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Wales

## **Marine Licensing Variation Decision**

The Marine and Coastal Access Act (2009)

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**Applicant: Impala Terminals Infrastructure UK Ltd**

**Application reference no: CML2416v1**

**Gelliswick Bay within the Milford Haven Waterway**

**Maintenance of Puma Energy Jetty, Gelliswick Bay  
within the Milford Haven Waterway.**

23 October 2024

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## **OUR DECISION**

Based on all the information available, and having regard to all relevant considerations NRW has decided grant the variation to the Existing Marine Licence (see Annex 1) sought by the Variation Application.

This decision document:

- explains how the Variation 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 Variation 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 Variation Application.

## **1 APPLICATION DETAILS**

### **1.1 The Variation Application**

Applicant name and address	The Applicant is the company set out below:  Company name: Impala Terminals Infrastructure UK Ltd Company number: 09156625 Address: Westerleigh Terminal, Oakleigh Green Farm Lane, Westerleigh, Bristol, BS37 8QE.
Variation Application reference number	<b>CML2416v1</b>
Existing Marine Licence reference number	<b>CML2416</b>
Date Variation Application was duly made	<b>04 October 2024</b>
Description of variation	Maintenance of Puma Energy Jetty, Gelliswick Bay within the Milford Haven Waterway. Maintenance works consisting of removal of corrosion from steel structure and subsequent repainting. Access will be through the use of a floating barge or suspended scaffold. (the <b>Project</b> )
Proposal[s] covered by the Variation Application	Update of company name from Puma Energy (UK) Limited to Impala Terminals Infrastructure UK Ltd
Licensable marine activities	<u>Construction alteration or improvement activities</u> <ul style="list-style-type: none"><li>• Scaffolding/access towers to facilitate the maintenance of existing structures</li><li>• Repainting structures and assets, including preparation work</li><li>• Minor maintenance including, repairing, replacing or reasonably improving within the original design envelope, bolts, flaps, valves, cathodic protection, access covers,</li></ul>

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	<p>grills, joints, decking on a pier or pontoon, health and safety equipment or other ancillary equipment attached to existing structures</p> <ul style="list-style-type: none"><li>• Sand or grit blasting</li><li>• Removal of temporary structures erected for the purposes of any of the above activities.</li></ul> <p>(the <b>Proposed Activities</b>)</p>
Marine Plan area	Welsh inshore region and Welsh offshore region
Variation Application documents:	<b>CML2416v1 – Application Form 22.08.24</b>

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## **2 VARIATION APPLICATION PROCEDURE**

### **2.1 The Variation Application**

The Variation Application was accepted by Natural Resources Wales (**NRW**) considered duly made on **04 October 2024**. 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 Variation 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 during any consultation, that NRW considered relevant.

### **2.3 Commercial Confidentiality**

The Applicant made no claim that any information forming part of the Variation Application was subject to commercial confidentiality and we have not received any information in relation to the Variation Application that appears to be commercially confidential.

### **2.4 Publicity and advertising**

The application sought to extend the licence end date to allow additional time for the licenced activity to take place. The licenced activities remain the same as within the existing consent therefore no notice was given to Local Authorities and no Public Notice was advertised for this Marine Licence variation.

### **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 Variation Application NRW has determined that it does not constitute a development requiring EIA under the Regulations.

## **3 CONSULTATION**

### **3.1 Consultees**

As there were no changes to the licensable activities no additional impacts are expected above that which were considered during the determination of **CML2416**, NRW did not consider it appropriate to reconsult on this occasion.

## **4 CONCLUSIONS AND RECOMMENDATIONS**



Based on all the information available, and having regard to all relevant considerations including consultation responses, NRW's decision is to grant the variation to the Existing Marine Licence sought by the Variation Application. **CML2416v1** is a routine change to update the license holder name in line with the changes made on Companies House. No changes to the licensable activities are proposed and no additional impacts are expected above that which were considered during the determination of **CML2416** and as such we refer to section 4 of the decision document for **CML2416** regarding the relevant legal framework and how each of the legal requirements have been considered. The decision document can be found here [Public register - Customer Portal \(naturalresources.wales\)](#) by searching

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for **CML2416**. 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.

