

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: Gwynedd Council

Swyddfa'r Cyngor
Ffordd y Cob
Pwllheli
Gwynedd
LL53 5AA

Hirael Flood Protection Scheme

Licence Number: CML2167
30/03/2022

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Hirael Flood Protection Scheme

Marine Licence number: CML2167

Introductory note

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

The main features of the marine licence are as follows.

Enhancement of existing sea wall at Hirael as part of the Hirael Coast Protection Scheme. Consisting of the construction of a sheet piled retaining wall to replace the existing gabion wall at the promenade.

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 13/01/2022	Application received and considered to be duly made
Date licence determined	30/03/2022	Determination date

Related marine licences or applications under determination

n/a

End of introductory note.

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MARINE LICENCE, NUMBER CML2167

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered CML2167 and duly made on 13/01/2022 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: Gwynedd Council

Address: Swyddfa'r Cyngor, Ffordd y Cob, Pwllheli, Gwynedd, LL53 5AA

1.3 Licence Validity

Licence Start Date	30/03/2022
Licence End Date	31/03/2023
Licence Issue Date	30/03/2022

1.4 Conditions

This licence is subject to the conditions set out in **Section 3**.

Signed:



Dr. Emmer Litt

For and on behalf of the Licensing Authority

2 LICENSED ACTIVITIES

2.1 Project

Enhancement of existing sea wall at Hiraal as part of the Hiraal Coast Protection Scheme. Consisting of the construction of a sheet piled retaining wall to replace the existing gabion wall at the promenade.

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 sea wall	
Type of Licensed Activity	Removal/Construction
Description	Construction of a retaining wall to replace the existing gabion wall. The new defence will be constructed through a sheet piling method. To allow the installation of the sheet pile wall as close to the existing wall as possible lower level gabion baskets and large stones will be removed. Concrete will be used to fill voids in the existing gabions that are to be retained. Sheet piles will be installed as close to the existing gabions as practicably possible. Voids between the proposed sheet pile wall and existing promenade to be filled using engineering backfill. In-situ reinforced capping beam and cladding will be installed.
Material types to be removed or deposited	Removal: Degraded gabion baskets will be removed. Large rocks may be moved to allow operation but must remain on the foreshore and be reinstated following installation of sheet piles. Deposit: sheet piles, concrete, engineering backfill to fill any space between the new sheet piled wall and the existing gabions (100-200mm)

2.2 Licensed Area

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The Licence Holder is authorised to conduct the activities described in Table 1 in the vicinity of Hiraël, Bangor bounded by the coordinates specified in Appendix 1 as indicated on the plan attached at Appendix 2.

In the event of any discrepancy between the coordinates set out in Appendix 1 and the plan attached at Appendix 2, the coordinates shall take precedence.

2.3 Approved Supporting Documents

Title/Description of Document	Date submitted	Version No.
7720_Hiraël_Red Line Map_V3	8/12/2021	3
7720_Hiraël_Habitats Regulations Assessment_v0.03	24/01/2022	3
7720_Hiraël_ECIA_0.05	8/12/2021	5
Hiraël FAS - Methodology Statement	8/12/2021	1
60664880-ACM-XX-XX-DR-C-0203 - Beach Road East Overview Plan for Planning	8/12/2021	1
60664880-ACM-XX-XX-DR-C-0204 - Beach Road East Design Profiles and Sections for Planning	8/12/2021	1
60664880-ACM-XX-XX-DR-C-0208 - Promenade Design Overview for Planning	8/12/2021	1
60664880-ACM-XX-XX-DR-C-0209 - Promenade Design Profiles and Sections for Planning	8/12/2021	1
Marine Licence Application form	26/01/2022	3
Heritage Report AB2004 Hiraël FAS	15/02/2022	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 & 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 **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 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

- 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.

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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.

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.

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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

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 Construction Environment Management Plan (CEMP)

3.18.1 The Licence Holder must submit a Construction Environment Management Plan (CEMP) to the Licensing Authority for written approval prior to commencement of the Licensed Activity. No Licensed Activities may be undertaken prior to written approval from the Licensing Authority. The plan must incorporate the proposed mitigation identified within the 7720_Hirael_Habitats Regulations Assessment_v0.03 and include:

- Measures to avoid potential impact of underwater noise associated with piling activities
- Measure to avoid potential impacts on roosting waders/waterfowl
- Measure to avoid the spread of invasive non native species

3.18.2 The Licence Holder must ensure that any actions outlined in the CEMP 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.

