

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: **Associated British Ports**

Company Number: **ZC000195**

**25 Bedford Street
London
WC2E 9ES**

**Disposal of dredge material from Barry
Outer Tidal Harbour and No.3 Dock Basin
to Merkur Buoy (LU115) and a bad
weather contingency of Cardiff Grounds
(LU110) disposal sites.**

Licence Number:

DML1955

Disposal of dredge material from Barry Outer Tidal Harbour and No.3 Dock Basin to Merkur Buoy (LU115) and a bad weather contingency of Cardiff Grounds (LU110) disposal sites.

Marine Licence number: DML1955

Introductory note

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

The main features of the marine licence are as follows.

Maintenance dredge disposal renewal at Barry Outer Tidal Harbour and No.3 Dock Basin. The material is to be disposed at Merkur Buoy (LU115) and included a bad weather contingency of Cardiff Grounds (LU110) disposal site.

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 14/11/2019	Application received and considered to be duly made
Date licence determined	27/08/2020	Determination date

Related marine licences or applications under determination

Marine Licence or Application Number	Date	Comments
DML1634	06 December 2016	Licence DML1955 is a renewal of licence DML1634. The two licences permit the same works, however, where DML1634 was issued for a 3 year period, DML1955 was issued for a 10 year period.
DML1634v1	21 November 2019	DML1634 was varied to extend the expiry date from 06 December 2019 to 30 June 2020.

End of introductory note.

Licence Number: DML1955

MARINE LICENCE, NUMBER DML1955

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered DML1955 and duly made on 14 November 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: Associated British Ports

Company number (if available): ZC000195

Address: Queen Alexandra House, Cargo Road, Cardiff, CF10 4LY

1.3 Licence Validity

Licence Start Date	01 September 2020
Licence End Date	31 August 2030
Licence Issue Date	27 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

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2 LICENSED ACTIVITIES

2.1 Project

Disposal of dredge material from Barry Outer Tidal Harbour and No.3 Dock Basin to Merkur Buoy (LU115) and a bad weather contingency of Cardiff Grounds (LU110) disposal sites.

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 – Licenced Activities

Activity 1: Deposit of dredge material to Merkur Buoy (LU115) and Cardiff Grounds (LU110)		
Marine Licensable Activity Type	Deposit	
Description	Maintenance dredge disposal at Merkur Buoy (LU115) and a bad weather contingency at Cardiff Grounds (LU110). The area dredged is the Outer Tidal Harbour or the No.3 Dock Basin by Trailer Suction Hopper Dredger or Grab Dredging. The dredged material is to be deposited at Merkur Buoy (LU115) and Cardiff Grounds (LU110) disposal site.	
Maximum Dredge Depth Dredge Zone 1	10.3m below Ordnance Datum Newlyn	
Maximum Dredge Depth Dredge Zone 2	7.4m below Ordnance Datum Newlyn	
Maximum Deposit	Tonnage per year (inclusive of bad weather contingency tonnage per year)	
	99,999	
Deposit Location Merkur Buoy:	Site Code: LU115	Site Name: Merkur Buoy
Material Type Merkur Buoy	Sand, Silt and Clay arising from maintenance dredging	
Maximum Deposit to Deposit Location Cardiff Grounds	Tonnage per year (bad weather contingency tonnage per year is inclusive of maximum deposit tonnage)	
	9,999	
Deposit Location Cardiff Grounds:	Site Code: LU110	Site Name: Cardiff Grounds

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Material Type Cardiff Grounds	Sand, Silt and Clay arising from maintenance dredging
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2.2 Licensed Area

The Licence Holder is only authorised to deposit material dredged from the area bounded by the coordinates specified in Table 2 and 3.

