



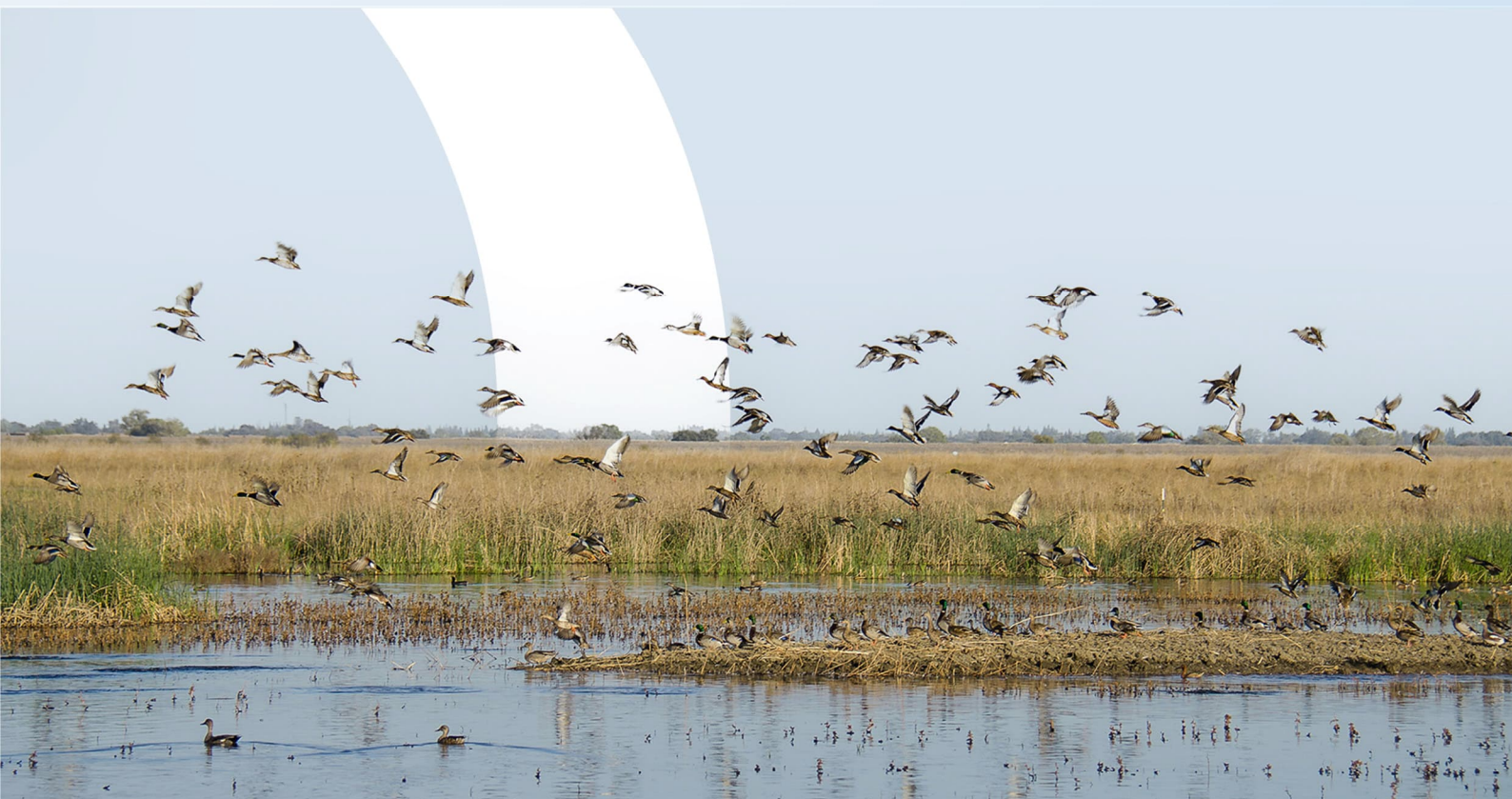
APPENDIX C: MARINE ADVICE NOTE



Neath Port Talbot County Borough Council

CRYDDAN BROOK FLOOD ALLEVIATION SCHEME

Marine Advice Note





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QUALITY CONTROL

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1 INTRODUCTION

1.1 OVERVIEW

This Marine Advice Note has been prepared to identify the potential marine licencing requirements associated with the Cryddan Brook Flood Alleviation Scheme (hereafter referred to as the 'Project'), which is being developed by Neath Port Talbot County Borough Council. The Project involves a series of flood defence upgrades and culvert installations (hereafter referred to as the 'Proposed Works') designed to address recurring flood events in the Melyn area of Neath, South Wales (see **Figure 1**).

