

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: Gwynedd Council

Swyddfa Penrallt,
Ffordd Pafiliwn,
Caernarfon,
Gwynedd,
LL55 1BN

Hirael Flood Protection Scheme.

Licence Number: CML2273

03 February 2023

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Hirael Flood Protection Scheme

Marine Licence number: CML2273

Introductory note

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

The main features of the marine licence are as follows.

Enhancement of existing sea wall at Hirael as part of the Hirael Coast Protection Scheme. Consisting of the construction of a sheet piled retaining wall to replace the existing gabion wall at the promenade and addition of rock armour (adjacent to new sheet pile wall) shown to extend approximately 4m out into the bay.

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	08 December 2022	Application received and considered to be duly made
Date licence determined	03 February 2023	Determination date

Related marine licences or applications under determination

Marine Licence or Application Number	Date	Comments
CML2167	30 March 2022	Previous licence for Hirael for same works, however before the works started, applicant had design change.

End of introductory note.

Licence Number: CML2273

MARINE LICENCE, NUMBER CML2273

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered **CML2273** and duly made on **08 December 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 organisation set out below:

Organisation name: Gwynedd Council

Address: Swyddfa Penrallt, Ffordd Pafiliwn, Caernarfon, Gwynedd, LL55 1BN

1.3 Licence Validity

Licence Start Date	03 February 2023
Licence End Date	01 March 2024
Licence Issue Date	03 February 2023

1.4 Conditions

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

Signed:



For and on behalf of the Licensing Authority

2 LICENSED ACTIVITIES

2.1 Project

Enhancement of existing sea wall at Hiraël as part of the Hiraël Coast Protection Scheme. Consisting of the construction of a sheet piled retaining wall to replace the existing gabion wall at the promenade and addition of rock armour (adjacent to new sheet pile wall) shown to extend approximately 4m out into the 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 Construction of sea wall	
Type of Licensed Activity	Removal/Construction
Description	Construction of a retaining wall to replace the existing gabion wall. The new defence will be constructed through a sheet piling method. To allow the installation of the sheet pile wall as close to the existing wall as possible lower level gabion baskets and large stones will be removed. Sheet piles will be installed as close to the existing gabions as practicably possible. Voids between the proposed sheet pile wall and existing promenade to be backfilled. A concrete pile-cap and handrail will be installed on the new wall to provide edge protection. Placing of rock armour.
Material types to be removed or deposited	Removal: Degraded gabion baskets will be removed. Large rocks may be moved to allow operation and to be stored on site for re-use to reinstate the beach area on completion of the works. Removal: Any surplus excavated material will be deposited immediately landwards of the toe, to then be buried by the armour stone. Deposit: sheet piles and concrete to fill any space between the new sheet piled wall and the existing gabions (100-200mm)

Licence Number: CML2273

2.2 Licensed Area

The Licence Holder is authorised to conduct the activities described in Table 1 in the vicinity of Hiraël, Bangor bounded by the coordinates specified in Appendix 1 as indicated on the plan attached at Appendix 2.

In the event of any discrepancy between the coordinates set out in Appendix 1 and the plan attached at Appendix 2, the coordinates shall take precedence.

2.3 Approved Supporting Documents

Title/Description of Document	Date Submitted
CML2273 7720_Hiraël – marine – works – application – form – updated v0.5	07 December 2022
CML2273 7720_Temporary work area & rock armour coordinates (lat-long)	24 November 2022
CML2273 – 7720_Hiraël_Red Line Map_v3	24 November 2022
CML2273 20221121-Hiraël FAS_Methodology Statement	24 November 2022
CML2273 – Hiraël WNMP signposting doc	24 November 2022
CML2273 – 7720_EIA Screening Opinion Hiraël_V0.2	24 November 2022
CML2273 – 7720_Hiraël_ECIA_v0.06	24 November 2022
CML2273 – 190122_7720_Hiraël_Habitat_Regulations Assessment_v0.03dh	24 November 2022
CML2273 – 7720_WFD_Hiraël_V0.03	24 November 2022
CML2273 – 60664880 – ACM – XX-XX-DR-C-1201-Promenade General Arrangements sheet 1 of 5.	24 November 2022

Licence Number: CML2273

CML2273 – 60664880 – ACM – XX-XX-DR-C-1202- Promenade General Arrangements sheet 2 of 5.	24 November 2022
CML2273 – 60664880 – ACM – XX-XX-DR-C-1203- Promenade General Arrangements sheet 3 of 5.	24 November 2022
CML2273 – 60664880 – ACM – XX-XX-DR-C-1204- Promenade General Arrangements sheet 4 of 5.	24 November 2022
CML2273 – 60664880 – ACM – XX-XX-DR-C-1205- Promenade General Arrangements sheet 5 of 5.	24 November 2022
CML2273 – 60664880 – ACM – XX-XX-DR-C-1224- Promenade Sheet Pile Wall Cross Sections Sheet 4 of 5.	24 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 **zone31@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.