Table 2 – Coordinates for dredging in Outer Harbour Dredge Zone 1

Area [Barry Harbour and Lady Windsor Lock] Dredge Zone 1	
Latitude	Longitude
51 23.51N	03 15.43W
51 23.47N	03 15.37W
51 23.42N	03 15.46W
51 23.48N	03 15.53W
51 23.48N	03 15.62W
51 23.48N	03 15.68W
51 23.55N	03 15.8W
51 23.58N	03 15.79W
51 23.6N	03 15.77W
51 23.57N	03 15.64W
51 23.57N	03 15.63W
51 23.75N	03 15.84W
51 23.76N	03 15.81W
51 23.64N	03 15.67W
51 23.64N	03 15.65W
51 23.66N	03 15.67W
51 23.7N	03 15.57W
51 23.6N	03 15.33W
51 23.51N	03 15.43W

Table 3 – Coordinates for dredging in No.3 Dock Basin Dredge Zone 2

Area [Barry Basin / No 3 Dock] Dredge Zone 2	
Latitude	Longitude
51 23.66N	03 15.65W
51 23.68N	03 15.67W
51 23.67N	03 15.69W
51 23.76N	03 15.8W
51 23.81N	03 15.68W
51 23.67N	03 15.58W
51 23.69N	03 15.64W
51 23.67N	03 15.62W

The Licence Holder is authorised to conduct the deposit activities described in Table 2 / comprised in Activity 1 bounded by the coordinates specified in Table 4 and 5.

Table 4 - Permitted Deposit Location 1

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Deposit Area Merkur Buoy	
Latitude	Longitude
51 21.23N	3 15.50W
51 21.23N	3 15.20W
51 21.26N	3 15.50W
51 21.26N	3 15.20W

Table 5 – Permitted Deposit Location 2

Deposit Area LU110 Cardiff Grounds	
1. Longitude	2. Latitude
51 25.60N	003 06.40W
51 25.60N	003 06.70W
51 25.50N	003 07.10W
51 27.40N	003 05.90W

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

2.3 Approved Supporting Documents

Title/Description of Document	Date	Version No.
Marine Licence Application – Barry	14 November 2019	1
ABP Covering letter – Barry	14 November 2019	1
Wash down workboat	14 November 2019	1
Wash down trailer	14 November 2019	1
Wash down grab	14 November 2019	1

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Barry dredge coordinates	14 November 2019	1
SP1906	14 November 2019	1
CEFAS Barry results	14 November 2019	1
CEFAS Barry PCB results	14 November 2019	1
NRW PS Analysis Results SP1906	14 November 2019	1
Barry Plan and coordinates	14 November 2019	1
Barry table 1 and 2	14 November 2019	1
Biosecurity Risk Assessment	11 February 2020	2
ABP Dredge Disposal Site Monitoring Plan 2020 revised'	14 August 2020	2

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3 CONDITIONS

Notification and Inspection

3.1 Notification of Commencement

3.1.1 The Licence Holder must notify the Licensing Authority and notify 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

The Licence Holder must ensure that the details of the vessels 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.

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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 and 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 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 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

3.15 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 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 Licensed Activities must cease immediately.

3.18 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.

3.19 Biosecurity

- 3.19.1** The Licence Holder must implement the Biosecurity Risk Assessment dated **11 February 2020** and approved by NRW acting on behalf of the Licensing Authority. Any proposed changes to the actions outlined in the Biosecurity Risk Assessment must be submitted to and agreed

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in writing by NRW acting on behalf of the Licensing Authority prior to any changes being enacted.

3.19.2 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**.

3.19.3 Tank/hopper washings may only be discharged in the area(s) specified by the coordinates in Table 4 and 5.

3.20 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

3.21 Sediment Sampling

3.21.1 The Licence Holder must request a Sediment Sampling Plan (the SSP) from NRW acting on behalf of the Licensing Authority on or before **14 February 2022**. The SSP must include details of sampling grid, analysis suites and proposed format of a report determining the suitability of material for disposal.

3.21.2 The Licence Holder must submit the results of the SSP (the SSP results) carried out pursuant to Condition 3.21.1 above, to NRW acting on behalf of the Licensing Authority on or before **14 June 2022**. The SSP results must include an outline of an assessment of alternative uses for the sediment that is to be disposed for the following 3-year period.

