assessment (02 May 2025).

Furthermore, the applicant had contested the requirement for baseline benthic survey data (08 April 2024). NRW A advised (02 May 2025) that as a minimum a limited amount of drop-down video (DDV) transects directly under the footprint of the proposed works should be completed to discount the presence of potentially sensitive habitats. If sensitive features were absent, this would also remove concerns regarding smothering and turbidity.

The applicant indicated on 09 June 2025 that following review, the project was being revised to only require 6 piles as opposed to the 32 piles originally proposed. This reduction in the number of the piles resolved many of NRW A's concerns.

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Although sediment will be disturbed by the installation of 6 piles and the removal of the 2 existing piles, the potential to reduce water clarity and release chemicals present in the sediment is very small. Furthermore, the WFD Compliance assessment for Milford Haven Port Authority's maintenance dredge licence (DML2166) indicated very few contaminants within the sediment. It was therefore concluded that any risk will be very limited and affect only the seabed directly adjacent to each pile. Due to the temporary and small-scale increase in turbidity, detrimental impacts were deemed unlikely and NRW A agreed with these conclusions (04 August 2025)

There is the potential for accidental pollution during construction as well as operation of the new fuel storage facility. However, the works will be undertaken in accordance with standard operating and best practice procedures to prevent/minimise the release of any chemicals that are on the Environmental Quality Standards Directive (EQSD) List. Furthermore, an Oil Spill Contingency Plan is in place which is monitored and approved by the Maritime and Coastguard Agency and appropriate equipment is located on site to prevent the spread of an oil spill.

To ensure that these measures are secured, the applicant will need to submit a CEMP which must be signed off by the Licensing Authority prior to commencing works (Anex 1, condition 3.18).

As a result of the piling, a small area of habitat loss is expected. The expected loss has been calculated as up to 1.68m². The impacts of this loss to any WFD Protected area have been assessed within Section 4.1.3(b) and considered unlikely to result in an adverse effect on site integrity.

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 as per Annex 1.

Further details are described within the WFD 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

The concerns raised regarding Section 7 species have been detailed in Sections 4.1.1 (b) and 4.1.3 (b). The impact is not considered to be significant, however, NRW as public authority has encouraged the applicant to seek biodiversity enhancement opportunities and an advisory note to that matter has been included in the cover letter to the marine licence.

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

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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/may affect the following European Protected Sites:

- Pembrokeshire Marine / Sir Benfro Forol SAC
- West Wales Marine / Gorllewin Cymru Forol SAC
- Cardigan Bay / Bae Ceredigion SAC
- Llyn Peninsula and the Sarnau / Pen Llyn a'r Sarnau SAC

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

The following conclusions of the HRA have been considered by NRW in making this decision.

Initially, the project involved the installation of 32 piles and NRW A had a number of concerns regarding the lack of modelling or calculations presented within the application to determine the spatial extent of the impact of increased turbidity. Furthermore, the applicant had not established baseline environmental conditions for sediment bound contaminants at the proposed works site.

Impacts on water clarity and the risk related to the release of chemicals that may be present in the sediment was also raised by NRW A as an issue under HRA (email dated 27 February 2025). However, these issues were subsequently resolved and further details can be found in Section 4.1.1(b).

NRW A noted (27 February 2025) that the applicant's environmental statement was insufficient and missing specific sections on benthic ecology and the projects potential effects. They advised that a baseline characterisation survey of the benthic environment under the footprint of the proposed works, and adjacent areas, be undertaken to allow for the identification of sensitive features such as seagrass or maerl beds. The applicant had indicated a potential habitat loss of up to 9.04m² and therefore, the survey would indicate which habitat would be lost.

Information regarding the size and depth of the piles was missing, the exact piling methodology was not clearly stated and limited detail regarding the use and impact of the jack up barge had been provided. NRW A advised that this information should be included in the Environmental Report.

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NRW A noted that fish species are particularly sensitive to noise impacts during migration and spawning (27 February 2025). The Milford Haven waterway is a key migration and spawning route for a number of species with Shad, River Lamprey and Sea Lamprey being features of the Pembrokeshire Marine SAC. Further information regarding the piling activities was therefore requested such as the proposed piling hours, the number of piles installed each day and the time between pile installations. A more detailed assessment of piling noise impacts to fish was also requested and the requirement for a timing restriction was also raised.

