

Marine Licensing Variation Decision

The Marine and Coastal Access Act (2009)

Applicant: Associated British Ports
Variation application reference no: DML1947v2

**Disposal of dredge material from Swansea
Harbour at Swansea Bay (Outer) LU130
Disposal Ground**

13 April 2023

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OUR DECISION

Based on all the information available, and having regard to all relevant considerations NRW has decided grant the variation to the Existing Marine Licence (see Annex 2) sought by the Variation Application subject to the additional conditions set out in Annex 1.

This decision document:

- explains how the Variation 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 Variation 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 Variation Application.

1. APPLICATION DETAILS

1.1 The Variation Application

Applicant name and address	The Applicant is the Company set out below: Company name: Associated British Ports Company number: ZC00195 Address: 25 Bedford Street, London, WC2E 9ES
Variation Application reference number	DML1947v2
Existing Marine Licence reference number	DML1947v1
Date Variation Application was duly made	27 February 2023
Description of variation	A variation to this licence includes: • A condition requesting an annual compliance report to be submitted for approval to the Licensing Authorities. • A change to conditions 3.21.2 so that reporting is done within 9 months of monitoring, and • A change to condition 3.21.5 to stop dredging 3 months after reporting if required, this date being 30 June 2026 • Updating the licence to current marine licence format
Proposal[s] covered by the Variation Application	999,999 tonnes annum maintenance dredge at Swansea, using a trail suction hopper dredger, to be disposed at disposal site Swansea Bay (Outer) LU130 (the Project)

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Licensable marine activities	Disposal of dredge material from Swansea Harbour at Swansea Bay (Outer) LU130 Disposal Ground (the Proposed Activities)
Marine Plan area	Welsh inshore region and Welsh offshore region
Variation Application documents:	Application form (27 February 2023)

2. VARIATION APPLICATION PROCEDURE

2.1 The Variation Application

The Variation Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 27 February 2023. 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 Variation Application was first made.

The Applicant have undertaken sample analysis as required under their licence (DML1947v1) and described in their sample plan for the 2022 sampling campaign (SP2205). However, some of the required determinants were missing. Cefas consultation response, shared with the applicant on the 06 February 2023, recommended to undertake PAH analysis to allow a more detailed evaluation of the hydrocarbon content and likelihood of impact. No disposal is currently allowed for this licence at the point of issuing. A new set of sample analysis results is currently being assessed.

Although the Applicant has conducted mid licence monitoring of the disposal sites as required by conditions in the licence, the reporting deadline has been missed. A variation was required to allow for a longer period between surveys and reporting, in line with reporting conditions for other marine licences. Finally, as suggested by NRW PS, a condition will be added to the licence to request an annual compliance report which should facilitate the supervision of conditions within the licence.

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 during any consultation, that NRW considered relevant.

2.3 Commercial Confidentiality

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

2.4 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.

The Variation Application is in line with the original Band 2 marine licence and as such it does not constitute a development requiring EIA under the Regulations.

3. CONSULTATION

NRW considered it appropriate not to reconsult on the changes sought as these will have no implications on the decision or assessments supporting this decision

4. BASIS FOR OUR DECISION

In determining this variation application, including the terms on which it was granted, and the conditions 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 sub-section 4.1);
- the need to protect human health (see sub-section 4.2);
- the need to prevent interference with legitimate uses of the sea (see sub-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 sub-sections 4.1 to 4.5 below);
- any representations which it has received from any person having an interest in the outcome of the Variation Application (summarised in section 3 and where relevant considered in sub-sections 4.1 to 4.5 below); and
- such other matters as it thinks relevant (see sub-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

NRW PS considers that the variation has no implication on the WFD compliance assessment and as such this has not been revised. Please refer to DML1947 Decision Document for conclusions on Water Framework Directive, Groundwater Directive and Water Environment Regulations. These conclusions have not been affected by this variation application and therefore are still considered valid.

Based on this assessment it is considered that the Proposed Activities when considered alone and in-combination, will not pose a risk to deterioration in the status of any of the above listed waterbodies or jeopardise their attainment of good surface water status

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

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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 may affect the following European Protected Site:

- Kenfig SAC

A Habitats Regulations Assessment of the Proposed Activities was undertaken during the determination of DML1947. NRW PS considers that the variation has no implication on the HRA and as such this has not been revised. Please refer to DML1947 Decision Document for conclusions on Habitats Regulations Assessment. These conclusions have not been affected by this variation application and therefore are still considered valid.

