

Marine Licensing Variation Decision

The Marine and Coastal Access Act (2009)

Applicant: *CEMEX UK Operations Limited*
Variation application reference no: *CML2123v1*

Colwyn Bay

**Repairs to the superstructure of a timber jetty at
Colwyn Bay**

07 July 2022

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OUR DECISION

Based on all the information available, and having regard to all relevant considerations NRW has decided to grant the variation to the Existing Marine Licence (see Annex 2) sought by the Variation Application with no additional conditions.

This decision document:

- explains how the Variation 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 Variation 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 Variation Application.

1 APPLICATION DETAILS

1.1 The Variation Application

Applicant name and address	The Applicant is the company set out below: Company name: CEMEX UK Operations Limited Company number: 658390 Address: Cemex House, Evreux Way, Rugby, Warwickshire, CV21 2DT
Variation Application reference number	CML2123v1
Existing Marine Licence reference number	CML2123
Date Variation Application was duly made	06 July 2022
Description of variation	Extension of existing licence expiration date by 3 months. Replacement of rotten Timber deck boards noticed during existing works. Variation requested due to difficulty sourcing materials resultant from recent worldwide shipping and resourcing difficulties attributable to the global pandemic.
Proposal[s] covered by the Variation Application	Repairs to the timber jetty at Colwyn Bay (the Project)
Licensable marine activities	Various repairs to the superstructure of the timber jetty as detailed in the approved supporting documents 'Appendix 2 TD 11002 Raynes Quarry Jetty Layout of Jetty Supports 2021 Work', dated 20 May 2021 and HS02-01-003 Installation of deck boards (06 July 2022) (the Proposed Activities)

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Marine Plan area	Welsh inshore region and Welsh offshore region
Variation Application documents:	HS02-01-003 Installation of deck boards (06 July 2022)

2 VARIATION APPLICATION PROCEDURE

2.1 The Variation Application

The Variation Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 06 July 2022. 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 Variation Application was first made.

2.2 Documents considered

In reaching its decision, NRW has considered the documents listed in section 1 of this decision document along with such other information provided by the Applicant or received during any consultation, that NRW considered relevant.

2.3 Commercial Confidentiality

The Applicant made no claim that any information forming part of the Variation Application was subject to commercial confidentiality and we have not received any information in relation to the Variation Application that appears to be commercially confidential.

2.4 Publicity and advertising

Not required for license variation.

Licence variation requests for a 3 month extension and to replace rotten deck boards (2 at a time) using hand tools are not considered to be significant enough as to warrant a new consultation or notification to LPA.

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.

Having considered the Variation Application NRW has determined that it does not constitute a development requiring EIA under the Regulations.

3 CONSULTATION

We do not consider it appropriate to reconsult for this application (based upon the variation request and the consultation responses received during the original consultation for CML2123).

4 BASIS FOR OUR DECISION

In determining this variation application, including the terms on which it was granted, NRW has had regard to the factors set out in section 4 below in accordance with the 2009 Act and considers all of the conclusions within the Decision Document for CML2123 remain valid.

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

- the need to protect the environment (see sub-section 4.1);
- the need to protect human health (see sub-section 4.2);
- the need to prevent interference with legitimate uses of the sea (see sub-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 sub-sections 4.1 to 4.5 below);
- any representations which it has received from any person having an interest in the outcome of the Variation Application (summarised in section 3 and where relevant considered in sub-sections 4.1 to 4.5 below); and
- such other matters as it thinks relevant (see sub-section 4.5 below).

4.1 The need to protect the environment:

The reference to the “environment” includes the local and global environment; the natural environment; and, by virtue of section 115(2) of the 2009 Act, any site of historic or archaeological interest. The natural environment may include the physical, chemical and biological state of the sea, the sea-bed and the sea-shore, and the ecosystems within it, or those that are directly or indirectly affected by an activity, whether within the marine licensing area or otherwise.

In considering the need to protect the environment we have considered the relevant environmental legislation set out below.

