

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

**Ground investigations to support the
design of improved sea defences,
Colwyn Bay**

Licence Number:

RML2018

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Ground investigations to support the design of improved sea defences, Colwyn Bay

Marine Licence number: RML2018

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 to support the design of improved sea defences, comprising of boreholes and trial pits within the inter tidal zone.

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 09/07/2020	Application received and considered to be duly made
Date licence determined	16/09/2020	Determination date

Related marine licences or applications under determination

Not applicable

End of introductory note.

Licence Number: RML2018

MARINE LICENCE, NUMBER RML2018

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered RML2018 and duly made on 09 July 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	28 September 2020
Licence End Date	28 January 2021
Licence Issue Date	16 September 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 sea defences, Colwyn Bay

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 Old Colwyn ground investigations	
Type of Licensed Activity	Removal
Description	Ground investigation comprising of trial pits within the inter tidal zone
Material types to be removed or deposited	Silt/Rock/Gravel/ Sand
Quantities/Dimensions	• Seven machine excavated trenches in front of the sea wall to allow visual inspection of the foundations. Rock armour to be removed prior and replaced on completion. • Five trial pits in the beach above low mean water mark • CCTV survey of drains running through sea defences (access may be required from seaward side) • Sizing survey of existing rock revetment (non-destructive and all stones to be replaced)
Activity 2 Phase 2B Ground Investigations	
Type of Licensed Activity	Removal
Description	Ground investigation comprising of boreholes and trial pits within the inter tidal zone
Material types to be removed or deposited	Silt/Rock/Gravel/ Sand
Quantities/Dimensions	• Eight window sampler driven boreholes within the beach area (above mean low tide)

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	• Eight trial pits • Two cable percussive boreholes
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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 Colwyn Bay bounded by the the coordinates specified in Table 2:

Table 2 – Coordinates of Activity 1

Eastings	Northings
287106	378693
287055	378785
285819	78932
285837	379017

Table 3 – Coordinates of Activity 2

Eastings	Northings
284586	379625
284787	379818
284263	380027
284522	380025
284238	380509
284427	380490

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.
<u>Marine-works-application-form-Old Colwyn Bay</u>	26/03/2020	1
<u>Colwyn WFD Screening Assessment Approved</u>	07/04/2020	1
<u>Method-statement-Old Colwyn Bay and Phase 2B</u>	07/04/2020	1
<u>410895-GI-P01 Colwyn Bay Waterfront Phase 2B – GI Spec Map Optimized</u>	07/04/2020	1

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<u>Old Colwyn GI 2 Optimized</u>	07/04/2020	1
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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 and/or Vehicles

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 nmoccontroller@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.

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, Vessels and/or Vehicles only to Carry out Licensed Activities

Only those agents, contractors, subcontractors vessels and/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 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

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

- 3.22.1** The Licence Holder must ensure that a suitably qualified archaeological contractor is present during the undertaking of any Licensed Activities so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs.
- 3.22.2** A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist.
- 3.22.3** Once approved by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and to the National Monuments Record and Royal Commission on the Ancient and Historical Monuments of Wales RCAHMW.

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;

- (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 meters.
- (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

Clwyd-Powys Archaeological Trust may be contacted at:

Clwyd-Powys Archaeological Trust
The Offices,
Coed y Dinas,
Welshpool,
SY21 8RP
Tel: 01938 553670).
Email: mark.walters@cpat.org.uk

Appendix 1

