

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: Conwy County Borough
Council

Environment, Roads & Facilities
Coed Pella
Conwy Road
Colwyn Bay
LL29 7AZ

Installation of navigational marker beacons,
flap valves, and concrete repairs at Rhos on
Sea

Licence Number:

CML2430

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Introductory note

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

The main features of the marine licence are as follows.

Installation of navigational marker beacons, flap valves, and concrete repairs at Rhos on Sea

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	26 April 2024	Application received and considered to be duly made
Date licence determined	13 May 2024	Determination date

Related marine licences or applications under determination

Marine Licence or Application Number	Date	Comments
CML2149	Issued 09 March 2022	Colwyn Bay Waterfront Project Phase 2b, which includes the extension of three existing outfalls, the modification of an existing rock control structure, and the importation of approximately 1 million tonnes of dredged sand. Marine Licence CML2430 relates to the conclusion of outstanding parts of the project which were not completed before the expiry date of Marine Licence CML2149 (14 March 2024).

End of introductory note.

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1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered **CML2430** and duly made on **26 April 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: Conwy County Borough Council

Address: Environment, Roads & Facilities, Coed Pella, Conwy Road, Colwyn Bay, LL29 7AZ

1.3 Licence Validity

Licence Start Date	13 May 2024
Licence End Date	12 May 2025
Licence Issue Date	13 May 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

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2 LICENSED ACTIVITIES

2.1 Project

Installation of navigational marker beacons, flap valves, and concrete repairs at Rhos on Sea

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 Installation of navigational markers beacons	
Type of Licensed Activity	Deposit
Description	Installation of five navigational marker beacons at the ends of rock groynes and outfalls on the beach at Rhos on Sea. Three to be placed at the end of each outfall and two at the end of the groyne arm.
Material types to be removed or deposited	Iron/Steel, Concrete, Synthetic
Activity 2 Installation of outfall valves and concrete repairs to casting	
Type of Licensed Activity	Alteration or Improvement
Description	Outfalls to be fitted with non-return valves. Like-for-like concrete repairs to concrete outfalls. Timber formwork required to carry out concrete repairs on the outfalls
Material types to be removed or deposited	Timber/Iron/Steel/Concrete

2.2 Licensed Area

The Licence Holder is authorised to conduct the activities described in Table 1 in the vicinity of Rhos on Sea bounded by the coordinates specified in Table 2 and as indicated in the plan attached at Appendix 1:

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Table 2 Coordinates

Latitude	Longitude
53.3089	-3.7386
53.3067	-3.7393
53.3018	-3.7347
53.3033	-3.7322
53.3091	-3.7353

2.3 Approved Supporting Documents

Title/Description of Document	Date Submitted
CML2430 - Updated PAD	02 May 2024
CML2430 - BWL-299c - Project Biosecurity Plan	02 May 2024
CML2430 - 2022-05-31 CEMP addendum	02 May 2024
CML2430 - 2022-05-30 CEMP update	02 May 2024
CML2430 - 100374-MMD-00-XX-RP-N-0049 - Written Scheme of Investigation P02	02 May 2024
CML2430 - 100374-CEUK-66-2010L-02-00-C - Terminal Groyne Modifications (Landside)	08 April 2024
CML2430 - 100374-MMD-00-XX-DR-Z-0001 Rhos redline	08 April 2024
CML2430 - 100374-MMD-00-XX-RP-N-0003 Colwyn Bay Waterfront Phase 2b EIA Volume 1 Main Text P02	08 April 2024
CML2430 - 100374-MMD-00-XX-RP-N-0003 Colwyn Bay Waterfront Phase 2b EIA Volume 1 Main Text	08 April 2024
CML2430 - 100374-MMD-00-XX-RP-N-0005 Colwyn Bay Waterfront Phase 2b ES Volume 3 NTS	08 April 2024
CML2430 - 100374-MMD-00-XX-RP-N-0023 Technical Appendix 1	08 April 2024
CML2430 - 100374-MMD-00-XX-RP-N-0024 Technical Appendix 2	08 April 2024
CML2430 - 100374-MMD-00-XX-RP-N-0025 Technical Appendix 3	08 April 2024
CML2430 - 100374-MMD-00-XX-RP-N-0026 Technical Appendix 4	08 April 2024
CML2430 - 100374-MMD-00-XX-RP-N-0027 Technical Appendix 7	08 April 2024
CML2430 - 100374-MMD-00-XX-RP-N-0028 Technical Appendix 8	08 April 2024

