



Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: Newport City Council
Application reference no: CML2127

Newport Transporter Bridge

**Refurbishment of the Newport Transporter Bridge
spanning the River Usk**

27 September 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 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 person or organisation set out below: Company/organisation name: Newport City Council Address: Civic Centre, Godfrey Road, Newport, NP20 4UR
Application Reference Number	CML2127
Date Application was duly made	11 June 2021
Proposal[s] covered by the application	Refurbishment of the Newport Transporter Bridge spanning the River Usk comprising: maintenance, repairs, restoration and enhancement of the bridge infrastructure using temporary access platforms and scaffolding. (the Project)
Licensable marine activities	• Repair of the eastern side approach viaduct. • Replacement of corroded oblique stiffening cables on the main boom and other ancillary cables. • Repair of the traveller structural framework. • Reinstatement of a number of original decorative features. • Repairs to the gondola structural framework • Mechanical repairs to the drive machinery. • Investigation of possible movement in the Westside abutment. • Abutment repair works to the stonework. • Repairs to pylon saddles. • Replacement of boom anchor cables. • Repairs to anchorage house including improved drainage. • Removal and reapplication of paint to main boom. • Local repair to pylon paint work. • Reinstatement of an improved lighting system. (the Proposed Activities)

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Marine Plan Area	Welsh inshore region and Welsh offshore region
Application documents:	As listed below.

Title/Description of Document	Date	Version No.
Marine-Licence-Application- issue.pdf	03/06/2021	1
CML2127 Cover Letter_Marine Licence Application_Issue	03/06/2021	1
CML2127 - 5 (c) (ii) Visitor Centre Proposed Plan.pdf	03/06/2021	1
CML2127 J757-Construction-Programme-CP-01-Rev-B.pdf	23/06/2021	2
CML2127 - 6 (c) (i) Site Location Plan.pdf	03/06/2021	1
CML2127 - 6 (c) (ii) Masonry Approach.pdf	03/06/2021	1
CML2127 - 6 (c) (ii) B072084-CUR-ZZ-ZZ-DR-S-27001-Repair Details Marking Plan.pdf	03/06/2021	1
CML2127 - 6 (c) (ii) B072084-CUR-ZZ-ZZ-DR-S-27002-Repair Details Marking Plan.pdf	03/06/2021	1
CML2127 - 6 (c) (ii) B072084-CUR-ZZ-ZZ-DR-S-27003-Repair Details Marking Plan.pdf	03/06/2021	1
CML2127 - 6 (c) (ii) B072084-CUR-ZZ-ZZ-DR-S-27004-Repair Details Marking Plan.pdf	03/06/2021	1
CML2127 - 6 (c) (ii) B072084-CUR-ZZ-ZZ-DR-S-27005-Repair Details Marking Plan.pdf	03/06/2021	1
CML2127 - 6 (c) (ii) Drainage plan.pdf	03/06/2021	1
CML2127 - 6 (c) (ii) East Landing Bridge GA.pdf	03/06/2021	1
CML2127 - 6 (c) (ii) Gondola repairs.pdf	03/06/2021	1
CML2127 - 6 (c) (ii) Tower and Boom Plan West.pdf	03/06/2021	1
CML2127 - 6 (c) (ii) Tower and Boom Plan.pdf	03/06/2021	1
CML2127 - 6 (c) (iii) Transporter Bridge NCC Owned Land.pdf	03/06/2021	1
CML2127 - 12 (c) 2020-02 EcIA - Newport Transporter Bridge, Newport v3.pdf	23/06/2021	1
CML2127 - 12 (c) Appropriate Assessment (Final version).pdf	23/06/2021	1
CML2127 - 13 Newport Listed Building Decision Notice.PDF	23/06/2021	1
CML2127 - 13 Newport Planning Decision Notice.pdf	23/06/2021	1
CML2127 - 13 Welsh Govt Listed Building Consent.pdf	23/06/2021	1
CML2127 - 4 (a) EIA Screening Request Appendix A.pdf	23/06/2021	1