4.1.1 Water Framework Directive, Groundwater Directive and Water Environment Regulations

(a) The legal framework

The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 (**Water Environment Regulations**) implement the requirements of the Water Framework Directive (**WFD**) (Directive 2000/60/EC) which requires consideration as to whether that proposals for development may cause deterioration or prevent a water body from achieving ‘good status’. Proposals likely to cause deterioration or prevent a waterbody from achieving good status should be rejected, unless derogation procedures have been applied.

Under the Water Environment Regulations, NRW must exercise its relevant functions to ensure compliance with the requirements of the WFD, the Environmental Quality Standards Directive (Directive 2008/105/EC) and the Groundwater Directive (Directive 2006/118/EEC).

(b) Factors relevant to our determination

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Please refer to CML2131 Decision Document for conclusions on Water Framework Directive, Groundwater Directive and Water Environment Regulations. These conclusions have not been affected by this variation application and therefore are still considered valid.

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

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

An update to the HRA was completed (CML2123v1) to assess the effects of the variation request for an extension to the timeframe and the additional works of removing and replacing rotten decking boards from the top of the jetty structure. No change to the impact pathways was identified and no change to the original appropriate assessment conclusions were made. No Adverse Effect on Site Integrity (AEOSI) was concluded.

Please refer to CML2131 Decision Document for conclusions on this. These conclusions have not been affected by this variation application and are therefore still considered valid.

4.1.4 European Protected Species

(a) The legal framework

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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

Please refer to CML2131 Decision Document for conclusions on European Protected Species. These conclusions have not been affected by this variation application and therefore are still considered valid.

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 Please refer to CML2131 Decision Document for conclusions on this. These conclusions have not been affected by this variation application and are therefore still considered valid.

determination and do not constrain or bind NRW in exercising this function. Should an application for an EPS licence in relation to the Project be made it will be determined by NRW based on all the relevant information available to NRW at that time.

4.1.5 Marine Conservation Zones

(a) The legal framework

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

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

(b) Factors relevant to our determination

NRW is satisfied that there is no significant risk of the Proposed Activities on the Skomer MCZ.

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

Please refer to CML2131 Decision Document for conclusions on SSSIs. These conclusions have not been affected by this variation application and are therefore still considered valid.

4.1.7 The Waste (England and Wales) Regulations 2011

(a) The legal framework

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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

Please refer to CML2131 Decision Document for conclusions on this. These conclusions have not been affected by this variation application and are therefore still considered valid.

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

Please refer to CML2131 Decision Document for conclusions on this. These conclusions have not been affected by this variation application and are therefore still considered valid.

4.1.9 Conclusion of our considerations under the need to protect the Environment

Please refer to CML2131 Decision Document for conclusions on this. These conclusions have not been affected by this variation application and are therefore still considered valid.

4.2 The need to protect human health**4.2.1 Conclusion of our considerations under the need to protect human health**

Please refer to CML2131 Decision Document for conclusions on this. These conclusions have not been affected by this variation application and are therefore still considered valid.

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.

Please refer to CML2131 Decision Document for conclusions on this. These conclusions have not been affected by this variation application and are therefore still considered valid.

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

Please refer to CML2131 Decision Document for conclusions on this. These conclusions have not been affected by this variation application and are therefore still considered valid.

4.4 Marine Policy Documents**(a) The Legal framework**

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

UK Marine Policy Statement 2011 (MPS)

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

Welsh National Marine Plan (WNMP)

The 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**UK Marine Policy Statement 2011**

Please refer to CML2131 Decision Document for conclusions on this. These conclusions have not been affected by this variation application and are therefore still considered valid.

Welsh National Marine Plan

Please refer to CML2131 Decision Document for conclusions on this. These conclusions have not been affected by this variation application and are therefore still considered valid.

4.5 Other matters NRW thinks relevant**4.5.1 Well-being of Future Generations (Wales) Act 2015****(a) The legal framework**

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

(b) Our determination

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

Please refer to CML2131 Decision Document for conclusions on this. These conclusions have not been affected by this variation application and are therefore still considered valid.

