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Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: Cardiff Harbour Authority

Queen Alexandra House
Cargo Road
Cardiff
CF10 4LY

Disposal of dredged material from Cardiff
Bay outer harbour and approaches to Cardiff
Grounds (LU110)

Licence Number:

DML1930v1

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Disposal of dredged material from Cardiff Bay outer harbour and approaches to Cardiff Grounds (LU110)

Marine Licence number: DML1930v1

Introductory note

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

The main features of the marine licence are as follows.

The deposit of dredged material using a trailer suction hopper from Cardiff Bay Outer Harbour, Locks and Approach Channel to Cardiff Grounds LU110.

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 27/06/2019	Application received and considered to be duly made
Date licence determined	20/09/2019	Determination date
Marine licence variation	13/15/2021	This licence has been varied to include licence condition 3.25 and approved supporting documents 'Cardiff Grounds LU110' and 'Evenly deposit dredge arisings at Cardiff spoil grounds'.

The Licence **DML1930v1** supersedes Licence **DML1930** in its entirety.

Related marine licences or applications under determination

Not applicable

End of introductory note.

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MARINE LICENCE, NUMBER DML1930v1

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered **DML1930** and duly made on **27 June 2019** 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 0**.

1.2 Licence Holder

The Licence Holder is the organisation set out below:

Organisation name: Cardiff Harbour Authority

Address: Queen Alexandra House, Cargo Road, Cardiff, CF10 4LY

1.3 Licence Validity

Licence Start Date	13 May 2021
Licence End Date	19 September 2022
Licence Issue Date	13 May 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

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2 LICENSED ACTIVITIES

2.1 Project

Disposal of dredged material from Cardiff Bay outer harbour and approaches to Cardiff Grounds (LU110).

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	Deposit of material to Cardiff Grounds LU110
Marine Licensable Activity Type	Deposit
Description	The deposit of dredged material using a trailer suction hopper from Cardiff Bay Outer Harbour, Locks and Approach Channel to Cardiff Grounds LU110
Maximum Dredge Depth Approach Channel Dredge Zone 1	-7.5m below Ordnance Datum Newlyn
Maximum Dredge Depth Outer Harbour Dredge Zone 2	-8m below Ordnance Datum Newlyn
Maximum Dredge Depth Harbour Slope Dredge Zone 3	-8m below Ordnance Datum Newlyn
Maximum Dredge Depth Lock 1 Dredge Zone 4	-4m below Ordnance Datum Newlyn
Maximum Dredge Depth Lock 2 Dredge Zone 5	-7m below Ordnance Datum Newlyn
Maximum Dredge Depth Lock 3 Dredge Zone 6	-7m below Ordnance Datum Newlyn
Maximum Deposit	m³ per year
	180,000m³

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Deposit Location	Site Code: LU110	Site Name: Cardiff Grounds
Material Type	Silt	

2.2 Licensed Area

The Licence Holder is only authorised to deposit material dredged from the area bounded by the coordinates specified in Table 2, 3, 4, 5, 6 and 7.

Table 2 Coordinates for dredging in Dredge Zone 1

Dredge Zone 1 [Approach Channel]	
Latitude	Longitude
51°26.71	3°09.86
51°26.71	3°09.84
51°26.69	3°09.83
51°26.65	3°09.80
51°26.63	3°09.78
51°26.59	3°09.66
51°26.55	3°09.64
51°26.61	3°09.81
51°26.64	3°09.84
51°26.67	3°09.87
51°26.70	3°09.86

Table 3 Coordinates for dredging in Dredge Zone 2

Dredge Zone 2 [Outer Channel]	
Latitude	Longitude
51°26.74	3°09.95
51°26.78	3°09.91
51°26.71	3°09.84
51°26.71	3°09.86
51°26.71	3°09.87

Table 4 Coordinates for dredging in Dredge Zone 3

Dredge Zone 3 [Harbour Slope]	
Latitude	Longitude
51°26.70	3°09.99
51°26.74	3°09.95
51°26.71	3°09.87
51°26.67	3°09.92

Table 5 Coordinates for dredging in Dredge Zone 4

Dredge Zone 4 [Lock 1]	
Latitude	Longitude
51°26.80	3°09.98
51°26.80	3°09.98
51°26.77	3°09.92
51°26.78	3°09.91

Table 6 Coordinates for dredging in Dredge Zone 5

Dredge Zone 5 [Lock 2]	
Latitude	Longitude
51°26.79	3°09.99
51°26.79	3°10.00
51°26.76	3°09.93
51°26.76	3°09.93

Table 7 Coordinates for dredging in Dredge Zone 6

Dredge Zone 6 [Lock 3]	
Latitude	Longitude
51°26.78	3°10.00
51°26.77	3°10.01
51°26.75	3°09.94
51°26.75	3°09.94

The Licence Holder is authorised to conduct the deposit activities described in Table 1/comprised in Activity 1 bounded by the coordinates specified in Table 8.

Table 8 Permitted Deposit Locations

Deposit Area [Cardiff Grounds LU110]	
Latitude	Longitude
51°25.60 N	03° 06.40 W
51°25.60 N	03° 06.70 W
51°26.50 N	03° 07.10 W
51°27.40 N	03° 05.90 W

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.
Environmental Assessment for Maintenance Dredging	25 June 2019	1
Biosecurity Plan Marine Maintenance Dredging	5 August 2019	1
C.16.005 Dredging Areas 2017-2022 Application	28 January 2019	1
Water Framework Directive Assessment	25 June 2019	1
Drawing: Cardiff Grounds LU110	09 December 2020	1
Evenly deposit dredge arisings at Cardiff spoil grounds methodology	09 December 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 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.

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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

3.20.1 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.

3.20.2 The Licence Holder must submit an updated Biosecurity Risk Assessment to NRW acting on behalf of the Licensing Authority for written approval by the **31 January** each year, starting January 2021.

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;

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- 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(s), as specified in Table 8, should be marked.

3.24 Archaeological Finds

The Licence Holder must comply with the BMAPA/English Heritage Protocol for reporting finds of Archaeological Interest. Should any object of archaeological interest be found during the works the Licence Holder must report the find immediately to: Royal Commission on the Ancient and Historical Monuments of Wales, and Glamorgan-Gwent Archaeological Trust.

3.25 Evenly Deposit Material

The Licence Holder must ensure that during the course of disposal, material is distributed evenly over Cardiff Grounds (LU110) disposal ground, in line with '*Evenly deposit dredge arisings at Cardiff spoil grounds methodology*', dated 09 December 2020.

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 latitude and longitude degrees and minutes to two decimal places;
- (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

