



**Cyfoeth
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Resources**
Wales

Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: Conwy County Borough Council

Application reference no: CML2159

Penrhyn Bay, Conwy

Penrhyn Bay Coastal Defence and Public Realm
Improvements

11 February 2022

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OUR DECISION

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

This decision document:

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

1. APPLICATION DETAILS

1.1. The Application

Applicant Name and Address	The Applicant is the organisation set out below: Organisation name: Conwy County Borough Council Address: Conwy County Borough Council Environment, Roads & Facilities, Mochdre Offices, Conway Road, Mochdre, LL28 5AB
Application Reference Number	CML2159
Date Application was duly made	09 November 2021
Proposal[s] covered by the application	Penrhyn Bay Coastal Defence and Public Realm Improvements
Licensable marine activities	Construction of T-shaped rock groyne, repairs to concrete sea wall and beach nourishment.
Marine Plan Area	Welsh inshore region and Welsh offshore region
Application documents:	CML2159 Application Form rev2 Appendix A Site Location Plan Appendix B - Design Plans

	<p>Appendix C - Indicative Construction Method Statement</p> <p>Appendix D - Non-Statutory environmental report</p> <p>Appendix E - NRW EIA Screening Opinion and Request</p> <p>Appendix F - Water Framework Directive (WFD) Assessment</p> <p>Appendix G - Outline CEMP</p> <p>Appendix H - Site Waste Management Plan (SWMP)</p> <p>Appendix I - Ecological Impact Assessment (EclA)</p> <p>Appendix J - Heritage Desk Based Assessment</p> <p>Appendix K - Habitat Regulation Assessment</p> <p>Appendix L - Intertidal Biotope Report</p> <p>Appendix M - Coastal Processes Impact Assessment</p> <p>Appendix N - Environmental Constraints Plans</p> <p>Appendix O - Working Area Coordinates</p> <p>Appendix P - NRW Correspondence</p> <p>Appendix Q – Consideration for Welsh National Marine Plan</p> <p>Appendix R – Flood Consequences Assessment</p>
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2. APPLICATION PROCEDURE

2.1. The Application

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 09 November 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 Conwy County Borough Council on 16 November 2021.

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 North Wales Pioneer on 12 January 2022. The application documents were made available to the public on the public register 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 SC2007) to that effect was issued on 29 March 2020.

3. CONSULTATION

3.1. Consultees

NRW considered it appropriate to consult the bodies listed in the table below on 16 November 2021, due to their particular expertise. These bodies were consulted for a period of 28 days. For those bodies which responded to the consultation an 'Y' can be found in the response received column, and those which did not respond to the consultation an 'N':

Consultee	Response received (Y/N)	Date(s) of receipt
The Crown Estate	Y	19 November 2021
NRW	Y	15 December 2021
MoD - Safeguarding Defence	Y	19 November 2021
Maritime & Coastguard Agency	Y	02 February 2021
Trinity House	Y	19 November 2021
Royal Yachting Association	Y	07 December 2021
Local Biodiversity Officer [Conwy County Council]	N	
Local Planning Authority [Conwy County Council]	N	
Local Harbour Authority [Conwy Harbour]	N	
Local Port Authority	N	
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Government Marine Enforcement Officers	N	
Welsh Archaeological Trust	Y	02 December 2021
Royal Commission on Historic Monuments Wales	Y	09 December 2021
Cadw	Y	03 December 2021
Chamber of Shipping	N	
NERL Safeguarding	Y	18 November 2021

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North Western & North Wales Sea Fisheries Committee	Y	17 November 2021
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Consultees who did not provide a response were assumed to have no comment.

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

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4. BASIS FOR OUR DECISION

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

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

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

4.1. The need to protect the environment:

The reference to the “environment” includes the local and global environment; the natural environment; and, by virtue of section 115(2) of the 2009 Act, any site of historic or archaeological interest. The natural environment may include the physical, chemical and biological state of the sea, the 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

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

- Ganol East
- North Wales

A Water Framework Directive Compliance Assessment has been undertaken for the Proposed Activities and taken into account in this decision. This assessment concludes that in light of the conclusions of a detailed compliance assessment (Stage 3), and taking account of the advice received from technical specialist advisors, it has been established that the activity/project has no potential to cause deterioration of any water body or prevent a water body or WFD Protected Area from meeting its objectives, taking into account any conditions or restrictions as applicable, either alone or in-combination with other activities.

