

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

Marine Licence: CML1858v1

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

Associated British Ports
25 Bedford Street
London
WC2E 9ES
Company No: ZC0000195

(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 **27 March 2020**, (hereinafter referred to as the start date of this Licence) to the end of the day of, **30 April 2023** (hereinafter referred to as the end or expiry date of this Licence).

This Licence CML1858v1 supersedes Licence CML1858 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 latitude and longitude degrees and minutes to two decimal places

Signed:



For and on behalf of the Licensing Authority

Date of issue: 27 March 2020

SCHEDULE of CONDITIONS

1. Particulars of the works

- 1.1 The type of works for which the removal and deposit of the substances or articles as specified in paragraph 1.4 of this Schedule are:

Construction of a new retaining wall aligned immediately seaward of the existing Inner West Pier in the River Tawe, Swansea, and associated dredge works.

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

Dredge works to remove the surficial layer of the seabed adjacent to the existing Inner West Pier in preparation for the construction of the new retaining wall.

- 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 application to NRW acting on behalf of the Licensing Authority dated **31 October 2018 and variation application dated 10 February 2020.**

Drawing reference:

Application drawing site plan, boundary and access (dated 31/08/2018)

Application drawing General Arrangement and Elevation sheet 1 of 4 (dated 31/08/2018)

Application drawing General Arrangement and Elevation sheet 2 of 4 (dated 31/08/2018)

Application drawing General Arrangement and Elevation sheet 3 of 4 (dated 31/08/2018)

Application drawing General Arrangement and Elevation sheet 4 of 4 (dated 31/08/2018)

Application drawing Cross Section A-A (dated 31/08/2018)

Application Drawing Appendix A (10/02/2020)

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

**Removal: Dredged seabed material; Silt, Stone/Rock, Sand, Clay
Deposit: Iron/Steel. Concrete, Silt, Stone/Rock, Sand, Clay**

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

Swansea Inner West Pier, Swansea. Full coordinates are listed in Appendix 1

- 1.6. The Licence Holder or any Operator or Contractor acting on their behalf under this Licence is permitted to deposit a quantity not exceeding **720m³** throughout the term of the Licence of the dredged seabed material specified at sub-paragraph 1.4 of this Schedule, at the Deposit Area detailed at paragraph 1.7

1.7 The Deposit Area authorised under this Licence is:

1.7.1 Deposit Area Name and/or Code:

Swansea (Outer) disposal ground LU130 (Central NGR: 51.5212, - 3.9288)

1.8 Tank/hopper washings may only be discharged in the area(s) specified at paragraph 1.7

1.9 The works shall be carried out in accordance with the works schedule and method statement as detailed in the application forms dated **31 October 2018** and as detailed in the following:

R3363 Final Addendum (dated 26 March 2020)

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) which shall be engaged in the loading, transportation, storage and deposit of substances or articles specified in sub-paragraph 1.4 or utilised to undertake the works 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 loading, transportation and deposit of the substances or articles specified in sub-paragraph 1.4 or utilised to undertake the works 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 Any person in charge of the loading of a vessel or any intermediate storage of the substances or articles prior to their deposit in the sea shall maintain a written record on the premises relating to individual cargoes or loads (received or dispatched). This written record shall include the following details:

2.4.1 Date and time each load was received or dispatched and the quantity;

2.4.2 General description of the substances or articles and the name of the producer(s) or holder(s);

2.4.3 Registration numbers of vehicles delivering loads;

2.4.4 Consignment note numbers (if any);

- 2.4.5 The reference number of the Licence issued under, Part 4 of the Marine and Coastal Access Act 2009, which permits the substances or articles being loaded or stored to be deposited in the sea;
 - 2.4.6 Name(s) of vessel or identification code and type of container into which substances or articles are loaded;
 - 2.4.7 Signature(s) and status of the person or persons authorising loading of substances or articles to the vessel or container;
 - 2.4.8 The results of any checks carried out on the substances or articles prior to authorisation of loading.
- 2.5 The Licence Holder and any Operator or Contractor responsible for loading, transportation or storage must ensure that only authorised personnel have access to the substances or articles for deposit.
- 2.6 All vessels employed to perform the deposit 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.
- 2.7 The Master or the Officer of the Watch of each vessel undertaking the deposit of any substances or articles specified in sub-paragraph 1.4 of this Schedule, shall maintain a written log of operations recording, in the English Language, the following information:
- 2.7.1 The name of the vessel;
 - 2.7.2 The quantity and type of each substance or article loaded for deposit;
 - 2.7.3 The date and time of departure from the port or site at which the substances or articles are loaded for deposit in the sea and time of arrival (and date if different) at the Deposit Area on each occasion that it proceeds to and from such area;
 - 2.7.4 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 deposit operation which for the purpose of this Licence shall be the commencement of loading (including the dredging) each consignment of material for deposit in the sea through to the completion of the placement or deposit of the material in the Deposit Area;
 - 2.7.5 The time taken to complete the deposit operation and a statement of the reasons for any delays;
 - 2.7.6 Courses and speeds together with any alterations throughout each deposit operation (multiple changes may be recorded as "various");
 - 2.7.7 The rate of discharge or deposit, together with any variations, throughout deposit operations;
 - 2.7.8 Weather, sea-state, wind and tidal set, and rate throughout deposit operations; and

