

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

Marine Licence: DML1833

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

Quay Marinas Limited
A & W Building
Newfoundland Way
Portishead
North Somerset
BS20 7DF
Company No: 1094247

(Hereinafter referred to as "the Licence Holder") to deposit and removal in the sea the substances or articles the particulars of which are set out at paragraph 1 of the attached Schedule of Conditions. 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 **1st January 2019**, (hereinafter referred to as the start date of this Licence) to the end of the day of **31st December 2027**, (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 latitude and longitude degrees, minutes, and seconds

Signed:



For and on behalf of the Licensing Authority

Date of issue: 05 October 2018

SCHEDULE of CONDITIONS

1. Particulars of the Deposit Operation

1.1. Place of production of the substances or articles:

**Conwy Marina at the mouth of the River Conwy
Bounded by the following coordinates:**

53°17'35.2"N 3°50'24.2"W
53°17'30.0"N 3°50'14.5"W
53°17'31.6"N 3°50'32.3"W
53°17'26.8"N 3°50'23.4"W
53°17'27.1"N 3°50'15.9"W

1.2. Description of the substances or articles for deposit:

Maintenance dredging arising from cutter suction dredging (silt (90%) and sand (10%)) as described in the application form dated 6th June 2018

1.3. The Licence Holder or any Operator or Contractor acting on their behalf under this Licence is permitted to deposit a quantity not exceeding **28000 tonnes per year** of the substances or articles specified at sub-paragraph 1.2 of this Schedule, at the Deposit Area(s) detailed at paragraph 1.4 and up to the maximum quantity specified for each Deposit Area specified at paragraph 1.6.

1.4 The Deposit Areas authorised under this licence are:

1.4.1 Deposit Area Name and/or Code:
at:

Conwy Beneficial Use (IS065) at 53°17.540'N 03°50.180'W

Up to a maximum quantity of **28000 tonnes** may be deposited as set out in paragraph 1.6 of this schedule.

1.5. Tank/hopper washings may only be discharged in the area(s) specified at paragraph 1.4

1.6 Within the overall quantities authorised for deposit set out in paragraph 1.3, and the authorised Deposit Area set out in paragraph 1.4 the following limits also apply:

1.6.1 **Maintenance dredging** may be at the following authorised Deposit Areas:

<u>Area Code</u>	<u>Area Name</u>	<u>Maximum Qty (tonnes)</u>	<u>Type</u>
IS065	Conwy Beneficial Use	28000 tonnes per year	Maintenance

- 1.7. The works shall be carried out in accordance with the works schedule and method statement as detailed in the application form dated 6th June 2018, and as detailed in the following:

Biosecurity Form (submitted 6th June 2018)
Deganwy and Conwy Quay Marina Environmental Monitoring Report Relating to Cutter Suction Dredging Programme 2013-2014

2. Agents or Contractors Responsible for the Loading, Transportation, Storage or Deposit of the Substances or Articles

- 2.1 The Licence Holder must ensure that details of the Operator(s) and Contractor(s) which shall be engaged in the loading, transportation, storage and deposit of substances or articles specified in sub-paragraph 1.2 of this Schedule are submitted to NRW acting on behalf of the Licensing Authority and Marine Enforcement Officers prior to the commencement of works.
- 2.2 The Licence Holder must ensure that the details of the vessels and/or vehicles which shall be engaged in the loading, transportation and deposit of the substances or articles specified in sub-paragraph 1.2 of this Schedule are submitted to NRW acting on behalf of the Licensing Authority and Marine 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 and Marine Enforcement Officers 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 person in charge of the loading of a vessel or any intermediate storage of the substances or articles prior to their deposit in the sea shall maintain a written record on the premises relating to individual cargoes or loads (received or dispatched). This written record shall include the following details:
- 2.4.1 date and time each load was received or dispatched and the quantity;
 - 2.4.2 general description of the substances or articles and the name of the producer(s) or holder(s);
 - 2.4.3 registration numbers of vehicles delivering loads;
 - 2.4.4 consignment note numbers (if any);
 - 2.4.5 the reference number of the Licence issued under, Part 4 of the Marine and Coastal Access Act 2009, which permits the substances or articles being loaded or stored to be deposited in the sea;
 - 2.4.6 name(s) of vessel or identification code and type of container into which substances or articles are loaded;
 - 2.4.7 signature(s) and status of the person or persons authorising loading of substances or articles to the vessel or container;
 - 2.4.8 the results of any checks carried out on the substances or articles prior to authorisation of loading.

