



Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: *Lakeland Leisure Estates Ltd*
Application reference no: *DML2322*

*Deganwy Marina Maintenance Dredge and Disposal,
Conwy*

17 August 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: Lakeland Leisure Estates Ltd Company number: 2500695 Address: The Studio, Station Road, Staveley, Cumbria, LA8 9NB
Application Reference Number	DML2322
Date Application was duly made	25 April 2023
Proposal[s] covered by the Application	Deganwy Marina Maintenance Dredge and Disposal (the Project)
Licensable marine activities	Deganwy marina maintenance dredging using cutter-suction dredging method and disposal at disposal site IS035 on ebb tides greater than 3.5m (the Proposed Activities)
Marine Plan Area	Welsh inshore region and Welsh offshore region
Application documents:	DML2322 Deganwy Marina Dredge Marine Licence Application.pdf (20/04/2023)

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	DML2322 WNMP Signposting.xlsx (24/04/2023)
	DML2322 Figure Deganwy Hydro 260522 Appln-A1.pdf (20/04/2023)
	DML2322 Deganwy Marina Supporting Information and WFD Assessment.docx (20/04/2023)
	DML2322 Environmental Supporting Document v3.pdf (24/04/2023)
	DML2322 Sediment Results MAR01712.pdf (20/04/2023)
	DML2322 Sediment Results.xls (20/04/2023)
	DML2322 Biosecurity Plan.pdf (20/04/2023)

2. APPLICATION PROCEDURE

2.1. The Application

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 25 April 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 *Conwy County Council* on 19 May 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 North Wales Journal on 24 May 2023. The application documents were made available to the public at on the NRW Marine Licensing Public Register 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 19 May 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	24/05/2023
NRW	Y	22/06/2023
MoD - Safeguarding Defence	Y	19/05/2023
Maritime & Coastguard Agency	Y	14/06/2023
Trinity House	Y	16/06/2023
Royal Yachting Association	Y	01/06/2023
Local Biodiversity Officer (<i>Conwy</i>)	N	
Local Planning Authority (<i>Conwy County Council</i>)	Y	13/06/2023
Local Harbour Authority (<i>Conwy Harbour Authority</i>)	N	
Local Port Authority (<i>Holyhead</i>)	N	
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Government Marine Enforcement Officers (including Fisheries)	Y	19/05/2023
Welsh Archaeological Trust	Y	19/05/2023
Cadw	Y	24/05/2023
Chamber of Shipping	N	
NERL Safeguarding	Y	19/05/2023
Welsh Fisherman's Association	N	
North West IFCA	Y	24/05/2023
Cefas	Y	15/06/2023

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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.

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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

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

- Conwy Transitional water body (GB541006614800)

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 Proposed Activities are considered as having no risk of causing deterioration or preventing the water body from reaching its objectives (including the designated shellfish waters- 103 Conwy) and taking account of the advice from Technical Advisors - is considered compliant with the Water Framework Directive/Regulations.

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, i.e.:

- Conditions 3.14-3.16; which control pollution risk.
- Condition 3.17.2, which prevents dredging during the bathing water season to minimise the risk of impacts to water quality.
- Condition 3.17.3, which restricts the dredge and disposal operations to large ebb tides to ensure suitable dilution, mixing and flushing out of the estuary to minimise the risk of shading which may impact water quality or subsequent deposition on sub-tidal and intertidal reef habitats.
- Condition 3.17.4 which coordinates the dredge and disposal activities to ensure simultaneous dredge and disposal activities do not occur within the Conwy Estuary with Conwy marina (reciprocal conditions are within the Marine Licence for Conwy marina maintenance dredge and disposal DML1833)
- Condition 3.20; which ensures the sediment continues to be acceptable for disposal at sea.
- Condition 3.21, which minimises risk from invasive non-native species (INNS).

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

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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 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:

- Menai Strait and Conwy Bay SAC (proposed works are located 800m upstream from this SAC boundary).

