

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: **City and County of
Swansea**

**City and County of Swansea
Civic Centre
Oystermouth Road
Swansea
SA1 3SN**

**Water injection dredging projects to
restore the required navigational depths
within Swansea SYSAC Marina on the
River Tawe.**

Licence Number:

DML2042v1

Water injection dredging projects within the Swansea Yacht & Sub Aqua Club (SYSAC) Marina between the Tawe Barrage and the Sail Bridge walkway.

Marine Licence number: DML2042v1

Introductory note

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

The main features of the marine licence are as follows.

Water injection dredging projects to restore the required navigational depths within the Swansea SYSAC Marina between the Tawe Barrage and the Sail Bridge walkway in the winter months of 2021 (January and February) and 2022/23 (December, January and February).

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 25/09/2020	Application received and considered to be duly made
Date licence determined	07/12/2020	Determination date
Marine licence variation	10/12/2020	Marine licence varied to clarify that dredge campaigns will be performed biennially and to rectify minor errors.

Related marine licences or applications under determination

Marine Licence	Date	Comments
DML1639v1	08/01/2019	Variation to Marine Licence DML1639 Licence condition 8.8 amended to allow dredging for a maximum of five hours between 1 hour before high water (HW) and 1 hour before low water (LW). Expired 03 November 2019.
DML1639	04/01/2016	Water injection dredging of the SYSAC Marina to maintain navigable depth. Superseded by DML1639v1 on 08/01/2019.
12/24/ML/1	12/11/2012	Water injection dredging of the SYSAC Marina to maintain navigable depth. Expired 28 February 2015.

End of introductory note.

Licence Number: DML2042v1

MARINE LICENCE, NUMBER DML2042v1

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered **DML2042v1** and duly made on **25 September 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:

Organisation name: City and County of Swansea

Address: Civic Centre, Oystermouth Road, Swansea, SA1 3SN

1.3 Licence Validity

Licence Start Date	01 January 2021
Licence End Date	31 March 2023
Licence Issue Date	10 December 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

Water injection dredging projects to restore the required navigational depths within the Swansea SYSAC Marina between the Tawe Barrage and the Sail Bridge walkway in the winter months of 2021 (January and February) and 2022/23 (December, January and February).

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 Dredge Activities

Activity 1 Water injection dredging projects to restore the required navigational depths within Swansea SYSAC Marina zones on the River Tawe.			
Marine Licensable Activity Type	Dredging		
Description	Maintenance dredging of the Swansea Yacht and Sub Aqua Club (SYSAC) Marina zones using water injection dredging (WID) methods in the winter months 2021 (January and February) and 2022/23 (December, January and February). The average physical depth of material to be removed is 0.5m. Target depths to Primary Wear Crest level (PWC) and conversions to Ordnance Datum Newlyn (ODN) and Chart Datum (CD) as provided by the Licence Holder are presented below.		
Maximum Dredge Depth SYSAC Marina Dredge Zone 1	PWC	ODN	CD
	-2.5m	+0.51m	+5.51m
Maximum Dredge Depth Swansea Lock Barrel Dredge Zone 2	-4.5m	-1.49m	+3.51m
Maximum Dredge Depth Fisherman's Pontoons Dredge Zone 3	-3.5m	-0.49m	+4.51m
Maximum dredge volume and tonnage to be taken every two years under this licence	Sampled Specific Gravity	m ³	Tonnage
	1.3 t/m ³	17,000m ³	22,500 Tonnes
Material Type	Silt / clay		

2.2 Licensed Area

The Licence Holder is authorised to conduct the dredging activities described in Table 1 bounded by the coordinates specified in Tables 2, 3 and 4:

Coordinates are provided as degrees and decimal minutes to three decimal places and are relative to ETRS89.

