

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
SG1 2ST

Pwll Sea Wall Maintenance

Lougher Estuary

Licence Number: CML2280

Pwll Sea Wall Maintenance

Marine Licence number: CML2280

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 proposed activities consist of maintenance works to the Pwll Sea Wall. This includes:

- Masonry Repairs
- Vegetation Clearance
- Repairs of a minor nature (e.g., reseating loose concrete embankment material)

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	05 December 2022	Application received and considered to be duly made
Date licence determined	22 February 2023	Determination date

Related marine licences or applications under determination

Not Applicable

End of introductory note.

Licence Number: CML2280

MARINE LICENCE, NUMBER CML2280

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered **CML2280** and duly made on **05 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 company set out below:

Company name: Dyer & Butler Ltd

Company number: 01450372

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

1.3 Licence Validity

Licence Start Date	22 February 2023
Licence End Date	15 September 2023
Licence Issue Date	22 February 2023

1.4 Conditions

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

Signed:



Dr. Emmer Litt – Marine Licensing Team Leader

For and on behalf of the Licensing Authority

2 LICENSED ACTIVITIES

2.1 Project

Pwll Sea Wall 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 Sea Wall Repairs	
Type of Licensed Activity	Deposit/Removal/Construction, Alteration or Improvement,
Description	The maintenance works will consist of: • Masonry Repairs • Vegetation Clearance • Repairs of a minor nature (e.g., reseating loose concrete embankment material)
Material types to be removed or deposited	Deposited: Concrete Removed: N/A

2.2 Licensed Area

The Licence Holder is authorised to conduct the activities described in Table 1 in the vicinity of Pwll/Lougher Estuary bounded by the coordinates specified in Table 2 in Appendix 1 and 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 1, the coordinates shall take precedence.

2.3 Approved Supporting Documents

Title/Description of Document	Date Submitted
CML2280 - marine-works-application-form-updated - Pwll Sea Wall - 1801 - Signed - 25.11.22	01 December 2022

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CML2280 - Appendix C - Pwll Sea Defence - WNMP SIGNPOST DOCUMENT	01 December 2022
CML2280 - SWPP - TBS - Masonry & Brickwork Repairs	02 December 2022
CML2280 - Appendix A - Pwll Sea Wall - 1801 - Biosecurity Management Plan & Risk Assessment - 2022 - Rev 1	01 December 2022
CML2280 - NR Asset Report - Pwll Sea Defence	02 December 2022
CML2280 - Pwll Sea Defences - 1801 - EV000864-AA-HRA-2022 - 1	01 December 2022
CML2280 - Pwll Sea Defences - 1801 - EV000864-WFD-2022-1	01 December 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 Use of Render and Concrete

3.18.1 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.

3.18.2 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.

3.19 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.

3.20 Ecological Clerk

The Licence Holder must ensure that a European otter (*Lutra lutra*) toolbox talk is conducted by an Ecological Clerk of Works (suitably qualified ecologist) prior to the commencement of works, to ensure there is no entrapment and/or disturbance risk to European otter.

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 – Licensed Area Coordinates

Latitude	Longitude
51.6737404977872	-4.17571926570356
51.6735957687806	-4.17599747299644
51.6767356384233	-4.17853114285685
51.6767550076601	-4.17884233840081
51.6768646353437	-4.1789145355202
51.6770400406893	-4.17917953801691
51.6774133933445	-4.17924208891746
51.6787323315846	-4.1802983207488
51.6794467903547	-4.18094624419694
51.6795751250304	-4.18187838727351
51.6796037670482	-4.18220329816212
51.6798786589147	-4.18233923810207
51.680355948052	-4.18240681874467
51.6805629398318	-4.18269778033197
51.6808785568257	-4.18362780786601
51.6811530055213	-4.18453355317324
51.6814844603882	-4.18591621966324
51.6821159818179	-4.18836282446902
51.6824115345212	-4.18999485058823
51.6828259116187,	-4.19222675665506
51.6834940473794	-4.19618641698691
51.6840639428083	-4.20121812703096
51.6845472363607	-4.20577155021125
51.6848436941058	-4.21066186100167
51.6850261152106	-4.21423285015783
51.6851093464602	-4.21717418785588
51.6851567669783	-4.21796870638312
51.6850924929234	-4.21843419009791
51.6851934615998	-4.21896354353282
51.6852965341928	-4.21938142414102
51.6853511241691	-4.21942872605386
51.6853997855643	-4.21942273829474
51.6854102202277	-4.21868683118604
51.6854192458985	-4.21765796187901
51.6854200651575	-4.21701747318052
51.6854134870095	-4.21612557220022
51.6853711119643	-4.2142810694345
51.6853017135641	-4.21253497559153
51.6852422849474	-4.21145535270678
51.6851634130319	-4.21016453184781
51.6850951519698	-4.20913853106552
51.6850085439894	-4.20799274140677
51.6849386479339	-4.20706429807623
51.6848279329623	-4.20571232290803
51.6847301026435	-4.20464305949937
51.6846487181512	-4.20381727759463

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51.6845053317461	-4.20235634251858
51.6843535174191	-4.2009856630036
51.6842222145485	-4.1998265834787
51.6840717910604	-4.19859998829257
51.6838530890966	-4.19694437001237
51.6837026450912	-4.19583320263962
51.6834904600344	-4.19444151720733
51.6833217869528	-4.19335354358929
51.6831866196045	-4.19256007488563
51.6829675002361	-4.19135218029124
51.6827513677766	-4.19021591726316
51.6825849193677	-4.18939027702442
51.682408408758	-4.18854602746921
51.6822199126474	-4.18768168203625
51.6820388356618	-4.18689580018716
51.6818385732924	-4.18602253448454
51.6816490417723	-4.18527112419665
51.6814460762777	-4.18444934360907
51.6812233034067	-4.18360848762816
51.6810422081589	-4.18296209795339
51.6808370917746	-4.18220857020166
51.6807724342815	-4.18201405487174
51.6805543612055	-4.18175951842257
51.680355151987	-4.18152785576619
51.6800373452016	-4.18114685502396
51.6795887451925	-4.18063127637568
51.679303635676	-4.18035679817642
51.6789450509164	-4.18002405873494
51.6786794736934	-4.17977144434946
51.6780141114758	-4.17922212856343
51.6772798578056	-4.17865941219658
51.6771738361351	-4.17853300394354
51.6770834186987	-4.17845336258844
51.676990338784	-4.1784237943255
51.6767583476743	-4.17819477536046
51.676350909295	-4.17787820466946
51.6758218209754	-4.17744808387635
51.6745426619853	-4.17640750534919
51.6737404977872	-4.17571926570356

Appendix 2 – Licensed Area Map