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 provided that conditions are secured to the ML including the submission of a CEMP and adherence to pollution prevention measures which are detailed in condition 3.15 and 3.21 of Annex 1.

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

4.1.2. Biodiversity and resilience of ecosystems duty

a) The legal framework

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

b) Factors relevant to our determination

The Ecological Impact Assessment (Appendix E) recognises the potential impact of the works on *Sabellaria alveolata* reef. *Sabellaria alveolata* reef is listed as a priority habitat under section 7 of the Environment (Wales) Act 2016. The assessment identified the direct loss of reef as a result of the works: however, section 8.3.1 notes that the habitat quality of the reef to be lost is poor where the works are being proposed and therefore it is poorer quality reef that will be lost. NRW TE also agreed that the area of *Sabellaria alveolata* to the west under the proposed footprint appear to be of lower quality.

According to The Marine Life Information Network (MarLin) thin crusts of *Sabellaria alveolata* reef can be relatively ephemeral and disappear following natural disturbance such as storms but recover the following year (Holt et al. 1998), suggesting that recovery is 'High' (within 2 years). Therefore, it is expected that the loss of *Sabellaria alveolata* reef is likely to be temporary.

In addition, section 9.2 of the Ecological Impact Assessment indicates that six tidal pools will be created at the toe of the groyne and would provide opportunity for biodiversity enhancement as part of the scheme. NRW TE agree that it is likely that the new rock groyne structure will continue to support *Sabellaria alveolata* colonisation and welcome the proposal for biodiversity enhancement through the introduction of tidal pools.

However, NRW TE stated that the ability of *Sabellaria alveolata* to recolonise will be dependent on a number of conditions, including size and nature of the rock introduced. Therefore, NRW TE recommend that monitoring is carried out to assess recolonisation and the effectiveness of

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enhancement measures. The applicant has agreed to look to carry out monitoring measures to assess the effectiveness of these measures.

Section 6 of the Environment Wales Act requires that a public authority seek to maintain and enhance biodiversity in the exercise of its function, it requires that it has regard to the habitats listed under section 7 of the Environment Wales Act.

NRW PS consider that *Sabellaria alveolata* reef has been appropriately assessed and that the impacts are likely to be temporary. The reef impacted will be of poor quality, likely to recover and recolonise following completion of the works. NRW PS welcome the proposal to include biodiversity enhancement measures as part of the scheme and encourages future monitoring which has been communicated to the applicant. The applicant, (the Local Authority) must also adhere to section 6 of the Environment Wales Act and look to maintain and enhance biodiversity, hence NRW PS do not consider it necessary to include monitoring requirements under licence conditions. We would advise that the Local Authority liaise with NRW TE as they implement this scheme and consider any future enhancement opportunities.

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

4.1.3. European Protected Sites and Ramsar Sites

a) The legal framework

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

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

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

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

b) Factors relevant to our determination

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

- Liverpool Bay SPA
- Menai Strait and Conwy Bay SAC

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

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The following conclusions of the HRA have been considered by NRW in making this decision. NRW considered that subject to mitigation the proposed activity would not lead to adverse effect on site integrity. The mitigation required included;

To mitigate impacts of disturbance and possible pollution incidents to the designated species, a CEMP will be submitted prior to the commencement of Licensed Activities. The Ecological Impact Assessment also includes further mitigations including tidal working to build the groyne, construction to progress in small sections to minimise loss of material during high tide. In addition, silt curtains will be deployed to reduce sediment plume dispersion if construction is underwater. Further details are described within the Habitats Regulations Assessment.