A Habitats Regulations Assessment of the Proposed Activities has been undertaken, and NRW Advisory (as Statutory Nature Conservation Body) consulted on the HRA. NRW Advisory responded to the consultation with concerns regarding the lack of supporting evidence for the increase to 8,000 tonnes per annum for disposal. Previous marine licences for this activity have been issued for an annual maximum limit of 7000 tonnes (e.g. DML1942 and DML1533) with suitable evidence and assessments to support this. Because insufficient evidence was presented as to how this increased tonnage would impact upon the features of this SAC; in particular the biogenic reef habitat (most notably mussel beds), it has been determined that the maximum tonnage should be restricted to 7,000 tonnes per annum.

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 when undertaken in accordance with appropriate conditions, i.e.:

- Condition 3.17.3, which restricts the dredge and disposal operations to large ebb tides to ensure maximum dilution, mixing and flushing out of the estuary to minimise the risk of shading or subsequent deposition on sub-tidal and intertidal reef habitats.
- Condition 3.17.4 which coordinates the dredge and disposal activities to ensure simultaneous dredge and disposal activities do not occur within the Conwy Estuary with Conwy marina (reciprocal conditions are within the Marine Licence for Conwy marina maintenance dredge and disposal DML1833) to mitigate for any in-combination impact of dredge-disposal occurring from both licences on the reef features of the SAC.

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- Conditions 3.14-3.16; which control pollution risk.
- Condition 3.21; which minimises the risk of spread of invasive non-native species.

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 due to distance from the Proposed Activity.

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:

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- *Aber Afon Conwy SSSI*

NRW is satisfied that the Proposed Activities do not have the potential to impact on the SSSI. Appropriate consultation has been undertaken within NRW, as set out in section 3 and the response indicated that along with the conditions required to protect the features of the SAC and ensure no impacts to the waterbody, a feature of the Estuary SSSI are the migratory fish species which spawn in the upper regions of the River Conwy. Condition 3.17.1 in Annex I restricts the dredge and disposal activity from taking place between 15 April and 30 June to minimise impacts to migratory fish within the Conwy Estuary.

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

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 IS035 (Deganwy Beneficial Use). However, further sampling would need to be undertaken prior to January 2029 (allowing a 5 year period between sampling regimes) in line with OSPAR guidance. This has been secured through the inclusion of the following Licence Conditions, as detailed in Annex 1;

- Condition 3.20.1, which ensures that the applicant requests a sediment sampling plan from the Licensing Authority by 01 June 2028.
- Condition 3.20.2, which ensures that the sampling is undertaken in accordance with the sampling plan described in condition 3.20.1 and is analysed at an NRW approved laboratory.
- Condition 3.20.3, which ensures that the written results of the sediment sampling undertaken pursuant to condition 3.20.1 is submitted for written approval by the Licensing Authority within two months of sampling taking place. This also sets that this must include an outline of an assessment of alternative uses for the sediment that is to be disposed.
- Condition 20.4; The Licence Holder must ensure no disposal is carried out after the following dates without written approval from the Licensing Authority: 01 January 2029.
- Condition 3.19; also ensures all disposal returns are appropriately reported to Cefas to be included within the UK returns to OSPAR.

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

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

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No comments or representations were received in relation to other matters considered relevant to the need to protect the environment. However, NRW PS have included the standard licence condition for dredge and disposal licences to ensure any artefacts accidentally recovered are retained and reported through the Marine Portable Antiquities Scheme, as detailed in Condition 3.22 Annex 1.

Additionally, NRW PS considers it appropriate to include pollution control licence conditions to minimise impacts on the marine environment. These conditions are detailed in Annex 1.

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. However, in their methodology the Applicant has stated they would avoid undertaking the works during the bathing water season. To ensure this occurs the following condition has been included within the licence:

Condition 3.17.2; which minimises the risks to bathing water quality during the bathing water season.

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.

Consultation comments were received from the Maritime & Coastguard Agency highlighting the need for the Licence Holder to ensure that local harbour authority, mariners and fishermen's organisations would be made aware of the activity through a local notification at least 5 days before the commencement of the works.

