

MARINE AND COASTAL ACCESS ACT 2009: PART 4 – MARINE LICENSING

Marine Licence: CML1934

The Natural Resources Body for Wales (“NRW”) acting on behalf of the Licensing Authority hereby authorise:

Cardiff Harbour Authority
Queen Alexander House
Cargo Road
Cardiff
CF10 4LY

(Hereinafter referred to as “the Licence Holder”) to carry out construction works and deposit in the sea the substances or articles the particulars of which are set out at paragraph 1.1 of the attached Schedule. The Licence is subject to the conditions of use set out, or referred to, in the said Schedule.

This Licence shall be valid from the beginning of the day of **19 August 2019**, (hereinafter referred to as the start date of this Licence) to the end of the day of, **18 August 2020** (hereinafter referred to as the end or expiry date of this Licence).

For the purposes of this Licence and attached schedule and unless indicated otherwise:-

- (i) all times shall be taken to be Greenwich Mean Time (GMT), and,
- (ii) all co-ordinates shall be taken to be easting and northing

Signed: 

For and on behalf of the Licensing Authority

Date of issue: 16 August 2019

SCHEDULE of CONDITIONS

1. Particulars of the works

- 1.1 The type of works for which the deposit of the substances or articles as specified in paragraph 1.4 of this Schedule are:

Pontoon refurbishment works at Flat Holm

1.2 **Eligible Activities**

The following activities can be conducted within the licence period, at the location(s) specified in the application form dated **25 July 2019**:

- Repainting structures and assets, including preparation work;
- Minor maintenance including, repairing, replacing or reasonably improving within the original design envelope, bolts, flaps, valves, cathodic protection, access covers, grills, joints, decking on a pier or pontoon, health and safety equipment or other ancillary equipment attached to existing structures. *This does not include fundamental alterations to the use of a structure. Repairs must be within the existing boundaries of the structure or assets being maintained;*
- Replacing render or concrete, including resurfacing slipways;
- Removal of marine growth and/or guano from structures and assets other than vessels;

- 1.3. The Licence Holder and any Operator and Contractor acting on their behalf is permitted to conduct the activities described at paragraph 1.2 at the *following location* detailed in the Licence Holder's application dated **25 July 2019**;

Flat Holm, within the area bounded by the following co-ordinates:

Easting	Northing
322115.00	165151.52
322099.92	165121.92
322096.07	165123.97
322111.93	165153.54

- 1.4. The works shall be carried out in accordance with the works schedule and method statement as detailed in the application form dated **25 July 2019**, and as detailed in the following, all dated **25 July 2019**:

Method Statement Signed Copy

FlatHolm Jetty

AM3 Site Location

70052655_S_3000_P02

70052655_S_3001_P02

70052655_S_3002_P02

70052655_S_3003_P02

70052655_S_3004_P02

70052655_S_3005_P02

70052655_S_3006_P01

70052655_S_3010_P01

2. Additional Persons Responsible for the Deposit of the Substances or Articles

- 2.1 The Licence Holder must ensure that details of the Operator(s) and Contractor(s) utilised to undertake the works are submitted to NRW acting on behalf of the Licensing Authority prior to the commencement of works.
- 2.2 The Licence Holder must ensure that the details of the vessels and/or vehicles utilised to undertake the works are submitted to NRW acting on behalf of the Licensing Authority and Welsh Government Enforcement Officers prior to the commencement of the works.
- 2.3 Only those Operator(s) or Contractor(s) and vehicles whose details have been notified to NRW acting on behalf of the Licensing Authority may operate under the terms of this Licence. Any changes must be notified to and be approved by NRW acting on behalf of the Licensing Authority in writing prior to operating under this Licence.
- 2.4 Any vessels employed to perform the deposit operation permitted by this Licence shall be so constructed and equipped as to be capable of the proper performance of these operations in compliance with the conditions set out in the Schedule to this licence.

