



Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: City and County of Swansea
Application reference no: CML2128

Mumbles Coastal Protection Project

10 December 2021

Application Number: CML2128

1 Contents

| | |
|--|----|
| Marine Licensing Decision | 1 |
| 10 December 2021 | 1 |
| 1 Contents..... | 2 |
| 1. APPLICATION DETAILS | 4 |
| 1.1 The Application..... | 4 |
| 2 APPLICATION PROCEDURE | 7 |
| 2.1 The Application..... | 7 |
| 2.2 Documents considered | 7 |
| 2.3 Commercial Confidentiality | 7 |
| 2.4 Publicity and advertising | 7 |
| 2.5 Environmental impact Assessment..... | 7 |
| 3 CONSULTATION..... | 8 |
| 3.1 Consultees | 8 |
| 4 BASIS FOR OUR DECISION | 9 |
| 4.1 The need to protect the environment: | 9 |
| 4.1.1 Water Framework Directive, Groundwater Directive and Water Environment Regulations | 9 |
| 4.1.2 Biodiversity and resilience of ecosystems duty..... | 10 |
| 4.1.3 European Protected Sites and Ramsar Sites | 11 |
| 4.1.4 European Protected Species | 11 |
| 4.1.5 Marine Conservation Zones | 11 |
| 4.1.6 Sites of Special Scientific Interest (SSSIs) | 12 |
| 4.1.7 The Waste (England and Wales) Regulations 2011 | 13 |
| 4.1.8 Other matters considered relevant to the need to protect the environment | 13 |
| 4.1.9 Conclusion of our considerations under the need to protect the Environment | 14 |
| 4.2 The need to protect human health | 14 |
| 4.2.1 Conclusion of our considerations under the need to protect human health | 14 |

Application Number: CML2128

4.3 The need to prevent interference with legitimate uses of the sea 14

 4.3.1 Conclusion of our considerations regarding the need to prevent interference with legitimate uses of the sea..... 14

4.4 Marine Policy Documents 14

4.5 Other matters NRW thinks relevant 15

 4.5.1 Well-being of Future Generations (Wales) Act 2015 15

 4.5.2 Sustainable management of natural resources 16

5 Conclusions and Recommendations 16

6 AUTHORISATION 16

7 ANNEX 1..... 18

Application Number: CML2128

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

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| Applicant Name and Address | The Applicant is the person or organisation set out below: Company/organisation name: City and County of Swansea Address: Room 301 Guildhall, C/O Civic Centre, Swansea SA1 3SN |
| Application Reference Number | CML2128 |
| Date Application was duly made | 21/06/2021 |
| Proposal[s] covered by the application | The Mumbles Coastal Protection Project is a flood alleviation scheme designed to manage long-term coastal flood risk in Mumbles. This is to be achieved through the upgrading of the existing coastal infrastructure along the approx. 1.1km long project frontage (the Project) |
| Licensable marine activities | The project will include: <ul style="list-style-type: none">• Installation of sheet pile toe;• Break-up of existing revetment using machine mounted tools and removal or cut down of existing sheet piles;• Excavation and construction of appropriate sub-base to receive reinforced concrete stepped apron using excavator;• Construction of concrete stepped apron complete with connection detail at the sheet pile and kicker for seawall encasement concrete; |