Further details are also described within the Habitats Regulations Assessment.

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. Please refer to DML1947 Decision Document for conclusions on European Protected Species. These conclusions have not been affected by this variation application and therefore are still considered valid.

Any determination made as part of this decision are without prejudice to the consideration NRW is required to give an EPS licence application as the body with a statutory responsibility for its determination and do not constrain or bind NRW in exercising this function. Should an application for an EPS licence in relation to the Project be made it will be determined by NRW based on all the relevant information available to NRW at that time.

4.1.5 Marine Conservation Zones

a) The legal framework

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. These conclusions have not been affected by this variation application and therefore are still considered valid.

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 has considered the impact of the Project on the following sites:

- Blackpill SSSI
- Crymlyn Burrows SSSI

NRW is satisfied that the Proposed Activities are not operations likely to damage the SSSI and that the method statement proposed as part of the Application appropriately addresses any risks arising from the Proposed Activities. Please refer to DML1947 Decision Document for conclusions on SSSI. These conclusions have not been affected by this variation application and therefore are still considered valid.

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 PS considers that the variation has no implication on compliance with the Waste Regulations and as such this has not been revised. Please refer to DML1947 Decision Document for conclusions on Habitats Regulations Assessment.

NRW is content that the proposals are in line with the relevant OSPAR guidelines for the management of dredged material, sampling will be undertaken to only allow safe disposal dredged of material.

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

NRW PS considers that the variation will have no further implications. Please refer to DML1947 Decision Document for conclusions on any other matters relevant to the determination of this licence.

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

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 Variation 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

NRW PS considers that the variation will have no further implications on human health. Please refer to DML1947 Decision Document for conclusions on any other matters relevant to the determination of this licence.

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. NRW PS considers that the variation will have no further implications on interference with other users of the sea. Please refer to DML1947 Decision Document for conclusions on any other matters relevant to the determination of this licence.

4.4 Marine Policy Documents

a) The Legal framework

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 WMNP 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

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This decision has been taken in accordance with marine policy as set out in the UK Marine Policy Statement 2011. NRW PS considers that the variation will have not result in any changes to this assessment. Please refer to DML1947 Decision Document for conclusions on any other matters relevant to the determination of this licence.

Welsh National Marine Plan

This decision has been taken in accordance with marine policy as set out in the Welsh National Marine Plan. NRW PS considers that the variation will have not result in any changes to this assessment. Please refer to DML1947 Decision Document for conclusions on any other matters relevant to the determination of this licence.

4.5 Other matters NRW thinks relevant**4.4.1 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.

NRW PS considers that the variation will have not result in any changes to this assessment. Please refer to DML1947 Decision Document for conclusions on any other matters relevant to the determination of this licence.

4.4.2 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.

b) Our determination

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.

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NRW PS considers that the variation will have not result in any changes to this assessment. Please refer to DML1947 Decision Document for conclusions on any other matters relevant to the determination of this licence.

5. Conclusions and Recommendations

Based on all the information available, and having regard to all relevant considerations including consultation responses, NRW's decision is to grant the variation to the Existing Marine Licence sought by the Variation 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.

Conditions have been attached to the Marine Licence as set out in Annex 1. The reason for the inclusion of each condition is set out with the conditions.

6. AUTHORISATION

Report by: Maria Alvarez Position: Permitting Officer	Date: 05 April 2023	Signed: 
Authorised by: Emmer Litt Position: Permitting Team Leader	Date: 13 April 2023	Signed: 

ANNEX 1 - Additional conditions imposed or modified

Additional conditions imposed or modified to be in line with current marine licence and reasons for those conditions

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.

3.4 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 zone27@hmcg.gov.uk.

Reason: To ensure the safety of navigation.

3.6 Notification of Completion

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

Reason: To ensure the Licensing Authority and the Marine Enforcement Officers 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

3.9 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 this paragraph.

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.