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.

Please refer to CML2131 Decision Document for conclusions on this. These conclusions have not been affected by this variation application and are therefore still considered valid.

4.5.2 Sustainable management of natural resources

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(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.

Please refer to CML2131 Decision Document for conclusions on this. These conclusions have not been affected by this variation application and are therefore still considered valid.

5 Conclusions and Recommendations

Please refer to CML2131 Decision Document for conclusions on this. These conclusions have not been affected by this variation application and are therefore still considered valid.

Based on all the information available, and having regard to all relevant considerations including consultation responses, NRW's decision is to grant the variation to the Existing Marine Licence sought by the Variation 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.

AUTHORISATION

Report by: Seran Davies Position: Senior Permitting Officer	Date: 07/07/2022	Signed: <i>S.Davies</i>
Authorised by: Emmer Litt Position: Permitting Team Leader	Date: 13/07/2022	Signed: 

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ANNEX 1

No additional conditions are required for this variation.

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ANNEX 2: Existing Marine Licence CML2123



Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: CEMEX UK Operations Limited

Company Number: 658390

Cemex House
Evreux Way
Rugby
Warwickshire
CV21 2DT

Repairs to the timber jetty at Colwyn Bay

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Repairs to the timber jetty at Colwyn Bay

Marine Licence number: CML2123

Introductory note

This introductory note does not form a part of the marine licence

The main features of the marine licence are as follows.

Various repairs to the superstructure of the timber jetty as detailed in the approved supporting document 'Appendix 2 TD 11002 Raynes Quarry Jetty Layout of Jetty Supports 2021 Work', dated 20 May 2021.

The status log of the marine licence sets out the marine licence history, including any subsequent marine licence variation(s)

Status log of this marine licence		
Description	Date	Comments
Application	Duly made 03/06/2021	Application received and considered to be duly made
Date licence determined	09/07/2021	Determination date

Related marine licences or applications under determination

Not applicable

End of introductory note.

MARINE LICENCE, NUMBER CML2123

6 LICENCE DETAILS

6.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered CML2123 and duly made on 03 June 2021 and authorises the Licence Holder to carry on activities for which a licence is required under Part 4 of the Marine and Coastal Access Act 2009, (2009 Act). This licence should be interpreted in accordance with Section 9.

6.2 Licence Holder

The Licence Holder is the company set out below:

Company name: CEMEX UK Operations Limited

Company number: 658390

Address: Cemex House, Evreux Way, Rugby, Warwickshire, CV21 2DT

6.3 Licence Validity

Licence Start Date	19 July 2021
Licence End Date	18 July 2022
Licence Issue Date	09 July 2021

6.4 Conditions

This licence is subject to the conditions set out in **Section 8**.

Signed:



For and on behalf of the Licensing Authority

7 LICENSED ACTIVITIES

7.1 Project

Repairs to the timber jetty at Colwyn Bay

The following Licensed Activities can be conducted within the Licence Period, within the Licensed Area and in accordance with the Approved Application and the Approved Supporting Documents:

Table 1 Licensed Activities

Activity 1 Repair works to Conwy Jetty	
Type of Licensed Activity	Construction, Alterations and Improvement
Description	Various repairs to the superstructure of the timber jetty, as detailed in the approved supporting document 'Appendix 2 TD 11002 Raynes Quarry Jetty Layout of Jetty Supports 2021 Work', dated 20 May 2021.
Material types to be removed or deposited	Deposited: Timber, Iron or Steel and Concrete Removed: Timber and Iron or Steel

7.2 Licensed Area

The Licence Holder is authorised to conduct the activities described in Table 1 in the vicinity of Colwyn Bay bounded by the coordinates specified in Table 2:

Table 2 Coordinates

Eastings	Northings
288715	378666
288685	378837
288567	378823
288632	378649

as indicated on the plan submitted with the Approved Application and attached at Appendix 1.

