



Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: Milford Haven Port Authority
Application reference no: DML2166

Milford Haven, Pembrokeshire

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

16 August 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 marine licence sought by the Application subject to the conditions set out in Annex.

This decision document:

- explains how the application has been determined, having regard to the relevant legal framework outlined in section 4;
- explains how relevant considerations have been taken into account and how each of the legal requirements have been considered in determining the Application;
- provides a record of the decision-making process; and
- sets out the reasons for any conditions imposed in connection with any marine licence granted pursuant to the Application.

1. APPLICATION DETAILS

1.1. The Application

Applicant Name and Address	The Applicant is the organisation set out below: Organisation name: Milford Haven Port Authority Company number: SL014477 Address: Gorsewood Drive, Milford Haven, Pembrokeshire, SA73 3ER
Application Reference Number	DML2166
Date Application was duly made	24 December 2021
Proposal covered by the application	Disposal of dredge material from Milford Haven Berths and Channels to LU168 and LU169 (the Project)
Licensable marine activities	Disposal of dredge material from Milford Haven berths and channels (the Proposed Activities)
Marine Plan Area	Welsh inshore region and Welsh offshore region
Application documents:	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 2021_12_21 23 December 2021 DML2166 MMO_results_template-MAR00953 08 December 2021
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2. APPLICATION PROCEDURE

2.1. The Application

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 24 December 2021. This means we considered it was in the correct form and contained sufficient information for us to begin our determination, but not that it necessarily contained all the information we needed to complete that determination, and the documents considered may therefore include documents provided after the Application was first made.

2.2. Documents considered

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

2.3. Commercial Confidentiality

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

2.4. Publicity and advertising

As required by s. 68 of the Marine and Coastal Access Act 2009 (the 2009 Act), notice was given to Pembrokeshire County Council and Pembrokeshire Coast on 14 January 2022.

As required by s. 68 of the 2009 Act NRW has required the Applicant to publish notice of the Application.

Public notice advertising the Project was placed in Western Telegraph on 26 January 2022. The application documents were made available to the public on the public register and they could also be requested from Natural Resources Wales Marine Licensing Team, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP.

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

No public responses were received in response to the Public Notice.

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

3. CONSULTATION

3.1. Consultees

NRW considered it appropriate to consult the bodies listed in the table below on 14 January 2022, due to their particular expertise. These bodies were consulted for a period of 28 days. For those bodies which responded to the consultation an 'Y' can be found in the response received column, and those which did not respond to the consultation an 'N':

Consultee	Response received (Y/N)	Date(s) of receipt
The Crown Estate	Y	15 January 2022
NRW	Y	18 February 2022
MoD - Safeguarding Defence	Y	26 January 2022
Maritime & Coastguard Agency	Y	07 February 2022
Trinity House	Y	21 January 2022
Royal Yachting Association	Y	25 January 2022
Local Biodiversity Officer [Pembrokeshire County Council]	N	
Local Planning Authority [Pembrokeshire County Council]	N	
Local Harbour Authority [Pembrokeshire County Council]	N	
Local Port Authority [Pembrokeshire County Council]	N	
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Government Marine Enforcement Officers	N	
Welsh Archaeological Trust	N	
Royal Commission on Historic Monuments Wales	Y	17 January 2022
Cadw	Y	03 February 2022
Chamber of Shipping	N	
NERL Safeguarding	Y	15 January 2022
Cefas	Y	20 January 2022

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Consultees who did not provide a response were assumed to have no comment.

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

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4. BASIS FOR OUR DECISION

In determining this application, including the terms on which it was granted, and the condition attached to it, NRW has had regard to the factors set out in section 4 below in accordance with the 2009 Act.

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

- the need to protect the environment (see section 4.1);
- the need to protect human health (see section 4.2);
- the need to prevent interference with legitimate uses of the sea (see section 4.3);
- in the case of an application for a licence to authorise construction, alteration or improvement of works within the UK marine licensing area, the effects of any use intended to be made of the works in question when constructed, altered or improved (considered, if relevant in sections 4.1 to 4.5 below);
- any representations which it has received from any person having an interest in the outcome of the application (summarised in section 3 and where relevant considered in sections 4.1 to 4.5 below); and
- such other matters as it thinks relevant (see section 4.5 below).

4.1. The need to protect the environment:

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

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

4.1.1. Water Framework Directive, Groundwater Directive and Water Environment Regulations

a) The legal framework

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

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

b) Factors relevant to our determination

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NRW has considered the potential effect of the Proposed Activities on WFD waterbodies, the closest coastal waterbody is over 11km away, therefore no impact was predicted and only stage 1 of the WFD assessment was completed.