NRW is therefore satisfied that the Proposed Activities, either alone or in combination with other plans or projects, will not adversely affect the integrity of European Sites when undertaken in accordance with conditions i.e. the requirement to produce and implement a CEMP as set out in condition 3.21 of Annex 1.

4.1.4. European Protected Species

a) The legal framework

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

b) Factors relevant to our determination

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

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

4.1.5. Marine Conservation Zones

a) The legal framework

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

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

b) Factors relevant to our determination

NRW is satisfied that there is no significant risk of the Proposed Activities on the Skomer MCZ due to the distance between the Project and the MCZ.

4.1.6. Sites of Special Scientific Interest (SSSIs)

a) The legal framework

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

b) Factors relevant to our determination

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

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. During consultation with NRW TE it was recommended that the sediment should be tested and compared with CEFAS Action Levels to determine if the sediment is safe for disposal at sea. The applicant responded on 05 January 2022 stating that sampling and testing of the beach sediment have been undertaken at five trial pit locations on the foreshore and at different depths. The sediment was compared with CEFAS Action Levels and the results showed no contaminants were at or above Action Level 2, no contaminants reach ½ of Action Level 2. Slight exceedances of Action Level 1 were detected for Cadmium on TP06, TP07 and TP08. However, further leaching tests showed the material as 'inert' from Waste Acceptance Criteria. Exceedance of Action Level 1 were detected for Mercury. However, further leaching tests showed the material as 'inert' from Waste Acceptance Criteria.

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

The Royal Commission on the Ancient and Historical Monuments of Wales responded to the consultation stating they support the granting of a marine licence but archaeological mitigation needed to be implemented. This included the implementation of a Protocol for Archaeological Discoveries for the project, the implementation of a watching brief for all areas of excavation on the foreshore, creation of a geoarchaeological deposit model. In addition, an archaeological recording of the two fish traps adjacent to/within the scheme area and finally, submission of a Written Scheme of Investigation. The above has been secured through the inclusion of licence conditions 3.18.1, 3.18.2, 3.18.3 and 3.18.4.

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.

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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.

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.

During consultation with the Marine and Coastguard Agency standard licence conditions were requested such as notification to local marine users, HM coastguard, to the Source Data Receipt Team and the UK Hydrographic Office. Trinity House also requested the correct markings to be used during project works, this being a green pole, surmounted by a green conical shaped topmark, at a height of at least two-metres above MHWS. These have been secured through the inclusion of licence condition 3.4, 3.1.4 and 3.20.

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.

4.4. Marine Policy Documents

a) The Legal framework

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

UK Marine Policy Statement 2011 (MPS)

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

Welsh National Marine Plan (WNMP)

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

b) Our determination

UK Marine Policy Statement 2011

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

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Welsh National Marine Plan

This decision has been taken in accordance with marine policy as set out in the Welsh National Marine Plan. Appendix Q associated with the application demonstrates consideration for the Welsh National Marine Plan.

Shoreline Management Plan (SMP)

SMPs are non-statutory policy documents with the purpose of providing a large-scale assessment to support coastal support management planning. The proposed works lie within Policy Unit 11a of the PU2.1 SMP2. The policy for the unit is Hold the Line. Therefore, the enhancement of the Penrhyn Bay Coastal Defence is in line with the SMP policy for the area.

4.5. Other matters NRW thinks relevant

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

a) The legal framework

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

b) Our determination

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

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

4.5.2. Sustainable management of natural resources

a) The legal framework

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

b) Our determination

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

5. Conclusions and Recommendations



Based on all the information available, and having regard to all relevant considerations including the consultation responses, NRW's decision is to grant the Marine Licence sought by the Application. We have reached this decision having had regard to the relevant legal framework outlined in section 4 and

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have also explained in section 4 how each of the legal requirements have been considered. NRW has determined that a Marine Licence for the Proposed Activities should be granted.

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

6. AUTHORISATION

Report by: Jodie Pullen Position: Permitting Officer	Date: 03 February 2022	Signed: 
Authorised by: Position: :Lead Specialist Officer on behalf of Permitting Team Leader	Date: 11 February 2022	Signed: 

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ANNEX 1

Conditions imposed and reasons for those conditions.

