

Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: Tarmac Marine Ltd. & Hanson Aggregates Marine Ltd.

Application reference no: MMML1948v1

Area 531 – North Bristol Deep, Severn Estuary

Extraction of marine aggregate from the seabed by means of marine aggregate dredging.

NOTE: MMML1948v1 licenses supersedes MMML1948 licenses as an NRW-led variation to correct formatting issues and clarifications brought to light by the developer. The main changes are listed below:

- Change to condition 3.3.1 to read '*outside the area bounded by the co-ordinates*' instead of '*within the area bounded by the co-ordinates*'
- Added flexibility on required submissions timelines for pre-dredge requirements (3.3.2, 3.3.3, 3.3.5) with the wording '*unless otherwise agreed by the Licensing Authority*'
- Change to requirements of Pre-dredge monitoring requirements to allow flexibility without compromising survey design. This deleted condition 3.3.2 (ii) and amended condition 3.3.2 (i) to '*The methodology of the pre-dredge side-scan survey of the Primary and Secondary Impact Zones to determine the presence and extent of biogenic reef (including Sabellaria reef)*'

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- Increased the submission time for condition 3.3.3 Pre-dredge monitoring report to '9 months' based on delays experienced in other areas related to RSMP survey processing as well as delete condition 3.3.3 (b)
- Condition 3.3.4 and others with changes to references of the RSMP Protocol for Sample Collection and Processing version 4 to '*latest version*' to accommodate for possible updates to the protocol in the lifetime of the licence
- Clarify requirements of EZ report submission (3.3.5), Archaeological mitigation Plan (3.3.7), and Navigational marking information (3.3.10) are limited to the areas outside the RDZ
- Delete condition 3.4.10 as there is no requirement for data to be sent to The Crown Estate as live data feeds from all dredgers are now automatically sent
- Make conditions 3.1.9 and 3.4.15 consistent, all to report 5 days before commencement of activity
- Add clarity on Veneer thickness requirements changing '0.5m' to 'than 0.5m or less over 250m by 250m grid centred on 125m nodes
- Update to map on Annex 1

13 May 2021

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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 the Marine Licence.

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 person or organisation set out below: Applicant 1: • Company name: Tarmac Marine Ltd. • Company number: 2105370 • Address: Drayton House, Drayton Lane, Chichester, West Sussex, PO20 2EW Applicant 2: • Company name: Hanson Aggregates Marine Ltd. • Company number : 00485700 • Address: Hanson Aggregates Marine Ltd, Hanson House, 14 Castle Hill, Maidenhead, SL6 4JJ
Application Reference Number	MMML1948
Date Application was duly made	29 November 2019

Proposal[s] covered by the application	Tarmac Marine and Hanson Aggregates Marine Limited ("the Applicants") have submitted applications for to dredge marine aggregate from Area 531, a replacement and extension of the Area 470 (North Bristol Deep). The Welsh/English border runs roughly through the middle of Area 531, resulting in the proposed dredge area existing in both English and Welsh waters. Area 531 covers 3.47 km ² in total, with 1.98 km ² located in English waters and 1.49 km ² in Welsh waters. Area 470 (located wholly within Welsh Waters) has been dredged by Tarmac and Hanson since 2010. Area 531 extends the spatial extent of the current Area 470 licence into English waters, increasing the dredgeability of the area, which is currently limited due to the current and tidal constraints which are enhanced by the small licenced area. Tarmac Marine and Hanson Aggregates Marine Limited have sought separate marine licences from the MMO and Natural Resource Wales (NRW) to extract up to a combined total of 4,500,000 tonnes of aggregate from Area 531 over 15 years, across the two subareas (either side of the England – Wales border) at a maximum rate of 300,000 tonnes per annum, which will be divided equally between the two companies.
Licensable marine activities	Extractive industry - Marine Mineral extraction – Marine dredging for aggregates
Marine Plan Area	Wales
Application documents:	MMML1948 Area531ES_ABPmer R3078_Final_14Oct2019 MMML1948 CS0524B_Area531_2018 MMML1948 Area 470 Bathymetric Change 2001-2019 MMML1948 Tarmac supporting evidence email MMML1948 Area531ES_ABPmer R3078_Final_14Oct2019 MMML1948 200514 ES Addendum for TM and HAM_Final_ABPmer14May2020 (6) MML1948 Area 531 Supplementary RIAA Sandeel v2.0

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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 29 November 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 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 Cardiff and Newport Local Authorities on 10 January 2020.

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 for 2 successive weeks in the Bristol Post on 23 January 2020 and 6 February 2020 and in the South Wales Argus newspapers on 17 January 2020 and 31 January 2020. One advert was also placed in the Fishing News on 23 January 2020. The application documents were made available to the public at Bristol Central Library and NRW offices in Ty Cambria, Cardiff and could also be requested from Natural Resources Wales Marine Licensing Team...

The public were given a period of 42 days from the date of the Public Notice to provide comments on the application.

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

3. CONSULTATION

3.1. Consultees

NRW considered it appropriate to consult the bodies listed in the table below on 10 January 2020 due to their particular expertise. These bodies were consulted by the Marine Management Organisation (MMO) on NRW's behalf. Consultees who did not provide a response were assumed to have no comments.