Licence Number: CML2273

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.

Licence Number: CML2273

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 Construction Environment Management Plan (CEMP)

3.18.1 The Licence Holder must submit a CEMP to the Licensing Authority for written approval **6 weeks** prior to commencement of the Licensed Activity. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority. The plan must incorporate the proposed mitigation identified within the CML2273 7720_Hirael_Habitats Regulations Assessment_v0.03 submitted on 24 November 2022, and include:

- Measures to avoid potential impact of underwater noise associated with piling activities
- Measures to avoid potential impacts on roosting waders/waterfowl
- Measures to avoid the spread of invasive non-native species

3.18.2 The Licence Holder must ensure that any actions outlined in the CEMP detailed in condition 3.18.1 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 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 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;
- (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

Longitude	Latitude
53.232062797	-4.116795000
53.232097856	-4.116835595
53.232126117	-4.116885059
53.232097076	-4.116929713
53.232100427	-4.116938888
53.232192007	-4.117101919
53.232307956	-4.117052952
53.232335483	-4.117243361
53.232388719	-4.117384878
53.232442110	-4.117426035
53.232561722	-4.117518239
53.232632037	-4.117571419
53.232670116	-4.117591703
53.232732301	-4.117625750
53.232821545	-4.117672418
53.232857194	-4.117690061
53.232915612	-4.117715173
53.233021491	-4.117768084
53.233071479	-4.117800939
53.233138547	-4.117844654
53.233197061	-4.117890997
53.233223115	-4.117911630
53.233276586	-4.117953897
53.233370506	-4.118042169

Licence Number: CML2273

53.233432719	-4.118103517
53.233500282	-4.118180931
53.233527051	-4.118217616
53.233584743	-4.118305832
53.233665114	-4.118432598
53.233730759	-4.118542197
53.233753541	-4.118585728
53.233803389	-4.118681128
53.233902792	-4.118871365
53.233970584	-4.119000645
53.234039591	-4.119109413
53.234074802	-4.119174183
53.234155351	-4.119272918
53.234139280	-4.119223483
53.234125179	-4.119187104
53.234099487	-4.119130363
53.234060334	-4.119058341
53.233987577	-4.118942090
53.233925642	-4.118823871
53.233839479	-4.118658972
53.233771871	-4.118531821
53.233692078	-4.118392641
53.233615040	-4.118271134
53.233533011	-4.118148277
53.233510773	-4.118120100
53.233478068	-4.118082872
53.233443568	-4.118043705
53.233427333	-4.118027293
53.233388553	-4.117990354

Licence Number: CML2273

53.233341978	-4.117945991
53.233299358	-4.117905595
53.233274027	-4.117885558
53.233186581	-4.117816366
53.233156531	-4.117792708
53.233131912	-4.117776435
53.233034997	-4.117712585
53.233008894	-4.117699275
53.232940658	-4.117664508
53.232912747	-4.117651734
53.232848612	-4.117622382
53.232835931	-4.117616578
53.232822033	-4.117609822
53.232687469	-4.117538055
53.232648647	-4.117517350
53.232643395	-4.117513587
53.232623801	-4.117499548
53.232603582	-4.117484500
53.232413882	-4.117338268
53.232368941	-4.117219029
53.232359364	-4.117152785
53.232342903	-4.117038919
53.232340915	-4.117029194
53.232337964	-4.117020174
53.232334135	-4.117012122
53.232329540	-4.117005273
53.232324313	-4.116999827
53.232318607	-4.116995942
53.232312587	-4.116993731

Licence Number: CML2273

53.232306429	-4.116993260
53.232300312	-4.116994541
53.232203747	-4.117035159
53.232147097	-4.116934311
53.232154979	-4.116920570
53.232159154	-4.116908258
53.232161548	-4.116894375
53.232161324	-4.116873896
53.232157206	-4.116855363
53.232148958	-4.116838162
53.232132088	-4.116808635
53.232121767	-4.116790863
53.232120004	-4.116788547
53.232113524	-4.116780790
53.232100766	-4.116766018
53.232092289	-4.116753314
53.232091969	-4.116751801
53.232062797	-4.116795000

Appendix 2

