

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: **Associated British Ports**

Company Number: ZC000195

Associated British Ports
25 Bedford Street
London
WC2E 9ES

Disposal of dredge arisings from Newport
Dock and Approaches to Newport Deep
(LU140) Disposal Grounds

Licence Number:

DML1950

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Disposal of dredge arisings from Newport Dock and Approaches to Newport Deep (LU140) Disposal Grounds

Marine Licence number: DML1950

Introductory note

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

The main features of the marine licence are as follows.

Disposal of dredge arisings from Newport Dock and Newport Approaches to Newport Deep (LU140) Disposal Grounds

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 31/10/2019	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
DML1636	23/12/2016	Marine Licence DML1950 is a renewal of DML1636v3. DML1950 permits the same works, however whereas DML1636v3 was a 3 year Licence, DML1950 is a 10 year Licence.
DML1636v1	19/12/2017	DML1636v1 is a variation of DML1636 to include the whole of Newport South Dock.
DML1636v2	21/11/2020	DML1636v2 is a variation fo DML1636v1 to extend the Licence expiry date from 06 December 2019 to the 30 June 2020.

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DML1636v3	26/06/2020	DML1636v3 is a variation fo DML1636v2 to extend the Licence expiry date from 06 December 2019 to the 31 August 2020.
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End of introductory note.

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MARINE LICENCE, NUMBER DML1950

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered DML1950 and duly made on 31/10/2019 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: 25 Bedford Street, London, WC2E 9ES

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 arisings from Newport Dock and Approaches to Newport Deep (LU140) Disposal Grounds.

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 Disposal of dredge arisings from Newport	
Marine Licensable Activity Type	Deposit
Description	Maintenance dredge disposal at Newport. The area dredged is the approach channel and the docks using a Trailer Suction Hopper Dredger. The dredged material will then be deposited at Newport Deep (LU140) disposal site.
Maximum Dredge Depth Zone 1 Newport Channel	7.41m below Ordinance Datum Newlyn
Maximum Dredge Depth Zone 2 Newport South Dock	4.48m below Ordinance Datum Newlyn
Maximum Dredge Depth Zone 3 Newport South Dock (North of line from corner of 10 section to Cement berth)	3.88m below Ordinance Datum Newlyn
Maximum Deposit	Tonnage per year
	499,999
Deposit Location	Site Code: LU140
	Site Name: Newport Deep
Material Type	Sand, Silt and Clay arising from maintenance dredging

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, Table 3 and Table 4:

Table 2 – Coordinates for Dredging Newport Approach Channel

Area: Newport Approach Channel Dredge Zone 1	
1. Latitude	2. Longitude
51 30.99 N	2 58.56 W
51 30.99 N	2 58.79 W
51 31.43 N	2 58.58 W
51 31.68 N	2 58.5 W
51 31.82 N	2 58.52 W
51 31.91 N	2 58.56 W
51 32.02 N	2 58.64 W
51 32.49 N	2 59.22 W
51 32.574 N	2 59.29 W
51 32.69 N	2 59.33 W
51 32.78 N	259.33 W
51 32.87 N	2 59.29 W
51 33.01 N	2 59.25 W
51 33.02 N	2 59.21 W
51 32.97 N	2 59.1 W
51 32.99 N	2 59.01 W
51 32.95 N	2 58.96 W
51 32.86 N	2 59.08 W
51 32.8 N	2 59.12 W
51 32.69 N	2 59.12 W
51 32.6 N	2 59.07 W
51 32.14 N	2 58.51 W
51 32.02 N	2 58.4 W
51 31.87 N	2 58.32 W
51 31.74 N	2 58.29 W
51 31.63 N	2 58.29 W
51 31.55 N	2 58.31 W
51 31.45 N	2 58.35 W

Table 3 – Coordinates for Dredging Newport South Dock

Area: Newport South Dock Dredge Zone 2	
1. Latitude	2. Longitude
51 33.19 N	2 59.31 W
51 33.18 N	2 59.41 W
51 33.31 N	2 59.56 W
51 33.41 N	2 59.32 W
51 33.39 N	2 59.3 W
51 33.55 N	2 58.95 W