Each of the comments from the MCA are already addressed within standard conditions of the Marine Licence 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. These advisory comments have also been detailed to the Applicant.

Consultation comments were also received from Welsh Government Fisheries with regard to the mussel fishery located within the Estuary. The fishery targets the mussel beds which are also a named feature of the SAC. The conditions to minimise impacts to these features (detailed in section 4.1.3 and Annex 1), in addition to conditions included to ensure impacts to water quality (including the designated shellfish waters) are also minimised (detailed in section 4.1.1 and Annex 1) will also ensure any impacts to the fishery are negligible.

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

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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 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.

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 'DML2322 WNMP signposting document', submitted 24 March 2023.

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; D&D_01 Dredging and disposal (supporting); and T&R_01a Tourism and recreation (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

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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: Seran Davies Position: Marine Licensing Officer	Date: 16 August 2023	Signed: S.Davies
Authorised by:	Date:	Signed:

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Emmer Litt	17 August 2023	
Position: Marine Licensing Team Leader		

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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

- 3.1.1** 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.

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 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 and the harbour authority (site within Port limits) 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 notified to and be approved by the Licensing Authority in writing prior to any such agent, contractor,

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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.

Activity-specific Conditions

3.17 Dredge Disposal Timing Restrictions

- 3.17.1** The Licence Holder must ensure that no dredging occurs between **15 April and 30 June** inclusive to minimise impacts on migratory fish, without prior written approval from NRW acting on behalf of the Licensing Authority.

Reason: To minimise impacts to migratory fish (salmon smolts, sea trout smolts, lamprey and smelt) from the dredge and disposal activity.

- 3.17.2** The Licence Holder must ensure that no dredging occurs between **01 May and 30 September** inclusive to avoid bathing water season, without prior written approval from NRW acting on behalf of the Licensing Authority.

Reason: To minimise the risk of impacting the water quality during the bathing water season.

- 3.17.3** The Licence Holder must ensure that the method of dredging and disposal falls within the parameters set out in **Table 1- Licensed Dredge and Disposal Activities**.

Reason: To ensure optimum conditions for dispersal of dredged material on higher velocity ebb tides and minimise the risk of impacts to important estuary habitat such as biogenic reef (mussel beds).

- 3.17.4** The Licence Holder must gain prior written approval from NRW, on behalf of the Licensing Authority, at least 4 weeks prior to any proposed dredging activity in Deganwy Marina.

Reason: To minimise the risk of smothering shellfish by ensuring the dredge and disposal activities do not occur simultaneously to the dredge and disposal activities associated with the Conwy Marina (there is also a reciprocal condition within the Conwy Marina maintenance dredge licence DML1833).

3.18 Record of Quantity of Deposited Material

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- 3.18.1** 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.

3.19 Disposal Returns

- 3.19.1** 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.
- 3.19.2** 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.

3.20 Sediment Sampling Plan

- 3.20.1** The Licence Holder must request a Sediment Sampling Plan (the SSP) from The Licensing Authority on or before **01 June 2028**. 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 The Licensing Authority on or before **01 October 2028**. The SSP results must include an outline of an assessment of alternative uses for the sediment that is to be disposed for the following 5-year period.
- 3.20.3** The Licence Holder must not carry out any dredging activity after **01 January 2029** without prior written approval from The Licensing Authority. Such written approval should be requested no later than **01 October 2028**.

Reason: Condition required for longer-term licences for dredge and disposal to ensure that material remains acceptable for disposal at sea and to ensure that the Licence Holder has obtained the correct authorisations prior to continuing the activity. Five year duration (in line with OSPAR guidance) as sediments are mainly mobile silt.

3.21 Biosecurity Risk Assessment

- 3.21.1** The Licence Holder must implement the Biosecurity Risk Assessment submitted on 14 April 2023. 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.

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3.21.2 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 2025.

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

3.22 Reporting 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.