

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: Milford Haven Port Authority

Company Number: SL014477

Gorsewood Drive,
Milford Haven,
Pembrokeshire,
SA73 3ER

Disposal of dredge material from Milford
Haven Berths and Channels to LU168 and
LU169

Licence Number:
DML2166

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Disposal of dredge material from Milford Haven Berths and Channels to LU168 and LU169 Marine Licence number: DML2166

Introductory note

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

The main features of the marine licence are as follows.

The disposal of dredge material from berths and channels within the limits of Milford Haven Port Authority Pembrokeshire, to disposal sites LU168 and LU169.

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	24 December 2021	Application received and considered to be duly made
Date licence determined	16 August 2022	Determination date

Related marine licences or applications under determination

Marine Licence or Application Number	Date	Comments
DML1646v1	09 March 2017	Previous maintenance dredge disposal licence for Milford Haven. DML2166 is for the same Licensed Activities as what was permitted under this licence.

End of introductory note.

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MARINE LICENCE, NUMBER DML2166

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered DML2166 and duly made on 24 December 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 4**.

1.2 Licence Holder

The Licence Holder is the company set out below:

Company name: Milford Haven Port Authority

Company number: SL014477

Address: Gorsewood Drive, Milford Haven, Pembrokeshire, SA73 3ER

1.3 Licence Validity

Licence Start Date	16 August 2022
Licence End Date	08 March 2032
Licence Issue Date	16 August 2022

1.4 Conditions

This licence is subject to the conditions set out in **Section 3**.

Signed:



Dr. Emmer Litt

For and on behalf of the Licensing Authority

2 LICENSED ACTIVITIES

2.1 Project

Disposal of dredge material from Milford Haven Berths and Channels to LU168 and LU169

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 Disposal Activities

Activity 1 Disposal of dredge material from Milford Haven berths and channels		
Marine Licensable Activity Type	Deposit	
Description	Maintenance dredge disposal at Milford Haven Two LU168 and Milford Haven Three LU169. The area dredged is the berths and channels surrounding the port mostly by trailer suction hopper dredger but could also be dredged by backhoe dredger or grab dredger and there is possibility for a cutter suction dredger to be used in shallower areas.	
Maximum Dredge Depth	Maximum dredge depth as specified within DML2166 Max Dredge Depth of each area for NRW dated 08 July 2022	
Maximum Dredge volume and tonnage [for disposal only] for material deposited under this licence	m ³ per year 154,000 unless otherwise approved by the Licensing Authority in accordance with condition 3.24.1 and within the limits set for Location A and B below	
Deposit Location A	Site Code: LU168	Site Name: Milford Haven Two
Maximum Deposit over a consecutive 5-year period to Deposit Location A	m ³ over a consecutive 5-year period 60,000	
Material Type [A]	Disposal of material with a particle size of >250 µm (0.25mm) only. Only dredged material from Mill Bay and RoRo Berth are therefore permitted to be deposited at this site.	
Deposit Location B	Site Code: LU169	Site Name: Milford Haven Three
Maximum Deposit over a consecutive 5 -year period to Deposit Location B	m ³ over a consecutive 5-year period 400,000	

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Material Type [B]	Sand, Silt
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2.2 Licensed Area

The Licence Holder is only authorised to deposit material dredged from the area bounded by the coordinates specified in Table 2 – 8.

Table 2 Coordinates for dredging in Dredge Zone 1

Area [1 Mill Bay] Dredge Zone	
Latitude	Longitude
N 51 40.8202	W 05 9.8968
N 51 41.0671	W 05 9.4634
N 51 41.4436	W 05 9.0885
N 51 41.3751	W 05 8.9283
N 51 41.1202	W 05 9.0330
N 51 40.8652	W 05 9.3877
N 51 40.7495	W 05 9.8137
N 51 40.8202	W 05 9.8968

Table 3 Coordinates for dredging in Dredge Zone 2

Area [2 Thorn Island] Dredge Zone	
Latitude	Longitude
N 51 41.6392	W 05 7.3054
N 51 41.7798	W 05 7.2943
N 51 41.7805	W 05 6.6170
N 51 41.7147	W 05 5.7371
N 51 41.6084	W 05 5.7368

