

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: **Boatfolk Marinas Ltd**

Company Number 02746437

**Deacons House Bridge Road
Bursledon
Southampton
England
SO31 8AZ**

**Cutter Suction Dredging at Conwy
Marina, Conwy**

Licence Number:

DML1833v2

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Cutter Suction Dredging at Conwy Marina, Conwy

Marine Licence number: DML1833v2

Introductory note

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

The main features of the marine licence are as follows.

Cutter suction dredging at Conwy Marina, Conwy.

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 07 June 2018	Application received and considered to be duly made
Date licence determined	05 October 2018	Determination date
Marine licence variation	17 June 2020	Marine licence varied by NRW
Marine licence transfer	07 April 2021	Licence transferred to new licence holder

The Licence **DML1833v2** supersedes Licence **DML1833v1** in its entirety.

Related marine licences or applications under determination

Marine Licence or Application Number	Date	Comments
DML1533	01 January 2016	DML1533 was a maintenance dredge licence issued for cutter suction dredging activity in Conwy Marina and Deganwy Marina.
DML1533v1	29 February 2016	DML1533 was an NRW led variation to correct a condition of the licence.
DML1833	05 October 2018	DML1833 was a maintenance dredge licence issued for cutter

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		suction dredging activity in Conwy Marina.
DML1833v1	17 June 2020	NRW led variation to manage when dredging occurs to prevent deterioration of reef features

End of introductory note.

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MARINE LICENCE, NUMBER DML1833v2

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered **DML1833** and duly made on **7 June 2018** 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 company set out below:

Company name: Boatfolk Marinas Ltd

Company number: 02746437

Address: Deacons House Bridge Road, Bursledon, Southampton, England, SO31 8AZ

1.3 Licence Validity

Licence Start Date	12 April 2021
Licence End Date	31 December 2027
Licence Issue Date	07 April 2021

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

Cutter suction dredging at Conwy Marina, 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 Dredge / Disposal Activities

Activity 1 Dredging and Deposit at Conwy Marina		
Marine Licensable Activity Type	Dredging and Deposit	
Description	Cutter suction dredging at Conwy Marina.	
Maximum Dredge Depth	-0.4 m Ordnance Datum Newlyn	
Maximum Dredge volume and tonnage [for disposal only] for material to deposited under this licence	Sampled Specific Gravity	Tonnage per year
	1.2 tonnes / m ³	28000
Maximum Deposit	Sampled Specific Gravity	Tonnage per year
	1.2 tonnes / m ³	28000
Deposit Location	Site Code: IS066	Site Name: Conwy Beneficial Use
Material Type	Silt (90%) and sand (10%).	

2.2 Licensed Area

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

Table 2 Coordinates for dredging

Dredge Zone	
Longitude	Latitude
-3.8400555	53.2931111
-3.8373611	53.2916667
-3.8423055	53.2921111
-3.8398333	53.2907778
-3.8377500	53.2908611

The Licence Holder is authorised to conduct the deposit activities described in Table 1 at the location bounded by the coordinate specified in Table 3:

Within a circle of 10 metres radius centred on the following coordinate:

Table 3 Permitted Deposit Location IS066

Deposit Area	
Longitude	Latitude
-3.83633	53.29233

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.
Biosecurity Form	28 February 2017	1
Deganwy and Conwy Quay Marina Environmental Monitoring Report Relating to Cutter Suction Dredging Programme 2013 - 2014	June 2014	1
Water Framework Directive Scoping and Impact Assessment	06 June 2018	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.

3.2 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

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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, 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.

3.11 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.

3.20.1 The Licence Holder must implement the Biosecurity Risk Assessment submitted on the **06 June 2018** and approved by the Licensing Authority. Any proposed changes to the actions outlined in the Biosecurity Risk Assessment must be submitted to and agreed in writing by the Licensing Authority prior to any changes being enacted.

3.20.2 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 2020.

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 Disposal Returns

3.22.1 Certified returns of quantities of substances or articles deposited under this Licence are required to be submitted on the attached disposal return form by **31 January** and **31 July** each year. The returns must specify the full Licence number and amount deposited each calendar month at each authorised Deposit Area. Where no deposit is made in a given period a NIL return is required.

3.22.2 If this Licence expires during the course of the calendar year and is not renewed or superseded by a further Licence relating to the Licensed Activities specified in paragraph 2.1, a certified return of quantities of substances or articles deposited under this Licence, shall be submitted not later than **28 working days** after the expiry date of this Licence.

3.23 Written Record of Disposal Activities

3.23.1 Any person in charge of the loading of a vessel or any intermediate storage of the substances or articles prior to their deposit in the sea

shall maintain a written record on the premises relating to individual cargoes or loads (received or dispatched). This written record and shall include the following details:

- 3.23.1.1 date and time each load was received or dispatched and the quantity;
 - 3.23.1.2 general description of the substances or articles and the name of the producer(s) or holder(s);
 - 3.23.1.3 registration numbers of vehicles delivering loads;
 - 3.23.1.4 consignment note numbers (if any);
 - 3.23.1.5 the reference number of the Licence issued under, Part 4 of the Marine and Coastal Access Act 2009, which permits the substances or articles being loaded or stored to be deposited in the sea;
 - 3.23.1.6 name(s) of vessel or identification code and type of container into which substances or articles are loaded;
 - 3.23.1.7 signature(s) and status of the person or persons authorising loading of substances or articles to the vessel or container;
 - 3.23.1.8 the results of any checks carried out on the substances or articles prior to authorisation of loading.
- 3.23.2 The Licence Holder and any Operator or Contractor responsible for loading, transportation or storage must ensure that only authorised personnel have access to the substances or articles for deposit.
- 3.23.3 The Master or the Officer of the Watch of each vessel, as referred to condition 3.10 of this Schedule, undertaking the deposit of any substances or articles specified in **Error! Reference source not found.** of this Schedule, shall maintain a written log of operations recording, in the English Language, the following information:
- 3.23.3.1 the name of the vessel;
 - 3.23.3.2 the quantity and type of each substance or article loaded for deposit;
 - 3.23.3.3 the date and time of departure from the port or site at which the substances or articles are loaded for deposit in the sea and time of arrival (and date if different) at the Deposit Area on each occasion that it proceeds to and from such area;
 - 3.23.3.4 latitude and longitude position (in degrees and minutes and decimal of a minute to at least one decimal place) of the vessel at intervals of not more than 20 minutes throughout the deposit operation which for the purpose of this Licence shall be the commencement of loading (including the dredging) each consignment of material

for deposit in the sea through to the completion of the placement or deposit of the material in the Deposit Area;

3.23.3.5 the time taken to complete the deposit operation and a statement of the reasons for any delays;

3.23.3.6 courses and speeds together with any alterations throughout each deposit operation (multiple changes may be recorded as "various");

3.23.3.7 the rate of discharge or deposit, together with any variations, throughout deposit operations;

3.23.3.8 weather, sea-state, wind and tidal set, and rate throughout deposit operations; and

3.23.3.9 the signature of the Master at the foot of each log sheet or page of the record.

3.23.4 All deposit vessels are required to carry an Admiralty Chart of appropriate scale to be used in navigation on which the co-ordinates of the licensed Deposit Area, as specified in Table 3, should be marked.

3.24 Sediment Sample Plan

3.24.1 The Licence Holder must submit or request a sediment sampling plan (SSP) to/ from NRW on or before **31 May 2021**. The SSP must include details of sampling grid, analysis suites and proposed format of a report determining the suitability of material for disposal.

3.24.2 The Licence Holder must submit the results of the SSP (SSP results) carried out pursuant to Condition 3.24.1 above, to NRW on or before **5 November 2021**. The SSP results must include an outline of an assessment of alternative uses for the sediment that is to be disposed for the following 3 year period.

3.24.3 The Licence Holder must not carry out any dredging activity under this licence after **31 December 2021** without prior written approval from NRW. Such written approval should be requested no later than **31 May 2021**.

3.24.4 The licence holder must submit a proposed sediment sampling plan (PSSP) to NRW on or before **31 May 2024**. The PSSP must outline the sampling and analysis required during the licence period and must include details of sampling grid, analysis suites and proposed format of a report determining the suitability of the material for disposal.

3.24.5 The licence holder must submit the written results of the PSSP (PSSP results) carried out pursuant to Condition 3.24.4 above to NRW on or before **5 November 2024**. The PSSP results must include an outline of alternative uses for the sediment that is to be disposed for the following 3-year period.

3.24.6 The licence holder must not carry out any dredging activity after **31 December 2024** without prior written approval from NRW. Such written approval should be requested no later than **31 May 2024**.

3.24.7 The Licence Holder must ensure that any sampling or analysis required for the purposes of the SSP or PSSP is carried out at a laboratory that is approved in writing by NRW.

3.25 Timing Restrictions

3.25.1 The Licence Holder is not permitted to dredge between **15 April** and **30 June** to avoid impacts to migratory fish.

3.25.2 The Licence Holder is not permitted to dredge between **1 May** and **30 September** to avoid impacts to the bathing water at Llandudno West Shore during bathing water season.

3.26 Licensing Authority Approval

The Licence Holder must gain prior written approval from the Licensing Authority, at least **4 weeks** prior to any proposed dredging activity in Conwy Marina.

3.26.1 No dredging activity in Conwy Marina may take place prior to written approval from the Licensing Authority.

3.26.2 The Licence Holder must ensure that the method of dredging is carried out in accordance with the application dated **06 June 2018**. Dredging is therefore restricted to **1 hour before high tide to 1 hour after low tide** and must **not** occur when the tidal range is **less than 3.5 m** above ordnance datum. This will ensure optimum ebb tide conditions for the dispersal of dredged material.

3.26.3 The Licence Holder must ensure that no aids to navigation are moved or removed in order to facilitate the Licensed Activities without prior written approval from Trinity House.

3.27 Notification to County Borough Council

The Licence Holder must notify Conwy County Borough Council, Food Safety & Food Standards Section at **regulatory.services@conwy.gov.uk** of the intended dates for the dredging to be carried out at least **10 days** prior to Licensed Activities commencing in order that appropriate arrangements can be made to monitor the microbiological quality of the shellfish harvesting areas.

3.28 Resuspension of sediment

The Licence Holder must ensure the best methods of practice are used to minimise resuspension of sediment during the Licensed Activities, to avoid impacts on benthic habitats.

3.29 Secure outfall pipe

The Licence Holder must ensure that the outfall pipe is properly secured to prevent the pipe from moving.

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3.30 Disposal material distribution

The Licence Holder must ensure that during the course of disposal, material is distributed evenly over the disposal site, Conwy Beneficial Use (IS065).

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 latitude and longitude decimal degrees
- (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