Application Number: CML2128

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| | <ul style="list-style-type: none"> • Drilling and resin-fixing reinforcement bars into the existing seawall using machine tools; & • Construction of concrete facing for existing seawall. <p>(the Proposed Activities)</p> |
| Marine Plan Area | Welsh inshore region and Welsh offshore region |
| Application documents: | CML2128 2019-12-19 Mumbles GIR |
| | CML2128 2019_0349_SCR-NRW_SCREENING_OPINION-970809 |
| | CML2128 CCS_Mumbles Winter Bird Survey Report 2020 _Client Issue |
| | CML2128 COGL00000009-JBAU-00-00-DR-C-1000-S3-P01-General_arrangement |
| | CML2128 COGL00000009-JBAU-00-00-DR-C-1001-S3-P01-Site_plan_1_of_4 |
| | CML2128 COGL00000009-JBAU-00-00-DR-C-1002-S3-P01-Site_plan_2_of_4 |
| | CML2128 COGL00000009-JBAU-00-00-DR-C-1003-S3-P01-Site_plan_3_of_4 |
| | CML2128 COGL00000009-JBAU-00-00-DR-C-1004-S3-P01-Site_plan_4_of_4 |
| | CML2128 COGL00000009-JBAU-00-00-DR-C-1501-S3-P01-Typical_Section_A |
| | CML2128 COGL00000009-JBAU-00-00-DR-C-1502-S3-P01-Typical_Section_B |
| | CML2128 COGL00000009-JBAU-00-00-DR-C-1503-S3-P01-Typical_Section_C |
| | CML2128 COGL00000009-JBAU-00-00-RP-EN-0002-S2-P01-Habitats-Regulations-Assessment-HRA-Screening-Report |
| | CML2128 COGL00000009-JBAU-00-00-RP-EN-0003-S2-PO1-Water-Framework-Directive-WFD-Screening-Report |
| | CML2128 COGL00000009-JBAU-00-00-SU-EN-0002-S3-P01-Wintering_bird_survey |
| | CML2128 COGL00000009-JBAU-00-00-TN-C-0002-S3-P01-Coastal_processes_and_foreshore_morphology_review |
| | CML2128 COGL00000009-JBAU-00-XX-DR-GT-9120-S3-P01.02-Geotechnical_long_section_Sheet1 |
| | CML2128 COGL00000009-JBAU-00-XX-DR-GT-9120-S3-P01.02-Geotechnical_long_section_Sheet2 |
| | CML2128 marine-works-application-form-updated (2) Mumbles Coastal Protection Project_signed-SC1706 |
| | CML2128 Mumbles Coastal Defence Scheme WFD Screening v2.0 |

Application Number: CML2128

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|--|---|
| | CML2128 MumblesOBC_AppC_CoastalProcessesConceptualUnderstanding_20170317_Arup- ABPmer |
| | CML2128 Mumbles Marine Licence Boundary |
| | CML2128 WNMP signposting document |
| | CML2128 COGL00000009-JBAU-00-00-RP-C-0001-S3-P01- Design_input_statement |
| | CML2128 COGL00000009-JBAU-00-00-RP-EN-0001-S3-P03-Ecology_PEA |
| | CML2128 Mumbles Coastal Protection Outline CEMP Final 3.0 |

Application Number: CML2128

2 APPLICATION PROCEDURE

2.1 The Application

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 21 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. The determination of the application was put on hold between 29/06/2021 and 06/08/2021, and 14/09/2021 and 01/10/2021 whilst waiting for additional assessments to be submitted.

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 City and County of Swansea on 25 June 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 South Wales Evening Post on **08 July 2021**. In light of the public health situation surrounding COVID-19, a hard copy of the application and supporting documents were not made available during this period; however, copies of the application documents were made available on the NRW public register.

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

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

2.5 Environmental impact Assessment

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

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 **SC1706**) to that effect was issued on **18 August 2017**.

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. 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 | 25/06/2021 |
| NRW | Y | 2 responses received between 18/08/2021 and 18/10/2021 |
| MoD - Safeguarding Defence | Y | 19/07/2021 |
| Maritime & Coastguard Agency | Y | 21/07/2021 |
| Trinity House | Y | 05/07/2021 |
| Royal Yachting Association | Y | 12/07/2021 |
| Local Biodiversity Officer (Swansea County Council) | N | |
| Local Planning Authority (Swansea County Council) | N | |
| Local Port Authority (ABP Port Talbot and Swansea) | N | |
| Royal Society for the Protection of Birds (RSPB) | N | |
| Glamorgan Gwent Archaeological Trust | Y | 31/08/2021 |
| Royal Commission on Historic Monuments Wales | N | |
| Cadw | Y | 22/07/2021 |
| Chamber of Shipping | Y | 29/06/2021 |
| NERL Safeguarding | Y | 05/07/2021 |

Consultees who did not provide a response were assumed to have no comment. In addition we received 4 responses from members of the public.