**AUTHORISATION**

<b>Report by: Rhiannon Smith</b>  <b>Position:</b> Marine Licencing Officer	<b>Date:</b> 23 <b>October</b> <b>2024</b>	<b>Signed:</b>  
<b>Authorised by: Emmer Litt</b>  <b>Position:</b> Marine Licensing Team Leader	<b>Date:</b> 24 October 2024	<b>Signed:</b>  

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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**

- 3.1.1** 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.

*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 **5 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 **5 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 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.

*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.*

##### **3.3 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**.

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*Reason: To ensure the safety of navigation.*

### **3.4 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.*

### **3.5 Inspection of Licensed Activities**

The Licence Holder must allow Marine Enforcement Officers or any other person authorised by the Licensing Authority to inspect the Licensed activities 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 the authorised 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 Notification of UK Hydrographic Office**

Where the Licensed Activities involve deposit or construction activities, the Licence Holder must notify the UK Hydrographic Office of the Licensed Area and the Licensed Activities within **5 days** of the completion of the Licensed Activities.

*Reason: To permit the promulgation of maritime safety information and the updating of nautical charts and publications.*

### **3.8 Accident or Emergency**

**3.8.1** 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.*

- 3.8.2** 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.

*Reason: To allow the Licensing Authority to take appropriate action to ensure the appropriate removal of the unlicensed deposit.*

### **3.9 Distribution of Copies of this Licence**

The Licence Holder is required to ensure that a copy of this Licence and any special conditions thereto is given to:

- All agent(s), contractor(s) and sub-contractor(s) whose names have been provided to the Licensing Authority pursuant to condition 3.2; and
- The Masters of any vessels and transport managers responsible for the vehicles employed in the pursuance of this Licence whose details have been submitted to the Licensing Authority pursuant to condition 3.4.

*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.*

### **3.10 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 agents, contractors, subcontractors 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**

### **3.11 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(s), contractor(s), sub-contractor(s) vessels 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.*

### **3.12 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.*

### **3.13 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**

### **3.14 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 not 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**

### **3.15 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.*

### **3.16 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

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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.

*Reason: To minimise the risk of fuels/other contaminants entering the marine environment.*

### **3.17 Coatings**

The Licence Holder must ensure that any coatings/treatments used in carrying out the Licensed Activities are suitable for use in the marine environment and are used in accordance with best environmental practice.

*Reason: To ensure hazardous chemicals that may be toxic, persistent or bio-accumulative are not released into the marine environment and to minimise the risk of marine pollution incidents by adopting best practice techniques.*

### **3.18 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 Works must cease immediately.

*Reason: To minimise the amount of man-made materials disposed of at sea.*

### **3.19 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**

### **3.20 Scaffolding and Access Towers**

**3.20.1** The Licence Holder must ensure that safe and normal navigation is not impeded by the use of scaffolding or access towers while carrying out the Licensed Activities.

*Reason: To ensure that the Licensed Activities do not interfere with safe navigation.*

**3.20.2** If as a result of the use of scaffolding or access towers there is a potential risk to navigation, or the navigational channel is reduced (including height) the Licence Holder must consult with the MCA and Trinity House to agree appropriate mitigation measures.

*Reason: To ensure that the Licensed Activities do not interfere with safe navigation.*

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### **3.21 Sand or Grit-blasting**

The Licence Holder must ensure that, if sand- or grit-blasting is undertaken as part of the Licensed Activities, no waste material arising from this process is discharged into the marine environment.

*Reason: To avoid release of waste into the marine environment and to minimise the risk marine pollution incidents.*

## **Sensitive Area Conditions**

### **3.22 Vehicular Access**

The Licence Holder must ensure that vehicular access across coastal habitats that form part of the interest features of a Sensitive Area, is not used unless specified in the Sensitive Area Method Statement.

*Reason: To minimise the impact to the features of interest of a Sensitive Area.*

### **3.23 Equipment and Materials**

The Licence Holder must ensure that any equipment or materials used do not enter the marine environment within the interest features of a Sensitive Area, unless specified in the Sensitive Area Method Statement.

*Reason: To minimise the impact to the features of interest of a Sensitive Area.*