3.16 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 fuel/oil entering the marine environment

3.21 Monitoring and Analysis

3.21.2 The Licence Holder must submit the monitoring report to The Licensing Authority for written approval within **9 months** of completion of the survey detailed in condition 3.21.1.

Reason: To allow enough time to produce an adequate monitoring report to prevent adverse effect on Kenfig SAC

3.21.5 The Licence Holder must not carry out any dredging activity after **30 June 2026** without prior written approval from NRW. Such written approval should be requested no later than **9 months** of completion of the survey detailed in condition 3.21.1.

Reason: To accommodate the assessment of monitoring report and dredging disposal whilst protecting Kenfig SAC

3.25 Annual Compliance Report

The Licence Holder must produce a report on compliance with the conditions to which this Marine Licence is subject, including a summary of the monitoring undertaken. The Licence Holder must submit copies of the report to the Licensing Authority, within **3 months** of the end of each 12-month period from the start of the licence.

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Reason: To ensure a record of compliance is agreed between the Licensing Authority and the Licence Holder

ANNEX 2 - Existing Marine Licence

Marine licence conditions in the previous marine licence and reasons for those conditions

3 CONDITIONS

Notification and Inspection

3.1 Notification of Commencement

- (a) The Licence Holder must notify the Licensing Authority and authorised Marine Enforcement Officers 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.

- (b) 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 Works are submitted to the Licensing Authority and Marine Enforcement Officers 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

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 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 prior to commencement by contacting The National Maritime Operations Centre at nmoccontroller@hmcg.gov.uk.

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Reason: To ensure the safety of navigation.

3.5 Inspection of Works

The Licence Holder must allow officers of the Maritime and Coastguard Agency, Marine Enforcement Officer 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

The Licence Holder must notify the Licensing Authority and authorised Marine Enforcement Officers within **10 days** of completion of the Licensed Activities.

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

3.7 Force Majeure

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.

3.8 Distribution of Copies of this Licence

The Licence Holder is required to ensure that a copy of this licence and any subsequent revisions or amendments thereto is given to:

- All agents, contractors and subcontractors whose names have been provided to the Licensing Authority pursuant to condition 3.3; and
- The Masters of any vessels and transport managers responsible for the vehicles and/or vessels employed in the pursuance of this licence whose details have been submitted to the Licensing Authority pursuant to 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, vehicle or at the office of any transport manager with responsibility for vehicles from which any deposits of materials authorised by this licence are to be made.

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 this paragraph.

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 only to carry out Licensed Activities

Only those agents, contractors, subcontractors vessels 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 Standard of Vessels

Any vessels employed to perform the any operations permitted by this licence shall be so constructed and equipped as to be capable of the proper performance of these operations.

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

Safety

3.12 Safety of Works

The Licence Holder must ensure that the Works are maintained in a safe condition that does not represent a danger to the environment, or other marine users, at all times.

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

3.13 Removal of Deposited Material

The Licence Holder must remove any deposited material within one month of notice being given by Licensing Authority or Marine Enforcement Officers if they consider this necessary or advisable for the safety of navigation, and shall not replace such material until the Licensing Authority or Marine Enforcement Officers have given their written approval.

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

3.14 Government Assistance

If, in the opinion of the Licensing Authority or Marine Enforcement Officers, the assistance of a Government Department, including the broadcast of navigational warnings, is required in connection with the Licensed Activities or to deal with any emergency arising from the drifting or wreck of the Works, the Licence Holder will be liable for any expense incurred in securing such assistance.

Reason: To ensure safety and minimise risk to the marine environment.

Pollution control

3.15 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**.

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.

3.16 Spillage of Pollutants

The Licence Holder must ensure bunding, storage facilities and spill kits are employed where appropriate to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment.

Reason: To minimise the risk of fuel/oil entering the marine environment.

3.17 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 area. 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 Works must cease immediately.

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

3.18 Dropped Objects

Should it be necessary for the Licence Holder to recover or remove from the Licensed Area any equipment, plant or machinery accidentally dropped when undertaking the Licensed Activities, 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.