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Consultee	Response received (Y/N)	Date(s) of first response receipt
Cadw (Welsh Government Plas Carew Uned) – Historic Environment	Y	17 February 2020
CEFAS - Benthic Ecology (Aggregates)	Y	18 February 2020
CEFAS - Coastal Processes	Y	05 February 2020
CEFAS - Fisheries	Y	12 February 2020
CEFAS - Shellfisheries	Y	24 January 2020
CEFAS - Underwater noise	Y	24 February 2020
Environment Agency – WFD and migratory fish (Wessex)	Y	17 February 2020
Historic England - Historic Environment	Y	21 February 2020
Inshore Fisheries and Conservation Authority (IFCA) - Devon and Severn	Y	26 February 2020
Local Harbour Authority & Local Port (ABP South Wales) – Harbour Authority	Y	19 February 2020
Local Planning Authority (Bristol)	Y	20 February 2020
Local Planning Authority (Cardiff)	Y	18 February 2020
Local Port Gloucester Harbour Trustees – Harbour authority	Y	18 February 2020
Maritime and Coastguard Agency – Navigation	Y	27 February 2020
MMO (South West, local office)	Y	22 January 2020

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MMO Marine Conservation Team	Y	26 February 2020
MoD - Safeguarding Defence, Military activity and historic environment	Y	14 January 2020
Natural England - (Aggregates, Statutory Nature Conservation Body)	Y	09 March 2020
Natural Resources Wales (NRW) - South East Planning Team, Statutory Nature Conservation Body	Y	20 February 2020
Royal Yachting Association (RYA) – Recreational Sailing	Y	14 January 2020
The Crown Estate - Landowner	Y	03 February 2020
Trinity House - Navigation	Y	30 January 2020
Welsh Government (Marine) – Local planning	Y	17 February 2020
Chamber of Shipping	N	N/A
Fisheries / Marine Enforcement Officers	N	N/A
Glamorgan-Gwent Archaeological Trust	N	N/A
Local Biodiversity Officer (Cardiff)	N	N/A
Local Biodiversity Officer (Newport)	N	N/A
Local Harbour Authority (Bristol Port Company)	N	N/A
Local Planning Authority (Newport)	N	N/A
Local Port (Newport Harbour Commissioners)	N	N/A

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Royal Commission on Historic Monuments Wales	N	N/A
Royal Society for the Protection of Birds (RSPB)	N	N/A

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. ENVIRONMENTAL IMPACT ASSESSMENT

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

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

4.1. Screening

The application was considered by NRW to constitute an EIA development under the Regulations, and a Screening Opinion (ref SC1807) was issued on 16 August 2018.

Pursuant of Regulation 6 of the Regulations, NRW considered under SC1807 that the proposed works fell under Schedule A2, paragraph 10 and likely, because of its size, nature or location, to have significant effects on the environment:

"Extraction of minerals by fluvial or marine dredging"

4.2. EIA assessment by another authority

The project also requires an EIA consent from the Marine Management Organisation under The Marine Works (Environmental Impact Assessment) (Amendment) Regulations 2017. In accordance with The Regulations the NRW must not grant a regulatory consent for EIA development unless an EIA has been carried out and consented in respect of that application.

Under Regulation 10(1)(b) of the Regulations, NRW may determine that an EIA is not required, for the purposes of determining the Marine Licence application, if we are satisfied that an assessment of any effects on the environment of the project in question has been done by another consenting authority and the assessment is or will be sufficient to meet the requirements of the EIA Directive in relation to that project.

NRW has determined, under Regulation 10(1)(b) of the Regulations, that EIA is not required, as EIA consent has been determined by Marine Management Organisation on 31 March 2021. In accordance with Regulation 10(4A) and 10(4E) of the Regulations, the following information is included in subsequent sections of this document:

- Conclusion of the assessment carried out by the authority determining the EIA consent.
- Conditions considered necessary in relation to likely significant environmental effects.

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- Description of features/measures to avoid, prevent, reduce and offset likely significant adverse effects on the environment.
- Monitoring measures considered necessary by the authority determining the EIA consent.
- Any further comments from the authority determining the EIA consent relating to the regulated activity.
- The main reasons and considerations on which this regulatory decision is based.
- A summary of the results of consultations undertaken and how these have been incorporated into this regulatory decision.

4.3. Conclusion of the EIA Authority

The Marine Management Organisation issued an EIA Decision on 31 March 2021, containing the conclusion about Environmental Impact arising from the project. In reaching the conclusion, the Marine Management Organisation considered the following information:

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

The Marine Management Organisation considered and reached a conclusion on the likely significant effects of the project with regard to the following:

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

A summary of the conclusion on the likely significant effects of the project is outlined below. Full details of the conclusion on the likely significant effects of the project can be found in the Marine Management Organisation EIA Consent Decision available through the MMO's public register entering the application numbers MLA/2019/00448 and MLA/2019/00457:

https://marinelicensing.marinemanagement.org.uk/mmofox5/fox/live/MMO_PUBLIC_REGISTER/

4.3.1. Biodiversity/Nature conservation

The assessment of biodiversity / nature conservation is presented within Chapter 7 of the ES, with the focus of the representations on:

- Impacts on sediment budget - persistent removal of sediment from a closed system (this has been addressed in full below in the coastal processes section 4.3.8)
- Impacts on SAC/SPA/Ramsar and SSSI
- Sandeel concerns (this has been addressed in full below in the fisheries and shellfisheries section 4.3.9)
- Pre-dredge surveys adherence to the Regional Seabed Monitoring Programme (RSMP) (this has been addressed in full below in the benthic ecology section 5.10)

Area 531 is located within the Severn Estuary / Môr Hafren European Marine Site (EMS). The MMO and NRW have considered the likely impacts on the protected features of the SAC, SPA, Ramsar and SSSI. The MMO and NRW conducted an Appropriate Assessments of the proposal in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended) and concluded that no Adverse Effect if predicted on any of the features subject to conditions detailed in section 4.5.