Further details are described within the Water Framework Directive Compliance Assessment.

4.1.2. Biodiversity and resilience of ecosystems duty**a) The legal framework**

Section 6 of the Environment Wales Act 2016 requires that we seek to maintain and enhance biodiversity in the exercise of our functions, and in so doing promote the resilience of ecosystems, in a manner that is consistent with the proper exercise of our functions.

b) Factors relevant to our determination

NRW is satisfied that in this case, we have taken into account and had due regard to this duty in so far as it is consistent with the function of determining an application for a Marine Licence under the Marine and Coastal Access Act 2009.

4.1.3. European Protected Sites and Ramsar Sites**a) The legal framework**

European sites are those designated under the Conservation of Habitats and Species Regulations 2017 (**Habitats Regulations 2017**) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (**Offshore Habitats Regulations 2017**) as Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).

The Habitats Regulations 2017 and the Offshore Habitats Regulations 2017 require that any project that is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) must be subject to an appropriate assessment. NRW undertakes a Habitats Regulation Assessment (HRA) to establish whether an appropriate assessment is required.

In addition NRW must exercise its functions under the 2009 Act so as to secure compliance with the requirements of the relevant European Directives. NRW also has a duty under the Habitats Regulations 2017 to support wild birds by protecting habitats and avoiding pollution.

A Ramsar site is a wetland which has been designated under the Ramsar Convention. The Ramsar Convention does not place specific legal requirements on its parties (though Ramsar sites are often SSSIs or SPAs, considered below), however Ramsar status is considered by NRW as matter of policy in its decision making.

b) Factors relevant to our determination

The Project is located or may affect the following European Protected Sites:

- Skomer, Skokholm and the seas off Pembrokeshire pSPA
- West Wales Marine SAC
- Bristol Channel Approaches SAC

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- North Anglesey Marine SAC
- Pembrokeshire Marine SAC
- Pen Llyn a'r Sarnau SAC
- Cardigan Bay SAC

A Habitats Regulations Assessment of the Proposed Activities has been undertaken, and NRW (as Statutory Nature Conservation Body) consulted on the HRA.

The following conclusions of the HRA have been considered by NRW in making this decision. Concerns were raised regarding the fate of sediment and sedimentation on the reef feature in the Pembrokeshire Marine SAC, specifically areas including Grassholm, Smalls, Hats and Barrels Islands. This was due to increased sediment disposal volumes proposed in the initial application form. A meeting was held with the applicant and NRW TE on 11 March 2022 to discuss possible ways forward. The maximum sediment disposal volumes now agreed are 154,000m³ annually, 400,000m³ over a five-year period to LU169 and 60,000m³ over a five-year period to LU168. In addition, as previously included on DML1646, condition 3.24.1 states that the applicant can request for approval from NRW to dispose of 250,000m³ to allow for flexibility if needed. It has been made clear that Condition 3.24.1 will be assessed when submitted and will only be approved twice over the ten-year period.

NRW TE also requested additional reporting from the applicant, MLT consider this request to be covered under the standard condition 'log of operations' which has been included as condition 3.27. This condition ensures the applicant will notify MLT of the quantity and type of each substance loaded for deposit, the date and time of departure and the latitude and longitude of deposit in the Deposit Area. If additional information is requested by NRW TE, they are to engage directly with Milford Haven Port Authority.

Further details are described within the Habitats Regulations Assessment.

NRW is therefore satisfied that the Proposed Activities, either alone or in combination with other plans or projects, will not adversely affect the integrity of European Sites when undertaken in accordance with appropriate conditions, stated above and in Annex 1.

4.1.4. European Protected Species**a) The legal framework**

The Habitats Regulations 2017 and the Offshore Habitats Regulations 2017 also confer protection on certain designated species (European Protected Species). A licence (EPS licence) must be obtained in order, whether deliberately or accidentally, to capture, kill, disturb or injure such a species, damage or destroy their breeding or resting places or obstruct access to their resting or sheltering places.

b) Factors relevant to our determination

NRW considers that no protected species are likely to be impacted by the Project.

4.1.5. Marine Conservation Zones**a) The legal framework**

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

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

b) Factors relevant to our determination

NRW is satisfied that there is no significant risk of the Proposed Activities on the Skomer MCZ due to the distance from the works.

4.1.6. Sites of Special Scientific Interest (SSSIs)**a) The legal framework**

Sites of Special Scientific Interest are designated under the Wildlife and Countryside Act 1981 (**1981 Act**) and protected by law to conserve their wildlife or geology. NRW must take reasonable steps, consistent with the proper exercise of its functions, to further the conservation and enhancement of the flora, fauna or geological or physiographical features by reason of which an SSSI is of special scientific interest.

b) Factors relevant to our determination

NRW is satisfied that there is no impact pathway to any SSSI from the disposal activity.

