

Sent by e mail

08 March 2022

Dear Mr Poulton,

MARINE AND COASTAL ACCESS ACT 2009: PART 4 – MARINE LICENSING

LICENCE FOR COLWYN BAY WATERFRONT PROJECT PHASE 2B

LICENCE NUMBER: CML2149

I am writing to advise you that the Marine Licensing Team, on behalf of the Welsh Ministers, as Licensing Authority, has considered your application, dated **10 September 2021** for a Marine Licence under Part 4 of the Marine and Coastal Access Act 2009, and hereby grant a Marine Licence for you to undertake the above stated works.

Accordingly, please find attached for your review and retention a copy of Marine Licence **CML2149** and its conditions.

Advisory Note

Please note the condition **3.20** which requires the submission of a Written Scheme of Investigation prior to the commencement of works. I have included below mitigation that should be included within this report, as requested by RCAHMW:

1. Implementation of a watching brief for any excavation intervention which takes place on the foreshore. This will primarily be directed at the work associated with the terminal groyne and outfalls, as per ES 8.8.5. This should be a standard procedure for interventions in areas with potentially unexpected archaeological discoveries.
2. Implementation of a 5m Archaeological Exclusion Zone (AEZ) around fishtrap MM013 as recommended by CPAT, as per ES 8.8.4.
3. Full archaeological recording of fishtrap MM013 in advance of works starting, and when works have been completed. This recording should be done with a fully 3D digital methodology, e.g. laser scanning, UAV-based photogrammetry, etc., to allow the pre-works nature of the heritage asset to be documented, and to be compared with its post-work state to ascertain if any impact has occurred. This work will also serve to enhance the historic asset (through establishment of detailed baseline dimensional data), as encouraged by Policy SOC_05 (historic assets) of the Welsh

National Marine Plan (WNMP) (see Welsh Government 2019: 33). Archival deposition of resulting datasets should include the RCAHMW archive.

4. Archaeological Exclusion Zone (AEZ) of 50m around UKHO91185. This could be potentially reduced with additional survey/investigation to ascertain the exact nature of the seabed remains.
5. For discussion of AEZ's, including process for their reduction and/or refinement please see guidance from the Crown Estate (2021: Chapter 5).

RCHAMW also strongly encourage the commissioning of geophysical and UAV surveys as discussed with Mott Macdonald prior to the submission of your application. However, as this type of work is not fully proven within the inter-tidal zone, it has not been included as a required condition of the Marine Licence.

Please note condition **3.18** which requires the submission of a Construction Environmental Management Plan for approval prior to the commencement of works. As discussed, this should also include details of marine mammal monitoring within 100m of the works. This could be monitored by an Ecological Clerk of Works (ECoW) or site foreman rather than a dedicated marine mammal observer.

I encourage you to correspond with the relevant consultees prior to submitting documents for discharging conditions.

Marine Licence, **CML2149**, constitutes a statutory consent; therefore the conditions set out herein must be complied with in full and will be binding upon any agent or contractor who undertakes any activity on the project on your behalf.

You are urged to read the conditions of Marine Licence **CML2149** carefully, in particular the need to advise Welsh Government Marine Enforcement Officers of the commencement of works within **10 days** prior to work starting.

Marine Licence, **CML2149** is solely granted for the work to be undertaken at **Colwyn Bay**; however, it does not absolve you from applying for further consents or licences as necessary to enable the full completion of your project.

If the works authorised by this Licence are unlikely to be completed by the expiry date, the Licence Holder should apply for a replacement marine licence **at least 4 months** prior to the expiry date of this Licence.

Should you require clarification as to the reasons for the inclusion of any of the conditions attached to the Licence then you must request written notice within 28 days of the receipt of this letter.

Rights of appeal

You have the right of appeal to the Welsh Ministers against this decision. The Appeal must be made in accordance with the Marine Licensing (Appeals Against Licensing Decisions) (Wales) Regulations 2011.

A notice of appeal must be received by the Welsh Ministers within six months beginning with the date of the decision to which the appeal relates.

You must send written notice of appeal including the documents listed below to the Welsh Ministers at the following address:

Welsh Ministers c/o Marine Licensing Branch, Welsh Government, Cathays Park, Cardiff. CF10 3NQ.

At the same time you must send a copy of the notice of appeal to the Natural Resources Body for Wales at the following address:

Permitting Service Manager, Permitting Service(Cardiff), Natural Resources Wales, Cambria House, 29 Newport Road, Cardiff, CF24 0TP

The notice of appeal must include:

- a) the name, address (including any email address) and telephone number of the appellant and any agent acting for the appellant;
- b) a statement of the grounds of appeal;
- c) a statement as to whether the appellant wishes to have the appeal dealt with by way of written representations, a hearing or an inquiry;
- d) a copy of the decision to which the appeal relates;
- e) a copy of all documents upon which the appellant wishes to rely; and
- f) a list of all the documents, including dates (where any document is dated), specified in bullet points d and e above. :

You may withdraw an appeal by notifying the Welsh Ministers in writing and sending a copy of that notification to the NRW at the address specified above.

Please be aware that the Welsh Government has changed the Marine Licensing fees and charges in Wales. You will be charged for any post licensing work associated with your licence. If you have any queries regarding the fee changes, please email the Marine Licensing Team via marinelicensing@naturalresourceswales.gov.uk

Following the UK's departure from the EU on 31 January 2020 and the end of the transition period on 31 December 2020, the legal obligations relating to compliance with environmental permits and legislation will continue to apply. NRW will continue to issue and regulate all permits and licenses in line with our current practice. If you have any questions about your permits or licenses and/or site management, please contact our Customer Care Centre on 03000 653 000.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Will Cooke', written in a cursive style.

Will Cooke
Marine Licensing Team
Natural Resources Wales