The works are not sited within or near to a Marine Conservation Zone.

4.3.2.Seascape / Landscape

The assessment of seascape / landscape is presented within Chapter 6 of the ES. After considering the information in the ES and the responses from consultees, the MMO concluded that the risk of aggregate dredging to seascape / landscape is unlikely to be significant.

4.3.3.Archaeology / Cultural Heritage

The assessment of archaeology and cultural heritage is presented within Chapter 14 of the ES. There were three geophysical anomalies identified within the 2018 survey data, all within the study area buffer. The two recorded wrecks and one obstruction were not detected in the geophysical data. As such, the MMO concurred with the assessment that there are limited known archaeological features present within the licence area and the study area buffer. Proposed mitigation measures have been set out within the ES to include the Marine Aggregate Industry Protocol for the Reporting of Finds of Archaeological Interest. There are no Exclusion Zones for archaeology currently proposed within Area 531. The developer proposes a Pre-Dredge Review will use bathymetry and side scan data to update the archaeological baseline presented within the ES, and the future monitoring programme will be drawn up based from the Pre-Dredge Review. After considering the information in the ES and the responses from consultees, the MMO concluded that subject to the adherence of licence conditions the residual risk of aggregate dredging to archaeology /cultural heritage is unlikely to be significant. All mitigation and monitoring requirements are set out in section 4.5.

4.3.4. Air Quality & Climate

The assessment of air quality and climate is presented within Chapter 16 of the ES. Marine aggregate dredger emissions can affect air quality receptors as it results in CO₂ and other greenhouse gas (GHG) emissions. However, vessel movement related to Area 531 extraction is not expected to noticeably increase (less than 0.2%) the vessel activity in the area as this replaces Area 470. The MMO concluded impact on existing air quality is considered to be insignificant and will not require any mitigation.

4.3.5.Water Quality

The assessment of water quality is presented within Chapter 6 of the ES. Area 531 is located within the Severn Lower transitional water body (ID:GB530905415401), currently at moderate overall status based on moderate ecological potential and good chemical status. Given the location and highly dynamic nature of the environment the MMO does not anticipate any impacts to biota as a result of the operation with respect to heavy metals. After considering the information in the ES and the responses from consultees, the MMO concluded that the residual risk of aggregate dredging to water quality is unlikely to be significant.

4.3.6. Seabed / Land / Soil Quality

The assessment of seabed / land / soil quality impacts are presented within Chapter 6 of the ES. After considering the information in the ES and the responses from consultees, the MMO concluded that the risk of aggregate dredging to seabed / land / soil quality is unlikely to be significant.

4.3.7. Benthic Ecology

The assessment of benthic ecology is presented within Chapter 8 of the ES.

The Severn Estuary provides a wide variety of intertidal habitats including mudflat, sandflat, gravel and rocky shore. The dynamic environment and large tidal range within the Severn Estuary create a range of physical conditions to which inhabiting organisms are exposed. Subtidal benthic communities of the Severn Estuary are generally impoverished due to seabed scouring and mobility of sediments that result from its large tidal range. Surveys found no evidence of *Sabellaria* reef in Area 531. The closest known *Sabellaria* record is outside of Area 531, but within the Secondary Impact Zone (SIZ), approximately 350m away. The MMO considers that the RSMP style data from in and around Area 531, regular bathymetric monitoring data and associated seabed sediment thickness analysis (all interpreted with regard to the mobile nature of the seabed), together with cargo gradings and a consideration of longer-term regional bathymetric data, will allow meaningful conclusions to be reached with regard to whether or not the substrate remains of a similar type in relation to dredging activities.

The MMO in consultation with Cefas, NRW TE, IFCA and NE are satisfied that the potential impacts to benthic ecology from aggregate dredging in Area 531 is unlikely to be significant provided the conditions in the licence area adhered to as referred in section 4.5.

4.3.8. Coastal Processes

The assessment of coastal processes is presented within Chapter 5 of the ES and the Coastal Impact Stud (CIS).

The ES considered physical processes to include coastal characterisation, geology and bathymetry, hydrodynamic/tidal regime and sediment regime. The focus of the representations were on the cumulative effects on sediment budget within the estuary and survey requirements. The MMO has considered the representations received that persistent removal of sediment from a closed system with no contemporary input of coarse sediment may hinder the estuary's ability to adapt to rising sea levels in the future. The ES impact assessment considered six pathways, which addressed the potential for changes in wave energy and tidal currents, changes in sediment movements, changes to seabed morphology, cumulative effects with ongoing dredging and cumulative effects on the coast using baseline conditions from the 1920s.