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51 33.62 N	2 58.76 W
51 33.66 N	2 58.68 W
51 33.55 N	2 58.5 W
51 33.21 N	2 59.28 W
51 33.02 N	2 59.21 W
51 33.01 N	2 59.25 W
51 33.19 N	2 59.31 W
51 33.18 N	2 59.41 W
51 33.31 N	2 59.56 W

Table 4 – Coordinates for Dredging Newport South Dock Northern Sector

Area: Newport South Dock (North of line from corner of 10 section to Cement berth) Dredge Zone 3	
1. Latitude	2. Longitude
51 33.55 N	2 58.95 W
51 33.64 N	2 59.09 W
51 33.65 N	2 59.07 W
51 33.68 N	2 59.11 W
51 33.67 N	2 59.13 W
51 33.71 N	2 59.18 W
51 33.76 N	2 59.07 W
51 33.75 N	2 58.98 W
51 33.66 N	2 58.81 W
51 33.64 N	2 58.82 W
51 33.64 N	2 58.81 W
51 33.7 N	2 58.71 W
51 33.69 N	2 58.68 W
51 33.63 N	2 58.78 W
51 33.62 N	2 58.76 W

The Licence Holder is authorised to conduct the deposit activities described in Table 1 at the location bounded by the coordinates specified in Table 5:

Within a circle 0.21 nautical miles radius centred on the following coordinate: 51°29.80 N 02°57.40 W

Table 5 – Permitted Deposit Locations

Deposit Area LU140 Newport Deep	
1. Latitude	2. Longitude
51 29.80 N	2 57.40 W

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.
Wash down grab	25/10/2019	1
Wash down trailer	25/10/2019	1
Wash down workboat	25/10/2019	1
Biosecurity Plan	01/11/2019	2
Newport table 1 and 2 final	25/10/2019	1
NRW ps analysis results SP1908 corrected	25/10/2019	1
CEFAS Newport metals and THC Results 2016 – Present	25/10/2019	1
CEFAS Newport PAH Results 2016 - present	25/10/2019	1
XCHEM19L_SP1908_CoA	25/10/2019	1
ABP Dredge Disposal Site Monitoring Plan 2020 revised	14/08/2020	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 must 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 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 nmcccontroller@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 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 and Vessels only to Carry out Licensed Activities

Only those agents, contractors, subcontractors and 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.

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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

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.

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

3.18 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

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the methodology for such recovery or removal has been approved by the Licensing Authority.

3.19 Biosecurity

- 3.19.1** The Licence Holder must implement the Biosecurity Risk Assessment dated **01 November 2019** 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 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 5.

Activity-specific Conditions

3.20 Sediment Sampling

- 3.20.1** 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.
- 3.20.2** The Licence Holder must submit the results of the SSP (the SSP results) carried out pursuant to condition 3.20.1 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.
- 3.20.3** 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**.
- 3.20.4** 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.
- 3.20.5** The Licence Holder must submit the written results of the SSP (the SSP results) carried out pursuant to condition 3.20.4 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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- 3.20.6** 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**.
- 3.20.7** 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.
- 3.20.8** The Licence Holder must submit the written results of the SSP (the SSP results) carried out pursuant to condition 3.20.7 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.
- 3.20.9** 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**.

3.21 Monitoring and Analysis

- 3.21.1** 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 Newport Deep (LU140) 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**.
- 3.21.2** 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 3.21.1.
- 3.21.3** 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 3.21.1.
- 3.21.4** The monitoring report(s) submitted to NRW in condition 3.21.2 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.
- 3.21.5** 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

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the Licensing Authority, to be implemented by the Licence Holder, before any further disposal activity can go ahead.

3.21.6 Any proposed changes to the plan outlined within 'ABP Dredge Disposal Site Monitoring Plan 2020 revised' conditioned in 3.21.1, must be submitted to, and agreed in writing by NRW acting on behalf of the Licensing Authority prior to any changes being enacted.

3.22 Evenly Deposit Material

The Licence Holder must ensure that during the course of disposal, material is distributed evenly over Newport Deep (LU140) disposal ground.

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;

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- 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.
- 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

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the licensed Deposit Area(s), as specified in Table 4, should be marked.

3.25 Timing Restrictions

The Licence Holder refrain from any dredging within the approach channel during the period **1 April and 30 June**, without prior written approval from NRW acting on behalf of the Licensing Authority.

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.

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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;

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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 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