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

Application Number: CML2128

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

Application Number: CML2128

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

- Swansea Bay Coastal Waterbody

A Water Framework Directive Compliance Assessment has been undertaken for the Proposed Activities and taken into account in this decision.

During consultation, concerns were raised by NRW TE regarding the potential for the works to produce levels of underwater noise that would impact on marine mammal or fish behaviours. The applicant submitted CML2128 Mumbles Coastal Protection Outline CEMP Final 3.0 on 23 November 2021, which was updated to confirm that no piling would be undertaken underwater. NRW PS therefore considers that these concerns have been adequately addressed and no further information is required.

A Stage 1 Risk Screening identified that as the works are being conducted within a Highly Modified Water Body (HMWB) further assessment in this regard was required. The risk screening also identified biosecurity and pollution as areas of potential risk to waterbody status, however these were screened out through measures already included within the scheme and conditions that are included within the marine licence (Conditions 3.14, 3.15, 3.19.2, 3.22 and 3.23.)

A Stage 3 Detailed Assessment conducted assessing the potential impact of the works on the HMWB mitigation measures for the Swansea Bay Waterbody. It was concluded that the proposed works to not impact the HMWB mitigation measures. Further details are provided within CML2128 WFD Compliance Assessment.

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.

Further details are described within CML2128 WFD 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

Concerns were raised by NRW TE regarding potential impacts as a result of construction activities to priority bird species under Section 7 of the Environment (Wales) Act 2016. These comments have been addressed in Section 4.1.6.

Concerns were also raised by NRW TE regarding the native oyster (*Ostrea edulis*) which is also a priority species under Section 7 of the Environment (Wales) Act 2016. In response to these concerns, the applicant submitted a Preliminary Ecological Appraisal (dated September 2021). The Preliminary Ecological Appraisal shows that no *Ostrea edulis* were recorded during the Phase 1 ecological surveys. As a result, NRW PS consider that these concerns have been adequately addressed and no further information is required.

Application Number: CML2128

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 does not affect a designated marine European Site.

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

Application Number: CML2128

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 to the proposed works.

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:

- *Blackpill SSSI*

NRW is satisfied that the Proposed Activities do not have the potential to impact on Blackpill SSSI when undertaken in accordance with appropriate conditions, i.e. Conditions 3.19, 3.22 and 3.23.

Appropriate consultation has been undertaken within NRW, as set out in section 3 and the responses indicated below.

NRW Technical Experts (NRW TE) raised concerns during consultation regarding water quality and the potential for the release of contaminants through pollution incidents or during excavations. To address these concerns, the applicant provided the A111150-4-1 Mumbles Promenade Foreshore Factual Ground Investigation Report December 2019. This report contains sediment analysis of the area of proposed works. Through further discussions with NRW TE and the applicant, the results of this analysis were tabulated alongside CEFAS Action Levels to provide an assessment of the contaminants that were found. The applicant also submitted a CEMP which reference the adherence to GPP5 pollution prevention measures for Works and Maintenance In Or Near Water. As a result, NRW Permitting Service (NRW PS) consider that these concerns have been addressed and no further information is required.

NRW TE also raised concerns regarding short, medium and long term effects of the proposed development on designated bird features of Blackpill SSSI. In response to this, the applicant submitted CML2128 CCS_Mumbles Winter Bird Survey Report 2020_Client Issue and COGL00000009-JBAU-00-00-SU-EN-0002-S3-P01-Wintering Bird Survey. Through the review of these reports, NRW TE concluded and there was no likely significant effect to the Blackpill SSSI. NRW PS are therefore satisfied that these concerns have been addressed and no further information is required.