Impacts upon sediment budget within the estuary arising from removal of a finite resource, was a key issue raised, particularly with regard to other dredging operations and the resulting cumulative effects. However, the proposal is within the Welsh National Marine Plan (WNMP) policy limits (maximum combined extraction rate in the Severn Estuary of 800,000 tonnes per annum). Area 470, Bedwyn Sands and North Middle Ground are currently permitted to extract a total of 750,000 tonnes per annum. The replacement of Area 470 with Area 531 (with an increased extraction of 50,000 tonnes) would bring the maximum annual extraction to a total of 800,000 tonnes.

The Applicants propose to continue with the monitoring and reporting against indicators of change, as was the case for Area 470.

The MMO considered concerns raised that given the highly mobile nature of the sediment at the site that neither RSMP style grab surveys, nor monitoring of cargo gradings will be sufficient to determine whether the substrate is of a similar type and remains in similar condition at the end of the licence. The MMO considered that RSMP style data together with the regular surveys of site bathymetry, associated analysis of resource thickness changes, cargo gradings and a consideration of longer-term regional

bathymetric data, will allow meaningful conclusions to be reached with regard to whether or not the substrate remains of a similar type in relation to dredging activities.

The MMO in consultation with Cefas, NRW TE, and NE are satisfied that the potential impacts to coastal processes from aggregate dredging in Area 531 is unlikely to be significant provided the conditions in the licence on tonnage capping, RSMP surveys and continuous assessment against the baseline are adhered to as suitable mitigation.

4.3.9. Fish Ecology, Fisheries and Shellfisheries

The assessment of fish ecology, fisheries and shellfisheries is presented within Chapters 9 and 12 of the ES. The focus of the representations received were:

- Adequacy of the ES, especially in regard to data sources used to inform the ES;
- The potential impact of dredging on fish, and fish nursery and spawning grounds;
- Sandeel (*Ammodytes* spp.) abundance and distribution within the Severn Estuary; and
- No shellfish site specific survey carried out in the area / lack of data.

The Severn Estuary is of particular importance for migratory fish, particularly for three rare species - river lamprey (*Lampetra fluviatilis*), sea lamprey (*Petromyzon marinus*) and twaite shad (*Alosa fallax*), which are designated features of the Severn Estuary Special Area of Conservation (SAC).

There is a direct impact pathway for sandeel (part of the fish assemblage of the SAC) through entrainment and habitat loss. There is a lack of data on abundance or distribution of sandeels in the Estuary. All of Area 531 consists of 'preferred habitat' for sandeel. However sections of Area 531 have been dredged as Area 470 since 2010. Given the area has been dredged before in a highly dynamic environment and the affected area is small, it is not expected that there will be any significant long-term habitat change/sandeel habitat loss by dredging in any given year. However, due to the potential impact surveys are required to include the assessment of sandeel habitat suitability from the Regional Seabed Monitoring Plan (RSMP) samples.

The MMO has also considered the representation on the suitability of some of the data sources used to inform the characterisation and assessment of impacts for fish to inform the ES. The MMO considers that to dedicate a meaningful and robust fish survey programme would be disproportionately costly and has no guarantee of successfully surveying across all species. Therefore, the MMO considers that the resources used to inform the EIA are adequate in this occasion.

The MMO has also considered the representation that the Ellis *et al.* (2012) report used within the ES is likely insufficient for Area 531 and its surroundings, particularly in regard to herring (*Clupea harengus*). Having consulted with fisheries advisors at Cefas and NRW, the MMO have concluded that whilst it is likely that there is local, low-level herring spawning in the Bristol Channel, the activity is likely restricted to coastal areas where the substrate contains adequate gravel proportions.

The MMO in consultation with Cefas, NRW TE, IFCA and NE are satisfied that the potential impacts to fish ecology and fisheries from aggregate dredging in Area 531 is unlikely to be significant. Tarmac and Hanson will be required to undertake a suite of monitoring throughout the lifetime of the Marine Licence to agreed specifications. The MMO is satisfied that the conditions provide suitable mitigation and that the risk of aggregate dredging to fisheries is unlikely to be significant.

4.3.10. Navigation / Other Users of the Sea

The assessment of commercial and recreational navigation is presented within Chapter 13 of the ES. The potential risk of accidents and incidents relating to the transit and operation of the dredger, potential displacement of any commercial and recreational vessels due to dredger operation at Area 531 and the

potential for water quality impacts resulting from incidents is considered to be of minor adverse significance at worst in the context of existing levels of commercial shipping and recreational activity.

The MMO concludes that subject to the adherence of the conditions in the licence the residual risk of aggregate dredging to commercial and recreational navigation is unlikely to be significant (relevant condition are specified in section 4.5).

4.3.11. Ornithology

The assessment of ornithology is presented within Chapter 10 of the ES. There is no direct overlap of the Area 531 with any protected site for birds (namely Severn Estuary SPA and Ramsar site), however, indirect effects are possible. Potential impacts assessed within the ES include indirect effects of seabed removal, effects on foraging due to suspended sediments and effects from vessel disturbance. All impact pathways were assessed as being not significant due to the small scale of change expected and the predicted low number of marine birds found in and around Area 531. No impacts are predicted on intertidal habitats supporting waders and ducks, hence no specific mitigation measures specific are proposed and the MMO concludes that the risk of aggregate dredging to ornithology is unlikely to be significant.

