

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

Marine Licence: CML1842v4

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

Morgan Sindall Construction & Infrastructure Limited
Kent House
14-17 Market Place
London
W1W 8AJ
Company No: 04273754

(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 **22 April 2020**, (hereinafter referred to as the start date of this Licence) to the end of the day of, **30 April 2021** (hereinafter referred to as the end or expiry date of this Licence).

This Licence **CML1842v4** supersedes Licence **CML1842v3** 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: 22 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:

Construction of a surface water outfall and associated headwall in the Crindau Pill, Newport.

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

Construction of a surface water outfall and associated headwall through a flood defence wall. A temporary sheet pile cofferdam will be constructed to enable the works to be carried out.

- 1.3. Such works are as detailed in the drawings and sectional plans detailed below which were submitted in support of the Licence Holder's application to NRW acting on behalf of the Licensing Authority dated **11 July 2018**.

**Drawing reference: Plan and long section (DR 05002)
Proposed surface water sewer – outfall (05003)
Proposed surface water sewer – outfall headwall RC details (DR 05800)
Sheet pile penetration details (05009)
Overall plan and pipe schedule (DR 05000)
Temporary Works Design Sheet (45241-100)
Temporary Works General Arrangement 1 of 2 (45240-100)
Temporary Works General Arrangement 2 of 2 (45240-101)**

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

**Deposit: Iron/Steel, Concrete, Gravel, Plastics/Synthetics, Rubber
Tideflex Valve
Removal: Silt, Iron/Steel**

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

The western bank of the Crindau Pill, Newport, at ST31355 89567

- 1.6. The works shall be carried out in accordance with the works schedule and method statement as detailed in the application form dated **11 July 2018**, and as detailed in the following:

**Crindau Outfall – Risk Assessment and Method Statement 3746
Crindau Outfall Ecological Appraisal
Temporary works (trenching) design sheet – 45241**

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 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 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 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, deposit 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 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 **10 days** before the licensed operation, or an individual phase of the operation is expected to commence.

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- 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 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.
- 8.2 The Licence Holder must ensure a walk over survey is undertaken prior to commencement of works to identify the presence of otter resting and/or breeding sites (holts). If evidence of otters are discovered then works must not commence prior to written approval from NRW acting on behalf of the Licensing Authority.
- 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 notify the UK Hydrographic Office of the works, to permit the promulgation of Maritime Safety Information and the updating of nautical charts and publications.
- 8.5 The Licence Holder must ensure that no piling operations take place **between 1st of April and 31st of May inclusive**, without prior written approval from NRW acting on behalf of the Licensing Authority.
- 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 that plant, vehicles and machinery are not refuelled on the foreshore.
- 8.9 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.
- 8.10 The Licence Holder must ensure that no vegetation clearance takes place **between 1st of March and 31th of August inclusive**, to reduce impact on nesting birds, without written approval from NRW acting on behalf of the Licensing Authority.

- 8.11 The Licence Holder must ensure any pits or trenches exposed at the end of a working day should be well covered to prevent access by otters and other mammals.
- 8.12 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.
- 8.13 The Licence Holder must ensure that no construction works take place outside of daylight hours, to minimise any potential disturbance to otters from noise, without prior written approval from NRW acting on behalf of the Licensing Authority.
- 8.14 The Licence Holder must ensure that any actions outlined in the Written Scheme of Investigation dated December 2018 are implemented. 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.

EXPLANATORY NOTES

*This page does not form part of this Licence **CML1842v4** 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.