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Approved Supporting Documents

Title/Description of Document	Date	Version No.
210507 Natural Resources Wales application form	07 May 2021	2
CML2123 WFD-HEC-007 Raynes Jetty - Wales	May 2021	1
CML2123 UKI -RAMS- RAYNES QUARRY REV 1	15 April 2021	1
CML2123 Appendix 2 TD 11002 Raynes Quarry Jetty Layout of Jetty Supports 2021 Work	20 May 2021	1
CML2123 215-024-02	20 May 2021	1
CML2123 215-024-01	20 May 2021	1

8 CONDITIONS

Notification and Inspection

8.1 Notification of Commencement

- 3.1.1** 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.
- 3.1.2** The Licence Holder must notify Welsh Government Marine Enforcement Officers no less than **10 days** before the commencement of the Licensed Activities, or an individual phase of the Licensed Activities, is expected to commence.
- 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.

8.2 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 Marine Enforcement Officers prior to the commencement of the Licensed Activities.

8.3 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 prior to the commencement of Licensed Activities.

8.4 Notification of HM Coastguard

The Licence Holder must ensure that HM Coastguard is made aware of the Licensed Activities prior to commencement by contacting The National Maritime Operations Centre at **nmoccontroller@hmcg.gov.uk**.

8.5 Inspection of Licensed Activities

The Licence Holder must allow officers of the Maritime and Coastguard Agency, Marine Enforcement Officer or any other person authorised by the Licensing Authority to inspect the Licensed Activities at any reasonable time.

8.6 Notification of Completion

The Licence Holder must notify the Licensing Authority and authorised Marine Enforcement Officers within **10 days** of completion of the Licensed Activities.

8.7 Force Majeure

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

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circumstances shall be notified to the Licensing Authority within **48 hours** of the incident occurring.

8.8 Distribution of Copies of this Licence

The Licence Holder is required to ensure that a copy of this licence, and any subsequent revisions or amendments thereto is given to:

- All agents, contractors and subcontractors whose names have been provided to the Licensing Authority pursuant to condition 8.3; and
- The Masters of any vessels and transport managers responsible for the vehicles and/or vessels employed in the pursuance of this licence whose details have been submitted to the Licensing Authority pursuant to condition 8.2

8.9 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 6.2;
- 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, vehicle or at the office of any transport manager with responsibility for vehicles from which any deposits of materials authorised by this licence are to be made.

The documents referred to in this condition shall be available at all times when the Licensed Activities are being undertaken for inspection by officers appropriately authorised by the Licensing Authority and authorised Marine Enforcement Officers at the locations stated in this paragraph.

Vessels, Plant and Equipment

8.10 Notified Contractors only to Carry out Licensed Activities

Only those agents, contractors and subcontractors 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 or subcontractors carrying out any Licensed Activities pursuant to or otherwise operating under this licence.

8.11 Refuelling

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

Safety

8.12 Safety of Licensed Activities

The Licence Holder must ensure that the Licensed Activities are maintained in a safe condition that does not represent a danger to the environment, or other marine users, at all times.

8.13 Removal of Deposited Material

The Licence Holder must remove any deposited material within one month of notice being given by Licensing Authority or Marine Enforcement Officers if they consider this necessary or advisable for the safety of navigation, and shall not replace such material until the Licensing Authority or Marine Enforcement Officers have given their written approval.

8.14 Government Assistance

If, in the opinion of the Licensing Authority or Marine Enforcement Officers, the assistance of a Government Department, including the broadcast of navigational warnings, is required in connection with the Licensed Activities or to deal with any emergency arising from the drifting or wreck of the Licensed Activities, the Licence Holder will be liable for any expense incurred in securing such assistance.

Pollution control

8.15 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**.

8.16 Spillage of Pollutants

The Licence Holder must ensure bunding, storage facilities and spill kits are employed where appropriate to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment.

8.17 Coatings

The Licence Holder must ensure that any coatings/treatments used in carrying out the Licensed Activities are suitable for use in the marine environment and are used in accordance with best environmental practice.