4.3.12. Population and human health

The assessment of population and human health is presented within Chapter 18 of the ES. There is a potential for the activity to affect human health through emissions (vessel and vehicles) as well as disturbance caused by visual and noise generated by the activity.

Marine aggregates in the Severn Estuary are used as landed with no further processing on shore minimising transport. There are no sensitive areas (receptors) within the vicinity of the activity to grant significance to noise impacts due to the extractive activity and air quality impacts are considered insignificant. Transport from marine aggregate extraction is minimised as it is landed close to where it will be used and the deterioration in air quality due to aggregate dredger emissions is considered to be insignificant.

The anticipated human health effects resulting from the proposed marine aggregate operations through various pathways have been estimated, and the assessment has concluded that overall, the impact on human health is considered to be insignificant and will not require any mitigation.

The MMO agrees with these conclusions and acknowledges that marine aggregates play a key economic role by helping to service the demand for construction aggregates and materials for the maintenance of coastal and flood protection defences required for climate change adaptation.

4.3.13. Cumulative impacts and in combination projects

The assessment of cumulative impacts & in-combination impacts are presented within Chapter 19 of the ES. There are a number of other plans and projects in the wider area surrounding Area 531, which include both dredging and other works. The focus of the representations received has been on the possible impacts upon sediment budget within the estuary arising from cumulative sediment extraction. This has been addressed in full in the coastal processes section and also considered through the Habitats Regulations Assessment undertaken by NRW and the MMO.

The loss of substratum from Severn Estuary/Môr Hafren SAC by direct removal of seabed cumulative across all marine aggregate licences has been highlighted as of particular concern. As described in Section 5.7 of the Coastal Impact Study (CIS) document, the evidence provided by the continued monitoring of the region from existing aggregate operations, indicates a system with no overall trend of increase or decrease in overall sediment volume. Moreover, the Severn Estuary is a high-energy environment and a dynamic system. The Welsh National Marine Plan (WNMP) allows for a cumulative aggregate extraction rate for all sites within the Welsh waters of the Severn Estuary of no more than 800,000 tonnes per annum. This cap is set to avoid negative effects in the system and Area 531 in combination with other aggregate areas in the Severn will be within the limits set in the WNMP.

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The HRA conclusions have been agreed in consultation with SNCBs and there will be no anticipated cumulative or in-combination impacts between the other plans and projects and dredging in Area 531, hence these are considered unlikely to be significant.

4.3.14. Risk of Major Accidents and Disasters Relevant to the Project (including those caused by Climate Change)

The assessment of Risk of Major Accidents and Disasters Relevant to the Project is presented within Chapter 13 of the ES.

After considering the information in the ES and the responses from consultees, the MMO concludes that the risk of aggregate dredging in creating major accidents and disasters is unlikely to be significant.

4.4. EIA Consent Decision

The MMO issued a Written Confirmation of the EIA Consent Decision on 31 March 2021 containing the conclusion about Environmental Impact arising from the project and the EIA Consent Decision. The MMO concluded that the environmental impacts of the Project have been adequately identified, described and assessed. Accordingly, the MMO concluded a favourable determination and that EIA consent for the project should be given. NRW agrees with the decision made by the MMO.

4.5. Mitigation and Monitoring Requirements

The Written Confirmation of the EIA Consent Decision issued by MMO on 31 March 2021, highlighted the mitigation or monitoring requirements required to be attached to the regulatory consent. These are summarised below:

Consideration has been given to appropriate conditions. Marine Licence conditions ensure that pre-dredge, during operation and post-dredge monitoring surveys are submitted to the licensing authority. Marine licences (and attached conditions where relevant) can be suspended, varied, and revoked throughout the lifetime of a project. Powers within the Act allow for such outcomes and for reasons including new information coming to light and should monitoring identify impacts that were not previously identified. The surveys required to discharge conditions must be completed and specifications agreed by the licensing authority, in consultation with primary advisers. This is to ensure robust, effective monitoring is in place to assess; that the dredging is proceeding in accordance with its consent; the impacts against predictions made in the ES; and the effectiveness of mitigation measures. Conditions which specifically address mitigation matters are summarised below.

Nature Conservation

- A pre-dredge survey (conditions 3.3.2 to 3.3.5) and no dredging outside the Restricted Dredge Zone allowed until the report is agreed with the Licensing Authority (3.3.1)
- Annual operational monitoring and substantive reviews every 5 years (conditions 3.5.1 to 3.5.9 and 3.6.1 to 3.6.3);
- A combined extraction tonnage cap of 300,000 tonnes/year (maximum combined of 150,000 tonnes/year) across the whole area in England and Wales for each company (section 2.2);
- Post-dredge monitoring (conditions 3.7.1 to 3.7.9);
- Should *Sabellaria* reefs be identified within the Primary Impact Zone or within 50m of the boundary, there will be an implementation of non-dredging exclusion zones (condition 3.3.5);
- Leaving the seabed sediments post-dredging in a similar physical condition to that present before dredging (condition 3.7.6);
- Not dredging sediments down to bedrock but leaving an adequate depth of suitable material 'capping layer' (0.5 m or less measured over a **250m** by **250m** grid centred on **125m** nodes) (conditions 3.4.10, 3.4.19 and 3.3.5); and

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- Hopper washing must not take place within any Exclusion Zones implemented (conditions 3.4.7 and 3.4.8).