3.19 Biosecurity

- 3.19.1** The Licence Holder must implement the Biosecurity Risk Assessment dated **07 January 2020** and approved by NRW acting on behalf of the Licensing Authority. Any proposed changes to the actions outlined in the Biosecurity Risk Assessment must be submitted to and agreed in writing by NRW acting on behalf of the Licensing Authority prior to any changes being enacted.
- 3.19.2** The Licence Holder must submit an updated Biosecurity Risk Assessment to NRW acting on behalf of the Licensing Authority for written approval by the **31 January** each year, starting **January 2021**.
- 3.19.3** Tank/hopper washings may only be discharged in the area(s) specified by the coordinates in Table 6.

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

Activity-specific Conditions

3.20 Sediment Sampling

- 3.20.1** The Licence Holder must request a Sediment Sampling Plan (the SSP) from NRW acting on behalf of the Licensing Authority on or before **13 February 2022**. The SSP must include details of sampling grid, analysis suites and proposed format of a report determining the suitability of material for disposal.
- 3.20.2** The Licence Holder must submit the results of the SSP (the SSP results) carried out pursuant to Condition 3.20.1 above, to NRW acting on behalf of the Licensing Authority on or before **13 June 2022**. The SSP results must include an outline of an assessment of alternative uses for the sediment that is to be disposed for the following 3-year period.
- 3.20.3** The Licence Holder must not carry out any dredging activity after **13 August 2022** without prior written approval from NRW acting on behalf of the Licensing Authority. Such written approval should be requested no later than **13 June 2022**.
- 3.20.4** The Licence Holder must request a Sediment Sampling Plan (the SSP) from NRW acting on behalf of the Licensing Authority on or before **13 February 2025**. The SSP must outline the sampling and analysis required during the licence period and must include details of sampling grid, analysis suites and proposed format of a report determining the suitability of the material for disposal.
- 3.20.5** The Licence Holder must submit the written results of the SSP (the SSP results) carried out pursuant to condition 3.20.4 above to NRW acting on behalf of the Licensing Authority on or before **13 June 2025**. The SSP results must include an outline of alternative uses for the sediment that is to be disposed for the following 3-year period.
- 3.20.6** The Licence Holder must not carry out any dredging activity after **13 August 2025** without prior written approval from NRW acting on behalf of the Licensing Authority. Such written approval should be requested no later than **13 June 2025**.
- 3.20.7** The Licence Holder must request a Sediment Sampling Plan (the SSP) from NRW acting on behalf of the Licensing Authority on or before **13 February 2028**. The SSP must outline the sampling and analysis required during the

licence period and must include details of sampling grid, analysis suites and proposed format of a report determining the suitability of the material for disposal.

3.20.8 The Licence Holder must submit the written results of the SSP (the SSP results) carried out pursuant to condition 3.20.7 above to NRW acting on behalf of the Licensing Authority on or before **13 June 2028**. The SSP results must include an outline of alternative uses for the sediment that is to be disposed for the following 3-year period.

3.20.9 The Licence Holder must not carry out any dredging activity after **13 August 2028** without prior written approval from NRW acting on behalf of the Licensing Authority. Such written approval should be requested no later than **13 June 2028**.

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

3.21 Monitoring and Analysis

3.21.1 The Licence Holder must implement a program of monitoring and analysis between **01 January 2025** and **30 June 2025** of the dispersive manner of Swansea Bay disposal site (LU130) to the Kenfig SAC in line with the 2020 bathymetric monitoring survey as detailed within 'ABPmer Technote', dated **20 February 2020**. Any proposed changes to the actions outlined in the documents must be submitted to, and agreed in writing by, NRW acting on behalf of the Licensing Authority prior to any changes being enacted.

3.21.2 The Licence Holder must submit the monitoring report to NRW acting on behalf of the Licensing Authority for written approval within **3 months** of completion of the survey detailed in condition 3.21.1.

3.21.3 If the survey detailed in condition 3.21.1 identifies sediment accretion along the transect the Licence Holder must provide recommendations within the monitoring report detailed in condition 3.21.2 to prevent adverse effect to Kenfig SAC.

3.21.4 The Licence Holder must ensure that any proposed mitigation to prevent adverse effect to Kenfig SAC outlined in the monitoring report detailed in condition 3.21.2 are implemented as approved in writing by NRW acting on behalf of the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and agreed in writing by NRW acting on behalf of the Licensing Authority prior to any changes being enacted.