3.19 Use of Concrete

3.19.1 The Licence Holder must ensure that no waste concrete slurry or wash water from the use of concrete or cement are discharged into the marine environment. Concrete and cement mixing and washing areas should be contained and sited at least **10 metres** from any watercourse or surface water drain to minimise the risk of runoff entering a watercourse.

3.19.2 The Licence Holder must ensure materials used are suitable for use in the marine environment and works should be timed to ensure maximum concrete cure time.

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 decimal degree (WGS 84)
- (q) in the event of any discrepancy between the coordinates listed in Appendix 1 and the plan attached at Appendix 2, 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

Longitude	Latitude
-4.116795000	53.232062797
-4.116835595	53.232097856
-4.116885059	53.232126117
-4.116929713	53.232097076
-4.116938888	53.232100427
-4.117101919	53.232192007
-4.117052952	53.232307956
-4.117243361	53.232335483
-4.117384878	53.232388719
-4.117426035	53.232442110
-4.117518239	53.232561722
-4.117571419	53.232632037
-4.117591703	53.232670116
-4.117625750	53.232732301
-4.117672418	53.232821545
-4.117690061	53.232857194
-4.117715173	53.232915612
-4.117768084	53.233021491
-4.117800939	53.233071479
-4.117844654	53.233138547
-4.117890997	53.233197061
-4.117911630	53.233223115
-4.117953897	53.233276586
-4.118042169	53.233370506
-4.118103517	53.233432719
-4.118180931	53.233500282

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-4.118217616	53.233527051
-4.118305832	53.233584743
-4.118432598	53.233665114
-4.118542197	53.233730759
-4.118585728	53.233753541
-4.118681128	53.233803389
-4.118871365	53.233902792
-4.119000645	53.233970584
-4.119109413	53.234039591
-4.119174183	53.234074802
-4.119272918	53.234155351
-4.119223483	53.234139280
-4.119187104	53.234125179
-4.119130363	53.234099487
-4.119058341	53.234060334
-4.118942090	53.233987577
-4.118823871	53.233925642
-4.118658972	53.233839479
-4.118531821	53.233771871
-4.118392641	53.233692078
-4.118271134	53.233615040
-4.118148277	53.233533011
-4.118120100	53.233510773
-4.118082872	53.233478068
-4.118043705	53.233443568
-4.118027293	53.233427333
-4.117990354	53.233388553
-4.117945991	53.233341978

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-4.117905595	53.233299358
-4.117885558	53.233274027
-4.117816366	53.233186581
-4.117792708	53.233156531
-4.117776435	53.233131912
-4.117712585	53.233034997
-4.117699275	53.233008894
-4.117664508	53.232940658
-4.117651734	53.232912747
-4.117622382	53.232848612
-4.117616578	53.232835931
-4.117609822	53.232822033
-4.117538055	53.232687469
-4.117517350	53.232648647
-4.117513587	53.232643395
-4.117499548	53.232623801
-4.117484500	53.232603582
-4.117338268	53.232413882
-4.117219029	53.232368941
-4.117152785	53.232359364
-4.117038919	53.232342903
-4.117029194	53.232340915
-4.117020174	53.232337964
-4.117012122	53.232334135
-4.117005273	53.232329540
-4.116999827	53.232324313
-4.116995942	53.232318607
-4.116993731	53.232312587

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-4.116993260	53.232306429
-4.116994541	53.232300312
-4.117035159	53.232203747
-4.116934311	53.232147097
-4.116920570	53.232154979
-4.116908258	53.232159154
-4.116894375	53.232161548
-4.116873896	53.232161324
-4.116855363	53.232157206
-4.116838162	53.232148958
-4.116808635	53.232132088
-4.116790863	53.232121767
-4.116788547	53.232120004
-4.116780790	53.232113524
-4.116766018	53.232100766
-4.116753314	53.232092289
-4.116751801	53.232091969
-4.116795000	53.232062797

Appendix 2