Archaeology and the Historic Environment

- A pre-dredge survey (conditions 3.3.2 to 3.3.5) and no dredging allowed outside the Restricted Dredge Zone until the report is agreed with the Licensing Authority (3.3.1)
- Appropriate mitigation measures must be developed with archaeological curators to protect features of archaeological interest. These measures must be agreed with the licensing authority. The Crown Estate must be informed of the agreed measure(s) prior to the commencement of dredging (conditions 3.4.11 to 3.4.13);
- Use of and adherence to the 'Aggregates Industry Protocol for Reporting Finds of Archaeological Interest' (condition 3.4.13).

Physical Processes

- A pre-dredge survey (conditions 3.3.2 to 3.3.5) and no dredging allowed outside the Restricted Dredge Zone until the report is agreed with the Licensing Authority (3.3.1);
- A combined extraction tonnage cap of 300,000 tonnes/year (maximum combined of 150,000 tonnes/year) across the whole area in England and Wales for each company (section 2.2);
- Annual operational monitoring and substantive reviews every 5 years (conditions 3.5.1 to 3.5.9 and 3.6.1 to 3.6.3);
- Post-dredge monitoring (conditions 3.7.1 to 3.7.9); and
- Not dredging sediments down to bedrock but leaving an adequate depth of suitable material 'capping layer' (0.5 m or less measured over a **250m** by **250m** grid centred on **125m** nodes) (conditions 3.4.10, 3.4.19 and 3.3.5).

Benthic Ecology (see Nature Conservation and Physical Processes conditions)

- Established BMAPA mitigating practices;
- Ensuring sediment substrate is of a similar condition following cessation of dredging as before dredging commenced.
- Side scan data review during pre-dredge phase; and
- RSMP style surveys.

Fisheries and Shellfisheries

- An expansion of the RSMP pre-dredge survey requirement to include assessment of sandeel habitat suitability from the RSMP samples to validate the assessment (conditions 3.3.2 and 3.3.4);
- A combined extraction tonnage cap of 300,000 tonnes/year (maximum combined of 150,000 tonnes/year) across the whole area in England and Wales for each company (section 2.2); and
- Not dredging sediments down to bedrock but leaving an adequate depth of suitable material 'capping layer' (0.5 m or less measured over a **250m** by **250m** grid centred on **125m** nodes) (conditions 3.4.10, 3.4.19 and 3.3.5) to ensure the habitat remains suitable for sandeel .

Navigation

- Notification to the UK Hydrographic Office (conditions 3.1.8, 3.2.2, 3.4.17, and 3.7.9);
- Adherence to the Guide to Good Practice for Ensuring Navigation; Safety during Dredging Operations will be mandatory (condition 3.4.16); and
- Issue of Notice to Mariners to inform other users of the sea of the proposed dredging activity (condition 3.1.9 and 3.4.15).

4.6. Summary of Consultations

The consultation process described in section 2.4 and section 3 of this document was undertaken to ensure comment was received from appropriate parties. NRW has had regard to consultation responses in making the regulatory decision. Where these have impacted on NRW's decision making, this has been noted in the relevant paragraph in section 5 of this decision document.

A Transboundary Screening Assessment did not identify potential for effects to any other EEA State. Consequently, no material was provided to other EEA member States in relation to the application.

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

A number of conditions have been included in the licence to avoid, prevent, reduce and offset likely significant adverse effects on the environment, and are detailed in section 4.5. These include the use of adaptive management through stringent monitoring that will allow action to be taken to avoid/prevent/reduce and offset the impacts of the activity if required. Measures that can be taken include a reduction of sediment extraction, implementation of exclusion zones for sensitive areas (nature conservation or archaeology), implementation of exclusion zones for areas of low resource, improve the understanding of sandeel habitat in the area, and setting limitations of areas for hopper washing. A reduction of impact on navigation and other sea users will be done through notifications to the appropriate authorities and mariners prior to commencement of the activity or in other relevant situations.

4.8. Further comments from the authority determining the EIA consent relating to the regulated activity

No further comments were made to NRW from the determining authority.

4.9. Main reasons for this regulatory decision

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

The conclusion of this regulatory decision is stated in section 6 of this decision document.

5. BASIS FOR OUR DECISION

In determining this application, including the terms on which it was granted, NRW has had regard to the factors set out in section 5 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 5.1);
- the need to protect human health (see sub-section 5.2);
- the need to prevent interference with legitimate uses of the sea (see sub-section 5.3);
- in the case of an application for a licence to authorise construction, alteration or improvement of works within the UK marine licensing area, the effects of any use intended to be made of the works in question when constructed, altered or improved (considered, if relevant in sub-sections 5.1 to 5.5 below);
- any representations which it has received from any person having an interest in the outcome of the application (summarised in section 3 and where relevant considered in sub-sections 5.1 to 5.5 below); and
- such other matters as it thinks relevant (see sub-section 5.5 below).

5.1. The need to protect the environment:

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

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

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

5.1.1.1. 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).

5.1.1.2. Factors relevant to our determination

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

- SEVERN LOWER (GB530905415401)

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A Water Framework Directive Compliance Assessment has been undertaken for the Proposed Activities and considered in this decision. This assessment concludes that none of the WFD features of Severn Lower waterbody will deteriorate as a result of the proposed marine aggregates extraction activity in Area 531.

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 the above listed waterbody or jeopardise its attainment of good surface water status.

