

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: **Natural Resources Wales**

Ty Cambria,
29 Newport Road,
Cardiff,
CF24 0TP

**Remediation works on Cadaxton
Outfall and construction of a
temporary by-pass channel**

Licence Number:

CML1816v3

Remediation works on Cadaxton Outfall and construction of a temporary by-pass channel

Marine Licence number: CML1816v3

Introductory note

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

The main features of the marine licence are as follows.

Remediation works on Cadaxton Outfall and construction of a temporary by-pass channel.

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 03/04/2018	Application received and considered to be duly made
Date licence determined	30/05/2018	Determination date
Marine licence variation	18/01/2019	Marine licence varied to extend the licensable activities period
Marine licence variation	06/06/2019	Marine licence varied to add the construction of a temporary by-pass channel adjacent to the outfall structure
Marine licence variation	21/08/2020	Marine licence varied to extend the licensable activities period

The Licence **CML1816v3** supersedes Licence **CML1816v2** in its entirety.

Related marine licences or applications under determination

Not applicable.

End of introductory note.

Licence Number: CML1816v3

MARINE LICENCE, NUMBER CML1816v3

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered **CML1816v3** and duly made on **17 August 2020** 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: Natural Resources Wales

Address: Ty Cambria, 29 Newport Road, Cardiff, CF24 0TP

1.3 Licence Validity

Licence Start Date	21 August 2020
Licence End Date	30 September 2021
Licence Issue Date	21 August 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

Remediation works on Cadaxton Outfall and construction of a temporary by-pass channel.

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 Licensed Activities

Activity 1 The restoration of Cadaxton River tidal outfall to its original capacity and associated works	
Type of Licensed Activity	Alteration or Improvement
Description	The proposed scheme will restore the outfall culvert size to its original dimensions, following a reduction in size due to works carried out to the outfall in 1986. This will in turn reduce tide-locking during extreme flow events (flood flows), thus reducing the flood risk to the adjacent Barry industrial area. There are four principal components of the scheme: • Restoring the original capacity of the outfall culvert. • Replacing the current tidal flap with new passively-operated side-hinged tidal doors. • Removing the existing trash screen. • Installing a penstock as a residual control in case of failure of the tidal doors.
Material types to be removed or deposited	As outlined in the application supporting documentation: Removal: Silt, concrete, steel (pipe) Deposit: Iron/Steel, Concrete, Aluminium, Grout, Copper (cabling)
Activity 2 Construction of a temporary by-pass channel adjacent to the outfall structure	
Type of Licensed Activity	Construction
Description	A variation to the original licence CML1816 with the additional works of constructing a temporary by-pass channel adjacent to the outfall structure, which will accommodate additional river flow volumes that are above pump capability. The temporary channel will be

	excavated into the rock to a depth of 3m AOD and a flap valve will be inserted to prevent seawater ingress. The by-pass channel is to be removed and the area re-instated on completion of the in-channel works. The licence also includes the original in-channel works;
Material types to be removed or deposited	As outlined in the application supporting documentation: Removal: Silt, Iron/Steel, Concrete Deposit: Iron/Steel, Concrete, Aluminium, Grout, Copper (cabling)

2.2 Licensed Area

The Licence Holder is authorised to conduct the activities described in Table 1 in the vicinity of Cardiff between the coordinates specified in Table 2 as indicated on the plan submitted with the Approved Application:

Table 2 Coordinates

Latitude	Longitude
51.397133	-3.2502329
51.398105	-3.2493825

2.3 Approved Supporting Documents

Title/Description of Document	Date	Version No.
Signed - marine-works-application-form-updated V2	29/03/2018	V2
Signed -2017s6987 Cadoxton River Tidal Outfall – Marine Licence Cover Letter_v1-1	19/03/2018	v1-1
Drawing Reference: 2017 s5603 – JBA-00-00-DRC 3001 (dated 06 October 2017)	23/03/2018	1
Drawing Reference: 2017 s5603 – JBA-00-00-DRC 3002 (dated 06 October 2017)	23/03/2018	1
Drawing Reference: 2017 s5603 – JBA-00-00-DRC 3003 (dated 06 October 2017)	23/03/2018	1
2017s6987 Cadoxton River Tidal Outfall - Outline Construction Method Statement_v1-1 (dated 06 December 2017)	23/03/2018	v1-1

