

Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: **Stena Line Ports Ltd**
Application reference no: **DML2278**

Holyhead harbour

Holyhead harbour Maintenance Dredge Disposal

17 April 2023

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OUR DECISION

Based on all the information available and having regard to all relevant considerations NRW has decided to grant the marine licence sought by the Application subject to the conditions set out in Annex 1.

This decision document:

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

1. APPLICATION DETAILS

1.1. The Application

Applicant Name and Address	The Applicant is the company set out below: Company name: Stena Line Ports Ltd Company number: 01593558 Address: First Floor, 6 Arlington Street, London, England, SW1A 1RE
Application Reference Number	DML2278
Date Application was duly made	10 January 2023
Proposal covered by the Application	Holyhead harbour Maintenance Dredge Disposal (the Project)
Licensable marine activities	Disposal of dredged material from Holyhead harbour (the Proposed Activities)
Marine Plan Area	Welsh inshore region and Welsh offshore region
Application documents:	DML2278 Application Document Amendment pg4.pdf
	DML2278 Application document.pdf
	DML2278 Holyhead Polygons v7.xlsx
	DML2278 Plan of Holyhead Dredge Areas v2.pdf

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	DML2278 Seabed Samples Report MAR01632 MMO_Results_Template v2.xlsm
	DML2278 Holyhead Biosecurity Plan 2023.docx
	DML2278 Wales National Marine Plan assessment .pdf
	DML2278 Seabed Samples Report MAR01632.pdf
	DML2278 Seabed Samples Report MAR01632.xls
	DML2278 Holyhead Water Framework Directive assessment.pdf

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2. APPLICATION PROCEDURE

2.1. The Application

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on **10 January 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 Application was first made.

2.2. Documents considered

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

2.3. Commercial Confidentiality

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

2.4. Publicity and advertising

As required by s. 68 of the Marine and Coastal Access Act 2009 (the 2009 Act), notice was given to Isle of Anglesey County Council on 14 February 2023.

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

Public notice advertising the Project was placed in Bangor And Anglesey Mail on **27 January 2023**. The application documents were made available via the public register (<https://publicregister.naturalresources.wales/Search/Results?SearchTerm=DML2278>) and they could also be requested from Natural Resources Wales Marine Licensing Team, Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP.

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

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

2.5. Environmental impact Assessment

Council Directive 2011/92/EU (as amended) on the assessment of the effects of certain public and private projects on the environment aims to protect the environment and the quality of life by ensuring that projects which are likely to have significant environmental effects by virtue of their nature, size or location are subject to an environmental impact assessment (EIA) before permission is granted.

The Marine Works (Environmental Impact Assessment) Regulations 2007 ("the Regulations") transpose the EIA Directive in Wales and England for marine licence applications.

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

3. CONSULTATION

3.1. Consultees

NRW considered it appropriate to consult the bodies listed in the table below on 14 February 2023, due to their particular expertise. These bodies were consulted for a period of 28 days. For those bodies which responded to the consultation an 'Y' can be found in the response received column, and those which did not respond to the consultation an 'N':

Consultee	Response received (Y/N)	Date(s) of receipt
The Crown Estate	Y	27 February 2023
NRW	Y	23 March 2023
MoD - Safeguarding Defence	Y	14 February 2023
Maritime & Coastguard Agency	Y	14 March 2023
Trinity House	Y	10 March 2023
Royal Yachting Association	Y	23 February 2023
Local Biodiversity Officer: David Cowley Cyngor Sir Ynys Môn - Isle of Anglesey County Council	N	
Local Planning Authority: Cyngor Sir Ynys Môn - Isle of Anglesey County Council	Y	14 March 2023
Local Harbour Authority: Cyngor Sir Ynys Môn - Isle of Anglesey County Council	N	
Welsh Archaeological Trust	Y	15 February 2023
Royal Commission on Historic Monuments Wales	Y	22 February 2023
Cadw	Y	02 March 2023
NERL Safeguarding	Y	14 February 2023
Cefas	Y	28 February 2023

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

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

4. BASIS FOR OUR DECISION

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

4.1. The need to protect the environment:

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

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

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

a) The legal framework

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

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

b) Factors relevant to our determination

NRW has considered the potential effect of the Proposed Activities on the following WFD waterbodies:

- GB621010380000 Caernarfon Bay North
- GB681010360000 Holyhead Bay

A Water Framework Directive Compliance Assessment has been undertaken for the Proposed Activities and taken into account in this decision. This assessment concludes that the ongoing activity/project has been ruled out as not requiring any further WFD assessment.

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 when undertaken in accordance with appropriate conditions.

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

Comments received following consultation responses from Cyngor Sir Ynys Môn / Isle Of Anglesey County Council set out that dredging activities should not occur during Tern Breeding season. This comment lies beyond the scope of this Marine Licence as the Proposed Activity is for the disposal of dredged material and not the dredging activity itself. These comments were passed to the applicant as advice note within the cover letter to the marine licence.

