

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

**Penrhyn Bay Coastal Defence and Public
Realm Improvements**

Licence Number:
CML2159

Penrhyn Bay Coastal Defence and Public Realm Improvements

Marine Licence number: CML2159

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 proposed scheme comprises of a T-shaped rock groyne structure approximately 100m long by 90m in width at the crest and associated beach nourishment. The rock groyne is suited to the local area, which already comprises other rock groynes and the beach nourishment will comprise of similar material to existing at the eastern end of the bay. There will also be repairs to the concrete sea wall.

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 09/11/2021	Application received and considered to be duly made
Date licence determined	11/02/2022	Determination date

Related marine licences or applications under determination

Not applicable.

End of introductory note.

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MARINE LICENCE, NUMBER CML2159

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered **CML2159** and duly made on **09 November 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 organisation set out below:

Organisation name: Conwy County Borough Council

Address: Conwy County Borough Council Environment, Roads & Facilities,
Mochdre Offices, Conway Road, Mochdre, LL28 5AB

1.3 Licence Validity

Licence Start Date	11 February 2022
Licence End Date	31 May 2024
Licence Issue Date	11 February 2022

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

Penrhyn Bay Coastal Defence and Public Realm Improvements.

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 Construction of T-shaped rock groyne, repairs to concrete sea wall and beach nourishment	
Type of Licensed Activity	Deposit, Removal and Construction
Description	The scheme comprises a T-shaped rock groyne structure approximately 100m long by 90m in width at the crest and associated beach nourishment (shingle, coarse pebbles and cobbles). The groyne design proposes a buried toe which requires excavation of foreshore material.
Material types to be removed or deposited	Deposit: Stone/Rock, Geotextile, Beach nourishment material Removal: Excavation of foreshore material
Quantities/Dimensions	Excavation of beach material – 6,200m ³ The groyne crest level will be +5.4mAOD. The groyne will be built with a core 1-200kg, underlayer 0.3-1 tonne rock and armour 3-6 tonne rock and side slopes of (V:H) 1:3 and 1:2. Quantities: Core - 7,500m ³ bulk volume, 5,300m ³ (14,000 tonnes) actual; underlayer - 10,000m ³ bulk volume, 6,500m ³ (17,000 tonnes) actual; armour - 17,000m ³ bulk volume, 11,000m ³ (30,000 tonnes) actual.

2.2 Licensed Area

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

Table 2 Coordinates

Easting	Northing
283031.4301	381623.5676
282998.0926	381536.2549
282971.105	381463.759

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282965.2842	381465.8756
282963.1675	381476.9882
282961.58	381487.5715
282956.2883	381497.6257
282955.7592	381504.5049
282959.4633	381512.4424
282964.755	381517.7341
282971.6342	381521.9674
282979.5717	381525.1424
282988.0384	381526.2008
282992.8009	381527.2591
282994.3884	381526.7299
282997.5634	381536.2549
282986.4509	381540.4883
282980.63	381546.8383
282979.5717	381554.2466
282975.3384	381569.5925
282968.4592	381593.9342
282963.6967	381599.2259
282961.58	381599.7551
282962.1092	381592.8759
282962.6383	381583.3509
282964.2258	381578.0592
282965.8133	381567.4758
282965.8133	381561.1258
282963.6967	381548.955
282956.8175	381540.4883
282945.1758	381536.7841
282934.5925	381532.5508
282909.1924	381533.6091
282890.6715	381533.0799
282857.334	381539.9591
282818.1756	381551.6008
282770.0213	381566.4175
282719.2212	381584.4092
282685.3545	381595.5217
282645.1377	381609.8093
282605.9793	381624.626
282566.2917	381643.676
282530.8375	381663.7844
282503.8499	381682.8344
282487.4457	381699.2386
282487.9749	381699.2386
282563.6459	381812.4805
283031.4301	381623.5676

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.
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CML2159 Application Form rev2	05 November 2021	2
Appendix A Site Location Plan	01 November 2021	1
Appendix B - Design Plans	01 November 2021	1
Appendix C - Indicative Construction Method Statement	01 November 2021	1
Appendix D - Non-Statutory environmental report	01 November 2021	1
Appendix E - NRW EIA Screening Opinion and Request	01 November 2021	1
Appendix F - Water Framework Directive (WFD) Assessment	01 November 2021	1
Appendix G - Outline CEMP	01 November 2021	1
Appendix H - Site Waste Management Plan (SWMP)	01 November 2021	1
Appendix I - Ecological Impact Assessment (EcIA)	01 November 2021	1

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Appendix J - Heritage Desk Based Assessment	01 November 2021	1
Appendix K - Habitat Regulation Assessment	01 November 2021	1
Appendix L - Intertidal Biotope Report	01 November 2021	1
Appendix M - Coastal Processes Impact Assessment	01 November 2021	1
Appendix N - Environmental Constraints Plans	01 November 2021	1
Appendix O - Working Area Coordinates	01 November 2021	1
Appendix P - NRW Correspondence	01 November 2021	1
Appendix Q – Consideration for Welsh National Marine Plan	05 November 2021	1
Appendix R – Flood Consequences Assessment	24 November 2021	1

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3 CONDITIONS

Notification and Inspection

3.1 Notification of Commencement

- 3.1.2** 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 & Fisheries Division (Control & Enforcement Branch) 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 no less than **10 days** prior to the commencement of the Licensed Activities.
- 3.1.4** The Licence Holder must notify the Source Data Receipt Team, UK Hydrographic Office on sdr@ukho.gov.uk no less than **10 days** before commencement of the Licensed Activities. The information supplied must include the start date, end date, a description of the works, positions of the work area (WGS84) and details of any marking arrangements.

