



Marine Licensing Decision

The Marine and Coastal Access Act (2009)

Applicant: Cardiff Harbour Authority

Application reference no: DML2352

Disposal of dredged material from Cardiff Bay to
Cardiff Grounds disposal site LU110

12 November 2023

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OUR DECISION

Based on all the information available, and having regard to all relevant considerations NRW has decided grant the 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 organisation set out below: Organisation name: Cardiff Harbour Authority Address: Queen Alexandra House, Cargo Road, Cardiff, CF10 4LY	
Application Reference Number	DML2352	
Date Application was duly made	15 September 2023	
Proposal[s] covered by the Application	Disposal of dredged material from Cardiff Bay to Cardiff Grounds disposal site LU110 (the Project)	
Licensable marine activities	Disposal of up to 234,000 tonnes of dredged material per annum from Cardiff Bay approach channel and locks to Cardiff Grounds Disposal Site LU110 (the Proposed Activities)	
Marine Plan Area	Welsh inshore region and Welsh offshore region	
Application documents:	Title/Description of Document	Date Submitted
	DML2352 - CHA Application 2023	05 September 2023
	DML2352 - C.21.002-001 - Dredging Areas	05 September 2023

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	DML2352 - 4a - Method Statement 1 - Availability and Suitability of Resources and Vessels	05 September 2023
	DML2352 - Biosecurity Plan DML1930v5	05 September 2023
	DML2352 - Cardiff Bay Fish Pass Final Report 2022 1	05 September 2023
	DML2352 - Water Framework Directive Assessment	05 September 2023
	DML2352 copy-of-wnmp-signposting-doc-1	14 September 2023
	DML2352 Site Monitoring plan	08 November 2023

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2. APPLICATION PROCEDURE

2.1. The Application

The Application was accepted by Natural Resources Wales (**NRW**) considered duly made on 15 September 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 Cardiff Council on 19 September 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 Western Mail on 27 September 2023. The application documents were made available to the public at via the public register ([Public register - Customer Portal \(naturalresources.wales\)](#)) 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 September 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	02 October 2023
NRW	Y	17 October 2023
MoD - Safeguarding Defence	Y	22 September 2023
Maritime & Coastguard Agency	Y	10 October 2023
Trinity House	Y	03 October 2023
Royal Yachting Association	Y	23 September 2023
Local Biodiversity Officer	N	
Local Planning Authority	Y	18 October 2023
Local Harbour Authority	N	
Local Port Authority	N	
Royal Society for the Protection of Birds (RSPB)	N	
Welsh Government Marine Enforcement Officers	N	
Welsh Archaeological Trust	N	
Royal Commission on Historic Monuments Wales	Y	11 October 2023
Cadw	Y	28 September 2023
Chamber of Shipping	N	
NERL Safeguarding	N	
ABPmer	Y	16 October 2023
Environmental Public Health Service Wales	Y	25 September 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:

- Severn Lower (GB530905415401)

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 activity/project has no potential to cause deterioration of any water body or prevent a water body or WFD Protected Area from meeting its objectives, taking into account any conditions or restrictions as applicable, either alone or in-combination with other activities.

The assessment considered that a biosecurity plan was necessary in order to reduce potential impact of introduction of INNS. A biosecurity risk assessment was produced by the applicant and adherence to identified mitigation has been secured through licence conditions.

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

Further details are described within the Water Framework Directive Compliance Assessment.

4.1.2. Biodiversity and resilience of ecosystems duty**a) The legal framework**

Section 6 of the Environment Wales Act 2016 requires that we seek to maintain and enhance biodiversity in the exercise of our functions, and in so doing promote the resilience of ecosystems, in a manner that is consistent with the proper exercise of our functions.

b) Factors relevant to our determination

If there have been any specific considerations regarding section 7 species or habitats, please describe it here.

NRW is satisfied that in this case, we have taken into account and had due regard to this duty in so far as it is consistent with the function of determining an application for a Marine Licence under the Marine and Coastal Access Act 2009.

4.1.3. European Protected Sites and Ramsar Sites**a) The legal framework**

European sites are those designated under the Conservation of Habitats and Species Regulations 2017 (**Habitats Regulations 2017**) and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (**Offshore Habitats Regulations 2017**) as Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).

