

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: **Lakeland Leisure Estates Ltd**

Company Number: **2500695**

**The Studio
Station Road
Staveley
Cumbria
LA8 9NB**

**Water Injection Dredging at Deganwy
Marina, Conwy**

Licence Number:
DML1942

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Water Injection Dredging at Deganwy Marina, Conwy

Marine Licence number: DML1942

Introductory note

This introductory note does not form a part of the marine licence

The main features of the marine licence are as follows.

Water injection dredging at Deganwy Marina, Conwy.

The status log of the marine licence sets out the marine licence history, including any subsequent marine licence variation(s)

Status log of this marine licence		
Description	Date	Comments
Application	Duly made 24 October 2019	Application received and considered to be duly made
Date licence determined	26 May 2020	Determination date

Related marine licences or applications under determination

Marine Licence or Application Number	Date	Comments
DML1533	01 January 2016	DML1533 was a maintenance dredge licence issued for cutter suction dredging activity in Deganwy Marina and Conwy Marina.
DML1533v1	29 February 2016	DML1533 was an NRW led variation to correct a condition of the licence.

End of introductory note.

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MARINE LICENCE, NUMBER DML1942

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered DML1942 and duly made on 24 October 2019 and authorises the Licence Holder to carry on activities for which a licence is required under Part 4 of the Marine and Coastal Access Act 2009, (2009 Act). This licence should be interpreted in accordance with **Section 4**.

1.2 Licence Holder

The Licence Holder is the person or organisation set out below:

Person/Company/Organisation name: Lakeland Leisure Estates Ltd

Company number: 2500695

Address: The Studio, Station Road, Staveley, Cumbria, LA8 9NB

1.3 Licence Validity

Licence Start Date	26 May 2020
Licence End Date	25 May 2023
Licence Issue Date	26 May 2020

1.4 Conditions

This licence is subject to the conditions set out in **Section 3**.

Signed:



For and on behalf of the Licensing Authority

2 LICENSED ACTIVITIES

2.1 Project

Water injection dredging at Deganwy Marina, Conwy.

The following Licensed Activities can be conducted within the Licence Period, within the Licensed Area and in accordance with the Approved Application and the Approved Supporting Documents:

Table 1 – Dredging at Deganwy Marina

Activity 1: Dredging at Deganwy Marina		
Marine Licensable Activity Type	Dredging	
Description	Maintenance dredge at Deganwy Marina using water injection dredging.	
Maximum Dredge Depth	3 m below chart datum.	
Maximum Dredge volume	Sampled Specific Gravity	Tonnage per year
	1.2 T/m ³	7,000
Material Type	Silt and sand	

2.2 Licensed Area

The Licence Holder is authorised to conduct the dredging activities described in Table 1 bounded by the coordinates specified in Table 2:

Table 2 – Coordinates in decimal degrees for dredging at Deganwy Marina.

1. Longitude	2. Latitude
-3.8273333	53.2901111
-3.8276666	53.2903333
-3.8270555	53.2908056
-3.8287222	53.2920556
-3.8280833	53.2923611
-3.8259722	53.2908611

In the event of any discrepancy between the coordinates set out above and the plan attached at Appendix 1, the coordinates shall take precedence.

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2.3 Approved Supporting Documents

Title/Description of Document	Date	Version No.
Hydrodynamic Assessment to Assist Water Injection Dredging Marine Licence (Figure 1, Dredge Extent)	March 2020	1
ABPmer Response to NRW	09 April 2020	1
Biosecurity Plan Deganwy Maintenance Dredging	01 November 2019	2
Sediment Analysis Analytical Report	30 May 2019	1

3 CONDITIONS

Notification and Inspection

3.1 Notification of Commencement

- 3.1.1** The Licence Holder must notify the Licensing Authority and authorised Marine Enforcement Officers **10 days** before the commencement of the Licensed Activities or an individual phase of the Licensed Activities is expected to commence.
- 3.1.2** The Licence Holder must ensure that local mariners and fishermen's organisations are made fully aware of the Licensed Activities through local notices to mariners **10 days** prior to the commencement of the Licensed Activities.

