

## Report of: Director of Place and Engagement

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**Subject: Introduction of a licensing scheme in relation to commercial coasteering operations on land owned or leased by the National Park Authority.**

**Decision Required: Yes**

**Recommendation:**

The Authority is recommended to:

- a) Agree the delegation of the introduction of a licensing scheme in relation to commercial coasteering operations on land owned or leased by the National Park Authority, subject to the satisfactory completion of associated environmental assessments for specific routes.

### 1. Key Messages

- a) The Authority has historically relied on a combination of voluntary codes of behaviour to guide the operation of a range of recreational activities in Pembrokeshire, including on land in which the Authority has an interest. This has operated successfully for many years, however changes in the number of providers operating over time and complaints raised in the last two years have highlighted the benefits of moving to a more formal arrangement through the issuing of licences for coasteering activity.
- b) The intention is to move to a system of licensing following the completion of environmental assessments for existing coasteering routes from the 1<sup>st</sup> May 2026. Should any routes not pass the environmental assessments, they would not be included in such licensed arrangements.

### 2. Background

- a) Coasteering and coasteering providers have had long term access to the Pembrokeshire coastline for commercial coasteering, where permissions were assured through voluntary agreements such as the Pembrokeshire Outdoor Charter Group developed by PCNPA and latterly managed by Pembrokeshire Coastal Forum (PCF), and the Coasteering Concordat developed by the National Trust. The change to licensing agreements between PCNPA directly with coasteering providers is a significant change in the proposed management of coasteering. The majority of coasteering in Pembrokeshire takes place on land owned or managed either by PCNPA or by the National Trust. Both organisations have historically worked historically together on this issue and the

move to issuing licenses is supported by the National Trust as well as PCNPA Officers.

- b) As landowner or leaseholder of the foreshore from the Crown Estate, PCNPA has the right to identify the most appropriate mechanism to control the use of its land by third parties. Licence arrangements are commonly used to manage other commercial activity, such as filming and ice cream concessions on PCNPA owned/leased land. Over the last 2 years both PCNPA and the National Trust have reviewed the position in relation to coasteering in the light of increasing numbers of operators and increasing complaints received, to both National Trust and PCNPA. Based on a need to ensure appropriate checks and balances, it is considered that a licence system which allows clearer control for the landowner will better regulate how the land is used, and when access is permitted, and will ensure compliance with any regulatory regimes and any breach of licence conditions can justify revocation.
- c) Licensing gives certainty to all parties, not just PCNPA and National Trust as landowners but also the providers and any other interested parties. A contractual licence grants the licensee permission to access the land as stipulated in the license. The grant of a lease creates a legal interest in land and conveys to the tenant the presumption of exclusive possession and all associated rights other than those which the Landlord expressly reserves. In contrast, a licence is a simple permission to enter onto land for a particular purpose for a finite period, which in the absence of the licence would otherwise be a trespass.
- d) There is a recognised difference between general public access and commercial activity. Licensing will give a legal basis to the permission for providers to use Authority-owned/managed land which will ensure that the public benefit (special qualities, wildlife and conservation features) is not compromised by commercial activity. Coasteering with commercial groups has the potential for much greater risk of disturbance/environmental impact than individual public access on foot on public rights of way or beaches which is why it needs to be dealt with differently. The need to balance public enjoyment against protecting the environment is a critical issue for PCNPA. To be clear, commercial activity in this case means all group activity which is led by a guide whether that is on behalf of a private company, educational establishment or a voluntary organisation. This is distinct from public access by individuals or a group of friends where no one person holds a duty of care for the others.
- e) The environmental assessment will consist of several elements including a Sites of Special Scientific Interest features assessment and Habitats Regulations Assessment as appropriate. Together the combined assessments will establish the mitigation needed to ensure compliance with statutory requirements, which will be required under the terms of the licence. If routes cannot ensure appropriate mitigation (either by avoiding sites or parts of sites or having seasonal restrictions on use or otherwise) then licenses will not be issued for those locations. If PCNPA receives reports of unacceptable wildlife disturbance these will be thoroughly investigated and there will be the opportunity for

providers to respond before any decisions are made about whether licence breaches have occurred. License termination will be an option available to the Authority.