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

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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 is located in the following European Protected Sites.

- Severn Estuary SAC
- Severn Estuary SPA
- Severn Estuary Ramsar

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.

NRW A raised concerns that the potential disposal of dredge material had the potential to impact upon *Sabellaria alveolata* reef through smothering. NRW A recognise historic disposal activities have been undertaken in this area, however, this application requests a significant increase to the duration of the licence therefore considered due to the potential uncertainty surrounding impact of smothering that monitoring would be required.

The applicant looked to address these concerns through submission of a Site Monitoring Plan submitted 08 November 2023, setting out plans for monitoring the disposal site to ensure that material disperses as predicted.

NRW consider that the need to monitoring to address uncertainty for long term disposal activities is in line with *NRW Position Marine Licence term for maintenance dredging and associated disposal activities*.

Adherence to the monitoring and subsequent reporting requirements have been secured in licence condition 3.19, as detailed in Annex 1.

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 Sites when undertaken in accordance with appropriate conditions detailed in annex 1.

Further details are described within the Habitats Regulations Assessment.

4.1.4. European Protected Species

a) The legal framework

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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 the distance between the MCZ and the proposed activities.

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:

- Severn Estuary SSSI

NRW is satisfied that the Proposed Activities do not have the potential to impact on the Severn Estuary 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.

NRW is content that the proposals are in line with the relevant OSPAR guidelines for the management of dredged material. Licence condition 3.18 has been included, based on advice received from ABPmer, to ensure sediment sampling and analysis is carried out every 3 years in line with OSPAR guidelines in order to ensure that dredged material remains suitable for disposal at sea.

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

You could also drop a line that potential impacts of as a result of smothering of reef features of the designated site have been discussed in section 4.1.3.

No other comments or representations were received in relation to other matters considered relevant to the need to protect the environment. However, NRW Marine Licensing 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.

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.

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Following consultation with the MCA, it was requested that UKHO be notified prior to commencement of Licensed Activities, this has been included as licence condition 3.25 as detailed in Annex 1.

No other comments or representations 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 Marine Licensing 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.

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

b) Our determination

UK Marine Policy Statement 2011

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 'DML2352 WNMP signposting document', submitted 14 September 2023.

Welsh National Marine Plan recognises that dredging and disposal is an ongoing function essential in order to maintain safe and efficient navigational access to ports, harbour and marinas, and Policy D&D_01 Dredging and Disposal seeks to support activities of this nature.

Likewise, in recognition of the essential need of dredging and disposal activities for operational ports and Harbours the WNMP includes SAF_01a to help safeguard dredging and disposal activities.

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The development has also considered its impact on the marine ecosystems (Policy ENV_01) and has where appropriate looked to avoid, minimise and mitigate potential impacts this is presented within section 4.1. This has included incorporating mitigation to reduce potential risk through the spread of INNS (ENV_03).

NRW PS consider that this decision has been taken in accordance with the Welsh National Marine Plan.

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.

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6. AUTHORISATION

Report by: Joe Thomas Position: Marine Licensing Officer	Date: 12 December 2023	Signed: 
Authorised by: Emmer Litt Position: Marine Licensing Team Leader	Date: 20 December 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 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 **zone27@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 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.

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

- 3.18.1** The Licence Holder must request a Sediment Sampling Plan (SSP) from the Licensing Authority on or before **29 May 2025**. The SSP must include details of sampling grid, analysis suites and proposed format of a report determining the suitability of material for disposal.
- 3.18.2** The Licence Holder must submit the results of the SSP carried out pursuant to Condition 3.18.1 above, to the Licensing Authority on or before **29 September 2025**. The SSP results must include an outline of an assessment of alternative uses for the sediment that is to be disposed for the following 3-year period.
- 3.18.3** The Licence Holder must not carry out any disposal activity after **29 November 2025** without prior written approval from the Licensing Authority. Such written approval should be requested no later than **29 September 2025**.
- 3.18.4** The Licence Holder must request a SSP from the Licensing Authority on or before **29 May 2028**. The SSP must outline the sampling and analysis required during the licence period and must include details of sampling grid, analysis suites and proposed format of a report determining the suitability of the material for disposal.
- 3.18.5** The Licence Holder must submit the written results of the SSP carried out pursuant to Condition 3.18.4 above to the Licensing Authority on or before **29 September 2028**. The SSP results must include an outline of alternative uses for the sediment that is to be disposed for the following 3-year period.

