

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: **Lakeland Leisure Estates Ltd**

Company Number: **2500695**

**The Studio
Station Road
Staveley
Cumbria
LA8 9NB**

**Deganwy Marina Maintenance Dredge
and Disposal, Conwy.**

Licence Number:

DML2322

Licence Number: DML2322

Deganwy Marina Maintenance Dredge and Disposal

Marine Licence number: DML2322

Introductory note

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

The main features of the marine licence are as follows:

Deganwy Marina maintenance dredging via cutter suction method with disposal at the Deganwy beneficial use disposal site.

The status log of the marine licence sets out the marine licence history, including any subsequent marine licence variation(s)

Status log of this marine licence		
Description	Date	Comments
Application	25 April 2023	Application received and considered to be duly made complete
Date licence determined	17 August 2023	Determination date

Related marine licences or applications under determination

Marine Licence or Application Number	Date	Comments
DML1533	01 January 2016	DML1533 was a maintenance dredge licence issued for cutter suction dredging activity in Deganwy Marina and Conwy Marina.
DML1533v1	29 February 2016	DML1533 was an NRW led variation to correct a condition of the licence.
DML1942	26 May 2020	Change of methodology to use water injection dredging method

End of introductory note.

Licence Number: DML2322

MARINE LICENCE, NUMBER DML2322

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered **DML2322** and duly made on **25 April 2023** and authorises the Licence Holder to carry out activities for which a licence is required under Part 4 of the Marine and Coastal Access Act 2009, (2009 Act). This licence should be interpreted in accordance with **Section 4**.

1.2 Licence Holder

The Licence Holder is the company set out below:

Company name: Lakeland Leisure Estates Ltd

Company number: 2500695

Address: The Studio, Station Road, Staveley, Cumbria, LA8 9NB

1.3 Licence Validity

Licence Start Date	17 August 2023
Licence End Date	30 October 2033
Licence Issue Date	17 August 2023

1.4 Conditions

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

Signed:



Dr. Emmer Litt – Marine Licensing Team Leader

For and on behalf of the Licensing Authority

2 LICENSED ACTIVITIES

2.1 Project

Deganwy Marina Maintenance Dredge and Disposal

The following Licensed Activities can be conducted within the Licence Period, within the Licensed Area and in accordance with the Approved Application and the Approved Supporting Documents:

Table 1 Licensed Dredge / Disposal Activities

Activity 1 Dredging and Deposit for Deganwy Marina Maintenance		
Marine Licensable Activity Type	Dredging and Deposit	
Description	Maintenance dredging of Deganwy Marina using cutter suction dredge method. Disposal of maintenance dredging material at Deganwy Beneficial Use site on ebb tides when the tidal range is greater than 3.5m.	
Maximum Dredge Depth	1.5m Below Chart Datum	
Maximum Dredge volume and tonnage [for disposal only] for material to deposited under this licence	Sampled Specific Gravity	Tonnage per year
	1.2	7,000
Maximum Deposit to Deposit Location	Sampled Specific Gravity	Tonnage per year
	1.2	7,000
Deposit Location	Site Code: IS035	Site Name: Deganwy Beneficial Use
Material Type	Silt and Sand	

2.2 Licensed Area

The Licence Holder is authorised to conduct the dredging activities described in Table 1 between/bounded by the coordinates specified in Table 2:

Licence Number: DML2322

Table 2 Coordinates

Latitude	Longitude
53.292333	-3.828000
53.292000	-3.828833
53.290667	-3.827000
53.290333	-3.827833
53.290000	-3.827500
53.290833	-3.825833

The Licence Holder is authorised to conduct the deposit activities described in Table 1 centred on the coordinate specified in Table 3.

Table 3 Permitted Deposit Locations

Deposit Area: ISO35 Deganwy Beneficial Use	
Latitude	Longitude
53.290133	-3.828550

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

2.3 Approved Supporting Documents

Title/Description of Document	Date Submitted
DML2322 Deganwy Marina Dredge Marine Licence Application.pdf	20/04/2023
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

Licence Number: DML2322

DML2322 Sediment Results MAR01712.pdf	20/04/2023
DML2322 Sediment Results.xls	20/04/2023
DML2322 Biosecurity Plan.pdf	20/04/2023

3 CONDITIONS

Notification and Inspection

3.1 Notification of Commencement

- 3.1.1** The Licence Holder must notify the Licensing Authority no less than **10 days** before the commencement of the Licensed Activities, or an individual phase of the Licensed Activities, is expected to commence.
- 3.1.2** The Licence Holder must notify Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) no less than **10 days** before the commencement of the Licensed Activities, or an individual phase of the Licensed Activities, is expected to commence.
- 3.1.3** The Licence Holder must ensure that local mariners and fishermen's organisations are made fully aware of the Licensed Activities through local notices to mariners **10 days** prior to the commencement of the Licensed Activities.

3.2 Notification of Vessels and/or Vehicles

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

3.3 Notification of Agents/Contractors/Sub-contractors

The Licence Holder must ensure that details of any agent(s), contractor(s) or sub-contractor(s) utilised to undertake the Licensed Activities are submitted to the Licensing Authority at least **24 hours** prior to the commencement of Licensed Activities.

