

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: **Network Rail**

Company Number : **02904587**

**Floor 2 St Patricks House
17 Penarth Road
Cardiff
CF10 5ZA**

**Maintenance works to culvert in River
Rhymney, Cardiff**

Licence Number:

CML2034

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Maintenance works to culvert in River Rhymney, Cardiff

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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 works to a culvert in River Rhymney, Cardiff. The activities include the installation of a flap valve on the existing blockwork, and the regrading of the riverbed around the valve to allow opening and closing as required. Silt within the culvert will be cleared by hand. A UV cured glass reinforced plastic (GRP) liner will also be installed inside the culvert.

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 17/08/2020	Application received and considered to be duly made
Date licence determined	26/08/2020	Determination date

Related Marine licences or applications under determination

Not applicable

End of introductory note.

Licence Number: CML2034

BAND 1 MARINE LICENCE NUMBER CML2034

1 LICENCE DETAILS

1.1 Band 1 Licence

This is a licence granted by the Licensing Authority in respect of an application numbered CML2034 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 2009 Act and falling within Band 1 of Schedule 1 of the Marine Licensing (Fees) (Wales) Regulations 2017/280. 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: Network Rail

Company number : 02904587

Address: Floor 2 St Patricks House, 17 Penarth Road, Cardiff, CF10 5ZA

1.3 Licence Validity

Licence Start Date	9 September 2020
Licence End Date	8 September 2021
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

2 LICENSED ACTIVITIES

2.1 Project

This licence is granted in respect of:

Maintenance works to a culvert in River Rhymney, Cardiff. The activities include the installation of a flap valve on the existing blockwork, and the regrading of the riverbed around the valve to allow opening and closing as required. Silt within the culvert will be cleared by hand. A UV cured glass reinforced plastic (GRP) liner will also be installed inside the culvert.

The Licensed Activities permitted by this licence, as set out in 2.2 below, comprise activities of the following general type:

- construction, alteration or improvement of works in or over the sea or on or under the sea bed

2.2 Licensed Activities

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

Construction alteration or improvement activities

- Minor maintenance including, repairing, replacing or reasonably improving within the original design envelope, bolts, flaps, valves, cathodic protection, access covers, grills, joints, decking on a pier or pontoon, health and safety equipment or other ancillary equipment attached to existing structures
- Removal of marine growth and/or guano from structures and assets other than vessels

2.3 Licensed Area

The Licence Holder is authorised to conduct the activities described in paragraph 2.2 in the vicinity of SWM2 railway (between 167.0638 and 167.1078) over the River Rhymney as indicated by the following coordinates:

Latitude	Longitude
51.498091	-3.1354137

as indicated on the plan submitted with the Approved Application and attached at Appendix 1.

2.4 Approved Supporting Documents

Licence Number: CML2034

Title / Description of Document	Date	Version No.
20200730_Rhymney Culvert Band1-application-form	12/08/2020	1
LVT_SWM2_167_001 B02 (Construction diagrams/schematic drawing)	10/02/2020	1
LVT_SWM2_167_002 B02 (Construction diagrams/schematic drawing)	10/02/2020	1
P4939_Location of SL waterbody	30/07/2020	1
P4939_Location of works	19/05/2020	1
RE_ NRW Band 1 Application interaction Query iLine (email correspondence with MCA)	12/08/2020	1
RE_ P4939_ WFD Update (email correspondence with NRW MLT)	15/07/2020	1

Licence Number: CML2034

3 CONDITIONS

Notification and Inspection

3.1 Notification of Commencement

- (a) The Licence Holder must notify the Licensing Authority and authorised Marine Enforcement Officers no less than **5 days** before the commencement of the Licensed Activities, or an individual phase of the Licensed Activities, is expected to commence.
- (b) 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 **5 days** prior to the commencement of the Licensed Activities.

3.2 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.

3.3 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.

3.4 Inspection of Licensed Activities

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

3.5 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.

3.6 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.

3.7 Distribution of Copies of this Licence

The Licence Holder is required to ensure that a copy of this Licence, any special conditions 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 3.2.

Licence Number: CML2034

3.8 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 of this licence;
- 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 or vehicle 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 that paragraph.

Vessels, Plant and Equipment

3.9 Notified Contractors only to Carry out Licensed Activities

Only those agents, contractors, and subcontractors 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.

3.10 Refuelling

The Licence Holder must ensure that machinery is not refuelled on the foreshore.

3.11 Equipment, Structures and Access

The Licence Holder must ensure that all equipment, temporary structures, access tracks, waste and/or debris associated with the Licensed Activities are removed on completion of the Licensed activities.

Safety

3.12 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.

3.13 Removal of Deposited Material

If the Licensing Authority considers it necessary or advisable for the safety of navigation, the Licence Holder must remove any deposited material specified by the Licensing Authority or Marine Enforcement Officers within one month of notice being given by the Licensing Authority, and shall not replace such material until the Licensing Authority has given its written approval.

Licence Number: CML2034

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 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 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 environment. 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.

3.19 Cleanliness of Equipment

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.

Activity-specific conditions

3.20 Removal Activity – Artefacts

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

Licence Number: CML2034

3.21 Construction, Alteration or Improvement – Returning to Original Profile

The Licence Holder must ensure the area is returned to the original profile, or as close as reasonably practicable, following the completion of the Licensed Activities.

Licence Number: CML2034

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 Band 1 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 2.4 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 2.3;
- (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 paragraph 5;
- (l) **"Marine Licence Application Form"** means the application form forming part of the application referred to in paragraph 1.1;
- (m) **"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;
- (n) all times shall be taken to be the time in Greenwich Mean Time (GMT) on any given day;
- (o) all co-ordinates shall be taken to be latitude and longitude degrees and minutes to two decimal places.

Licence Number: CML2034

(p) in the event of any discrepancy between the coordinates listed in paragraph 2.4 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 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

Licence Number: CML2034

Appendix 1