3.21.3 The Licence Holder must not carry out any dredging activity after **14 August 2022** without prior written approval from NRW acting on behalf of the Licensing Authority. Such written approval should be requested no later than **14 June 2022**.

3.21.4 The Licence Holder must request a Sediment Sampling Plan (the SSP) from NRW acting on behalf of the Licensing Authority on or before **14 February 2025**. The SSP must outline the sampling and analysis required during the licence period and must include details of sampling grid, analysis suites and proposed format of a report determining the suitability of the material for disposal.

3.21.5 The Licence Holder must submit the written results of the SSP (the SSP results) carried out pursuant to Condition 3.21.4 above to NRW acting on behalf of the Licensing Authority on or before **14 June 2025**. The SSP results must include an outline of alternative uses for the sediment that is to be disposed for the following 3-year period.

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- 3.21.6** The Licence Holder must not carry out any dredging activity after **14 August 2025** without prior written approval from NRW acting on behalf of the Licensing Authority. Such written approval should be requested no later than **14 June 2025**.
- 3.21.7** The Licence Holder must request a Sediment Sampling Plan (the SSP) from NRW acting on behalf of the Licensing Authority on or before **14 February 2028**. The SSP must outline the sampling and analysis required during the licence period and must include details of sampling grid, analysis suites and proposed format of a report determining the suitability of the material for disposal.
- 3.21.8** The Licence Holder must submit the written results of the SSP (the SSP results) carried out pursuant to Condition 3.21.7 above to NRW acting on behalf of the Licensing Authority on or before **14 June 2028**. The SSP results must include an outline of alternative uses for the sediment that is to be disposed for the following 3-year period.
- 3.21.9** The Licence Holder must not carry out any dredging activity after **14 August 2028** without prior written approval from NRW acting on behalf of the Licensing Authority. Such written approval should be requested no later than **14 June 2028**.

3.22 Monitoring and Analysis

- 3.22.1** The Licence Holder must implement a program of monitoring, analysis and reporting between **01 June and 31 August 2022, 01 June and 31 August 2025 and 01 June and 31 August 2029** to ensure the dispersive manner of Cardiff Grounds disposal site (LU110) to the Severn Estuary SAC/SPA in line with the 2020 bathymetric monitoring survey as detailed within 'ABP Dredge Disposal Site Monitoring Plan 2020 revised', dated **14 August 2020**.
- 3.22.2** The Licence Holder must submit the monitoring report(s) to NRW acting on behalf of the Licensing Authority for written approval **within 3 months** of completion of the survey detailed in condition 3.22.1.
- 3.22.3** The Licence Holder must not carry out any dredging activity after **30 October 2022, 30 October 2025 and 30 October 2029** without prior written approval from NRW acting on behalf of the Licensing Authority. Such written approval should be requested no later than 3 months from completion of the survey detailed in Condition 3.22.1.
- 3.22.4** The monitoring report(s) submitted to NRW in Condition 3.22.2 must include sediment volume analysis. If sediment accretion is identified in the survey

area, the Licence Holder must propose mitigation measures to prevent any adverse effect to Severn Estuary SAC/SPA from sediment accretion.

3.22.5 The Licence Holder must ensure that proposed mitigation measures to prevent any adverse effect arising from the licensed activities (detailed in section 2) to Severn Estuary SAC/SPA are approved in writing by NRW acting on behalf of the Licensing Authority, to be implemented by the Licence Holder, before any further disposal activity can go ahead.

3.22.6 Any proposed changes to the plan outlined within 'ABP Dredge Disposal Site Monitoring Plan 2020 revised' Conditioned in 3.22.1, must be submitted to, and agreed in writing by NRW acting on behalf of the Licensing Authority prior to any changes being enacted.

3.23 Disposal Returns

3.23.1 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.

3.23.2 If this Licence expires during the course of the calendar year and is not renewed or superseded by a further Licence relating to the Licensed Activities specified in paragraph 2.1, 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.

