



**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

Natural Resources Wales  
29 Newport Road  
Cambria House  
Cardiff  
CF24 0TP  
Ffôn • Tel: 0300 065 3000

Ebost • email: [marinelicensing@naturalresourceswales.gov.uk](mailto:marinelicensing@naturalresourceswales.gov.uk)

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

### **Marine Licence: RML1860**

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

North and Mid Wales Trunk Road Agency  
Unit 5  
Llys Britannia  
Parc Menai  
LL7 4BN

(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 **28<sup>th</sup> December 2018**, (hereinafter referred to as the start date of this Licence) to the end of the day of, **27<sup>th</sup> December 2019** (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 Eastings and Northings.

Signed: *U. Arnold*

For and on behalf of the Licensing Authority

Date of issue: 28<sup>th</sup> December 2018

## 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:

**Low risk minor removals below the A494 River Dee Bridge, Flintshire**

### 1.2 **Eligible Activities**

The following activities are considered to be low risk minor removals covered within this Licence:

- Three boreholes, as per method statement described in paragraph 1.5.

- 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 locations detailed in the Licence Holder's application dated 2<sup>nd</sup> November 2018;

**The A494 River Dee bridge at;**

| <b>Easting</b> | <b>Northing</b> |
|----------------|-----------------|
| <b>332378</b>  | <b>368552</b>   |
| <b>332407</b>  | <b>368578</b>   |
| <b>332426</b>  | <b>368593</b>   |

- 1.4 The Licence Holder must inform NRW acting on behalf of the Licensing Authority of the exact co-ordinates of all removals within **10 days** of being taken.
- 1.5. The works shall be carried out in accordance with the works schedule as detailed in the application form dated 2<sup>nd</sup> November 2018 and Method Statement Rev2, submitted 20<sup>th</sup> December 2018.

### 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.

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- 2.4 Any vessels employed to perform the removal 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 1.2 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**

- 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.

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## **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](mailto: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: [milfordhavenfisheryoffice@wales.gsi.gov.uk](mailto:milfordhavenfisheryoffice@wales.gsi.gov.uk)**

## **6. Force Majeure**

- 6.1 If, by reason of "force majeure" the substances or articles specified at sub-paragraph 1.2 of this Schedule, are deposited otherwise than in the area authorised by this Licence at paragraph 1.3, full details of the circumstances shall be notified to NRW acting on behalf of 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 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.
- 8.4 The Licence Holder must ensure that HM Coastguard is made aware of the works prior to commencement by contacting The National Maritime Operations Centre: [nmoccocontroller@hmcg.gov.uk](mailto:nmoccocontroller@hmcg.gov.uk).
- 8.5 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.
- 8.6 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. Sediment extracted by grab sampling may be returned to the sea at or near the site of collection, providing no chemicals have been added to the sample.
- 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 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.
- 8.9 The Licence Holder must ensure that plant, vehicles and machinery are not refuelled on the foreshore.
- 8.10 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.
- 8.11 The Licence Holder must ensure the area is returned to the original profile, or as close as reasonably practicable, following the completion of works.
- 8.12 The Licence Holder must ensure that in the event of removal of any sensitive species or habitat designated by NRW under Schedule 7 of the Environment

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(Wales) Act 2016, no further removals occur at that location, or within 20m of that location.

- 8.13 The Licence Holder must ensure that the locations and timings of any borehole works are reported to NRW acting on behalf of the Licensing Authority at least 10 days prior to carrying out the activity.
- 8.14 The Licence Holder must inform NRW, acting on behalf of the licensing authority, of the location of all completed grab samples within 10 days of completion of the work.

**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.

## EXPLANATORY NOTES

*This page does not form part of this Licence **RML1860** 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.