While the majority of the Proposed Works are located landwards of Mean High Water Springs (MHWS) and therefore fall outside the scope of marine licencing, specific elements, particularly the construction and operation of the two outfalls into the River Neath, are expected to extend below MHWS, triggering marine licencing requirements.

The note provides an overview of the Project and Proposed Works in relation to MHWS, a summary of the legislative framework governing marine licencing in Wales, including a description of the Welsh marine licensable area, activities that require a marine licence and associated banding system, concluding by assessing the marine licencing requirements of the Project and ensuring that all relevant regulatory requirements are considered in the delivery of the Project.

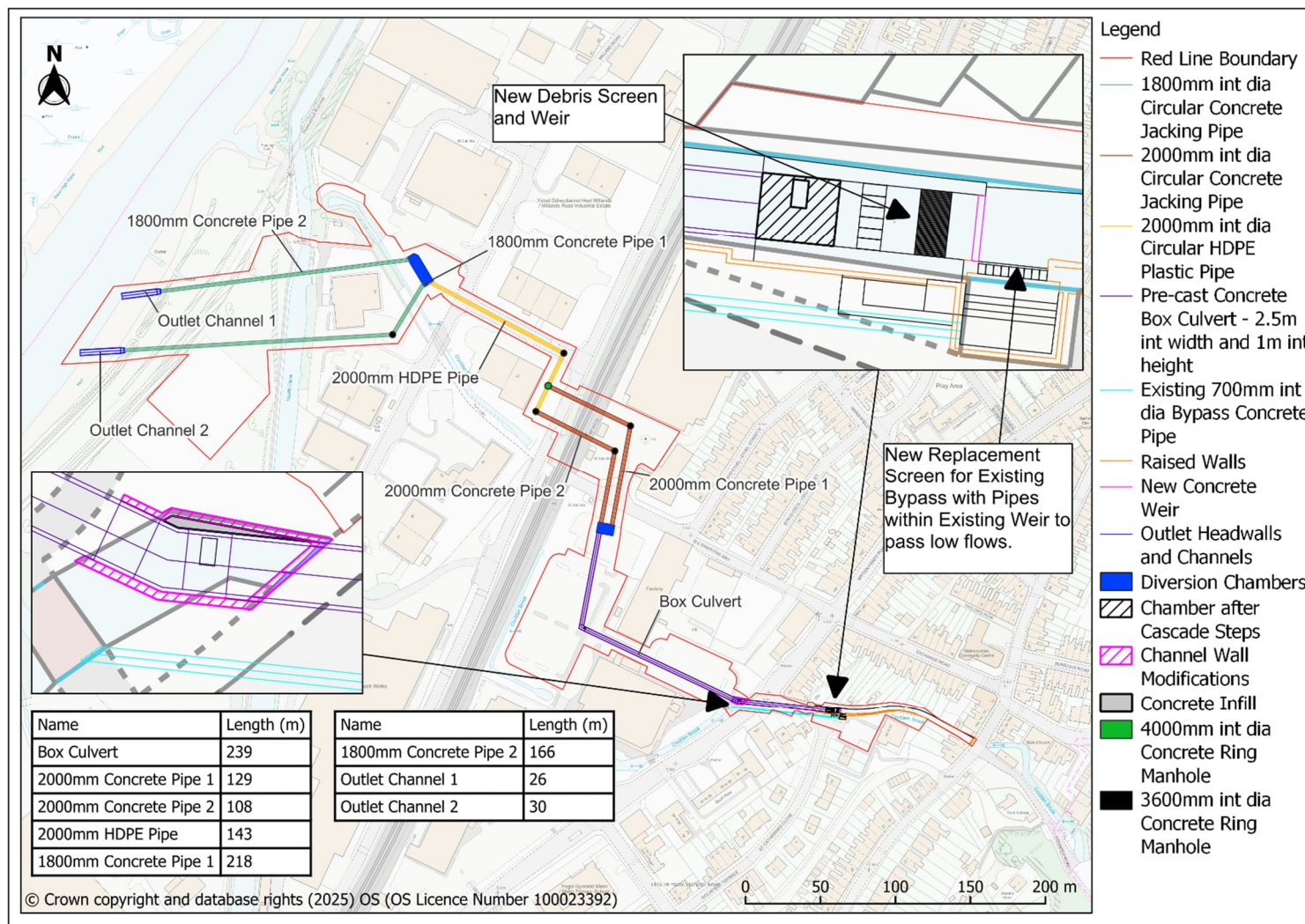


Figure 1 – Location of the Proposed Works

2 THE PROJECT

2.1 NEED FOR THE PROJECT

There have been recurring issues with blockages at the existing St Catherine's Close culvert and associated debris screens, resulting in backing up of water within the watercourse. During such events, flows have overtopped the channel walls, impacting properties along St Catherine's Close and extending north-westwards to flood the A474 (Briton Ferry Road). In addition, the Natural Resources Wales (NRW) culvert to the rear of Castle Bingo has previously flooded and surcharged, contributing to flooding within the Milland Road Industrial Estate and affecting the East–West railway line linking Swansea to London.

The culverts in the existing watercourse at St Catherine's Close, the railway crossing and in Milland Road Industrial Estate have insufficient capacity to accommodate frequent flood events. This has resulted in multiple flood incidents over recent years, including:

- August 2020: five residential and one commercial property flooded due to insufficient culvert capacity;
- October 2021: 16 residential and one commercial property flooded following overtopping of the brook;
- November 2022: blockage of debris screens caused flooding of the A474 and one commercial property;
- January 2024: extensive flooding at Milland Road Industrial Estate; and
- 2025: several major flood events, including at St Catherine's Close intake, where emergency overnight clearance was required in December to alleviate urgent flood risk.

The Project is required to increase capacity within the Cryddan Brook watercourse to manage frequent flood events and provide an improved standard of protection to Melyn, a community of Neath. While tidal flood risk is present, the Project is focused on managing fluvial flood risk from Cryddan Brook; however works to the outfalls are required to prevent tidal ingress from the River Neath.

2.2 PROJECT OUTLINE

The primary component of the Project is a new bypass culvert system designed to divert flows from Cryddan Brook at St Catherine's Close directly to the River Neath, reducing reliance on the existing constrained in-channel culvert network. This bypass will operate independently of the downstream reach of the existing brook.

The main elements of the Project located above MHWS are summarised below (refer to **Figure 1** for layout and alignment):

- **Linear defences at the upstream face of Old Road bridge** – in order to prevent over topping, existing linear defences will be raised from a defence level of 15.7m Above Ordnance Datum (AOD) to 15.8m AOD tying the bank levels in with the existing bridge deck wall level.
- **Linear defences at St Catherine's Close** – the existing linear defences will be raised from a level of approximately 11.6m AOD to 11.95m AOD, providing additional channel capacity when flows exceed the culvert limits.