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CML2127 - 4 (a) EIA Screening Request Appendix B.pdf	23/06/2021	1
CML2127 - 4 (a) Newport Transporter Bridge EIA Screening Request Feb 2021.pdf	23/06/2021	1
CML2127 - 12 (a) (i) NRW addendum.pdf	23/06/2021	1
CML2127 - 12 (a) (i) NRW final comment on AA.PDF	23/06/2021	1
CML2127 - 12 (a) (i) NRW response 2.pdf	23/06/2021	1
CML2127 - 12 (a) (i) NRW response to Appropriate Assessment.pdf	23/06/2021	1
CML2127 - 12 (a) (i) NRW response.pdf	23/06/2021	1
CML2127 - 4 (a) SC2104 EIA 2017 Screening Opinion.pdf	23/06/2021	1
CML2127 2020-02 EcIA - Newport Transporter Bridge, Newport v3.pdf	23/06/2021	1
CML2127 2020-02 PEA- Newport Transporter Bridge, Newport v3.pdf	23/06/2021	1
CML2127 EHS-F-340 - COSHH Form (1).pdf	23/06/2021	1
CML2127 EHS-F-350 - COSHH Issue register.pdf	23/06/2021	1
CML2127 EHS-F-535 Environmental Incident Report.pdf	23/06/2021	1
CML2127 Environmental Aspects and Impact Assesments.pdf	23/06/2021	1
CML2127 JSN-0464-SKE-007_A - PLATFORM 1 & 2 GA.pdf	23/06/2021	1
CML2127 JSN-0464-SKE-008_A - PLATFORM 3 GA.pdf	23/06/2021	1
CML2127 Newport CEMP REV01.pdf	23/06/2021	1
CML2127 Newport Transporter Bridge - ECI Survey Works Report.pdf	23/06/2021	1
CML2127 Newport transporter bridge CEMP revision programme-Main works heavy-19-05-2021 (1).pdf	23/06/2021	1
CML2127 Newport transporter bridge CEMP revision programme-Main works heavy-19-05-2021.pdf	23/06/2021	1
CML2127 Newport Transporter Bridge Coating Survey Report 1441-01.pdf	23/06/2021	1
CML2127 Organisation Chart Rev 01.pdf	23/06/2021	1
CML2127 Register of Significant Environmental Aspects and Impacts.pdf	23/06/2021	1
CML2127 Taziker Industrial NTB Report 14 4 20.pdf	23/06/2021	1

2 APPLICATION PROCEDURE

2.1 The Application

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 11 June 2021. 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 the following Local Authorities on 25 June 2021.

- Newport City Council (Local Planning Authority and Local Biodiversity Officer)
- ABP Ports (Local Harbour Authority and Local Port Authority)
- Newport Harbour Commissioners (Local Port Authority)

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

Public notice advertising the Project was placed in the South Wales Argus on 03 July 2021. The application documents were made available to the public at <https://publicregister.naturalresources.wales/> 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.

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.

The Application was not considered by NRW to constitute a development requiring EIA under the Regulations, and a Screening Opinion (ref SC2104) to that effect was issued on 05 May 2021.

3 CONSULTATION**3.1 Consultees**

NRW considered it appropriate to consult the bodies listed in the table below on 25 June 2021, due to their particular expertise. These bodies were consulted for a period of 28 days. Those bodies have responded to the consultation an 'Y' can be found in the response received column, those who did not respond to consultation an 'N' can be found in the response received column:

Consultee	Response received (Y/N)	Date(s) of receipt
The Crown Estate	Y	25/06/2021
NRW	Y	09/07/2021
MoD - Safeguarding Defence	Y	28/06/2021
Maritime & Coastguard Agency	Y	21/07/2021
Trinity House	Y	03/08/2021
Royal Yachting Association	Y	30/06/2021
Local Biodiversity Officer (Newport City Council)	N	
Local Planning Authority (Newport City Council)	N	
Local Harbour Authority (Associated British Ports)	Y	20/07/2021
Local Port Authority (Associated British Ports, Newport Harbour Commissioners, Walter Hunter)	N	
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Government Marine Enforcement Officers	Y	28/06/2021
Cadw	Y	19/07/2021
Welsh Archaeological Trust	N	
Royal Commission on Historic Monuments Wales	N	
Department for Transport (DFT)	N	

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Chamber of Shipping	N	
NERL Safeguarding	Y	05/07/2021

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 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 that proposals for development may cause deterioration or prevent a water body from achieving ‘good status’. Proposals likely to cause deterioration or prevent a waterbody from achieving good status should be rejected, unless derogation procedures have been applied.