Table 2

Dredge Zone 1 - SYSAC Marina	
Latitude	Longitude
51 37.021	-003 55.752
51 36.988	-003 55.824
51 36.981	-003 55.842
51 36.971	-003 55.864
51 36.999	-003 55.926
51 37.012	-003 55.913
51 37.015	-003 55.923
51 37.014	-003 55.932
51 37.005	-003 56.000
51 37.014	-003 56.004
51 37.025	-003 55.935
51 37.028	-003 55.931
51 37.072	-003 56.005
51 37.079	-003 56.030
51 37.086	-003 56.021
51 37.113	-003 56.048
51 37.118	-003 56.041
51 37.144	-003 56.040
51 37.151	-003 55.981
51 37.166	-003 55.924
51 37.124	-003 55.876
51 37.115	-003 55.882
51 37.101	-003 55.866
51 37.102	-003 55.850

Table 3

Dredge Zone 2 - Swansea Lock Barrel	
Latitude	Longitude
51 37.014	-003 56.003
51 37.025	-003 55.934
51 37.028	-003 55.931
51 37.026	-003 55.914
51 37.026	-003 55.899
51 37.025	-003 55.887
51 37.018	-003 55.885
51 37.009	-003 55.881
51 37.013	-003 55.908
51 37.014	-003 55.919
51 37.015	-003 55.925
51 37.015	-003 55.932
51 37.012	-003 55.950
51 37.005	-003 56.001
51 37.009	-003 56.006
51 37.014	-003 56.003

Table 4

Dredge Zone 3 - Fisherman's Pontoons	
Latitude	Longitude
51 37.012	-003 55.914
51 36.999	-003 55.926
51 36.985	-003 55.896
51 36.971	-003 55.864
51 36.981	-003 55.841
51 36.991	-003 55.857
51 37.001	-003 55.878
51 37.011	-003 55.897
51 37.013	-003 55.908
51 37.013	-003 55.912
51 37.012	-003 55.914

Due to the nature of the water injection dredge methodology being used for the Project, it is understood that no sediment is to be excavated from the dredge area and therefore no disposal activities will be performed.

Sediment excavation and disposal activities are therefore not permitted under this marine licence.

2.3 Approved Supporting Documents

Title/Description of Document	Date	Version No.
Swansea SYSAC Marine Licence app. Sept 20	18/09/2020	1
Section 12 - Areas to be Dredged Additional Page	24/09/2020	1
Section 16 - Alternative Means of Disposal Additional Page	24/09/2020	1
Swansea Water Framework Assessment 2020-Final	24/09/2020	1
Biosecurity_Risk Assessment WID Template R1	04/11/2020	2
Swansea SYSAC Marina Surface Sediment sample analysis - MAR00588	18/09/2020	1
Lock Barrel dredge area for License.csv	16/11/2020	1
Fishermans pontoon dredge area for License.csv	16/11/2020	1

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.
- 3.1.4** The Licence Holder must ensure that HM Coastguard is made aware of the Licensed Activities **10 days** prior to commencement by contacting The National Maritime Operations Centre at nmoccontroller@hmcg.gov.uk.
- 3.1.5** The Licence Holder must notify the UK Hydrographic Office of the timetable of works at least **10 days** prior to works commencing, to permit the promulgation of maritime safety information and the updating of nautical charts and publications, if necessary.

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 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.

3.5 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.

3.6 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.

3.7 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.

3.8 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

3.9 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.

3.10 Standard of Vessels

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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.

3.11 Refuelling

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

Safety

3.12 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.

3.13 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.

3.14 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

3.15 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**.

3.16 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. i.e. secondary containment should be used with a capacity of not less than 110% of the containers storage capacity.

3.17 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.

3.18 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.

3.19 Biosecurity

3.19.1 The Licence Holder must implement the Biosecurity Risk Assessment dated **04 November 2020** and approved by the Licensing Authority. Any proposed changes to the actions outlined in the Biosecurity Risk Assessment must be submitted to and approved in writing by the Licensing Authority prior to any changes being enacted.

3.19.2 The Licence Holder must submit an updated Biosecurity Risk Assessment to the Licensing Authority for written approval by the **31 January** each year, starting **January 2022**.

3.20 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

3.21 Timing Restrictions

3.21.1 The Licence Holder must ensure that no Licensed Activities take place between **01 March** and **30 November** inclusive to avoid interference with Section 7 priority fish species, without prior written approval from the Licensing Authority.

3.21.2 The Licence Holder must ensure that on spring tides, Licensed Activities are only undertaken for a maximum duration of five hours and between 1 hour before high water and low water. During neap tide periods there are no tidal state restrictions on the Licensed Activities.

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 0;
- (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 latitude and longitude degrees and decimal minutes to three decimal places relative to ETRS89.
- (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