8.18 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 area. Such material must be removed immediately and be disposed of appropriately. If it is not possible to prevent man-made debris from entering the marine environment during the Licensed Activities, the Licensed Activities must cease immediately.

8.19 Biosecurity

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The Licence Holder must ensure all equipment, materials, machinery and Personal Protective Equipment used as part of the Licensed Activities are in a clean condition prior to their arrival at and subsequent departure from the Licensed Area to minimise risk of introducing non-native species into the marine environment.

8.20 Dropped Objects

Should it be necessary for the Licence Holder to recover or remove from the Licensed Area any equipment, plant or machinery accidentally dropped when undertaking the Licensed Activities, the Licence Holder is permitted to do so provided that the methodology for such recovery or removal has been approved by the Licensing Authority.

Activity-specific Conditions

8.21 Returning to Original Profile

The Licence Holder must ensure the area is returned to the original profile, or as close as reasonably practicable, following the completion of works.

8.22 Use of Render and Concrete

3.22.1 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.

3.22.2 The Licence Holder must ensure that if concrete is 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.

9 INTERPRETATION

In this Licence terms are as defined in section 115 of the Marine and Coastal Access Act unless otherwise stated.

- (a) **“2009 Act”** means the Marine and Coastal Access Act 2009;
- (b) **“Approved Application”** means the Marine Licence Application Form together with the Approved Supporting Documents;
- (c) **“Approved Supporting Documents”** means the documents supporting, or supplementary to, the Approved Application, submitted prior to the Licence Issue Date, listed in the Table at paragraph 2.3 above;
- (d) **“Commencement”** means the first undertaking of any Licensed Activities;
- (e) **“Force majeure”** may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit the substances or articles because the safety of human life and/or of the vessel is threatened;
- (f) **“Licensed Activities”** means the activities authorised by this licence as specified in 7.1;
- (g) **“Licensed Area”** means the area within which Licensed Activities are authorised by this licence as specified in section 7.2;
- (h) **“Licence Holder”** means the person(s) or organisation(s) named in section 6.2 to whom this licence is granted;
- (i) **“Licence Period”** means the period beginning with the Licence Start Date and ending on the Licence End Date;
- (j) **“Licensing Authority”** means Natural Resources Wales acting on behalf of the Welsh Ministers;
- (k) **“Marine Enforcement Officers”** means the relevant officers appointed by Welsh Ministers under section 235 of the 2009 Act, contact details for whom are provided in section 10;
- (l) **“Marine Licence Application Form”** means the application form forming part of the application referred to in paragraph 6.1;
- (m) **“Method Statement”** means the Method Statement(s) forming part of the Approved Application or Approved Supporting Documents;
- (n) **“Works”** means any construction activities comprised in the Licensed Activities and, where the context permits, includes any plant, equipment or materials used to carry out those activities or operations but excludes monitoring, minor routine maintenance or other ongoing

operational activities following completion of any construction activities;

- (o) all times shall be taken to be the time in Greenwich Mean Time (GMT) on any given day;
- (p) all co-ordinates shall be taken to be eastings and northings measured in metres;
- (q) in the event of any discrepancy between the coordinates listed in paragraph 7.2 and the plan attached at Appendix 1, the coordinates shall take precedence.

10 CONTACTS

Except where otherwise indicated, the primary point of contact with the Licensing Authority and the address for returns, correspondence and requests for variations of the licence is:

Marine Licensing Team
Natural Resources Wales
Permitting Service
29 Newport Road
Cambria House
Cardiff
CF24 0TP

Tel: 0300 065 3000

Email: marinelicensing@naturalresourceswales.gov.uk

Welsh Government Marine Enforcement Officers may be contacted at:

Welsh Government
Suite 3
Cedar Court
Haven's Head Business Park
Milford Haven Pembrokeshire
SA73 3LS

Tel: 03000253500

Email: wfmccmpc@gov.wales

Appendix 1