- **Main culvert at St Catherines Close** - the existing main culvert will be disconnected from the watercourse and replaced by an upsized culvert measuring 2m by 1.5m, with an upstream invert level of 6.89m AOD as it passes under the road. It is preceded by concrete cascade steps that connect to the upstream channel inlet, whose invert is 9.41m AOD. A new debris screen will be installed that has an angled section with 50mm bar spacing to prevent otter entry and a horizontal section with a larger 450mm bar spacing. Re-construction of the inlet and existing bypass walls will be required to accommodate the larger culvert. The existing bypass culvert will have a new angled debris screen with a minimum of 100mm bar spacing to allow otter entry into the existing cascade steps and a 700mm culvert into the Cryddan Brook. The new debris screen will also prevent entry of large debris, which is the primary purpose. To maintain flow within the Cryddan Brook, multiple pipes will be put through a re-constructed concrete weir of the existing bypass to allow flow through with a weir arrangement at the debris screen of the new box culvert to help force flow through the pipes (shown as New Debris Screen and Weir in **Figure 1**).
- **New box culvert from St Catherines Close to the rail line** - The new upsized box culvert will pass beneath Briton Ferry Road and continue downstream between Fordpad and Castle Bingo into the Castle Bingo Car Park and open space. The disconnected main culvert at St Catherines Close will be connected to a storage chamber near the rail line by a new 2.5m x 1m box culvert (shown as Box Culvert in **Figure 1**).
- **New double culvert under the rail line** - a storage chamber with an invert level of 2.1m AOD and a soffit of 7m AOD will be installed. The storage chamber will have a width and length of 7m giving a volume of 220m². From this chamber, two concrete jack pipes of 2m diameter (shown as 2000mm Concrete Pipe 1 and 2000mm Concrete Pipe 2 in **Figure 1**) will be passed under the South Wales Main Line rail line, with invert levels 2.39m AOD between the external top of the pipe and 2.47m AOD with the railway line so that the invert levels ensure sufficient cover of approximately 1.65m and 1.83m respectively.

West of the railway line, the two culvert pipes will emerge into two manholes located in the grass area alongside Milland Road opposite the railway. These manholes will be connected by a 2m diameter High-Density Polyethylene (HDPE) plastic pipe (shown as 2000mm HDPE Pipe in **Figure 1**), continuing to Milland Industrial Estate. The pipe will then enter a second new storage chamber at a car park next to Milland Road by Unit 9 at the Milland Road Industrial Estate.

- **New storage chamber at the canal** - a 20m long, 4m wide and approximately 5.3m deep chamber, based on an invert of 1.2m AOD and a soffit of 6.5m AOD will be installed at the off take for the gravity outfalls (shown as Diversion Chamber connecting 1800mm Concrete Pipe 1 and 1800mm Concrete Pipe 2 with the 2000mm HDPE Pipe in **Figure 1**). This will have a volume of 424m³ and will be connected with an over spill.

The following Project elements are below MHWS:

- **Gravity outfall under the canal** – Flows from the chamber will discharge through a flapped gravity outfall comprising two 1.8m diameter concrete jacking pipes on either side of Unit 10 and passing underneath the Cryddan Brook and Neath Canal, discharging into the River Neath

(shown as 1800mm Concrete Pipe 1 and 1800mm Concrete Pipe 2 in **Figure 1**). A new concrete headwall and channel wall structures will be constructed to allow the pipes to discharge into the tidal River Neath at invert levels of 0.54m AOD and 0.55m AOD. Non return valves fitted to the outfalls will prevent tidal inflows from entering the system. Construction of the gravity outfalls into the River Neath will fall below MHWS (shown as Outlet Channel 1 and Outlet Channel 2 in **Figure 1**).

Key elements of the Project are labelled along with the pipeline route and Project boundary on **Figure 1**. All elements of the Project and Proposed Works are located above MHWS aside from construction of the outfalls in the River Neath. This is based on current design assumptions and may be subject to change depending on construction methodology and temporary works footprints.

The Project will incorporate a variety of trenched and trenchless techniques, with micro tunnelling favoured in areas dense with utilities. Specific construction methods relating to the Proposed Scheme are yet to be developed at the time of writing.

2.2.1 PROGRAMME

The Full Business Case (FBC) and Detailed Design commenced in July 2025 and are programmed to progress subject to Welsh Government funding and approval of the FBC with construction anticipated to begin in March 2027.

2.2.2 ASSESSMENTS AND CONSENTS

An Environmental Impact Assessment (EIA) screening assessment focusing on both the marine and terrestrial environments has been conducted that considers construction phase impacts of the Project in a 2km study area (WSP, 2025a). At the time of writing, an EIA Screening Opinion has not yet been issued. Consequently, any assumptions regarding licence banding and assessment requirements remain indicative only.