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

(b) Factors relevant to our determination

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

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- USK (GB530905415404)
- Severn Lower (GB530905415401)

A Water Framework Directive Compliance Assessment has been undertaken for the Proposed Activities and taken into account in this decision. This assessment concludes that WFD stage 1 screening has been completed and the activity/project have been ruled out as not requiring any further WFD assessment. Or, further assessment is not required because there is no conceivable impact pathway to any water body or Protected Area.

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

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

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 the Marine 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 not reduce biodiversity when undertaken in accordance with appropriate conditions.

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 may affect the following European Protected Sites

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- River Usk SAC
- Severn Estuary SAC
- Severn Estuary SPA
- Severn Estuary RAMSAR

A Habitats Regulations Assessment (HRA) 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:

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

Further details are provided 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 as detailed in Annex 1, i.e. Condition 3.24 has been added to the Marine Licence which imposes a timing restriction on the works to avoid disturbance of migratory fish features of the River USK SAC.

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 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.

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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 due to the distance between the Skomer MCZ and the project location.

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:

- *River Usk (Lower Usk) SSSI*

NRW is satisfied that the Proposed Activities do not have the potential to impact on the River Usk (Lower Usk) SSSI when undertaken in accordance with appropriate conditions.

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 when undertaken in accordance with appropriate conditions.

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

The Maritime and Coastguard Agency (MCA) advised the following:

- *The Consent Holder should ensure suitable bunding, storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.*

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- *The Licencee should consult with the local navigation authority or Harbour Authority/Commissioners/Council to discuss what impact the proposed work will have on oil spill risk and pollution mitigation measures. The relevant oil spill contingency plan(s) will need to be amended to reflect the additional risk.*

With respect to the above comments, pollution prevention conditions are included in the Marine Licence as standard as detailed in Annex 1 (see licence conditions 3.14 to 3.17). An advisory note regarding Licence Holder consultation with the local navigation authority or harbour authority has been added to the Marine Licence Cover letter. The MCA advisory notes were also communicated to the applicant on 29 July 2021.

Conditions have also been included to minimise the potential risk of damage to the marine environment deriving from coatings, concrete and sand or grit blasting as detailed in Annex 1 (see licence conditions 3.18 to 3.22).

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 Maritime and Coastguard Agency advised:

The site is within port limits and the applicant should gain the approval/agreement of the responsible local navigation authority or the Harbour Authority Council in this case Newport Harbour Authority (ABP). They may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works, as deemed necessary.

Newport Harbour commissioners advised:

Notice to Mariners to be issued before commencement of the works

With respect to both comments above, the marine licence contains conditions 3.1 and 3.6) which require the Licence Holder to provide notification of commencement and completion to the following bodies:

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- NRW (as the Licensing Authority)
- Welsh Government Marine & Fisheries Division (Control & Enforcement Branch)
- Local mariners and fishermen's organisations (via issuing notices to mariners)

The following licence condition has also been included to ensure that the Licensed Activities, namely the erection of scaffolding and access towers do not interfere with safe navigation.

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

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

4.4 Marine Policy Documents**(a) The Legal framework**

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

UK Marine Policy Statement 2011 (MPS)

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

Welsh National Marine Plan (WNMP)

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

(b) Our determination**UK Marine Policy Statement 2011**

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

Welsh National Marine Plan

This decision has been taken in accordance with marine policy as set out in the Welsh National Marine Plan. This is supported by the submission of the WNMP Assessment, dated 23 July 2021.

4.5 Other matters NRW thinks relevant**Landowners Consent**

The Crown Estate (TCE) have advised that landowner's consent is required. The NRW Permitting officer passed this advice along with contact details of TCE's managing agent for the area, on to the applicant on 29 July 2021. The applicant advised that TCE require a copy of the Marine Licence before landowners' consent is granted.