3.24 Written Record of Disposal Activities

3.24.1 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 and shall include the following details:

- 3.24.1.1** date and time each load was received or dispatched and the quantity;
- 3.24.1.2** general description of the substances or articles and the name of the producer(s) or holder(s);
- 3.24.1.3** registration numbers of vehicles delivering loads;
- 3.24.1.4** consignment note numbers (if any);
- 3.24.1.5** 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;
- 3.24.1.6** name(s) of vessel or identification code and type of container into which substances or articles are loaded;

- 3.24.1.7** signature(s) and status of the person or persons authorising loading of substances or articles to the vessel or container;
- 3.24.1.8** the results of any checks carried out on the substances or articles prior to authorisation of loading.
- 3.24.2** 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.
- 3.24.3** The Master or the Officer of the Watch of each vessel, as referred to condition 3.10 of this Schedule, undertaking the deposit of any substances or articles specified in Table 1 of this Schedule, shall maintain a written log of operations recording, in the English Language, the following information:
- 3.24.3.1** the name of the vessel;
- 3.24.3.2** the quantity and type of each substance or article loaded for deposit;
- 3.24.3.3** 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;
- 3.24.3.4** 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;
- 3.24.3.5** the time taken to complete the deposit operation and a statement of the reasons for any delays;
- 3.24.3.6** courses and speeds together with any alterations throughout each deposit operation (multiple changes may be recorded as "various");
- 3.24.3.7** the rate of discharge or deposit, together with any variations, throughout deposit operations;
- 3.24.3.8** weather, sea-state, wind and tidal set, and rate throughout deposit operations; and
- 3.24.3.9** the signature of the Master at the foot of each log sheet or page of the record.

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3.24.4 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 specified in Table 4, should be marked.

3.24 Evenly Deposit Material

The Licence Holder must ensure that during the course of disposal, material is distributed evenly over Merkur Buoy (LU115) and Cardiff Grounds (LU110) disposal ground.

3.26 Completion of Works

The Licence Holder must ensure that all equipment, temporary structures, access tracks, waste and/or debris associated with the works are removed on/within **6 weeks** of completion of the works.

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) **“Licensed Activities”** 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

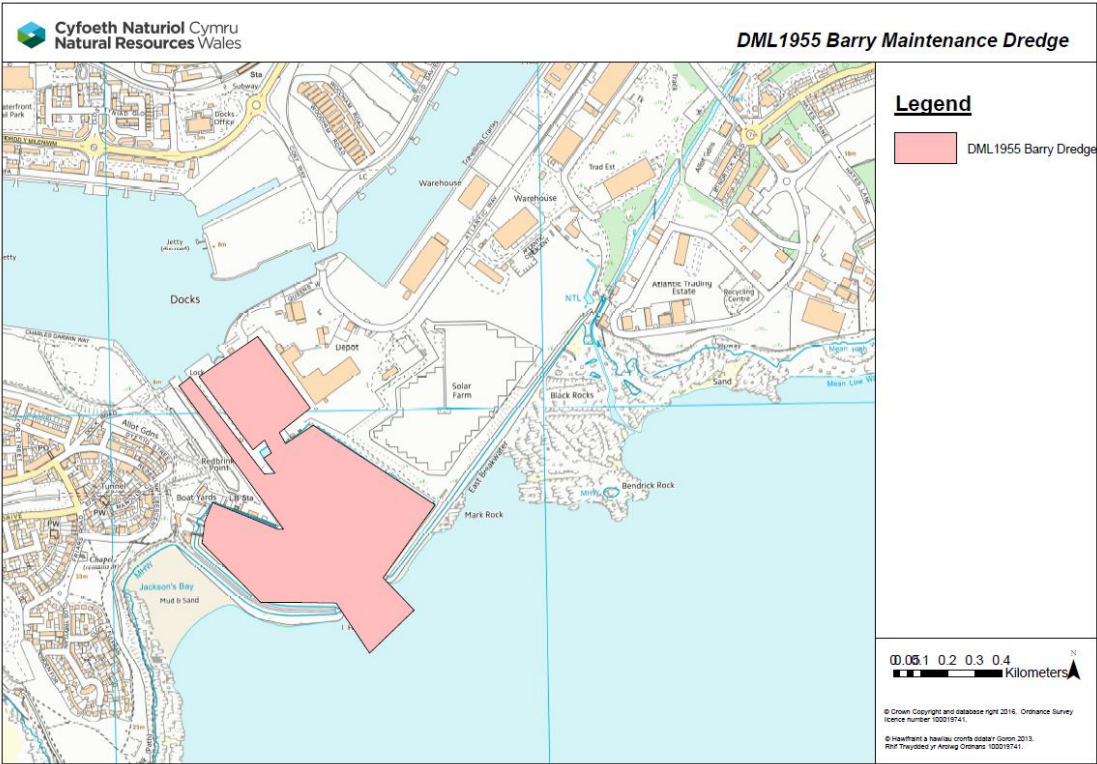
Marine Enforcement Officers may be contacted at:

Welsh Government
Suite 3
Cedar Court
Haven's Head Business Park
Milford Haven Pembrokeshire
SA73 3LS
Tel: 03000 253500
Email: wfmccmpc@gov.wales

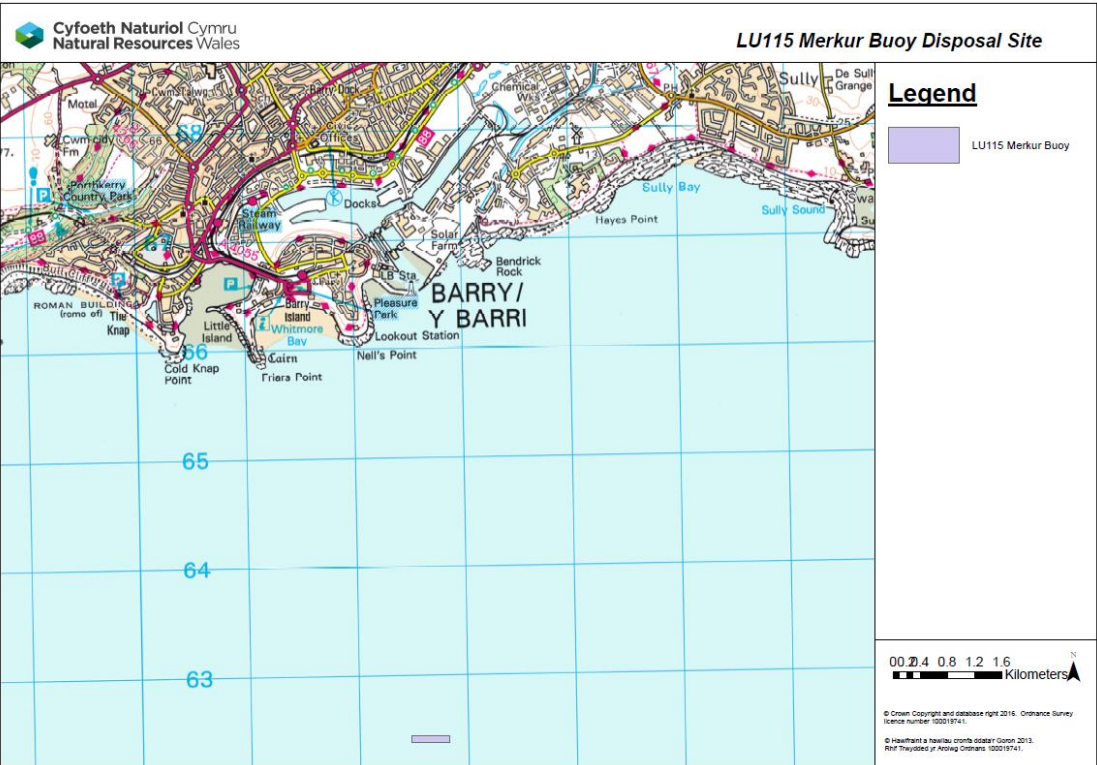
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Appendix 1 – Maps

DML1955 Dredge Area



DML1955 Disposal Location LU115 Merkur Buoy



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DML1955 Contingency Disposal Location LU110 Cardiff Grounds