From their returned consultation comments, NRW Advisory wished to highlight that *Sabellaria spinulosa* reef had previously been identified at points within the disposal area of Holyhead North. During discussion with NRW it was ascertained that deposits containing high gravel content may smother this habitat, and it was advisable to refrain from depositing loads with this consistency within a certain vicinity of the recorded habitat, however as the information was not up to date, and that the habitat itself is somewhat mobile, and this location lay outside of a designated site, that it was not appropriate to condition for this within the Marine Licence. Consideration of this Section 7 habitat was therefore included in the cover letter as advice for the Applicant to consider while undertaking the Project.

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

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Regulations 2017 (**Offshore Habitats Regulations 2017**) as Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).

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

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

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

b) Factors relevant to our determination

The Project may affect the following European Protected Sites

- Anglesey Terns SPA
- North Anglesey Marine SAC
- West Wales Marine / Gorllewin Cymru Forol SAC
- Bristol Channel Approaches SAC
- Cardigan Bay / Bae Ceredigion SAC
- Pen Llŷn a'r Sarnau SAC

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

The following conclusions of the HRA have been considered by NRW in making this decision. In light of the conclusions of an appropriate assessment and taking account of the advice received from protected sites advisors, it has been established that the project will not adversely affect the integrity of any Natura 2000/Ramsar site, taking into account any conditions or restrictions as applicable, either alone or in-combination with other plans and projects.

Further details are described within the Habitats Regulations Assessment.

NRW is therefore satisfied that the Proposed Activities, either alone or in combination with other plans or projects, will not adversely affect the integrity of European Site(s) when undertaken in accordance with appropriate conditions, i.e.:

- Condition 3.11; which sets out that the Licence Holder must ensure that plant, vehicles and machinery are not refuelled on the foreshore or in the sea.
- Condition 3.14; which states that the Licence Holder must ensure that pollution prevention best practice is adhered to at all times, and that any incidents must be reported to the Licensing Authority as soon as possible
- Condition 3.25; which requires that 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. The Licence Holder must also employ Secondary containment with a capacity of no less than 110% of container's storage capacity.

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

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

4.1.6. Sites of Special Scientific Interest (SSSIs)

a) The legal framework

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

b) Factors relevant to our determination

NRW is satisfied that there is no impact pathway to any SSSI.

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 when undertaken in accordance with appropriate conditions.

NRW is satisfied that the Proposed Activities meet the requirements of The Waste (England and Wales) Regulations 2011 when undertaken in accordance with appropriate conditions

Following the submission of sediment sampling analysis results in support of the application, and subsequent consultation with Cefas, NRW PS is content that the Proposed Activities are in line with the relevant OSPAR guidelines for the management of dredged material and is suitable for disposal at ISO43 (Holyhead North). However, as sediment samples were last collected in November 2022, further sampling would need to be undertaken prior to May 2025 (allowing a 3 year period between sampling regimes) in line with OSPAR guidance. This has been secured through the inclusion of Licence Condition 3.18, as detailed in Annex 1.

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

4.1.8.1. Historic Environment

From their returned consultation comments, Cyngor Sir Ynys Môn / Isle Of Anglesey County Council wished to highlight the need for due care and attention of any works which may occur in the vicinity of the marine (or marine-adjacent) listed buildings near Holyhead Harbour. These include:

- Holyhead Breakwater & Lighthouse;
- South Pier, Turkey Shore Road; and
- Admiralty Pier & Lighthouse (including Sea Wall Between Salt Island Bridge and George IV Arch), Salt Island

These details were passed to the Applicant.

Additionally, from their returned consultation comments, the Royal Commission on the Ancient and Historical Monuments of Wales highlighted that there is significant potential for there to be currently unknown archaeological material to be present on the seabed in this area, due to the nature of Holyhead as a historic port for many centuries. As some of the concerns raised in the comments surrounded the dredging activities, which are beyond the scope of this application, it was decided that a condition be added with respect to the recording of any artefacts that may be found:

- Condition 3.28, which ensures that artefacts which may be accidentally recovered are retained and reported through the Marine Portable Antiquities Scheme

As set out in Annex 1.

4.1.8.2. Biosecurity Plan

To mitigate against impacts from the introduction of invasive species the applicant submitted a Biosecurity Plan in support of their application. NRW Advisory returned comments that additional detail was required within the plan prior to it being accepted. Licence condition 3.27.1 and 3.27.2 have been included to ensure an updated biosecurity plan is submitted and authorised prior to any works occurring.

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

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

4.2. The need to protect human health

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

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

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

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.