- 2.5 The Licence Holder and any Operator or Contractor responsible for loading, transportation or storage must ensure that only authorised personnel have access to the substances or articles for deposit.
- 2.6 All 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.
- 2.7 The Master or the Officer of the Watch of each vessel, as referenced in sub-paragraph 2.2 of this Schedule, undertaking the deposit of any substances or articles specified in sub-paragraph 1.2 of this Schedule, shall maintain a written log of operations recording, in the English Language, the following information:
- 2.7.1 the name of the vessel;
 - 2.7.2 the quantity and type of each substance or article loaded for deposit;
 - 2.7.3 the date and time of departure from the port or site at which the substances or articles are loaded for deposit in the sea and time of arrival (and date if different) at the Deposit Area on each occasion that it proceeds to and from such area;
 - 2.7.4 latitude and longitude position (in degrees and minutes and decimal of a minute to at least one decimal place) of the vessel at intervals of not more than 20 minutes throughout the deposit operation which for the purpose of this Licence shall be the commencement of loading (including the dredging) each consignment of material for deposit in the sea through to the completion of the placement or deposit of the material in the Deposit Area;
 - 2.7.5 the time taken to complete the deposit operation and a statement of the reasons for any delays;
 - 2.7.6 courses and speeds together with any alterations throughout each deposit operation (multiple changes may be recorded as "various");
 - 2.7.7 the rate of discharge or deposit, together with any variations, throughout deposit operations;
 - 2.7.8 weather, sea-state, wind and tidal set, and rate throughout deposit operations; and
 - 2.7.9 the signature of the Master at the foot of each log sheet or page of the record.
- 2.8 All deposit vessels are required to carry an Admiralty Chart of appropriate scale to be used in navigation on which the co-ordinates of the licensed Deposit Area(s), as detailed in sub-paragraph 1.4, should be marked.

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. any Operator or Contractor responsible for the loading, transport storage or deposit of the substances or articles for deposit as described in paragraph 1 of this Schedule; and

- 3.1.2 the Master of any vessel employed in pursuance of this licence.
- 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 of this Schedule; and,
 - 3.2.3 at the office of the transport manager with responsibility for any vehicle(s) from which licensed deposits are to be made.
 - 3.2.4 on board each vessel from which deposits are to be made.

4. Inspection of the Operation

- 4.1 The written record referred to in paragraph 2.4 shall be available for inspection by officers appropriately authorised by NRW acting on behalf of the Licensing Authority and authorised Marine Enforcement Officers at all reasonable time at the premises where the substances or articles are stored prior to loading for deposit at sea.
- 4.2 This written log referred to in paragraph 2.7 of the Schedule and all other relevant documents shall be available on board the vessel(s) to which they relate at all reasonable times for inspection by appropriately authorised officers of NRW and/or Marine Enforcement Officers.
- 4.3 The documents referred to in paragraph 3 shall be available for inspection at all reasonable times by appropriately authorised officers of NRW and/or Marine Enforcement Officers at the locations stated in that paragraph.
- 4.4 The Licence Holder must advise NRW acting on behalf of the Licensing Authority and Marine Enforcement Officers at least **10 days** before the licensed operation, or an individual phase of the operation is expected to commence.
- 4.5 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.
- 4.6 The Licence Holder must allow officers of the Maritime and Coastguard Agency, Welsh Government Marine Enforcement Officer or any other person authorised by the Licensing Authority or NRW acting on behalf of the Licensing Authority to inspect the works at any reasonable time.

5. Returns to be made to NRW acting on behalf of the Licensing Authority

- 5.1 Certified returns of quantities of substances or articles deposited under this Licence are required to be submitted on the attached disposal return form by 31 January and 31 July each year. The returns must specify the full Licence number and amount deposited each calendar month at each authorised Deposit Area. Where no deposit is made in a given period a NIL return is required.

- 5.2 If this Licence expires during the course of the calendar year and is not renewed or superseded by a further Licence relating to the works specified in paragraph 1, a certified return of quantities of substances or articles deposited under this Licence, shall be submitted not later than 28 working days after the expiry date of this Licence.

6. Force Majeure

- 6.1 If, by reason of "force majeure" the substances or articles as specified at sub-paragraph 1.3 of this Schedule are deposited otherwise than at the authorised deposit area specified at paragraph 1.4 of this schedule, full details of the circumstances shall be notified within 48 hours to NRW acting on behalf of the Licensing Authority.

"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 immediately notify NRW acting on behalf of the Licensing Authority of the details.
- 7.2 Should the Licence Holder wish any of the particulars set down in paragraph 1 of the Schedule to be altered he/she shall immediately inform NRW acting on behalf of the Licensing Authority and receive written consent to the change before taking any further action.

