



Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: Swansea University

Application reference no: CML1944

Location: Dale, Pembrokeshire

Project: Planting of Seagrass seeds at Dale Bay
covering an area of up to 2 hectares

Date: 11 February 2020

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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 licence conditions.

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

Applicant Name and Address	The Applicant is the person or organisation set out below: Company/organisation name: Swansea University Address: College of Science, Swansea University, Singleton Park, Swansea, SA2 8PP
Application Reference Number	CML1944
Date Application was duly made	15 October 2019
Proposal[s] covered by the application	Planting of Seagrass seeds at Dale Bay covering an area of up to 2 hectares
Licensable marine activities	Depositing of Seagrass seeds, Rope and Hessian Bags using a vessel
Application documents:	Marine works application UNSWORTH (Date: 14 October 2019) 6 (a) Project Description (cont) (Date: 14 October 2019) Updated 6 (b) Proposed Site Location (cont) (Date: 15 October 2019) 7 (a) Method Statement (cont) (Date: 14 October 2019) 7 (c) Stakeholder engagement and consultation (Date: 14 October 2019) 12 b c Habitats Regulations Assessment and Other Policy Implications (Date: 14 October 2019) Biosecurity assessment (Date: 14 October 2019) Historic seagrass evidence (Date: 14 October 2019) NRW correspondence (Date: 14 October 2019) Letter from Atlantic Scuba (Date: 14 October 2019)

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	PCNPA seagrass letter (Date: 14 October 2019) Seagrass respiration project NRW email (Date: 14 October 2019) WWF letter to Dale community (Date: 14 October 2019) GIS_ 2019_ 1476_ V1 Foreshore at Dale Point, Sea grass and Seed bags (Dated: 09 December 2019) CML1944 Final Coordinates (Option 5) (Date: 11 December 2019) CML1944 WNMP Seagrass Ocean Rescue (Date: 11 December 2019)
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2 APPLICATION PROCEDURE

2.1 The Application

The Application was accepted by Natural Resources Wales (**NRW**) and considered duly made on **15 October 2019**. 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 is considered to be 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.

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 23 October 2019. The application documents were made available to the public at Milford Haven Library and Information Centre, Ceard Court, Haven and they could also be requested from Natural Resources Wales Marine Licensing Team, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP.

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

19 public responses were received in response to the Public Notice. All representations have been considered in coming to our decision. Details of our considerations can be found in section 4.

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.

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

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3 CONSULTATION

3.1 Consultees

NRW considered it appropriate to consult the bodies listed in the table below on **18 October 2019**, due to their particular expertise. These bodies were consulted for a period of 28 days. For those bodies which have responded to the consultation, an 'x' can be found in the response received column:

Consultee	Response received (x)	Date(s) of receipt
The Crown Estate		
NRW	X	11 November 2019
MoD - Safeguarding Defence	X	22 October 2019
Maritime & Coastguard Agency	X	25 November 2019
Trinity House	X	11 November 2019
Royal Yachting Association	X	12 November 2019
Local Biodiversity Officer <i>Pembrokeshire County Council</i>	X	14 November 2019
Local Planning Authority <i>Pembrokeshire County Council</i>		
Local Harbour Authority <i>Associated British Ports</i>		
Local Port Authority <i>Milford Haven Port Authority</i>	X	20 November 2019
Royal Society for the Protection of Birds (RSPB)		
Welsh Government Marine Enforcement Officers	X	29 October 2019
Welsh Archaeological Trust	X	11 November 2019
Royal Commission on Historic Monuments Wales	X	11 November 2019
Cadw		
Chamber of Shipping		

Consultees who did not provide a response were assumed to have no comment. In addition we received a number of responses from members of the public.

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 sub-section 4.1);
- the need to protect human health (see sub-section 4.2);
- the need to prevent interference with legitimate uses of the sea (see sub-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 sub-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 sub-sections 4.1 to 4.5 below); and
- such other matters as it thinks relevant (see sub-section 4.5 below).

4.1 The need to protect the environment:

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

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

4.1.1 Water Framework Directive, Groundwater Directive and Water Environment Regulations

(a) The legal framework

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

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

(b) Factors relevant to our determination

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

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- Milford Haven Outer

A Water Framework Directive Compliance Assessment has been undertaken for the Proposed Activities and taken into account in this decision. This assessment concludes that the project has been screened for likelihood of significant effects and, taking account of the advice received from protected sites advisors, is considered not likely to have a significant effect on the deterioration of any WFD waterbody, either alone or in-combination with other plans and projects 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 places a duty on public authorities to seek to maintain and enhance biodiversity in the exercise of their functions, and in so doing promote the resilience of ecosystems, having regard to biodiversity lists published under section 7, the State of Natural Resources Report and any area statement published under section 11.

(b) Factors relevant to our determination

NRW has considered its duties under section 6 of the 2016 Act and is satisfied that the Proposed Activities would improve biodiversity when undertaken in accordance with the licence conditions.

The project is proposing to deposit seagrass seeds, Seagrass beds are a section 7 priority habitat and therefore NRW consider that the project has the potential to improve and enhance this habitat.

4.1.3 European Protected Sites and Ramsar Sites

(a) The legal framework

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

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

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

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

(b) Factors relevant to our determination

The Project is located in the following European Protected Site.