Comments were received from the Maritime & Coastguard Agency requesting that a part of the works associated with the Project lies within port limits, the Harbour Authority may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works. The Applicant should therefore submit a local notification to the Harbour Authority, who will decide if a Port NM is necessary. This is set out in;

- Condition 3.13, which ensures that the Licence Holder makes the Harbour Authority, local mariners and fishermen's organisations aware of the Licensed Activities through local notices to mariners 10 days prior to the commencement of the Licensed Activities.

This is included in Annex 1. Further detail as to the content of the notification to the Harbour Authority was explained within the cover letter.

No objections to the application were received in relation to the need to prevent interference with legitimate uses of the sea and no other concerns in this regard have been identified. However, NRW Permitting Service considers it appropriate to include licence conditions to ensure the safety of navigation which includes ensuring all relevant parties are notified prior to the commencement of Licensed Activities. These conditions are detailed in Annex 1.

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

IN SUMMARY, having considered the need to protect interference with legitimate uses of the sea, NRW does not consider that any impacts of the Project (either alone or in combination with other

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plans or projects) are sufficient on their own to justify refusal of the Application, provided that the Proposed Activities are implemented in accordance with the conditions set out in Annex 1.

4.4. Marine Policy Documents**a) The Legal framework**

NRW is required to take its decision in accordance with the appropriate marine policy documents unless relevant considerations indicate otherwise.

UK Marine Policy Statement 2011 (MPS)

The MPS is the framework for preparing Marine Plans and taking decisions affecting the marine environment.

Welsh National Marine Plan (WNMP)

The WNMP is the Marine Plan for the Welsh inshore region and the Welsh offshore region and sets out the Welsh Government's policies for and in connection with the sustainable development of this area.

b) Our determination**UK Marine Policy Statement 2011**

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

Welsh National Marine Plan

This decision has been taken in accordance with marine policy as set out in the Welsh National Marine Plan. NRW PS agree with the conclusions set out in 'DML2278 Wales National Marine Plan assessment .pdf', submitted 12 December 2022.

The WNMP signposting document that was submitted by the applicant demonstrates that the works complied with WNMP policies including SOC_01 Access to the marine environment; SOC_02 Well-being of coastal communities; SOC_03 Marine pollution incidents; ENV_06 Air and water quality; D&D_01 Dredging and disposal (supporting); and P&S_02 Ports and shipping (supporting).

The development has also considered its impact on the marine ecosystems and has where appropriate looked to avoid, minimise and mitigate potential impacts this is presented within section 4.1.

4.5. Other matters NRW thinks relevant**4.5.1. Well-being of Future Generations (Wales) Act 2015****a) The legal framework**

In making its decision, NRW is required to take all reasonable steps to meet its published well-being objectives, which are designed to maximise NRW's contribution to achieving each of the well-being goals set out in the Well-being of Future Generations (Wales) Act 2015. NRW must also act in accordance with the principles of sustainable development.

b) Our determination

NRW has taken into account its well-being objectives and is satisfied that its decision is consistent with meeting those objectives.

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

4.5.2. Sustainable management of natural resources

a) The legal framework

NRW's general purpose is to pursue the sustainable management of natural resources in relation to Wales and applying the principles of sustainable management of natural resources as set out in section 4 of the Environment (Wales) Act 2016 so far as consistent with the proper exercise of its functions.

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.

5. Conclusions and Recommendations

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

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: Chris Roscoe Position: Marine Licensing Officer	Date: 16 May 2023	Signed: 
Authorised by: Emmer Litt Position: Marine Licensing Team Leader	Date: 17 May 2023	Signed: 

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ANNEX 1

Conditions imposed and reasons for those conditions.

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

CONDITIONS

Notification and Inspection

3.1 Notification of Commencement

- 3.1.2** The Licence Holder must notify the Licensing Authority no less than **10 days** before the commencement of the Licensed Activities, or an individual phase of the Licensed Activities, is expected to commence.

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

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

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

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

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

3.2 Notification of Vessels and/or Vehicles

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

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

3.3 Notification of Agents/Contractors/Sub-contractors

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.

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

3.4 Notification of HM Coastguard

The Licence Holder must ensure that HM Coastguard is made aware of the Licensed Activities at least **24 hours** prior to commencement by contacting The National Maritime Operations Centre at **zone31@hmcg.gov.uk**.

Reason: To ensure the safety of navigation.

3.5 Inspection of Licensed Activities

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

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

3.6 Notification of Completion

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

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

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

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

3.7 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

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the methodology for such recovery or removal has been approved by the Licensing Authority.