Note: Condition numbers used below reflect the condition numbers used in the licence.

CONDITIONS

Notification and Inspection

3.1 Notification of Commencement

- 3.1.2** 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 no less than **10 days** prior to the commencement of the Licensed Activities.

Reason: To minimise interference with other sea users and ensure other vessels in the vicinity can safely plan and conduct their passage.

- 3.1.4** The Licence Holder must notify the Source Data Receipt Team, UK Hydrographic Office on sdr@ukho.gov.uk no less than 10 days before commencement of the Licensed Activities. The information supplied must include the start date, end date, a description of the works, positions of the work area (WGS84) and details of any marking arrangements.

Reason: to ensure the UHHO and the Source Data Receipt Team are notified of the works commencing.

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 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 within **10 days** of completion of the Licensed Activities.

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

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- 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

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

- All agents, contractors and subcontractors whose names have been provided to the Licensing Authority under condition 3.3 and
- The Masters of any vessels and transport managers responsible for the vehicles employed in accordance 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;

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

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

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

Vessels, Plant and Equipment

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

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

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

3.11 Refuelling of Plant and Equipment

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

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

3.12 Equipment, Structures and Access

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

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

Safety

3.13 Removal of Deposited Material

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

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

Pollution control

3.14 Pollution Prevention

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

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

3.15 Spillage of Pollutants

The Licence Holder must employ bunding, storage facilities and spill kits to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment. Secondary containment must be used with a capacity of **no less than 110%** of the container's storage capacity

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

3.16 Prevention of Disposal of Man-made Debris

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

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

3.17 Cleanliness of Equipment

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

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

Activity-specific Conditions

3.18 Marine Archaeology

3.18.1 The Licence Holder must submit a Protocol for Archaeological Discoveries (PAD) to the Licensing Authority for written approval prior to commencement of any Licensed Activity. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.

Reason: to assist in the event of any discovery of currently unknown archaeological remains.

3.18.2 The Licence Holder must ensure that any actions outlined in the PAD detailed in condition 3.18.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

Reason: to assist in the event of any discovery of currently unknown archaeological remains.

3.18.3 The Licence Holder must submit a Written Scheme of Investigation (WSI) to the Licensing Authority for written approval at least 4 months prior to commencement of any Licensed Activity. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority. The WSI must provide details of:

- i. Implementation of a watching brief for all areas of excavations on the foreshore.
- ii. Creation of a geoarchaeological deposit model.
- iii. Archaeological recording of the two fish traps adjacent to/within the scheme area, before scheme commencement, and after scheme completion.

3.18.4 The Licence Holder must ensure that any actions outlined in the WSI detailed in condition 3.18.3 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

Reason: to assist in the event of any discovery of currently unknown archaeological remains.

3.19 Biosecurity Risk Assessment

3.19.1 The Licence Holder must submit a biosecurity risk assessment, to the Licensing Authority for written approval at least 6 weeks prior to commencement of the Licensed Activities. No Works may be undertaken prior to written approval from the Licensing Authority.

Reason: to ensure the risk to spreading INNS is reduced as much as possible.

3.19.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.19.1 are implemented as approved in writing by the Licensing Authority. Any

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proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

Reason: to ensure any changes of the document are reviewed by NRW before being granted.

3.20 Navigation Markings

3.20.1 The Licence Holder must mark the fishtail groyne at Penrhyn Bay with a green pole, surmounted by a green conical shaped topmark, at a height of at least 2 metres above Mean High Water Springs.

Reason: to ensure the markings are in line with specifications from the Trinity House.

3.20.2 The Licence Holder must notify Trinity House and the UK Hydrographic Office of the positions of these two markers in terms of Latitude and Longitude once established.

Reason: to ensure Trinity House and the UKHO are notified of the markings when in place.

3.21 Approval of Construction Environment Management Plan

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

Reason: to ensure a finalised CEMP is submitted to NRW for approval before works commence.

3.21.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.21.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

Reason: to ensure any changes are reviewed by NRW before being granted.