4.1.7. The Waste (England and Wales) Regulations 2011**a) The legal framework**

The Waste (England and Wales) Regulations 2011 (as amended) establish a legal framework for treating waste. This is designed to protect the environment and human health by emphasising the importance of proper waste management, recovery and recycling techniques to reduce pressure on resources and improve their use. Waste generated by a project or activity must in general terms be dealt with in an environmentally friendly way. To achieve this the Regulations describe a waste hierarchy which gives an order of preference for how waste is dealt with (prevention, re-use, recovery for other purposes such as energy, and finally disposal).

b) Factors relevant to our determination

NRW is satisfied that the Proposed Activities meet the requirements of The Waste (England and Wales) Regulations 2011.

NRW is content that the proposals are in line with the relevant OSPAR guidelines for the management of dredged material and CEFAS were also consulted and stated that the sample results show that the material is suitable for disposal to sea.

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

A response from NRW TE included the applicant needing to apply for a Schedule 9 Non-Native Invasive Species Licence from the Species Licensing Team. This is to do with the dredge activity which is not a marine licensable activity as Milford Haven Port Authority are a competent authority.

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This information has been forwarded to the applicant and the Schedule 9 licence was issued on 30 June 2022.

The Royal Commission on the Ancient and Historical Monuments of Wales responded stating they had no objections but did include a caveat for the applicant to record any artefacts accidentally recovered during the works. This has been included in Condition 3.26.

During consultation with CEFAS it was confirmed that only material with a particle size of more than 250 µm (0.25mm) can be disposed at disposal site LU168, this has been included as condition 3.24.4. Table 1 of the licence also includes specified areas from the sampling analysis provided with the application, this includes only dredged material from Mill Bay and RoRo Berth are therefore permitted to be deposited at LU168.

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

IN SUMMARY, having considered the need to protect the environment, NRW does not consider that any impacts of the Project on the environment (either alone or in combination with other plans or projects) are sufficient on their own to justify refusal of the application provided that the Proposed Activities are implemented in accordance with the conditions set out in Annex 1.

4.2. The need to protect human health

No comments or representations were received in relation to the need to protect human health and no other concerns in this regard have been identified.

4.2.1. Conclusion of our considerations under the need to protect human health

IN SUMMARY, having considered the need to protect human health, NRW does not consider that any impacts of the Project (either alone or in combination with other plans or projects) are sufficient on their own to justify refusal of the application.

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.

The Marine Coastguard Agency requested that the applicant is to issue local notifications and that on completion of works, any changed data including engineering drawings, hydrographic surveys, details of new or changed aids to navigation are to be sent to the UKHO. This has been included as condition 3.6.3.

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

IN SUMMARY, having considered the need to protect interference with legitimate uses of the sea, NRW does not consider that any impacts of the Project (either alone or in combination with other plans or projects) are sufficient on their own to justify refusal of the application provided that the Proposed Activities are implemented in accordance with the conditions set out in Annex 1.

4.4. Marine Policy Documents

a) The Legal framework

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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 WNMP 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**

This decision has been taken in accordance with marine policy as set out in the UK Marine Policy Statement 2011.

Welsh National Marine Plan

This decision has been taken in accordance with marine policy as set out in the Welsh National Marine Plan. The Licence Holder submitted a WNMP document dated 22 December 2021 that illustrates compliance with the policy.

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.

NRW is also satisfied that its decision is consistent with the sustainable development principle i.e. seeking to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.5.2. Sustainable management of natural resources**a) The legal framework**

NRW's general purpose is to pursue the sustainable management of natural resources in relation to Wales and applying the principles of sustainable management of natural resources as set out in

section 4 of the Environment (Wales) Act 2016 so far as consistent with the proper exercise of its functions.

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.

Based on all the information available, and having regard to all relevant considerations including the consultation responses, NRW's decision is to grant the Marine Licence sought by the Application. We have reached this decision having had regard to the relevant legal framework outlined in section 4 and have also explained in section 4 how each of the legal requirements have been considered. NRW has determined that a Marine Licence for the Proposed Activities should be granted.

6. AUTHORISATION

Report by: Jodie Pullen Position: Permitting Officer	Date: 12 July 2022	Signed: 
Authorised by: Emmer Litt Position: Permitting Team Leader	Date: 16 August 2022	Signed: 

ANNEX 1

Conditions imposed and reasons for those conditions.

Note: Condition numbers used below reflect the condition numbers used in the licence.