- 2.7.9 The signature of the Master at the foot of each log sheet or page of the record.
- 2.8 All deposit vessels are required to carry an Admiralty Chart of appropriate scale to be used in navigation on which the co-ordinates of the licensed Deposit Area(s), as detailed in sub-paragraph 1.5, 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 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 all 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 1.4 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 written record referred to in paragraph 2.4 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 2.7 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 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.
- 4.4 The Licence Holder must notify NRW acting on behalf of the Licensing Authority and authorised 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 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. Contacts

- 6.1 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

- 6.2 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: MilfordHavenFisheriesOffice@gov.wales

7. Force Majeure

- 7.1 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.

8. Changes to this Licence

- 8.1 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.
- 8.2 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.

9. Project Specific Conditions

- 9.1 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.
- 9.2 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
- 9.3 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 all equipment, temporary structures, access tracks, waste and/or debris associated with the works are removed on completion of the works.
- 9.7 The Licence Holder must ensure that plant, vehicles and machinery are not refuelled on the foreshore.

- 9.8 The Licence Holder must ensure that any coatings/treatments are suitable for use in the marine environment and are used in accordance with best environmental practice.
- 9.9 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 the risk of introducing non-native species into the marine environment.
- 9.10 The Licence Holder must ensure that silt laden run off from construction, excavation, material storage areas (including excavated material storage), haul roads or any other associated activities is kept to a minimum.
- 9.11 The Licence Holder must ensure that best practice is used to minimise re-suspension of sediment.
- 9.12 The Licence Holder must ensure there is a 12-hour break in piling activities in any 24-hour period.
- 9.13 The Licence Holder must ensure that vibro-piling is used when inserting piles where operationally possible. Where this is not possible, percussive piling may be used.
- 9.14 The Licence Holder must ensure that if percussive piling is used, soft-start procedures are used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration should be a period of not less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft-start procedure must be repeated.
- 9.15 The Licence Holder must stop any works involving percussive piling at least one hour before high tide and should not start any works involving percussive piling until at least one hour after high tide.
- 9.16 The Licence Holder must complete an entry into the UK Marine Noise Registry detailing the proposed dates and locations and nature of the piling at least 10 days prior to the commencement of works.
- 9.17 The Licence Holder must amend the UK Marine Noise Registry proposed activity form should the timing of the piling alter or no longer remain part of the project
- 9.18 The Licence Holder must complete and entry into the UK Marine Noise Registry detailing the actual dates and locations and nature of the piling within 8 weeks of completion of the noisy activity.
- 9.19 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.

EXPLANATORY NOTES

*This page does not form part of this Licence **CML1858v1** 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.

Appendix 1. Coordinates for the material to be removed and deposited, as per condition 1.4

Point	Latitude	Longitude
1	51.615784	-3.930004
2	51.615756	-3.929958
3	51.615595	-3.929756
4	51.615502	-3.929651
5	51.615461	-3.929609
6	51.615308	-3.92946
7	51.615256	-3.929417
8	51.615024	-3.929237
9	51.614843	-3.929114
10	51.614682	-3.929012
11	51.61448	-3.928896
12	51.614231	-3.92877
13	51.61405	-3.928684
14	51.613865	-3.928601
15	51.613793	-3.928573
16	51.613791	-3.928524
17	51.613619	-3.928468
18	51.613601	-3.928609
19	51.613706	-3.928643
20	51.613708	-3.928689
21	51.613842	-3.928741
22	51.614025	-3.928823
23	51.614205	-3.928908
24	51.614451	-3.929033
25	51.614651	-3.929147
26	51.614809	-3.929247
27	51.614987	-3.929369
28	51.615216	-3.929546
29	51.615264	-3.929586
30	51.615413	-3.929731
31	51.615452	-3.929771
32	51.615542	-3.929873
33	51.615696	-3.930065
34	51.615718	-3.930103