Table 4 Coordinates for dredging in Dredge Zone 3

Area [3 Valero (Berths 1-8 including turning area)] Dredge Zone	
Latitude	Longitude
N 51 41.8845	W 05 3.3128
N 51 41.9446	W 05 2.1600
N 51 41.9681	W 05 1.0804
N 51 41.8489	W 05 1.0794
N 51 41.7356	W 05 1.1813
N 51 41.7261	W 05 1.5506
N 51 41.7957	W 05 1.6577
N 51 41.8675	W 05 1.6764
N 51 41.8085	W 05 3.3076

Table 5 Coordinates for dredging in Dredge Zone 4

Area [4 Milford Shelf and Milford Dock Entrance] Dredge Zone	
Latitude	Longitude
N 51 42.0747	W 05 2.8670
N 51 42.1302	W 05 2.8499
N 51 42.2212	W 05 2.6302
N 51 42.2329	W 05 2.1794

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N 51 42.4563	W 05 2.2421
N 51 42.5558	W 05 2.3382
N 51 42.6279	W 05 2.1789
N 51 42.5537	W 05 2.0845
N 51 42.2430	W 05 1.9542
N 51 42.2490	W 05 1.7219
N 51 42.1831	W 05 1.4717
N 51 42.1001	W 05 1.3836

Table 6 **Coordinates for dredging in Dredge Zone 5**

Area [5 VPOT and Dragon LNG] Dredge Zone	
Latitude	Longitude
N 51 42.0495	W 05 00.2000
N 51 42.0121	W 04 59.6773
N 51 41.9595	W 04 59.2430
N 51 41.8737	W 04 59.2643
N 51 41.7196	W 04 59.4869
N 51 41.6915	W 04 59.7447
N 51 41.7219	W 04 59.8839
N 51 41.9637	W 05 00.2420

Table 7 **Coordinates for dredging in Dredge Zone 6**

Area [6 Port of Pembroke] Dredge Zone	
Latitude	Longitude
N 51 41.7479	W 04 57.1049
N 51 41.7864	W 04 57.0893
N 51 41.7964	W 04 57.0960
N 51 41.8358	W 04 57.0809
N 51 41.8883	W 04 57.0277
N 51 41.8904	W 04 56.9713
N 51 41.8916	W 04 56.9622
N 51 41.9266	W 04 56.9656
N 51 41.9322	W 04 56.7943
N 51 41.7696	W 04 56.8586
N 51 41.7964	W 04 57.0318
N 51 41.7405	W 04 57.0532

Table 8 **Coordinates for dredging in Dredge Zone 7**

Area [7 PDFT RoRo Berth] Dredge Zone	
Latitude	Longitude
N 51 41.8904	W 04 56.9713
N 51 41.8871	W 04 57.0603
N 51 41.8835	W 04 57.2035
N 51 41.9190	W 04 57.2045
N 51 41.9266	W 04 56.9656
N 51 41.8916	W 04 56.9622

Table 9 **Coordinates for dredging in Dredge Zone 8**

Area [8 Pembroke Powerstation intake channel and RoRo berth approach channel] Dredge Zone	
Latitude	Longitude

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N 51 41.0608	W 04 58.6935
N 51 41.0356	W 04 59.1791
N 51 41.0854	W 04 59.1906
N 51 41.1307	W 04 59.1062
N 51 41.1378	W 04 59.0474
N 51 41.1340	W 04 58.7065

The Licence Holder is authorised to conduct the deposit activities described in Table 1 at the locations below;

Deposit Location A – LU168 – Milford Haven Two - bounded by the coordinates specified in Table 9

Table 9 Permitted Deposit Locations Deposit Location A

Deposit Area [LU168 Milford Haven Two]	
Latitude	Longitude
51 31.10 N	005 10.75 W
51 31.10 N	005 13.50 W
51 32.20 N	005 13.50 W
51 32.20 N	005 12.25 W

Deposit Location B – LU169 – Milford Haven Three – within a circle of 0.5 nautical miles radius around the following coordinate specified in Table 10

Table 10 Permitted Deposit Locations Deposit Location B

Deposit Area [Milford Haven Three LU169]	
Latitude	Longitude
51 35.00 N	005 37.00 W

In the event of any discrepancy between the coordinates set out above and the plan attached at Appendix 1, the coordinates shall take precedence.

