

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: **The Port of Mostyn Ltd.**

Company Number: **2804520**

**The Port of Mostyn Ltd
Coast Road
Mostyn
Flintshire
CH8 9HE**

**Ground Investigation works in Dee
Estuary, Port of Mostyn to Point of Ayr**

Licence Number:

RML2027

Licence Number: RML2027

Ground investigation works in the Dee Estuary for Project Flagstaff, between the Port of Mostyn and Point of Ayr.

Marine Licence number: RML2027

Introductory note

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

The main features of the marine licence are as follows.

Ground investigation works in the Dee Estuary for Project Flagstaff, between the Port of Mostyn and Point of Ayr.

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 11/06/2020	Application received and considered to be duly made
Date licence determined	25/09/2020	Determination date

Related marine licences or applications under determination

Marine Licence or Application Number	Date	Comments
DML2001	Application under determination	DML2001 is a renewal of licence DML1663. Now changed from water injection dredge to cutter hopper section dredge in DML2001.
DML1663v1	31 March 2020	Licence to plough and water injection dredge at the Port of Mostyn.
DML1542v2	12 December 2019	Dredging of sand to minus 4m Chart Datum from the Mostyn Inner Channel and Harbour Area using a trailer cutter suction dredger. Dredged material will be loaded into the dredger's hopper and transported either to the

Licence Number: RML2027

		Mostyn Deep deposit site or pumped ashore into a prepared site at the Port for use in other projects.
CML1343v3	16 December 2019	Mostyn Energy Park Development within the Dee Estuary. Associated with DML1542v2 with the deposit of 188,750m ³ .

End of introductory note.

Licence Number: RML2027

MARINE LICENCE, NUMBER RML2027

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered RML2027 and duly made on 11/06/2020 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: Port of Mostyn Ltd.

Company number (if available): 2804520

Address: Port of Mostyn Ltd., Coast Road, Mostyn, Flintshire, CH8 9HE

1.3 Licence Validity

Licence Start Date	06 October 2020
Licence End Date	31 August 2023
Licence Issue Date	25 September 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

Project Flagstaff Site Investigation

Ground investigation works in the Dee Estuary for Project Flagstaff, between the Port of Mostyn and Point of Ayr.

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 – CPT and Vibrocore tests	
Type of Licensed Activity	Removal
Description	Phase 1 of the planned ground condition investigation in the Dee estuary consisting of 14 Core Penetration Tests (CPT'S's) and 14 Vibrocores along a 6.7km stretch of seabed between the Port of Mostyn breakwater and Point of Ayr. CPT Tests - The work entails taking a cone penetration test to a depth of 25m at the 14 locations stated in section 2.2 of this Marine Licence, no material will be extracted from the seabed. Vibrocore Tests - Vibrocore samples will be taken from the seabed at a depth down to 6m at the 14 locations stated in section 2.2 of this Marine Licence using a core barrel of 86mm diameter. It is planned for both the CPT's and Vibrocores to be taken in late summer of 2020 using the same vessel and contractor. This element of the work is expected to require 5 working days depending on weather conditions and tidal constraints.
Material types to be removed or deposited	Removal: Silt, sand, gravel and clay Deposit: N/A
Quantities/Dimensions	The quantity of material for Vibrocore sampling from each location will be 0.035 cubic metres.
Activity 2 – Borehole tests	
Type of Licensed Activity	Removal

Licence Number: RML2027

Description	Phase 2 of the planned ground condition investigation in the Dee estuary consisting of 10 Boreholes along a 6.7km stretch of seabed between the Port of Mostyn breakwater and Point of Ayr. (Locations are stated in section 2.2 of the Marine Licence). Phase 2 (Boreholes) will be undertaken at a later date following assessment of the CPT and Vibrocore and is expected to take 10 days subject to favourable weather and tidal conditions. Each borehole will be to a depth of 25m using a 100mm diameter bore rod.
Material types to be removed or deposited	Removal: Silt, sand, gravel and clay Deposit: N/A
Quantities/Dimensions	Each borehole will extract 0.2 cubic metres of material.