3.21.5 The Licence Holder must not carry out any dredging activity after **31 December 2025** without prior written approval from NRW. Such written approval should be requested no later than **3 months** of completion of the survey detailed in condition 3.21.1.

Reason: To ensure the protection of Kenfig SAC.

3.22 Reporting of Artefacts

The Licence Holder must ensure that any artefacts found during the works are reported through the Marine Portable Antiquities Scheme.

Reason: To ensure all archaeological finds are reported

3.23 Evenly Deposit Material

The Licence Holder must ensure that during the course of disposal, material is distributed evenly over Swansea Bay (Outer) LU130 disposal ground.

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

3.24 Disposal Returns

3.24.1 Certified returns of quantities of substances or articles deposited under this Licence are required to be submitted on the attached disposal return form by **31 January** and **31 July** each year. The returns must specify the full Licence number and amount deposited each calendar month at each authorised Deposit Area. Where no deposit is made in a given period a NIL return is required.

3.24.2 If this Licence expires during the course of the calendar year and is not renewed or superseded by a further Licence relating to the works specified in paragraph 2.1, a certified return of quantities of substances or articles deposited under this Licence, shall be submitted not later than **28 working days** after the expiry date of this Licence.

Reason: To allow Cefas to compile UK disposal records to OSPAR Commission to comply with the requirements of the OSPAR convention.

3.25 Written Record of Disposal Activities

3.25.1 Any person in charge of the loading of a vessel or any intermediate storage of the substances or articles prior to their deposit in the sea shall maintain a written record on the premises relating to individual cargoes or loads (received or dispatched). This written record shall include the following details:

- 3.25.1.1** date and time each load was received or dispatched and the quantity;
- 3.25.1.2** general description of the substances or articles and the name of the producer(s) or holder(s);
- 3.25.1.3** registration numbers of vehicles delivering loads;
- 3.25.1.4** consignment note numbers (if any);
- 3.25.1.5** the reference number of the Licence issued under, Part 4 of the Marine and Coastal Access Act 2009, which permits the substances or articles being loaded or stored to be deposited in the sea;
- 3.25.1.6** name(s) of vessel or identification code and type of container into which substances or articles are loaded;
- 3.25.1.7** signature(s) and status of the person or persons authorising loading of substances or articles to the vessel or container;

- 3.25.1.8** the results of any checks carried out on the substances or articles prior to authorisation of loading.
- 3.25.2** The Licence Holder and any Operator or Contractor responsible for loading, transportation or storage must ensure that only authorised personnel have access to the substances or articles for deposit.
- 3.25.3** The Master or the Officer of the Watch of each vessel, as referred to in condition 3.10 of this Schedule, undertaking the deposit of any substances or articles specified in Table 1 of this Schedule, shall maintain a written log of operations recording, in the English Language, the following information:
- 3.25.3.1** the name of the vessel;
 - 3.25.3.2** the quantity and type of each substance or article loaded for deposit;
 - 3.25.3.3** 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;
 - 3.25.3.4** latitude and longitude position (in degrees and minutes and decimal of a minute to at least one decimal place) of the vessel at intervals of not more than 20 minutes throughout the deposit operation which for the purpose of this Licence shall be the commencement of loading (including the dredging) each consignment of material for deposit in the sea through to the completion of the placement or deposit of the material in the Deposit Area;
 - 3.25.3.5** the time taken to complete the deposit operation and a statement of the reasons for any delays;
 - 3.25.3.6** courses and speeds together with any alterations throughout each deposit operation (multiple changes may be recorded as "various");
 - 3.25.3.7** the rate of discharge or deposit, together with any variations, throughout deposit operations;
 - 3.25.3.8** weather, sea-state, wind and tidal set, and rate throughout deposit operations; and
 - 3.25.3.9** the signature of the Master at the foot of each log sheet or page of the record.
- 3.25.4** All deposit vessels are required to carry an Admiralty Chart of appropriate scale to be used in navigation on which the co-ordinates of the licensed Deposit Area(s), as specified in Table 6, should be marked.

Reason: To allow the Licensing Authority to check compliance with the Licence and to ensure that the material is disposed within the disposal site.