During its operation phase, the Project is anticipated to have a positive impact for the area by improving the water flow in the Cryddan brook and further outfall into the River Neath. The applicant will be seeking a screening opinion from the Local Planning Authority (LPA), in this case Neath Port Talbot County Borough Council, under the Town and Country Planning (EIA) (Wales) Regulations 2017, as well as NRW under the Marine Works (EIA) Regulations 2007 (as amended).

An Environmental Briefing to Designers note (WSP, 2025b) has also been produced, which outlines the key environmental baseline conditions and potential impacts within 2km of the Project. The baseline assessment identified no statutory sites of international and European importance or statutory sites of national importance within the 2km study area. The following sensitive receptors were identified within the study area:

- Ancient woodland;
- Grade II listed buildings;
- Registered parks and gardens;
- Conservation areas;
- Scheduled monuments;
- Historic landfill sites;
- Noise Action Planning Priority Areas;
- Public Rights of way; and
- Eaglesbush Valley Local Nature Reserve.

3 MARINE LICENCING

3.1 LEGISLATIVE FRAMEWORK

The Marine and Coastal Access Act 2009 (MCAA) is the primary legislation governing the sustainable management and protection of the UK's marine environment. In Wales, it establishes the legal framework for marine licencing, which is required for activities such as construction, dredging, and deposit or removal of materials below MHWS or within tidal waters. The relevant authority for administering marine licences in Wales is Natural Resources Wales (NRW). NRW assesses applications under the MCAA to ensure that proposed marine activities do not adversely affect marine ecosystems, navigation, or coastal processes. NRW's assessment also checks that proposed marine activities align with the Welsh National Marine Plan and broader sustainability goals, and comply with relevant environmental legislation including the Water Framework Directive and Marine Strategy Framework Directive.

3.2 THE WELSH ZONE

Marine licences in Wales apply to licensable activities carried out within the Welsh Zone, as defined in Section 43 of the MCAA (MCAA, 2009). This area is a subsection of the UK Marine Area and includes all areas submerged at MHWS, and the waters of every estuary, river or channel, as far as the tide flows at MHWS (NRW, 2024).

The Welsh marine licensable area includes the Welsh inshore and Welsh offshore region. The Welsh inshore region extends seaward from MHWS up to 12 nautical miles, the territorial sea limit.

The licensable area also includes any enclosed or artificially controlled waterbody, such as docks or marinas that is connected to the sea and allows seawater to flow in or out either continuously or occasionally. With regards to the Project, this would include the pipeline up to and past the flat valve to the point where tidal waters would travel at MHWS if the valve were open.

3.2.1 MHWS

NRW does not define MHWS and ask the applicant to provide evidence if the exact mark is in question. A common way to determine the MHWS mark is to compare local topographical data with the nearest recorded tidal information, such as from a nearby port to establish a MHWS mark (NRW, 2024).

NRW suggests that lines on OS maps can be used as a general guide for the location of the MHWS mark. OS base mapping is used in **Figure 1** and **Figure 2**, and shows the general location of the MHWS mark. For the purpose of this assessment, the Welsh National Marine Plan area has been used as it is bound by the MHWS mark, as seen in **Figure 2**.

The indicative MHWS extent used in this assessment should be verified after the detailed design stage using site-specific topographical survey and tidal data to confirm the marine licensable boundary.