- f) Any licence will be issued initially for one year, with the intention that this one-year period also allows for additional research to be undertaken to inform further work in this area of broader recreational management. At present, the Authority only intends to introduce licensing for coasteering activity – this reflects the fact that this activity is happening in a specific location which is on land on which the Authority has control over. There may be a need to incorporate further activity types in the future, however this has not been identified as necessary at this time. Recreational activity including climbing does not take place on Authority controlled land and uses such as surfing are not associated with the potential environmental risks that can be linked to coasteering.
- g) The Authority already uses licenses for certain uses which take place on land it controls as landowner or leaseholder – this includes the issuing of filming licenses and licenses for commercial activities such as ice cream van vendors and boat moorings.
- h) A fee of £100 as a cost for the PCNPA Licence is being assigned for this year, which does not cover the costs of the environmental assessment work but is a contribution towards costs whilst the Authority transitions to these arrangements. Over the next few years, the intention is for the Authority to move towards a position of full cost recovery for this work. Until the 1<sup>st</sup> May 2026, or a date when the Authority has completed the necessary environmental assessments, existing access arrangements will be maintained.
- i) The licence will enable providers to use the range of venues which are currently permitted through the existing system subject to the environmental assessment showing that they are suitable. These locations are shown on a map in Appendix 1. There will be no permission to use any other locations on PCNPA foreshore for commercial coasteering or organised groups, and any potential new locations will need to be carefully considered and subject to environmental assessment by the Authority– the cost of this new work would need to be funded by providers.

### **3. Strategic Policy Context**

- a) The information and recommendation(s) contained in this report are consistent with the Authority's role as a landowner and leaseholder of the foreshore from the Crown Estate.
- b) The recommendations are also considered to align with the Authority's statutory purposes and its approved strategic policy context. Section 65(5) of the Environment Act 1995 provides that the powers of a national park authority include power to do anything which, in the opinion of that authority,

is calculated to facilitate, or is conducive or incidental to (a) the accomplishment of the purposes mentioned in subsection 65(1) (purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of national parks and of promoting opportunities for the understanding and enjoyment of the special qualities of those parks by the public); or (b) the carrying out of any functions conferred on it by virtue of any other enactment.

- c) The Authority has a duty under the Environment Act (Wales) 2016 to promote and enhance biodiversity. As part of ensuring that this duty is met the issuing of licenses will only be granted where the proposal is acceptable under a broad environmental assessment. This will include consideration of any potential impacts on Sites of Special Scientific Interest and internationally important sites including Special Areas of Conservation under the Habitats Regulations. A specialist consultancy is supporting the Authority's Lead Ecologist in undertaking this assessment. This document will be published once complete.

#### **4. Financial Considerations**

- a) Cost of the environmental assessments is estimated to be in the region of £15-£16k at this stage. The Authority has a contract with Pembrokeshire Coastal Forum in relation to the work on the Outdoor Charter which costs £15k per year and allows for training events to be undertaken. This will continue as it supports a wide range of recreational management and environmental work. The Authority has also invested officer time and sought legal advice on this matter. There is likely to be a monitoring cost for next year and a need to ensure a rolling programme of ongoing ecological survey work to ensure up to date data. Further investigation of complaints would be undertaken in house but were breaches of licences to occur, this may incur further legal and other costs. The Authority will seek to move towards a position where it recovers all the costs it incurs from this work over the next five years.

#### **5. Risk and Compliance Considerations**

- a) There is a risk that without the introduction of a licensing system the Authority has insufficient checks in place to ensure its compliance with key legislation. A more informal system has been sufficient in the past, however increasing numbers of providers and the development of certain types of activities for example a move by some providers to seeking to use vehicles such as power boats as well as an increase in public complaints and concern about impacts on wildlife has highlighted a need for increased regulation and controls in this area.

## **6. Impact on our Public Sector Duties**

### **6.1 Integrated Assessment Completed: yes – screening document attached**

### **6.2 Equality, Socio-Economic, Health and Human Rights Impacts**

- a) The Public Equality Duty requires the Authority to have due regard to the need to eliminate discrimination, promote equality of opportunity and foster good relations between different communities. This means that, in the formative stages of our policies, procedure, practice or guidelines, the Authority needs to take into account what impact its decisions will have on people who are protected under the Equality Act 2010 (people who share a protected characteristic of age, sex, race, disability, sexual orientation, gender reassignment, pregnancy and maternity, and religion or belief).

