

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

Marine Licence: CML1936v1

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

Bridgend County Borough Council
C/O Flood & Coastal Management
Waterton Depot
Waterton Lane
Bridgend
CF31 3YP

(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 **09 April 2020**, (hereinafter referred to as the start date of this Licence) to the end of the day of, **31 December 2021** (hereinafter referred to as the end or expiry date of this Licence).

This Licence **CML1936** supersedes Licence **CML1936v1** in its entirety.

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: 09 April 2020

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:

Coastal defence scheme at Sand Bay and Trecco Bay, Porthcawl

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

Coastal defence repair works to four areas at Sandy Bay and Trecco Bay, Porthcawl:

- **Western Breakwater: repairing and reinforcing the Western Breakwater, with cut off wall and scour protection**
- **Eastern Promenade: crest raising and strengthening, using stone faced revetment and cintec anchors for both**
- **Rhych Point 1 and 2: reinforcing Rhych Point with rock armour revetment.**

- 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 applications to NRW acting on behalf of the Licensing Authority dated **19 July 2019** and **30 January 2020**.

Drawing reference:

- **Appendix A - Site Location Plan**
- **Appendix B - Environmental Constraints - Local Context**
- **Appendix C - Environmental Constraints 10km buffer – regional context**
- **Appendix D - Eastern Promenade Red Line Boundary**
- **Appendix D - Rhych Point Revetment Red Line Boundary P02 (submitted 30 January 2020)**
- **Appendix D - Western Breakwater Red Line Boundary**
- **Appendix E - Eastern Promenade Proposed Strengthening Works Plan and Elevation Part 1**
- **Appendix E - Eastern Promenade Proposed Strengthening Works Plan and Elevation Part 2**
- **Appendix F - Eastern Promenade Proposed Strengthening Works Zone B**
- **Appendix F - Eastern Promenade Proposed Strengthening Works Zone D**
- **Appendix F - Eastern Promenade Proposed Strengthening Works Zones C and E**
- **Appendix G - Western Breakwater Proposed Strengthening and Repair Works Plan and Elevation**
- **Appendix H - Western Breakwater Proposed Strengthening and Repair Works Zone A**
- **Appendix H - Western Breakwater Proposed Strengthening and Repair Works Zone B**
- **Appendix H - Western Breakwater Proposed Strengthening and Repair Works Zone C**

- **Appendix H - Western Breakwater Proposed Strengthening and Repair Works Zone D Part 1**
- **Appendix H - Western Breakwater Proposed Strengthening and Repair Works Zone D Part 2**
- **Appendix I - Rhych Point Revetment Plan and Section**

1.4 The substances or articles authorised for deposit and removal at sea are:

Deposit: Concrete, Plastic/Synthetic, Stone/Rock, Iron/Steel

Removal: Concrete, Sediment, Rubble and debris

1.5. The Licence Holder and any Operator and Contractor acting on their behalf is permitted to deposit the substances or articles specified at paragraph 1.4 of this Schedule, at the following location(s):

Sandy Bay and Trecco Bay, Porthcawl:

Within the four areas bounded by joining the points detailed in Annex 1

1.6. The works shall be carried out in accordance with the works schedule and method statement as detailed in the application forms dated **19 July 2019, 30 January 2020** and as detailed in the following:

- **Appendix J - Habitat Regulations Assessment**
- **Appendix K - Water Framework Directive (submitted 11 October 2019)**
- **Appendix L - Indicative Construction Method**
- **Appendix M - Question 6a continued**
- **Appendix O - Heritage Impact Assessment**
- **Appendix P - Environment Report**
- **CML1936 Porthcawl Sandy Bay - ABPmer Conceptual Understanding**

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 All vessels employed to perform the deposit operation permitted by this

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
- 3.2 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,

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 **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 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: 03000253500

Email: milfordhavenfisheriesoffice@gov.wales

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 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. Project Specific Conditions

- 8.1 The Licence Holder must submit a 'Written Scheme of Investigation' to NRW on behalf of the Licensing Authority for written approval at least **6 weeks** prior to commencement of the works. No works may be undertaken prior to written agreement from NRW 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 ensure that a site walk over survey takes place to identify the extent of *Sabellaria alveolata*. If *Sabellaria alveolata* is identified

and cannot be avoided, no works that may impact upon the *Sabellaria alveolata* may be undertaken prior to written agreement from NRW on behalf of the Licensing Authority.

- 8.4 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.
- 8.5 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.
- 8.6 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**.
- 8.7 The Licence Holder must ensure materials used are suitable for use in the marine environment and works should be timed to ensure maximum concrete cure time before the next high tide.
- 8.8 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.
- 8.9 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
- 8.10 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.
- 8.11 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.
- 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.

Annex 1 – Detail of location described in condition 1.5.

Rhych Point 1 within the area bounded by joining the following points	Rhych Point 2 within the area bounded by joining the following points	Eastern Promenade within the area bounded by joining the following points	Western Breakwater within the area bounded by joining the following points
SS8274376692	SS8280776687	SS8214876901	SS 82041 76298
SS8274776655	SS8280176646	SS8212576864	SS 82009 76326
SS8272776629	SS8280376603	SS8211376840	SS 81991 76342
SS8274876614	SS8282676604	SS8210076813	SS 81986 76344
SS8276876647	SS8282576644	SS8208576783	SS 81981 76349
SS8276676694	SS8283176685	SS8207076752	SS 81973 76352
		SS8205976726	SS 81966 76357
		SS8204076676	SS 81927 76393
		SS8202176623	SS 81921 76385
		SS8200776585	SS 81920 76383
		SS8199876574	SS 81917 76379
		SS8197276561	SS 81918 76378
		SS8197476551	SS 81910 76372
		SS8197576542	SS 81903 76378
		SS8197676492	SS 81902 76377
		SS8197876492	SS 81902 76373
		SS8198076478	SS 81894 76371
		SS8197676477	SS 81900 76364
		SS8197776476	SS 81918 76342
		SS8198076476	SS 81920 76338
		SS8198276457	SS 81923 76329
		SS8198076452	SS 81927 76323
		SS8197676452	SS 81932 76317
		SS8197676450	SS 81939 76309
		SS8198076450	SS 81951 76296
		SS8198176442	SS 81964 76281
		SS8198676442	SS 81981 76270
		SS8198676489	SS 81996 76265
		SS8198676499	SS 82009 76262
		SS8198576523	SS 82027 76253
		SS8199276538	SS 82039 76249
		SS8199576541	SS 82067 76259
		SS8200276546	SS 82063 76289
		SS8201476553	SS 82059 76292
		SS8201976556	
		SS8202676564	
		SS8202776567	
		SS8202976573	
		SS8203276581	
		SS8203776599	
		SS8204676623	
		SS8205476648	
		SS8206376672	
		SS8207276697	

Licence No: CML1936v1
Date: 09 April 2020

		SS8209076739	
		SS8215776890	
		SS8215576896	
		SS8215976896	
		SS8215976899	
		SS8215076898	

EXPLANATORY NOTES

*This page does not form part of this Licence **CML1936v1** 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.