3.4 Notification of HM Coastguard

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

3.5 Inspection of Licensed Activities

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

3.6 Notification of Completion

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

Licence Number: DML2322

3.7 Accident or Emergency

3.7.1 If, by reason of force majeure any substances or articles are deposited otherwise than as permitted as part of the Licensed Activities or in the Licensed Area full details of the circumstances shall be notified to the Licensing Authority within **48 hours** of the incident occurring.

3.7.2 If it is necessary for the Licence Holder to recover or remove any equipment, plant or machinery used to undertake the Licensed Activities that have been dropped as a result of an accident or emergency, the Licence Holder is permitted to do so provided that the methodology for such recovery or removal has been approved by the Licensing Authority.

3.8 Distribution of Copies of this Licence

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

- All agent(s), contractor(s) and sub-contractor(s) whose names have been provided to the Licensing Authority under condition 3.3 and
- The Masters of any vessels and transport managers responsible for the vehicles employed in accordance with this Licence whose details have been submitted to the Licensing Authority under condition 3.2.

3.9 Inspection of Documents

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

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

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

Vessels, Plant and Equipment

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

Only those agent(s), contractor(s), sub-contractor(s), vessels and/or vehicles whose details have been notified to the Licensing Authority may operate under the terms of this Licence. Any changes must be notified to and be approved by the Licensing Authority in writing prior to any such agent, contractor, subcontractors or vehicles carrying out any Licensed Activities pursuant to or otherwise operating under this Licence.

Licence Number: DML2322

3.11 Refuelling of Plant and Equipment

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

3.12 Equipment, Structures and Access

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

Safety

3.13 Removal of Deposited Material

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

Pollution control

3.14 Pollution Prevention

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

3.15 Spillage of Pollutants

The Licence Holder must employ bunding, storage facilities and spill kits to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment. Secondary containment must be used with a capacity of **no less than 110%** of the container's storage capacity

3.16 Prevention of Disposal of Man-made Debris

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

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.

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.

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**.

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.

3.18 Record of Quantity of Deposited Material

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.

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.

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**.

3.21 Biosecurity Risk Assessment

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.

3.21.1 Assessment must be submitted to and agreed in writing by NRW acting on behalf of the Licensing Authority prior to any changes being enacted.

3.21.2 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.

3.22 Reporting Artefacts

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

4 INTERPRETATION

In this Licence terms are as defined in section 115 of the Marine and Coastal Access Act unless otherwise stated.

- (a) **"2009 Act"** means the Marine and Coastal Access Act 2009;
- (b) **"Approved Application"** means the Marine Licence Application Form together with the Approved Supporting Documents;
- (c) **"Approved Supporting Documents"** means the documents supporting, or supplementary to, the Approved Application, submitted prior to the Licence Issue Date, listed in the Table at paragraph 2.3 above;
- (d) **"Commencement"** means the first undertaking of any Licensed Activities;
- (e) **"Force majeure"** may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit the substances or articles because the safety of human life and/or of the vessel is threatened;
- (f) **"Licensed Activities"** means the activities authorised by this licence as specified in 2.1;
- (g) **"Licensed Area"** means the area within which Licensed Activities are authorised by this licence as specified in section 2.2;
- (h) **"Licence Holder"** means the person(s) or organisation(s) named in section 1.2 to whom this licence is granted;
- (i) **"Licence Period"** means the period beginning with the Licence Start Date and ending on the Licence End Date;
- (j) **"Licensing Authority"** means Natural Resources Wales acting on behalf of the Welsh Ministers;
- (k) **"Marine Enforcement Officers"** means the relevant officers appointed by Welsh Ministers under section 235 of the 2009 Act, contact details for whom are provided in section 5;
- (l) **"Marine Licence Application Form"** means the application form forming part of the application referred to in paragraph 1.1;
- (m) **"Method Statement"** means the Method Statement(s) forming part of the Approved Application or Approved Supporting Documents;

Licence Number: DML2322

- (n) **“Works”** means any construction activities comprised in the Licensed Activities and, where the context permits, includes any plant, equipment or materials used to carry out those activities or operations but excludes monitoring, minor routine maintenance or other ongoing operational activities following completion of any construction activities;
- (o) all times shall be taken to be the time in Greenwich Mean Time (GMT) on any given day;
- (p) all co-ordinates shall be taken to be latitude and longitude decimal degree (WGS 84);
- (q) in the event of any discrepancy between the coordinates listed in paragraph 2.2 and the plan attached at Appendix 1, the coordinates shall take precedence.

5 CONTACTS

Except where otherwise indicated, the primary point of contact with the Licensing Authority and the address for returns, correspondence and requests for variations of the licence is:

Marine Licensing Team
Natural Resources Wales
Permitting Service
29 Newport Road
Cambria House
Cardiff
CF24 0TP

Tel: 0300 065 3000

Email: marinelicensing@naturalresourceswales.gov.uk

Welsh Government Marine Enforcement Officers may be contacted at:

Welsh Government
Suite 3
Cedar Court
Haven's Head Business Park
Milford Haven Pembrokeshire
SA73 3LS

Tel: 03000253500

Email: wfmccmpc@gov.wales

Licence Number: DML2322

Appendix 1