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- 3.18.6** The Licence Holder must not carry out any disposal activity after **19 November 2028** without prior written approval from the Licensing Authority. Such written approval should be requested no later than **29 September 2028**.
- 3.18.7** The Licence Holder must request a SSP from the Licensing Authority on or before **29 May 2031**. The SSP must outline the sampling and analysis required during the licence period and must include details of sampling grid, analysis suites and proposed format of a report determining the suitability of the material for disposal.
- 3.18.8** The Licence Holder must submit the written results of the SSP carried out pursuant to Condition 3.18.7 above to the Licensing Authority on or before **29 September 2031**. The SSP results must include an outline of alternative uses for the sediment that is to be disposed for the following 3-year period.
- 3.18.9** The Licence Holder must not carry out any disposal activity after **29 November 2031** without prior written approval from the Licensing Authority. Such written approval should be requested no later than **29 September 2031**.

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

3.19 Monitoring and Analysis

- 3.19.1** The Licence Holder must implement a program of monitoring, analysis and reporting between **01 June and 31 August 2025, 01 June and 31 August 2029 and 01 June and 31 August 2032** to ensure the dispersive manner of Cardiff Grounds disposal site (LU110) to the Severn Estuary SAC/SPA in line with the 2020 bathymetric monitoring survey as detailed within 'DML2352 Site Monitoring Plan', dated 08 November 2023.
- 3.19.2** The Licence Holder must submit the monitoring report(s) to the Licensing Authority for written approval within **3 months** of completion of the survey detailed in Condition 3.19.1.
- 3.19.3** The Licence Holder must not carry out any disposal activity after **30 October 2025, 30 October 2029 and 30 October 2032** without prior written approval from the Licensing Authority. Such written approval should be requested no later than **3 months** from completion of the survey detailed in Condition 3.19.1.
- 3.19.4** The monitoring report(s) submitted to the Licensing Authority as detailed in Condition 3.19.2 must include sediment volume analysis. If sediment accretion is identified in the survey area, the Licence Holder must propose mitigation measures to prevent any adverse effect to Severn Estuary SAC/SPA from sediment accretion.
- 3.19.5** The Licence Holder must ensure that proposed mitigation measures to prevent any adverse effect arising from the licensed activities (detailed in section 2) to Severn Estuary SAC/SPA are approved in writing by the Licensing Authority, to be implemented by the Licence Holder, before any further disposal activity can go ahead.

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- 3.19.6** Any proposed changes to the plan outlined within 'DML2352 Site Monitoring Plan' Conditioned in 3.19.1, must be submitted to, and agreed in writing by the Licensing Authority prior to any changes being enacted.

Reason: To ensure the material deposited is dispersing as expected and no smothering occurs.

3.20 Evenly Deposit Material

The Licence Holder must ensure that during the course of disposal, material is distributed evenly over Cardiff Grounds (LU110) disposal ground.

Reason: To avoid shoaling and minimise the risk to navigational safety and to limit the effects of smothering.

3.21 Disposal Returns

- 3.21.1** Certified returns of quantities of substances or articles deposited under this Licence are required to be submitted by **31 June** and **31 January** 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.

- 3.21.2** 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.

3.22 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.

3.23 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.

3.24 Log of Operations

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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.

3.25 Notification of UKHO

The Licence Holder must ensure that notification is sent to The Source Data Receipt team, UK Hydrographic Office (email: sdr@ukho.gov.uk) at least **10 days** prior to commencement of the works. The information supplied must include the start date and end date, a description of the works, positions of the work area (WGS84), and details of any marking arrangements.

Reason: To ensure that navigation warnings can be issued to marine users and for the update of nautical charts.

3.26 Biosecurity

3.26.1 The Licence Holder must implement the Biosecurity Risk Assessment submitted **05 September 2023** and approved by the Licensing Authority. Any proposed changes to the actions outlined in the Biosecurity Risk Assessment must be submitted to and agreed in writing by the Licensing Authority prior to any changes being enacted.

3.26.2 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/prevent the spread and introduction of INNS in the marine environment.