2.2 Licensed Area

The Licence Holder is authorised to conduct the activities described in Table 1 in the vicinity of the Port of Mostyn and Point of Ayr in the Dee Estuary at the following coordinates as indicated on the plan submitted with the Approved Application and attached at Appendix 1:

Table 2: Cone Penetration Tests (CPT) Coordinates:

ID	Eastings	Northings
1	316088	381850
2	316170	382377
3	316245	382856
4	316323	383337
5	316394	383874
6	316019	384194
7	315615	384427
8	315158	384728
9	314835	384934
10	314404	385230
11	313938	385495
12	313534	385652
13	313038	385485
14	312707	385357

Table 3: Vibrocore Coordinates

ID	Eastings	Northings
1	316093	381898
2	316177	382409
3	316251	382917
4	316336	383391
5	316371	383929
6	315978	384211
7	315569	384472
8	315107	384759
9	314775	384968
10	314329	385259
11	313882	385529
12	313462	385629
13	312970	385454
14	312644	385322

Table 4: Borehole Coordinates

ID	Eastings	Northings
1	316066	381718
2	316119	382057
3	316257	382990
4	316325	383977
5	315694	384396
6	314900	384894
7	314005	385455
8	313627	385644
9	313112	385514
10	312560	385288

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.
Annex 1 - Location Plan of overall site. (scale 1:40,000) Rev 2020 04 30	11/06/2020	1
Annex 2 - Chart of Waypoints A – I. (scale 1:40,000) Rev 2020 04 30	11/06/2020	1
Annex 3 - Schedule of co-ordinates of Waypoints A – I.	11/06/2020	1
Annex 4 - Locations of Vibrocores and CPT tests. Rev 2020 04 30 (scale 1:15,000)	11/06/2020	1
Annex 5 - Locations of Boreholes. 2017 11 13	11/06/2020	1
Annex 6 - Vibrocore Method Statement. ISSI-MS13-Prelim Revision 002 Issued 29/05/2020	11/06/2020	2
Annex 7 - CPT Method Statement. ISSI-MS05-Prelim Revision 002 Issued 29/05/2020	11/06/2020	2
Annex 8 - Borehole Method Statement. R7M-519030-MST-001 Rev C0 19/09/2019	11/06/2020	1
Annex 9 - Consent from The Dee Conservancy	11/06/2020	1
Port of Mostyn WFD Assessment	29/06/2020	1
Port of Mostyn Biosecurity Plan 9 Dec (Rev3 Aug 2020)	14/08/2020	3
Addendum to RAMS	07/08/2020	1
MSCpBH-01- Cable Percussive Drilling Rev1 (Borehole Method Statement)	21/08/2020	1
MSRotBH-01-Rotary Coring Rev1 (Borehole Method Statement)	21/08/2020	1
MSP-R7M-519030-MST-001 REV1 (Jack-up Method Statement)	21/08/2020	1
RT089 - Site Specific RA (Issue 3) dak (Borehole Risk Assessment)	21/08/2020	3

3 CONDITIONS

Notification and Inspection

3.1 Notification of Commencement

- 3.1.1** The Licence Holder must notify the Licensing Authority 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 notify Welsh Government 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.
- 3.1.3** 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

Licence Number: RML2027

circumstances shall be notified to the Licensing Authority within **48 hours** of the incident occurring.

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 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

Licence Number: RML2027

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

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

Pollution control

3.16 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**.

3.17 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.

3.18 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 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.

3.20 Biosecurity

- 3.20.1** 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.
- 3.20.2** The Licence Holder must implement any actions outlined in the Biosecurity Plan dated 14 August 2020 and approved by NRW acting on behalf of the Licensing Authority. Any proposed changes to the actions outlined in the Biosecurity Plan 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 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.

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;

- (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 Easting and Northing in UK National Grid.
- (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

Tel: 0300 065 3000
Email: marinelicensing@naturalresourceswales.gov.uk

Welsh Government Marine Enforcement Officers may be contacted at:

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

Tel: 03000253500
Email: wfmccmpc@gov.wales

Appendix 1