2.3 Approved Supporting Documents

Title/Description of Document	Date Submitted
DML2166 MHPA 2022 Dredge Disposal Application	08 December 2021

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DML2166 2021-11-29 MHPA WFD Assessment Update_final	08 December 2021
DML2166 2021-12-22 MHPA WNMP Assessment Update for submission to NRW	22 December 2021
DML2166 MHPA 2021 Dredging strategy document 2021_11_09 Final	08 December 2021
DML2166 MHPA Generic Biosecurity Plan 2022_07_25	25 July 2022
DML2166 MMO_results_template-MAR00953	08 December 2021
Max Dredge Depth of Each Area for NRW	07 July 2022
MH_Licence Areas with depths for NRW 2022 All_Areas	07 July 2022
MH_Licence Areas with depths for NRW 2022 Area A - Mill Bay	07 July 2022
MH_Licence Areas with depths for NRW 2022 Area B - Thorn Island	07 July 2022
MH_Licence Areas with depths for NRW 2022 Area C - Valero 12345	07 July 2022
MH_Licence Areas with depths for NRW 2022 Area C - Valero 678	07 July 2022

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MH_Licence Areas with depths for NRW 2022 Area D - Milford Shelf	07 July 2022
MH_Licence Areas with depths for NRW 2022 Area E - VPOT-Dragon	07 July 2022
MH_Licence Areas with depths for NRW 2022 Area F – SUPERSEDED	12 July 2022
MH_Licence Areas with depths for NRW 2022 Area G - PPS	07 July 2022

3 CONDITIONS

Notification and Inspection

3.1 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 & 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.
- 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.

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.

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.

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 **zone28@hmcg.gov.uk**.

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.

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.

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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.

3.6.3 The Licence Holder must notify the UK Hydrographic Office of any changed data including engineering drawings, hydrographic surveys, details of new or changed navigational aids within 10 days of completion of the Licensing 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.

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.

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 agent(s), contractor(s) and sub-contractor(s) 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 with this Licence whose details have been submitted to the Licensing Authority under condition 3.2.

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.

Vessels, Plant and Equipment

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3.10 Notified Contractors, Vessels and/or Vehicles only to Carry out Licensed Activities

Only those agent(s), contractor(s), sub-contractor(s), vessels and/or 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.

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.

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.

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.

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**.

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

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.

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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.

Activity-specific Conditions

3.18 Biosecurity Risk Assessment

3.18.1 The Licence Holder must ensure that any actions outlined in MHPA Generic Biosecurity Plan dated 25 July 2022 are implemented. 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.

3.18.2 The Licence Holder must submit an updated Biosecurity Risk Assessment to the Licensing Authority for written approval by the **31 January each year, starting January 2023**.

3.19 Sediment Sampling

3.19.1 The Licence Holder must request a sediment sampling plan from the Licensing Authority by **05 October 2023**.

3.19.2 The Licence Holder must ensure that the sampling is undertaken in accordance with the sampling plan described in condition 3.19.1 and is analysed at an NRW approved laboratory.

3.19.3 The Licence Holder must submit the written results of the sediment sampling undertaken pursuant to condition 3.19.2 for written approval by the Licensing Authority **within two months** of sampling taking place. This must include an outline of an assessment of alternative uses for the sediment that is to be disposed.

3.19.4 The Licence Holder must ensure no dredging is carried out after the **05 April 2024** without written approval from the Licensing Authority.

3.19.5 The Licence Holder must request a sediment sampling plan from the Licensing Authority by **05 October 2026**.

3.19.6 The Licence Holder must ensure that the sampling is undertaken in accordance with the sampling plan described in condition 3.19.5 and is analysed at an NRW approved laboratory.

3.19.7 The Licence Holder must submit the written results of the sediment sampling undertaken pursuant to condition 3.19.6 for written approval by the Licensing Authority **within two months** of sampling taking place. This must include an outline of an assessment of alternative uses for the sediment that is to be disposed.