8. Contacts

- 8.1 Except where otherwise indicated, the primary point of contact with NRW acting on behalf of 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

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

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

Tel: 03000253500

Email: milfordhavenfisheryoffice@wales.qsi.gov.uk

9. Project Specific Conditions

- 9.1 The Licence Holder must submit or request a sediment sampling plan (the SSP) to/ from NRW on or before 31st May 2021. The SSP must include details of sampling grid, analysis suites and proposed format of a report determining the suitability of material for disposal.
- 9.2 The Licence Holder must submit the results of the SSP (the SSP results) carried out pursuant to Condition 9.1 above, to NRW on or before 5th November 2021. The SSP results must include an outline of an assessment of alternative uses for the sediment that is to be disposed for the following 3-year period.
- 9.3 The Licence Holder must not carry out any dredging activity under this licence after 31st December 2021 without prior written approval from NRW. Such written approval should be requested no later than 31st May 2021.
- 9.4 The licence holder must submit a proposed sediment sampling plan (the PSSP) to NRW on or before 31st May 2024. The PSSP must outline the sampling and analysis required during the licence period and must include details of sampling grid, analysis suites and proposed format of a report determining the suitability of the material for disposal.
- 9.5 The licence holder must submit the written results of the PSSP (the PSSP results) carried out pursuant to condition 9.4 above to NRW on or before 5th November 2024. The PSSP results must include an outline of alternative uses for the sediment that is to be disposed for the following 3-year period.
- 9.6 The licence holder must not carry out any dredging activity after 31st December 2024 without prior written approval from NRW. Such written approval should be requested no later than 31st May 2024.
- 9.7 The licence holder must ensure that any sampling or analysis required for the purposes of the PSP or PSSP is carried out at a laboratory that is approved in writing by NRW.
- 9.8 The Licence Holder must ensure that the method of dredging is carried out in accordance with the application dated 6th June 2018. Dredging is therefore restricted to **1 hour before high tide to 1 hour after low tide.**
- 9.9 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

- 9.10 The Licence Holder is not permitted to dredge between **15 April and 30 June** to avoid impacts to migratory Salmon smolts, Sea trout smolts, Lamprey and Smelt.
- 9.11 The Licence Holder is not permitted to dredge between **1 May and 30 September** to avoid impacts to the bathing water at Llandudno West Shore during bathing water season.
- 9.12 The Licence Holder must ensure that no aids to navigation are moved or removed in order to facilitate the works without prior written approval from Trinity House.
- 9.13 The Licence Holder must ensure that local mariners and fishermen's organisations are made fully aware of the activity through local notices to mariners at least 10 days prior to the commencement of the works.
- 9.14 The Licence Holder must notify the UK Hydrographic Office of the timetable of works at least 10 days prior to works commencing, to permit the promulgation of maritime safety information and the updating of nautical charts and publications, if necessary.
- 9.15 The Licence Holder must notify Conwy County Borough Council, Food Safety & Food Standards Section at regulatory.services@conwy.gov.uk of the intended dates for the dredging to be carried out at least 10 days prior to works commencing in order that appropriate arrangements can be made to monitor the microbiological quality of the shellfish harvesting areas.
- 9.16 The Licence Holder must ensure bunding and storage facilities are installed to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment.
- 9.17 The Licence Holder must ensure that dredged material is suitably diluted before discharge to stop smothering of nearby mussel beds.
- 9.18 The Licence Holder must ensure the best methods of practice are used to minimise resuspension of sediment during the works to avoid impacts to the surrounding shellfish beds.
- 9.19 The Licence Holder must ensure that the outfall pipe is properly secured to prevent the pipe from moving.
- 9.20 The Licence Holder must ensure that during the course of disposal, material is distributed evenly over the disposal site, Conwy Beneficial Use (IS065).
- 9.21 The Licence Holder must ensure that all plant and equipment used is clean prior to their arrival on site to minimise the risk of introducing non-native species into the marine environment.
- 9.22 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.
- 9.23 The Licence Holder must employ suitable pollution control measures when servicing pumping vessels. Spill kits must be available onshore and offshore and all personnel involved in dredging operations must be aware of the location of the kits and trained to use them.

- 9.24 The Licence Holder must ensure all reasonable precautions are taken to prevent the disposal of man-made debris at sea.
- 9.25 The Licence Holder must ensure appropriate steps are taken to minimise damage to the beach/foreshore by the works.
- 9.26 The Licence Holder must ensure that all equipment, temporary structures, waste and/or debris associated with the works are removed on completion of the works.
- 9.27 The Licence Holder must implement the Biosecurity Risk Assessment submitted on the 6th June 2018 and approved by NRW acting on behalf of the Licensing Authority. Any proposed changes to the actions outlined in the Biosecurity Risk Assessment must be submitted to and agreed in writing by NRW acting on behalf of the Licensing Authority prior to any changes being enacted.
- 9.28 The Licence Holder must submit an updated Biosecurity Risk Assessment to NRW acting on behalf of the Licensing Authority for written approval by the 31 January each year, starting January 2020.

EXPLANATORY NOTES

*This page does not form part of this Licence **DML1833** 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 Authority that the Licence Holder is in breach of any conditions in it or for any other reason that appears to the Authority 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.