

Sent by e mail

Date: 25 September 2020

Dear Mr O'Toole

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

LICENCE FOR GROUND INVESTIGATION WORKS IN THE DEE ESTUARY FOR PROJECT FLAGSTAFF, BETWEEN THE PORT OF MOSTYN AND POINT OF AYR.

LICENCE NUMBER: RML2027

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 10 June 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 **RML2027** and its conditions.

Advisory Notes

Marine Licence, **RML2027**, 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.

It is recommended that before commencing the activities under Marine Licence **RML2027**, you should contact the Maritime Officer at the Royal Commission on the Ancient and Historic Monument in Wales to ascertain the location of any undesignated historic wrecks in the area of the proposed works in order to ensure no damage occurs to them.

The Maritime and Coastguard Agency have recommended that you consider adopting the Port Marine Safety Code (PMSC) if you have not done so already, which sets out a national standard for every aspect of port marine safety. The Department for Transport also publishes the PMSC Guide to Good Practice which can be found here:

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

Regarding the modular barge delivery methodology being by road. Please be advised that should this methodology be changed to transport by sea, a complex variation would be required along with the submission of a revised method statement and updated biosecurity assessment to NRW acting on behalf of the Licensing Authority for written approval.

We remind you that boreholes should be allowed to backfill naturally where possible, however where this is not possible such as within areas of hard rock bentonite and cement grout should be used in line with the submitted method statement.

Where practicable, NRW advisory recommend that works are carried out between January and April to avoid both the active cockle harvesting season and spawning/settlement periods.

You are urged to read the conditions of Marine Licence **RML2027** 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, **RML2027** is solely granted for the work to be undertaken **at between the Port of Mostyn and Point of Ayr at the coordinates provided with your application**; 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



Graham Willis

Marine Licensing Team
Natural Resources Wales