The impact assessment of piling noise on marine mammals, specifically grey seal, harbour porpoise and bottlenose dolphin which are features of the Pembrokeshire Marine SAC, West Wales Marine SAC and Cardigan Bay SAC and Pen Llyn a'r Sarnau SAC respectively, was also considered insufficient. No assessment had been completed to quantify the impact and severity of injury from underwater noise. To fully assess the impact on marine mammals, NRW A requested (27 February 2025) details such as the total piling duration, the sound source levels of proposed piling methods and a comparison of these levels against Permanent (PTS) and Temporary Threshold Shifts (TTS). Furthermore, they recommended following the Joint Nature Conservation Committee's (JNCC) 'Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise' guidance to mitigate impacts on marine mammals should risk of injury exist.

Further information regarding the potential noise impacts of piling was provided on 08 April 2025. As percussive piling could generate noise levels from single strikes which would cause mortality of fish in the vicinity, NRW A advised (02 May 2025) the activity is not conducted during October-May inclusive to avoid key migratory period for lampreys. This has since been added as a condition on the licence (Annex 1, condition 3.23).

Furthermore, the applicant had contested the requirement for baseline benthic survey data (08 April 2025). As a compromise, NRW A advised (02 May 2025) that a limited amount of drop-down video (DDV) transects directly under the footprint of the proposed works be completed to discount the presence of potentially sensitive habitats. If sensitive features were absent, this would also remove concerns regarding smothering and turbidity.

The applicant's final response informed us that following review, the project was being revised and only 6 piles were now required as opposed to the 32 piles that were originally proposed. Due to the reduction in the number of piles, many of NRW A's concerns were addressed.

As a result of the piling, a small area of habitat loss is expected. The expected loss has been calculated as up to 1.68m². Use of spud legs on the jack up barge may also result in habitat loss. The loss represents a small proportion of the overall SAC area (approximately 0.00000012%), and a small proportion of the feature itself. As such, the scale of the loss in comparison to the size of the feature is negligible. Initially, NRW A still requested DDV footage (22 July 2025); however, following further discussions, this request was withdrawn (04 August 2025). NRW A note that the spud legs are not a permanent fixture and the holes created will infill. This may take a significant amount of time, and therefore recovery of lost habitat will not be immediate however, given the relatively small area of potential loss which could occur, it is unlikely this would result in an adverse effect on site integrity.

Changes in underwater noise resulting from the piling activities included in the proposed works have the potential to impact migratory fish and other fauna. Changes in underwater noise can result in lethal effects, physical injury or behavioural effects.

Given that only 6 piles were now being installed, the percussive piling will be relatively short-term; however, there was still a necessity to minimise the potential for impacts. The applicant advised that all percussive piling will be undertaken using a soft-start procedure to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration will be a period of no less than 20 minutes and should piling cease for a period greater than 10 minutes, then the soft start procedure will be repeated. This will be undertaken in-line with the Joint Nature Conservation Committee's (JNCC) 'Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise' guidance, to minimise the potential for impacts to

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migratory fish and mammals that may be present in the vicinity of the works. This mitigation will be secured through the addition of piling conditions to the licence (see Annex 1, conditions 3.20 – 3.25).

Further details are described within the Habitats Regulations Assessment.

NRW is therefore satisfied that the Proposed Activities, either alone or in combination with other plans or projects, will not adversely affect the integrity of European Site(s) [when undertaken in accordance with appropriate conditions (Annex 1)].

4.1.4. European Protected Species**a) The legal framework**

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

b) Factors relevant to our determination

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

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

4.1.5. Marine Conservation Zones**a) The legal framework**

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

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

b) Factors relevant to our determination

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

4.1.6. Sites of Special Scientific Interest (SSSIs)**a) The legal framework**

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

b) Factors relevant to our determination

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

- Milford Haven Waterway SSSI

During consultation, NRW A advised that to avoid disturbance to the overwintering bird features of Milford Haven Waterway SSSI, works should be undertaken outside of the overwintering period of October to March inclusive, where possible. This has been added as an advisory note on the cover letter.