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

5.1.2. Biodiversity and resilience of ecosystems duty

5.1.2.1. 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.

5.1.2.2. 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 not reduce biodiversity when undertaken in accordance with appropriate conditions which are included in the Marine Licence.

5.1.3. European Protected Sites and Ramsar Sites

5.1.3.3. 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.

5.1.3.4. Factors relevant to our determination

The Project is located in or may affect the following European Protected Sites:

- *Severn Estuary SAC UK0013030*
- *Severn Estuary SPA UK9015022*

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- *Severn Estuary RAMSAR UK11081*
- *Bristol Channel Approaches Special Area of Conservation (SAC) UK0030396*
- *River Usk/ Afon Wysg Special Area of Conservation (SAC) UK0013007*
- *River Wye/ Afon Gwy Special Area of Conservation (SAC) UK0012642*

A Habitats Regulations Assessment of the Proposed Activities has been undertaken and consulted with NRW TE and Natural England (as Statutory Nature Conservation Bodies). The following site features from the Severn Estuary SAC and Ramsar site went to Appropriate Assessment as a Likely Significant Effects could not be ruled out: Estuaries (Estuarine habitat communities, Notable estuarine species assemblages, Estuarine Toxic contaminants in water column), Subtidal sandbanks which are covered by sea water all the time (subtidal sandbanks) (Extent and distribution of communities, Communities composition), Reef

The assessment undertaken by NRW concluded that the proposal had Likely Significant Effect on designated site features and as such undertook a further Appropriate Assessment including consideration of mitigation measures in accordance with Regulation 63 of the Conservation of Habitats & Species Regulations 2017 (as amended) and summarised below:

- **Estuaries:** Impact pathway exist for sandeels and the AA assessed the direct the loss of this notable estuarine species assemblages and their habitat loss. Also, a direct pathway exists for the introduction and spread of Invasive Non-native Species (INNS). The AA concluded no Adverse Effect on Site Integrity (AEoI) in this case as suitable mitigation will be in place in the form of: adaptive management through thorough monitoring to assess habitat suitability for sandeels and ensure that the seabed sediment remains unchanged; a “capping” layer of 0.5m conditioned in the licence to avoid the exhaustion of the resource; a tonnage uptake limit, and conditioned hopper washing areas. The highly dynamic nature of the site does help the conclusion of no AEoI. Relevant conditions are 2.2, 3.3.4, 3.3.5, 3.3.6, 3.4.7, 3.4.8, 3.4.11, 3.4.21, 3.5.1, 3.5.6, and 3.7.5
- **Estuaries, subtidal sandbanks which are covered by sea water all the time (subtidal sandbanks):** The impact pathway assessed relates to the possible increase in toxins present in the water column as a result of pollution incidents from vessel activity. NRW was satisfied that the standard industry protocols and navigational mitigation conditioned in the licence was sufficient to prevent adverse effect. Relevant condition 3.4.3
- **Reef:** There is a direct pathway for impacting *Sabellaria reef* reducing its extent as a result of dredging. Sufficient mitigation was considered to be in place to avoid AEoI through conditions in the licence for adaptive monitoring for the identification of reef areas and placement of Exclusion Zones. Relevant conditions are 3.3.4, 3.3.5, and 3.4.22
- **Estuaries, and Subtidal sandbanks which are covered by sea water all the time (subtidal sandbanks):** Changes to the habitat as well as changes in community distribution and composition through the introduction of INNS were all assessed. NRW considers there is enough mitigation through conditions in the licence 3.3.6 and 3.4.8

The loss of substratum (sandbank) from Severn Estuary/Môr Hafren SAC by direct removal of seabed cumulative across all marine aggregate licences has been highlighted as of particular concern. As described in Section 5.7 of the Coastal Impact Study (CIS) document, the evidence provided by the continued monitoring of the region from existing aggregate operations, indicates a system with no overall trend of increase or decrease in overall sediment volume. Moreover, the Severn Estuary is a high-energy environment and a dynamic system. The Welsh National Marine Plan (WNMP) allows for a cumulative aggregate extraction rate for all sites within the Welsh waters of the Severn Estuary of no more than 800,000 tonnes per annum. This cap is set to avoid negative effects in the system and Area 531 in combination with other aggregate areas in the Severn Estuary will be within the limits set in the WNMP.

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Decreased water quality through increased suspended sediments as well as changes to communities and assemblage of fish species was also assessed in combination with other activities in the area. It was concluded that the project, when considered in combination with other plans and projects, is either not likely to have a significant effect on, or will not adversely affect the integrity of any Natura 2000 site

Further details can be found 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 appropriate conditions, see section 5.1.3 for the list of relevant conditions.

5.1.4. Marine Conservation Zones

5.1.4.1. 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.

5.1.4.2. Factors relevant to our determination

NRW is satisfied that there is no significant risk of the Proposed Activities on **the Skomer Marine Conservation Zone**.

5.1.5. Sites of Special Scientific Interest (SSSIs)

5.1.5.1. 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.

