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Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder:

Pembrokeshire County Council

County Hall
Freeman's Way
Haverfordwest
SA611TP

Maintenance dredge at Tenby Harbour

Licence Number:

DML2354

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Maintenance dredge at Tenby Harbour

Marine Licence number: DML2354

Introductory note

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

The main features of the marine licence are as follows.

Annual land-based dredge at the mouth of the harbour in order to maintain safe navigation and chart datum

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	28 September 2023	Application received and considered to be duly made
Date licence determined	07 March 2024	Determination date

Related marine licences or applications under determination

Not applicable

End of introductory note.

Licence Number: **DML2354**

MARINE LICENCE, NUMBER DML2354

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered **DML2354** and duly made on **28 September 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 organisation set out below:

Organisation name: **Pembrokeshire County Council**
Address: **County Hall, Freeman's Way, Haverfordwest**
SA61 1TP

1.3 Licence Validity

Licence Start Date	07 March 2024
Licence End Date	17 December 2028
Licence Issue Date	07 March 2024

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

Maintenance dredge at Tenby Harbour

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 of Tenby Harbour		
Marine Licensable Activity Type	Dredging and Deposit	
Description	Dredge and disposal of material dredged from Tenby Harbour. Material will be dredged from the mouth of Tenby Harbour using 13 tonne tracked diggers and tractor trailer units. Material dredged will be deposited upon an area of Tenby North Beach. Beach nourishment will be performed by means of land-based mechanical excavator at low tide.	
Maximum Dredge Depth	0m Chart Datum	
Maximum Dredge volume and tonnage [for disposal only] for material to deposited under this licence	m ³ per year	Tonnage per year
	4265	6525.45
Maximum Deposit to Deposit Location [A]	m ³ per year	Tonnage per year
	4265	6525.45
Deposit Location [A]	Site Code LU165	Site Name Tenby North Beach
Material Type [A]	Sand and Gravel	

2.2 Licensed Area

The Licence Holder is authorised to conduct the dredging activities described in Table 1 bounded by the coordinates specified in Table 2 and Table 3:

Table 2 Coordinates for dredging in Dredge Zone 1

Area 1 Dredge Zone	
Latitude	Longitude
51° 40.33	-4° 41.88
51° 40.42	-4° 42.02
51° 40.47	-4° 41.90
51° 40.42	-4° 41.82

Table 3 Permitted Deposit Locations

Deposit Area [A]	
Latitude	Longitude
51° 40.62	-4° 42.07
51° 40.61	-4° 41.93
51° 40.72	-4° 41.96
51° 40.71	-4° 42.03

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
DML2354 - Dredge Deposit overview 01	21 September 2023
DML2354 - Ocean Ecology_TENPSA0623_PSD_V01_Data Submission	21 September 2023
DML2354 Sample Analysis results v2	25 September 2023
DML2354 Application form Dredge and Disposal v2	28 September 2023
DML2354 Biosecurity RA and Management plan v2	28 September 2023
DML2354 Dredge area PDF 1 v2	28 September 2023
DML2354 Method Statement Sand Sampling FINALa v2	28 September 2023
DML2354 nrw-ps-analysis-results 2023 v2	28 September 2023
DML2354 PSA Sampling chart - coordinates v2	28 September 2023
DML2354 Tenby Harbour Beach Replenishment Sampling Advice FINAL (003)	28 September 2023
DML2354 Tenby Harbour dredge proposal HRA	28 September 2023
DML2354 Water Framework Assessment v2	28 September 2023
DML2354 WNMP Signposting Document (005) v2	28 September 2023

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DML2354 Additional info from applicant.msg	13 December 2024
DML2354 Tenby Harbour and Tenby North Beach biotope survey report.pdf	01 March 2024
DML2354 Dredge coordinate format update	05 March 2024

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 **zone28@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.

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.

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.

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.

Activity-specific Conditions

3.18 Sediment Sampling and Analysis

- 3.18.1** The Licence Holder must request a sediment sampling plan from the Licensing Authority by **28 December 2027**.
- 3.18.2** The Licence Holder must ensure that the sampling is undertaken in accordance with the sampling plan described in condition 3.18.1 and is analysed at an NRW approved laboratory.
- 3.18.3** The Licence Holder must submit the written results of the sediment sampling undertaken pursuant to condition 3.18.2 for written approval by the Licensing Authority within **two months** of sampling taking place. This must include an outline of an assessment of alternative uses for the sediment that is to be disposed.
- 3.18.4** The Licence Holder must ensure no Licensed Activities are carried out after the following dates without written approval from the Licensing Authority: **28 April 2028**.

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 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.

3.21 Distribution of Material

The Licence Holder must ensure that during the course of disposal, material is distributed evenly over Deposit Area [A] as specified in Table 3 (LU165, Tenby North Beach).

3.22 Construction, Alteration or Improvement – Returning to Original Profile

The Licence Holder must ensure the area is returned to the original profile, or as close as reasonably practicable, following the completion of Licensed Activities.

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3.23 Dredge disposal Time Restrictions

The Licence Holder must ensure that no Licensed Activities take place between **01 May** and **30 September** inclusive, without prior written approval from the Licensing Authority.

3.24 Reporting of Artefacts

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

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.

3.26 Location of Deposits

The Licence Holder must ensure that no material is deposited upon rocky habitats within the deposit area.

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;

- (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 degree decimal minutes (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

Appendix 1