3. Distribution of copies of this Licence

- 3.1 The Licence Holder is required to ensure that a copy of this Licence and attached Schedule, any special conditions and any subsequent revisions or amendments thereto is given to:
 - 3.1.1. All Operator(s) and Contractor(s) whose names have been provided to NRW acting on behalf of the Licensing Authority and
 - 3.1.2 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 NRW as detailed at paragraph 2.2.
- 3.2 Copies of this Licence shall also be available at the following locations:
 - 3.2.1 at the address of the Licence Holder;
 - 3.2.2 at any site office, located at or adjacent to the site of the works, used by the Licence Holder, operator(s) or contractors(s) responsible for the loading transportation or deposit of those substances or articles detailed at paragraph 1.4 of this Schedule; and,
 - 3.2.3 on board each vessel or at the office of any transport manager with responsibility for vehicles from which licensed deposits are to be made.

4. Inspection of the Operation

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Date: 19 August 2019

- 4.1 The documents referred to in paragraph 3 shall be available at all reasonable times for inspection by officers appropriately authorised by NRW acting on behalf of the Licensing Authority and authorised Marine Enforcement Officers at the locations stated in that paragraph.
- 4.2 The Licence Holder must notify NRW acting on behalf of the Licensing Authority and authorised Marine Enforcement Officers at least **5 days** before the licensed operation, or an individual phase of the operation is expected to commence.
- 4.3 The Licence Holder must notify NRW acting on behalf of the Licensing Authority and authorised Marine Enforcement Officers within **10 days** of completion of the works.
- 4.4 The Licence Holder must allow officers of the Maritime and Coastguard Agency, Welsh Government Marine Enforcement Officer or any other person authorised by NRW acting on behalf of the Licensing Authority to inspect the works at any reasonable time.

5. Contacts

- 5.1 Except where otherwise indicated, the primary point of contact with the Licensing Authority and the address for returns and correspondence shall be:-

**Marine Licensing Team
Natural Resources Wales
Permitting Service
29 Newport Road
Cambria House
Cardiff
CF24 0TP**

Email: marinelicensing@naturalresourceswales.gov.uk

- 5.2 For the purposes of this Licence any references to Marine Enforcement Officers shall mean the relevant officers located at:-

**Welsh Government
Suite 3
Cedar Court
Haven's Head Business Park
Milford Haven Pembrokeshire
SA73 3LS**

Tel: 03000 253500

Email: milfordhavenfishery@gov.wales

6. Force Majeure

- 6.1 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.

"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.

7. Changes to this Licence

- 7.1 In the event of the Licence Holder becoming aware that any of the information on which the granting of this Licence was based has changed or is likely to change, he/she shall notify NRW acting on behalf of the Licensing Authority at the earliest opportunity of the details.
- 7.2 Similarly in the event that the Licence Holder wishes any of the particulars set down in the Schedule to be altered he/she shall inform NRW acting on behalf of the Licensing Authority at the earliest opportunity before taking any further action.

8. Standard Conditions

- 8.1 The Licence Holder must notify NRW acting on behalf of the Licensing Authority if the circumstances on which the granting of this licence was based has changed to an extent that the activity no longer meets the eligibility criteria, at which time the licence is deemed to be invalid.
- 8.2 The Licence Holder must ensure that the works are maintained in a safe condition that does not represent a danger to the environment, or other marine users, at all times.
- 8.3 The Licence Holder must notify the UK Hydrographic Office of the works within 5 days of completion, to permit the promulgation of Maritime Safety Information and the updating of nautical charts and publications.
- 8.4 The Licence Holder must ensure that local mariners and fishermen's organisations are made fully aware of the activity through local notices to mariners 5 days prior to the commencement of the works.
- 8.5 The Licence Holder must ensure that HM Coastguard is made aware of the works prior to commencement by contacting The National Maritime Operations Centre: nmoccontroller@hmcg.gov.uk.
- 8.6 If, in the opinion of NRW acting on behalf of the Licensing Authority, the assistance of a Government Department, including the broadcast of navigational warnings, is required in connection with the works or to deal with any emergency arising from the drifting or wreck of the works, the Licence Holder responsible for the works will be liable for any expense incurred in securing such assistance.
- 8.7 The Licence Holder must ensure that all equipment, temporary structures, access tracks, waste and/or debris associated with the works are removed on completion of the works. Any marine growth removed in the course of the

works must also be removed, and must not be allowed to enter the marine environment, unless specifically included in a method statement approved by NRW, as described in 1.4.