### **6.3 Welsh Language Impacts**

- a) The Authority does not envisage any Welsh language impacts resulting from this decision.

### **6.4 Section 6 Biodiversity Duty and Carbon Emission Impacts**

- a) The determining factor for the acceptability of coasteering routes needs to be the natural environment constraints of the coasteering rather than commercial demands. The completion of an environmental assessment to inform routes will ensure that these impacts are appropriately considered and that key legislative requirements are complied with

### **6.5 Well-being Goals for Wales and 5 Ways of Working (Sustainable Development Principles) Impacts**

- a) The creation of a licensing system for coasteering is considered to contribute towards the five ways of working by preventing inappropriate trespass or use of land without adequate controls, supporting long-term thinking, integration and collaboration and involvement.

## **7. Conclusion**

- a) It is recommended that PCNPA support the introduction of a licensing scheme in relation to commercial coasteering operations on land owned or leased by the National Park Authority and that authority to complete these licenses is delegated to the Director of Place and Engagement. This delegation includes decisions on the form of license to be used, the specific routes, appropriate mitigation and the carrying out of relevant legislative procedures which will follow completion of environmental assessments.

## 8. List Background Documentation:

- Information on the Pembrokeshire Outdoor Charter Group [Pembrokeshire Outdoor Charter](#)
- Environment Act 1995 [Environment Act 1995](#)
- Environment (Wales) Act 2016 [Environment \(Wales\) Act 2016](#)
- Pembrokeshire Coast National Park Authority – Corporate and Resources Plan 2023/24-26/27 = Well being Objectives [Corporate and Resources Plan 2023/24 - 26/27 - Pembrokeshire Coast National Park](#)
- The Conservation of Habitats and Species Regulations 2017 [The Conservation of Habitats and Species Regulations 2017](#)
- Well Being of Future Generations (Wales) Act 2015 [Well-being of Future Generations \(Wales\) Act 2015](#)
- Welsh Government Advice on the Well Being of Future Generations (Wales) Act 2015 [Well-being of Future Generations \(Wales\) Act 2015: the essentials \[HTML\] | GOV.WALES](#)
- Wildlife and Countryside Act 1981 [Wildlife and Countryside Act 1981](#)

(For further information please contact Sara Morris, Libby Taylor or Sarah Mellor [saram@pembrokeshirecoast.org.uk](mailto:saram@pembrokeshirecoast.org.uk), [libbyt@pembrokeshirecoast.org.uk](mailto:libbyt@pembrokeshirecoast.org.uk) or [sarahme@pembrokeshirecoast.org.uk](mailto:sarahme@pembrokeshirecoast.org.uk))

Officers consulted:

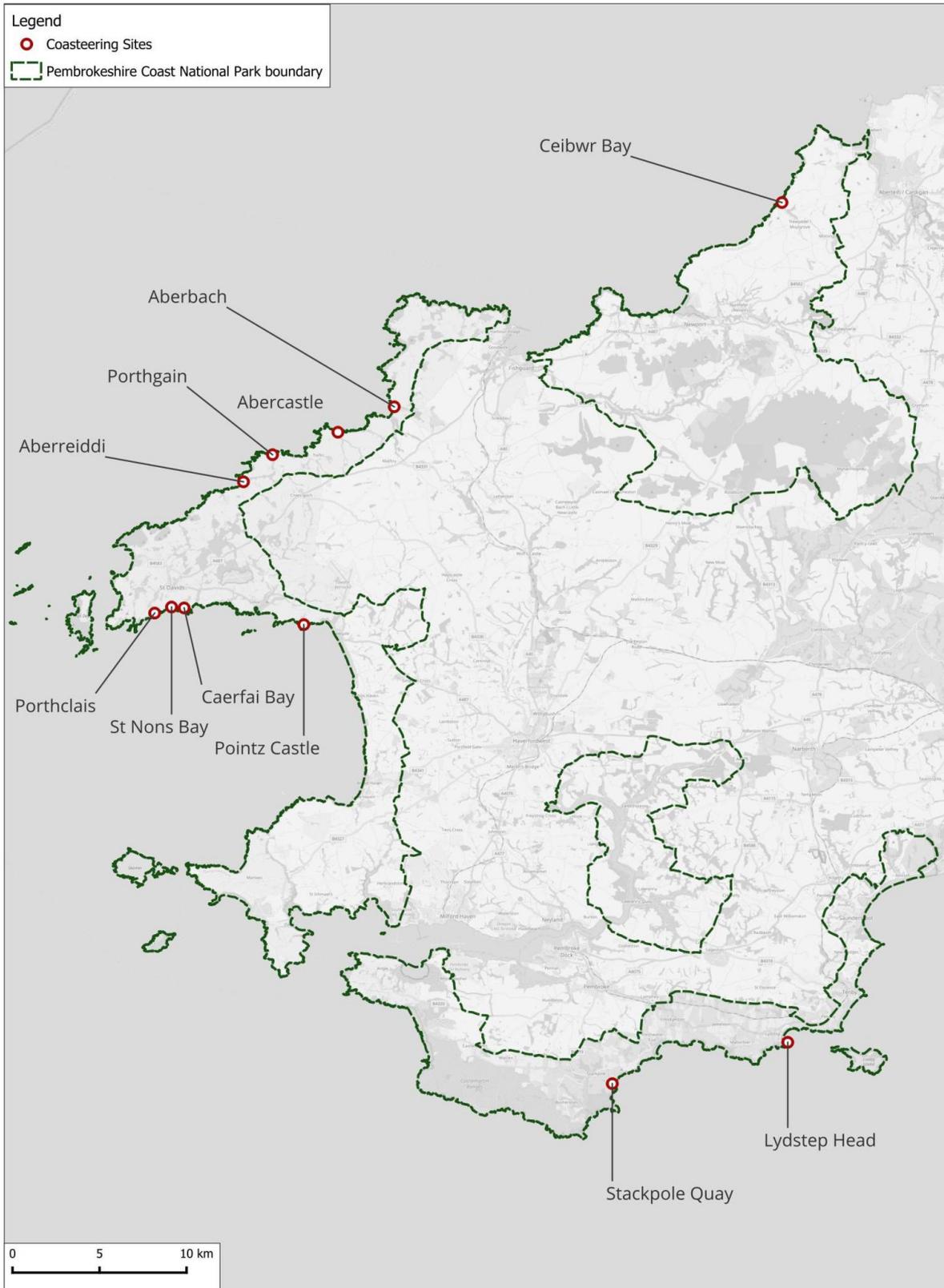
Gary Meopham (Estates Officer)

Sarah Mellor (Lead Ecologist)

Libby Taylor (Head of Engagement and Inclusion)

# Annex A Map of Existing Coasteering Locations in Pembrokeshire

Map 1: Coasteering locations covered by initial licence proposal



Map produced by Footprint Ecology. Contains Ordnance Survey data © Crown copyright and Database Right 2025.  
Contains map data © OpenStreetMap contributors. Terms: [www.openstreetmap.org/copyright](http://www.openstreetmap.org/copyright).  
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# Pembrokeshire Coast National Park Authority

## PCNPA Full Integrated Assessment Trigger Document

**This template should be completed to identify if an Integrated Assessment needs to be completed.**

Version	Active Date	Document Owner
1	15/10/24	Performance and Compliance Officer

**Note:** A separate trigger and assessment document is available for carrying out a simplified assessment on Corporate Policies. The Authority is also in process of developing a checklist to inform the development and implementation of projects.

### 1. Strategic Plans, Decisions and Large Scale Projects: NPA/ Management Approval

1.1 A full integrated assessment should always be carried out on the following strategic documents that set the strategic policy direction of the Authority:

- National Park Management Plan
- Local Development Plan
- Corporate and Resources Plan
- Equality Plan and Objectives
- Welsh Language Promotion Strategy

**Note:** The Local Development Plan sets out requirements for when a Language Impact Assessment is required for planning proposals.

