

Sent by e mail

Date 01 October 2020

Dear Jim OToole

MARINE AND COASTAL ACCESS ACT 2009: PART 4 – MARINE LICENSING

LICENCE FOR MOSTYN DREDGE AND BREAKWATER DISPOSAL SITE

LICENCE NUMBER: DML2001

I am writing to advise you that the Marine Licensing Team, on behalf of the Welsh Ministers, as Licensing Authority, has considered your application, dated 14 January 2020 for a Marine Licence under Part 4 of the Marine and Coastal Access Act 2009, and hereby grant a Marine Licence for you to undertake the above stated works.

Accordingly, please find attached for your review and retention a copy of Marine Licence **DML2001** and its conditions.

Please note conditions 3.20.4, 3.20.5 and 3.20.6 are associated with additional sample analysis to allow the Licence Holder to dredge to a depth greater than -5.5m below chart datum, with a maximum depth of -8m below chart datum.

Advisory Note

The Mostyn Operational Area Agreement (MOA) is in place between the Port of Mostyn and the Dee Conservancy Statutory Harbour Area. Within the MOA the Port of Mostyn is required to liaise and complete all necessary reports and assessments to the Dee Conservancy as per the agreement. This should occur outside of the Marine Licensing process.

The site is within port limits and the applicant should gain the approval/agreement of the responsible local navigation authority or the Harbour Authority/Commissioners/Council. They may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works, as deemed necessary.

The Licence Holder should consider adopting the Port Marine Safety Code (PMSC), which sets out a national standard for every aspect of port marine safety. The Code is not mandatory; however, it is endorsed by the UK Government, devolved administrations and

representatives from across the marine industry sector. It is applicable to both Statutory Harbour Authorities (SHA) and non-SHAs including marinas, terminals, marine berths and jetties. The Department for Transport also publishes the PMSC Guide to Good Practice which provides useful information and detailed guidance on the safe management of these facilities and is intended to supplement the Code. This can be found here:

<https://www.gov.uk/government/publications/a-guide-to-good-practice-on-port-marine-operations>

Marine Licence, **DML2001**, constitutes a statutory consent; therefore, the conditions set out herein must be complied with in full and will be binding upon any agent or contractor who undertakes any activity on the project on your behalf.

You are urged to read the conditions of Marine Licence **DML2001** carefully, in particular the need to advise our Marine Enforcement Officers of the commencement of works within **10 days** prior to work starting.

Marine Licence, **DML2001** is solely granted for the work to be undertaken at **DML2001**; however, it does not absolve you from applying for further consents or licences as necessary to enable the full completion of your project.

If the works authorised by this Licence are unlikely to be completed by the expiry date, the Licence Holder should apply for a replacement marine licence **at least 4 months** prior to the expiry date of this Licence.

Should you require clarification as to the reasons for the inclusion of any of the conditions attached to the Licence then you must request written notice within 28 days of the receipt of this letter.

Rights of appeal

You have the right of appeal to the Welsh Ministers against this decision. The Appeal must be made in accordance with the Marine Licensing (Appeals Against Licensing Decisions) (Wales) Regulations 2011.

A notice of appeal must be received by the Welsh Ministers within six months beginning with the date of the decision to which the appeal relates.

You must send written notice of appeal including the documents listed below to the Welsh Ministers at the following address:

Welsh Ministers c/o Marine Licensing Branch, Welsh Government, Cathays Park, Cardiff.
CF10 3NQ.

At the same time, you must send a copy of the notice of appeal to the Natural Resources Body for Wales at the following address:

Permitting Service Manager, Permitting Service (Cardiff), Natural Resources Wales,
Cambria House, 29 Newport Road, Cardiff, CF24 0TP

The notice of appeal must include:

- a) the name, address (including any email address) and telephone number of the appellant and any agent acting for the appellant;
- b) a statement of the grounds of appeal;
- c) a statement as to whether the appellant wishes to have the appeal dealt with by way of written representations, a hearing or an inquiry;
- d) a copy of the decision to which the appeal relates;
- e) a copy of all documents upon which the appellant wishes to rely; and
- f) a list of all the documents, including dates (where any document is dated), specified in bullet points d and e above.

You may withdraw an appeal by notifying the Welsh Ministers in writing and sending a copy of that notification to the NRW at the address specified above.

Please be aware that the Welsh Government has changed the Marine Licensing fees and charges in Wales. You will be charged for any post licensing work associated with your licence. If you have any queries regarding the fee changes, please email the Marine Licensing Team via marinelicensing@naturalresourceswales.gov.uk

The UK left the EU on 31 January 2020 and has entered a transition period until the 31 December 2020. The legal obligations relating to compliance with environmental permits and legislation continue to apply. NRW will continue to issue and regulate all permits and licenses in line with our current practice. If you have any questions about your permits or licenses and/or site management, please contact our Customer Care Centre on 03000 653 000.

Yours sincerely

Jodie Pullen
Marine Licensing Team
Natural Resources Wales