

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: **Conwy County Borough
Council**

**Conwy County Borough Council
Environment, Roads & Facilities
Mochdre Offices
Conway Road
Mochdre
LL28 5AB**

Penrhyn Bay Ground Investigation Works

Licence Number:
RML2031

Penrhyn Bay Ground Investigation Works

Marine Licence number: RML2031

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 investigations are required to support the design of improved coastal defences. The ground investigations comprise boreholes and trial pits within the inter tidal zone as well as other works to the top of the promenade.

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 11/08/2020	Application received and considered to be duly made
Date licence determined	13/10/2020	Determination date

End of introductory note.

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MARINE LICENCE, NUMBER RML2031

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered RML2031 and duly made on 11 August 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:

- 1.3 Person/Company/Organisation name:** Conwy County Borough Council
Address: Conwy County Borough Council Environment, Roads & Facilities, Mochdre Offices, Conway Road, Mochdre LL28 5AB

1.4 Licence Validity

Licence Start Date	26 October 2020
Licence End Date	28 February 2021
Licence Issue Date	13 October 2020

1.5 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

Ground investigations to support the design of improved coastal defences in Penrhyn Bay, Conwy.

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 Ground investigation works	
Type of Licensed Activity	Removal
Description	Ground investigations to consist of a combination of the following exploratory techniques: • Trial pits: excavated by hand and by JCB 3CX type machine on the foreshore • Window / Windowless Boreholes: handheld and using a tracked rig on foreshore, using Geotool / dando terrier type machine • Boreholes: Cable percussion and rotary on promenade and foreshore, using Comacchio MC 300 type machine • Machine excavated trenches in front of the existing seawall to facilitate inspection of the foundations • Hand excavated trenches behind existing sea wall to allow inspection of below ground structure. • Non-destructive sizing survey of existing rock groyne, all rocks to be replaced
Material types to be removed or deposited	Sand and sediment to be removed
Quantities/Dimensions	No more than 12 No. trial pits, to a target depth of 4.5mbgl No more than 7 No. boreholes, to a target depth of between 10.0 – 12.0mbgl

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2.2 Licensed Area

The Licence Holder is authorised to conduct the activities described in Table 1 in the vicinity of Penrhyn Bay bounded by the the coordinates specified in Table 2 and as indicated on the plan submitted with the Approved Application and attached at Appendix 1.

Table 2 Coordinates

Eastings	Northings
282537	381979
282675	381793
282988	381708
282989	381447
282519	381645
282310	381943

2.3 Approved Supporting Documents

Title/Description of Document	Date	Version No.
GI ML Application – Penrhyn Bay	31/07/2020	V1
RML2031 Method Statement	31/07/2020	V1
Penrhyn Bay Background and Assessment November 2013 v3	31/07/2020	V3

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 Vehicles/Vessels

The Licence Holder must ensure that the details of the vehicles and 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 and zone32@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

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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 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 Vehicles and Vessels only to Carry out Licensed Activities

Only those agents, contractors, subcontractors vessels or vehicles 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 Vehicles/Vessels

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

3.20 Biosecurity

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.

3.21 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.

Activity-specific Conditions

3.22 Archaeology

The Licence Holder must ensure that if any archaeological features or finds are disturbed during the course of the Licensed Activities, all Licensed Activities must cease until advice on any necessary mitigation measures from NRW acting on behalf of the Licensing Authority has been given in writing. All mitigation measures must then be implemented prior to work recommencing.

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 eastings and northings measured in metres
- (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

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Appendix 1