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Flood Risk Activity Permit

NRW Advisory have highlighted that a Flood Risk Activity Permit may be required and, if required, should be obtained prior to the commencement of any works. The Permitting Officer has passed this information along with contact details for the NRW Development and Flood Risk Team to the applicant. This has also been noted in the Marine Licence Cover Letter.

Listed Buildings

Cadw have advised that the proposed activities of this project will have a direct impact on the Newport Transporter Bridge and its associated features which are grade 1 listed buildings 3076, 117414 and 17415. These proposed works in principle are acceptable and will be covered by detailed listed building consents. Therefore, the direct impact of the proposed works on the historic structures does not need to be considered further in the determination of this marine licence.

The Newport Transporter Bridge is located inside 1km of the other listed buildings and potentially will have an impact on their settings: However, in most cases intervening buildings will block views between them and therefore there will be no impact. Where views of the works are possible, it is unlikely that any impact on the building's settings will be more than very slight and given the temporary nature of the works any adverse impact will be limited to the period when they are being conducted and will cease once they are completed.

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

(a) The legal framework

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

(b) Our determination

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

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

4.5.2 Sustainable management of natural resources

(a) The legal framework

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

(b) Our determination

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

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5 Conclusions and Recommendations

Based on all the information available, and having regard to all relevant considerations including 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.

AUTHORISATION

Report by: Graham Willis Position: Permitting Officer	Date: 24/09/2021	Signed:  Graham Willis
Authorised by: Wendy Dodds Position: Permitting Team Leader	Date: 27/09/2021	Signed: 

ANNEX 1

Conditions imposed and reasons for those 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.

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

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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 nmoccontroller@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 and within 10 days of completion of the 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 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

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

- Any agent(s), contractor(s) and sub-contractor(s) 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 of 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 only to Carry out Licensed Activities

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

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

3.11 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.

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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 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

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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 Coatings**

The Licence Holder must ensure that any coatings/treatments used in carrying out the Licensed Activities are suitable for use in the marine environment and are used in accordance with best environmental practice.

Reason: To ensure hazardous chemicals that may be toxic, persistent or bio-accumulative are not released into the marine environment and to minimise the risk of marine pollution incidents by adopting best practice techniques.

3.19 Scaffolding and Access Towers

The Licence Holder must ensure that safe and normal navigation is not impeded by the use of scaffolding or access towers while carrying out the Licensed Activities.

Reason: To ensure that the Licensed Activities do not interfere with safe navigation.

3.20 Use of Render and Concrete

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

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

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

3.21 Concrete Cure Time

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

Reason: To minimise the risk of marine pollution incidents.

3.22 Sand or Grit-blasting

The Licence Holder must ensure that, if sand or grit-blasting is undertaken as part of the Licensed Activities, no waste material arising from this process is discharged into the marine environment.

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Reason: To avoid the introduction of waste into the marine environment and minimise the risk of marine pollution incidents.

3.23 Construction, Alteration or Improvement – Returning to Original Profile

The Licence Holder must ensure the area is returned to the original profile, or as close as reasonably practicable, following the completion of works.

Reason: To ensure compliance with the Approved Application.

3.24 Construction Time Restrictions

The Licence Holder must ensure that no works take place between 01 March and 30 June inclusive, without prior written approval from the Licensing Authority.

Reason: To avoid disturbance during the main Shad and Lamprey spawning and migration period in the interests of protecting the integrity of the River Usk SAC, complying with policies GP5 of the Adopted LDP and the Wales Marine Plan.

Note that this was also conditioned in the Newport Planning Decision Notice (Condition 9) with the same reasoning as above.

3.25 Implementation of Plans

The Licence Holder must implement the measures outlined in document CML2127 Newport CEMP REV01.pdf. Any proposed changes to the actions outlined in the document must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted. The document must be available for inspection at all reasonable times at the locations detailed in section 1.2 by the Licensing Authority and/or Marine Enforcement Officers.

Reason: To ensure that the HRA related mitigation measures are carried out to minimise impacts on the marine environment.