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Drawing Reference: 2017 s6987 Cadaxton River Tidal Outfall – Location Plan v1-1	23/03/2018	v1-1
2017 s5603 Cadaxton River Tidal Outfall – Design Statement_v1-1 (dated 05 September 2017)	23/03/2018	v1-1
2017 s5603 Cadaxton River Tidal Outfall – Preliminary Ecological Appraisal_V3-1 (dated 13 December 2017)	23/03/2018	V3-1
2017 s5603 Cadaxton River Fluvial Audit_Final_V1-1 (dated October 2017)	23/03/2018	V1-1
2017 s5603 Environmental Constraints Plan_V1-1 (dated 21/04/2017)	23/03/2018	V1-1
2017 s6987 Cadaxton River Tidal Outfall – CEMP_v1-1 (dated 13 December 2017)	23/03/2018	v1-1
2017 s6987 Cadaxton River Tidal Outfall – WFD Preliminary Assessment_v1-1 (dated 15 December 2017)	23/03/2018	v1-1
Archaeological DBA P1905 Cadaxton River Tidal Outfall (dated July 2017)	23/03/2018	1
Cadaxton Outfall variation application form (dated 17 April 2019)	17/04/2019	1
CML1816v2 Cadaxton Outfall – sequence of works for by pass channel (submitted 17 May 2019).	17/05/2019	1
Cadaxton Outfall variation application form (09 January 2019)	09/01/2019	1
Cadaxton Outfall variation application form (dated 17 April 2019)	17/04/2019	1
Cadaxton Outfall – Sequence of Works for By Pass Channel	17/04/2019	1
Cadaxton River flows – 2000m3 per hour pumping capability.xls	17/04/2019	1
Cadaxton Outfall variation application form (dated 17 August 2020)	17/08/2020	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 no less than **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 Licensed Activities 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 Licensed Activities

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 Licensed Activities 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.

3.8 Distribution of Copies of this Licence

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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 times when the Licensed Activities are being undertaken 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 and vehicles only to Carry out Licensed Activities

Only those agents, contractors, subcontractors, vessels and vehicles 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 any operations permitted by this licence shall be so 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.

Safety

3.13 Safety of Licensed Activities

The Licence Holder must ensure that the Licensed Activities are maintained in a safe condition that does not represent a danger to the environment, or other marine users, at all times.

3.14 Removal of Deposited Material

The Licence Holder must remove any deposited material within one month of notice being given by Licensing Authority or Marine Enforcement Officers if they consider this necessary or advisable for the safety of navigation, and not shall not replace such material until the Licensing Authority or Marine Enforcement Officers have given their written approval.

3.15 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 Licensed Activities, the Licence Holder will be liable for any expense incurred in securing such assistance.

Pollution control

3.16 Pollution Response Management Plan (PRMP)

- 3.16.1** The Licence Holder must implement the Pollution Response Management Plan (PRMP) as approved by NRW on behalf of the Licensing Authority.
- 3.16.2** The Licence Holder must ensure that any proposed changes to the actions outlined in the documents detailed in condition 3.16.1 are submitted and agreed in writing by NRW acting on behalf of the Licensing Authority prior to any changes being enacted.

3.17 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**.

3.18 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.

3.19 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. Works should be timed to ensure maximum concrete cure time before the next high tide.

3.20 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 man-made debris from entering the marine environment during the Licensed Activities, the Licensed Activities must cease immediately.

3.21 Use of Render and Concrete

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.

3.22 Biosecurity

The Licence Holder must ensure all equipment, materials, machinery and Personal Protective Equipment used as part of the Licensed Activities are in a clean condition prior to their arrival at and subsequent departure from the Licensed Area to minimise risk of introducing non-native species into the marine environment.

3.23 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

3.24 Written Scheme of Investigation for a Watching Brief

- 3.24.1** The Licence Holder must implement the 'Written Scheme of Investigation for a Watching Brief' as approved by NRW on behalf of the Licensing Authority.
- 3.24.2** The Licence Holder must ensure that any proposed changes to the actions outlined in the documents detailed in condition 3.24.1 are submitted and agreed in writing by NRW acting on behalf of the Licensing Authority prior to any changes being enacted.

3.25 Removal of Materials and Equipment Following Completion of the Works

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.

3.26 Changes to this Licence

- 3.26.1** 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.
- 3.26.2** 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.

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 2.1;
- (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;

- (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 degrees and minutes to two decimal places.
- (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

Appendix 1