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

3.8 Distribution of Copies of this Licence

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

- **All agents, contractors and subcontractors whose names have been provided to the Licensing Authority under condition 3.3 and**
- **The Masters of any vessels and transport managers responsible for the vehicles employed in accordance with this Licence whose details have been submitted to the Licensing Authority under condition 3.2.**

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

3.9 Inspection of Documents

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

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

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

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

Vessels, Plant and Equipment

3.10 Notified Contractors, Vessels and/or Vehicles only to Carry out Licensed Activities

Only those agent(s), contractor(s), sub-contractor(s), vessels and/or vehicles whose details have been notified to the Licensing Authority may operate under the terms of this Licence. Any changes must be

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notified to and be approved by the Licensing Authority in writing prior to any such agent, contractor, subcontractors or vehicles carrying out any Licensed Activities pursuant to or otherwise operating under this Licence.

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

3.11 Refuelling of Plant and Equipment

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

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

3.12 Equipment, Structures and Access

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

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

Safety**3.13 Removal of Deposited Material**

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

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

Pollution control**3.14 Pollution Prevention**

The Licence Holder must ensure that pollution prevention best practice is adhered to at all times. Any incidents must be reported to the Licensing Authority as soon as possible using the hotline number **0300 065 3000**.

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

3.15 Spillage of Pollutants

The Licence Holder must employ bunding, storage facilities and spill kits to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into

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the marine environment. Secondary containment must be used with a capacity of **no less than 110%** of the container's storage capacity

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

3.16 Prevention of Disposal of Man-made Debris

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

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

3.17 Cleanliness of Equipment

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

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

Activity-specific Conditions

3.18 Sediment Sampling Plan

The Licence Holder must request a sediment sampling plan from the Licensing Authority by **13 May 2025**, and repeated for the **13 May 2028**.

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

3.19 Implementation of Sediment Plan

The Licence Holder must ensure that the sampling is undertaken in accordance with the sampling plan described in condition 3.18 and is analysed at an NRW approved laboratory.

Reason: To ensure consistency during the assessment process.

3.20 Submission of Results of Sediment Sampling

The Licence Holder must submit the written results of the sediment sampling undertaken pursuant to condition 3.18 for written approval by the Licensing Authority within **two months** of sampling taking place. This must include an outline of an assessment of alternative uses for the sediment that is to be disposed.

Reason: To ensure that material remains acceptable for disposal at sea and to ensure the licence holder considers all possible alternative uses of the dredged material.

3.21 Approval for Continued Disposal Activity

The Licence Holder must ensure no Disposal is carried out after the following dates without written approval from the Licensing Authority: **13 September 2025** and **13 September 2028**.

Reason: To ensure that the Licence Holder has obtained the correct authorisations prior to continuing the activity.

3.22 Disposal Returns

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

3.22.2 If this Licence expires during the course of the calendar year and is not superseded by a further Licence relating to the Licenced Activities, a certified return of quantities of substances or articles deposited under this Licence shall be submitted not later than **28 working days** after the Licence End Date.

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

3.23 Inspection of Disposal Vessel

Subject to meeting any mandatory health and safety obligations, the Licence Holder must provide, at reasonable notice, access and, if necessary, appropriate transportation to the disposal vessel to facilitate any inspection that the Licensing Authority, or Marine Enforcement Officers consider may be necessary.

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

3.24 Record of Quantity of Deposited Material

The Licence Holder must keep a log detailing the time, date, location and quantity of material deposited at sea. This log must be available for inspection by appropriately authorised officers of the Licensing Authority and Marine Enforcement Officers

Reason: To allow the Licensing Authority to check compliance with the Licence.

3.25 Distribution of Material

The Licence Holder must ensure that during the course of disposal, material is distributed evenly over Deposit Area specified in Table 7 (ISO43, Holyhead North).

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

3.26 Log of Operations

The Licence Holder must ensure that the Master or the Officer of the Watch of each vessel, as referred to condition 3.10 of this Licence, undertaking the deposit of any substances or articles specified in Table 1 of this Schedule, shall maintain a written log of operations recording the following information:

- the name of the vessel;
- the quantity and type of each substance or article loaded for deposit;
- the date and time of departure from the port or site at which the substances or articles are loaded for deposit in the sea and time of arrival (and date if different) at the Deposit Area on each occasion that it proceeds to and from such area;
- latitude and longitude position (in degrees and minutes and decimal of a minute to at least one decimal place) of the deposit within the Deposit Area.

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

3.27 Approval of Schemes/Plans

3.27.1 The Licence Holder must submit an updated Biosecurity Risk Assessment (based on 'DML2278 Holyhead Biosecurity Plan 2023', 13 December 2022) to the Licensing Authority for written approval at least **6 weeks** prior to commencement of the Licensed Activities. No Works may be undertaken prior to written approval from the Licensing Authority.

3.27.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition(s) 3.27.1 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.

Reason: To reduce project specific risk of spreading invasive non-native species.

3.28 Reporting of Artefacts

The Licence Holder must ensure that any artefacts accidentally recovered are retained and reported through the Marine Portable Antiquities Scheme

Reason: To ensure all archaeological finds are reported.