

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

Marine Licence: DML1954

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

SIMEC Ports UK Limited
Corperation Road
Newport
NP19 4RE
Company No: 03090130

(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 **25 March 2020**, (hereinafter referred to as the start date of this Licence) to the end of the day of **24 March 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: 25 March 2020

SCHEDULE of CONDITIONS

1. Particulars of the Deposit Operation

1.1. Place of production of the substances or articles:

River Usk

1.2. Description of the substances or articles for deposit:

Fine Sediment, silt mud

1.3. The Licence Holder or any Operator or Contractor acting on their behalf under this Licence is permitted to dredge by plough dredging techniques only, a quantity not exceeding **1000m³ per annum of the substances or articles specified at sub-paragraph 1.2 of this Schedule.**

1.4. The Dredge Areas authorised under this licence are:

River Usk, Newport

Within the area bounded by joining the following points;

Area 1	
Latitude	Longitude
51°33'38.58"N	2°58'07.51"W
51°33'39.21"N	2°58'08.40"W
57°33'40.98"N	2°58'06.11"W
Area 2	
Latitude	Longitude
51°33'40.11"N	2°48'09.57"W
51°33'04.29"N	2°58'10.07"W
51°33'40.67"N	2°58'08.76"W

1.5. The dredging technique authorised under this licence is:

Plough Dredging

1.6. The works shall be carried out in accordance with the works schedule and method statement as detailed in the application form dated **12 November 2019** and as detailed in the following:

**FINAL JD MARINE - BIRD PORT BIOSECURITY PLAN - DREDGING APPLICATION
DECEMBER 2019 (submitted on 3 January 2020)**

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 plough dredging 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 plough dredging 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 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 All vessels employed to perform the plough dredge 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.
- 2.5 The Master or the Officer of the Watch of each vessel, as referred to 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:
- 2.5.1 the name of the vessel;
 - 2.5.2 the date and time of arrival and departure on working site and number of hours engaged in dredging operations
 - 2.5.3 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 dredging operation
 - 2.5.4 the time taken to complete the dredging operation and a statement of the reasons for any delays;
 - 2.5.5 courses and speeds together with any alterations throughout each deposit operation (multiple changes may be recorded as "various");
 - 2.5.6 weather, sea-state, wind and tidal set, and rate throughout deposit operations; and
 - 2.5.7 the signature of the Master at the foot of each log sheet or page of the record
- 2.6 All vessels are required to carry an Admiralty Chart of appropriate scale to be used in navigation on which the co-ordinates of the licensed Dredge t 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 plough dredging of the substances or articles as described in sub-paragraph 1.2 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 any site office at or adjacent to the site of the works, used by the Licence Holder or operator(s) responsible for dredging operations: and,
 - 3.2.4 on board each vessel from which dredging will occur.

4. Inspection of the Operation

- 4.1 The written record referred to in paragraph 2.5 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 2.5 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 **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. Force Majeure

- 5.1 If, by reason of "force majeure" the substances or articles as specified at sub-paragraph 1.2 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.

6. Changes to this Licence

- 6.1 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.
- 6.2 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.

7. Contacts

- 7.1 Except where otherwise indicated, the primary point of contact with NRW acting on behalf of the Licensing Authority and the address for correspondence shall be:-

**Marine Licensing Team
Natural Resources Wales
Permitting Service
29 Newport Road
Cambria House
Cardiff
CF24 0TP**

Email: marinelicensing@naturalresourceswales.gov.uk

- 7.2 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

8. Project Specific Conditions

- 8.1 The Licence Holder must ensure that dredging is only carried out within the months of July & August and January & February of each year to avoid migration season of Alis and Twaite Shad species.
- 8.2 The Licence Holder must implement the Biosecurity Risk Assessment submitted on the 03 January 2020. 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.
- 8.3 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 2021.
- 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 14 days prior to the commencement of the works.
- 8.5 The Licence Holder must submit photographic evidence of post dredge river bed levels to Newport Harbour master to confirm no areas of shallowing or hazards to navigation remain.
- 8.6 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.
- 8.7 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.
- 8.8 The Licence Holder must plough dredge the disposal area to profile the river bed at the end of each dredge campaign in order to prevent any concentration of material leading to a significant reduction of navigational depth.

EXPLANATORY NOTES

*This page does not form part of this Licence **DML1954** 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.