Therefore, NRW is satisfied that the Proposed Activities are not operations likely to damage the SSSI and that the method statement proposed as part of the Application appropriately addresses any risks arising from the Proposed Activities.

4.1.7. The Waste (England and Wales) Regulations 2011

a) The legal framework

The Waste (England and Wales) Regulations 2011 (as amended) establish a legal framework for treating waste. This is designed to protect the environment and human health by emphasising the importance of proper waste management, recovery and recycling techniques to reduce pressure on resources and improve their use. Waste generated by a project or activity must in general terms be dealt with in an environmentally friendly way. To achieve this the Regulations describe a waste hierarchy which gives an order of preference for how waste is dealt with (prevention, re-use, recovery for other purposes such as energy, and finally disposal).

b) Factors relevant to our determination

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

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

Cadw noted that the proposed works are located within an identified important view of Fort Hubberston. Although the works may temporarily impact the way it is experienced, these will not have a permanent effect on the setting of the monument / listed building. Consequently, Cadw considers the proposed works will not have an unacceptably damaging effect upon the setting of the scheduled monument.

Cadw also noted that the proposed works are located within the Milford Haven Character Area of the Registered Historic Landscape; however, the proposed works are in keeping with the character of the Port area. Consequently, Cadw considers they will have no detrimental effect on the character of the Registered Historic Landscape.

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

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

4.2. The need to protect human health

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

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

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

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

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

The MCA noted that the works fall within the jurisdiction of Milford Haven Port Authority who are the Statutory Harbour Authority (SHA) and therefore they are responsible for the safety of navigation within their waters. Milford Haven Port Authority are the applicant and raised no concerns in relation to the need to prevent interference with legitimate uses of the sea. However, NRW considers it appropriate to include licence conditions to ensure the safety of navigation which includes ensuring all relevant parties are notified prior to the commencement of Licensed Activities (Annex 1, conditions 3.1.1 – 3.1.3).

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

b) Our determination

UK Marine Policy Statement 2011

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

Welsh National Marine Plan

This decision has been taken in accordance with marine policy as set out in the Welsh National Marine Plan and has demonstrated compliance with the following policies:

ECON_01 - Sustainable economic growth: The purpose of the proposed works is to improve the berthing capabilities of the Port Authority Jetty (PAJ) at Milford Haven. Once completed the PAJ will be able to support the proposed larger Pilot Boat as well as allow third-party use of the jetty (e.g. by the RNLI). The upgrade of the PAJ will not in itself contribute to the local economy, but will enable Milford Haven Port Authority (MHPA) to manage potential future increases in vessel visits at the port.

SOC_03 - Marine pollution incidents: Both a WFD Assessment and HRA have been undertaken which concluded that the proposed improvement works will not cause a deterioration in the status of surrounding waterbodies, or have an adverse effect on the integrity of surrounding European Protected Sites. Suitable mitigation measures have been proposed to ensure best practice pollution prevention measures are adhered to.

Due to the location and scale of the works the proposal is not considered to have the potential to have an adverse impact on any Tidal Stream Energy Strategic Resource Area (Policy SAF_02).

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

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section 4 of the Environment (Wales) Act 2016 so far as consistent with the proper exercise of its functions.

b) Our determination

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

5. Conclusions and Recommendations

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

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

6. AUTHORISATION

Report by: Jack Thompson Position: Senior Marine Licensing Officer	Date: 26 August 2025	Signed: 
Authorised by: Emmer Litt Position: Marine Licensing Team Leader	Date: 05 September 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.

3.2 Notification of Vessels and/or Vehicles

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

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

3.3 Notification of Agents/Contractors/Sub-contractors

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

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

3.4 Notification of HM Coastguard

The Licence Holder must ensure that HM Coastguard is made aware of the Licensed Activities at least **24 hours** prior to commencement by contacting The National Maritime Operations Centre at **zone28@hmcg.gov.uk**.

Reason: To ensure the safety of navigation.

3.5 Inspection of Licensed Activities

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

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

3.6 Notification of Completion

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

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

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

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

3.7 Accident or Emergency

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

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

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

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the methodology for such recovery or removal has been approved by the Licensing Authority.