5.1.5.2. Factors relevant to our determination

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

- a) *Severn Estuary SSSI -5.5 km from Area 531*
- b) *Middle Hope – 6.6 km from Area 531, English shore*
- c) *Portishead Pier to Black Nore – 8.5 km from Area 531, English Shore*
- d) *Gwlyptiroedd Casnewedd/Newport Wetlands - 6.4 km from Area 531, Welsh Shore*
- e) *Gwent Levels – 6.6 km from Area 531, Welsh Shore*
- f) *River Usk (Lower Usk)/Afon Wysg (Wysg Isaf) – 8.9 km from Area 531, Welsh Shore*

Whilst none of these SSSIs directly overlap with Area 531, or related Secondary Impact Zone (SIZs) there is no direct overlap, the mobile nature of some features suggests there is potential for indirect impacts on the SSSIs. The features that could be impacted are also part of the other designation of the Severn Estuary (SAC, SPA and Ramsar) and have been assessed through the HRA process. Appropriate consultation has been undertaken within NRW, as set out in section 3, and NRW is satisfied that the Proposed Activities do not have the potential to impact on sites above mentioned when undertaken in accordance with appropriate conditions (see section 5.1.3 for relevant conditions).

5.1.6.Waste Regulations

5.1.6.1. The legal framework

The Waste (England and Wales) Regulations 2011 (as amended) (2011/988) establishes a legal framework for treating waste in the EU. 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 establishes 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).

5.1.6.2. Factors relevant to our determination

NRW is satisfied that the Proposed Activities meets the requirements of The Waste (England and Wales) Regulations 2011 (as amended) as no deposit will be done other than returning sediment to the system as it is dredged through screening process.

5.1.7.Other matters in considered relevant to the need to protect the environment

Impacts on the Historic Environment have been assessed through consultation with Cadw, Royal Commission on Historic Monuments Wales, Glamorgan-Gwent Archaeological Trust and Historic England. The assessment of archaeology and cultural heritage is presented within Chapter 14 of the ES and a summary of the assessment and relevant conditions can be found in section 4.3.3.

Concerns were raised by SNCBs in relation to Biosecurity and the spread of INNS were assessed through the HRA process. A summary of the assessment and relevant conditions can be found in section 5.1.3.

NRW is satisfied that the Proposed Activities do not have the potential to impact the Historic Environment or pose a biosecurity risk when undertaken in accordance with the appropriate conditions.

5.1.8.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 the licence.

5.2. The need to protect human health

The EIA evaluates the impact of the activity effect on human health (see section 4.3.12) through the following activities and sources:

- Vessel Presence: Potential for marine aggregate dredger emissions to affect human health receptors;
- Transport of landed aggregates: Potential for emissions from vehicles transporting landed aggregates to affect human health receptors;
- Noise and Visual Disturbance: Disturbance to human beings caused by visual and noise stimuli from vessels and machinery.

The anticipated impact on human health from the activity is considered to be insignificant based on the distance to any sensitive area (7 km distance from the nearest point).

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

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

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

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

The assessment of impacts on navigation was conducted as part of the EIA process and conditions have been placed to avoid an impact on these activities. Further details are in in section 4.3.10 including the relevant conditions.

NRW is satisfied that the Proposed Activities do not have the potential to impact navigation other legitimate users of the sea when undertaken in accordance with the appropriate conditions.

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

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

5.4. Marine Policy Documents

5.4.1. The Legal framework

NRW is required to take its decision in accordance with the appropriate marine policy documents unless relevant considerations indicate otherwise.

5.4.2. UK Marine Policy Statement 2011 (MPS)

The MPS is the framework for preparing Marine Plans and taking decisions affecting the marine environment.

5.4.3. Our determination

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

5.4.4. Welsh National Marine Plan

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

5.5. Other matters NRW thinks relevant

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

5.5.1.1. 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

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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.

5.5.1.2. 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 “Champion the Welsh environment and the sustainable management of Wales’ natural resources”, “Promote successful and responsible business, using natural resources without damaging them” 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 5.1.1-5.1.7.

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 5.1.2.

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.

In particular:

- Present generations will benefit by providing social and economic benefits including jobs at the wharves and enabling construction activities which is particularly important in South Wales, where, the main source of sands for construction are of marine origin. Marine aggregates have lower impacts on local communities compared to land-won aggregates as these are landed at larger volumes close to where they will be used reducing transport.
- Future generations will benefit in the same way as NRW is satisfied that the proposed activities, when carried out in accordance with the terms of the Licence, including conditions, would not have any significant impact on the environment for the duration of the Marine Licence (15 years).

5.5.2.Sustainable management of natural resources

5.5.2.1. 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.

5.5.2.2. 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

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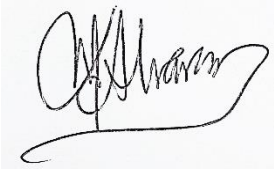
paragraphs 5.1.2 to 5.1.4 that appropriate action will be taken as part of the Project, when implemented in accordance with the conditions in the Marine Licence, to comply with this principle.

6. Conclusions and Recommendations

Based on all the information available and having regard to all relevant considerations including consultation responses, NRW's decision is to grant the Marine Licence sought by the Application. We have reached this decision having had regard to the relevant legal framework outlined in section 4 and 5, and explained in each section how each of the legal requirements have been considered. NRW has determined that a Marine Licence for the Proposed Activities should be granted.

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AUTHORISATION

Report by: Maria Alvarez Position: Permitting Officer	Date: 13/05/2021	Signed: 
Authorised by: Wendy Dodds Position: Permitting Team Leader	Date: 13/05/2021	Signed: 