

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: Network Rail Infrastructure
Projects

Company Number: 02904587

1 Everholt Street
London
NW1 2DN

Maintenance works to the Cottage viaduct
that spans across the River Einion

Licence Number:
CML2054

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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 replacement of defective timbers and associated metal work at Cottage Viaduct over the Afon Einion in Glandyfi. The proposed works include the erection and removal of scaffolding and the use of a temporary pontoon, TXM Road Rail Vehicle and Mabey deck lifting system.

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 05/01/2021	Application received and considered to be duly made
Date licence determined	21/05/2021	Determination date

Related marine licences or applications under determination

Marine Licence or Application Number	Date	Comments
CML2029	01 July 2020	Marine Licence CML2054 has been determined to licence activities not carried out before the expiry date of CML2029

End of introductory note.

Licence Number: CML2054

MARINE LICENCE, NUMBER CML2054

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered **CML2054** and duly made on **05 January 2021** 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: Network Rail Infrastructure Projects

Company number: 02904587

Address: 1 Everholt Street, London, NW1 2DN

1.3 Licence Validity

Licence Start Date	01 June 2021
Licence End Date	31 December 2022
Licence Issue Date	21 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

2 LICENSED ACTIVITIES

2.1 Project

Maintenance works to the Cottage viaduct that spans across the River Einion.

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 Maintenance repair works on Cottage Viaduct	
Type of Licensed Activity	Deposit/Removal/Construction
Description	• Scaffold tower will be erected; • Pontoons will be launched at pre-arranged locations and tied off while not in use; and • Pontoons will be managed by a water rescue team, who will be on site at all times for emergency procedures and to re-position pontoons safely when required. • Crosshead replacement of trestle 4; • Trestle 2 and 3 pile splice repair or packed at scarf joint; • Lateral restraint diagonal replacement on trestle 1, 3, 4 and 5; • Corbel replacement or packed on trestle 1, 2, 3 and 4; • Change of TA bolts on trestle 4; and • Replacement of SA1 straps on trestle 4.
Material types to be removed or deposited	Deposited: Timber, Iron/Steel, Aluminium/Plastic and Gravel Removed: Timber, Iron/Steel, Aluminium/Plastic and Gravel
Quantities/Dimensions	Maximum of three pontoons: 8m x 3m each

2.2 Licensed Area

The Licence Holder is authorised to conduct the activities described in Table 1 in the vicinity of Cottage Viaduct bounded by the the coordinates specified in Table 2:

Table 2 Coordinates

Eastings	Northings
268772	296630
268773	296625
268795	296628
268786	296632

[as indicated on the plan submitted with the Approved Application and attached at Appendix 1].

2.3 Approved Supporting Documents

Title/Description of Document	Date	Version No.
Cottage Viaduct Viaduct marine licence application Band 2	09 December 2020	1
Cottage Viaduct Maintenance Work HRA 0.03	18 March 2021	3
Cottage Viaduct WFD_0.03	19 March 2021	3
Leri.SBA2 Timber Structures Urgent Works Methodology	17 December 2020	2
Lighting Plan Cottage Viaduct rev 02	07 May 2021	2

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.

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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 Vehicles only to Carry out Licensed Activities

Only those agents, contractors, subcontractors vessels and 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 Greenland White-Fronted Geese (*Anser albifrons*) Timing Restrictions

3.22.1 The Licence Holder must ensure that no Licensed Activities take place between **01 December** and **14 April** inclusive, to avoid the overwintering season for Greenland White-Fronted Geese (*Anser albifrons*), without prior written approval from the Licensing Authority.

3.22.2 The Licence Holder must ensure that no Licensed Activities take place between **01 November** and **30 November** inclusive during **night time hours**, to avoid the overwintering season for Greenland White-Fronted Geese, without prior written approval from the Licensing Authority.

3.23 Greenland White-Fronted Geese (*Anser albifrons*) Monitoring Method and Mitigation Plan

3.23.1 The Licence Holder must submit a Greenland White-Fronted Geese (*Anser albifrons*) monitoring method and mitigation plan to the Licensing Authority for written approval at least **6 weeks** prior to commencement of the Licensed Activities taking place between **19 October** and **30 November** inclusive during **day time hours**.

3.23.2 No Licensed Activities may be undertaken between **19 October** and **30 November** during **day time hours** prior to written approval from the Licensing Authority. All actions outlined in the method and plan detailed in condition 3.23.1 must be implemented as approved by the Licensing Authority.

3.23.3 The Licence Holder must submit a Greenland White-Fronted Geese (*Anser albifrons*) monitoring method and mitigation plan to the Licensing Authority for written approval at least **6 weeks** prior to commencement of the Licensed Activities taking place between **19 October** and **31 October** inclusive during **night time hours**.

3.23.4 No Licensed Activities may be undertaken between **19 October** and **31 October** during **night time hours** prior to written approval from the Licensing Authority. All actions outlined in the method and plan detailed in condition 3.23.3 must be implemented as approved by the Licensing Authority.

3.24 Nesting Birds Survey Method and Mitigation Plan

3.24.1 The Licence Holder must submit a survey method and mitigation plan to the Licensing Authority for written approval at least **6 weeks** prior to commencement of the Licensed Activities taking place between **01 March** and **15 August** inclusive.

3.24.2 No Licensed Activities may be undertaken between **01 March** and **15 August** prior to written approval from the Licensing Authority. All actions outlined in the method and plan detailed in condition 3.24.1 must be implemented as approved by the Licensing Authority.

3.25 Ecological Clerk

The Licence Holder must ensure that a European otter (*Lutra lutra*) survey and toolbox talk is conducted by a Ecological Clerk of Works (suitably qualified ecologist) prior to the commencement of works, to ensure there is no entrapment and/or disturbance risk to European otter.

3.26 Lighting Plan

The Licence Holder must ensure that any actions outlined in the Lighting Plan dated **07 May 2021** are implemented. Any proposed changes to the actions outlined in the documents must be submitted to, and agreed in writing by the Licensing Authority prior to any changes being enacted.

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 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

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