3.2 Notification of Vessels and/or Vehicles

The Licence Holder must ensure that the details of the vessels and/or vehicles utilised to undertake the works are submitted to the Licensing Authority and Marine Enforcement Officers prior to the commencement of the Licensed Activities.

3.3 Notification of Agents/Contractors/Sub-contractors

The Licence Holder must ensure that details of any agent(s), contractor(s) or sub-contractor(s) utilised to undertake the Licensed Activities are submitted to the Licensing Authority prior to the commencement of Licensed Activities.

3.4 Notification of HM Coastguard

The Licence Holder must ensure that HM Coastguard is made aware of the Licensed Activities prior to commencement by contacting The National Maritime Operations Centre at nmoccontroller@hmcg.gov.uk.

3.5 Inspection of Works

The Licence Holder must allow officers of the Maritime and Coastguard Agency, Marine Enforcement Officer or any other person authorised by the Licensing Authority to inspect the works at any reasonable time.

3.6 Notification of Completion

The Licence Holder must notify the Licensing Authority and authorised Marine Enforcement Officers within **10 days** of completion of the Licensed Activities.

3.7 Force Majeure

If, by reason of force majeure any substances or articles are deposited otherwise than as permitted as part of the Licensed Activities or in the Licensed Area, full details of the circumstances shall be notified to the Licensing Authority within **48 hours** of the incident occurring.

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3.8 Distribution of Copies of this Licence

The Licence Holder is required to ensure that a copy of this licence and any subsequent revisions or amendments thereto is given to:

- All agents, contractors and subcontractors whose names have been provided to the Licensing Authority pursuant to condition 3.3; and
- The Masters of any vessels and transport managers responsible for the vehicles and/or vessels employed in the pursuance of this licence whose details have been submitted to the Licensing Authority pursuant to condition 3.2.

3.9 Inspection of Documents

Copies of this Licence shall be made available at the following locations:

- at the address of the Licence Holder specified in section 1.2;
- at any site office, located at or adjacent to the Licensed Area, used by the Licence Holder or its agent(s), contractor(s) or sub-contractor(s) responsible for the loading transportation or deposit of any substances or articles permitted as part of the Licensed Activities;
- on board each vessel, vehicle or at the office of any transport manager with responsibility for vehicles from which any deposits of materials authorised by this licence are to be made.

The documents referred to in this condition shall be available at all reasonable times for inspection by officers appropriately authorised by the Licensing Authority and authorised Marine Enforcement Officers at the locations stated in this paragraph.

Vessels, Plant and Equipment

3.10 Notified Contractors, Vessels only to Carry out Licensed Activities

Only those agents, contractors, subcontractors vessels whose details have been notified to the Licensing Authority may operate under the terms of this licence. Any changes must be notified to and be approved by the Licensing Authority in writing prior to any such agent, contractor, subcontractors or vehicles carrying out any Licensed Activities pursuant to or otherwise operating under this licence.

3.11 Standard of Vessels

Any vessels employed to perform the operations permitted by this licence shall be constructed and equipped as to be capable of the proper performance of these operations.

3.12 Refuelling

The Licence Holder must ensure that plant, vehicles and machinery are not refuelled on the foreshore.

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Safety

3.13 Safety of Works

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.

3.14 Government Assistance

If, in the opinion of the Licensing Authority or Marine Enforcement Officers, the assistance of a Government Department, including the broadcast of navigational warnings, is required in connection with the Licensed Activities or to deal with any emergency arising from the drifting or wreck of the Works, the Licence Holder will be liable for any expense incurred in securing such assistance.

Pollution control

3.15 Pollution Prevention

The Licence Holder must ensure that pollution prevention best practice is adhered to at all times. Any incidents must be reported to the Licensing Authority as soon as possible using the hotline number **0300 065 3000**.

3.16 Spillage of Pollutants

The Licence Holder must ensure bunding, storage facilities and spill kits are employed where appropriate to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment.

3.17 Coatings

The Licence Holder must ensure that any coatings/treatments used in carrying out the Licensed Activities are suitable for use in the marine environment and are used in accordance with best environmental practice.

3.18 Prevention of Disposal of Man-made Debris

The Licence Holder must ensure that all reasonable precautions are taken to prevent the disposal of man-made debris to the marine area. Such material must be removed immediately and be disposed of appropriately. If it is not possible to prevent manmade debris from entering the marine environment during the Licensed Activities, the works must cease immediately.

