

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: Natural Resources Wales

Welsh Government Offices
Cathays Park
King Edward VII Avenue
Cardiff
CF10 3NQ

Rhymney Great Wharf Habitat Restoration
Polders Enhancement Project, Cardiff

Licence Number:
CML2401

Rhymney Great Wharf Habitat Restoration Polders Enhancement Project

Marine Licence number: CML2401

Introductory note

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

The main features of the marine licence are as follows.

Rhymney Great Wharf Habitat Restoration Polders Enhancement Project

Rhymney Great Wharf is located approximately 5km to the north-east of Cardiff City Centre on the Severn Estuary foreshore, seaward of the Wentlooge Sea Defences. The Project seeks to re-establish and protect priority saltmarsh habitats along the Rhymney Great Wharf by installing new polders and extending the existing polder system to the west.

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	23 January 2024	Application received and considered to be duly made
Date licence determined	29 April 2024	Determination date

Related marine licences or applications under determination

Not applicable

End of introductory note.

MARINE LICENCE, NUMBER CML2401

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered CML2401 and duly made on 23 January 2024 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: Natural Resources Wales
Address: Cardiff Cathays Park, Welsh Government Offices, Cathays Park,
King Edward VII Avenue, Cardiff, CF10 3NQ

1.3 Licence Validity

Licence Start Date	29 April 2024
Licence End Date	28 April 2029
Licence Issue Date	29 April 2024

1.4 Conditions

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

Signed: 

For and on behalf of the Licensing Authority

2 LICENSED ACTIVITIES

2.1 Project

Rhymney Great Wharf Habitat Restoration Polders Enhancement Project

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 Activities

Activity 1 Polder fence restoration and construction	
Type of Licensed Activity	Deposit/Construction
Description	The Project seeks to restore/repair (along a length of approximately 260m of the existing polder system) and to extend the existing polder system westward by approximately 1600m. The polders are fences constructed of brushwood materials inserted between chestnut fence posts in a rectangular pattern across the mudflat to facilitate accretion of sediment with openings at existing creeks/channels to allow for drainage on receding tides. The Project will: • repair existing timber stakes of the previous polders scheme by installing and fixing brushwood. • Install brushwood bundles to a height of no more than 1000mm. • Install stakes of 100mm diameter in pairs offset 300mm. • Install stakes with an approximate height of 1000mm above the existing seabed level. • Install rope with U shaped staples to maintain compaction of brushwood.
Material types and quantities to be deposited	• Sweet chestnut Stakes measuring approximately 2500mm in length and 100mm diameter. • Brushwood bundles made of hazel and/or sweet chestnut measuring approximately 3000mm in length by 300mm in diameter. • Brushwood twine made of biodegradable tensioned coir twine. • Fixing rope made of polyester with a minimum 10mm diameter and minimum breaking load 1000kg. • Fixings made of galvanized steel hammer-in U shaped staples.

2.2 Licensed Area

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The Licence Holder is authorised to conduct the activities described in Table 1 in the vicinity of Rhymney Great Wharf, Wentlooge Sea Defences, Cardiff bounded by the coordinates specified in Table 2 and as indicated in the plan attached at Appendix 1:

Table 2 Coordinates

Latitude	Longitude
51.5001	-3.08564
51.4992	-3.0847
51.49318	-3.10271
51.49616	-3.09597
51.49672	-3.09424
51.4975	-3.09253
51.49811	-3.09126
51.49885	-3.0897
51.49968	-3.08781
51.49388	-3.10306
51.4942	-3.10247
51.49526	-3.09885
51.49593	-3.09705
51.4983	-3.08655
51.49655	-3.09036
51.49596	-3.09227
51.49524	-3.09445
51.49371	-3.09937
51.49353	-3.10291
51.49959	-3.08531

2.3 Approved Supporting Documents

Title/Description of Document	Date Submitted
CML2401 - Marine Licence Application Form 290063-ARP-00-RP-RP-NX-0008.pdf	03 January 2024
CML2401 - Appendix A- Site Location Plan 290063-ARP-XX-RP-DR-ZX-0004.pdf	03 January 2024
CML2401 Appendix B - Design Drawings v2.pdf	06 February 2024
CML2401 - Appendix C- Outline Construction Method Statement.pdf	03 January 2024