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.

Reason: To ensure the Licensing Authority are aware of the commencement of Licensed Activities.

- 3.1.2** The Licence Holder must notify Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) no less than **10 days** before the commencement of the Licensed Activities, or an individual phase of the Licensed Activities, is expected to commence.

Reason: To ensure the Marine Enforcement Officers are aware of the commencement of Licensed Activities.

- 3.1.3** The Licence Holder must ensure that local mariners and fishermen's organisations are made fully aware of the Licensed Activities through local notices to mariners **10 days** prior to the commencement of the Licensed Activities.

Reason: To minimise interference with other sea users and ensure other vessels in the vicinity can safely plan and conduct their passage.

3.2. Notification of Vessels and/or Vehicles

The Licence Holder must ensure that the details of the vessels and/or vehicles utilised to undertake the Licensed Activities are submitted to the Licensing Authority and Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) at least **24 hours** prior to the commencement of the Licensed Activities.

Reason: To ensure that the Licensing Authority are made aware, in a timely manner, of the vessels and/or vehicles operating under this licence to enable the Licensing Authority to comply with the reporting obligations in the Marine Licensing (Register of Licensing Information (Wales) Regulations 2011 as amended.

3.3. Notification of Agents/Contractors/Sub-contractors

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The Licence Holder must ensure that details of any agent(s), contractor(s) or sub-contractor(s) utilised to undertake the Licensed Activities are submitted to the Licensing Authority at least **24 hours** prior to the commencement of Licensed Activities.

Reason: To ensure that the Licensing Authority are made aware, in a timely manner, of the agent(s), contractor(s) or sub-contractor(s) operating under this licence and in order to enable the Licensing Authority to comply with the reporting obligations in the Marine Licensing (Register of Licensing Information (Wales) Regulations 2011 as amended.

3.4. Notification of HM Coastguard

The Licence Holder must ensure that HM Coastguard is made aware of the Licensed Activities at least **24 hours** prior to commencement by contacting The National Maritime Operations Centre at zone28@hmcg.gov.uk.

Reason: To ensure the safety of navigation.

3.5. Inspection of Licensed Activities

The Licence Holder must allow Marine Enforcement Officers or any other person authorised by the Licensing Authority to inspect the Works at any reasonable time.

Reason: To allow for inspection of the Licensed Activities to check compliance with the Licence.

3.6. Notification of Completion

- 3.6.1** The Licence Holder must notify the Licensing Authority within **10 days** of completion of the Licensed Activities.

Reason: To ensure the Licensing Authority are aware of the completion of Licensed Activities.

- 3.6.2** The Licence Holder must notify Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) within **10 days** of completion of the Licensed Activities.

Reason: To ensure the Marine Enforcement Officers are aware of the completion of Licensed Activities.

- 3.6.3** 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.

Reason: To ensure the UKHO are aware of the completion of Licensed Activities.

3.7. Accident or Emergency

- 3.7.1** If, by reason of force majeure any substances or articles are deposited otherwise than as permitted as part of the Licensed Activities or in the Licensed Area full details of the circumstances shall be notified to the Licensing Authority within **48 hours** of the incident occurring.

Reason: To allow the Licensing Authority to take appropriate action to ensure the appropriate removal of the unlicensed deposit.

- 3.7.2** If it is necessary for the Licence Holder to recover or remove any equipment, plant or machinery used to undertake the Licensed Activities that have been dropped as a result of an accident or emergency, the Licence Holder is permitted to do so provided that the methodology for such recovery or removal has been approved by the Licensing Authority.

Reason: To allow for the recovery of objects that have been accidentally dropped when carrying out the Licensed Activities.

3.8. Distribution of Copies of this Licence

The Licence Holder is required to ensure that a copy of this Licence is given to:

- All 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.

Reason: To ensure that all agent(s), contractor(s), sub-contractor(s) and vessel Masters are aware of their obligations under the conditions established within this Licence to ensure compliance with the conditions.

3.9. Inspection of Documents

Copies of this Licence shall be made available at the following locations:

- at the address of the Licence Holder specified in section 1.2;
- at any site office, located at or adjacent to the Licensed Area, used by the Licence Holder or its agent(s), contractor(s) or sub-contractor(s) responsible for the loading transportation or deposit of any substances or articles permitted as part of the Licensed Activities;
- on board each vessel or vehicle carrying out Licensed Activities.

The documents referred to in this Condition shall be available at all reasonable times for inspection by officers appropriately authorised by the Licensing Authority and authorised Marine Enforcement Officers at the locations stated in that paragraph.

