

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

Marine Licence: DML1961

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

Shell Island
Mochras
Llanbedr
LL45 2PJ
Company No: 7577627

(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 **27 February 2020**, (hereinafter referred to as the start date of this Licence) to the end of the day of **26 February 2023**, (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 and minutes to two decimal places

Signed:



For and on behalf of the Licensing Authority

Date of issue: 26 February 2020

SCHEDULE of CONDITIONS

1. Particulars of the Deposit Operation

- 1.1. Place of production of the substances or articles:
Dredge Shell Island Lagoon, Afon Artro

Longitude	Latitude
4° 7.724'W	52° 49.491'N
4° 7.957'W	52° 49.461'N
4° 7.980'W	52° 49.506'N
4° 7.919'W	52° 49.537'N
4° 7.826'W	52° 49.541'N
4° 7.745'W	52° 49.519'N

- 1.2. Description of the substances or articles for removal and deposit:

Silt and sand arising from maintenance dredging

- 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 **4,000 tonnes** of the substances or articles specified at sub-paragraph 1.2 of this Schedule, at the Deposit Area(s) detailed at paragraph 1.4
- 1.4 The Deposit Area authorised under this licence is:

- 1.4.1 Deposit Area Name Code - IS018:
at:-

Bar Newydd

Longitude	Latitude
4° 7.8893W	52° 49.6424N
4° 7.9310W	52° 49.6212N
4° 7.9589W	52° 49.6450N
4° 7.9036W	52° 49.6794N

Up to a maximum quantity of **4,000 tonnes** may be deposited as set out in paragraph 1.5 of this schedule.

- 1.5. The works shall be carried out in accordance with the works schedule and method statement as detailed in the application form dated **18 December 2019**, and as detailed in the following:

SI Report 03 Appropriate Assessment (dated 18 December 2019)
SI Report Long Term Management Plan Shell Island (dated 18 December 2019)
Biosecurity Risk Assessment (dated 18 December 2019)
SI Report Environmental Review (dated 18 December 2019)

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.

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 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 of this Schedule.

4. Inspection of the Operation

- 4.1 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.
- 4.2 The Licence Holder must advise NRW acting on behalf of the Licensing Authority and Marine Enforcement Officers **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. 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: MilfordHavenFisheriesOffice@gov.wales

9. Project Specific Conditions

- 9.1 The License Holder must ensure that the material disposed of is evenly deposited throughout the disposal site.
- 9.2 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.
- 9.3 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.
- 9.4 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.
- 9.5 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.
- 9.6 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.
- 9.7 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.
- 9.8 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.
- 9.9 The Licence Holder must ensure that all equipment, temporary structures, waste and/or debris associated with the works are removed within 6 weeks of completion of the works.

EXPLANATORY NOTES

*This page does not form part of this Licence **DML1961** 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.