Application Number: CML2128

NRW TE raised concerns regarding the potential for the spread of Invasive Non-Native Species (INNS) during the works. As a result, Condition 3.19.2 has been included within the licence requiring the submission of a biosecurity risk assessment prior to the commencement of works. Through the implementation of this condition, NRW PS are therefore satisfied that these concerns have been addressed and no further information is required.

During consultation with NRW TE, concerns were raised regarding lack of information provided for understanding the baseline hydrodynamic and sediment transport regime, and sediment characteristics. Concerns were also raised around the potential loss of habitat of the Blackpill SSSI caused by the construction of the revetment and stepped apron. In response the applicant submitted CML2128 MumblesOBC_AppC_Coastal Processes Conceptual Understanding_20170312_Arup-ABPmer. Following further consultation on this document, NRW TE agreed in principle that the coastal protection works would not cause any measurable interruption to alongshore sediment transport process and therefore, would also not result in a loss of habitat to the SSSI. However, it has been advised that monitoring should be undertaken to monitor sediment transport and any beach lowering that may be caused as a result of the coastal protection. This advice has been passed on to the applicant for consideration in future. NRW PS are therefore satisfied that these concerns have been addressed and no further information is required.

Concerns were raised by NRW TE during consultation regarding the potential for increased suspended sediment concentrations (SSC) from excavations and increased underwater noise from piling activities. The applicant submitted CML2128 Mumbles Coastal Protection Outline CEMP Final 3.0 on 23 November 2021, which was updated to confirm that no piling would be undertaken underwater. The applicant also confirmed that excavations would be undertaken at low tide, with sediment being replaced and compacted. NRW PS are therefore satisfied that these concerns have been addressed and no further information is required.

Therefore NRW is satisfied that the Proposed Activities are not operations likely to damage the SSSI and that the approved documents, as submitted as part of the Application, appropriately addresses any risks arising from the Proposed Activities.

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.

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

During consultation, Glamorgan Gwent Archaeological Trust (GGAT) requested conditions to be added to the Marine Licence to require the submission of a Written Scheme of Investigation (WSI) for approval by NRW prior to the commencement of works. This was requested to protect recorded features on the Historic Environment Record in the area of proposed works such as the former mumbles railway, buried prehistoric peat deposits and historic timber slip ways. GGAT also requested

Application Number: CML2128

that a suitably qualified archaeological contractor undertakes a watching brief in accordance with the WSI. These conditions have been included in the licence under Conditions 3.19.1, 3.20 and 3.21.

Four public representations were made in response to the public notice. All representations were taken into account during the determination of this licence. Many of the concerns raised by members of the public related to matters that were outside of the Marine Licensing remit. With regards to these comments, a response letter was provided to those consultees on 10 August 2021 providing guidance to raise these concerns with the City and County of Swansea during the planning application consultation as this had yet to be submitted at the time. Concerns raised with regards to the impact on the Blackpill SSSI were noted and through further consultation with the applicant and NRW TE, as outlined in section 4.1.6, NRW PS consider that these concerns have been adequately addressed.

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.

A stakeholder consultation was undertaken as part of this Licence determination. NRW PS considered it appropriate to consult with the Maritime Coastguard Agency, Trinity House and the Royal Yachting Association with regard to preventing interference with legitimate uses of the sea. No concerns were raised during this consultation.

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

Application Number: CML2128

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

Shoreline Management Plans 2

Shoreline Management Plans 2 (SMP2) are non-statutory documents that set the strategic policy direction for coastal management. SMP2s identify the most sustainable approaches to managing the risks to the coast (people, communities and historic and natural environment) associated with coastal processes. Sections of the coast around Wales have been assigned to 'policy units' with a set of preferred policies identified for each SMP epoch (0-20, 20-50 and 50-100 years).

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

Shoreline Management Plans 2

This decision has been taken in accordance to the marine policy set out within the SMP2. The policy unit for Singleton Park to Norton is Hold the Line. The works covered under this project are in line with this policy as they involve the replacement of the existing sea defences within the original line of defence.