**Note:** For National Park Management Plan and Local Development Plan, sections of the integrated assessment may be separated out e.g. Equality Impact Assessment, Welsh Language Assessment or certain sections may not

be required as covered by Sustainable Appraisals or Habitat Regulations Assessments.

- 1.2 For other strategic plans or decisions a full integrated assessment should be carried out if any of the following are true.

<b>Statement for Consideration</b>	<b>Yes</b>	<b>No</b>	<b>Comment</b>
A service is being withdrawn, changed or expanded which affects the community and/ or staff		x	Existing arrangements are being modified by the legal process and associated environmental assessment undertaken but this change is a procedural one which will require any amendments to routes are based on environmental constraints rather than a decision to remove or expand a service based on other factors.
Individual's access to a service or function could be denied or restricted		x	
Efficiency or saving proposals/ Significant change in size of budget		x	
Significant new project or recreational management proposals affecting communities or access to the built or wider environment		x	Relates to existing procedures around recreational management mechanisms not a new project or proposal.
Major procurement and commissioning decisions – with potential impacts on our carbon emissions/ or opportunities linked to socially responsible procurement		x	
Significant change in terms and conditions for staff/ re-organisation activities		x	
Decisions that affect the ability (including external Partners) to offer Welsh Language opportunities and services		x	

Decision that has potential consequences that could impact on: <ul style="list-style-type: none"> <li>• Equality outcomes</li> <li>• Welsh Language Outcomes</li> <li>• Addressing Socio economic disadvantage and inequality of Outcomes</li> <li>• Health Outcomes (including wider determinants of health)</li> <li>• Well-being Goals</li> <li>• Biodiversity and environmental outcomes</li> <li>• Carbon emission levels</li> </ul>		x	
Potential impacts have not been considered through an integrated assessment carried out on a plan it sits under		x	

1.3 Based on the above does an integrated assessment need to be completed for the Strategic Plan or Decision under consideration?

Yes/ No	Rational for decision based on 1.2
<b>NO</b>	The proposed introduction of a licensing scheme seeks to regularise existing voluntary arrangements in relation to existing recreational management activities on land owned or leased by the National Park Authority. This change is considered to be a procedural change which will strengthen existing checks and balances rather than a strategic decision to remove or expand a service. As such a full Integrated Impact Assessment is not considered necessary in this context.

**Note:** Where a full integrated assessment is not required, officers are still required to complete relevant sections within Committee reports to provide brief overview of considerations linked to areas covered by integrated assessments.

1.4 If yes, name of Officer who will be responsible for completing the Integrated Assessment:

1.5 Date Trigger Document Completed: (09/03/226)

1.6 Member of Senior Management Team who has approved or completed Trigger document:

Name	Sara Morris
Signature	Sara Morris
Job Title	Director of Place and Engagement
Date	(09/03/2026)

Please forward completed trigger document for central record keeping to:  
[mairt@pembrokeshirecoast.org.uk](mailto:mairt@pembrokeshirecoast.org.uk)

## **Annex C – Key Environmental Legislation**

### *Sites of Special Scientific Interest (SSSI)*

The *Wildlife and Countryside Act 1981 (as amended)* places a duty on public authorities in exercising their functions, so far as this is likely to affect the flora, fauna, geological or physiographical features of a Site of Special Scientific Interest (SSSI), to take reasonable steps consistent with the proper exercise of their functions to further the conservation and enhancement of those features.

### *Habitat Regulations Assessment*

Special Areas of Conservation (SACs) and Special Protected Areas (SPAs) are of European importance. Under the *Conservation of Habitats and Species Regulations (2017)* (the Habitats Regulations), all public bodies must have regard to the requirements of the EC Habitats and Birds Directives when carrying out their functions.

Before authorising a plan or project proposal which is likely to have a significant effect on a SAC or SPA (including where outside the boundary of the SAC or SPA), the competent authority must carry out an appropriate assessment of the implications for the designated features, consult NRW and have regard to NRW's representations.

### *Environment (Wales) Act 2016*

Section 6 of the Environment (Wales) Act 2016 requires public authorities to maintain and enhance biodiversity and promote the resilience of ecosystems in relation to Wales.