3.19.8 The Licence Holder must ensure no dredging is carried out after the **05 April 2027** without written approval from the Licensing Authority.

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3.19.9 The Licence Holder must request a sediment sampling plan from the Licensing Authority by **05 October 2029**.

3.19.10 The Licence Holder must ensure that the sampling is undertaken in accordance with the sampling plan described in condition 3.19.9 and is analysed at an NRW approved laboratory.

3.19.11 The Licence Holder must submit the written results of the sediment sampling undertaken pursuant to condition 3.19.10 for written approval by the Licensing Authority **within two months** of sampling taking place. This must include an outline of an assessment of alternative uses for the sediment that is to be disposed.

3.19.12 The Licence Holder must ensure no dredging is carried out after the **05 April 2030** without written approval from the Licensing Authority.

3.20 Distribution of Material

3.20.1 The Licence Holder must ensure that during the course of disposal, material is distributed evenly over the disposal sites.

3.20.2 The Licence Holder must ensure that disposal on the South Easterly (flood) tide is implemented wherever possible, in order to facilitate the transport of material away from the Pembrokeshire Special Area of Conservation (SAC).

3.21 Disposal of Material

3.21.1 The Licence Holder must ensure that no more than 154,000m³ of material is deposited per year at the disposal sites unless otherwise agreed with the Licensing Authority in accordance with clause 3.21.2 below.

3.21.2 The Licence Holder may seek written approval from the Licensing Authority to increase the disposal allowance specified in Table 1 at Section 2.1 of this licence to a maximum of 250,000m³ in a calendar year, once within a 5-year period over the licence term.

3.21.3 The Licence Holder must ensure that all reasonable precautions are taken to prevent the disposal of man-made materials at sea. Wherever possible, dredged material must be passed through grid screens no larger than 30cm to minimise the amount of man-made materials disposed of at sea. Any man-made material must be separated from the dredged material and disposed of to land.

3.21.4 The Licence Holder must ensure that only material with a particle size of more than 250µm (0.25mm) is disposed at disposal site LU168.

3.22 Timing Restriction

The Licence Holder must ensure that no Licensed Activities take place between **01 April and 30 June** inclusive, without prior written approval from the Licensing Authority.

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3.23 Reporting of Artefacts

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

3.24 Log of Operations

The Licence Holder must ensure that the Master or the Officer of the Watch of each vessel, as referred to Condition 3.2 of this Licence, undertaking the deposit of any substances or articles specified in Table 9 and 10 of this Schedule, shall maintain a written log of operations recording the following information:

- the name of the vessel;
- the quantity and type of each substance or article loaded for deposit;
- the date and time of departure from the port or site at which the substances or articles are loaded for deposit in the sea and time of arrival (and date if different) at the Deposit Area on each occasion that it proceeds to and from such area;
- latitude and longitude position (in degrees and minutes and decimal of a minute to at least one decimal place) of the deposit within the Deposit Area.

3.25 Notification of UK Hydrographic Office (UKHO)

3.25.1 The Licence Holder must ensure that notification is sent to The Source Data Receipt team, UKHO (email: sdr@ukho.gov.uk; Tel: 01823 337900) at least **10 days** prior to commencement of the Licensed activities. The information supplied must include the start date and end date, a description of the works, positions of the work area (WGS84), and details of any marking arrangements.

3.25.2 The Licence Holder must notify the UKHO of the Licensed Area and the Licensed Activities within **10 days** of the completion of the Licensed Activities.

4 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 2.1;
- (g) **"Licensed Area"** means the area within which Licensed Activities are authorised by this licence as specified in section 2.2;
- (h) **"Licence Holder"** means the person(s) or organisation(s) named in section 1.2 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 5;
- (l) **"Marine Licence Application Form"** means the application form forming part of the application referred to in paragraph 1.1;
- (m) **"Method Statement"** means the Method Statement(s) forming part of the Approved Application or Approved Supporting Documents;

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- (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 latitude and longitude degrees minutes seconds (WGS 84)
- (q) in the event of any discrepancy between the coordinates listed in paragraph 2.2 and the plan attached at Appendix 1, the coordinates shall take precedence.

5 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

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Appendix 1 – Map of disposal sites and dredge areas