UK Marine Policy Statement 2011

This decision has been taken in accordance with marine policy as set out in the UK Marine Policy The decision has not been taken in accordance with the MPS.

Welsh National Marine Plan

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

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

Application Number: CML2128

During consultation with the public, concerns were raised regarding the usage of the Southend Gardens Tennis Courts for site storage for the duration of the works as well as the relocation of sailing vessels on hard stands on the promenade in front of this location. As these works are not within the Marine Licensing remit, a letter was issued to these consultees providing guidance to raise these concerns to the City and County of Swansea during consultation on the planning application that had not been submitted at the time.

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

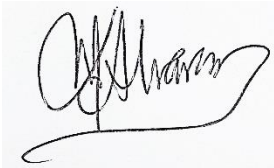
Based on all the information available, and having regard to all relevant considerations including the consultation responses, NRW's decision is to grant the Marine Licence sought by the Application. We have reached this decision having had regard to the relevant legal framework outlined in section 4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

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| Report by: Will Cooke Position: Permitting Officer | Date: | Signed:  |
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Application Number: CML2128

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| <p>Authorised by: Maria Alvarez</p> <p>Position: Acting Marine Licensing Team Leader</p> | <p>Date:</p> <p>10/12/2021</p> | <p>Signed:</p>  |

Application Number: CML2128

7 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 **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.

Application Number: CML2128

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.

- 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.

Application Number: CML2128

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;
- 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 and Vehicles only to Carry out Licensed Activities

Only those agent(s), contractor(s), sub-contractor(s) and 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**.

Application Number: CML2128

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 Notification of UKHO

3.18.1 The Licence Holder must notify the UK Hydrographic Office at least 5 days before commencement of works to permit the promulgation of maritime safety information and updating of nautical charts and publications through the national Notice to Mariners system.

3.18.2 The Licence Holder must notify the UK Hydrographic Office of the Licensed Area and the Licensed Activities within 10 days of the completion of the Licensed Activities.

Reason: To permit the promulgation of Maritime Safety Information and the updating of nautical charts and publications to ensure other vessels in the vicinity can safely plan and conduct their passage.

3.19 Approval of Schemes/Plans

3.19.1 The Licence Holder must submit a Written Scheme of Investigation to the Licensing Authority for written approval at least **6 weeks** prior to commencement of the Licensed

Application Number: CML2128

Activities. No Works may be undertaken prior to written approval from the Licensing Authority.

3.19.2 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.

3.19.3 The Licence Holder must submit a Construction Environment Management Plan (CEMP) to the Licensing Authority for written approval at least 6 weeks prior to commencement of the Licensed Activities. The CEMP submitted should be inline with the measures included in CML2128 Mumbles Coastal Protection Outline CEMP Final 3.0. No Works may be undertaken prior to written approval from the Licensing Authority.

3.19.4 The Licence Holder must ensure that any actions outlined in the documents detailed in Conditions 3.19.1 and 3.19.2 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

WSI Reason: Having a WSI in place will the archaeologist to tailor their work to areas of the scheme which are likely to have the greatest impact on any historic environment assets.

Biosecurity Reason: To mitigate the risk of spreading INNS

CEMP Reason: To ensure appropriate pollution preventions and underwater noise prevention measures are implemented.

3.20 Archaeology

The Licence Holder must ensure that a suitably qualified archaeological contractor is present during the undertaking of any Licensed Activities so that an archaeological watching brief can be conducted in line with the Written Scheme of Investigation. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs.

Reason: To ensure all archaeological finds are reported

3.21 Reporting of Artefacts

The Licence Holder must ensure that any artefacts accidentally recovered are retained and reported through the Marine Portable Antiquities Scheme.

Reason: To ensure all archaeological finds are reported

3.22 Use of Render and Concrete

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. The Licence Holder must ensure that if concrete is

Application Number: CML2128

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.

3.23 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.