- Pembrokeshire Marine SAC
- West Wales Marine SAC

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

The following conclusions of the HRA have been considered by NRW in making this decision. The project has been screened for likelihood of significant effects and, taking account of the advice received from protected sites advisors, is considered not likely to have a significant effect on any Natura 2000/Ramsar site. Further details are described within the Habitats Regulations Assessment.

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

4.1.4 Marine Conservation Zones**(a) The legal framework**

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

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

(b) Factors relevant to our determination

NRW is satisfied that there is no significant risk of the Proposed Activities on the Skomer Marine Conservation Zone. This is due to the nature of the proposed works and the distance between the MCZ and the location of the works.

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

- Milford Haven Waterways SSSI

Following consultation with internal technical specialists, NRW is satisfied that the Proposed Activities are not operations likely to damage any SSSI.

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

The applicant submitted a biosecurity assessment. NRW discussed and agreed the biosecurity arrangements with Swansea University prior to the application being submitted. Following consultation with NRW Technical Experts, NRW is satisfied that the Proposed Activities are not likely to cause any biosecurity risks.

4.1.7 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 licence conditions.

4.2 The need to protect human health

Concerns were raised by the public about the likelihood and impacts of seagrass washing up on Dale beach. The representation referred to a case in Busselton, Australia, where decaying seagrass on a beach caused amenity problems with the local community. NRW Technical Experts were consulted and concluded that although you cannot rule out that some seagrass may wash up on beaches, they considered it likely to be a natural occurrence on a small scale and not likely to cause any amenity problems such as that observed in Busselton, Australia.

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 the licence conditions.

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.

Concerns were raised by the public about the impacts the project may have on legitimate uses of the sea specifically the impact the project will have on moorings, anchoring and recreational activities including, but not limited to fishing, sailing and other watersports activities.

These concerns were discussed with Milford Haven Port Authority (MHPA) who are the statutory Harbour Authority for the area. MHPA has advised that no adverse impacts on any of the listed activities will arise from the seagrass planting.

Concerns were raised about there being a no anchoring zone placed around the seagrass area. MHPA have stated that visitor moorings will be provided and promoted in an attempt to reduce anchoring disturbance without reducing the recreational amenity, but the use of these will be on a purely voluntary basis. Therefore no impact on visitors to Dale is predicted.

Concerns were raised about the impact of the ropes entangling with the anchoring and moorings causing a navigational hazard. The area where planting will take place is outside of the radius of all current moorings therefore entanglement with existing mooring chains can be ruled out. MHPA have stated that they are satisfied with the design of the ropes and hessian bags selected and it will ensure that impact on navigation will be minimal if the ropes and hessian bags are disturbed by anchoring and moorings. The ropes will also be cut into smaller sections a few months after deployment to reduce the likelihood of entanglement. The ropes and hessian bags are also both biodegradable.

Concerns have been raised about the seagrass expanding and causing a further impact on legitimate uses of the sea including but not limited to current moorings, anchoring, fishing, sailing and other watersports activities. MHPA stated that the project is in essence a trial to determine potential for establishment and then subsequent natural growth of the seagrass beds, so the potential for limited

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natural expansion is recognised. If it does expand, it is considered likely to do so towards the south (towards a more sheltered environment) than to the north, but this is not known for certain. However, an expanded area of seagrass is not considered to have any additional impacts on activities. NRW technical experts have stated that the seagrass will not spread directly below the mooring chains due to the negative impact of mooring chains on seagrass. Therefore, impacts on current mooring holders can be ruled out.

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 the licence conditions.

4.4 Marine Policy Documents

(a) Welsh National Marine Plan

The applicant submitted a document, dated **11 December 2019**, demonstrating whether the works have the potential to impact each policy and where relevant how the proposed works comply with the policy. NRW agrees with the document submitted.

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

4.5 Other matters NRW considered 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.

In particular NRW acknowledges that the well-being objectives of **“improving the resilience and quality of our ecosystems”** and **“ensuring land and water in Wales is managed sustainably and in an integrated way”** are of particular relevance to this decision and that the decision may be made in such manner as to contribute to meeting those objectives.

NRW is satisfied that the carrying out of the Proposed Activities in accordance with the terms of the marine Licence and conditions proposed would contribute to meeting the objective of **“Ensuring land and water in Wales is managed sustainably and in an integrated way”** for the reasons set out in paragraphs 4.1.1 to 4.1.7.

NRW is satisfied that the carrying out of the Proposed Activities in accordance with the terms of the marine Licence and conditions proposed would contribute to meeting the objective of **“improving the resilience and quality of our ecosystems”** for the reasons set out in paragraph 4.1.2.

Restoration of seagrass beds that have been defined as a social-ecological system provide an opportunity to assist with the improved environmental health of the natural environment and with it

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supporting economic and social well-being. Specifically, seagrass restoration contributes to supporting a resilient Wales with improved biodiversity and healthy functioning ecosystems.

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.

In particular, NRW acknowledges that it is a principle of sustainable management of natural resources to take action to prevent significant damage to ecosystems. NRW is satisfied, for the reasons set out in paragraphs 4.1.2 to 4.1.4 that appropriate action will be taken as part of the Project, when implemented in accordance with the licence conditions.

5 Conclusions and Recommendations

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

AUTHORISATION

Report by: Joe Thomas Position: Permitting Officer	Date: 11 February 2020	Signed: 
Authorised by: Peter Morrison Position: Senior Permitting Officer	Date: 11 February 2020	Signed: 