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

3.8 Distribution of Copies of this Licence

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

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

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

3.9 Inspection of Documents

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

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

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

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

Vessels, Plant and Equipment

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

Only those agent(s), contractor(s), sub-contractor(s), vessels and/or vehicles whose details have been notified to the Licensing Authority may operate under the terms of this Licence. Any changes must be

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notified to and be approved by the Licensing Authority in writing prior to any such agent, contractor, subcontractors or vehicles carrying out any Licensed Activities pursuant to or otherwise operating under this Licence.

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

3.11 Refuelling of Plant and Equipment

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

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

3.12 Equipment, Structures and Access

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

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

Safety**3.13 Removal of Deposited Material**

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

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

Pollution control**3.14 Pollution Prevention**

The Licence Holder must ensure that pollution prevention best practice is adhered to at all times. Any incidents must be reported to the Licensing Authority as soon as possible using the hotline number **0300 065 3000**.

Reason: To minimise the risk of pollution incidents and to ensure the timely report of such incidents to enable the Licensing Authority to take action as appropriate.

3.15 Spillage of Pollutants

The Licence Holder must employ bunding, storage facilities and spill kits to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into

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the marine environment. Secondary containment must be used with a capacity of **no less than 110%** of the container's storage capacity

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

3.16 Prevention of Disposal of Man-made Debris

The Licence Holder must ensure that all reasonable precautions are taken to prevent the disposal of man-made debris to the marine environment. Such material must be removed immediately and be disposed of appropriately. If it is not possible to prevent manmade debris from entering the marine environment during the Licensed Activities, the Licensed Activities must cease immediately.

Reason: To minimise the amount of man-made materials disposed of at sea.

3.17 Cleanliness of Equipment

The Licence Holder must ensure that equipment, machinery and PPE are washed with freshwater and/or thoroughly airdried before deployment and before moving between locations.

Reason: To minimise the risk of spread of invasive non-native species.

Activity-specific Conditions

3.18 Construction Environmental Management Plan

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

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

Reason: To ensure environmental impacts are appropriately mitigated.

3.19 Biosecurity Risk Assessment

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

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

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Reason: To reduce project specific risk of introducing invasive non-native species to the area (or from the area).

3.20 Vibro-Piling

The Licence Holder must ensure that vibro-piling is used when inserting piles where operationally possible. Where this isn't possible, percussive piling may be used.

Reason: To minimise the amount of impulsive noise in the marine environment.

3.21 Percussive Piling Soft-start Procedures

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

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

3.22 Piling Timing Restriction

The Licence Holder must ensure there is a 12 consecutive hour break in piling activities in any 24-hour period.

Reason: To allow movement of migratory species.

3.23 Percussive Piling Timing Restriction

The Licence Holder must ensure that no percussive piling takes place between October to May inclusive, without prior written approval from the Licensing Authority.

Reason: To minimise disturbance to overwintering birds.

3.24 Piling Precautionary Measures

The Licence Holder must ensure all precautionary recommendations outlined in the JNCC Statutory nature conservation agency protocol for minimising the risk of injury to marine mammals from piling noise August 2010 are implemented. Any proposed changes to the actions outlined in this document must be submitted to and approved in writing by the Licensing Authority prior to any changes being enacted.

Reason: To minimise the impact on marine mammals from piling noise.

3.25 UK Marine Noise Registry

3.25.1 The Licence Holder must complete an entry into the UK Marine Noise Registry detailing the proposed dates, locations and nature of the percussive piling at least **10 days** prior to its commencement.

3.25.2 The Licence Holder must amend the marine noise registry proposed activity form should the timing of the percussive piling alter or no longer remain part of the project.

- 3.25.3** The Licence Holder must complete an entry into the Marine Noise Registry detailing the actual dates, location(s) and nature of the percussive piling every **6 months** following the commencement of percussive piling until the completion of the activity, with the final entry to be completed within **8 weeks** of completion of the noisy activity.

Reason: To ensure noisy activities are recorded as part of the UK commitment to the Marine Strategy Framework Directive (MSFD).

3.26 Use of Jack-up Barge/Vessel

Any jack up barges or jack up vessels utilised during the Works, when jacked up, must exhibit signals in accordance with the UK Standards Marking Schedule for Offshore Installation.

Reason: To ensure the safety of navigation.