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Reason: To ensure that all agent(s), contractor(s), sub-contractor(s) and vessel Masters may access the details of this Licence at all times and to ensure that the details of this Licence are available for inspection when required.

Vessels, Plant and Equipment

3.10. Notified Contractors, 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.

Reason: To ensure that the Licensing Authority are made aware, in a timely manner, of the agent(s), contractor(s), sub-contractor(s) operating under this Licence to enable the Licensing Authority to comply with the reporting obligations in the Marine Licensing (Register of Licensing Information (Wales) Regulations 2011 as amended.

3.11. Refuelling of Plant and Equipment

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

Reason: To minimise the risk of fuels/other contaminants entering the marine environment.

3.12. Equipment, Structures and Access

The Licence Holder must ensure that all equipment, temporary structures, access tracks, waste and/or debris associated with the Licensed Activities are removed on completion of the Licensed activities.

Reason: To minimise impacts on the marine environment and other users of the sea/seabed.

Safety

3.13. Removal of Deposited Material

If the Licensing Authority considers it necessary or advisable for the safety of navigation, the Licence Holder must remove any deposit specified by the Licensing Authority or Marine Enforcement Officers within one month of notice being given by the Licensing Authority, and shall not replace such material until the Licensing Authority has given its written approval.

Reason: To ensure that any material which may pose a hazard to safe navigation has been removed.

Pollution control

3.14. Pollution Prevention

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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**.

Reason: To minimise the risk of pollution incidents and to ensure the timely report of such incidents to enable the Licensing Authority to take action as appropriate.

3.15. Spillage of Pollutants

The Licence Holder must employ bunding, storage facilities and spill kits to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment. Secondary containment must be used with a capacity of **no less than 110%** of the container's storage capacity

Reason: To minimise the risk of fuels/other contaminants entering the marine environment.

3.16. Prevention of Disposal of Man-made Debris

The Licence Holder must ensure that all reasonable precautions are taken to prevent the disposal of man-made debris to the marine environment. Such material must be removed immediately and be disposed of appropriately. If it is not possible to prevent manmade debris from entering the marine environment during the Licensed Activities, the Licensed Activities must cease immediately.

Reason: To minimise the amount of man-made materials disposed of at sea.

3.17. Cleanliness of Equipment

The Licence Holder must ensure that equipment, machinery and PPE are washed with freshwater and/or thoroughly airdried before deployment and before moving between locations.

Reason: To minimise the risk of spread of invasive non-native species.

Activity-specific Conditions

3.18. 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.

Reason: To ensure the approved biosecurity plan is adhered too and minimises the risk to the marine environment.

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**.

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Reason: To ensure the approved biosecurity plan is updated each year and minimises the risk to the marine environment.

3.19. Sediment Sampling

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

Reason: To determine the appropriate way to utilise or dispose of dredged material.

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.

Reason: To determine the appropriate way to utilise or dispose of dredged material.

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.

Reason: To ensure that material remains acceptable for disposal at sea.

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.

Reason: To ensure that material remains acceptable for disposal at sea.

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

Reason: To determine the appropriate way to utilise or dispose of dredged material.

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.

Reason: To determine the appropriate way to utilise or dispose of dredged material.

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.

Reason: To ensure that material remains acceptable for disposal at sea.

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.

Reason: To ensure that material remains acceptable for disposal at sea.

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

Reason: To determine the appropriate way to utilise or dispose of dredged material.

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.

Reason: To determine the appropriate way to utilise or dispose of dredged material.

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.

Reason: To ensure that material remains acceptable for disposal at sea.

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.

Reason: To ensure that material remains acceptable for disposal at sea.

3.20. Distribution of Material

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

Reason: To avoid shoaling and minimise the risk to navigational safety.

3.23.2 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).

Reason: To avoid shoaling and minimise the risk to navigational safety.

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.

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Reason: To avoid risk to marine environment, including the reef feature of the Pembrokeshire Marine SAC.

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.

Reason: To avoid risk to marine environment, including the reef feature of the Pembrokeshire Marine SAC.

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.

Reason: To minimise the amount of man-made materials disposed of at sea.

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.

Reason: LU168 is only designated for coarser material.

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.

Reason: To avoid impacts to the Skomer MCZ.

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.

Reason: To ensure all archaeological finds are reported.

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:

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- 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.

Reason: To ensure that the material is disposed within the disposal site, and to ensure material is disposed evenly across the site.

3.25. Notification of UK Hydrographic Office (UKHO)

3.28.1 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.

Reason: To ensure that navigation warnings can be issued to marine users and for the update of nautical charts.

3.28.2 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.

Reason: To ensure that navigation warnings can be issued to marine users and for the update of nautical charts.