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 Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) at least **24 hours** 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 at least **24 hours** 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 at least **24 hours** prior to commencement by contacting The National Maritime Operations Centre at zone31@hmcg.gov.uk.

3.5 Inspection of Licensed Activities

The Licence Holder must allow Marine Enforcement Officers or any other person authorised by the Licensing Authority to inspect the Works at any reasonable time.

3.6 Notification of Completion

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- 3.6.1** The Licence Holder must notify the Licensing Authority within **10 days** of completion of the Licensed Activities.
- 3.6.2** The Licence Holder must notify Welsh Government Marine & Fisheries Division (Control & Enforcement Branch) within **10 days** of completion of the Licensed Activities.
- 3.6.3** The Licence Holder must notify the Source Data Receipt Team, UK Hydrographic Office on sdr@ukho.gov.uk within 10 days of completion of the Licensed Activities. The information provided must include: latitude and longitude coordinates in WGS84 (ETRS89) datum of the installed works on and/or above the seabed, any changes to engineering drawings, post dredge surveys, details of new or changed aids to navigation where applicable.

3.7 Accident or Emergency

- 3.7.1** 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.
- 3.7.2** If it is necessary for the Licence Holder to recover or remove any equipment, plant or machinery used to undertake the Licensed Activities that have been dropped as a result of an accident or emergency, the Licence Holder is permitted to do so provided that the methodology for such recovery or removal has been approved by the Licensing Authority.

3.8 Distribution of Copies of this Licence

The Licence Holder is required to ensure that a copy of this Licence is given to:

- All agent(s), contractor(s) and sub-contractor(s) whose names have been provided to the Licensing Authority under condition 3.3 and
- The Masters of any vessels and transport managers responsible for the vehicles employed in accordance of this Licence whose details have been submitted to the Licensing Authority under 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 or vehicle carrying out Licensed Activities.

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The documents referred to in this Condition shall be available at all reasonable times for inspection by officers appropriately authorised by the Licensing Authority and authorised Marine Enforcement Officers at the locations stated in that paragraph.

Vessels, Plant and Equipment

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

Only those agent(s), contractor(s), sub-contractor(s), 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 Refuelling of Plant and Equipment

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

3.12 Equipment, Structures and Access

The Licence Holder must ensure that all equipment, temporary structures, access tracks, waste and/or debris associated with the Licensed Activities are removed on completion of the Licensed activities.

Safety

3.13 Removal of Deposited Material

If the Licensing Authority considers it necessary or advisable for the safety of navigation, the Licence Holder must remove any deposit specified by the Licensing Authority or Marine Enforcement Officers within one month of notice being given by the Licensing Authority, and shall not replace such material until the Licensing Authority has given its written approval.

Pollution control

3.14 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**.

3.15 Spillage of Pollutants

The Licence Holder must employ bunding, storage facilities and spill kits to contain and prevent the release of fuel, oils and chemicals associated with the plant, refuelling and construction equipment into the marine environment. Secondary containment must be used with a capacity of **no less than 110%** of the container's storage capacity.

3.16 Prevention of Disposal of Man-made Debris

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The Licence Holder must ensure that all reasonable precautions are taken to prevent the disposal of man-made debris to the marine environment. Such material must be removed immediately and be disposed of appropriately. If it is not possible to prevent manmade debris from entering the marine environment during the Licensed Activities, the Licensed Activities must cease immediately.

3.17 Cleanliness of Equipment

The Licence Holder must ensure that equipment, machinery and PPE are washed with freshwater and/or thoroughly airdried before deployment and before moving between locations.

Activity-specific Conditions

3.18 Marine Archaeology

3.18.1 The Licence Holder must submit a Protocol for Archaeological Discoveries (PAD) to the Licensing Authority for written approval prior to commencement of any Licensed Activity. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.

3.18.2 The Licence Holder must ensure that any actions outlined in the PAD detailed in condition 3.18.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

3.18.3 The Licence Holder must submit a Written Scheme of Investigation (WSI) to the Licensing Authority for written approval at least 4 months prior to commencement of any Licensed Activity. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority. The WSI must provide details of:

- i. Implementation of a watching brief for all areas of excavations on the foreshore.
- ii. Creation of a geoarchaeological deposit model.
- iii. Archaeological recording of the two fish traps adjacent to/within the scheme area, before scheme commencement, and after scheme completion.

3.18.4 The Licence Holder must ensure that any actions outlined in the WSI detailed in condition 3.18.3 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

3.19 Biosecurity Risk Assessment

3.19.1 The Licence Holder must submit a biosecurity risk assessment, to the Licensing Authority for written approval at least **6 weeks** prior to

commencement of the Licensed Activities. No Works may be undertaken prior to written approval from the Licensing Authority.

3.19.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.19.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and approved in writing by the Licensing Authority prior to any changes being enacted.

3.20 Navigation Markings

3.20.1 The Licence Holder must mark the fishtail groyne at Penrhyn Bay with a green pole, surmounted by a green conical shaped topmark, at a height of at least **2 metres** above Mean High Water Springs.

3.20.2 The Licence Holder must notify Trinity House and the UK Hydrographic Office of the positions of these two markers in terms of Latitude and Longitude once established.

3.21 Approval of Construction Environment Management Plan

3.21.1 The Licence Holder must submit a Construction Environment Management Plan to the Licensing Authority for written approval at least 6 weeks prior to commencement of the Licensed Activities. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority.

3.21.2 The Licence Holder must ensure that any actions outlined in the documents detailed in condition 3.21.1 are implemented as approved in writing by the Licensing Authority. Any proposed changes to the actions outlined in the documents must be submitted to, and approved 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 easting and northing
- (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 – CML2159 Penrhyn Bay Coastal Defence and Public Realm Works

