

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: Dyer & Butler Ltd

Company Number: 01450372

**Abel Smith House
Gunnels Wood Road
Stevenage
Hertfordshire
England
SG1 2ST**

Lougher Sea Defence Maintenance

Licence Number: CML2249

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Marine Licence number: CML2249

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 Sea Defences are located along both shore of the Loughor Estuary, entering the Burry Inlet below both the Loughor Road & Rail Bridges. The defences stretch to the east and west parallel with the rail corridor. The alignment of the defences intersects with the MHWS at different points, while also demarcating the boundary of the designated sites at several locations. Works are split into three areas where the following will take place:

- Masonry Repairs
- Vegetation Clearance
- Follow up visual inspection and scoping
- Repairs of a minor nature (e.g., reseating loose embankment material by hand

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	25 August 2022	Application received and considered to be duly made
Date licence determined	10 November 2022	Determination date

Related marine licences or applications under determination

Not applicable

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MARINE LICENCE, NUMBER CML2249

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered **CML2249** and duly made on **25 August 2022** 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: Dyer & Butler

Company number: 01450372

Address: Abel Smith House, Gunnels Wood Road, Stevenage, Hertfordshire, England, SG1 2ST

1.3 Licence Validity

Licence Start Date	10 November 2022
Licence End Date	09 November 2023
Licence Issue Date	10 November 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

Lougher Sea Defence Maintenance

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 Maintenance Repairs to Lougher Sea Defence	
Type of Licensed Activity	Deposit, Removal and Construction, Alteration or Improvement,
Description	Rope access system will be setup in accordance with Specialist Subcontractor RAMS and operatives will access the wall from the top down to the required location of the repair along the sea wall / embankments where required (dependent on slope angle and height). Mixing equipment will consist of a 110v paddle mixer, 3.5kVa generator and mixing buckets. The pieces of equipment can be moved by hand when required. Localised clearance of vegetation growing from some areas sea wall will be removed where necessary to access the wall or prevent root systems from causing further internal damage to the walls structure. Pointing materials will be mixed in accordance with manufacturer's instructions. Where possible, mixing of material will occur within the rail corridor or on stably sections of the defence assets. However, some mixing may need to occur at ground level. Rope access operatives or engineers may begin work when the tidal conditions allow access to the base of the defences (non-high tide times). Operatives will place polythene protection to base of sea wall/embankments at the areas of works, in order to capture any arisings from the maintenance. Existing loose mortar will be removed using hand tools and collected where possible. Operatives will document each section of works, on completion of pointing rope access operatives collect dropped pointing materials and remove from the working area. The use of the 3t plant machine will be limited to the scour failure of the toe beam, seen in the Scope Report (Appendix B – TM4+ 11). This will require the machine to assist in clearing out the

	defect, to allow for a casting of new concrete to shore up the failure. The machine will carry heavy material such as block stone to fit into the void caused by the failure. The repair will be like for like and will not increase the footprint of the defence asset. Should the void at TM4 require additional grout or cemented volumes that are beyond the capacity of the portable paddle mixer, then this additional material will be pumped from a source outside of the marine environment. Regarding the embankment, vegetation growth will require removal to better ascertain the condition of these areas. Loose material will be moved by hand and set into position using target use of mortar or securing pins. As with the masonry works, any minor repairs will be like for like. Vegetation clearance will only occur on the sea defences and 30cm from the toe of the defence as to not impact the adjacent designate habitat features. There will be no removal of Annex I habitat from the designated sites. All clearance will be undertaken with hand tools, with no mechanical clearance (e.g. track mounted or robot-flail units).
Material types to be removed or deposited	Deposited: Concrete Removed: Vegetation and Concrete

2.2 Licensed Area

The Licence Holder is authorised to conduct the activities described in Table 1 in the vicinity of Loughor bounded by the coordinates specified in Appendix 1 as indicated in the plan attached at Appendix 2:

In the event of any discrepancy between the coordinates set out above and the plan attached at Appendix 2, the coordinates shall take precedence.

2.3 Approved Supporting Documents

Title/Description of Document	Date Submitted
CML2249 - Application Form	08 August 2022
CML2249 - Appendix A - Loughor Sections AtoE - Biosecurity Management Plan & Risk Assessment - 2022 - Rev 1	08 August 2022
CML2249 - Appendix B - SWPP - TBS - Masonry & Brickwork Repairs	08 August 2022

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CML2249 - DB SCOPE REPORT - 1800_WAL_DAB - Loughor Section E	08 August 2022
CML2249 - Loughor Section AtoE - 1800 - EV000863- AA-HRA-2022 - 1	08 August 2022
CML2249 - Loughor Section AtoE - 1800 - EV000863- WFD-2022-1	08 August 2022
CML2249 - Loughor Sections AtoE - WNMP SIGNPOST DOCUMENT	08 August 2022
CML2249 - Wales SWM2 221 1078 28072020 Detailed CARRS ID 1363574 - Loughor A & B	08 August 2022
CML2249 – Otter and Watervole Survey Report	01 November 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.
- 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.

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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

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.

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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.

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 Otter (*Lutra lutra*) Mitigation Measures

The Licence Holder must ensure all mitigation measures detailed in Chapter 4 of the 'Otter and Watervole Survey Report', submitted on **01 November 2022**, are implemented as approved in writing by the Licensing Authority. 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.

3.19 Use of Render and Concrete

3.19.1 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.

3.19.2 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.

3.20 Concrete Cure Time

The Licence Holder must ensure materials used are suitable for use in the marine environment and works should be timed to ensure maximum concrete cure time.

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 decimal degree (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

Appendix 1

Section A & B

Latitude	Longitude
51.66444236128685	-4.093979809178467
51.66435789429395	-4.094047857720529
51.66432910670208	-4.09397654432519
51.66419594483557	-4.09327658997447
51.66391962625556	-4.091628394503775
51.66352705451323	-4.089556281019857
51.66330129479182	-4.088388208943794
51.6631488163445	-4.087655324332066
51.66307468032716	-4.087231766565126
51.66294781783945	-4.086550009311275
51.66283601832123	-4.085952761026796
51.6627682765826	-4.085594151835604
51.66270686422549	-4.085227172915222
51.66262941182783	-4.08495065130743
51.66258176641634	-4.084852038866657
51.66253404944057	-4.084794661100769
51.66251250261027	-4.084718621733766
51.66250481962502	-4.084536648560746
51.66249702681765	-4.084321881942397
51.66254615376057	-4.084266391521738
51.66280977010175	-4.08411262252765
51.66282722156411	-4.08419300538576
51.6626352509935	-4.084287371351412
51.66306925983019	-4.086729558003589
51.66353515337677	-4.089122485676121
51.66372147156003	-4.090168968850767
51.66391360833215	-4.091176034767195
51.66417070810191	-4.09258339054749
51.664323874925	-4.093425368654316
51.66440999675249	-4.093957291096019
51.66444236128685	-4.093979809178467

Section E

Latitude	Longitude
51.66206352255406	-4.079897064968452
51.66228586449888	-4.081085141855772
51.66232697624596	-4.08107270894734
51.66234540662463	-4.081202505347987
51.66200067239243	-4.081383467307055
51.66196885457514	-4.081258523628161
51.66200147854768	-4.081198830766349
51.66194444685642	-4.080874944750001
51.66188709279006	-4.080509939397849
51.66180783419914	-4.079962887525797

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51.66204863995035	-4.079837866946048
51.66206352255406	-4.079897064968452

Appendix 2