3.19 Dropped Objects

Should it be necessary for the Licence Holder to recover or remove from the Licensed Area any equipment, plant or machinery accidentally dropped when undertaking the Licensed Activities, the Licence Holder is permitted to do so provided that the methodology for such recovery or removal has been approved by the Licensing Authority.

Activity-specific Conditions

3.20 Timing Restrictions

- 3.20.1** The Licence Holder must ensure that no dredging occurs between **15 April** and **30 June** inclusive to minimise impacts on migratory fish, without prior written approval from NRW acting on behalf of the Licensing Authority.
- 3.20.2** The Licence Holder must ensure that no dredging occurs between **15 May** and **30 September** inclusive to avoid bathing water season, without prior written approval from NRW acting on behalf of the Licensing Authority.
- 3.20.3** The Licence Holder must ensure that no dredging occurs when the tidal range is less than 3.5 metres.
- 3.20.4** The Licence Holder must gain prior written approval from NRW, on behalf of the Licensing Authority, at least **4 weeks** prior to any proposed dredging activity in Deganwy Marina.
- 3.20.5** No dredging activity in Deganwy Marina may take place prior to written approval from NRW, on behalf of the Licensing Authority.

3.21 Biosecurity Risk Assessment

- 3.21.1** The Licence Holder must implement the Biosecurity Risk Assessment submitted on **04 October 2019**. 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.
- 3.21.2** 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**.

3.22 Reporting Artefacts

The Licence Holder must ensure that any artefacts found during the works are reported through the Marine Portable Antiquities Scheme.

4 INTERPRETATION

In this Licence terms are as defined in section 115 of the Marine and Coastal Access Act unless otherwise stated.

- (a) **"2009 Act"** means the Marine and Coastal Access Act 2009;
- (b) **"Approved Application"** means the Marine Licence Application Form together with the Approved Supporting Documents;
- (c) **"Approved Supporting Documents"** means the documents supporting, or supplementary to, the Approved Application, submitted prior to the Licence Issue Date, listed in the Table at paragraph 2.3 above;
- (d) **"Commencement"** means the first undertaking of any Licensed Activities;
- (e) **"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;
- (f) **"Licensed Activities"** means the activities authorised by this licence as specified in 2.2;
- (g) **"Licensed Area"** means the area within which Licensed Activities are authorised by this licence as specified in section 2.2;
- (h) **"Licence Holder"** means the person(s) or organisation(s) named in section 1.2 to whom this licence is granted;
- (i) **"Licence Period"** means the period beginning with the Licence Start Date and ending on the Licence End Date;
- (j) **"Licensing Authority"** means Natural Resources Wales acting on behalf of the Welsh Ministers;
- (k) **"Marine Enforcement Officers"** means the relevant officers appointed by Welsh Ministers under section 235 of the 2009 Act, contact details for whom are provided in section 5;
- (l) **"Marine Licence Application Form"** means the application form forming part of the application referred to in paragraph 1.1;
- (m) **"Method Statement"** means the Method Statement(s) forming part of the Approved Application or Approved Supporting Documents;

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- (n) **“Works”** means any construction activities comprised in the Licensed Activities and, where the context permits, includes any plant, equipment or materials used to carry out those activities or operations but excludes monitoring, minor routine maintenance or other ongoing operational activities following completion of any construction activities;
- (o) all times shall be taken to be the time in Greenwich Mean Time (GMT) on any given day;
- (p) all co-ordinates shall be taken to be latitude and longitude decimal degrees.
- (q) in the event of any discrepancy between the coordinates listed in paragraph 2.2 and the plan attached at Appendix 1, the coordinates shall take precedence.

5 CONTACTS

Except where otherwise indicated, the primary point of contact with the Licensing Authority and the address for returns, correspondence and requests for variations of the licence is:

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

Email: marinelicensing@naturalresourceswales.gov.uk

Marine Enforcement Officers may be contacted at:

Welsh Government
Suite 3
Cedar Court
Haven's Head Business Park
Milford Haven Pembrokeshire
SA73 3LS

Tel: **03000 253500**

Email: WFMCCMPC@gov.wales

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Appendix 1