- 8.8 The Licence Holder must remove the works from below the level of mean high water springs within one month of notice being given by NRW acting on behalf of the Licensing Authority at any time we consider this necessary or advisable for the safety of navigation, and not replaced until NRW on behalf of the Licensing Authority has given its written approval.
- 8.9 The Licence Holder must ensure that pollution prevention best practice is adhered to at all times. Any incidents must be reported to Natural Resources Wales using their hotline number **0300 065 3000**; NRW acting on behalf of the Licensing Authority must also be notified at the earliest possible date.
- 8.10 The Licence Holder must ensure bunding, storage facilities and spill kits are employed to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment.
- 8.11 The Licence Holder must ensure that any coatings/treatments are suitable for use in the marine environment and are used in accordance with best environmental practice.
- 8.12 The Licence Holder must ensure that plant, vehicles and machinery are not refuelled on the foreshore.
- 8.13 The Licence Holder must ensure all equipment, materials, machinery and PPE used are in a clean condition prior to their arrival on site, and upon removal from site, to minimise risk of introducing non-native species into the marine environment.
- 8.14 The Licence Holder must ensure the area is returned to the original profile, or as close as reasonably practicable, following the completion of works.

9. Location conditions – activity within sensitive areas

- 9.1 The Licence Holder must ensure that any activities conducted in an area identified by NRW as sensitive have been fully documented in the method statement approved in writing by NRW, as described in paragraph 1.4.
- 9.2 The Licence Holder must ensure that vehicular access across coastal habitats that form part of the interest features of a designated or proposed protected area (SPA, SAC, MCZ, SSSI or RAMSAR), or any sensitive habitat identified by NRW as sensitive, is not used unless specified in the approved method statement described in paragraph 1.4.
- 9.3 The Licence Holder must ensure that any equipment or materials used do not enter the marine environment within the interest features of a designated or proposed protected site (SPA, SAC, MCZ, SSSI or RAMSAR) or any other sensitive habitats identified by NRW as sensitive, unless specified in the approved method statement described in paragraph 1.4.

10. Activity Specific Conditions – Scaffolding & Access Towers

- 10.1 The Licence Holder must ensure that safe and normal navigation is not impeded by the works. If there is a likely 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.

11. Activity Specific Conditions – Use of render/concrete

- 11.1 The Licence Holder must ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment. Concrete and cement mixing and washing areas should be contained and sited at least 10 metres from any watercourse or surface water drain to minimise the risk of runoff entering a watercourse.
- 11.2 The Licence Holder must ensure that if concrete is to be sprayed in the vicinity of the marine environment (e.g. bridges, retaining walls, etc.), suitable pollution prevention measures are taken to prevent rebounded or windblown concrete from entering the water environment.

12. Activity Specific Conditions – Replacement of a Single Pile

- 12.1 The Licence Holder must ensure that vibro-piling is used when inserting piles.

13. Activity Specific Conditions – Use sand- or grit-blasting

- 13.1 The Licence Holder must ensure that no waste material is discharged into the marine environment.

EXPLANATORY NOTES

*This page does not form part of this Licence **CML1934** or its associated schedule but the licence holder is recommended to read the following guidance notes.*

1. The granting of this licence does not absolve the Licence Holder from obtaining such other authorisations, consents and approvals which may be required under any other legislation, controls or regulations.
2. Under Section 72 of the Marine and Coastal Access Act 2009, NRW acting on behalf of the Licensing Authority may vary or revoke this Licence if it appears to the NRW that the Licence Holder is in breach of any conditions in it or for any other reason that appears to NRW to be relevant.
3. A person who contravenes Section 65 (1) of the Marine and Coastal Access Act 2009, or fails to comply with any condition of a Marine Licence, commits an offence under Part 4, Chapter 3, Section 85 of the Marine and Coastal Access Act 2009.
4. It is a defence, Under Part 4, Chapter 3, Section 86 of the Marine and Coastal Access Act 2009, for a person charged with an offence under Section 85 (1) to prove that:
 - a) the activity was carried out for the purpose of securing the safety of a vessel, aircraft or marine structure or for the purpose of securing life, and,
 - b) that he/she took steps within reasonable time following the incident to inform NRW acting on behalf of the Licensing Authority of:
 - (i) the fact that the activity was carried out,
 - (ii) the locality and circumstances in which it was carried out, and
 - (iii) any substance or objects concerned.
5. If the works authorised by this Licence are unlikely to be completed by the expiry date of this licence, the Licence Holder should apply for a replacement licence **at least 4 months** prior to the expiry date of this Licence.