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CML2401 - Appendix D- Project Environmental Report 290063-ARP-00-RP-RP-NX-0009.pdf	03 January 2024
CML2401 Appendix F WFD Compliance Assessment template poldersv4.docx	02 February 2024
CML2401 Appendix G 290063-ARP-00-RP-RP-NX-0010 - EAP P04.doc	02 February 2024
CML2401 Appendix H 290063-ARP-00-RP-RP-NX-0007 - HRA Stage 1 2 P02 LP.doc	02 February 2024
CML2401 - Appendix I- Biosecurity Plan.pdf	03 January 2024
CML2401 Revised Appendix J- Marine Licence Correspondence.pdf	03 January 2024
CML2401 - Appendix K- Environmental Constraints and Opportunities Plans.pdf	03 January 2024
CML2401 - Appendix L- Consideration for Welsh National Marine Plan 290063-ARP-00-RP-RP-NX-0011.pdf	03 January 2024
CML2401 - Appendix M- Coastal Process Study 290063-ARP-00-RP-RP-NX-0005.pdf	03 January 2024
CML2401 Appendix O- Simplified Marine Licence Area Coordinates.pdf	19 January 2024
CML2401 290063-ARP-00-RP-RP-NX-0006 - PEA_Ver1.docx	21 March 2024
CML2401 290063-ARP-00-RP-RP-NX-0009 - P03 - Project Environmental Reportv2.docx	21 March 2024
CML2401 290063-ARP-00-RP-RP-NX-0011- P02- Consideration for Welsh National Marin.pdf	08 March 2024
CML2401 290063-ARP-00-RP-RP-NX-0016- Appendix O- Supplementary Archaeological No.pdf	08 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.
- 3.1.4 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.

3.2 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 zone27@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.
- 3.6.3** 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) within 10 days of the completion of the Licensed Activities. The information supplied must include latitude and longitude coordinates in WGS84 (ETRS89) datum of the installed works on and/or above the seabed, any changes to engineering drawings, and details of new or changed aids to navigation where applicable.

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)

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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

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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 Implementation of Schemes/Plans

The Licence Holder must implement any actions outlined in the following Schemes/Plans and detailed in section 2.3 as approved by the Licensing Authority:

- Environmental Action Plan (EAP): *CML2401 Appendix G 290063-ARP-00-RP-RP-NX-0010 - EAP P04* submitted the 02 February 2024.
- Outline Construction Method Statement: *CML2401 - Appendix C- Outline Construction Method Statement* submitted the 03 January 2024.
- Biosecurity Plan: *CML2401 - Appendix I- Biosecurity Plan* submitted the 03 January 2024
- Project Environmental Report: *CML2401 290063-ARP-00-RP-RP-NX-0009 - P03 - Project Environmental Reportv2* submitted the 21 March 2024
- Preliminary Ecological Appraisal: *CML2401 290063-ARP-00-RP-RP-NX-0006 - PEA_Ver1* submitted the 21 March 2024

Any proposed changes to the actions outlined in the approved Schemes/Plans must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

3.19 Archaeological Survey Results

3.19.1 The Licence Holder must submit the results of an Archaeological Survey (Walkover or Unmanned Aerial Vehicle in line with *CML2401 290063-ARP-00-RP-RP-NX-0009 - P03 - Project Environmental Reportv2* submitted the 21 March 2024) to the Licensing Authority for written approval at least **6 weeks** prior to commencement of the Licensed Activities. No Works may be undertaken prior to written approval from the Licensing Authority.

3.19.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.19.1 are implemented as approved in writing by the

Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

3.20 Construction Environmental Management Plan (CEMP)

3.20.1 The Licence Holder must submit a CEMP to the Licensing Authority for written approval at least **6 weeks** prior to commencement of the Licensed Activities. No Works may be undertaken prior to written approval from the Licensing Authority.

3.20.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.20.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

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 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: marinelicensingenforcement@gov.wales

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Appendix 1