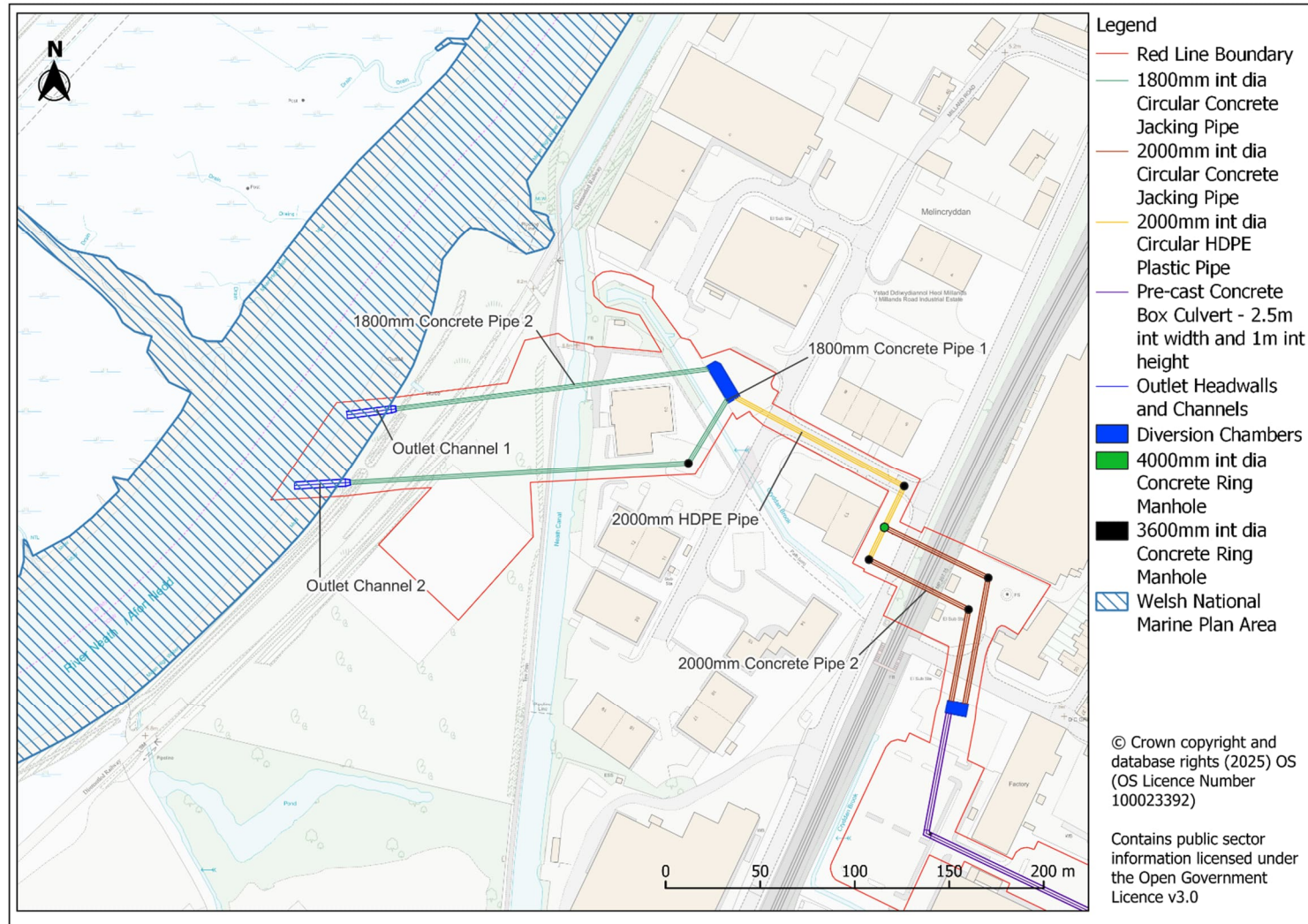


Figure 2 - Project location in relation to the Welsh National Marine Plan area

3.3 LICENSABLE ACTIVITIES

Marine licensable activities are defined within the MCAA and outlined in NRW's online guidance (NRW, 2024). These include:

- Any deposit or removal of material or substance, using a vehicle or vessel. Deposits or removals by hand are not marine licensable activities;
- Construction, alteration or improvement works (including works hanging/suspended over the marine licensable area and works beneath the seabed e.g. tunnels, bridges and piers);
- Scuttling vessels or floating containers;
- Dredging;
- Incineration of objects;
- Deposit and use of explosives; and
- Harvesting or growing aquaculture (seaweed or shellfish).

Some small scale activities that occur outside of areas used for military defence purposes or that host cables or pipelines can be considered low risk and subject to Band 1 self-service marine licences (NRW, 2025; see **Section 3.5**). Examples of construction related small scale activities include:

- Repairing or replacing bolts, flaps, valves or decking on a pier or pontoon;
- Installing ladders at any building or structure in the sea;
- Installing scaffolding or access towers to maintain coastal structures; and
- Replacing concrete or render on a coastal surface.