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CML2430 - 100374-MMD-00-XX-RP-N-0029 Technical Appendix 9	08 April 2024
CML2430 - 100374-MMD-00-XX-RP-N-0030 Technical Appendix 10	08 April 2024
CML2430 - 100374-MMD-00-XX-RP-N-0031 Technical Appendix 11	08 April 2024
CML2430 - 100374-MMD-00-XX-RP-N-0032 Technical Appendix 12	08 April 2024
CML2430 - 100374-MMD-00-XX-RP-N-0033 Technical Appendix 13	08 April 2024
CML2430 - 100374-MMD-00-XX-RP-N-0034 Technical Appendix 14	08 April 2024
CML2430 - 100374-MMD-00-XX-RP-N-0035 Technical Appendix 16	08 April 2024
CML2430 - 100374-MMD-01-XX-DR-D-0510	08 April 2024
CML2430 - 100374-MMD-01-XX-DR-D-0513	08 April 2024
CML2430 - Appendix 17.1 CC Geotechnical Ground Investigation for Colwyn Bay Waterfront Phase 2b CCG-C-20-11994	08 April 2024
CML2430 - Appendix 17.2 100374-MMD-00-XX-RP-G-0001 - Ground Investigation Report	08 April 2024
CML2430 - marine-works-application-form-updated	08 April 2024
CML2430 - Method statements	08 April 2024
CML2430 - Technical Appendix 17 - 100374-MMD-00-XX-RP-N-0036	08 April 2024
CML2430 - WFD Assessment	08 April 2024

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3 CONDITIONS

Notification and Inspection

3.1 Notification of Commencement

- 3.1.1** The Licence Holder must notify the Licensing Authority no less than **5 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 **5 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 **5 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 **zone32@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.

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- 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

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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

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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 Construction Environmental Management Plan (CEMP)**

The Licence Holder must implement the CEMP (*CML2430 - 2022-05-30 CEMP update* and *CML2430 - 2022-05-31 CEMP addendum* submitted the 02 May 2024). The CEMP must be available for inspection at all reasonable times at the locations detailed in section 1.2 by the Licensing Authority and/or Marine Enforcement Officers. 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.

3.19 Biosecurity Risk Assessment (BRA)

The Licence Holder must implement the BRA (*CML2430 - BWL-299c - Project Biosecurity Plan* submitted the 02 May 2024). The BRA must be available for inspection at all reasonable times at the locations detailed in section 1.2 by the Licensing Authority and/or Marine Enforcement Officers. 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 Written Scheme of Investigation (WSI)

The Licence Holder must implement the WSI (*CML2430 - 100374-MMD-00-XX-RP-N-0049 - Written Scheme of Investigation P02* submitted the 02 May 2024). The WSI must be available for inspection at all reasonable times at the locations detailed in section 1.2 by the Licensing Authority and/or Marine Enforcement Officers. 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.

3.21 Protocol for Archaeological Discoveries (PAD)

The Licence Holder must implement the PAD (*CML2430 - Updated PAD* submitted the 02 May 2024). The WSI must be available for inspection at all reasonable times at the locations detailed in section 1.2 by the Licensing Authority and/or Marine Enforcement Officers. 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.

3.22 Construction Time Restrictions

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The Licence Holder must ensure that no works take place between **01 October** and **31 March** inclusive, without prior written approval from the Licensing Authority.

3.23 Notifications

3.23.1 A notification must be sent to The Source Data Receipt team, UK Hydrographic Office (email: sdr@ukho.gov.uk) of commencement of the licensed activities, at least **5 days** before 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.

3.23.2 A notification must be sent to The Source Data Receipt team, UK Hydrographic Office, (email: sdr@ukho.gov.uk) on completion of the licensed activities, no later than **10 days** after their completion. The information provided 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, post dredge surveys, details of new or changed aids to navigation where applicable.

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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;

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- (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.

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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
Welsh Government Offices
Cathays Park
King Edward VII Avenue
Cardiff
CF10 3NQ
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: MarineLicencingEnforcement@gov.wales

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Appendix 1

