

Marine Licence with introductory note

The Marine and Coastal Access Act (2009)

Licence Holder: Denbighshire County
Council

Highways, Facilities & Environment Services
The Harbour Office
Horton's Nose Lane
Denbighshire
LL18 5AX

Rhyl Harbour Maintenance Dredging,
Denbighshire

Licence Number:
DML2164

Rhyl Harbour Maintenance Dredge Marine Licence number: DML2164

Introductory note

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

The main features of the marine licence are as follows;

Removal of sediment from Rhyl Harbour channel via land-based excavation not exceeding 16, 000 tonnes annually.

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	14 January 2022	Application received and considered to be duly made
Date licence determined	11 May 2022	Determination date

Related marine licences or applications under determination

Marine Licence or Application Number	Date	Comments
DML1840	14 December 2018	Previous maintenance dredge licence.
BUML1472	08 May 2014	Previous maintenance dredge licence.

End of introductory note.

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MARINE LICENCE, NUMBER DML2164

1 LICENCE DETAILS

1.1 Marine Licence

This is a licence granted by the Licensing Authority in respect of an application numbered DML2164 and duly made on 14 January 2022 and authorises the Licence Holder to carry out 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: Denbighshire County Council

Address: Highways, Facilities & Environment Services, The Harbour Office,
Horton's Nose Lane, Rhyl, Denbighshire, LL18 5AX

1.3 Licence Validity

Licence Start Date	11 May 2022
Licence End Date	10 May 2027
Licence Issue Date	11 May 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

Rhyl Harbour Maintenance Dredging

Removal of sediment from Rhyl Harbour channel via land-based excavation not exceeding 16,000 tonnes annually.

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 Activities

Activity 1 Dredging	
Marine Licensable Activity Type	Maintenance Dredging of Rhyl Harbour Channels
Description	A long reach excavator will be used to remove sediment at low tide. The excavator will be located on the quay side and will load dumpers parked on the intertidal strip accessed via the harbour ramp. The sediment will be removed by dumper truck for beneficial use.
Maximum Dredge Depth	-1.8m AOD
Maximum Dredge volume and tonnage	Tonnage per year
	16,000
Material Type	Sand/Gravel

2.2 Licensed Area

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

Table 2 Coordinates for dredging (NGR SH)

Dredge Area 1 (Dredging to -0.5m AOD)	Dredge Area 2 (Dredging to -0.5m AOD)
299451.437, 380766.593	299434.200, 380687.100
299462.775, 380754.486	299431.400, 380636.900
299495.103, 380778.000	299438.225, 380594.975

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299510.972,380786.913	299478.347,380593.847
299555.893,380800.624	299511.437,380588.404
299565.409,380811.757	299553.911,380598.792
299589.132,380833.672	299554.998,380615.198
299620.247,380849.443	299535.936,380655.444
299595.339,380847.045	299547.495,380716.428
299581.143,380842.726	299636.113,380783.261
299583.775,380833.920	299706.416,380843.319
299581.871,380830.545	299791.337,380907.051
299529.672,380813.946	299830.272,380940.688
299524.461,380815.259	299858.954,380976.810
299488.731,380791.820	
Dredge Area 3 (Dredging to -1.5m AOD)	Dredge Area 4 (Dredging to -1.8m AOD)
299555.893, 380800.624	299863.010, 380992.395
299565.409,380811.757	299847.531,380990.159
299589.132,380833.672	299890.305,381053.966
299620.247,380849.443	299901.591,381095.086
299602.471,380795.664	299913.392,381162.660
299629.751,380796.059	299898.923,381143.806
299653.982,380808.595	299889.983,381098.128
299698.540,380845.930	299878.831,381057.493
299774.058,380908.911	
299849.576,380971.892	
299863.010,380992.395	
299847.531,380990.159	
Dredge Area 5 (Dredging to +0.5m AOD)	
299773.352, 380969.921	
299760.983,380959.206	
299720.693,380920.775	
299716.146,380918.390	
299648.977,380868.281	
299645.397,380864.608	

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

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Title of Document	Date Submitted
DML2164 Application Form Dredge and Disposal	26/11/2021
DML2164 Marine Licence Environment Report	26/11/2021
DML2164 Rhyl Harbour Sampling Plan	26/11/2021
DML2164 Biosecurity Risk Assessment	26/11/2021
DML2164 Rhyl Harbour Maintenance Dredging WFD Assessment	26/11/2021

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 **zone32@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 with 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, and Vehicles only to Carry out Licensed Activities

Only those agent(s), contractor(s), sub-contractor(s), 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

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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 Historic Environment

- 3.18.1** The Licence Holder must submit a Written Scheme of Investigation (WSI) 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.
- 3.18.2** The Licence Holder must ensure that any actions outlined in the documents 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.

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 Ordnance Survey National Grid Reference OS (NGR)
- (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