Attention should be given to construction methodology (e.g. cofferdams, temporary works, plant access), as these may extend the footprint of licensable activities below MHWS.

3.4 EXEMPTIONS AND SELF-SERVICE MARINE LICENCES

Some activities may not require a marine licence and are either exempt or eligible for a self-service marine licence. Exempt activities are defined under Part 4, Chapter 2 of the MCAA and include certain operations such as dredging and disposal that are authorised under local Acts or Harbour Orders. Additional exemptions are listed in the Marine Licencing (Exempted Activities) (Wales) Order 2011, which outlines specific low-risk activities that do not require a licence, provided they meet defined criteria.

For straightforward, low-risk activities that do require a licence, applicants may use the self-service marine licencing system. This online platform allows users to apply for licences for routine works—such as installing moorings or small-scale maintenance, without needing a bespoke assessment, streamlining the process and reducing administrative burden.

3.5 MARINE LICENCE BANDING

Marine licence applications in Wales are categorised into three bands, Band 1 (low risk), Band 2 (medium risk) and Band 3 (high risk/complex) based on the scale, environmental sensitivity and potential impact of the proposed activity, as outlined in NRW's online guidance (NRW, 2025). This system helps streamline the licencing process by aligning the level of scrutiny and cost with the risk posed by the activity.

Band 1 licences apply to low-risk, small-scale activities such as installing moorings, minor repairs to coastal structures, or collecting sediment samples. These applications are submitted via NRW's self-service online portal, offering a simplified process with reduced documentation. Band 1 licences are typically valid for up to 12 months and are not suitable for works in sensitive areas or those exceeding £1,000,000 in value. The application fee for Band 1 is £600, which must be paid upfront upon submission of the application.

Band 2 covers medium-risk activities that require more detailed assessment and supporting documentation. Examples include maintenance dredging, bridge repairs and small-scale coastal defence works. These applications are reviewed more thoroughly to ensure environmental protection, especially where works may affect designated sites or involve material removal using vehicles or vessels. Fees for Band 2 applications are calculated based on the complexity and scope of the Project, typically charged at an hourly rate of £120 for pre-application advice and scoping.

Band 3 is reserved for high-risk or complex activities, such as large-scale capital dredge regimes, large-scale marine construction, or developments requiring an EIA. These applications undergo comprehensive review and often involve consultation with multiple stakeholders. Projects in this band typically have significant environmental or navigational implications and require robust mitigation planning. Band 3 applications also incur fees based on the level of technical input required, with no maximum fee cap, and are charged at the same £120 hourly rate as Band 2 licences.

4 MARINE LICENCING REQUIREMENTS

4.1 THE PROJECT

The Proposed Works are planned to take place on land above the MHWS mark with the exception of construction and operation of the outfalls in the River Neath (see **Section 2.2**). These elements of the Project above MHWS are therefore not subject to marine licencing; however, the construction and operation of the proposed outfalls into the River Neath below MHWS will fall within the scope of marine licencing requirements. A marine licence application will require a comprehensive list of information including a detailed Project outline (including the requirement for vehicles and vessels), final design drawings, precise location coordinates, detailed method statements for both temporary and permanent works, as well as a programme of works showing construction phases and timelines. The Project boundary is shown in relation to the Welsh National Marine Plan area on **Figure 2**.

Construction of the outfalls, as described in **Section 2**, is expected to constitute construction, alteration or improvement works below MHWS (see **Section 3.2**). These activities fall within the scope of marine licensable activities, as defined under the MCAA (see **Section 3.2**). Given the scale and complexity of the proposed works, they are unlikely to qualify as low-risk activities (see **Section 3.5**) and therefore would not be eligible for a Band 1 marine licence.

The Project has been reviewed against possible exemptions. Neath Port Talbot County Borough Council, as the Coastal Protection Authority (CPA), has powers afforded under Section 18(1)b of the Marine Licencing (Exempted Activities) (Wales) Order 2011. This provision exempts certain activities from requiring a marine licence, specifically the maintenance or repair of coastal protection, drainage, or flood defence works, provided that the works are carried out within the existing three-dimensional boundary of the asset. By definition, these works expand the capacity of current infrastructure and therefore no exemption routes apply in this case due to the kind of Project and its scale and complexity.

