

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

Marine Licence: DML1840

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

Denbighshire County Council
Caledfryn
Smithfield Road
Denbigh
LL16 3RJ

(Hereinafter referred to as “the Licence Holder”) to remove from the seabed any 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 **14 December 2018**, (hereinafter referred to as the start date of this Licence) to the end of the day of **13 December 2021** (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 Ordnance Survey National Grid Reference OS (NGR)

Signed:



For and on behalf of the Licensing Authority

Date of issue: 14 December 2018

SCHEDULE of CONDITIONS

1. Particulars of the Works

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

Removal of channel sediment

- 1.2 Details of the works requiring the removal of the substances or articles as specified at paragraph 1.1 of this Schedule are: -

Removal of sediment from Rhyl Harbour channel via land-based excavation, not exceeding 17,000 tonnes annually.

- 1.3 Such works are as detailed in the drawing(s) and sectional plan(s) detailed below which were submitted in support of the Licence Holder's application to NRW acting on behalf of the Licensing Authority dated **12th July 2018**.

**H3/14409/D/06 Blue Bridge upstream sections
H3/14409/D/05 Marine Licence Information**

- 1.4 The substances or articles authorised for removal from the seabed are:

Removal: Sand and Gravel

- 1.5 The Licence Holder and any Agent and Contractor acting on their behalf is permitted to remove the substances or articles specified at paragraph 1.4 of this Schedule, at the following locations, which were detailed in the Licence Holder's application dated 12th July 2018.

**Rhyl Harbour and Approach Channels, Denbighshire.
Coordinates as specified in Appendix 1.**

- 1.6 The Licence Holder is permitted to remove sediment to the following finish levels:

<u>Dredge Area (coordinates specified in Appendix 1)</u>	<u>Finished Level in relation to Above Ordnance Datum (AOD)</u>
Dredge Area 1	- 0.5 m AOD
Dredge Area 2	- 0.5 m AOD
Dredge Area 3	- 1.5 m AOD
Dredge Area 4	- 1.8 m AOD
Dredge Area 5	+0.5 m AOD

- 1.7 The works shall be carried out in accordance with the works schedule and method statement as detailed in the application form dated 12th July 2018, and as detailed in the following:

ES Addendum revised October 2018

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

- 2.1 The Licence Holder must ensure that details of the contractors utilised to undertake the works 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 utilised to undertake the works 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.

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 transport managers responsible for the vehicles employed in the pursuance of this Licence as referred to in 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 removal of those substances or articles detailed at paragraph 1.4 of this Schedule; and,
 - 3.2.3 at the office of any transport manager with responsibility for vehicles from which licensed removals are to be made.

4. Inspection of the Operation

- 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 Marine Enforcement Officers at the locations stated in that paragraph.
- 4.2 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.

- 4.3 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 the Licensing Authority or 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 the 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: 03000253500

Email: milfordhavenfisheryoffice@wales.gsi.gov.uk

6. Force Majeure

- 6.1 If, by reason of "force majeure" the substances or articles specified at sub-paragraph 1.4 of this Schedule, are deposited otherwise than in the area authorised by this Licence at paragraph 1.5, 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. Project Specific Conditions

- 8.1 The Licence Holder must submit a Method Statement for dredging works to NRW acting on behalf of the Licensing Authority for written approval at least 4 weeks prior to the commencement of the works. No works may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.
- 8.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 8.1 are implemented as approved in writing by NRW acting on behalf of the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to and agreed in writing by NRW acting on behalf of the Licensing Authority prior to any changes being enacted.
- 8.3 The Licence Holder must notify the UK Hydrographic Office of the works, 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 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.
- 8.7 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.
- 8.8 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.
- 8.9 The Licence Holder must remove any material that is not sediment, and dispose of at a suitable disposal site on land.

- 8.10 The Licence Holder must submit a Beach Monitoring Programme to NRW acting on behalf of the Licensing Authority for written approval prior to commencement of works. The programme must include monitoring taking place biannually at repeatable locations to the East of the Harbour entrance, up to and including Splash Point. No works may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.
- 8.11 The Licence Holder must submit a channel bed level Monitoring Programme to NRW acting on behalf of the Licensing Authority for written approval prior to commencement of works. The programme must include details of the channel bed levels, locations of dredge, volume of dredged material and timing of works. No works may be undertaken prior to written agreement from NRW acting on behalf of the Licensing Authority.
- 8.12 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 8.10 and 8.11 are implemented as approved in writing by NRW acting on behalf of the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to and agreed in writing by NRW acting on behalf of the Licensing Authority prior to any changes being enacted.
- 8.13 The Licence Holder must submit the results of monitoring detailed in condition 8.10 and 8.11 to NRW acting on behalf of the licensing authority, annually.
- 8.14 The Licence Holder must submit a geomorphological report detailing the monitoring requested in Conditions 8.10 and 8.11 to NRW on behalf of the Licensing Authority for written approval at least 8 weeks before the expiry date of the licence.

EXPLANATORY NOTES

*This page does not form part of this Licence **DML1840** 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, 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 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.

Appendix. Coordinates of dredged areas as outlined in condition 1.5 and 1.6

Dredging to -0.50 m Above Ordnance Datum	Dredge area 1 coordinates (NGR SH)
1	299451437,38 0766593
2	299462775,380754486
3	299495103,380778000
4	299510972,380786913
5	299555893,380800624
6	299565409,380811757
7	299589132,380833672
8	299620247,380849443
9	299595339,380847045
10	299581143,380842726
11	299583775,380833920
12	299581871,380830545
13	299529672,380813946
14	299524461,380815259
15	299488731,380791820

Dredging to -0.50 m Above Ordnance Datum	Dredge area 2 coordinates (NGR SH)
36	299434200,380687100
37	299431400,380636900
38	299438225,380594975
39	299478347,380593847
40	299511437,380588404
41	299553911,380598792
42	299554998,380615198
43	299535936,380655444
44	299547495,380716428
45	299636113,380783261
46	299706416,380843319
47	299791337,380907051
48	299830272,380940688
49	299858954,380976810

Licence No: DML1840
Date: 18 December 2018

Dredging to -1.50m Above Ordnance Datum	Dredge area 3 coordinates (NGR SH)
5	299555893,380800624
6	299565409,380811757
7	299589132,380833672
8	299620247,380849443
16	299602471,380795664
17	299629751,380796059
18	299653982,380808595
19	299698540,380845930
20	299774058,380908911
21	299849576,380971892
22	299863010,380992395
23	299847531,380990159

Dredging to -1.80m Above Ordnance Datum	Dredge area 4 coordinates (NGR SH)
22	299863010,380992395
23	299847531,380990159
30	299890305,381053966
31	299901591,381095086
32	299913392,381162660
33	299898923,381143806
34	299889983,381098128
35	299878831,381057493

Dredging to 0.50m Above Ordnance Datum	Dredge area 5 coordinates (NGR SH)
24	299773352,380969921
25	299760983,380959206
26	299720693,380920775
27	299716146,380918390
28	299648977,380868281
29	299645397,380864608