Based on current understanding, the works are more likely to fall under Band 2, which covers medium-risk activities that do not require an EIA and do not involve dredging. However, this classification is subject to the LPA and NRW confirming the 'non-EIA development' status of the Project (see **Section 4.2**). It should also be noted that if the marine elements of the Project exceed £1,000,000 in cost, the application would be escalated to Band 3, requiring a more detailed assessment and potentially triggering additional regulatory requirements.

4.2 ADDITIONAL CONSIDERATIONS

An EIA screening opinion from NRW under the Marine Works (EIA) Regulations 2007 (as amended) and LPA under the Town and Country Planning (EIA) (Wales) Regulations 2017 will be requested alongside the submission of this note. As part of the marine licence application process the applicant is required to determine whether the Proposed Works fall under the EIA Directive, and if so, what Annex and reference number the works relate to. The applicant then confirms whether an EIA screening opinion has been received and whether an EIA has been conducted if required.

The marine licence application will also require consideration of protected sites which could require additional assessments, such as those associated with the Habitats Regulations Assessment (HRA) and Water Framework Directive (WFD). The marine licence will also be informed by supporting documents such as the Welsh National Marine Plan signposting document, drawings, location plans

and method statements. Other consents that may be required alongside a marine licence include land owners consent, Port Authority and Local Harbour permissions, and other NRW consents such as Flood Defence Consent or Site of Special Scientific Interest (SSSI) assent.

If the Project constitutes EIA development, the developer will need to prepare and submit a full Environmental Statement (ES) in accordance with the Marine Works (EIA) Regulations 2007 (as amended) and/or the Town and Country Planning (EIA) (Wales) Regulations 2017 depending on the relevant authorities EIA screening response. The ES will involve a detailed assessment of the potential environmental impacts, public consultations and review by NRW and/ or the LPA before a marine licence or planning application can be determined. The application will also be treated as a Band 3 (complex) case and subject to extended timescales and higher fees.

Obtaining a marine licence does not remove the need to secure other relevant consents or permissions. Applicants must ensure they comply with all applicable legislation, including planning permission from the LPA, land drainage consent for works in ordinary watercourses and protected species licencing where necessary. Each regulatory process operates independently and approval under one does not imply approval under another.

4.3 CONCLUSIONS AND RECOMMENDATIONS

The Project is primarily a terrestrial Project, with most works occurring above MHWS and therefore outside the scope of marine licencing. However, the construction and operation of the proposed outfalls into the River Neath is expected to extend below MHWS, placing it within the Welsh marine licensable area and require a marine license under the MCAA.

Based on current design assumptions and subject to confirmation of non-EIA development status, the works are anticipated to fall within Band 2. However, this remains dependent on final design, construction methodology and cost thresholds, and must be confirmed with NRW.

The following key actions are recommended to facilitate acquiring the necessary consents without delay:

- Submission of the EIA Screening Request to the LPA and NRW followed by supporting documentation/ assessments:
 - Water Environment Regulations (WER) Compliance Assessment (WERCA) screening; and
 - Preliminary Ecological Appraisal covering the coastal environment.
- Consultation with NRW to confirm the approach for marine licencing, the supporting documentation, timeframes and associated costs once the design and Proposed Works are defined. This consultation can also confirm other permits and consents requirements that are not covered by the marine licence, such as how to manage the interface between the terrestrial and marine elements of the Flood Risk Activity Permit (FRAP), and the Environmental Permit for Water Discharge, if needed;
- A FRAP will likely be required for the terrestrial elements of the works. While some overlap with marine licensable activities may allow partial exemption from FRAP requirements, this must be confirmed with NRW, and a precautionary approach of securing a FRAP for the full project is recommended.
- Confirmation of Ordinary Watercourse Consent by the Client as the Lead Local Flood Authority (LLFA); and

- Consultation with the statutory harbour authority (in this case Neath Port Authority) for works within the River Neath and the Neath & Tennant Canals Trust for works around and under Neath Canal.

5 REFERENCES

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